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Alleged Abuse of Dominance in Omnibus Service Sector

Franky Transfers V/S SPTC

Case Number: FCA 41

Date: MAY 2014

Complaint: On 19th of March 2014, a complaint was lodged at the Commission by Franky Transfers against SPTC. The complaint alleged that Omnibus Operators were unfairly being foreclosed out of the market by SPTC. The complainant stated that SPTC has unfair advantages over the other omnibus operators through government concessional fuel, duty free vehicles and spare parts amongst others.

Commission's Assessment: Following an initial analysis into the matter it was established that it was similar to another case that has been investigated by the Commission and also in the Omnibus Sector.

The issue was concerned with a Government policy which unfortunately is not catered for by the Fair Competition Act, 2009. Nonetheless, an Opinion Paper was drafted and circulated to the responsible Ministries and departments with proposed solutions in a bid to restore fair competition in the sector.

Conclusion: As a result, the Commission concluded that the remedy that will be obtained for the previous case will provide for the competition issues affecting the operations of the Omnibus operators which also includes the complaint lodged by Franky Transfers.

The Commission requested that the complainant come by its office for a copy of the Opinion Paper and an explanation with regards to its contents and the position of FTC in the matter.

In view of the above, no further investigation was required for the case.