



Founding Members: Hon. Ben Amathila Hon. Dr. Kaire Mbuende Prof. Peter Katjavivi

THE NAMIBIAN ECONOMIC POLICY RESEARCH UNIT

Postal: P. O. Box 40710, Ausspannplatz, Windhoek, Namibia
Street: Cnr Louis Raymond & Grant Webster, Windhoek, Namibia
Tel.: +264 61 277500 Fax: +264 61 277501
eMail: nepru@nepru.org.na Web Site: www.nepru.org.na

Director: Dr Dirk Hansohm

Capacity Building on Competition policy (7Up 3) Questionnaire

Instructions:

- 1. The Interviewer should inform the respondent that information provided in this questionnaire will be treated with high confidentiality**
- 2. The interviewees may not readily know about many of the concepts/subjects being asked in the questionnaire. Therefore, the interviewers need to explain, elaborate, and provide real-life example whenever necessary. Please also prompt and probe wherever appropriate.**
- 3. Additional comments by interviewee should be encouraged and carefully noted by the interviewer. The space given in the questionnaire does not limit the length and scope of the answers.**

INTRODUCTION

I am _____ from the **Namibian Economic Policy Research Unit (NEPRU)**. NEPRU is working together with the National Reference Group (NRG) on Competition, which comprises of stakeholders from government, private sector, labour unions and NGOs. With Namibian competition authorities being expected to commence with their activities this year, the NRG and NEPRU would like to document views of businesspersons, consumers and policy-makers on the state of competition in Namibia. The main areas of focus are anti-competitive practices prevalent in the Namibian market.

Anti-competitive practices are mainly of the following types:

- 1. Price fixing:** Competitors at any levels in the production-distribution process enter a collusive agreement (form a cartel) and fix prices.
- 2. Market sharing:** Two or more firms agree to allocate markets among them, i.e., predetermine who shall deal with whom and where to avoid competition.
- 3. Bid rigging:** Firms participating in a bid for a tender, secretly arrange among themselves as to which one will make the lowest offer.
- 4. Tied selling:** A supplier forces a buyer interested in a desired product to buy another product (tied-product) along with it, even when the buyer is not interested in the tied-product.
- 5. Exclusive dealing:** Here the producer forces an agreement with the retailer prohibiting the latter from dealing with competing producers or distributors.
- 6. Concerted Refusal to deal:** Firms at different levels of the same production-supply chain agree among

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themselves not to sell or buy from certain customers or suppliers.

7. **Resale Price Maintenance:** The producer dictates the resale price of the goods that would be charged by the retailers.
8. **Price discrimination:** This refers to a situation when a firm sets prices of its goods/services at will, depending on the circumstances.
9. **Entry barrier:** This refers to certain situations where the entry of new players in the market is hampered either by existing players/government or others.
10. **Predatory pricing:** A situation when a dominant enterprise charges low prices over a long period of time to drive a competitor out of the market, or deter others from entering the market and then raises prices to recoup its losses

Question	Answers	Code	Skip to
1. Name			
2. Designation			
3. Organisation			
4. Address and e-mail			
5. Do you think anti-competitive practices are quite prevalent in Namibian markets?	Insignificantly (or not at all)	1	
	Moderately	2	
	Significantly	3	
	Hugely	4	
6. How are consumers affected by such practices?	Insignificantly	1	
	Moderately	2	
	Significantly	3	
	Hugely	4	
7. What are the most prevalent anti-competitive practices in markets? (Please note three most prevalent anti-competitive practices from the list in order of importance and their effect on the markets)	(i)	<input type="checkbox"/>	
	(ii)	<input type="checkbox"/>	
	(iii)	<input type="checkbox"/>	
	Collective price fixing	01	
	Market sharing	02	
	Bid rigging	03	
	Tied selling	04	
	Exclusive dealing	05	
	Concerted Refusal to deal	06	
	Resale Price Maintenance	07	
Price discrimination	08		

