



**Eswatini  
Competition Commission**

**NOTICE OF A FORMAL INVESTIGATION IN TERMS OF SECTION 11 (2) (a) OF THE COMPETITION ACT OF 2007 READ WITH REGULATION 12 (1) (a) – (c) OF THE COMPETITION COMMISSION REGULATIONS  
NOTICE OF 2010**

**NOTICE** is hereby given that the Eswatini Competition Commission ("the Commission") has instituted an investigation in the market for the supply and application of textured coatings in Eswatini.

**Relevant Market**

Market for the supply of textured coatings and the market for the application of textured coatings in Eswatini.

**Alleged Prohibited Conduct**

The alleged conduct is that the Respondent, one of the oldest and largest paint manufacturers and suppliers in Eswatini is abusing its dominant position in the market, by allegedly offering to sell or to make available the sale of textured coatings to clients subject to the condition that the customer also pays for the application service of the textured coating, which constitute a separate transaction at an additional fee to the purchase price. If the allegations are proven, such conduct will constitute a contravention of Section (34) read with Section 31 (d) of the Competition Act, 2007 ("Act").

**Alleged Contravened Provisions of the Act**

Contravention of section 34 of the Competition Act 2007 which provides that-

*"Any person that has a dominant position in the market shall not use that power to carry out any of the practices enumerated under sections 30 and 31".*

Read with section 31 (d) which provides thus-

*"Enterprises shall refrain from the following acts or behavior if they limit access to markets or otherwise unduly restrain competition, or have or are likely to have adverse effect on trade or the economy in general-*

*(d) making the supply of goods or services dependent upon the purchase of other goods or services from the supplier to the consignee..."*

**TAKE FURTHER NOTICE** that the Commission hereby invites any person who may be aware or be in possession of any information relevant to the subject matter which may assist in the investigation to submit the same to the Secretariat of the Commission on or before close of business of 30 June 2022. For more information, please contact the Commission at the following:

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Fax: +268 2404-0342

Email: [info@compco.co.sz](mailto:info@compco.co.sz)

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**Chief Executive Officer**