



Strategic Plan 2012 — 2014



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1.0 INTRODUCTION

The Gambia Competition Commission (GCC), an independent public institution established in June 2007 to enforce the Competition Act 2007 which aims at promoting fair competition in the Gambian economy in general, became fully operational in 2009. As the GCC is the country's first competition authority, expertise in this area is low and public awareness of its existence and functions not widespread. In addition to carrying out its core duties under the Act, the GCC needs to build its internal capacity and increase its external sensitization to ensure that businesses and consumers are fully aware of their obligations and opportunities under the Act.

The GCC is composed of a six-member Board of Commissioners (*see Annex for names of Commissioners*) and a Secretariat headed by an Executive Secretary. The mission of the GCC is **“to promote healthy competitive markets that will benefit the Gambian economy and Gambians”**. It envisions **“becoming the leading Competition Authority in the West African sub-region respected for its integrity and professionalism.”** The values guiding the GCC promotion of competition in The Gambia are **“effectiveness”, “independence”, “integrity”, “professionalism”, “mutual support” and “respect”**. These values will be demonstrated and celebrated both internally and externally during the plan period.

The GCC has as its primary objective to promote and maintain competition in The Gambia in order to:

- Curb practices that have an appreciably adverse effect on competition by creating a level playing field, within which businesses can thrive in a liberal and competitive market.
- Maintain and enhance efficient market conduct and promote overall productivity, innovation and competitiveness of markets.
- Protect the interests of the consumers in terms of competitive prices and product choices.
- Promote and sustain competition in the market to advance the social and economic welfare of the population.
- Create and expand opportunities for small and medium-sized enterprises to participate in the economy.
- Offer advice to the Government or other public authorities on national needs and policies in respect of competition matters.

This being the institution's first strategic plan, the focus is on the implementation of its mandate and enhancing operational effectiveness. (*See Annex for the mandate of the Commission*). The three-year rolling plan follows the recommendations of the Broad Strategic Framework recommended in the study “An

evaluation of the state of readiness of The Gambia Competition Commission: Institutional aspects and a broad strategic framework”, conducted in January, 2010.

The overall objectives of the plan are to:

- Make the public more aware of GCC and its functions.
- Build the capacity of staff for increased efficiency.
- Engage more donors to increase the institution’s financial resource base.

2.0 IMPLEMENTED PROGRAMMES AND ACTIVITIES

Since its establishment to date, the GCC has carried out the following programmes and activities in an effort to push forward its mandate. In 2010-2011 the Commission’s Secretariat

- Carried out investigations on the operations of the money transfer market.
- Presented a proposal to the Small States Network for Enterprise Development (SSNED) for support to build the institution’s capacity. (The proposal has been approved and its implementation will begin in October 2012).
- Sought and gained membership in the International Competition Network (ICN) and has started benefitting from this membership through capacity building and funding to attend international workshops.
- Sought and gained membership in the African Competition Forum (ACF) and now sits in the Steering Committee.
- Spearheaded the formation of the OIC Competition Network inaugurated in November 2011 in Turkey.
- Developed and launched a website <http://gcc.gm/> in March 2011.
- Signed Memoranda of Understanding (MOUs) with three key regulatory bodies, namely Public Procurement Regulatory Authority (PURA), Gambia Public Procurement Authority (GPPC) and the Central Bank of The Gambia (CBG).
- Organized four workshops to sensitize partners and stakeholders on the functions of the GCC.
- Aired several TV and radio programmes to better inform the public on the Competition Act 2007 and the Commission’s mandate and work.

3.0 PROPOSED PROGRAMMES AND ACTIVITIES FOR THE PLAN PERIOD

The plan for the period will focus on the following areas:

1. Enforcement of the Competition Act 2007
2. Education and Advocacy

3. Capacity Building
4. Increasing Donor Support
5. Strengthening Relations with Competition Networks and National Regulatory Authorities
6. Establishing a Consumer Protection Office

3.1 Enforcement of the Competition Act 2007

The GCC's core role is to investigate suspected or alleged breaches of the Competition Act 2007. It must be prepared to investigate and intervene wherever in the economy it suspects that breaches of the Act are taking place.

