



**COMPETITION AND CONSUMER PROTECTION COMMISSION**

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## **RULES OF PROCEDURE**

# **MARKET INQUIRY ON PAY TELEVISION IN ZAMBIA**

**Nov 2022**

## **Conduct of the Market Inquiry**

The Competition and Consumer Protection Commission (the Commission) is required to conduct any market inquiry in line with the provisions of the Competition and Consumer Protection Act No. 24 of 2010 (Act) and the regulations of the Competition and Consumer Protection (General) Regulations 97 of 2011 (SI 97 of 2011). It is a constitutional requirement and pursuant to the Administrative and Procedural Guidelines, 2014, that in the exercise of any of its powers, the Commission must observe the due process, be transparent and fair throughout the process. The Commission is committed to these principles and will allow stakeholders fair and reasonable opportunity to provide input into the market inquiry process and its outcomes.

## **Gathering information**

The Commission will employ several ways to gather information relevant to the market inquiry. For the purposes of this market, the Commission will invite interested parties to submit information to it and may exercise, in relation to any enterprise that it considers to be involved in the matters covered by the inquiry, its powers of investigation under this Act.

Pursuant to regulation 4(4), the information that the Commission will gather will be for purposes of testing any relevant information in its possession. Sources of information and thus participation will among others be from;

1. International experts
2. Market experts
3. Competitors
4. Firms - any designated representative of a business that has an interest in or is affected by the subject matter of the market inquiry
5. Consumers - any member of the public (individual or group) that has an interest in the market inquiry or is affected by the subject matter of the market inquiry;
6. Professional associations - organized business fora, labor unions, civil society based-organizations, industry bodies or any other bodies or institutions that have an interest in or are affected by the subject matter of the market inquiry
7. Government ministries and agencies– government departments, regulatory authorities, public entities, and any other organ of state or statutory body that has an interest in the market inquiry or is affected by the subject matter of the market inquiry

The Commission will gather information through any of the legal means available and may where necessary use the following:

1. Written submissions on the issues identified in the Terms of Reference;
2. Administer questionnaires and surveys to identified stakeholders or the general public;
3. Refer to research studies including research papers, case law, case studies, and literature reviews drawn from a variety of domestic and comparative international sources;
4. Conduct direct consultations including meetings, and in-depth interviews;
5. Conduct public consultations including workshops and seminars.
6. Conduct focus group discussions with the relevant stakeholders.
7. Conduct Site Visits by arrangement with the relevant stakeholders; and
8. Conduct formal public hearings considering written submissions by participants.

### **Submissions**

Stakeholders may make such information available to the Commission through written submissions, submission of documents or appearance before the Commission or any person specified.

The Commission shall where it receives adverse third-party concerns against an enterprise that it considers to be involved in the matter covered by the market inquiry, provide the enterprise with the full details of the adverse concerns for confirmation.

**Written Submissions.** Submissions will be through furnishing to the Commission, in a statement signed by that person or, in the case of a body corporate, by a director or member or other competent officer, employee or agent of the body corporate, within the time and in the manner specified in the notice, of any information pertaining to any matter specified in the notice which the Commission considers relevant to the inquiry.

The submissions may be hand-written or typed and must be sent to the Commission in any of the following ways: email, post or hand-delivered

All submissions must be addressed to the Executive Director and postal submissions must be to the following addresses and must be marked "Pay Television Market Inquiry"

The Executive Director  
Competition and Consumer Protection Commission

4<sup>th</sup> Floor Main Post Office  
Cairo Road  
P.O. Box 34919  
Lusaka

Email submissions must be send to the following email address [zcomp@ccpc.org.zm](mailto:zcomp@ccpc.org.zm) clearly marked in the subject “Pay Television Market Inquiry”

**Documentary and article submissions.** Submission will be through the production to the Commission, or to a person specified in the notice, any document or article, as specified in the notice, which relates to any matter which the Commission considers relevant to the inquiry.

**Physical appearance.** Interested or identified stakeholders relevant to the inquiry may appear before the Commission, or before a person specified in the notice, at a time and place specified in the notice, to give evidence or to produce any document or article specified in the notice as it pertains to the inquiry. The submissions may be hand written or typed. Anyone who is unable to write or type may approach the market inquiry team for assistance in doing so.

### **Activities**

The market inquiry will be broadly conducted in accordance with the following phases:

1. Information Gathering
2. Analysis of information
3. Final report

### **Handling Information**

The Commission will aspire to solicit for information from stakeholders through written submissions, questionnaires, requests for information, testimony, and other such means. Confidential information and information disclosure and the management of information during the inquiry will be guided and bound by the Administrative and Procedural Guidelines, 2014. Any confidentiality claim must be supported by a written statement with every information considered confidential marked and accompanied by a statement providing full explanation as to why the information is considered confidential. The Confidential information must be in line with the definition under Section 2 of the Act.

### **Conclusion of the Market Inquiry**

Pursuant to Section 41 of the Act, the Commission shall, at the conclusion of a market inquiry, publish its findings in a daily newspaper of general circulation

in Zambia. The Commission shall, where it finds as a result of an inquiry that the adverse effects for competition and consumer protection exist address such particular practices identified by the inquiry and shall deal with the matters in accordance with the provisions of the Act. Where the Act is inadequate to address the concerns, the Commission shall make such recommendations to the Minister responsible for Commerce, Trade and Industry for action, including amendments to applicable laws as is required to provide an effective remedy.