



8



*The Republic of Uganda*

## **CO-OPERATION FRAMEWORK AGREEMENT**

**BETWEEN**

**THE COMESA COMPETITION COMMISSION**

**AND**

**THE GOVERNMENT OF THE REPUBLIC OF UGANDA REPRESENTED BY THE MINISTRY  
OF TRADE, INDUSTRY AND COOPERATIVES OF UGANDA**

**REGARDING COOPERATION IN THE APPLICATION AND ENFORCEMENT OF THEIR  
COMPETITION AND CONSUMER PROTECTION LAWS**

**SEPTEMBER 2024**

**CO-OPERATION FRAMEWORK AGREEMENT BETWEEN THE COMESA COMPETITION COMMISSION AND THE MINISTRY OF TRADE, INDUSTRY AND COOPERATIVES OF UGANDA REGARDING COOPERATION IN THE APPLICATION AND ENFORCEMENT OF THEIR COMPETITION AND CONSUMER PROTECTION LAWS**

This Framework Co-operation Agreement is made on this 10<sup>th</sup> day of Oct 2024.

**BETWEEN**

- I. **COMESA Competition Commission** (hereinafter "the Commission"), a Regional Competition Agency established by the COMESA Competition Regulations which were issued in the *COMESA Official Gazette Vol. 9 No. 2 as Decision No. 43 of Notice No 2 of 2004* and whose address of service is care of Kang'ombe House 5<sup>th</sup> Floor West Wing P.O Box 30742 Lilongwe 3, Malawi, on one hand;

**AND**

- II. **The Government of Uganda Represented by Minister of Finance Planning and Economic and Development** (hereinafter "the MoFPED"), established under the Constitution of the Republic of Uganda, 1995 under Article 189 (Sixth Schedule) and whose address of service for purposes of this agreement is care of Plot 6/8, Parliamentary Avenue, P.O Box 7103, Kampala, on the other hand, (collectively referred to as the "Parties").

**RECOGNISING:**

The provisions of Article 55(3) of the Treaty establishing the Common Market for Eastern and Southern Africa ("Treaty") under which the COMESA Competition Regulations ("the Regulations") are promulgated.

The provisions of Article 5 of the Treaty as read with Article 5 of the Regulations regarding the obligations of Member States; to take all appropriate measures, whether general or particular, to ensure fulfillment of the obligations arising out of the Regulations or resulting from action taken by the Commission under these Regulations, to facilitate the achievement of the objects of the Common Market and abstain from taking any measure which could jeopardize the attainment of the objectives of the Regulations;

The provisions of Article 2 of the Regulations regarding the purpose of the Regulations which is to promote and encourage competition by preventing restrictive business practices and other restrictions that deter efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market and to protect consumers against offensive conduct by market actors;

The provisions of Article 6 of the Regulations establishing the Commission and Article 7(1) of the Regulations which mandates the Commission to apply the provisions of the Regulations with



M. K.

regard to trade between Member States and be responsible for promoting competition within the Common Market;

The provisions of Article 7(2) of the Regulations which empowers the Commission among others to: monitor and investigate anti-competitive practices within the Common Market and mediate disputes between Member States concerning anti-competitive conduct; initiate cooperation with competition authorities of Member States; help Member States promote national competition laws and institutions with the objective of harmonization with the Regulations and ensure uniform application of the same; assist Member States in the implementation of its decisions; support to Member States in promoting and protecting consumer welfare; facilitate the exchange of relevant information and expertise;

That Uganda is one of the Member States of the Common Market for Eastern and Southern Africa ("COMESA") Economic block whose objective is to promote regional economic integration through trade and investment.

That Uganda enacted the Common Market for Eastern and Southern Africa Treaty (Implementation) Act 2017 to give legal effect to the Treaty. Further, in an effort to give the Common Market legal capacity in Uganda, the Regulations made under the Treaty to have force of law in Uganda and for purposes of enforcing Judgments, subject to the Treaty, in Uganda.


That it is imperative that COMESA Member States give effect to the principles of regional competition Regulations and Rules and to use moderation and self-restraint in the interest of co-operation in the field of anti-competitive business practices;

The desirability of setting standards for procedures by which the regional competition agency can act as a forum for exchange of views, consultations and conciliations on matters relating to anti-competitive practices affecting COMESA regional and international trade;

The provisions of Articles 24(8) and 26(6) of the Regulations which provides for the referral of a merger application for consideration under the Member State's national competition law, and for the Commission to work with the relevant Member States in conducting merger enquiries, respectively;

The provisions of Rule 40 of the COMESA Competition Rules ("the Rules") which provides for close and constant liaison between the Commission and the competition authorities of the Member States in establishing the existence of infringements of Articles 16 or 18 of the Regulations in the applications and notifications by undertakings;

The provisions of Rules 41(1), 43(1) and 44 of the Rules which mandates the Commission to: obtain all necessary information from the Governments and competent authorities of the Member States and from undertakings and association of undertakings; to request competition and consumer protection authorities of Member States to undertake investigations which the Commission deems to be necessary; and for officials of the Commission to carry out



M.K.

investigations in Member States in consultation with the competent authorities of Member States in whose territory the investigation is to be made, respectively; and

The importance of coordinating and cooperating with Regional Economic Communities (RECs) such as the East African Community (EAC) and the African Continental Free Trade Area (AfCFTA) and the need for Member States to comply with the obligations of enforcing regional competition and consumer protection law including harmonization of national laws with the regional laws.

#### **CONSIDERING:**

The desirability of Member States to cooperate at regional level in the implementation of their respective regional and national competition and consumer legislation in order to eliminate the harmful effects of anti-competitive practices; and

That closer cooperation between the Commission and competent authorities of COMESA Member States in the form of notification, exchange of information, coordination of actions, and consultation among Member States should be encouraged;

#### **CONSCIOUS OF:**


Article 7(2) (d) of the Regulations which mandates the Commission to cooperate with competition and consumer protection authorities of Member States in order to accomplish the mandate of promoting competition in the Common Market and section 9 (m) of the Competition Act empowers the Authority to liaise with regulatory bodies and other public bodies in all matters relating to competition and consumer welfare.

Now, therefore, the Parties agree as follows:

### **Article 1 Definitions**

In this Agreement:

1. **"Agreement"** means this Cooperation Framework Agreement;
2. **"Anti-competitive"** means a conduct which appreciably restrains competition between the Member States and is not otherwise exempt by law or authorized in a manner required by the Regulations;
3. **"Common Market"** means the Common Market for Eastern and Southern Africa established by Article 1 of the Treaty.
4. **"Competition and consumer protection authorities"** means:

 M.K

- a. the COMESA Competition Commission established by Article 6 of the Regulations; and
  - b. The Ministry of Trade, Industry of Cooperatives, established under the Constitution of the Republic of Uganda, 1995 under Article 189 (Sixth Schedule).
5. **"Competition and consumer protection law(s)"** means:
- a. For the Commission, the Regulations promulgated under Article 55 (3) of the Treaty.
  - b. For the MTIC, the COMESA Treaty (Implementation) Act 2017, the competition and consumer protection laws to be promulgated under the Project to be implemented between the Commission and MTIC.
  - c. For both the Commission and MTIC, any such other regional laws or regulations as the Parties shall jointly agree to be a "competition and consumer protection law" for the purpose of this Agreement.
6. **"Enforcement activities"** means any application of competition and consumer protection law by way of investigation or proceedings conducted by the competition authority of a Party.
7. **"Member State"** means a Member State of the COMESA.
8. **"Ministry"** means the Ministry of Trade, Industry and Cooperatives of Uganda.
9. **"Parties"** means the Commission and MTIC.
10. **"Project"** means the National Competition and Consumer Protection Policy and Legal Framework implementation Project.
11. **"Projects"** means a project entered into by the parties in furtherance of the purposes of this MOU.
12. **"Regional Dimension"** means conduct or practice affecting two or more Member States.
13. **"Territory"** means:
- a. the Common Market; and
  - b. Uganda.
14. **"Treaty"** means the Treaty establishing the Common Market for Eastern and Southern Africa.

**Article 2**  
**Purpose of this Agreement**



The Purpose of this Agreement is to promote and facilitate cooperation and coordination between Parties in;

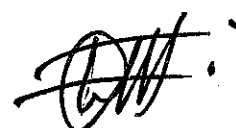
- a. Implementation of the Project attached as **Schedule 1** for the following purposes:
  - i. To develop and enact the national Competition and Consumer Protection laws of Uganda;
  - ii. To establish a competition and consumer protection unit in the Ministry in line with Cabinet Decision Ref 13 (CT 2019);
  - iii. To facilitate investigations, data collection and monitoring of competition and Consumer Protection matters in line with COMESA Competition Regulations;
  - iv. Enhance the capacity and create awareness on the national and regional laws and policies on competition and consumer Protection; and
  - v. To facilitate institutional coordination, collaboration and cooperation with other sector regulators or agencies whose decisions and policies may have implications for competition in the market, with a view to increasing efficiency and fair competition.
- b. Implementation of Projects between the Parties, which may arise from time to time, to further the objectives of this MOU.
- c. the harmonization of regional and national laws, policies of Member States and to lessen the possibilities or difference of impact.
- d. Disbursement and utilization of merger fees in accordance with the Rules on COMESA Revenue Sharing of Merger Filing Fees, November 2012.
- e. discussion of emerging trends and sharing international best practices on competition and consumer protection.
- f. Elimination of duplicity through harmonization of competition laws at national, regional and continental level.

### Article 3

#### Obligations of the Parties under Project Specific activities

3.1 The Ministry undertakes to carry out the following activities particularized under the Project attached as **Schedule 1**:

- a. develop and enact the national competition and consumer Protection laws of Uganda;
- b. establish a competition and consumer protection unit in the Ministry in line with *Cabinet Decision Ref 13 (CT 2019)*;

 M.K.


- c. investigate, collect data and monitor competition and consumer protection matters in line with COMESA Competition Regulations;
- d. capacity building and awareness creation on the national and regional competition and consumer protection laws and policies; and
- e. institutional coordination, collaboration and cooperation with other Sector regulators or agencies whose decisions and policies may have implications for competition in the market, with a view to increasing efficiency and fair competition.

3.2 The parties will agree on the list of activities to be carried out with respect to Projects entered into in furtherance of this MOU.

