



THE REPUBLIC OF SIERRA LEONE

The Government of Sierra Leone

Competition and Consumer Protection Policy

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2 Preamble

The Government of Sierra Leone,

Recalling that there is a need to commit to laying the foundation and regulatory landscape that can support existing policies to reduce poverty and develop the private sector;

Conscious that Sierra Leone has a developing economy mainly dependent on agriculture and the mining sectors and that there is a need to invest in the development of public policies that can help to foster an environment for diversified economic activity;

Acknowledging that the systematic build-up to economically viable businesses that can contribute to the domestic economy is dependent on creating the necessary regulatory regime that supports that build-up;

Recognising that there is a need to define goals that can help to foster sustained growth and development that includes all levels of society and business of all sizes;

Recognising further that small- and medium-sized enterprises present a great opportunity to contribute to the development of the private sector in Sierra Leone and ultimately the development of the country as a whole;

Convinced also that all regulatory regimes and government policies are to be consistent as far as possible to generate a functional and effective public policy and that there is a need to define institutional arrangements across the public sector to encourage direct investment and greater initiatives for entrepreneurship and private enterprise;

Convinced also that a sustainable strategy for development requires a commitment to cooperating with regional and international trading partners;

Determined to create a climate of peace and political stability facilitating economic growth, poverty eradication and prosperity for the citizens of Sierra Leone;

Determined further that the citizens of Sierra Leone are to have levels of consumer welfare, safety and security that adhere to the levels set by internationally agreed upon standards;

Reaffirming that respect and adherence to the rule of law at all levels of society and at all levels of government is instrumental to maintaining peace, good governance and political and economic stability;

Resolving that implementing competition and consumer protection laws and policies is critical to the reduction of poverty, elevating levels of consumer welfare, safety and security, the building of small- and medium-sized enterprises, courting direct investment, leveling the playing field for all businesses, improving the country's ability to re-engage in the regional and international trading arena, and providing a framework that can guide the design of related government policies;

Agrees that the country's competition and consumer protection law and policy shall be adopted and shall constitute part of the government's commitment to the implementation of a consumer protection and competition regulatory regime in Sierra Leone.

3 Definitions

The following definitions are adopted for the purpose of the Competition and Consumer Protection Policy:

- a) **Acquisition:** means directly or indirectly, acquiring or agreeing to acquire:
 - i) shares, voting rights or assets of any enterprise; or
 - ii) control over management or assets of any enterprise.
- b) **Competition:** means activity arising from the operations of two or more entities offering products and services in a manner that is consistent with acceptable competitive business behaviour and conduct, disabuse of dominant power in the market place, and fair business practices.
- c) **Competitiveness:** as distinct from competition, refers to the ability of two or more entities to offer products and services whose quality and prices compare favourably with those of competitors in specific market segments.
- d) **Consumer:** means any person who:
 - i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment for personal use or resale;
 - ii) hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment for commercial use or for resale.
- e) **Market:** means the relevant market which may be determined by the competition authority with reference to the relevant product market or the relevant geographic market or with reference to both markets;

4 Background

The issue of competition and consumer protection policy has assumed relative importance in Sierra Leone as a result of the rising tides of globalization in the world economy. Issues of competition policy and law have therefore been exhaustively discussed at various fora, culminating in the setting up of working groups to tackle key aspects of the subject.

In developing this competition policy paper, the level of economic development in Sierra Leone was taken into consideration, including the Government's view that if economic growth is to reduce poverty on a wide scale through the private sector and trade, access to private and economic activities need to be as free, competitive and as fair as possible. Inevitably, this will entail dismantling of "artificial" obstacles to market entry, the spread of market and market services themselves, the lowering of "man-made" high costs of doing business, reduction of concentration of capital and economic power in the hands of a few, and greater access to credit, capital and infrastructure services by the mass of potential small- and medium-sized entrepreneurs.

