



## COMPETITION AUTHORITY OF KENYA PORTAL ABUSE OF BUYER POWER COMPLAINT FILING INSTRUCTIONS

### A. INTRODUCTION

#### 1. SCOPE

1.1 This Manual is applicable as a guide in the online filing of Abuse of Buyer Power Complaints by stakeholders through the Competition Authority of Kenya's Public Portal.

#### 2. PURPOSE

2.1 The main purpose of this Manual is to guide the Authority's stakeholders in filing of Abuse of Buyer Power (ABP) complaints using the Public Portal in its regulation of market conduct as provided for in Section 24A of the Competition Act, No. 12 of 2010 (the Act).

2.2 By rendering public, the guidelines and instructions to be followed in the online filing of ABP complaints, the Authority expects to create awareness and provide a reference point for online filing of ABP Complaints.

2.3 The main objectives of the instructions are to:

2.3.1 Provide a step-by-step guidance on how to file an Abuse of Buyer Power Complaints online;

2.3.2 Equip the stakeholders with a reference point when filing Abuse of Buyer Power Complaints online;

2.3.3 Provide valuable records on CMS and the portal thus reducing the risk of deviation from common practice;

2.3.4 Enable the stakeholders filing ABP Complaints to track case progress through the system, and;

2.3.5 Lower costs on printing, archiving and transportation.

### 3. TERMS, DEFINITIONS AND ABBREVIATIONS

3.1 **Competition Authority of Kenya** – Abbr.: CAK, also referred hereinafter as ‘the Authority/CAK’ is the government agency mandated to regulate market structure and conduct in the Kenyan economy and protect consumers against unfair and misleading market conduct.

3.2 **Public Portal** – refers to the CAK’s online platform for submitting; complaints, cases and filings. The Public Portal access link is: <https://competition.cak.go.ke:444/>. This address may change from time to time and shall be duly updated in the Authority’s website.

3.3 **Authority’s Website** – refers to the address: [www.cak.go.ke](http://www.cak.go.ke)

3.4 **CMS** – refers to the Case Management System, a system developed by the Authority to provide a platform for receiving cases from the Public Portal once they are submitted by the filing parties.

3.5. **BP** - refers to Buyer power, which means the influence exerted by an undertaking or group of undertakings in the position of purchaser of a product or service to—

(a) Obtain from a supplier more favorable terms; or

(b) Impose a long term opportunity cost including harm or withheld benefit, which, if carried out, would be significantly disproportionate to any resulting long term cost to the undertaking or group of undertakings.

3.6 **ABP** – refers to Abuse of Buyer Power which is the conduct by a buyer with BP over a supplier, as highlighted in section 24 A(5) of the Competition Act No. 12 of 2010. These include; delayed payment by a buyer without justifiable reasons in breach of contractual terms, unilateral termination of a commercial agreement without notice, transfer of costs, and a buyer’s refusal to receive or return goods without justifiable reasons and in breach of contractual terms, among others.

### 4. DECLARATION

4.1 The Authority has developed these instructions without any prejudice and applicants should, therefore, ensure that they acquaint themselves with the portal as they prepare their submissions. The Authority will be available to train and offer additional guidance on the filing process to any filing party if need be.

### 5. FILING INSTRUCTIONS

5.1 The process of lodging ABP complaint starts with creation of an account through the portal by the complainant.

- 5.1.1 To create an account, open your browser and key in the Public Portal address (<https://competition.cak.go.ke:444/>). The Public Portal address can also be accessed through the Authority's Website ([www.cak.go.ke](http://www.cak.go.ke))
- 5.1.2 Click on register and enter the respective details as directed by the platform. The complainant can use an individual email addresses or adopt a single corporate email address.
- 5.1.3 Once registered, log in to the system and click on the Menu button
- 5.1.4 On the E- Services Dashboard Click "File a Complaint" and on the dropdown list, click "Abuse of Buyer Power."