	Entry barrier Predatory pricing Any other (specify)	09 10 11	
8. Which sectors of the country's economy or segments of the production-distribution chain are most affected by such practices? (Please note three most prevalent sectors in order of importance)	(i) (ii) (iii) Financial sector, transport, telecommunications, Utility sectors (water electricity), retailing, wholesaling etc.		
9. Which anti-competitive practices are prevalent at the local level or in some parts of the country?	(i) (ii) (iii) (Use codes in Q7)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
10. Which anti-competitive practices occur at the national level?	(i) (ii) (iii) (Use codes in Q7)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
11. Do some of such practices originate from outside the country as well (i.e., are MNCs/TNCs ¹ engaged in such practices)?	Yes No Can't say/don't know	1 2 3	
12. Are there any rules, regulations or laws to check such practices?	Yes No Can't say/don't know	1 2 => 3 =>	18 18
13. What are they?	(i) (ii) (iii) (iv) (v)		
14. Is serious action taken if these rules are violated?	Yes, always Yes, sometimes No Can't say/don't know	1 2 3 4	
15. Which agencies provide justice to consumers?			
16. Are the agencies mentioned in Q15 above, government, private or a combination of these?			
17. Do you think that the existing rules,	Yes	1	

¹ MNC: Multi National Company; TNC: Trans National Company

regulations and laws are sufficient to check anti-competitive practices?	No Can't say/don't know	2 3	
18. Do you think that a comprehensive law should be enacted to check anti-competitive practices?	Yes No Can't say/don't know	1 2 => 3 =>	32 32
19. What should be the objectives of such a law?	Focus on economic efficiency and consumer welfare Consider other socio-economic issues Can't say/don't know	1 2 3	
20. Should it cover all types of enterprises and persons and all areas of commercial activity?	Yes No Can't say/don't know	1 => 2 3 =>	22 22
21. Who should be exempted?	Small and medium enterprises State owned enterprises Public utilities Import/Export-oriented units Any other (please specify)	1 2 3 4 5	
22. What kind of implementation mechanism/competition authority (CA) would you like to have for your country?	Autonomous CA Agency under relevant govt. dept./ Ministry Any other (specify)	1 2 3	
23. What kind of powers should the CA have?	Both investigative and adjudicative Investigative only with adjudicative power vested with separate authority Investigative only with adjudicative power vested with courts Can't say/don't know Any other (specify)	1 2 3 4 5	
24. Should the CA deal with unfair trade practices/consumer protection issues as well?	Yes No Can't say/don't know Any other (specify)	1 2 3 4	
25. Should there be specialised sectoral regulators for electricity, telecom etc., or the CA should be given power to handle such issues?	Yes for some with CA having power over them Yes for some with CA coordinating with them Yes for many of them with CA having power over them Yes for many of them with CA coordinating with them Any other (specify)	1 2 3 4 5	
26. Should the law prescribe	Yes in some cases	1	

criminalisation for violations of the law?	Yes in all cases No Can't say/don't know	2 3 4	
27. Should there be exemption on public interest ground (e.g., technological advancement, protecting interest of SMEs or socially disadvantaged groups, employment)?	Yes No Can't say/don't know	1 2 3	
28. How would such provision be protected against misuse?	Through well-defined guidelines Judicial scrutiny Can't say/don't know Any other (specify)	1 2 3 4	
29. Should the law have provisions to ensure right to private action?	Yes No Can't say/don't know Any other (specify)	1 2 3 4	
30. Do you think that the CA should involve different stakeholder groups in its functioning especially advocacy/publicity etc.?	Yes No Can't say/don't know	1 2 => 3 =>	32 32
31. In what way?	By occasional hearing Through a structured consultative committee Any other (specify)	1 2 3	
32. In general, to what extent do business people try to balance their profit motives with consumer welfare (CW)?	Profit motive only Profit, but CW sometimes Maintain a balance Can't say/don't know Any other (specify)	1 2 3 4 5	
33. Are there state owned monopolies in Malawi?	Yes No Can't Say	1 2 3	
34. Do state-owned monopolies indulge in anti-competitive practises?	Yes No Can't Say	1 2 3	
35. If you encounter any anti competitive practice, how would you react?	Seek help from legislation Seek help from judiciary Seek help from consumer forums Any other (specify)	1 2 3 4	