The Government's Poverty Reduction Strategy Paper (PRSP) 2008-2012 (Agenda for Change) prioritises the development of energy and transport infrastructure, agricultural and sectors as vital to drive economic development in Sierra Leone. The Agenda for Change also adopts plans to aggressively pursue measures that can lead to diversification of the private sector and renewed plans for human development.

In 2009, in furtherance of the commitment to develop pro-poverty reduction measures, the Government also adopted the Private Sector Development Strategy (PSDS) which outlines a vision and implementation plan for developing the private sector, largely through efforts that will include the mechanisms to grow small- and medium-sized enterprises, generate foreign direct investments and above all the utilization of a strategy to unlock the talent of the people of Sierra Leone. The main themes of the PSDS are: (i) investment and enterprise; (ii) innovation and (iii) competitiveness and (iv) inclusion and fairness. The underlying goal of the PSDS is therefore to encourage within Sierra Leone the kind of growth that is fostered by the entrepreneurship and innovativeness of the local people and the kind of business sphere that is competitive and that will benefit all market players.

These broad-based commitments to the latter types of pro-development strategies are expected to deliver a private sector that can promote enlarged activities of large and small businesses in a diverse range of activities and across all sectors with the intent of stimulating overall trade and to generate income-earning opportunities and elevate income levels and wealth for all.

These expected accomplishments and the trend in liberalization of world trade and globalization of markets call for a commitment on the part of the Government to define and implement the regulatory framework that sets the foundations initially, and sustains over time, all the broad-based strategies the Government intends to pursue and is already pursuing. One such key regulatory regime that must be implemented to complement the Agenda for Change and the PSDS is a suitable competition and consumer protection regime.

The Government has therefore taken the decision to engage in the development and implementation of comprehensive competition and consumer protection laws and policies. In developing the Policy, a consultative framework was established through the creation of several working groups comprising of representatives from Government entities, the private sector, academia and Civil Society Organizations. The decision to adopt competition and consumer

protection policies is in line with its wider commitments to reform the regulatory landscape in Sierra Leone and to ensure that that regulatory reform is streamlined with the pro-development activities mapped out under the PRSP and PSDS.

It is acknowledged that competition and consumer protection policies will impact on wider government policies and as such every effort is made to adopt a strategic approach and to define institutional arrangements to ensure that competition and consumer protection policies are consistent as far as possible with wider government policies. In support of that initiative to streamline government policies and to define a suitable competition and consumer protection policy for Sierra Leone the Government commissioned, with the support of its development partners, two studies to take stock of (i) all the existing laws, regulations, administrative ordinances and policies including economic policies and (ii) the status of competition in key sectors in Sierra Leone.

The first of the two studies conducted was a legal inventory which consisted of comprehensive searches through the indices of the Sierra-Leone legislation from 1960. The laws of Sierra Leone including administrative ordinances, adopted policies and government measures across various government departments were analyzed to decipher the extent to which they would support or influence the design of competition law or be affected by the provisions of the proposed competition law. That study informs the approach that is taken as regards commitments that will be made to reform the legislative landscape and administrative policies that subvert the intent of the pro-development strategies in general and the competition and consumer protection regime in particular.

The second of the two studies conducted was an economic mapping of the status of competition and competitiveness in key sectors in Sierra Leone. The purpose of the economic mapping was to generate empirical data that can charter the path of the country's current economic status including a description of a current/static picture of the microeconomic integers for key sectors and prospects for growth and development for Sierra Leone given its economic misfortunes and fortunes. That body of work together with previously conducted studies commissioned by the Government of Sierra Leone and other development partners informs the approach that is taken as regards the commitments to be undertaken as part of this policy and the strategic approaches that are to be adopted to implement this policy.

Recommendations are afforded by both studies, and those recommendations provided against the overall findings of the studies, and the overall comprehensive work to develop the competition and consumer protection laws, present strong incentives to believe that the Government must make this commitment to provide suitable competition and consumer protection policies for Sierra Leone.

