

ABUSE OF DOMINANCE CASE CCA VS GABCON

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Gaborone Container Terminal Proprietary Limited (“Gabcon”) is a company that operates as an international container terminal business in Botswana. In 2017, the Competition Authority (now, the Competition and Consumer Authority “CCA”) received a complaint from private hauliers alleging that Gabcon (who was dominant in the haulage services market) imposed a number of anti-competitive restrictions on them. These restrictions included having to pay excessive access fees and needing permits to access the facilities.

In 2018, the CCA investigated and found that Gabcon was engaged in abuse of dominance conduct, through refusal to deal and excessive pricing practices.

The matter was concluded as Gabcon and the CCA settled. In terms of the settlement, Gabcon admitted to having abused its dominance and acknowledged that its conduct was anti-competitive. Furthermore, Gabcon made several commitments, among others, to consult private hauliers regarding any increases in fees prior to their implementation, to revise its policies on truck registrations, and to implement a competition law compliance programme for its employees etc.

This case buttresses the point that the line between dominance and abuse must be navigated carefully, lest one lends into trouble.

Get in touch with us today, and get a legal analysis conducted against your policies / strategies / agreements for any anti-competitive effects.

Article by Lefika Phirie