

**IN THE MATTER BEFORE THE BOARD  
OF THE COMPETITION AND CONSUMER  
PROTECTION COMMISSION**

**BETWEEN**

**COMPETITION AND CONSUMER  
PROTECTION COMMISSION**

**COMPLAINANT**

**AND**

**CRUSHTEK MINING ZAMBIA  
LIMITED**

**RESPONDENT**

**BEFORE:**

**Commissioner Angela Kafunda  
Commissioner Sikambala M. Musune  
Commissioner Bishop Dr. Wilfred Chiyesu  
Commissioner Derrick Sikombe  
Commissioner Pelmel Bonda  
Commissioner Onesmus Mudenda  
Commissioner Namboo Mwiya**

**- Chairperson  
- Vice Chairperson  
- Member  
- Member  
- Member  
- Member  
- Member**

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**DECISION**

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Below is a summary of the facts and findings presented by the Commission to the Board of the Commission following investigations carried out in the above case:

## **INTRODUCTION**

### ***It was submitted that:***

1. On 20<sup>th</sup> August 2024, the Competition and Consumer Protection Commission (“the Commission”) received a complaint from an individual who opted to remain anonymous (“the Informant”) regarding allegations of abuse of dominance and unfair trading practices by Crushtek Mining Zambia Limited (“the Respondent”).
2. Specifically, the Informant alleged that the Respondent, based in Chililabombwe, had been engaging in conduct that involved excessive pricing of quarry aggregate material, specifically washed sand used in the making of building blocks, and this was to the detriment of the block making companies. It was alleged that effective 3<sup>rd</sup> May 2024, the Respondent increased the price for washed sand from K220.00 to K240.00 per tonne. It was further alleged that effective 12<sup>th</sup> August 2024, the Respondent increased the price of washed sand again from K240.00 to K260.00 per tonne. The Complainant alleged that the conduct by the Respondent stifled the business of block making companies.

## **INVESTIGATIONS CONDUCTED**

### ***It was submitted that:***

3. The Commission instituted investigations into this case by way of serving a Notice of Investigation (NoI) on the Respondent on 1<sup>st</sup> April 2025. The Commission also conducted a site visit of the Respondent’s plant, interviewed customers of the Respondent and further engaged block makers in Chililabombwe, Mufulira and Kitwe, who included the Informant. In its investigation, the Commission also relied on information obtained from a market surveillance undertaken by the Commission in October 2025 in Copperbelt Province.

## **LEGAL PROVISIONS AND ASSESSMENT TESTS**

### **Legal Provisions**

### ***It was submitted that:***

4. The alleged conduct appeared to be a contravention of Sections 16 as read together with Section 15 of the Competition and Consumer Protection, 2010 as amended by Act No. 21 of 2023 (“the Act”).

5. Section 15 of the Act stated that: *“a dominant position exists in relation to the supply of goods or services in Zambia, if thirty percent or more of those goods or services are supplied or acquired by one enterprise; or sixty percent or more of those goods or services are supplied or acquired by not more than three enterprises.”* Section 2 of the Act defined, “dominant position” as meaning, *“a situation where an enterprise or a group of enterprises possesses such economic strength in a market as to make it possible for it to operate in that market, and to adjust prices or output, without effective constraint from competitors or potential competitors;”*
6. Sections 16(1) of the Act stated that:  
  
*“An enterprise shall refrain from any act or conduct if, through abuse or acquisition of a dominant position of market power, the act or conduct limits access to markets or otherwise unduly restrains competition, or has or is likely to have adverse effect on trade or the economy in general.”*
7. Section 16(2)(a) of the Act stated that: For purposes of this Part, “abuse of a dominant position” included:-  
  
*(a) imposing, directly or indirectly, unfair purchase or selling prices or other unfair trading conditions;*