5 The Need for Competition and Consumer Protection Policies

It has been established that Sierra Leone is on a stable path of economic recovery and has achieved some measure of economic and political stability. However it is also established that there are certain gaps reflected in lack of policies intended to prevent (i) restrictive and abusive market practices, (ii) exploitation and unfair treatment of consumers, (iii) compromise to consumers' health and safety in their daily consumptive life. It has also been established that there is an absence of rules defining (i) how the various economic actors (the Government, private sector producers, consumers, civil society, donors, etc.) interact with each other in the sphere of economic activity and non-economic activity.

It has further been determined that existing government policies and institutional arrangements must accompany any rules that are formulated to monitor and evaluate the range of cross-cutting issues that will impact on the development of the private sector and prospects for more competitive market structures in Sierra Leone.

It is here acknowledged that engendering a pervasive culture of competition depends on the removal of existing regulatory and other economic barriers to growth of the private sector. It is also acknowledged that there is a need to respond quickly and in meaningful ways to the need for safety of consumptive goods and the need to reduce current trends of exploitation and ill-treatment of consumers. It is further acknowledged that a body of rules which responds to the need to level the playing field between existing and future market participants is needed and that those same rules must resolve to protect small- and medium-sized businesses from exploitation and abuse by larger incumbents. Leveling the playing field between small- and medium-sized businesses on the one hand and large businesses on the other must be spearheaded by a plan to lower the cost of access to credit by entrepreneurs, particularly local talent. In support of that latter initiative a range of financial products must be made available to finance innovation and initiatives by local talent. The terms and arrangements by which those financial products can be accessed must be set in accordance with fair, transparent, and competitive conditions.

The Government is aware that infrastructure services including energy, water, sanitation, transportation and telecommunications are essential to fostering and stimulating trade in the domestic sphere and as such every effort is needed to ensure that productive, allocative and dynamic efficiencies are realized over a sustained basis for these services. Additionally while the utilities sector in Sierra Leone is publicly monitored, it is important for there to be ongoing measures for how institutional arrangements for enforcing the competition and consumer protection regimes will interact with existing utilities and other sector-specific regulators.

The prospect for Sierra Leone to benefit from globalized trade is a key feature in the strategies for pro-development. It is recognized that Sierra Leone cannot rely exclusively on national resources for sustained prospects of growth. Sierra Leone's adherence to an open market policy presents enlarged potential for courting direct foreign investments and enlarged markets spaces for sale of its local products and services. It is understood that the resultant open market policies can inevitably present threats to local industries and a competition law and policy can balance the benefits of participating in the liberalized global market space on the one hand with the need to foster growth of local industries and an entrepreneurial spirit among local talent on the other.

It is generally accepted that when businesses occupy dominant positions in the market place or collude with each other, this invariably results in abuse of market power, which in turn, adversely affects private sector development, trade and economic growth.

In an effort therefore to create a level playing field for all businesses, the Government is desirous of putting in place an effective and all-embracing competition policy and effective consumer protection regime to ensure that consumers are not exploited. The Government also hopes to enhance competition in the financial sector to deepen financial intermediation, which in turn will result in greater access to credit and the availability of a wider range of financial products and services at affordable cost.

Competition can also ensure efficiency gains and less corruption in the development of infrastructure services, services that are vital for trade, market and private sector development. Additionally, a competition policy framework can help to attract and retain foreign direct investment flows which are required to finance its private sector and economic development.

Domestic competition through the removal of anti-competitive practices strengthens the gains from private sector development and trade liberalization. The existence of local cartels and unregulated monopolies stifle the competitive pressure that imports can and do exercise in the country and blunt the benefits that competing imports can bring, especially in terms of lowering prices and increasing the quality and range of goods and services to consumers, stimulating efficiency and competitiveness among local firms so that the latter can maintain market share vis-a-vis importing competitors.

