

Zimbabwe	
[Please introduce here the name of your country]	
COMPETITION FRAMEWORK	
Competition Law	<p>Competition Act of 1996. Its entry to force was on February 9, 1998.</p> <p>The merger of the ITCC and TC was provided for under the Competition Amendment Act, 2001 (No.29 of 2001), which also repealed the Tariff Commission Act [Chapter 14:29 ].</p> <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>The Competition and Tariff Commission (Commission) is a statutory body established under the Competition Act [Chapter 14:28].</p> <p>The Commission is a product of the merger in 2001 of the former Industry and Trade Competition Commission (ITCC) and Tariff Commission (TC).</p> <p>The ITCC had been established under the Competition Act, 1996 (No.7 of 1996) as a competition regulatory authority, while the TC had been established under the Tariff Commission Act [ Chapter 14:29] as a trade tariffs advisory authority.</p> <p>Website: <a href="https://www.competition.co.zw/">https://www.competition.co.zw/</a></p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>
POLICY-MAKING AGENTS	
-DIVERSIFICATION-	
How many agencies are responsible for competition enforcement?	<p>The Competition and Tariff Commission holds primary authority on competition issue.</p> <p>The statutory functions of the Commission in terms of section 5 of the Competition Act [Chapter 14:28] can be summarized as follows:            Reduce barriers to entry in the market, and prevent monopolies;            Investigate restrictive practices, advise the government on competition policy, and inform businesses about relevant regulations;            investigate pricing and unfair trade practices, and monitor specific industries as directed by the Minister.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>There are regulatory bodies that manage competition within their specific sectors</p> <p>Zimbabwe Energy Regulatory Authority oversees competition in the energy sector.</p> <p>The Postal and Telecommunications Regulatory Authority of Zimbabwe regulates competition within the telecommunications</p>

	<p>industry.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	<p>The Commission has signed a memorandum of understanding that allows for collaboration when either regulator is handling a competition matter.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>

### DISAGGREGATED FUNCTIONS— PROSECUTORIAL MODEL

Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	<p>No</p> <p><i>[Answer: Yes or No]</i></p>	<p>After finishing an investigation the Commission must provide a report with its findings and recommendations to the Minister, who then has several options. The stages involved in investigation of restrictive practices are:</p> <p>Step 1: Allegation considered by the initial screening committee.</p> <p>Step 2: Commencement of an investigation by the Directorate's Competition Division upon receipt of a competition complaint, referrals from other authorities, or at the Commission's own initiative.</p> <p>Step 3: Information and evidence gathering.</p> <p>Step 4: Assessment of the competitive effects of the alleged or suspected restrictive practices to determine their materiality.</p> <p>After this, the Minister can refer the matter to the Minister responsible for finance if the findings fall under subsection (4) of section 90, section 91, or subsection (2) of section 92 of the Customs and Excise Act (Chapter 23:02), the Minister can:</p> <p>Declare a practice related to importing goods and services or selling imported goods and services to be unfair by publishing a notice in the Gazette;</p> <p>Recommend that the Minister responsible for finance impose, abolish, or amend any tariff charge, as long as they have the legal authority to do so;</p> <p>Take any other actions they believe are appropriate based on the report.</p> <p>Additionally, according to section 31 of the Competition Act, if the Commission finds that a restrictive practice exists or will exist or that a merger or monopoly situation is or will be contrary to the public interest it can issue orders prohibiting the specific practices.</p> <p>These orders can be:</p> <p>The Commission can require parties involved in a restrictive practice to completely stop it or limit it to a specific degree within a designated time frame;</p> <p>The Commission may require individuals or groups to report their prices to them, potentially with additional requested information.</p> <p>In specific cases, the Commission can regulate the price someone charges for a good or service, but only if they believe that price is essential to maintaining the restrictive practice</p>
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		<p>being addressed.</p> <p>Orders for mergers &amp; monopolies:  The Commission can declare specific mergers illegal, except under certain conditions outlined in the order;  The Commission can order the person in control to take specific actions within a timeframe to dismantle the monopoly situation;  The Commission can require steps to dissolve organizations (corporate or not) or terminate associations when they are involved in a problematic merger or monopoly situation.</p> <p>In order to assure due process when emitting orders, all orders are issued in writing and served on everyone named in them. Additionally, if the order applies to everyone in a specific industry or the Commission believes individual service is impractical, they will publish the order in the government gazette. Before issuing an order, the Commission must inform all potentially affected parties of the general content of the proposed order and give them a chance to provide input.</p> <p>Finally, the Commission retains the right to amend or revoke any order at any time.</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
Are disputes presented for decision to judiciary authorities?	<p>Yes</p> <p><i>[Answer: Yes or No]</i></p>	<p>According to Section 28 of the Competition Act (Chapter 14.28), prosecution against someone for an unfair business practice (under Section 42) won't prevent the Commission from investigating the practice under this section or issuing an order about it.</p> <p>Prosecution likely involves judicial authorities like courts and does not necessary imply trigger a Commission investigation (administrative process)</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	<p>Yes</p> <p><i>[Answer: Yes or No]</i></p>	<p>According to section 44 of the Competition Act, individuals who are harmed by anti-competitive practices can sue for compensation.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
<p><b>* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators</b></p>		
<p align="center"><b>COMPETITION AND TARIFF COMMISSION (CTC)</b></p>		
<p align="center"><b>STATUS OF THE COMPETITION AUTHORITY</b></p>		