The Commission intends to increase the level of its investigative activities and will carry out more vigorous enquiries into complaints about unfair, economically-stifling and anti-competitive business practices in the country. Investigations will be carried out into activities of both key and seemingly less important businesses and economic activities. At least one market study, which will focus on an area of policy interest to Government, will be undertaken each year.

3.2 Education and Advocacy

The GCC has an especially important role to play in educating and informing businesses and the populace more about competition and the Competition Act 2007. It also has a duty to act as an advocate for competition and a responsibility to promote free competition and free markets wherever possible, such as advising Government on proposed legislation or other action that would harm competition.

Since competition law is new in The Gambia, the GCC will be very active, during the plan period, in the area of advocacy and raising the awareness of the public on competition issues and the role and work of the Commission.

The primary targets are the business community and the legal practitioners as it is large businesses that are most likely to need to change their practices to comply with the law, and most likely to be investigated, while their legal advisors are the ones to support them in doing so. Our educational efforts, during the plan period, will also focus on smaller players. A survey to assess the awareness and level of understanding of the competition regime across businesses will be the logical starting point. Based on the results of this survey, targeted awareness campaigns will be carried out, with the aim of encouraging small and medium enterprises (SMEs) and consumers to bring competition concerns to the GCC's attention.

Education and advocacy will be carried out intensively through interactive meetings, workshops, seminars, etc. involving different trade organizations, consumer associations, stakeholders and the public, in an effort to spread awareness about the Competition Law and the work of the GCC. Our education and advocacy programme for the period will include TV and radio programmes, and a weekly newspaper column.

3.3 Capacity-building

Only about a quarter of the Commission's annual budget is devoted to building the institution's capacity to execute its mandate with utmost efficiency and effectiveness. As adequate institutional and individual staff capacities are necessary for successful implementation of programmes and activities, significant capacity-

building work to support and develop professional staff over the plan period will be undertaken. The GCC has developed proposals for capacity building and institutional development and is on an aggressive campaign to secure funding from donors to ensure that the process of capacity building is sustained throughout the life of this plan.

Twinning and attachment arrangements with other, more-established competition authorities will be strengthened.

A one-year technical assistance package will be worked out for an experienced competition expert to work in the GCC in the first year of the plan period. GCC staff will be sent on three-month long overseas attachments to well-established Competition Commissions, and as well as short-term exchanges of staff and experts.

Professional personnel of the Secretariat and Commissioners will continue to receive training in techniques of competition policy (law and economics). The Commission envisages a permanent programme of funding distance learning courses in competition law and economics for a few committed staff. Training courses for other staff to boost their expertise in their line of work will be provided during the plan period.

Staff will continue to attend international workshops on competition issues and pursue short-courses on competition policy at top-notch institutions. Networking with established competition commissions through SSNED, especially small states with similar experiences to the Gambia, will be strengthened. Co-operative links will be forged with University of The Gambia to build research capacity in the competition domain.

3.4 Increasing Donor Support

In order to build its financial base and material resources, the GCC will aggressively seek the assistance and support of the international donor community and institutions that are financially able to assist in building the institution.

3.5 Strengthening Relations with Competition Networks and National Regulatory Authorities

The GCC will continue to seek and forge mutually-beneficial working relationships with international and regional networks on Competition to enhance its image and credibility and contribute to the evolution and development of such institutions.

The GCC will vigorously pursue the realization of the provisions of the MOUs signed with PURA, GPPC and the CBG Commission and will continue to engage all other sector regulators in The Gambia as and when necessary.