### **Assessment Tests**

#### ***It was submitted that:***

8. In the investigation and assessment of potential and/or likely violations of the competition provisions of the Act, the Commission takes a multiple assessment approach, that is, carries out a number of tests to ascertain whether the alleged violations have or are likely to result in any negative effects on the market, to the consumer, fair trade or the economy in general.
9. For the purpose of analysing the alleged conduct, the following assessment tests were used:

#### ***Consideration of Dominance (Dominance test – Section 15)***

- (i) *Whether the Respondent is an enterprise which is in a dominant position;*



### ***Consideration of Abuse of Dominance***

- (ii) *Whether there is a conduct;*
- (iii) *Whether the conduct by the Respondent limits access to markets or otherwise unduly restrains competition; and*
- (iv) *Whether the conduct by the Respondent imposes, directly or indirectly, unfair purchase or selling prices or other unfair trading conditions.*

### **THE PARTIES**

#### **Competition and Consumer Protection Commission (“the Commission” or “the Complainant”)**

##### ***It was submitted that:***

10. The Commission is a statutory body corporate established under Section 4 of the Act. The Commission is mandated by the Act to, *inter alia*, safeguard and promote competition as well as to protect consumers against unfair trade practices. The Commission instituted investigations into the matter in accordance with Section 55 of the Act based on information in its possession regarding the alleged conduct.

#### **Crushtek Mining Limited (“Crushtek” or “the Respondent”)**

##### ***It was submitted that:***

11. The Respondent is a company duly incorporated in accordance with the Laws of Zambia.<sup>1</sup> It is a company that specializes in the quarrying, crushing and supply of high-quality aggregate materials from its operations based in Chililabombwe.<sup>2</sup>

### **RELEVANT FINDINGS**

##### ***It was submitted that:***

12. The Commission noted that washed sand in quarry aggregates was a premium aggregate material that has undergone an intensive washing process to remove unwanted particles, resulting in clean, uniform sand particles ideal for various applications. The production process involved extracting raw sand from

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<sup>1</sup> PACRA Printout dated 17<sup>th</sup> November 2023

<sup>2</sup> Letter from the Respondent to the Commission dated 14<sup>th</sup> April 2025

quarries, crushing if necessary, and then washing the sand through specialized equipment to remove clay, silt, and other contaminants. The washed sand was then dewatered and stockpiled according to specific gradations, ensuring consistent particle size distribution and cleanliness levels. This process was essential for producing high-quality aggregates that meet the specifications required for construction and other applications.<sup>3</sup>

13. The Commission noted that washed sand was one of the quarry aggregates that the Respondent supplied to its various customers, among other products such as quarry dust; 9.5mm, 13mm and 19mm stones, and base course. The Commission established that the price adjustments in May 2024 and August 2024 was not only on washed sand but also on 9.5mm stones, as the price per ton for each of the named products was adjusted upwards by K20.00<sup>4</sup>. The Commission further established that the average price for these named quarry aggregates supplied by the Respondent as at August 2024 was K216.7. The Commission further noted from the site visit that washed sand production involved the crushing of white rock into small sand-sized particles, and through cleaning of the crushed aggregate to remove impurities such as clay which process involved a significant amount of water. The Commission noted that the production of washed sand (compared to the other aggregates) required more crushing as it had finer particles, and a significant amount of water for washing off unwanted particles.<sup>5</sup>
14. The Commission noted that quarry dust was predominantly the input in terms of aggregate material used in the production of blocks. This was established from the submissions from block makers engaged such as DENIZ and Sedra. The Commission further noted from the market surveillance undertaken in October 2025,<sup>6</sup> that apart from the above-mentioned block making companies (in the Copperbelt Province), 7 other companies that included ET Spans Limited, Sofia Blocks and Pavers, Greendale Blocks and Pavers, Blocks and Pavers, Block Mac Manufacturing, DSS Blocks Limited, Huseyin Investments and Baran Investments all indicated that the primary input in their business was quarry dust. It was noted from the surveillance that all the block making companies indicated that they purchased quarry aggregates from Changzhou, Neelkanth and Handyman's Lime Limited on account of them having good quality aggregates suitable for block making processes.

