

- 6.3. When consulting each other in terms of sub-clause 5.2 above, the Commission and the Authority must have regard to the principle that:
- 6.3.1 the Commission is to exercise primary authority in the review of mergers in any industry, including the electronic communications, broadcasting and postal, as required to give effect to the Competition Act; and
- 6.3.2 the Authority is to exercise primary authority to establish conditions within the electronic communications, broadcasting and postal industries as required to give effect to its applicable statutes.
- 6.4 Where a transaction requires the approval of either the Commission or the Authority, but not of both, the Authority and the Commission may consult each other so as to ensure the consistent application of competition principles to the transaction in question.

7. COMPLAINTS

- 7.1. Where a complaint is lodged regarding a practice or conduct in respect of which the Commission and the Authority have concurrent jurisdiction, the following process will be followed to the extent possible:
- 7.1.1. The regulator that receives the complaint ("the Recipient Regulator") must, notify the other regulator in terms of this Agreement;
- 7.1.2. The Commission and Authority may consult with each other in respect of the complaint;
- 7.1.3. The Recipient Regulator may notify the complainant(s) that the Commission and Authority will consult each other in terms of this Agreement;
- 7.1.4. In consulting each other in respect of the complaint, the parties must have regard to the principle that –