Local private sector development cannot play its expected role as an engine of long-term growth, creating jobs, expanding the national productive base, generating foreign exchange through exports, stimulating innovation if domestic private firms are insulated from competitive pressures and fail to build competitiveness.

At the level of various sectors, restrictive practices, for example, in the financial sector can result in high borrowing costs of capital, which in turn depress local private entrepreneurship and the growth of small and medium sized enterprises.

In effect, anti-competitive practices in Sierra Leone can invariably act as major barriers to foreign trade. Additionally, they can deter domestic and foreign direct investment and significantly raise the cost of doing business in Sierra Leone.

Although there are ongoing efforts to reduce the cost of doing business in Sierra Leone, this must be boosted by an appropriate competition policy and effective competition law. A market is only contestable if entry is free, without limit, and entry is absolute and perfectly reversible.

Despite the relatively stable economic and political environment in which business operates in Sierra Leone, the economy still faces major challenges. Poverty and unemployment remain high and productivity is relatively low. Linkages among economic sectors are still extremely weak. The key sectors of the economy - mining, agriculture, fishing, and financial services - are running at a relatively low speed. Competition policy could help to speed up their operations and increase their contribution to Sierra Leone's overall economic growth efforts.

It is generally accepted that there is a positive correlation between competition and economic growth. Competition is driving out inefficient enterprises from the market, pushes the survivors to become more efficient and competitive, thereby contributing to achieving economic growth.

It is believed that competition and consumer protection policies and laws can provide the necessary framework to answer to the range of localized needs to foster economic growth prospects in Sierra Leone. Competition law provides three broad-based rules that are used to curb and prevent (i) anticompetitive agreements, (ii) abusive market practices by dominant companies, (iii) anticompetitive acquisitions. Those same rules can be used to reduce the prevalence of market structures that stultify competition and the competitive process. Consumer protection law provide a diverse range of rules that are directed at providing redress to individual consumers and businesses that suffer unfair, exploitative, unsafe or hazardous conditions as they try to access, consumer or use goods or services. Competition and consumer policies are understood to be a subs-set of those latter broader legal frameworks.

Competition policy is a set of adopted government principles or manifesto by which a government lays down its strategic plans for: (i) the removal of government barriers to entry and growth, (ii) market competitiveness, (iii) competition neutrality, (iv) creativity in product design, (v) elevate levels of consumer welfare and (vi) implements measures for resisting regulatory capture and rent-seeking-- with a view to creating a support mechanism for its competition law and creating conditions for sustainable development.

Competition policy is therefore premised on a range of rationales varying from protection of business from anticompetitive market conduct to the protection of small competitors from the abusive tactics of large and dominant competitors. The policies can also signify commitments on the part of government to reform the public and private sectors so that the ultimate goals of market efficiency and elevated levels of consumer welfare can be attained.

Consumer protection policy is a body of adopted government principles or commitments to maintaining market and non-market activities at levels that afford consumers (i) wider choice in products; (ii) greater access to those products; (iii) fair terms and bases for accessing those products; (iv) guarantees that product are safe for consumption and use; and (v) rights of redress to consumers when the rights and conditions afforded them under the consumer protection regime are compromised.

Competition and consumer protection policies complement and reinforce each other. In a setting where a competition law regime exists, the potential for businesses to compete on more than just price is fostered; and competition among market players on the quality of a good or service, the level of innovativeness of a product or the delivery of the service and the standard to which the product or service subscribes can be buttressed if there is a complementary regime that sets minimum standards and codes of conduct by which businesses interact with consumers. Together competition and consumer protection policies can be defined to answer to the need to promote social justice, equality of economic status among consumers, equal opportunities of businesses to

access markets and grow their businesses as the case may be and as such comprise an instrumental foundation that must be laid for the overall development plans for Sierra Leone to be realized.

