



## MEDIA STATEMENT

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### COMPETITION CONCERNS IN THE DEVELOPMENT OF FIBRE OPTIC INFRASTRUCTURE AROUND THE DISTRICT OF WINDHOEK

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The Namibian Competition Commission (“the Commission”) has since 2017, been inundated with numerous complaints alleging possible anticompetitive practices in the Information, Communication Technology (“ICT”) industry, specifically the development of fibre optic infrastructure around the District of Windhoek. These complaints, some of which were lodged by major players in the ICT industry were all assessed to determine whether there have been possible infringements on Chapter 3 of the Competition Act, 2003 (Act No. 2 of 2003) (“the Act”).

Although the Commission did not find evidence relating to practices that infringe the Act, the Commission notes that the development of fibre optic infrastructure is highly contested by the relevant competitors in that market. The Commission further notes that the Municipal Council of the City of Windhoek (“Windhoek Municipality”) is also an aspiring competitor in the relevant market. Although the Commission commends the entrance into the market by the Windhoek Municipality which has the potential to enhance consumer choice, the Commission is nevertheless cognisant of the fact that the Windhoek Municipality is the sole custodian of the upstream essential facility (the infrastructure upon which fibre cables are to be installed) and is aspirant to being vertically integrated into the downstream market (installation of fibre optic cables).

The Commission therefore wishes to caution the Windhoek Municipality that; given the position it enjoys over its downstream competitors, the Windhoek Municipality should offer access to the essential facility on equal terms and conditions, and in a non-biased manner. Any unwarranted

delays, restrictions, constraints, reluctance in approving applications for the purposes of installing fibre cables in the District of Windhoek without reasonable justifications may be construed as a way of restricting competition in the relevant market.

Furthermore, the Commission wishes to emphasize that it will be monitoring developments in the industry for possible anticompetitive practices which may come under competition law scrutiny. The Commission, therefore, reserves its rights to initiate an investigation of any possible anti-competitive practises in future, should the need arise.

**Issued by:**

**The Namibian Competition Commission  
Enforcement, Exemptions & Cartels Division  
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