



<b>Institution/Organization Name:</b>	Competition Authority of Kenya
<b>Affiliations; Ministry / Department/ County/Parent Company:</b>	National Treasury & Planning
<b>Economic Sector Alignment:</b>	Macroeconomic Mandate
<b>Big 4 Alignment:</b>	Manufacturing, Affordable Housing, Universal Healthcare, Food Security.
<b>Accounting Officer:</b>	Wang'ombe Kariuki, MBS.
<b>Period: FY</b>	2021/2022
<b>Process Documentation</b>	
<b>Service Name</b>	Investigating Restrictive Trade Practices
<b>Brief Description Document Purpose/Service</b>	<p>The Competition Act No. 12 of 2010 prohibits restrictive trade practices (RTP) which have the effect of object of lessening or distorting competition in the National Economy, to the ultimate detriment of consumers.</p> <p>Such practices include, abuse of dominance, price fixing, market and output allocation, sharing strategic market information, joint distributorship and supply agreements, including marketing/sales strategies.</p> <p>The Competition Authority of Kenya commits to undertake preliminary investigations into RTPs within 14 days upon receipt of the requested information and decisions on matters, including those which do not fall within the Act, issued within 5 days.</p>

		With regard to complex complaints requiring full investigations (including contested matters, cases with large volumes of evidence and involving multiple parties), the Authority will investigate and finalize them within 180 days upon receipt of all requested information and cooperation of the parties involved.	
<b>Document Control:</b> Change Record/ Version Number		Issue No: 1	
<b>Process Owner:</b> Name and Position		Francis W. Kariuki, MBS Director-General	
<b>Process Writer (s);</b> Name and Position		Gideon Mokaya Manager. Enforcement & Compliance	
<b>Process Reviewer (s)</b> Name and Position		Boniface Makongo Director, Competition & Consumer Protection.	
<b>STEPS/FLOW/SEQUENCE</b>			
Step	Event/Activity/Action	Time/ No. Of Days	Actor
1.	<b>INPUTS</b> <ul style="list-style-type: none"> <li>• Complaint from stakeholder</li> <li>• Duly Filled Complaint Form</li> <li>• Evidence regarding alleged infringement</li> </ul> <b>OUTPUTS</b> <ul style="list-style-type: none"> <li>• Investigation Plan/Diary</li> <li>• Record of Meetings</li> <li>• Record of Interviews</li> <li>• Preliminary Findings Report</li> <li>• Notice of Investigation</li> </ul>		

	<ul style="list-style-type: none"> <li>• Investigation Reports</li> <li>• Public Notices</li> <li>• Notice of Proposed Decision;</li> <li>• Report on Findings</li> <li>• Board Determination</li> </ul>		
2.	Receipt of RTP Complaint.	N/A	<p>Manager, Enforcement and Compliance.</p> <p>Director, Competition &amp; Consumer Protection</p>
3.	<p>Preparation of Preliminary Investigations Report:</p> <ul style="list-style-type: none"> <li>i. Where the decision is not to pursue the matter, the Authority shall communicate to the party (ies);</li> <li>ii. Referral to relevant Government Agency where applicable;</li> <li>iii. Request for more information</li> </ul>	30 days	<p>Manager, Enforcement and Compliance</p> <p>Director, Competition &amp; Consumer Protection</p>
4.	Initiate full investigations by issuing Notice of Investigations, where applicable. This entails seeking information from the sector players on the conduct to determine veracity of the allegation.	Continuous	<p>Manager, Enforcement and Compliance</p> <p>Director, Competition &amp; Consumer Protection</p>

5.	Consideration of confidentiality request if and when received from the concerned parties.	10 days	Manager, Enforcement and Compliance  Director - Competition & Consumer Protection
6.	Preparation of Investigations Report upon receipt of all the required information.	19 days	Manager - Enforcement and Compliance  Director - Competition & Consumer Protection
7.	Issuance of Notice of Proposed Decision and require the party(ies) to respond.	21 days	Manager - Enforcement and Compliance/  Director - Competition & Consumer Protection
8.	Review of written submissions and provision of opportunity for oral representation, if any, from the party(s) and recording of these proceedings.	24 days	Manager - Enforcement and Compliance/  Director - Competition & Consumer Protection
9.	Preparation of Report on Findings	14 days	Manager - Enforcement and Compliance/  Director - Competition & Consumer Protection
10.	Preparation of Board Paper	15 days	Manager - Enforcement and Compliance  Director-Competition & Consumer Protection

			Director-General
11.	Issuance of Gazette Notice	N/A	Government Printer

**EXCEPTIONS TO THE NORMAL FLOWS**

<b>Title</b>	<b>No.</b>	<b>Description</b>	<b>Time</b>	<b>Actor</b>
<b>Trigger 1:</b> Failure by the accused to respond to the Notice of Investigations within 21 days.	1.	Reminder 1	14	Manager, Enforcement and Compliance  Director, Competition & Consumer Protection
	2.	Reminder 2	14	Manager, Enforcement and Compliance  Director, Competition & Consumer Protection
<b>Trigger 2:</b> Need to seek clarification or seek more information from the accused parties regarding Notice of Investigation.	3.	Response/Clarification	4	Manager, Enforcement and Compliance  Director, Competition & Consumer Protection
<b>Trigger 3:</b> Outcome of the Investigations Report.	4.	The findings determine that the matter should be closed or referred to the relevant Government agency for action.	11	Manager, Enforcement and Compliance

(if any other, add rows)

# Process Maps/Visuals

Business process flowcharts/ swim lanes/screen shots

## PROCESS MAP