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<sup>3</sup> <https://oromineral.com/6-steps-of-sand-washing-process-a-complete-guide-2025/>

<sup>4</sup> Price List for Crushtek for May 2024 and August 2024

<sup>5</sup> Site Visit at Crushtek Mining Limited conducted by Commission Officers on 25<sup>th</sup> June 2025

<sup>6</sup> Surveillance Report on the Production and Distribution of Quarry Aggregates in the Copperbelt Province from 19th October 2025 to 23rd October 2025

15. The Commission further noted from the submissions from the Respondent that their operational costs had varied in the last two years. This was established from review of their ZESCO electricity invoices in 2024 and 2025, as well as their invoices for diesel procured from various suppliers in the same period as above. The Commission noted the increase in the said costs in the years in question.<sup>7</sup>

## **Market Definition**

### ***The Relevant Market***

***It was submitted by the Technical Committee (TC) of the Board that:***

16. The relevant market for the investigation was found to be *the supply of quarry aggregate in Copperbelt Province.*

## **Competition Analysis and Relevant Observations**

***Whether the Respondent is an enterprise;***

***It was submitted by the TC that:***

17. It was found that Crushtek is an enterprise as envisaged under the Act.

***Whether Crushtek occupies a dominant position:***

***It was submitted by the TC that:***

14. The Commission found that Crushtek did not have a dominant position in the supply of quarry aggregate in Copperbelt Province, as its market share was evidently below 30%.

***Whether there is a conduct;***

***It was submitted by the TC that:***

15. It was found that the conducts were that of:
- I. *Crushtek limiting access to markets or otherwise unduly restraining competition- Section 16(1); and*

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<sup>7</sup> ZESCO Invoices and Diesel Purchase Invoices submitted by the Respondent.



II. *Crushtek imposing, directly or indirectly, unfair purchase or selling prices or other unfair trading conditions- Section 16 (2) (a)*

***Whether the conduct was likely to limit access to markets or unduly restrain competition or had or was likely to have adverse effect on trade or the economy in general;***

***It was submitted by the TC that:***

16. The Commission found that Crushtek was not dominant in the defined relevant market, and therefore the Commission could not conclusively determine that Crushtek had limited access to markets through creation or strengthening of entry barriers, exclusionary practices, refusal to deal/access, among other anti-competitive conducts that have the potential to limit access to markets for other market players.

***Whether the conduct by the Respondent imposed, directly or indirectly, unfair purchase or selling prices or other unfair trading conditions:***

***It was submitted by the TC that:***

17. The Commission found that the price adjustments effected by Crushtek were attributed to a number of factors which included electricity tariff and fuel hikes. Further, the Commission noted that the prices of Crushtek's products were within the price range of similar products sold by its competitors. Thus, based on the foregoing, the Commission determined that the Crushtek did not impose, either directly or indirectly, an unfair selling price.

**Board Deliberations**

18. The Board deliberated on the matter and determined the relevant market to be *the supply of quarry aggregate in Copperbelt Province*.
19. The Board deliberated that the Respondent was not dominant in the supply of quarry aggregate in Copperbelt Province, thus it could not determine abuse of a dominant position by the Respondent by way of excessive pricing of their quarry aggregate. The Board deliberated that it could not establish that the Respondent had imposed, directly or indirectly, unfair purchase or selling prices or other unfair trading conditions.

## **Board Directives**

20. The Board directed that the case is closed as it could not be established that the Respondent was dominant in the market involving the supply of quarry aggregates in the Copperbelt Province.

***Note: Any party aggrieved with this order or directive may, within thirty (30) days of receiving the order to direction, appeal to the Competition and Consumer Protection Tribunal.***

**Dated this 26<sup>th</sup> June 2026**



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**Chairperson**

**Competition and Consumer Protection Commission**