



COMPETITION AND CONSUMER PROTECTION COMMISSION

COMMERCIAL POULTRY MARKET INQUIRY



CALL FOR SUBMISSIONS

APRIL 2024

Introduction

1. The Competition and Consumer Protection Commission (“the Commission”) will conduct a market inquiry into the Commercial poultry sector in Zambia (“the Poultry Market Inquiry”) covering all relevant players in the value chain who contribute to or influence the market of Commercial poultry in Zambia.
2. The purpose of this market inquiry is to review the trading practices pursued by enterprises doing business in the commercial poultry value chain in Zambia and to examine whether any feature, or combination of features, of each relevant sector or sub sector and each type of agreement or aspect of the market has the effect of preventing, restricting or distorting competition or has elements of unfair trading in connection with the supply or acquisition of any goods or services in the Commercial poultry sector in Zambia. The approach to the inquiry will be pursuant to the Terms of Reference (“ToR”) issued pursuant to Regulation 5(1) and 5(2) of the Competition and Consumer Protection (General) Regulations 97 of 2011 (Regulations) and can be accessed on the Commission’s website <https://www.ccpc.org.zm/downloads/guide>

Objectives

The primary objectives of this inquiry are;

1. to analyze the market structures in the commercial poultry industry at different levels including production, inputs including breeding stock, animal feed and its main constituents, poultry processing and retail;
 2. examine the industry arrangements and relations locally, regionally and internationally that have, or may have, an effect in Zambia;
 3. examine the structural arrangements, shareholding structures and agreements, or lack thereof, that may have an effect in Zambia;
 4. examine market outcomes, pricing, supply arrangements, and related terms and conditions, for local and export markets, and as regards imports
 5. assess how legal and regulatory factors affect competition in the sector and to understand how Government interventions shape incentives for firms to compete and invest
3. The assessment would include but not be limited to:
- Market structures;
 - The general adequacy and impact of the current regulatory regime;
 - Behaviour of key players in the commercial poultry value chain;
 - The adequacy of regulation to promote industry growth,
 - An assessment of pricing, trade and licencing conditions

4. Submissions should not be limited by the objectives of the Inquiry but may be extended to other issues that may be relevant to this Market Inquiry on Commercial poultry in Zambia.

Call

5. The Commission wishes to call on all interested stakeholders who wish to participate in the Commercial Poultry Market Inquiry to make formal submissions to the Commission. Kindly note that “stakeholder” includes state and non-state actors who in one way or the other have an interest, influence or concern in the commercial poultry and includes but not limited to consumers, input providers, regulators, researchers, academicians to name a few. The submissions must be in line with the Rule of Procedure for the Market Inquiry which can be accessed on the Commissions website <https://www.ccpc.org.zm/downloads/guide>
6. All submissions should be as detailed and where possible supported with documentary evidence. Opinions and views expressed must be based on substantiated facts as far as possible. The Commission has provided a set of questions which in no way are exhaustive but meant for guidance purposes only.
7. Written submissions should be addressed to the **Executive Director** on the following addresses
 - For email submissions – zcomp@ccpc.org.zm
 - For physical submissions
Competition and Consumer Protection Commission
4th Floor Main Post office
Cairo Road
P.O Box 34919
Lusaka

The deadline for the submissions

8. All electronic and physical submissions are expected to be submitted to the Commission by **29th April 2024**. In instance where further information or clarification is required or there is need to give stakeholders an opportunity to make representations, the Commission will engage the respondents detailing the nature and or further information required.

General Schedule of Questions

This schedule of questions reflects the main areas on which submissions are invited. Specific information requests will be tailored to different groups of firms.

Profile

- (i) Provide the name and location(s) of your organization, along with the date of establishment, list of management team and shareholding structure, including direct or indirect shareholders indicating the nature and changes if any (directors and shareholders) from January 2019 to December 2023. The request above applies to all your subsidiaries and affiliates in the poultry value chain.

Organisational development

- (ii) From establishment to December 2023, provide any organizational changes including but not limited to (i) nature of products and or services (ii) any mergers and acquisitions (iii), evolution of [production] capacity and capacity utilization (iv) staff count per year and nature of jobs (v) financial position of the establishment(s) in terms of audited financial statements, management accounts, budgets and board reports and resolutions.

Production

- (iii) From January 2019 to December 2023, provide the types and specifications of the products and or services that your enterprise or your subsidiaries and affiliates produce and or supply specifying (i) amounts produced/sourced and supplied (ii) geographic area including export markets if any (iii) product or service pricing per unit of measure (iv) terms of supply including the nature of discounts, rebates, transportation etc.
- (iv) Provide all inputs and costs associated with production/acquisition/sourcing of your products/services and the associated suppliers/sources. Describe the nature of the contractual relationships with your suppliers and or customers detailing any requirement including for (i) distribution rights (ii) information exchange requirement, (iii) nature of information and schedule of information exchange (iv) existence and nature of exclusivity and or non-compete requirements (v) any other license or contractual requirements.

Markets and Customers

Provide a list of your main customers including (i) trade volumes from January 2019 to December 2023 with your customers, (ii) contact details and contact persons (iii) location of your customers and nature of products supplied and their prices per given unit of supply. Describe the pricing levels and structures, and associated terms and conditions of trade, on the domestic and export market (if any) as well as associated costs and margins. This requirement applies to all products supplied.

- (v) Where sales also occur outside Zambia, provide the (i) the destinations of the products (ii) pricing schedule FOB and CIF of the exports (iii) and nature of supply whether exclusive or not
- (vi) Characterise any underlying factors influencing pricing including but not limited to licence requirements, associations norms, competition and market power, and the competitiveness of Zambian products.

Regulation

- (vii) Characterise the various existing laws, policies and regulations governing or having a bearing on the functioning of the sector including the roles, influence and power of associations.

Note: Kindly note that all information should be provided from 2019 to 2023 unless otherwise stated and all documents should be copies of original documents. Details in soft copies should be submitted through a pen drive or emailed to zcomp@ccpc.org.zm clearly market [name of company] – Commercial Poultry Market Inquiry – [date]. The Commission will not accept any extracts from the original documents.

The Commission would like to assure you that this information you shall provide will be kept in strict confidence as provided by the Commission's Administrative Guidelines.

For the purposes of this request for information, the following shall apply:

1. "document" includes any publication and any matter written, expressed or described whether in electronic or digital communications and recordings or on physical materials. It includes, but is not limited to, accounts, affidavits, books, charts/figures, depositions, emails, maps, minutes, papers, plans, photographs, presentations, writings, receipts, records, recordings, transcripts.

2. Documents shall be submitted in their entirety and shall not be edited, cut or expunged in any way, save for where there is material clearly identified as subject to legal privilege.
3. Documents shall be submitted along with all appendices, annexures and attachments.
4. Documents relate to all those in your possession, your subsidiaries if any and associated companies, and employees thereof.
5. Where the results of calculations have been submitted, all the underlying data and the calculations themselves should be provided.
6. Unless otherwise specified, the information requested relates to your commercial activities.