Accountability	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.	According to section 22 of the Competition Act, If the minister requires reports on certain matters, the Commission has the duty to submit them.  <i>[Introduce the relevant provisions]</i>
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	The Minister may give the Commission directions relating to the policy the Commission is to observe in the exercise of its functions if the Minister considers to be necessary in the national interest (Section 18)  <i>[Introduce the relevant provisions]</i>
		√	The executive has to report on an annual basis to the executive.	According to section 5 (h) of the Competition Act, the Commission has the duty to report to the Minister relating to tariff charges, unfair trade practices and the provision of assistance or protection to local industry  <i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	According to Section 22 (1) of the Competition Act, at the end of each financial year, the Commission shall prepare and submit to the Minister a report on all its activities during the year ended on that date.  <i>[Introduce the relevant provisions]</i>
		√	Obligation to stand before parliament and to respond to congressmen on an annual basis.	The Annual reports submitted to the Minister is then laid

				out to the Parliament (Section 22(1))  [Introduce the relevant provisions]
			Its activities are monitored by an independent auditor or by oversight committees.	[Introduce the relevant provisions]
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	✓	Decisions of the Competition Authority are subject to judicial review.	According to section 33 (3) of the Competition Act, the High Court has powers to make judicial reviews  [Aside from the relevant provisions please mention the judicial authority charged with the review]
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary?	[Aside from the relevant provisions, please mention the authority charged with the review]
		Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.  [Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]		
Independence	Please, answer “Yes” or “No”			
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	<p>According to Section 6 of the Act, the members of the commission are appointed by the President for a period not exceeding three (3) years.</p> <p>Members can also be appointed by a Minister to constitute a quorum in the event of death or vacation of office by a member, if such a scenario would affect a quorum.</p> <p>Additionally, members can be removed from the Commission for the following reasons: Misconduct or Unprofessional Behavior: This includes actions that damage the Commission's reputation or the member's own conduct while serving. Breaching Terms of Appointment: This refers to failing to follow the specific conditions outlined by the Minister when they were appointed. Mental or Physical Inability: If a member's health prevents them from effectively carrying out their duties. Absence from Meetings: The Minister, upon recommendation from the Commission, can remove a member who misses three consecutive meetings without permission and a valid reason, even if they were notified at least seven days in advance.</p> <p>The Minister can suspend a member facing criminal charges that could lead to jail time without the option of a fine.</p> <p>According to Section 12 of The Competition Act (Chapter 14:28), the Minister may at any time for good cause terminate the appointment of the chairman or the vice-chairman as such and designate another member as chairman or vice-chairman as the case may be, but the Act</p>		