3.3 The Commission shall disburse the merger filing fees to the Ministry in accordance with the Rules on COMESA Revenue Sharing of Merger Filing Fees, November 2012 (as amended in 2015) which fees shall be utilized for purposes of the MOU.

#### **Article 4** **Notification**

- 1. Each Party shall notify the other Party in writing whenever it becomes aware that its enforcement activities may affect important interests of the other Party.
- 2. Enforcement activities as to which notification generally will be appropriate include those that:
  - a. Involve anticompetitive activities carried out in the whole or in a significant part of the Common Market and consumer protection matters affecting the Common Market;
  - b. Involve conduct believed to have been required, encouraged or approved by a Party; or
  - c. Involves the imposition of remedies, conditions, undertakings or commitments that would, in significant respects, require or prohibit conduct affecting the Common Market.
- 3. With respect to mergers or acquisitions, each Party will notify the other Party with any significant information that comes to its attention regarding mergers that it believes is relevant to, or may warrant, enforcement activity.
- 4. Each Party shall notify the other Party whenever it intervenes or otherwise participates in a regulatory or judicial proceeding that does not arise from its enforcement activities, if the issues addressed in the intervention or participation may affect the interests of the other Party.

 M.K

5. Notifications shall be made as soon as possible and shall include the nature of the activities under investigation and the legal provisions concerned and will be sufficiently detailed to enable the notified Party to make an initial evaluation of the effect of the activities on its territory.

#### **Article 5**

#### **Undertakings of the Parties**

1. The Parties will take all appropriate measures, whether general or particular, to ensure fulfillment of the obligations arising out of this Agreement or resulting from action taken by the Parties in implementing this Agreement.
2. The Parties will facilitate the achievement of the objective of this Agreement and the Treaty and in so doing, will abstain from taking any measure which could jeopardize the attainment of the objectives of this Agreement.
3. The Parties may implement in their laws, more extensive provisions against restrictive business practices than is required by this Agreement, provided that such provisions do not contravene the relevant laws and regulations.
4. The Parties may determine the appropriate method of implementing the provisions of this Agreement as long as such method of implementation enhances the efficient and effective attainment of the objectives of this Agreement.
5. The Parties will make timely submissions of information in a timely manner related to mergers.

#### **Article 6**

#### **Exchange of Information**

1. Each Party will provide the other party with information that comes to its attention regarding consumer protection, mergers and anti-competitive practices that the Party believes is relevant to or may warrant, enforcement activity by the other Party.
2. Each Party agrees to provide to the other party on request and to the extent compatible with their respective competition and consumer protection laws such information within its possession as the requesting party may describe that is relevant to an enforcement activity that is being contemplated or conducted by the requesting party's competition and consumer authority.

#### **Article 7**

#### **Coordination and Cooperation in market inquiries and Enforcement Activities**



M. K



1. The Parties shall render assistance to each other in their enforcement activities, to the extent compatible with their respective competition and consumer protection laws and the respective interests, and within the reasonably available resources.
2. The Parties shall cooperate in the enforcement of the competition and consumer protection laws and share information which will facilitate effective implementation of the respective laws.
3. The Parties may review their competition and consumer protection laws where necessary to facilitate cooperation and collaboration in market inquiries, investigations and enforcement.
4. The Parties will coordinate in undertaking market inquiries in identified sectors and to ascertain any competition concerns in those sectors.
5. The Parties will cooperate in the enforcement of their competition and consumer protection laws.
6. The Parties shall, in this regard, assist each other in the enforcement of the competition and consumer protection laws through:
  - a. assisting the Party, upon request, in locating and securing evidence and voluntary compliance with requests for information from undertakings or natural persons within the respective jurisdiction.
  - b. assisting the requesting Party with such information within the other Party's possession as the requesting Party may specify as relevant to the enforcement of the Regulations.
  - c. Assisting the Party with any information that comes to the attention of the other Party about anti-competitive activities merger transactions and consumer protection violations that may be relevant to or may warrant enforcement activity of the beneficiary Party.
  - d. Assisting the requesting party in the implementation of the sanctions and remedies issued to any undertaking by the requesting party in the other party's territory.
7. A Party may notify the other Party about consumer protection violations, mergers and anti-competitive practices in its territory, and may request that the other Party to initiate appropriate enforcement activities. The notification shall be as specific as possible about the nature of the conduct taking place in its territory and its likely effects and if



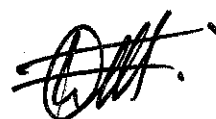
M.K

enforcement has already taken place, it shall state the measures or remedies (if any) is imposed.

8. Upon receipt of a notification, the notified Party shall advise the notifying Party of its decision. If enforcement activities are initiated, the notified Party shall advise the notifying Party of their outcome and, to the extent possible, of interim developments.
9. The requested Party shall assist in the investigations which the requesting Party considers to be necessary. Such investigations shall be carried out with the assistance of officials of the requesting Party, upon request, in accordance with the respective Party's laws.
10. In cases where the Parties have an interest in pursuing enforcement activities with regard to related situations, they may agree that it is in their mutual interest to coordinate their enforcement activities. In considering whether particular enforcement activities should be coordinated, the Parties shall take account of the following factors, among others:
  - a. the opportunity to make more efficient use of their resources devoted to the enforcement activities;
  - b. the relative abilities of the Parties to obtain information necessary to conduct the enforcement activities;
  - c. the effect of such coordination on the ability of both Parties to achieve the objectives of their enforcement activities; and
  - d. the possibility of reducing costs incurred by persons subject to the enforcement activities.
11. In any coordination arrangement, each Party shall conduct its enforcement activities expeditiously and, insofar as possible, consistently with the enforcement objectives of their respective competition laws.
12. The Parties shall carry out the investigations expeditiously and in consistency with their relevant laws and shall take into account the enforcement objectives of the respective laws and the deadlines stipulated in their respective competition laws.
13. Nothing in this Article limits the discretion of the notified Party under its competition and consumer protection laws and enforcement policies as to whether or not to undertake enforcement activities with respect to the notified anti-competitive activities or consumer protection violations or precludes the notifying Party from undertaking enforcement activities with respect to such anticompetitive or consumer protection activities

#### Article 8


#### Avoidance of Conflicts over market inquiries, and enforcement Activities

 M.K

1. The Parties agree that it is in their common interest to minimize any potentially adverse effects of their enforcement activities in as far as the application of the respective competition and consumer protection laws are concerned.
2. Each Party shall seek, at all stages in its enforcement activities, to take into account the important interests of the other Party in decisions as to whether or not to initiate an investigation or proceeding, the scope of an investigation or proceeding, the nature of the remedies or penalties sought, and in other ways, as appropriate.
3. Any divergent views arising out of the enforcement of the respective competition laws will be addressed in a timely and practicable manner as circumstances may permit.

#### **Article 9 Consultation**

1. Each Party agrees to consult promptly with the other Party in response to a request by the other Party for consultations regarding any matter related to this Agreement and to attempt to conclude consultations expeditiously with a view to reaching mutually satisfactory conclusions
2. Any request for consultations shall include the reasons thereof and shall state whether procedural time limits or other considerations require that the consultations to be expedited. These consultations shall take place at the appropriate level, which may include consultations between the heads of the competition authorities concerned.
3. In each consultation under paragraph 1, each Party shall take into account the principles of cooperation set forth in this Agreement and shall be prepared to explain to the other Party the specific results of its application of those principles to the issue that is the subject of consultation.
4. A Party shall as soon as is practical, inform the other Party of any amendment made to its competition laws as well as any change in the enforcement practice of its competition authority that may affect the operation of this Agreement. Upon request of either Party, the Parties shall hold consultations in order to assess the specific implications of such amendments or changes for this Agreement, and in particular to determine whether this Agreement should be amended pursuant to Article 15.
5. The Parties shall meet at the appropriate level, at the request of either Party to among others:
  - a. update each other on their current enforcement efforts and priorities in relation to the competition and consumer protection laws of each Party;
  - b. exchange views on economic sectors of common interest;

 M. K.

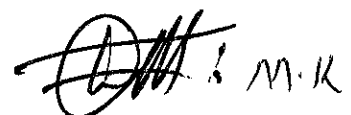
- c. discuss policy issues of mutual interest; and
- d. discuss other matters of mutual interest relating to the application of the competition and consumer protection laws of each Party.

#### **Article 10**

##### **Technical Assistance and Capacity Building**

1. The Parties shall pursue technical assistance and capacity building programs through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that are unique to each Party. In this context and within the framework of development policies and reforms pursued by the Parties; the Parties' cooperation framework and orientation shall take into account the different levels of development as well as the economic needs of each Party and the difficulties faced in meeting their obligations under this Agreement.
2. The technical assistance and capacity building programs shall pay systematic attention to institutional aspects and in this context shall support the efforts of either Party to develop and strengthen structures, institutions and procedures that help to enhance the effective enforcement of the competition laws and policies in their respective territories. In this context, the Parties shall:
  - a. jointly mobilize resources for capacity building aimed at assisting the Parties in the establishment and/or strengthening of the respective competition and consumer protection laws and enforcement agencies.
  - b. jointly facilitate and develop competition and consumer protection advocacy programmes involving the sensitization of policy makers, parliamentarians, the judiciary, the business community, and the general public about the role of competition and consumer laws and policies.
  - c. jointly facilitate the establishment of a mechanism to enable the Parties to take the necessary steps to adopt, strengthen and implement the necessary competition and consumer protection laws in their respective territories.
3. It is agreed by the Parties that:
  - a. the rendering and receipt of technical assistance by and between the parties; and
  - b. the mobilization of financial and other requisite resources in connection with capacity building or related to technical assistance

shall fully comply with the relevant and applicable legal, regulatory and policy frameworks for each party including, with respect to the MTIC, compliance *inter alia* with the requirements of the Public Finance Management Act of Uganda.

Handwritten signature and initials, possibly "M.K.", in the bottom right corner.

**Article 11**  
**Collaboration and cooperation with Regional Economic Communities**

1. The Parties will collaborate and cooperate with RECs in order to enhance enforcement of regional competition and consumer protection laws.
2. The cooperation activities will be implemented on the basis of work plans to be mutually agreed upon by the Parties.

