



**SWAZILAND**  
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**EXTRAORDINARY**

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**CONTENTS**

No.		Page
	<b>PART C - LEGAL NOTICE</b>	
164.	The Competition Commission (Amendment) Regulations Notice, 2016 .....	S1

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# PART C

S1

LEGAL NOTICE NO. 164 OF 2016

THE COMPETITION ACT, 2007  
(Act No. 8 of 2007)

THE COMPETITION COMMISSION (AMENDMENT)  
REGULATIONS NOTICE, 2016  
(Under Section 43)

In exercise of powers conferred by Section 43 of the Competition Commission Act, 2007, the Minister of Commerce, Industry and Trade makes the following Notice -

### *Citation and Commencement*

1. This Notice may be cited as the Competition Commission (Amendment) Regulations Notice, 2016 and shall be read as one with the Competition Commission Regulations of 2010 (hereinafter referred to as "the Principal Regulations").
2. This Notice shall come into force on the date of publication in the gazette.

### *Amendment of the Competition Commission Regulations, 2010*

3. The Principal Regulations of 2010 are amended by inserting a new Regulation 28A after Regulation 28 as follows -

#### **"Administrative penalties**

28A (1) The Commission may impose an administrative penalty not exceeding ten percent of the total turnover of a company to ensure compliance with the Competition Act.

(2) Where the company has subsidiaries, all the companies belonging to the same economic unit will be considered for the computation of the penalty.

(3) When imposing the administrative penalty, the Commission may consider the following factors -

- (a) the nature, duration, gravity, and extent of the contravention;
- (b) the market circumstances in which the contravention took place, for instance, the market share; the number of competitors that might have exited the market as a result of the uncompetitive conduct;
- (c) the deterrent effect of the penalty;
- (d) the harm suffered by the consumers;
- (e) the degree of involvement in the infringement, that is, acting as a leader, instigator, or an influential party in the infringement;
- (f) refusal or unwillingness to cooperate with the Commission;
- (g) repeat infringement by the same enterprises;
- (h) influence or coercive behavior on other parties by refusing to cooperate with an investigation; or

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S2

(i) continuation of the infringement after the Commission commenced an investigation."

**G. C. M DLAMINI (MP)**  
MINISTER OF COMMERCE, INDUSTRY AND TRADE

DATE: 21/09/2016