## 5.2 Filling the details

- 5.2.1 Under "Details of the Complainant," the name and email address tabs will be auto-filled. The user will only be required to provide their phone number.
- 5.2.2 The user should provide the details of the accused party under "Details of the accused party" by filling their name, physical address (building, street, city/town) as well as their phone number and E-mail.
- 5.2.3 The user should then provide a clear description of their complaint under the "Complaint Details" section.
- 5.2.4 The user should ensure that the information and attachments intended to be submitted to the Authority is verified and is in order.
- 5.2.5 The user should **ONLY** upload the attachments (in .pdf/.jpeg format) once they have filled in all the other sections before clicking on 'Submit'
- 5.2.6 Upon submission, the Portal will autogenerate a response confirming receipt of your complaint by the Authority.
- 5.2.7 The Portal will also enable the user to check the progress of the complaint on log in by clicking "My cases".
- 5.2.8 Further to these instructions, users can review **Annexure 1** which offers a pictorial guide on how to file ABP Complaint.

## 6 USEFUL TIPS

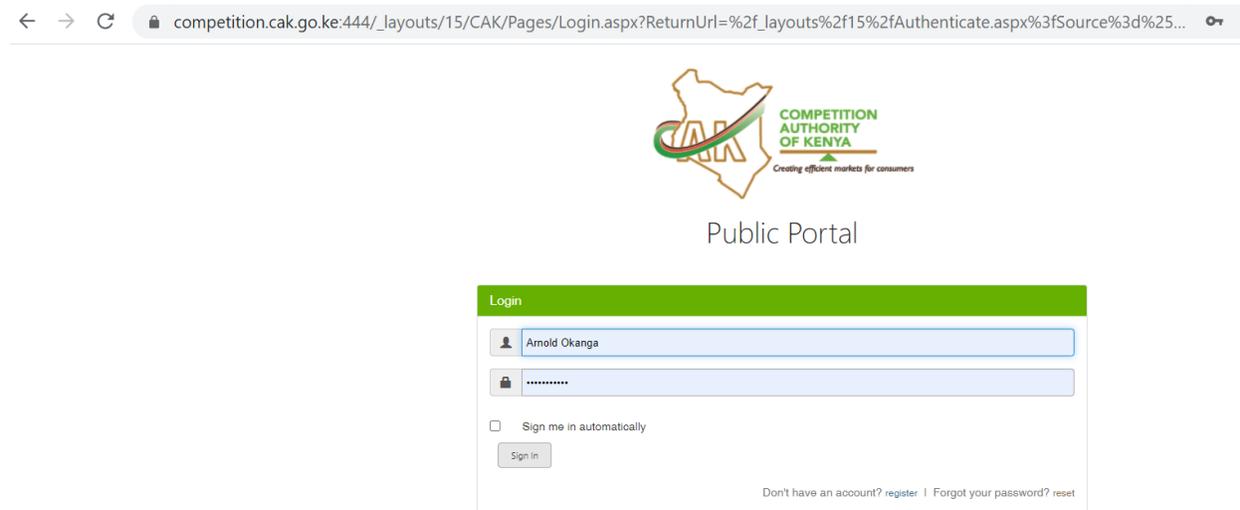
- 6.1 Ensure that you attach any necessary documentation that will support and justify the complaint.
- 6.2 Do not share the password of your Public Portal account or the reference number with other person/parties unrelated to the complaint.
- 6.2 Only attach relevant documents once the tabs have been fully filled and ready for submission.
- 6.3 Check the Public Portal dashboard for the status of the complaints lodged.

