

ZAMBIA		
COMPETITION FRAMEWORK		
Competition Law	The Competition and Fair Trading Act, enacted in 1994, was repealed and replaced by the Competition and Consumer Protection Act ("Competition Act") of 2010.	
Competition Authority	The Competition Authority has started functioning in May 1997. In 2010, the Competition and Consumer Protection Act continued the existence of the Zambia Competition Commission, but renamed it to the Competition and Consumer Protection Commission ("CCPC"). Website: http://www.ccpc.org.zm/	
STATUS OF THE COMPETITION AUTHORITY		
Accountability		
Does the Competition Authority have obligations before the executive?	Yes	X Obligations to report to the executive on on-going investigations upon request.
		X The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		X The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: The Competition Authority has obligations to report on activities being undertaken and report any measures that may require amendments and also show how public funds are being utilized. The Competition Authority also prepares Quarterly Reports on programs.
Does the Competition Authority have obligations before the legislature?	Yes	√ Obligation to publish an annual report on its activities.
		X Obligation to stand before parliament and respond to congressmen on an annual basis.
		√ Its activities are monitored by an independent auditor or by oversight committees. There is the Public Accounts Committee.
		Other obligations/comments: The Competition Authority has obligations to report on activities being undertaken and report any measures that may require amendments and also show how public funds are being utilized.
Does the Competition Authority have obligations before the judiciary?	Yes	√ Decisions from the Competition Authority are subject to judicial review.
Independence		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	
Does the executive have powers to decide on specific cases based on public interest?	No	
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Act, sections 55(1) and 57.
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Commission Act, section 1(1).
Does a minister appoint the heads?	Yes	<i>See</i> Commission Act, sections 1(1) and (2).
Do representatives of more than one government branch appoint the heads?	No	
Is there a fixed period during which removal is prohibited?	No	
Is the tenure of the heads renewable?	Yes	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	
ARCHITECTURE		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency.	
POLICY-MAKING AGENTS		

-DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	Some sector regulators do have antitrust provisions in their laws, but this is restricted to their sectors and the CCPC has concurrent jurisdiction.		
Do sector regulators have competition policy enforcement mandate?	Yes		
	Horizontal Restraints	Yes	
	Vertical Restraints	Yes	
	Abuse of Dominance	Yes	
	Merger Control	No	
	Comments: The Competition Act recognizes the need to collaborate with the CCPC in executing competition-related matters. The provisions are very general and appear to be restricted to technical regulation rather than competition regulation.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Yes. The CCPC has signed memoranda of understanding with identified statutory bodies such as Pension and Insurance Authority, Zambia Information Communication and the Technology Authority, Energy Regulation Board, and Zambia Institute of Purchasing and Supply.		
	Telecommunication regulator	Yes	
	Energy regulator	Yes	
	Transport regulator	No	
	Other	Yes	
	Comments: The CCPC has signed a memorandum of understanding with the Bank of Zambia on August 22, 2012.		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate.
		X	Concurrent IP mandate. <i>See</i> Competition Act, section 3(a).
	Other mandates: N/A		
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	With authority from the Director of Public Prosecution (“DPP”).	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	With court warrant.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, section 83.	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Act, Part X, section 79.	
Does the Competition Authority have powers to seek criminal punishments?	Yes		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes		
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<i>See</i> Competition Act, section 84(1)(2)(3).	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
		Comments: Guidelines on the above-mentioned matters are currently being developed.	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Act, Part V, section 38. <i>See also</i> section 5(e),	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>See e.g.,</i> Competition Act, Part V, section 41. <i>See also</i> section 5(j).	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		

Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different institutions that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate entity/tribunal?	No	