**Article 12**  
**Confidentiality of Information**

1. Notwithstanding any other provision of this Agreement, neither Party is required to provide information to the other Party if disclosure of that information to the requesting Party is prohibited by the law of the Party possessing the information or would be incompatible with important interests of the Party possessing the information.
2. Each Party agrees to maintain, to the fullest extent possible, the confidentiality of significant information provided to it in confidence by the other Party under this Agreement and to oppose, to the fullest extent possible, any application for disclosure of such information by a third party that is not authorized by the Party that supplied the information.

**Article 13**  
**Communication under this Agreement**


1. Communications under this Agreement shall be in writing and in English.
2. Communications under this Agreement shall be in writing through registered post or electronically to the relevant address of the other party as indicated below to:

**For Commission:**

The Director and Chief Executive Officer  
COMESA Competition Commission  
P.O Box 30742  
Lilongwe 3  
Malawi

**For MTIC:**

The Permanent Secretary  
The Ministry of Trade, Industry and Cooperatives of Uganda  
Plot 6/8, Parliamentary Avenue  
P.O Box 7103  
Kampala

 M.K

3. Each Party shall designate a Desk Officer for the purpose of liaison with each other in the enforcement of the respective competition laws.

#### **Article 14 Existing Law**

4. Nothing in this Agreement shall be interpreted in a manner inconsistent with the existing laws, or as requiring any change in the competition laws of the Parties.

#### **Article 15 Dispute Resolution**

1. Any disputes that may arise from this Agreement will be amicably resolved through consultations.
2. Where consultations fail, the dispute will be resolved through mediation.

#### **Article 16 Entry into Force, Duration and Implementation**


1. This Agreement shall enter into force upon signature by the Parties and will remain in force unless terminated by either Party.
2. The Parties will agree on the mechanism and mode of implementation of this Agreement.

#### **Article 17 Review, Amendment and Termination**

1. The Parties will, at any time, review this Agreement with a view to adopting such further arrangements as may be feasible and desirable to enhance cooperation in the enforcement of the respective competition and consumer protection laws.
2. The Parties may, at any time, by consensus, amend this Agreement.
3. Either Party may terminate this Agreement by giving the other Party sixty (60) days written notice of intention to terminate this Agreement.

#### **Article 18 Public Document**

This MOU shall be a public document and be made available to parties upon request.

 M.K

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Co-operation Framework Agreement.

DONE in two original texts on the

day of 10<sup>th</sup> Oct 2024.

For COMESA Competition Commission



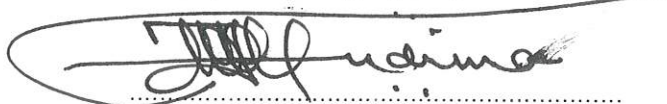
Dr Willard Mwemba  
Director & Chief Executive Officer,  
COMESA Competition Commission

For the Government of the Republic of Uganda



Matia Kasaija (MP)  
Ministry of Finance, Planning and  
Economic Development

For Implementing Agency



Alfred Oyo Andima  
For: Permanent Secretary, Ministry of  
Trade, Industry and Cooperatives

Witnessed by:



Ms. Mary Gurure  
Manager Legal Services



Zackey Kalega  
Ag. Commissioner Internal Trade  
Department

**SCHEDULE 1: COPY OF THE PROJECT PROPOSAL FOR THE IMPLEMENTATION OF THE COMPETITION AND CONSUMER PROTECTION LAWS IN UGANDA**

Project Summary/ Basic information	
Sector:	Trade and Industry
Vote:	
Vote Function:	
Vote Function Code:	

<b>Project title:</b>	National Competition and Consumer Protection Policy and Legal Framework implementation Project.
<b>Project Duration (Financial Years):</b>	2 YEARS (2021-2022). Rolling Project
<b>Estimated Project Cost:</b>	UGX 5,400,000,000 billion (Five Billion, Four hundred Million Shillings Only). (USD 1,500,000)
<b>Implementation Agency:</b>	Ministry of Trade, Industry and Cooperatives.
<b>Department:</b>	Internal Trade
<b>Officer Responsible:</b>	Name: Musiho Hussein (Principal Commercial Officer) Address: Farmers House, Plot 7103, Parliamentary Avenue, Kampala, Uganda. Tel. Number: +256752626840 Email address: <a href="mailto:musihohussein@yahoo.com">musihohussein@yahoo.com</a>
<b>Date of Submission:</b>	September, 2021

### Section 1: Project Background

#### 1.1 Background

In 2014, government passed the National Competition and Consumer Protection Policy and is in the Final stages of enacting the Consumer Protection and Competition laws. The development of this Policy was informed by the escalating anti-competitive and trade distortion practices resulting from liberalization of the economy. Such practices include; resale price maintenance, geographical limitations, barrier to market entry, abuse of monopoly powers, development of cartels and collusions, among others.

Competition refers to how firms behave in the market place and how they respond to the actions of other suppliers and consumers. Consumer Protection refers to measures of safeguarding buyers of goods and services, and the public, against unfair trade practices in the market place. Such measures are established to; allow free flow of truthful information in the market place, prevent business that engage in unfair practices gain advantage over other players in the market place, provide additional protection for the weak and those unable to take care of themselves and Ensure fair trade Competition.

Competition is essential if markets are to work well especially for the consumers. The National Competition and Consumer Protection Policy was formulated to address this situation.

Implementation of this Policy is in line with the National Trade Development Plan 2010/11-2014/15 and the National Development Plan III agenda. Under the chapter Trade Development, Government commits to address the improvement of the doing of Business environment. The relevant strategy is to strengthen the related regulatory framework with the intervention of developing and amending the required commercial laws. Uncompetitive trade practices hinder consumers and producers from realizing the benefits of liberalization. The National Competition and Consumer protection regulatory framework presents an opportunity to substantially reduce poverty by; (i) ensuring an effective competitive process, (ii) promoting consumer welfare, and (iii) enhancing efficiency. It is in this context that the National Competition and Consumer Protection Policy was formulated to address this situation inter alia.



## 1.2 Situational analysis

Uganda has pursued a liberalized economic policy since 1990s which has resulted in trade and investment growth. This policy approach has seen Uganda divest most of the public enterprises, the marketing of agriculture produce and allow private sector players in a number of important sectors of the economy such as telecommunication, energy, electricity, transport and banking. However, in some sectors, liberalization brought on board a number of challenges relating to uncompetitive practices such as resale price maintenance, geographical limitations, barrier to market entry, abuse of monopoly powers, development of cartels and collusions, among others.

It is important to note that full potential of economic policy reforms has been hampered by some uncompetitive and unfair trade practices by some private sector players. This usually happens worldwide if the regulatory reforms are not accompanied by complementary trade regulations and laws and Uganda is not an exception.

A number of subsectors, such as energy, financial services, communication, transport, tourism, health, trade and professional services have some laws that regulate some aspects of competition and consumer protection, but these are absent in most sectors. Similarly, there is no coherence in institutional frameworks dealing with fair competition and consumer protection. Given the Government policy of liberalization, such gaps greatly undermine the potential benefits of running a liberal economy. The National Competition and Consumer Protection Policy addresses these gaps and thus should set the ground for Uganda to benefit from liberalization.

Due to non-implementation of the Competition and Consumer Protection Policy and the related regulatory frameworks, the market is characterized with practices which exploit the consumer and undermine their interests as; the supply of low-quality products, unsafe and substandard products, fraud, invasion of consumer privacy, consumer mistreatment, unreasonable charges among others.

For instance, publicly available enforcement information suggests that there is presence of cartels across many sectors with cross-border effects in Africa. The following Table indicates some of the cartels investigated by the South African Competition Commission ("SACC") that had effects in more than one country in Africa and involving a variety of sectors including basic goods.

*Cartel Conduct in South Africa with effect on Regional Competition 2015-2017*

<i>Conduct in South Africa with effect on Regional Competition 2015-2017 Industry</i>	<b>No of companies in the case</b>	<b>Possible Countries affected</b>	<b>Raid/Referral/Settlement</b>	<b>Year</b>
Fruits Processing	2	Botswana, Mozambique	Referral	2017



Bricks	6	Botswana, Eswatini Lesotho, Namibia, Zambia, Zimbabwe	Referral/Settlement	2017
Wooden Products	2	Zimbabwe, Zambia, Malawi, United Republic of Tanzania, Mozambique, Kenya, Uganda, Angola, Democratic Republic of Congo	Raid	2016
Wooden Products	2	Zimbabwe, Zambia, Malawi, United Republic of Tanzania, Mozambique, Kenya, Uganda, Angola, Democratic Republic of Congo	Raid	2016
LPG Gas & Cylinders	6	Angola, Botswana, Eswatini, Kenya Lesotho, Malawi, Mozambique, Namibia, Nigeria, Seychelles, United Republic of Tanzania, Uganda, Zambia, Zimbabwe	Raid	2015

*Publication based on Information adapted from CCRED Quarterly Review Analysis (T. Bosu, 2017).*

Competition regulation becomes even more critical when it comes to basic consumer goods where the effect of lack of competition or insufficient competition on prices in African markets harms all households, with the poorest being disproportionately affected. The World Bank report (*Breaking Down Barriers: Unlocking Africa's Potential through Vigorous Competition Policy 2016*) found that, on average, retail prices of 10 key consumer goods are at least 24 percent higher in African cities than in other economies around the world. A reduction of only 10 percent in the prices of staple goods through addressing anticompetitive practices and increasing competition could lift an estimated 270,000 people in Kenya, 200,000 people in South Africa, and 20,000 people in Zambia out of poverty and save households over \$700 million (2015 US dollars) in these countries a year, with poor households gaining disproportionately more than rich ones (the Competition Law Index', *Journal of Competition Law and Economics*, 2018,14(3):393-432.)

### 1.3 Problem Statement.

Uganda has not fully achieved economic potential from a liberalized economic policy approach. The high entry barriers to certain sectors and subsectors, inefficiencies of economies of scale obtainable from large scale operations and other factors combine to impair competition in many ways. There are existing legal regimes in some sectors like, the communication sector, information and technology subsector, financial services, energy, transport, trade and tourism among others. However, most of the provisions in the respective legal regimes fall short on enforcement of redress and compensatory mechanisms at the undertaking levels. It is important to note that in some instances, the respective legal regimes lack concrete supportive law with actionable areas on consumer protection issues. In some cases, the laws do not provide consumer rights and obligations nor do they provide for clear consumer awareness mechanisms. For instance, in the transport sector, there are no established mechanisms for registration, investigation and resolving of consumer complaints. The Uganda National Bureau of Standards (Amended) Act Cap 327 also fall short on redress of consumer complaints among others.