3.6 Consumer Protection and Competition

The GCC has been charged by the Ministry of Trade and Industry to take on board consumer protection as a part of its mandate, since both consumer protection and competition share the common objective of 'enhancing consumer welfare' and there are synergies and efficiencies to be had by putting both under one umbrella. An added advantage of having consumer protection as a mandate is that it will centralize control and enhance operational efficiencies and cross-fertilization between the two domains. Taking on board consumer protection will help boost the image of the GCC among consumers. In this regard, the GCC would like to establish a Consumer Protection Office during the plan period.

The TRADECOM project is an initiative to develop consumer protection legislation with substantive provisions to protect consumer interests in The Gambia. Under this project, an MOU will be signed with the newly-established Standards Bureau and the Weights and Measures Department to better handle consumer protection issues which fall outside the scope of the Competition Act 2007.

4.0 ANNEX 1: PLANNED ACTIVITIES FOR THE PERIOD 2012-2014

Pillar	Activity/Strategy	No. per year			Responsibility	Remarks
		2012	2013	2014		
Enforcement of the Competition Act	Investigations into alleged/suspected breaches of the Act	3	3	3	ES, DPR,LEGAL,DEA	One investigation per quarter
	Market Studies to assess the state of competition of key sectors of the economy	3	2	2	ES, DPR,LEGAL,DEA	Studies to be identified by end of November
	Impact assessment of government policies on competition	3	2	2	ES, DPR,LEGAL,DEA	To be led by DPR
Advocacy	Business/private sector sensitization programmes	3	3	3	DCS,DPR,SE	Thematic areas: Emerging competition issues, Competition Act 2007
	Workshops/seminars for judges	1	1	1	ES, LEGAL	Training of judges in Competition Law and Policy
	Workshops/seminars for public sector/policy makers/parliamentarians	3	3	3	ES, DPR	Substantive areas of Competition law and Policy/Newsletter
	Consumer and civil society outreach programmes (TV, radio, & other face-to-face methods)	3	3	3	All departments	Weekly TV and radio programme and Newspaper column
	Introduction of competition awareness in high schools	****	*****	*****	ES,DPR	Organise periodic programmes at various schools
National sensitisation programme	1	1	1	Commissioners/ES	Yearly countrywide sensitisation to raise awareness	

Pillar	Activity/Strategy	No. per year			Responsibility	Remarks
		2012	2013	2014		
	Training on specific topics on Competition Law and Policy	2	2	2	ES, LEGAL	Short courses/ICN Working Groups/Attachments
	Training of Commissioners on tribunal and hearing procedures/processes	1	1	1	ES	Exposure of Commissioners to learn best practices
<i>Training on continuous professional development</i>	Agency effectiveness (strategic planning & prioritisation)	1	1	1	ES	To keep GCC focused on strategic objectives
	Research and Data Analysis skills	1	1	1	DPR, SE	To improve the skills of case handlers
	Training on policy research and advocacy	1	1	1	DPR, LEGAL	
<i>Training of judges</i>	Training on adjudication/handling of competition cases	1	1	1	ES,DCS, LEGAL	
	Drafting of legal Instruments as required by the Competition Act	***	*****	****	ES, LEGAL	This includes regulations, guidelines, practice notes etc.
	Harmonization of the Competition Act with Acts of other key sector regulators	2	2	1	ES, DPR, LEGAL	To address possible conflicts with sector regulators.

Pillar	Activity/Strategy	No. per year			Responsibility	Remarks
		2012	2013	2014		
	Consumer protection awareness	2	4	4	ES,DCS, DPR,LEGAL	Joint programme with Standards Bureau, Weight and Measures, Health etc
	Establish Consumer Protection Department at GCC		****		GCC/MOTIE	To raise awareness and compliment the work of GCC
Construction of Secretariat Building	Securing Land and funding	***			GCC/MOTIE	To construct suitable office for the GCC with the required facilities.
	Construction of building		*****		GCC/MOTIE	Financing will be sought from GAMWORKS and others donors.
Mainstream Competition in the senior secondary education system	Introduction of Competition Economics and law at UTG	***	****	*****	ES,DPR	Work with UTG to establish a Competition Economics/Competition Law Course.

