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Mission

To Promote and Maintain Fair Competition in the Economy

Vision

To Secure Prosperity Through Fair Markets

What is the Competition Authority?

The Competition Authority is a parastatal under the Ministry of Trade and Industry. The Authority is responsible for the prevention of, and redress for anti-competitive practices in the economy, and the removal of constraints on the free play of competition in the market.

Mandate of the Competition Authority

The Authority is mandated by the Competition Act to:

- i. Make rules for, and publicise decisions that increase fair and transparent business practices.
- ii. Regulate the merging of enterprises.
- iii. Hold regular consultations with sector regulatory authorities on competition matters.
- iv. Inform and educate members of the public and persons engaged in trade or commerce, about the powers and functions of the Authority.
- v. Advise Government on the actual or likely anti-competitive effects of current or proposed policies, laws and directives.
- vi. Undertake market inquiries in on the effectiveness of competition in individual sectors of the economy.
- vii. Investigate and evaluate alleged contraventions of the Competition Act such as bid-rigging, market allocation and resale price maintenance.
- viii. Refer matters it has investigated under the Competition Act to the Competition Commission for adjudication.

The Structure and Governance of the Competition Authority

Secretariat

The Competition Authority is headed by a Chief Executive Officer. The Authority comprises five departments namely Communications and Advocacy, Corporate Services, Competition and Research Analysis, Legal and Enforcement, Mergers and Monopolies.

Competition Commission

The Competition Commission is the governing body of the Competition Authority and provides general policy direction. It also serves as the adjudicative body and presides on matters brought before it by the Authority under the Competition Act. The Commission comprises 7 board members drawn from fields such as Economics, Commerce, Law, Consumer Affairs, Trade and Public Administration. All Commission members are appointed by the Minister of Trade and Industry.



Process of Investigations

The Authority may, either on its own initiative or upon receipt of information or a complaint from any person, start an investigation where the Authority has reasonable grounds to suspect that any practice may constitute an infringement of the Competition Act. Where the Authority decides to conduct an investigation it shall as soon as practicable give written notice of the proposed investigation to every enterprise which is suspected to be a party to the practice. Where the Authority considers that to give notice under would materially prejudice the exercise of its powers to enter and search any premises, it may defer the giving of notice until after those powers have been exercised.

Mergers and Merger Notification Procedure

In terms of the Competition Act a merger occurs when one or more enterprises directly acquires or establishes direct or indirect control over the whole or part of the business of another enterprise. Acquisition of control over the whole or part of another enterprise may be achieved in any manner including the purchase or lease of shares; an interest, or assets of the other enterprise in question; or amalgamation or other combination with that enterprise.

When should the Competition Authority be notified of a merger?

A merger is subject to notification if the turnover in Botswana of the enterprise or enterprises being taken over exceeds P10 million; the assets in Botswana of the enterprise (s) being taken over exceeds P10 million; or the enterprises concerned would, following implementation of the merger, supply or acquire at least 20 percent of a particular description of goods or services in Botswana

How Are Mergers Notified to the Competition Authority?

Enterprises should notify the Competition Authority of a proposed merger through a Merger Notice in 'Form J' set out in the Competition Regulations. Merger notice forms can be obtained at the Competition Authority offices or website.

Market Inquiries

The Competition Authority may from time to time carry out a market inquiry if it has reasonable grounds to suspect that there is a restriction or distortion of competition in the market in any sector of the economy. For the purposes of an inquiry the Authority may invite all interested parties to submit information and may in addition exercise, in relation to enterprises considered to be involved in the matters covered by the inquiry, all the powers of investigation conferred on it by the Competition Act.

Complaints and Enquiries Procedure

Apart from its own investigations and market inquiries, the Competition Authority requires the assistance of business and members of the public to alert it of suspected or actual cases of anti-competitive conduct. The public and the business community can make enquiries or lodge their complaints with the Competition Authority through telephone, walk-in, post, email, Facebook, fax or website. Confidentiality is guaranteed for all information given to the Authority in accordance with section 74 of the Competition Act. One can choose to remain anonymous when filing a complaint or enquiry (Find the Contact Details overleaf).