Additionally, Uganda being a member of various regional integration blocs, such as Common market for Eastern and Southern Africa (COMESA), East African Community (EAC), the Tripartite as well as the EAC–European Union Economic Partnership Agreement, exposing Uganda to competition and consumer protection concerns and if not well addressed through a comprehensive policy and legal regime, could lead to escalating anti-competitive trade practices.

It is important to note that some member states in the respective regional blocs are already implementing the Competition and Consumer Protection Laws as required by the COMESA and EAC legal frameworks. Therefore, Non-implementation of the Competition and Consumer Protection Policy presents a challenge to investigate anti-competitive and unfair trade practices and meet our regional obligations.

It is in this spirit that there is need to implement the National Competition and Consumer Protection Policy and its related legal frameworks.

#### **1.4 Relevance of the project idea.**

##### **1.4.1 Link with the 3<sup>rd</sup> National Development Plan (NDPIII) 2020/2021- 2024/2025,**

The project for implementation of the National Competition and Consumer Protection Policy and related legal framework supplements the National Development Programme III (NDPIII) 2020/2021- 2024/2025 goals under;

- **Private Sector Development Programme;** to increase competitiveness of the private sector to drive sustainable inclusive growth
- **Agro-industrialization Programme:** to increase commercialization and competitiveness of agricultural production and Agro- processing.
- **Manufacturing Programme:** aims to increase the product range and scale for import replacement and improved terms of trade.

##### **1.4.2 Link with the National Trade Policy (2008),**

The National Trade Policy Charges Government with the primary role to liberalize trade while taking cognizance of the possible negative effects on the Country's producers and traders. Implementation of the National Competition and Consumer Protection Policy and related legal frameworks will contribute to building a competitive private sector and build capacity to produce quality and competitive products. To this end a consumer will have an informed choice to consume a given product.

Additionally, one of the guiding principles for the National Trade Policy 2008(Uganda) is to; create opportunities for equal participation in the market place in trade through entrepreneurial development, giving priority to the socially and economically disadvantaged groups in society. This can only be done by promoting and implementing competition and consumer welfare frameworks.

##### **1.4.3 Link with the National Industrial Policy (2020);**

The vision of the National Industrial Policy is to build, a fully integrated competitive, high value and productive industrial sector in Uganda. There are a number of interventions suggested in this project which will help achieve this Policy vision.



Resulting from the above, there is urgent need for the implementation of the National Competition and Consumer Protection Policy and related legal frameworks.

#### **1.4.4. Link with COMESA,**

**Article 6 (2) of the COMESA Regulations 2004**, requires the Commission to have in territory of each member state;

- The legal capacity required for the performance of its functions under the territory.
- Power to acquire or dispose of movable and immovable property in accordance with the laws and regulations in force in each member state.

Overall implementation of the National Competition and Consumer Protection Policy and regulatory frameworks will;

- Provide a mechanism for implementing Uganda's Competition and Consumer Protection obligations at both regional and international levels. For instance, the COMESA competition regulation 2004, oblige Uganda to put in place a regime to promote fair competition and consumer welfare.
- Comprehensively regulate competition issues relating to mergers, acquisition and anti-competitive practices like predatory pricing practices, collusive tendering, cartels etc.
- Support institutional framework dealing with fair competition and consumer protection.
- Strengthen institutional collaboration amongst agencies with mandate on competition and consumer protection matters.
- Build capacity in both public and private sector to promote fair competition and consumer protection. (Building capacity of consumer lobby groups to act as champions for consumer rights)
- Conduct market surveillance to detect and redress any practices that undermine the proper functioning of markets in a liberal economy;
- Harmonize competition and consumer protection aspects in various sectoral laws and policies and with regional and international obligations.
- Create awareness on competition and consumer protection matters;
- Carry out inquiries, studies and research into competition and consumer welfare;
- Collect stakeholders' views on proposed mergers and acquisitions at both domestic and regional levels;
- Encourage innovations in resource mobilization and management to create a more self-sustaining institution;

#### **1.4.5 Link with EAC,**

- a) **Section 21 of the EAC** regulations requires, a competent authority to submit a report to the EAC Competition Commission after an investigation on a competition matter that has a cross border effect.

- b) **Deepening Regional Integration:**

As already mentioned, Uganda is also involved in the regional integration process of; Common market for Eastern and Southern Africa (COMESA), the Tripartite as well as the EAC – European Union Economic Partnership Agreement negotiations. Therefore, implementation of the National Competition and Consumer Protection Policy and its related legal frameworks will facilitate and accelerate equitable regional economic growth and development thereby deepening integration

- c) Part 3 of the COMESA Competition and Consumer Protection Regulation deals with anti-competitive business practices and conduct and this allows consumers fair share of the resulting benefits. In addition, Article 5 of the COMESA Competition Regulations requires member states to have in place national authorities with jurisdiction over national operators to oversee competition and consumer protection matters. The COMESA competition regulation 2004, also oblige Uganda to put in place a regime to promote fair competition and consumer welfare.

**d) Sustainable Development Goals (SDG)**

Fair and competitive market creates opportunities unlike an economy which is characterized by only monopoly and/or restrictive policies. In a fair and competitive market, firms and businesses work hard to win the heart of consumers through product innovation and price reduction. Technology results in innovation and innovation results in efficient ways and means of doing things.

By creating an environment where opportunities are created, this project will contribute to the first three Sustainable Development Goals (SDGs) of; end poverty in all its forms everywhere; end hunger, achieve food security and improved nutrition, and promote sustainable agriculture and ensure healthy lives and promote wellbeing for all at all ages. Achieving these threefold linkages require financial resources. Whether the funds come through government direct cash transfer or payroll income, the bottom line is that there must be some form of economic activity where the government or the state must generate some taxes to pay for these.

**1.4.6 Link with WTO, COMESA and EAC and other domestic policy Framework**

The significance of the National Competition and Consumer Protection Policy for international trade and the potential need for formal state-to-state arrangements concerning this policy interface were recognized already in 1948, in the Havana Charter for an International Trade Organization (the Havana Charter). The Charter set out a surprisingly comprehensive and even, in some respects, prescient framework for international cooperation in regard to anti-competitive business practices 'on the part of private or public commercial enterprises. The Charter devoted an entire chapter to the prevention of 'business practices affecting international trade which restrain competition, limit access to markets, or foster monopolistic control, whenever such practices have harmful effects on the expansion of production or trade [or have other harmful effects on development.

Furthermore, the issue of competition policy and its significance for trade continued to receive attention in the context of related negotiations and relevant provisions were incorporated in the General Agreement on Tariffs and Trade (GATT) in 1947 and in the World Trade Organization (WTO) agreements e.g. in the framework of the General Agreement on Trade in Services

(GATS), the Agreement on Trade-Related Investments Measures (TRIMs Agreement), and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

The interaction between trade and competition policy was also an important element of the Doha Round of Multilateral Trade Negotiations (Doha Round) as the Round was originally conceived in 2001. The Doha Ministerial Declaration (Article 23) recognized 'the case for a multilateral framework to enhance the contribution of competition policy to international trade and development' and called for 'negotiations [to] take place after the Fifth Session of the Ministerial Conference [the Cancún Conference of 2003] on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations.

## **2. Technical Approach**

More than 130 countries, most of which are developing countries, have adopted competition and consumer laws. Due to increased trade liberalization, regionalization, and globalization, the number of competition law regimes have also increased across the world.

Competition and Consumer Protection regulatory framework therefore plays a vital role in the transition from state to market economies. In this case competition and consumer protection laws shall be used to address challenges arising from state monopolies and privatization by creating complementary institutional infrastructure to ensure a healthy competitive environment. Further, competition and consumer protection regulatory framework is also increasingly used to address broader socio-economic development issues beyond the economic efficiency paradigm

### **i. Direct beneficiaries**

#### **Small and Medium enterprises**


Implementation of this project will contribute to implementation of competition and consumer protection activities. This will enhance fair competition for small and medium enterprises by competing fairly and avoiding consumer violations. Being sources of information for competition and consumer protection, SMEs will help promote understanding on competition among members (firms) Associations and not being conduits for anticompetitive and unfair trade practices. SMEs will also be shielded from unfair competition and exploitative practices of the big Companies, especially the Multi-Nationals. This will boost development of SMEs, increase employment, household incomes and wealth creation among others

#### **Consumers of goods and services**

- i. With legal backing for consumer interests, it is expected that effective enforcement of consumer law will enhance consumer welfare through awareness creation, protection from unfair trade practices, establishment of redress mechanisms for consumer claims, regulation of consumer transactions and establishment of linkages with other consumer movements. This Promote general awareness about consumer issues and advocacy with relevant Ministries. This will create a good interface with complementary institutions.

### **ii. Indirect beneficiaries**

COMESA and EACAs already mentioned, Uganda is also involved in the regional integration process of; the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Tripartite as well as the EAC – European Union Economic Partnership Agreement negotiations. Therefore, implementation of the National Competition and Consumer Protection Policy and its related legal frameworks will facilitate and accelerate

 M.K

equitable regional economic growth and development thereby deepening integration. The project also seeks to enhance cooperation between Uganda and the COMESA Competition Commission and the EAC Competition Authority in addressing competition and Consumer protection matters with a cross border effect. This will be achieved through coordination of COMESA competition and consumer protection matters by the unit to be established in the Ministry.

#### **Government of Uganda**

Implementation of the competition and consumer protection regulatory framework will provide a mechanism for implementing Uganda's Competition and Consumer Protection obligations at both regional and international levels. Government will also be playing its cardinal role of ensuring an enabling environment and level playing field for all economic entities within Uganda's territory and ensuring protection of Ugandan consumers. This will subsequently, encourage the inflow of genuine Foreign Direct Investments (FDI) into the Country.

#### **iii. Project affected persons**

#### **Sector Regulators;**

Regarding regulatory bodies established by other sector specific legislation it is expected that this will create synergies that promote competition in their respective sectors especially in making decisions that have a bearing on competition and consumer protection. This will protect consumer interests in addition to creating a good interface with competition and consumer Unit.