		<p>does not specify what are the good causes the Minister can terminate the appointment for.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i></p>
Does the executive have powers to decide on specific cases based on public interest?	Yes	<p>Section 18 of the Act establishes that the Minister may give the Commission such general directions in protection of the national interest</p> <p><i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i></p>
Does the executive retain decision-making powers over the Competition Authority?	No	<p>Section 5 (3) provides that the Commission shall not be subject to the direction of any other authority.</p>
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	<p>If the Commission considers it necessary that a full investigation must be conducted, the law requires that a notice is published in the Government Gazette and in National Newspapers circulating in the area covered, inviting interested parties to submit written representations within two weeks after the notice and publication.</p> <p><i>[Please introduce the relevant provisions]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<p>According to Section 23 of the Competition Act, The Commission's income comes from several sources including the funds the government (parliament) allocates specifically for the Commission.</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<p>According to Section 23 of the Competition Act, The Commission's income comes from several sources as mentioned before, which also include fees. The Act itself allows the Commission to charge fees for its services.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>		
Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>Collegiate Body</p> <p>The Minister of Industry and Commerce appointed a new board of Commissioners whose mandate started in May 2020 and consists of two members: Dr. Ester M. Khosa and Dr. Priscilla Mujuru</p> <p><i>[Answer “single chairman” if the directive organ of the authority is composed of one person. Answer “collegiate body” if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Directive Body]</i></p>	
How are the members of the Authority's directive organ chosen?	<p>According to Section 6 of The Competition Act (Chapter 14:28), the Competition Commission will have between five and ten members, which will be appointed by the President.</p> <p>According to Section 12 of The Competition Act (Chapter 14:28), the President shall designate one of the members to be the chairman of the Commission and another member to be the vice-chairman.</p> <p><i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>	
Is there a fixed period during which removal is prohibited?	No	<p>There is no provision that states this prohibition, actually as mentioned before, members can be removed from the Commission at any time for the reasons explained.</p> <p><i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are</i></p>

		<i>elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	Yes	According to Section 8 of the the Competition Act (Chapter 14:28) commission members are appointed for a set period by the Minister, typically up to three years. Members can be reappointed for another term after their initial service ends.  If a member's term expires before a replacement is chosen, they can continue serving for a maximum of six months to ensure a smooth transition.  <i>[Please, introduce the relevant provisions]</i>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	According to Section 6(2) of The Competition Act (Chapter 14:28), the people chosen for the Commission (under subsection 1) will be selected based on their skills and experience. This could include experience in industry, business, government, relevant professional qualifications, or other qualities that make them a good fit for the role.  The Minister, working with the President, will try to ensure the Commission includes representatives from all relevant groups and areas, especially consumers.  <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i>	
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 ministry?	Stand-alone	The Competition Act (Chapter 14:28) establishes the Competition and Tariff Commission as a statutory body. This means the Commission can sue and be sued under its own name and can perform any actions that a legal entity is allowed to do, following the provisions of the Competition Act.  The Commission has an independent physical location in Harare, Zimbabwe.  <i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<i>[Answer with X/ ✓ as it applies]</i>  ✓	<b>Concurrent consumer protection mandate.</b>  Zimbabwe has a Consumer Protection Act which enforces total protection of consumer rights in Zimbabwe, as well as a consumer authority (Consumer Council of Zimbabwe).
		<i>[Answer with X/ ✓ as it applies]</i>  ✓	<b>Concurrent IP mandate.</b>  Copyright and Neighbouring Rights Act [Chapter 26:05]
		<b>Other mandates:</b> Include any other mandates entrusted to the Competition Authority.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	The Competition and Tariff Commission (CTC) can	

		<p>investigate anything that might limit competition. This includes mergers, agreements, business practices, or trading methods, whether they already exist or are being planned.</p> <p><i>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i></p>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>The Competition and Tariff Commission (CTC) can investigate anything that might limit competition. This includes mergers, agreements, business practices, or trading methods, whether they already exist or are being planned.</p> <p><i>[If the answer is “yes”, please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>According to section 28 of the Competition Act (Chapter 14:28), the Competition and Tariff Commission can examine a merger before it happens to assess whether the merger could potentially harm competition in a market.</p> <p>“(i) whether any merger has been, is being or is proposed to be made...”</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>Companies must notify the authorities of a merger if the combined annual revenue or asset value of both parties is greater than \$1.2 million (as defined by SI 195 of 2002, amended by SI 110 of 2011).</p> <p>According to section 34A of the Competition Act (Chapter 14:28) if a company is involved in a merger that requires notification, they must inform the Commission in writing within 30 days of either:</p> <p>Finalizing the merger agreement with the other company; One of the companies acquired a controlling interest in the other.</p> <p><i>[If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>The Competition Act (Chapter 14:28) in its section 29 establishes some prohibitions when an investigation is pending.</p> <p>While investigating a potential violation under Section 28, the Commission may issue a notice to:</p> <p>Prohibit the continuation of the specific restrictive practice or merger being investigated; Stay (temporarily suspend) the restrictive practice or merger being investigated.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	No	<p>According to section 28 of the Competition Act (Chapter 14:28), the Competition and Tariff Commission can examine a merger that has been, is being or will be proposed.</p>