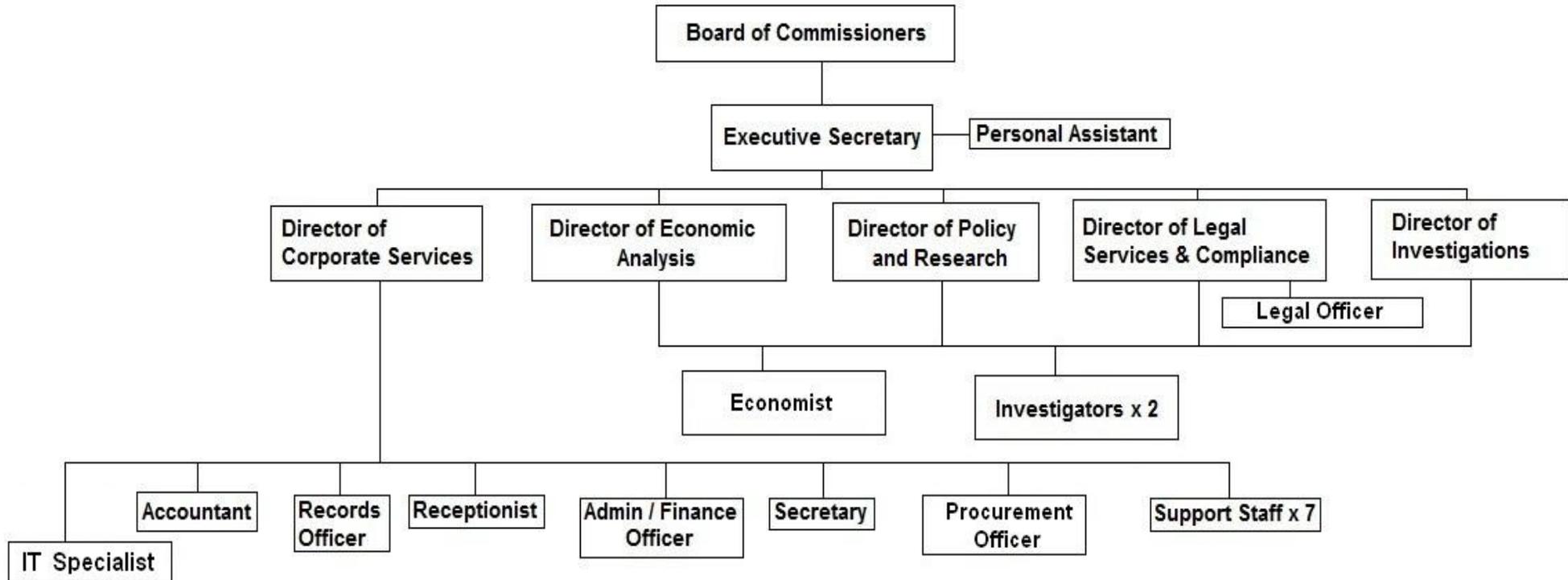
5.0 ANNEX 2: KEY RESULTS AREAS FOR THREE-YEAR STRATEGIC PLAN

<u>Key Results</u>	<u>Activities</u>
Enforce the restrictive practices provisions of the Competition Act	<ul style="list-style-type: none"> • Carryout approximately 5 formal investigations per year. • Choose cases by following the prioritization criteria. • Balance caseload to ensure that no significant sectors or types of anti-competitive behaviour are ignored.
Promote competition through advocacy with Government	<ul style="list-style-type: none"> • Advise Government and other state bodies on competition issues arising from its policy work. • Advice to Government arising from investigations and enquiries conducted.
Our Organization	<ul style="list-style-type: none"> • Continue to develop as a learning organization, investing in building capacity and embracing a culture of continuous improvement, excellence and sharing of knowledge. • Provide a safe, productive and satisfying workplace. • Promote and reward team-working based on mutual respect. • Monitor our performance to ensure work quality and effective resource management
Education and advocacy	<ul style="list-style-type: none"> • Conduct surveys of business community to assess and track awareness of the Act and the work of the GCC • Targeted awareness campaign focused on SMEs • Maintain activities promoting awareness among core large business and legal communities.
Accountability	<ul style="list-style-type: none"> • Provide timely, accurate and relevant reporting to MOTIE and the National Assembly. • Maintain high standards of transparency in all areas of the commission's work. • Report publicly on the work of the commission
Memoranda of understanding with regulators	<ul style="list-style-type: none"> • Give effect to signed MOUs through regular exchanges of information with regulators. • Finalize MOUs with CBG, PURA , GPPA • Initiate discussions with all remaining regulators (MOICI) for MOU.

6.0 ANNEX 3 – ESTIMATED BUDGET FOR 2012-2014

Activity	2012 (US \$)	2013 (US \$)	2014 US (\$)
Institution and Capacity Building for the Commission			
Resident Technical Assistant – 6 months	95,000.00	95,000.00	-
Training for Commissioners and GCC staff – local 1 per year	20,000.00	10,000.00	5,000.00