## ANNEX I

### STEP BY STEP PROCESS FOR FILING AN ABUSE OF BUYER POWER COMPLAINT

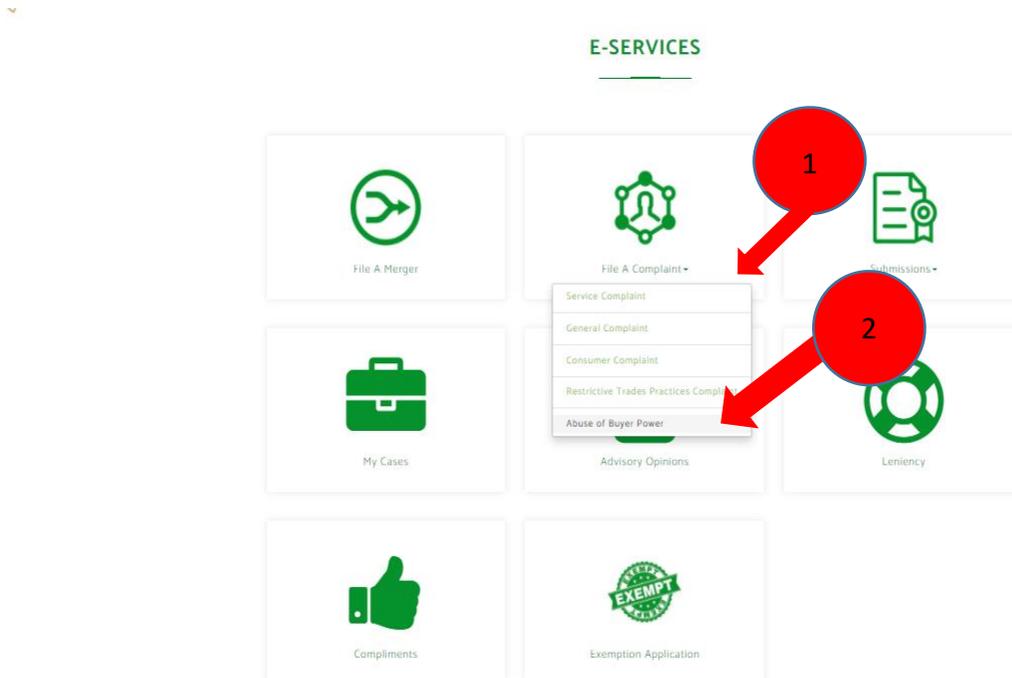
1. Ensure your computer has a stable Internet connection.
2. Visit the address: <https://competition.cak.go.ke:444>

The CAK Portal Log in Page



The screenshot shows a web browser window with the URL [https://competition.cak.go.ke:444/\\_layouts/15/CAK/Pages/Login.aspx?ReturnUrl=%2f\\_layouts%2f15%2fAuthenticate.aspx%3fSource%3d%25...](https://competition.cak.go.ke:444/_layouts/15/CAK/Pages/Login.aspx?ReturnUrl=%2f_layouts%2f15%2fAuthenticate.aspx%3fSource%3d%25...). The page features the CAK logo (a map of Kenya with 'CAK' written across it) and the text 'COMPETITION AUTHORITY OF KENYA' and 'Creating efficient markets for consumers'. Below the logo is the text 'Public Portal'. The main content is a login form with a green header 'Login'. It contains a text input field for the username 'Arnold Okanga', a password input field with masked characters, a checkbox for 'Sign me in automatically', and a 'Sign in' button. At the bottom of the form, there are links for 'Don't have an account? register' and 'Forgot your password? reset'.

Landing Page



3. Fill in all the tabs



### Consumer Complaint

Details of the complainant

This information will be treated with confidentiality

Name	Gideon Sang	Email	kiplangatsang33@gmail.com
Phone Number			

Details of the accused party

Name *	Physical Location (Building, Street, City/Town)
Phone Number	

Complaint Details

Title *	
Description *	
Are you complaining for the first time?	--please select--

#### 4. Attachments and submission

Are you complaining for the first time?  
--please select--

How would you like to be contacted?  
Phone

Attach documents

a) Contract  
BROWSE...

b) Warranty  
BROWSE...

c) Invoices  
BROWSE...

d) Receipts  
BROWSE...

Others...  
Use Ctrl to select multiple files  
BROWSE...

SUBMIT

Kenya Railways Staff Retirement Benefit Scheme Block 'D', 1st Floor, Haile Selassie Avenue.  
P.O. Box 36265-00200 Nairobi, Kenya  
+254 20 2628233 254 20 2779000  
info@cak.go.ke  
CAK on Twitter  
CAK on Facebook  
ISO 9001:2015 CERTIFIED

#### 5. Once you submit your complaint, you will receive an auto-response message confirming that your complaint has been received by the Authority as shown below

