



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** : 20<sup>th</sup> /06/2023 to 3<sup>rd</sup> /07/2023

**Client** : ECOWAS Regional Competition Authority (ERCA)

**Type** : Expression of Interest (EOI)

**TITLE** : *Recruitment of Consultant of an Expert for the review and alignment of ECOWAS Regional Competition Authority Manuals of procedures*

*Reference No. N° ECW/ERCA-/ADM/ 003 /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* of an Expert for the review and alignment of ECOWAS Regional Competition Authority Manuals of procedures.

### Background

The ECOWAS Regional Competition Authority (ERCA) is responsible for promoting and enforcing competition in the ECOWAS region. ERCA is seeking the services of a legal expert to review its existing legal texts and ensure that they are in line with ECOWAS standards.

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 these legal texts constitute a major step forward in the effective implementation of the ECOWAS Competition Policy. However, some provisions deserve to be completed and further specified through Procedures Manuals: Executive Directorate & Registry Manuals, ERCA Council Manual, Investigation procedures and notification Manual, ERCA's jurisdictional rate (threshold) for mergers and acquisitions and dominant position, Procedures for implementing leniency and immunity programme, Scale of fines and compensation Manual.



### **Objectives:**

- To review existing manuals of procedures developed by ERCA.
- To identify any gaps or inconsistencies with ECOWAS standards.
- To propose amendments and revisions to the manuals as necessary.

### **Scope of Work:**

- Review all manuals developed by ERCA, including regulations, guidelines, and decisional practice.
- Identify any gaps or inconsistencies with ECOWAS standards related to competition law, market power abuse prevention, merger control, state aid and consumer protection, among others.
- Propose amendments and revisions to the manuals as necessary, including the addition of new provisions or the deletion of existing ones.
- Ensure that all legal texts are uniformly applied across all ECOWAS member states.

### **Deliverables:**

- A comprehensive report detailing the review process, including a summary of all manuals reviewed and any proposed amendments or revisions.
- Revised manuals, including a marked-up version with all proposed changes.

### **Selection Criteria**

- The expert should possess a degree in law and have a proven track record of working on legal projects related to competition law and policy.
- The expert should have a strong understanding of ECOWAS legal framework and international competition law and best practices.
- The expert should have excellent analytical, research, and writing skills.

### **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**



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This work is funded under the 2023 budget of ERCA and mainly covers the consultant's fee. The Expert will be compensated in accordance with the ERCA's consultant payment policy, as outlined in the contract agreement.

### **Submission of proposals**

Proposals must include the following elements:

- Detailed CV of the consultant;
- Proposed work plan for the review of the Manuals;
- 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](mailto:knkuako@ecowas.int), [ggoorebi@ecowas.int](mailto:ggoorebi@ecowas.int), [itambajang@ecowas.int](mailto:itambajang@ecowas.int).

### **Organisation requesting the work**

ECOWAS Regional Competition Authority  
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