Establishment of a Library/Documentation centre and renewal of subscriptions	20,000.00	15,000.00	10,000.00
Attachment of GCC staff to other competition/international agencies – 3 months period each – 6 staff	180,000.00	120,000.00	90,000.00
Basic training course on Competition- including resource persons & conference facilities – 2 in 2011, 1 in 2012 & 1 in 2013	30,000.00	15,000.00	15,000.00
Advanced training course on Competition – including resource person & conference facilities- 2 in 2011, 1 in 2012 & 1 in 2013	30,000.00	15,000.00	15,000.00
Training on investigation – including resource persons & conference facilities– 2 per year	30,000.00	30,000.00	15,000.00
Training on Research methodologies & economic data analysis – 2 per year - overseas	20,000.00	20,000.00	15,000.00
Overseas training on Competition matters/investigations	50,000.00	40,000.00	30,000.00
Continuous professional development	100,000.00	100,000.00	100,000.00
International Workshops/Seminars/Conferences	55,000.00	55,000.00	55,000.00
Consultants for Research Activities- 3 in 2011, 2 in 2012 & 2 in 2013 - Expert charges & Airfare	105,000.00	70,000.00	70,000.00
Awareness and Advocacy Programmes			
Workshops, Seminars & Conferences – local see annex 1	85,000.00	80,000.00	80,000.00
Development of advocacy/materials	35,000.00	25,000.00	25,000.00
TV & Radio programmes, etc	25,000.00	20,000.00	20,000.00
Review, update and development of relevant policy documents, legislations, guidelines and procedural rules	50,000.00	50,000.00	50,000.00
TOTAL	930,000.00	760,000.00	595,000.00
PLUS 10 % INCIDENTAL COST	93,000.00	6,000.00	59,500.00
GRAND TOTAL	1,023,000.00	836,000.00	654,500.00

7.0 ANNEX 4: GCC ORGANISATION STRUCTURE



8.0 ANNEX 5: BOARD OF COMMISSIONERS

1. Alhaji T. S. A. Njie - Chairman
2. Ms. Ida Denise Drameh - Member
3. Mr. Omar O. Jobe - Member
4. Mr. Muhammed E. Jammeh - Member
5. Dr. Burang Goree-Ndiaye - Member

The Executive Secretary, Mr. Amadou Ceesay, serves as Board Secretary.



GAMBIA COMPETITION COMMISSION

Leveling the Field for Development

When businesses compete for your patronage, you will benefit from

lower prices, **better quality** and a wider selection of goods and services.

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