### **3.0 Overall objective and project purpose**

#### **3.1 Project overall objective:**

To enhance the capacity of the Ministry to effectively implement the National Competition and Consumer Protection Policy and laws.


#### **3.2. Project purpose:**

Strengthen institutional capacity of the Ministry and the private sector to implement the National Competition and Consumer Protection Policy and regulatory framework for more efficient enforcement of competition policy, with expected economic benefits for consumers and market participants.

#### **3.3 Specific project objectives;**

- a. To develop and enact the national Competition and Consumer Protection laws;
- b. To establish a competition and consumer protection unit in the Ministry in line with Cabinet Decision Ref 13 (CT 2019);
- c. To facilitate investigations, data collection and monitoring of competition and Consumer Protection matters in line with COMESA Competition Regulations;
- d. Enhance the capacity and create awareness on the national and regional laws and policies on competition and consumer Protection;
- e. To facilitate Institutional coordination, collaboration and cooperation with other Sector regulators or agencies whose decisions and policies may have implications for competition in the market, with a view to increasing efficiency and fair competition;

#### **3.4 Expected outputs**

 M.R

1. National Competition and consumer protection law is enacted and implemented;
2. Competition and Consumer protection unit is established in the Ministry to implement competition and consumer protection laws;
3. Percentage increase in compliance with competition and consumer protection laws;
4. Number of competition and consumer protection cases sensitized on Competition and Consumer Protection matters;
5. Competition and consumer protection implementation frameworks among the sector regulators developed and implemented.

### **3.5 Expected outcomes**

- a. The market is effectively regulated based on the national and regional Competition and Consumer Protection laws;
- b. Competition and Consumer Protection matters implemented and coordinated by the functional Unit established in the Ministry;
- c. Reduction of anti-competitive and unfair trade practices that undermine the functioning of the market in a liberal economy;
- d. Competition and Consumer Protection laws effectively implemented and the level of awareness amongst stakeholders is enhanced;
- e. Corporation and synergies built at national and regional Levels in the implementation of competition and consumer protection laws;

### **3.6 Project interventions/activities**

#### **Result area1: developing and enacting the national Competition and Consumer Protection laws**

- 1.1 Publish and print the bills for submission to Cabinet and Parliament;
- 1.2 Undertake consultation workshops with relevant stakeholders including with parliament on the competition and consumer regulations ;
- 1.3 Develop the National Competition and Consumer Protection Regulations to give effect to the laws;
- 1.4 Undertake benchmarking tours to other Countries already implementing the Competition and Consumer Protection Laws.

#### **Result area 2: Establishing a competition and consumer protection unit in the Ministry in line with Cabinet Decision Ref 13 (CT 2019)**

- 2.1 Develop and adopt the Institutional Structure of the Unit ; Manual and ToR
- 2.2 Recruit contract staff;
- 2.3 Procure equipment and furniture
- 2.4 Procure vehicles to facilitate movement in the implementation of competition and consumer protection activities.
- 2.5 Constitute and operationalize the Unit
- 2.6 Maintenance and repairs.

#### **Result area 3: Investigating, data collection and monitoring of competition and Consumer Protection matters in line with COMESA Competition Regulations;**



M.K



- 3.1 Collect stakeholders' views on the proposed mergers and acquisitions both National and regional;
- 3.2 Conduct merger inquiries for and on behalf of the COMESA Competition Commission.
- 3.3 Conduct merger inquiries with other Sector regulators and give a report to the necessary authorities and affected parties.

3.4 Monitor and investigate complaints/cases on anti-competitive practices and conducts against consumers in the market;

3.5 Organize/ coordinate hearings of complaints for and on behalf of COMESA Competition Commission.

**Result area 4: Capacity building and awareness creation on the national and regional competition and consumer protection laws and policies;**

4.1 Conduct awareness and advocacy campaigns on the role of competition and consumer protection laws and policy and its benefits to the economy and all citizens;

4.2 Training on investigative procedures, case handling and merger reviews for case handlers;

4.3 Training of relevant stakeholders on competition law enforcement;

4.4 Conduct studies in specific sectors to understand the unique competition and consumer protection dynamics;

4.5 Mobilize and train consumer lobby groups to act as champions for consumer rights;

4.6 Participate in regional and international fora on competition and consumer protection and document lessons learnt to entrench best practices.

**Result area 5: Institutional coordination, collaboration and cooperation with other Sector regulators or agencies whose decisions and policies may have implications for competition in the market, with a view to increasing efficiency and fair competition;**

5.1 Constitute and facilitate a National Competition and Consumer Protection Steering Committee;

5.2 Hold quarterly and annual National Competition and Consumer Protection Steering Committee meetings to review project implementation progress;

5.3 Engage with academia to develop a curriculum on competition and consumer protection courses;

5.4 Annual and Mid- compliance reviews as well as final review on the project progress


**2.8. Stakeholders analysis**

During the implementation of Competition and Consumer Protection project, several stakeholders will be involved both directly and indirectly for the successful implementation of the project objectives.


The matrix below defines institutional mandate and type of interaction required by each stakeholder.

**Stakeholder matrix on implementation of competition and consumer protection policy and related regulatory frameworks**

Stakeholder/ Agency/ partner	Role/level of participation
---------------------------------	-----------------------------

 M.K

MTIC	<ul style="list-style-type: none"> <li>• Take lead in the implementation and coordination of the National Competition and Consumer Protection legal framework.</li> <li>• Coordinate all sensitizations on consumer protection and competition matters.</li> <li>• Review and develop Legal and regulatory frameworks for implementation of Competition and Consumer Protection</li> <li>• Coordinate the enforcement and implementation of laws which have effect on Competition and Consumer Protection.</li> <li>• Coordinate inter-agency, private sector and cross border collaboration on Competition and Consumer Protection.</li> <li>• Create awareness on Competition and Consumer protection matters among private sector stakeholders, consumers, Local Governments and sector regulators.</li> <li>• Conduct inquiry and investigate any acts which contravene or required by the Competition and Consumer Protection Laws.</li> <li>• Mediate in disputes between consumers and service providers or suppliers</li> <li>• Coordinate organization of respective sector stakeholders (sector regulator, players and consumers) forums</li> <li>• Coordinate sharing of information among sector regulators with any effects/relevance to Competition and Consumer Protection (e.g analyse any breach of sector laws by players to ensure consumer rights are not affected).</li> <li>• Undertake market intelligence/surveillance to unearth Competition and Consumer Protection matters.</li> <li>• Coordinate all matters of Competition and Consumer Protection at National, Regional and International levels</li> <li>• Coordinate formation and operationalization of the Steering Committee on Competition and Consumer Protection.</li> <li>• Take lead in resource mobilizations to fund Competition and Consumer Protection matters.</li> </ul>
COMESA	<ul style="list-style-type: none"> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> <li>• Provide funds for the implementation of the competition and consumer protection activities,</li> <li>• Participate in key selected capacity building activities organised at the National level</li> <li>• Ensuring that implementation of activities conforms to COMESA Competition Commission Funding guidelines, Procedures and financing agreements.</li> </ul>
MFPED	<ul style="list-style-type: none"> <li>• Liaise with MTIC in the mobilization of financial resources to implement Competition and Consumer Protection Laws</li> <li>• Ensure transparency and accountability for all resources mobilized in line with Government Policy</li> <li>• Formulate policies that enhance overall economic stability and development which are key for Competition.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>


 M.K

	<ul style="list-style-type: none"> <li>• Provide funds for Continuity after expiry of the Project</li> </ul>
MoLG	<ul style="list-style-type: none"> <li>• Guide on involvement of LGs, Municipalities and urban Authorities in Competition and Consumer Protection matters within their respective jurisdictions.</li> <li>• Participate and provide guidance in any Competition and Consumer Protection matters within its mandate.</li> </ul>
Ministry of Health	<ul style="list-style-type: none"> <li>• Participate and provide guidance in any Competition and Consumer Protection matters within its mandate.</li> </ul>
Ministry of Agriculture, Animal Industry and Fisheries	<ul style="list-style-type: none"> <li>• Participate and provide guidance in any Competition and Consumer Protection matters within its mandate.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
Ministry of EAC Affairs	<ul style="list-style-type: none"> <li>• Monitor interventions on Competition and Consumer protection framework within the region.</li> <li>• Liaise with MDAs and private sector to achieve the objectives of competition and consumer protection in the EAC and COMESA.</li> <li>• Share any new developments or information regarding Competition and Consumer Protection matters arising from the region.</li> <li>• Liaise with MTIC to respond or participate in any Competition and Consumer Protection matters at the region.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
Ministry of Internal affairs	<ul style="list-style-type: none"> <li>• Participate in enforcement of Fair Competition and Consumer rights and obligations</li> <li>• Assist during conduct of market intelligence where required</li> <li>• Participate and provide guidance in any Competition and Consumer Protection matters within its mandate.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
Ministry of Foreign Affairs	<ul style="list-style-type: none"> <li>• Participate in and ratify regional and International Agreements and Protocols on Competition and Consumer protection</li> <li>• Participate and provide guidance in any Competition and Consumer Protection matters at regional and international levels.</li> <li>• Coordinate inter-governmental information sharing regarding Competition and Consumer Protection matters or where multi-national Companies are involved.</li> </ul>
Ministry of Justice and Constitutional Affairs,	<ul style="list-style-type: none"> <li>• Provide Legal guidance in the review and development of legal and regulatory regimes on and for implementation of Competition and Consumer Protection matters.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
Civil Society and the Private Sector bodies (UMA, PSFU, KACITA, Consumer Groups academia, etc)	<ul style="list-style-type: none"> <li>• Provide any required information to aid investigations of anti-competitive practices and consumer rights violations.</li> <li>• Undertake self-regulations specifically among sector players</li> <li>• Form advocacy groups to mobilize for fair trade, consumer protection and self-regulation</li> <li>• Act as whistle blowers in regards to any suspected breach of Competition and Consumer protection laws</li> </ul>

