

FIRST SCHEDULE
(Regulations 6, 7, 8(2), 9, 10, 11 and 20)

PRESCRIBED FORMS

Form I
(Regulations 6, 7, 8(2), and 9(1))
(To be completed in triplicate)



THE COMPETITION AND CONSUMER PROTECTION COMMISSION

The Competition and Consumer Protection Act, 2010
(Act No. 24 of 2010)

The Competition and Consumer Protection (General) Regulations, 2011

APPLICATION FOR AUTHORISATION OF HORIZONTAL AGREEMENT () VERTICAL AGREEMENT () MERGER () EXEMPTION () NEGATIVE CLEARANCE ()						
(tick as appropriate)						
		Shaded fields for official use only	Application Number:			
			Date/Time			
<i>Information Required</i>		<i>Information Provided</i>				√
1.	Name of applicant (if more than one, attach list)					
2.	Type of applicant					
	Registration No.					
	TPIN No.					
3.	Business address:	Physical				
		Postal				
	Tel:					
	Fax:					
	Email					
4.	Parties to conduct (if more than two, attach list)	Company 1		Company 2		
		Name:		Name:		
		Address:		Address:		
		Tel:		Tel:		
		Cell:		Cell:		
		Fax:		Fax:		
	Email:		Email:			
5.	List products/services offered or supplied in Zambia to which the conduct applies or affects					
6.	Indicate geographical extent of sales of products/ services in Zambia covered by the application					

7.	Indicate key features of conduct in terms of benefits for applicant(s)/ consumer(s)/ other members of the public		
8.	Indicate horizontal/ vertical/ any overlapping provisions governing conduct		
9.	Indicate the value chain of the industry (Raw material → Manufacturer → Distribution and Retail)		
10.	For each of the main products/services/products or service groups covered by conduct, indicate any close substitutes or complementary products available on market in Zambia and which ones are supplied by parties to the conduct		
11.	Indicate latest estimated market shares (national or regional) for each of the parties in each of the main products or services or product or service groups supplied in Zambia		
12.	Indicate latest estimated market shares (national or regional) of competing suppliers or manufacturers in Zambia that are not part of conduct		
13.	Indicate estimates of imports into Zambia, if any, in each of the products or services		
14.	Indicate the basis for calculating market shares held by applicant(s) in Zambia (example turnover, asset, production capacity, etc.)		
15.	Indicate whether consumers or target beneficiaries are concentrated in a certain geographical location in Zambia, regionally or globally		
16.	List the five largest consumers of the parties in each affected market in Zambia		
17.	State the name, address, fax, telephone numbers of the contact person for each of the consumers indicated above		
18.	Describe distribution channels that operate in relevant markets (e.g. presence of small independent distributors, use of agent or distributors, direct sales, etc.)		
19.	For mergers and negative clearance only		
	(a) List names and addresses of the current and past (two years) Directors of each party to the application or attach a company's registry print out showing all directors and shareholders of participating parties		

	(b) List names and addresses of current and past (two years) shareholders of each of the parties to conduct		
	(c) List enterprises or persons controlling parties to conduct, directly or indirectly (e.g. holding entities, if applicable)		
	(d) List all enterprises or persons active on any affected market that are controlled, directly or indirectly (e.g. subsidiaries), by any of the participating entities		
	(e) Provide details on post-merger organisation structure, relationships or reporting systems for affected parties		
	(f) Where a foreign party is involved, indicate any future plans for the Zambian business and their relationships		
20.	Provide any further factual analysis or argument to show-		
	(a) how conduct will not prevent, restrict or distort competition		
	(b) why conduct should be authorised or exempted in view of any of the following:		
	(i) extent to which conduct is likely to result in a benefit to the public which would outweigh any detriment attributable to a substantial lessening of competition;		
	(ii) extent to which conduct would, or is likely to, promote technical or economic progress and transfer of skills, or otherwise improve production or distribution of goods or provision of services in Zambia;		
	(iii) saving of a failing firm;		
	(iv) extent to which conduct shall maintain or promote exports from Zambia or employment in Zambia		
	(v) extent to which conduct may enhance the competitiveness, or advance or protect the interests, of micro and small business enterprises in Zambia;		

	(vi) extent to which conduct may affect ability of national industries to compete in international markets;		
	(vii) socio-economic factors as may be appropriate; and		
	(viii) any other factor that bears upon public interest.		
21.	<p>Have you been convicted of an offence involving fraud or dishonesty under the Competition and Consumer Protection Act, 2010, or any other law within or outside Zambia?</p> <p>If yes, specify details:</p> <p>Nature of offence:</p> <p>Date of conviction:</p> <p>Sentence:</p>		
Application fee receipt number			
<p>Name of applicant (individual or authorised representative):</p> <p>Signature: Date:</p>			
<p>FOR OFFICIAL USE ONLY</p> <p>Received by: Date:</p> <p style="text-align: center;">(Name)</p> <p>Approved:</p> <p>Not approved for the following reasons:</p> <p>.....</p> <p>Signature:</p> <div style="text-align: right; border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>OFFICIAL STAMP</p> </div>			

DECLARATION

I/We the undersigned declare that, to the best of my/our knowledge and belief, the information given in this application is true, correct and complete, that complete copies of documents required by this Form have been supplied, and that all estimates are identified as such and are their best estimates of the underlying facts and that all the opinions expressed are sincere.

Dated at..... this..... day of..... 20.....

Names(s):

.....

Signature(s):

I/We attach the following relevant documents:

- Letter of power of attorney, where applicable
- Two copies of latest annual report and audited accounts, including balance sheet
- Copy of Agreement or other documents relating to the transaction
- Press release or other Shareholders, Board or management statement on the transaction
- Other market or industry study reports that support the transaction
- Strategic plans, minutes of Board on the transaction

NOTE:

1. The Commission prefers a single application made jointly by all the parties to an agreement, though parties may submit separate notifications if they wish, particularly if they wish to include information which they do not want to be given to the other parties. Either way, it is essential that the application(s) include authorised signatures given on behalf of each of the parties separately.
2. Experience has shown that pre-application meetings are extremely valuable to both the applying party(ies) and the Commission in determining the precise amount of information required in a notification and, in the large majority of cases, will result in a significant reduction of the information required. Accordingly, applying parties are encouraged to consult the Commission regarding the possibility of dispensing with the obligation to provide certain information.
3. If the information required by this Form is not available to you in part or whole, the Commission will accept that the application is complete and thus valid notwithstanding the failure to provide such information, provided that you give reasons for the unavailability of the said information, and provide your best estimates for the missing data together with the sources for the estimate. Where possible, indications as to where any of the requested information that is available to you could be, should be provided.
4. The Commission only requests the submission of information relevant and necessary to its inquiry into the notified agreement.
5. Incorrect or misleading information in the application will be considered to be incomplete information. The notification will only become effective on the date on which the complete and accurate information is received by the Commission. There are consequences for providing misleading or incorrect information.
6. The notification must be completed in English and type-written or printed. The information requested by this Form is to be set out using the sections and paragraph numbers of the Form. The supporting or requested documents may be originals or certified copies of the originals.
7. **CONFIDENTIALITY:** If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise divulged to other parties, submit this information separately with each page clearly marked "Business Secrets". You should also give reasons why this information should not be divulged or published.
8. The notification should be delivered during normal Commission working hours at the Commission's address of service.