		It does not talk about past mergers or mergers already done.  <i>[Please mention relevant provisions]</i>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	No	<i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	Section 47 of the Competition Act, gives the Commission (CTC) powers of entry and inspection. Even Though dawn raids are not textually mentioned in the law, the previous section can be interpreted to include the power to conduct effective dawn raids.  <i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	According to Section 28 of the Competition Act (Chapter 14:28), the Commission may conduct an investigation as it considers necessary. This broad power to investigate suggests the authority is not restricted to cases brought to its attention by others.  <i>[Please, mention the relevant provisions]</i>
Does the Competition Authority have powers to accept leniency applications?	No	The current Legislation Competition Act 14:28 does not provide for a leniency programme. However, the commission is in the process of reviewing its act where a leniency programme will be provided for.  <i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i>
Does the Competition Authority have powers to accept seek criminal punishment?	No	Currently, the Commission is not empowered to undertake criminal investigations it, therefore, recommends cases to Zimbabwe's police for prosecution.  <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
<b>Advocacy</b>		
Can the Competition Authority issue opinions on draft legislation?	No	<i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[if the answer is yes, include relevant provisions]</i>
<b>Rulemaking</b>		
Can the Competition Authority issue guidelines?	-	<i>[Answer with X/√ as it applies]</i>  X <b>Guidelines on the calculation of fines.</b>  Currently the Commission has only issued a Guideline on Horizontal Agreements
		<i>[Answer with X/√ as it applies]</i>  X <b>Guidelines on merger control.</b>  Currently the Commission has only issued a Guideline on Horizontal Agreements
		X

		<i>[Answer with X/ ✓ as it applies]</i>  X	<b>Guidelines on the economic analysis of abuse of dominance cases.</b>  Currently The Commission has only issued a Guideline on Horizontal Agreements
Can the Competition Authority issue binding regulation on competition?	No	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>	
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	No	In the Competition Act there is no provision that states a prohibition nor an obligation to carry out market studies.  In the official website of The Competition and Tariff Commission, it is stated that the Research Unit is responsible for providing research services to all Operational Divisions and maintaining the Commission's Database.  <i>[If the answer is "yes", include relevant provisions]</i>	
Can the Competition Authority report to the legislature on the results of market studies?		<i>[If the answer is "yes", include relevant provisions]</i>	
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	According to Section 33(2) of the Competition Act (Chapter 14:28), orders imposed by the Commission under subsection 1 shall, for the purposes of enforcement, have the effect of a civil judgment of the High Court or the magistrates court concerned. With this being said, it can be understood that the Commission's decisions can make guilty findings.  It cannot be left aside that criminal prosecutions are not done by the Commission.  <i>[If the answer is "yes", include relevant provisions]</i>	
Does the Competition Authority impose punishments?	Yes	According to Section 34A(3) of the Competition Act (Chapter 14:28),The Commissioner may impose a penalty if the parties to a merger that:  fails to give notice of the merger as required by subsection (1b); proceeds to implement the merger without the approval of the Commissioner as required by subsection 2. A penalty imposed in terms of subsection (3) may not exceed ten per centum of either or both of the merging parties' annual turnover in Zimbabwe as reflected in the accounts of any party concerned for the preceding financial year.  <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	<i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i>	
Can the Competition Authority's decisions be appealed to a court?	Yes	According to Section 40 of the Competition Act (Chapter 14:28), a person adversely affected by a decision of the Commission issued pursuant to Part IV, IVA, IVB, or V has	

		<p>the right to appeal to the Administrative Court.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		