	<ul style="list-style-type: none"> <li>• Provide technical guidance and consultancy in research and development of some required documentations.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
All Sector Regulators	<ul style="list-style-type: none"> <li>• Share relevant information within their respective mandates to aid investigations/inquiries related to Competition and Consumer Protection within their respective sectors.</li> <li>• Address any Consumer rights violations where they occur in breach of the Law by sector players.</li> <li>• Share with MTIC any breach of their Laws by their respective sector players for analysis to ensure consumer rights were not violated</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
URA	<ul style="list-style-type: none"> <li>• Carry out its mandate in a non-discriminatory manner to foster fair Competition and enhance Consumer Protection</li> <li>• Share any relevant information required during inquiries/investigations in regards to Competition Mergers and Acquisition (M&amp;A) and Consumer Protection matters.</li> <li>• Serve on the Steering Committee on Competition and Consumer Protection</li> </ul>
UNBS	<ul style="list-style-type: none"> <li>• Share data on substandard goods and services in furtherance of competition and consumer protection legal framework.</li> <li>• Share any relevant information required to aide inquiries into Competition and Consumer Protection matters</li> <li>• Serve on the inter-institutional Committee on Competition and Consumer Protection</li> </ul>
URSB	<ul style="list-style-type: none"> <li>• Register mergers and acquisition.</li> <li>• Share data on counterfeited goods and copyrighted goods and services in furtherance of addressing competition and consumer protection cases/matters</li> <li>• Share any relevant information (within its mandate) required to aide inquiries into Competition and Consumer Protection matters</li> <li>• Serve on the inter-institutional Committee on Competition and Consumer Protection</li> </ul>

#### 4. Assessment of project impact and sustainability

- a) Supporting the implementation of the competition and consumer protection policy and the related regulatory frameworks would add significant value to the market participants and spotting the possible violations of competition and consumer protection policies and laws in Uganda.
- b) Acquired support, capacity and knowledge would on long-term basis be implemented in enhancing competition and enforcement among others after termination of the Project. The project implementation unit proposed to be established will feed into the division to be established under the draft Competition Bill once enacted.

 M-K

- a) It is expected that the training provided in the course of the Project would teach the staff the adopted provisions of the law, practical experience and the theoretical sources for future follow-up and implementation of competition and consumer protection policy.
- b) The regional Countries ( COMESA, EAC, TRIPARTITE) would benefit from the Project support, as its successful implementation would help Uganda fulfil its obligations on competition and consumer protection in line with the regional frameworks.
- c) Effective Implementation of National Competition and Consumer protection policy would enhance protection of competition, state aid control, boost development of SMEs, increase employment, wealth creation among others.
- d) It should be noted that the funding from COMESA will be revolving based on the merger fees and other fees collected from firms operating in Uganda with a regional dimension. However, once the Ugandan laws are passed and implemented, Government will also receive similar fees and charges from cases that have national scope but without regional dimension.

## **5. Project implementation arrangements.**

### **5.1 Organizational set-up and responsibility:**

#### **a. Basic organizational set-up and institutional framework**

The Contracting Authority shall be the Director COMESA Competition Authority. The Beneficiary otherwise referred to as the Member State shall be the Government of Uganda represented by the Ministry of Trade, Industry and Cooperatives.

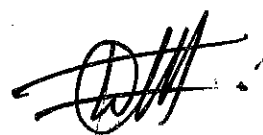
The project will be institutionally located in the Ministry of Trade, Industry and Cooperatives. The responsibility to implement the project lies with the Department of Internal Trade, in the Ministry of Trade, Industry and Cooperatives (MTIC), under the overall supervision of the Permanent Secretary.

During implementation of this project, all other departments will be involved in the implementation to ensure success and achieve of the Ministry vision of; "Sustainable cooperatives, competitive trade and world class industrial products and services".

The Ministry shall promptly take all necessary and appropriate actions to carry out competition and consumer protection activities, obligations and responsibilities as may be required from time to time.

The Project Steering Committee (PSC) established under this project will function as per the set guideline and in line with the project implementation framework. The chair of the PSC shall be the Permanent Secretary MTIC and, its composition shall be as follows:

- the representative of the Ministry of Finance
- the COMESA coordinating Ministry,
- Ministry of Justice and Constitutional Affairs,
- Representatives of other Competition and Consumer Protection implementing institutions/sector regulators.
- Representatives of the Private Sector and other relevant none State actors, where appropriate.
- Representative of the funder, COMESA Competition Commission
- Other Members as may be decided by the Steering Committee

 M.K

As part of its overall responsibility, the Steering Committee shall provide support, guidance and oversight on the progress and shall be guided by the objectives and purpose specified in the competition and consumer protection project document. More precisely, the steering committee will:

- Give overall strategic guidance
- Review progress, on the basis of technical and financial implementation reports prepared by the Project Coordination Unit (PCU);
- Review Programme annual work plans and budgets;
- Review and approve the terms of reference for monitoring and evaluation
- Review evaluation reports and issue recommendations accordingly
- Arbitrate, where necessary, and take decisions on any alterations to or reorientation of the project. Any such decision must be in line with the project purpose and agreement signed between COMESA and the Government of Uganda.

The Project Coordination Unit (PCU) shall be the Secretariat to the Project Steering Committee (PSC). As such, it shall prepare the agenda, reports, work plans and other documents, to be submitted to the members, and shall draft the minutes of the meeting. The Project Coordinator and the finance officer shall be invited to present the work plans and budget and provide all the required explanations and clarifications.

#### **b. Technical Assistance and tasks of the Project Coordination Unit**

The project Coordination Unit (PCU) will be responsible for timely, efficient and effective implementation of all project activities in line with the log frame and budgets. This will also include ensuring that proper financial management is applied.

The Ministry shall designate Component Competition and Consumer Protection Component Officers who shall be charged with managing implementation of the day-to-day activities within their respective component areas. The Component Officers responsible for the implementation of the competition and consumer protection Project shall form part of the Project Coordination Unit (PCU).

The PCU shall be responsible for the day-to-day technical and financial monitoring of the project and will be composed of; the Project Coordinator, Project Accountant, Component Officers, Finance and Administrative Assistant and a driver. The Component Officers will assist the PCU on the coordination aspects of the Project. Unless otherwise required, all members of the PCU shall be Ministry staff, except for the, Finance and Administration Assistant and the driver.

#### **c. Reporting**

The project reporting shall be done in line with the rules and procedures outlined in the Project Agreement. In addition, the PCU will prepare the consolidated progress reports in the fulfilment of the Competition and Consumer Protection project objectives/indicators.

#### **5.2 Project budget**

The Total project cost is estimated at **USD 1,500,000** only, all to be financed by COMESA.

The preparation, management and implementation of the project shall comply with the rules and procedures applicable to COMESA financed grant contracts.

Handwritten signature and initials, possibly "M.K.", in the bottom right corner.

The performance of contracts to implement the project may under no circumstances be prolonged beyond the end of the operational implementation phase of the corresponding financing agreement, except where an extension of the Project is granted by the financing agency.

The project implementation shall be revolving based on the merger fees and other fees collected from firms operating in Uganda with a regional dimension. However, once the Ugandan laws are passed and implemented, Government will also receive similar fees and charges from cases that have national scope but without regional dimension.

### **5.3 Financial management arrangements**

Two officers shall be the Principal co-signatories to the release of funds under the Competition and Consumer Protection Project; the Principal Imprest Administrator (PIA) and Principal Imprest Accounting Officer (PIAO). The PIA of the Competition and Consumer Protection Project shall be the Permanent Secretary of the Ministry of Trade, Industry and Cooperatives. The PIAO shall be the Project Accountant.

The Project Audit process shall be conducted in accordance with the terms of reference as agreed to by the funder (COMESA).

#### **5.3.1 The Principal Imprest Administrator**

The PIA shall be responsible for drawing up technical and operational parts of the Project, including work plans and budgets. This will be done in consultation with the Project Coordinator. The Project Coordinator through the PIA shall submit the project work plan and budget drawn in consultation with the Steering Committee to COMESA for approval.

The PIA shall also be responsible for all expenditure commitments, payment authorizations and recoveries.

Specifically, PIA shall:

- commit the expenditure provided for in the budget of the Competition and Consumer Protection Project;
  - sign, for and on behalf of the Government of Uganda, order forms and contracts resulting from tenders and calls for proposals and/or consultations, subject to conditions and limitations laid down in the Grant Contract;
  - accept the corresponding works, supplies and services;
  - verify for each invoice, payment request and interim or finalized statement of account that the works provided for were realized, supplies provided for were delivered and services provided for were rendered and/or the actions effected are in accordance with the related contracts; endorses and signs each of these documents as "certified correct";
  - approved expenditures based on the above documents and any supporting documents
  - Forward the above documents to the PIAO for preparation of payments;
- Co-sign with the PIAO, bank transfer orders and disbursement authorizations.

The Project Coordinator through PIA shall be accountable to the Steering Committee, COMESA Competition Commission and other funders of the project.

#### **5.3.2 The Principal Imprest Accounting Officer**

Handwritten signature and initials, possibly 'M.K.', in the bottom right corner of the page.

The PIAO shall be responsible for drawing up and reporting on the financial and contractual parts of the Project. Jointly with the Principal Imprest Administrator, the PIAO shall submit the project work plan and budget for required approvals.

The PIAO jointly with the PIA shall be responsible for the financial management of the project budget.

The PIAO shall be responsible for verification of expenditure and implementation of corresponding payments and recoveries after their authorization by the Imprest administrator. This shall include the responsibility for the bookkeeping of these operations.


The PIAO therefore shall:

- verify the correct application of contract and grant award procedures;
- verify the existence of adequate and reliable supporting documents for commitments, payments and any recoveries;
- verify the contractual and financial details of each invoice, payment request and interim or final itemized statement of account submitted by the imprest administrator;
- co-sign with the imprest administrator bank payments, bank transfer, orders and disbursement authorizations;
- draw up and update lists of staff and their pay, the inventory of materials and equipment and, where appropriate, inventories of stock financed by the project;

Prepare and draws up requests for payment of the advance/pre-financing, for replenishment and for closure.

