



ECOWAS REGIONAL COMPETITION AUTHORITY
AUTORITÉ RÉGIONALE DE LA CONCURRENCE DE LA CEDEAO
AUTORIDADE RÉGIONAL DA CONCORRÊNCIA DA CEDEAO

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REQUEST FOR EXPRESSION OF INTEREST (Consulting services – individual consultant selection)

From : 20th /06/2023 to 3rd /07/2023

Client : ECOWAS Regional Competition Authority (ERCA)

Type : Expression of Interest (EOI)

TITLE : **Recruitment of Consultant for the Development of a Regulation on State Aid Control in Competition Law**

Reference No. N° ECW/ERCA-/ADM/ 002 /20/06/23) kn

In the framework of the execution of the 2023 Budget, the ECOWAS Regional Competition Authority (ERCA) intends to apply a portion of its budgeted funds for the Recruitment of Consultant for the Development of a Regulation on State Aid Control in Competition Law.

Context

Competition law is a key element of economic regulation aimed at promoting fair competition and preventing the formation of monopolies that may harm consumers. State aid can be used for legitimate economic and social purposes, but it can also have a negative impact on competition by distorting market conditions. Competition control agencies must therefore be able to detect and manage state aid that is incompatible with competition rules.

The ECOWAS Competition Framework was adopted in 2008 through two (2) Supplementary Acts: the Supplementary Act A/SA.01/12/08 adopting the Community Competition Rules and its application modalities, the Supplementary Act A/SA.02/12/08 on the establishment, powers and functioning of the ECOWAS Regional Competition Authority (ERCA) which was officially inaugurated on 12th June 2018 and whose activities have effectively started in January 2019.

The Community Competition Rules aim to promote and encourage competition within the ECOWAS region by discouraging practices that hamper the proper functioning of the regional market. The ERCA is responsible for monitoring the market in order to prohibit agreements, decisions taken by business associations and cartel practices that may disrupt trade between ECOWAS Member States and that have the object or effect of hindering, restricting or distorting competition in the regional market.

For the operationalisation of the general principles described in the two founding texts mentioned above, the ECOWAS decision-making bodies (the Council of Ministers and the Authority of Heads of State and Government) adopted in December 2021 a set of subsidiary regulations: (i) an Supplementary Act amending the Supplementary Act A/SA.02/12/08 which institutes, in particular, the ERCA Council, (ii) a Regulation on the powers and composition of the ERCA Council, (iii) a Regulation on the ERCA procedures, (iv) a Regulation adopting the rules of procedure on mergers and acquisitions, and (v) a Regulation adopting the rules on leniency and immunity.

All of these legal texts constitute a major step forward in the effective implementation of the ECOWAS Competition Policy. However, they need to be complemented by a regulation on state aid control.

Objective



The consultant will be responsible for developing a regulation on behalf of the ERCA on how to detect and manage state aid that is incompatible with competition rules.

Tasks

The consultant will be responsible for the following tasks:

1. Develop a detailed plan for the Regulation, including the chapters and sections that will cover the various aspects of state aid control.
2. Conduct in-depth research on best practices in state aid control, referring to international standards, case law, and practices of other competition control bodies.
3. Develop a methodology for the detection and analysis of state aid, taking into account the structural and institutional differences between countries.
4. Develop practical examples to illustrate the different stages of state aid control, using relevant and current case studies.
5. Define the different forms of state aid.
6. Establish the tools and strategies to evaluate the potentially dangerous state aid identified.
7. Produce a preliminary version of the Regulation and submit it for review and comments to partners and other stakeholders, including representatives of regulatory bodies.
8. Be flexible and take into account the comments and recommendations of partners when developing the final version of the Regulation.

Deliverables

The consultant must deliver the following elements:

1. A detailed work plan for the development of the Regulation, as well as a presentation of the format and structure of the Regulation.
2. A preliminary version of the Regulation, for review and comments.
3. A final version of the Regulation, in line with the comments and recommendations of the partners.

Required skills and qualifications:

The consultant must have the following skills and qualifications:

1. Proven experience in the field of competition law, with
2. an in-depth knowledge of state aid rules and principles.
3. Proven experience in developing regulations and practical guides for regulatory bodies.



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4. Expertise in research and synthesis of data from various sources.
5. Excellent analytical and writing skills.
6. Ability to work independently and meet deadlines.

Duration

The project is planned for a duration of two (2) months, starting on July 20, 2023. Payments will be made according to the deliverables.

Funding

This work is funded under the 2023 budget of ERCA and mainly covers the consultant's fee.

Submission of proposals

Proposals must include the following elements:

1. Detailed CV of the consultant
2. Proposed work plan for the development of the Regulation
3. Examples of previous work done in similar fields

Deadline for submission of proposals

The deadline for submitting proposals is July 3, 2023

Contact

Proposals must be sent electronically to the following addresses: knkuako@ecowas.int, ggoorebi@ecowas.int, itambajang@ecowas.int.

Organisation requesting the work

ECOWAS Regional Competition Authority
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