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| Institution/Organization Name: | Competition Authority of Kenya |
| Affiliations; Ministry / Department/ County/Parent Company: | National Treasury & Planning |
| Economic Sector Alignment: | Macroeconomic Mandate |
| Big 4 Alignment: | Manufacturing, Affordable Housing, Universal Healthcare, Food Security. |
| Accounting Officer: | Wang'ombe Kariuki, MBS. |
| Period: FY | 2021/2022 |
| Process Documentation | |
| Service Name | Evaluating Exemption Applications |
| Brief Description Document Purpose/Service | <p>Section 21 and 22 of the Competition Act No. 12 of 2010 (the Act) prohibits agreements or coordinated practices whose object or effect is to lessen competition as they impede the ease of doing business in the economy. The Authority, is therefore, pursuant to section 31 of the Act, empowered to initiate investigations into such possible violations upon receipt of a complaint or taking cognizance of possible violations on own motion. However, cognizant of the fact that such coordinated practices may also generate public benefits, exemptions may be granted pursuant to section 26, 28 and 29 of the Act upon application under section 25 of the Act. Granting of an exemption is only possible if the benefits to the public outweigh negative effects on competition.</p> <p>The Authority is therefore required within 30 days after receipt of all relevant information, including that requested from interested</p> |

| | stakeholders (through the Kenya Gazette) and sector regulators to finalize the process by issuing Notice of Exemption Determination. | | |
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| Document Control: Change Record/ Version Number | Issue No: 1 | | |
| Process Owner: Name and Position | Wang'ombe Kariuki, MBS Director-General | | |
| Process Writer (s); Name and Position | Gideon Mokaya Manager, Enforcement & Compliance | | |
| Process Reviewer (s) Name and Position | Boniface Makongo, Director, Competition & Consumer Protection | | |
| STEPS/FLOW/SEQUENCE | | | |
| Step | Event/Activity/Action | Time/ No. Of Days | Actor |
| 1. | INPUTS <ul style="list-style-type: none"> • Filled Exemption Application Form OUTPUTS <ul style="list-style-type: none"> • Gazette Notice • Preliminary report • Exemption evaluation report • Management paper • Authority's determination. | | |
| 2. | Upon receipt of an exemption application form, the Authority shall review and acknowledge receipt of the application | 3 Days | Manager Enforcement and Compliance Director, Competition & Consumer Protection |

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| 3. | <p>Conduct a preliminary review of the exemption application form and make a decision whether the filling is complete:</p> <ul style="list-style-type: none"> ▪ If the application is not complete, the Authority shall request for additional information. ▪ If complete, the Authority shall initiate the process of gazetting the exemption application to request for submission from interested parties to the transaction within 30 days of the publication. | 44 Days | <p>Manager Enforcement and Compliance</p> <p>Director, Competition & Consumer Protection</p> |
| 4. | <p>After the lapse of the gazette period and receipt of all information the Authority shall analyze all the data and information received and presented by the parties and prepare Exemption report with recommendations.</p> | 14 Days | <p>Manager Enforcement and Compliance</p> <p>Director, Competition & Consumer Protection</p> |
| 5. | <p>Preparation and Review of an Exemption review Report and Management paper for Board Review</p> | 17 Days | <p>Manager Enforcement & Compliance</p> |



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| | | | Director, Competition and Consumer Protection |
| 6. | Authority's decision communicated to parties through a Notice of Exemption Determination | 3 Days | Manager, Enforcement & Compliance Director, Competition and Consumer Protection Director-General |
| 7. | Gazettement of the Authority's Decision. | N/A | Government Printer |

EXCEPTIONS TO THE NORMAL FLOWS

| Title | No. | Description | Time | Actor |
|--|-----|----------------------------------|---------|---|
| Instances where call for input regarding exemption application is made through the Kenya Gazette and after 30 days, the Authority does not receive a response. | 1. | | 14 Days | Manager - Enforcement and Compliance Director, Competition & Consumer Protection Director General |
| | | 1 st Reminder Drafted | | |

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| <p>If no response is obtained after the 1st reminder, the Authority drafts and issues a 2nd reminder.</p> | <p>2.</p> | <p>2nd Reminder Drafted</p> | <p>7 Days</p> | <p>Manager Enforcement and Compliance Director, Competition & Consumer Protection Director General</p> |
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(if any other, add rows)

Process Maps/Visuals

Business process flowcharts/ swim lanes/screen shots