The Project shall recruit a Finance and Administration Assistant to assist the PIAO in carrying out the following responsibilities;

- Establishment of a robust project accounting system, including reporting and filling systems, in accordance with the project Fund Agreement;
- Processing of the expenses report, including analysis, allocation, summarizing and entering data.
- Checking all receipts to ensure all the receipts are clear, reasonable and are in line with budget and related required before submitting to the PIA and PIAO.
- Act as joint custodian of petty cash, oversee and check petty cash for purchasing items for office use.
- Prepare and record daily transaction and monitor the expense.
- Check salary receipts, and ensure funds are properly and timely processed for salaries to be paid.
- Ensuring that clerical work that supports accounting activities is properly undertaken

 M.K



- Implementation of audit recommendations.
- Preparation of financial and technical reports, development of budgets and work plans.
- Ensuring compliance with COMESA Competition Commission Funding Procedures and accounting principles
- Preparation of requests for disbursement in the set timelines and formats;
- Managing banking transactions of to the project, including preparing, submitting and monitoring payments and bank transfer requests, and preparing monthly bank reconciliation statements and reporting;
- Reconciling all balance sheet accounts and maintain records on file;
- Checking budget lines to ensure that all transactions are correctly booked to the correct budget lines;
- Ensuring that the documents relating to payments are duly approved by the PIA, Project Coordinator and PIAO;
- Reporting any actual or potential financial issues to the Project Coordinator and PIAO;
- Continuously improving systems & procedures to enhance internal controls to satisfy audit requirements;

To ensure effective segregation of duties, the Project Account shall be assisted by the Finance and Administration Assistant.

### 5.3.3 Procurement arrangements

Procurements under this project shall use the COMESA rules and procedures as shall be provided for in the Memorandum of Understanding and the Financing Agreement between COMESA and the Government of Uganda. This is also in line with **part 1 (4)** of the Public Procurement and Disposal Authority (PPDA) **Act 2003** which states that where the Act conflicts with an obligation of the Republic of Uganda arising out of an agreement with one or more states, or with an international organization, the provisions of the agreement shall prevail over this Act.

To fast track the procurement processes, the Procurement committee will be established under the project comprised of officials selected from the members of the Steering Committee, with a task to approve procurements, provide guidance on the work plans and budgets of the Project and report their decisions to the Steering Committee. To ensure value for money the procurement committee established shall co-opt a technical persons depending on the type and nature of procurement required.

Procurements not more than the threshold of **USD 10,000** may be approved by the Principal Imprest Administrator (**Permanent Secretary**) in consultation with Project Coordinator depending on the type and urgency of procurement. Any other procurement above **USD 10,000** threshold shall be approved

by the procurement committee established under the project and in line with COMESA rules and Procedures.

## **6 Monitoring**

Day-to-day technical and financial monitoring will be a continuous process as part of the Beneficiary responsibilities. To this aim, the Beneficiary shall establish a permanent internal, technical and financial, monitoring system of the project, which will be used to elaborate the progress reports.

The COMESA Competition Commission reserves the right to carry out their own monitoring missions or directly recruit independent consultants on specifically established terms of reference to carry out external monitoring missions. The beneficiary shall be informed of these missions in advance.

The overall objective of the M&E, is to support coordination of sectors, MDAs, LGs and other stakeholders in undertaking monitoring and evaluation of the Competition and Consumer Protection Policy. The M&E strategy will guide generation of data for: (i) evidence-based planning; (ii) accountability; (iii) monitoring and evaluating policies, programmes and projects; (iv) institutional learning through data utilization and sharing; and (v) decision making through measuring the performance, outcome and impact of development interventions.

The Office of the Prime Minister (OPM) will provide overall oversight of the implementation, monitoring and evaluation of the Competition and Consumer Protection Policy. The Office of the Prime Minister will provide policy direction for M&E. National Planning Authority will continue to undertake impact evaluation during the planned period.

## **7 Cross cutting issues**

### **7.1 Equal opportunity**

The project will be implemented in a way which provides equal opportunities for participation for those within the Ministry working for Competition and Consumer Protection and all other stakeholders involved in the activities of the project to ensure absence of discrimination on the grounds of gender, colour, ethnic origin or religion. The number of men and women participating in training events will be monitored during the project and this information will be used to identify any potential discrimination.

### **7.2 Environment**

The project on the implementation of the Competition and Consumer Protection Policy and related legal framework has no negative impact on the environment. The project will be implemented in a way which is as environmentally friendly, as possible and this includes the use of re-cycled paper and the advanced use of by encouraging fair competition in an environmentally friendly manner.



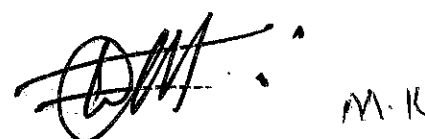
M.K

## 8. Matrix showing Results areas and Measurable Indicators

Intervention Logic		Indicator	Means of verification	Assumptions
<b>Goal/ Overall Objectives</b>	Enhance the capacity of the Ministry to effectively implement the National Competition and Consumer Protection Policy and laws	<p>All cases relating anti-competitive conduct and unfair practices against the consumer in Ugandan market are effectively investigated and remedied in accordance with national and regional laws</p> <p>The market is effectively monitored and any anticompetitive conducts and unfair practices against the consumer are timely identified and addressed</p>	<p>Investigation reports</p> <p>Remedial measures taken</p> <p>Monitoring reports</p>	<p>There are enough funds to support implementation</p> <p>Exchange rate remains stable,</p>
<b>Specific Objectives</b>	a. Develop and enact the National Competition and Consumer Protection laws	National Competition and Consumer Protection laws are enacted and operationalised	<p>Enacted Competition and Consumer Protections Acts</p> <p>Implementation reports</p>	Cabinet and Parliament pass the laws in the planned period
	b. Establish a competition and consumer protection unit in the Ministry,	An operational Competition and Consumer Protection Unit is established and operational with required technical staff equipped with necessary tools	<p>The established unit</p> <p>Reports on operations of the Unit</p>	Government allocates additional funds to the operations of the Unit
	c. Facilitate investigations, data collection and monitoring of competition and Consumer Protection matters in line with COMESA	<p>Cases investigated and concluded and the decision reached is communicated based on the findings.</p> <p>Data on competition and consumer protection collected and used to inform</p>	<p>Investigation reports on cases handled</p> <p>Collected data and inquiry reports</p> <p>Monitoring reports</p>	Cooperation of the stakeholders to facilitate investigations

M.K

Intervention Logic		Indicator	Means verification	Assumptions
	Competition Regulations,	decisions and regulation on competition by COMESA		
	d. Enhance the capacity and create awareness on the national and regional competition and consumer Protection laws and policies	Improved capacity to deliver and create awareness on national and regional competition and consumer protection laws and policies	Capacity building reports Awareness reports on national and regional laws and policies.	The Ministry creates a Competition and Consumer Protection Unit  Commitment of the Unit staff and other beneficiaries actively participate in the competition and consumer protection activities
	e. To facilitate Institutional coordination, collaboration and cooperation with other Sector regulators or agencies whose decisions and policies may have implications for competition in the markets, with a view to increasing efficiency and fair competition;	Corporation and synergies built both national and Regional  MoUs and corporation agreements signed, Increase in the number of decisions based on competition and consumer protection laws and practice  Increased number of requests made by the undertakings in assessing mergers and restrictive agreements;  Number of Consultations with Stakeholders;	Signed MoUs in place  Project reports	Continued cooperation and coordination with other regulators
Expected Outcomes	1. The market is effectively regulated	Number of cases reported and addressed	National Competition and consumer protection law is	Competition and Consumer Protection Bills



Intervention Logic		Indicator	Means verification of	Assumptions
	based on the national and regional Competition laws	Level of compliance with the laws by the end of 2 <sup>nd</sup> year into the implementation period.	enacted and implemented	are enacted into law
2.	Competition and Consumer Protection functional Unit established and facilitated in the Ministry;	An operational Competition and Consumer Protection Unit is established and operational with required technical staff equipped with necessary tools	Reports on operations of the Unit	Government Commits additional funding for the operations of the Unit
3.	Reduction of anti-competitive practices that undermine the functioning of markets in a liberal economy;	Reduction in the number of anti-competitive business practices	Project reports	Willingness of the market participants to change
4.	Enhanced effectiveness and efficiency in competition law enforcement by the Ministry and increased level of awareness of competition law amongst	Improvement in enforcement and observance of the competition and consumer protection laws	Annual Project Reports	Commitment of the Ministry staff to actively implement the



M.K

Intervention Logic		Indicator	Means verification	of	Assumptions
	stakeholders, possibly measured by surveys				
	5. Synergy and Corporation built at national and regional Levels in the implementation of competition and consumer protection law;	Number of Consultations with Stakeholders;	Project reports		project based on the laws Coordination and Cooperation at National and regional level
Expected output	1. National Competition and consumer protection law is enacted and implemented;	Published and Printed Acts	Goods delivered note  Procurement documents		
	2. Competition and Consumer protection unit is established in the Ministry to implement competition and consumer protection laws	Operational office with the necessary tools	Office equipped with necessary tools and staff.  Staff designation letters		
	3. Increased compliance with competition and consumer protection laws;	Reduction in the number of anti-competitive business practices	Annual reports  Training reports		

 M.K

Intervention Logic		Indicator	Means of verification	Assumptions
	4. Number of competition and consumer protection cases sensitized on Competition and Consumer Protection matters;	Number of Training modules provided and market participants trained.	Guidance, notices and other decisions made by the Ministry.	
	5. Competition and consumer protection implementation frameworks among the implementing sectors developed.	Increased number of requests made by the undertakings in assessing mergers and restrictive agreements;  Number of competition cases handled successfully per year.  Signed implementation frameworks	Annual reports	
<b>Output and corresponding result areas</b>				
<b>Output 1</b>	National Competition and consumer protection law is enacted and implemented		<b>Include cost estimates</b>	
	<b>Result Area 1: <i>Developing, enacting and implementing the National Competition and Consumer Protection laws</i></b>			
	<b>A1.1:</b> Publish and print the bills for submission to Cabinet and Parliament	Published and printed bills that have been submitted to Cabinet and Parliament	Published bills: costs <b>USD, 12,300</b> Printed Bills: costs <b>USD 10,400</b> Gazette the Bills into law <b>USD 5,600</b>	Exchange rate remains stable  Funds are released in time
	<b>A1.2:</b> Undertake consultation workshops with relevant stakeholders including with Parliament on Competition and Consumer regulations	Views collected and incorporated in the draft laws	Workshops and consultative meetings reports <b>40,000 USD</b>	

M.K.



