

ESWATINI COMPETITION COMMISSION

FORM 2

(Under Regulation 11(1))

**COMPLAINT AGAINST MONOPOLIES, ANTI-COMPETITIVE PRACTICES AND
CONCENTRATION OF ECONOMIC POWER**

A. Details of Complainant Person/Organization	
Particulars of person making the complaint	
Title:	Given Name:
Address	Contact No.
	Fax No.:
	Email address:
<p>Are you making this complaint on behalf of an organization (e.g. a company, association, partnership, or society)?</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p>Please provide the relevant information relating to the Organisation below.</p>	
Name of organization on behalf of which you are making this complaint (if your reply is "Yes" above):	
Address	Contact No.
	Fax No.:
	Email address:
B. Who are you complaining against?	
Names of the merging parties you are complaining against:	
Address	Contact No.
	Fax No.:
	Email address:
C. Relationship	
What is your relationship with any of the company you are complaining about?	

<input type="checkbox"/> Supplier <input type="checkbox"/> Competitor <input type="checkbox"/> Customer <input type="checkbox"/> Employee/Former Employee - <input type="checkbox"/> No Relationship <input type="checkbox"/> Others For "C", please specify:	Name
D. Detail of complaint	
Nature of anti-competitive activity complained against: <input type="checkbox"/> Fixing Prices <input type="checkbox"/> Bid Rigging (Collusive Tendering) <input type="checkbox"/> Sharing Markets Bid Rigging (Collusive Tendering) /Former Employee - <input type="checkbox"/> Limiting or Controlling Production/ Investment <input type="checkbox"/> Conduct by Dominant Company which has the effect of hampering competition (e.g. predatory pricing) <input type="checkbox"/> Others For "C", please specify:	
What are the goods and services to which the anti-competitive activity relates?	
Please describe the anti-competitive activity you are complaining about and explain how it affects you or the organization you are representing:	
When did this anti-competitive activity start?	
Is this anti-competitive activity still continuing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If not, when did this anti-competitive activity end?	
Please list all evidence supporting your complaint and attach all such relevant documents to this complaint form: (e.g. agreements, minutes of meetings, business documents, circulars, correspondence, notes of telephone conversations etc.) Please also identify any part of the information that should be treated as confidential.	
E. Description of the merger	
Please describe the merger and the products/ services in which the merging parties are involved.	
Has the merger occurred?	

Yes

No

If your answer is "yes", please state when the merger occurred:

If your answer is "no", please state when the merger is going to occur:

Has knowledge of the merger been made known to the public? Yes / No

How did you come to know about the merger?

Please list the relevant markets which you believe competition has been adversely affected by the merger:

Please explain how you believe competition in those relevant markets has been or will be adversely affected by the merger. For example, is the merger likely to result in:

- i) an increase in prices;
- ii) a drop in output and/or product choice, quality or innovation;
- iii) significant weakening of any competitor's ability to compete in the market (e.g. by raising competitor's costs or by preventing competitors or others from gaining access to essential inputs or distribution channels); or
- iv) increased difficulty for new firms to enter any market.

How does the merger affect you or the organization you are representing?

F. Details of other parties who may be able to provide further information regarding your complaint

Name of party

Contact Details

Name of party

Contact Details

Name of party

Contact Details

G. Declaration

I certify that the information is true, correct and made in all good faith. I note that section 42# of the Competition Act makes it an offence to supply false or misleading information to the Eswatini Competition Commission.

Name:

Date:

Signature:

Section A shall not be applicable to Informants/ whistle Blowers.

Section 61 (1) (a) and (2)-(4) of the Competition Commission Act, states:

“The Tribunal may impose an administrative penalty-

- (a) for a prohibited practice under sections 43 through 44;

(2) An administrative penalty imposed in terms of subsection (1) may not exceed 10% of an enterprise's annual turnover during the enterprise's preceding financial year;

(3) For violations of section 44, the Competition Tribunal shall impose a minimum administrative penalty

(a) The minimum penalty for an enterprise that violates section 30 shall be E1Million (one million Emalangeni);

(b) The minimum penalty for an individual that violates section 30 shall be E250 000.00 (two hundred and fifty thousand Emalangeni).

(4) Where the enterprise has subsidiaries all the enterprises belonging to the same economic unit will be considered for the computation of the penalty