Intervention Logic		Indicator	Means of verification	Assumptions
	<b>A1.3:</b> Develop the National Competition and Consumer Protection regulations to give effect to the laws	Draft regulations developed, passed and gazetted	Drafted regulations: Consultancy service <b>Costs USD, 20,300</b> Consult stakeholders <b>USD 20,000</b>  Gazetted Regulations: <b>costs USD 5,400</b>	
	<b>A1.4:</b> Undertake benchmarking tours to other Countries already implementing the Competition and Consumer Protection Laws.	Best practices modelled and implemented	Report on the best practices to be entrenched. <b>USD 37,180</b>	
<b>Output 2</b>	Competition and Consumer protection unit is established in the Ministry to implement competition and consumer protection laws;			
	<b>Result Area 2: Enhancing the capacity of the Ministry to effectively implement the National Competition and Consumer Protection Policy and laws</b>			
	<b>A2.1:</b> Develop and adopt the institutional Structure of the Unit (Manual, ToR)	Institutional structure adopted by the Ministry	Benchmarking reports, drafting and printing and adoption reports: <b>Costs USD 20,000</b> Report on Consultation meetings with Public Service <b>USD 5,200</b>	
	<b>A2.2:</b> Recruit contract staff	Media adverts run on the available openings	Advertising fee invoices <b>USD 5,000</b> Technical Recruitment fee invoices <b>USD 5,000</b> Staff salary pay documents. <b>USD 94,240</b> Medical Allowances invoices for the contract staff <b>USD 9,600</b> Allowance for the Ministry Coordinator and Component Officers <b>USD 106,880</b>	

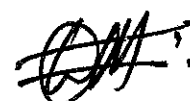
M.K



Intervention Logic		Indicator	Means of verification	Assumptions
	<b>A2.3:</b> Purchase equipment and furniture	Office well equipped and functional	Procured; Office Furniture <b>USD 8,000</b> laptops and desk top Computers <b>USD 7,500</b> Multipurpose printer <b>USD 4,000</b> filing cabins <b>USD 4,000</b> assorted stationery <b>USD 1,000</b> Renovated office, <b>USD 5,000</b>	
	<b>A2.4:</b> Procure Vehicles to facilitate movement in the implementation of competition and consumer protection activities.	Procured vehicle for the unit	Invoices and purchase orders <b>USD 94,000</b>	
	<b>A2.5:</b> Constitute and operationalise the Unit	Unit with all the necessary tools to function	Constituted functional office <b>USD 55,000</b> Tea and refreshments for the Staff <b>USD 25,400</b> , Assorted stationary <b>USD 15,000</b> Compliance quarterly and annual audit reports <b>USD 25,000</b> Project evaluation reports <b>USD 28,000</b>	
	<b>A2.6:</b> Maintenance and repairs.	Motor vehicle running and maintained in motorable state	Services invoices <b>USD 27,000</b>	
<b>Output 3</b>	Increased compliance with competition and consumer protection laws			
	<b>Result Area 3: Investigating, data collection and monitoring of competition and Consumer Protection matters in line with COMESA Competition Regulations;</b>			
	<b>A3.1</b> Collect stakeholders' views on the proposed mergers	Views and feedback given on the proposed merger and acquisition	Inquiry reports <b>USD 46,000</b>	

 M.K

Intervention Logic		Indicator	Means of verification	Assumptions
	and acquisition both National and regional,			
	<b>A3.2</b> Conduct merger inquiries for and on behalf of the COMESA Competition Commission,	Feedback of the proposed inquiry	Inquiry reports submitted to COMESA USD 40,000	
	<b>A3.3.</b> Conduct merger inquiries with sector regulators and give a report to the necessary authorities and affected parties.	Feedback of the proposed inquiry	Inquiry reports shared with the relevant stakeholders USD 40,000	
	<b>A3.4</b> Monitor and investigate complaints/cases on anti-competitive practices in the market;	Data on market practices collected	Annual reports on market practices USD 38,000	
	<b>A3.5</b> Organize/coordinate hearings of complaints for and on behalf of COMESA Competition Commission	Data on level of compliance	Annual and project reports on market compliance USD 44,000	
<b>Output 4</b>	No of Competition and consumer protection cases handled successfully;			
	<b>Result area 4: Capacity building and awareness creation on the national and regional competition and consumer protection laws and policies;</b>			
	<b>A4.1</b> Conduct awareness and advocacy campaigns on the role of competition and consumer protection laws and policy and its benefits to the economy and all citizens;	No of trainings and training modules conducted.  Increase in consumer awareness on competition and consumer protection issues	Survey reports  USD 46,000 Awareness and advocacy reports USD 100,000	

 M.K

Intervention Logic		Indicator	Means of verification	Assumptions
	<b>A4.2</b> Training on investigative procedures, case handling and merger review for case handlers;	No of mergers successfully reviewed and referred.	Annual reports  <b>USD 30,000</b>	
	<b>A4.3</b> Training of relevant stakeholders on competition law enforcement;	No of cases successfully handled in the judicial courts	Training Reports <b>USD 20,000</b>	
	<b>A4.4</b> Conduct studies in specific sectors to understand the unique competition and consumer protection dynamics;	No of market studies conducts	Market survey reports <b>USD 150,000</b>	
	<b>A4.5</b> Mobilize and train consumer lobby groups to act as champions for consumer rights;	No of groups empowered to champion competition and consumer protection rights	Training reports <b>USD 40,000</b>	
	<b>A4.6</b> Participate in regional and international fora on competition and consumer protection and document lessons learnt to entrench best practices.	Best competition and consumer protection best practices entrenched in internally	Annual Reports  <b>USD 60,000</b>	
<b>Output 5</b>	<b>Competition and consumer protection implementation frameworks among the implementing sectors developed</b>			
	<i><b>Result Area 5 Institutional coordination, collaboration and cooperation with other Sector regulators or agencies whose decisions and policies may have implications for competition in the markets, with a view to increasing efficiency and fair competition;</b></i>			
	<b>A5.1</b> Constitute and facilitate a National Competition and Consumer Protection	A committee on competition and consumer protection steering Committee in place	Committee activity reports <b>USD 18,000</b>	

 M.K

Intervention Logic		Indicator	Means verification of	Assumptions
	Steering Committee.			
	<b>A5.2</b> Hold quarterly and annual National Competition and Consumer Protection Steering Committee meetings to review project implementation progress.	Quarterly and annual steering committee meetings conducted	Committee reports on project implementation progress <b>USD 38,000</b>	
	<b>A5.3.</b> Engage with the academia to develop curriculum on competition and consumer protection economics course.	Curriculum on competition and consumer protection economics course developed	Accomplished curriculum <b>USD 50,000</b>	
	<b>A5.4</b> Annual and Mid- compliance reviews as well as final review on the project progress	Reviews and necessary audits conducted	Review reports <b>USD 20,000</b> Audit reports <b>USD 24,000</b>	

 M.K

9. Activity work plan.

Out put	Result Area	Implementation Time Frame								COST
		Year 1				Year 2				
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Result Area 1: Developing, and enacting the National Competition and Consumer Protection laws	A1.1: Publish and print the bills for submission to Cabinet and Parliament									28,300
	A1.2: Undertake consultation workshops with relevant stakeholders including with Parliament on Competition and Consumer Protection.									40,000
	A1.3: Develop the National Competition and Consumer Protection regulations to give effect to the laws									45,700
	A1.4: Undertake benchmarking tours to other Countries already implementing the Competition and Consumer Protection Laws.									37,180
	A1 Sub Total									151,180
Result Area 2: Enhancing the capacity of the Ministry to effectively implement National Competition and	A2.1: Develop and adopt the Institutional Structure of the Unit( Manuals and ToR									25,200
	A2.2: Recruit contract staff									220,720
	A2.3: Purchase equipment and furniture									29,500

M.K



Out put	Result Area	Implementation Time Frame								COST	
		Year 1				Year 2					
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Consumer Protection and laws Policy	A2.4: Procure Vehicles to facilitate movement in the implementation of competition and consumer protection activities.										94,000
	A2.5: Constitute and operationalise the Unit										148,400
	A2.6: Maintenance and repairs.										27,000
	A2 Sub Total										544,820
											46,000
Result Area 3: Investigating, data collection and monitoring of competition and Consumer Protection matters in line with COMESA Competition Regulations;	A3.1 Collect stakeholders' views on the proposed mergers and acquisition both National and regional,										
	A3.2 Conduct merger inquiries for and on behave of the COMESA Competition Commission,										40,000
	A3.3. Conduct merger inquiries with sector regulators and give a report to the necessary authorities and affected parties,										40,000
	A3.4 Monitor and investigate complaints/cases on anti-competitive practices in the market;										38,000

M.K

Out put	Result Area	Implementation Time Frame								COST
		Year 1				Year 2				
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Result area 4: Capacity building and awareness creation on the national and regional competition and consumer protection laws and policies;	A3.5 Organize/ coordinate hearings of complaints for and on behalf of COMESA Competition Commission									44,000
	A3 Sub Total									208,000
	A4.1 Conduct awareness and advocacy campaigns on the role of competition and consumer protection laws and policy and its benefits to the economy and all citizens;									146,000
	A4.2 Training on investigative procedures, case handling and merger review for case handlers;									30,000
	A4.3 Training of relevant stakeholders on competition law enforcement;									20,000
	A4.4 Conduct studies in specific sectors to understand the unique competition and consumer protection dynamics;									150,000
	A4.5 Mobilize and train consumer lobby groups to act as champions for consumer rights;									40,000



Out put	Result Area	Implementation Time Frame								COST	
		Year 1				Year 2					
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Result Area 5 Institutional coordination, and collaboration with other Sector regulators or agencies whose decisions and policies may have implications for competition in the markets, with a view to increasing efficiency and fair competition;	A4.6	Participate in regional and international fora on competition and consumer protection and document lessons learnt to entrench best practices.									60,000
	A4 Sub Total										446,000
	A5.1	Constitute and facilitate a National Competition and Consumer Protection Steering Committee.									18,000
	A5.2	5.2. Hold quarterly and annual National Competition and Consumer Protection Committee Steering meetings to review project implementation progress.									38,000
	A5.3.	Engage with the academia to develop a curriculum on competition and consumer protection economics course.									50,000

 M.K



Out put	Result Area	Implementation Time Frame								COST
		Year 1				Year 2				
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
	A5.4 Annual and Mid-compliance reviews as well as final review on the project progress									44,000
	A5 Sub Total (USD)									150,000
TOTAL BUDGET										USD 1,500,000

M.K.