6 Sierra Leone Consumer Protection and Competition Policy Framework

6.1 Consumer Protection Policy Objectives

The consumer protection policy of Sierra Leone is intended in a general way (i) to deliver a wide-range of Government support mechanisms to complement the Consumer Protection Law and (ii) to sanction a set of institutional arrangements and public administrative initiatives that are intended to help sustain the consumer protection regime in Sierra Leone. The Government commits to a diverse range of activities and strategies, which are expected to evolve over time, and which will elevate the level of relationships between consumers and businesses, and among businesses, with a view to promoting access to goods and services, a greater quality in the available choice and ensuring consumer access to reliable and undistorted information to assist the consumer in making that choice.

The consumer policy framework in Sierra Leone aims to protect and promote the interests of consumers, especially the interests of consumers who are vulnerable or disadvantaged due to their economic circumstances or circumstances relating to their educational background or their inability to access professionals that can act on their behalf to secure their rights.

The consumer protection policy will pay close regard to the plight of the citizens of Sierra Leone, particularly in light of its history. As such the rules that are adopted to protect consumers, the institutional arrangements that are put in place and the evolution of those institutions must be deliberately influenced by the need to secure peace, social and political stability, respect for the country's human and natural resources, its environment and commitments to economic growth, poverty reduction and stability in the country's affairs in general.

It is believed that the Government can set business trends and attitudes in furtherance of promoting the welfare, safety and security of the consumer. The consumer protection policy intends that formal and non-formal business activities are subject alike to the scope of the legislation and the enforcement authority. Therefore a range of products and services including home-produced goods and imports irrespective of origin will be subject to the consumer protection policies and laws. Goods and services produced by the state or state-owned entities are also subject to consumer protection laws and policies.

It is accepted that any framework for consumer protection and any institutional arrangement for enforcing the consumer protection regime must contemplate localized conditions and cultural and social constructs that can enhance the utility of the regime. The consumer protection policy intends to encourage arrangements by civil society groups to monitor violations of the consumer protection law. The consumer protection policy also intends to undertake activities that can optimize the relationship between competition law and consumer protection law.

The specified objectives of the consumer protection policy are:

- a. to prevent the production and supply of harmful and defective goods and to prevent the sale of such goods including the adoption of measures to secure the removal of such goods from the market;
- b. to ensure that the goods supplied to consumers are labeled in accordance with standards that are prescribed by competent authorities;
- c. to ensure that hazardous or other goods whose distribution and consumption are regulated by law are sold or supplied in accordance with applicable regulations;
- d. to ensure that goods or materials, the production or use of which is likely to result in potentially harmful environmental effects are labeled and supplied in accordance with prescribed standards and regulations;
- e. to ensure that services are provided in compliance with applicable laws, regulations, standards, codes and licensing requirements;
- f. to prevent unfair trading practices such as misleading or deceptive or fraudulent conduct;
- g. to prevent the inclusion of unconscionable terms in contracts for the sale and supply of goods and services to consumers;
- h. to empower consumers to make informed decisions and to reduce information asymmetries as between consumers and businesses in the market;
- i. ensure that the bureau of standards maintains a visible presence and evaluates the activities of economic agents, with powers of enforcement, to guard against the perpetuation of anti-competition practices;
- j. to ensure that measures are in place to sanction and punish suppliers who are liable for defects in goods and services and for the violation of product standards and consumer safety or any other activity which occasion loss or damage to consumers;
- k. to ensure that institutional arrangements and priorities are set and maintained to address violations of consumer safety standards by producers and suppliers and to ensure that appropriate sanctions, defences and remedies are defined and routinely revisited; and
- l. commit to ongoing evaluation of priorities and strategies to sustain the consumer protection policy objectives of Sierra Leone.

6.2 Guiding Principles that Will Underlie the Sierra Leone Consumer Protection Policy

The consumer protection regime of Sierra Leone contemplates the interests of consumers as far as those interests are impacted by the consumer's social circumstances, utilisation of the human and natural resources of Sierra Leone by economic actors and resultant impact on the country's environment. To that extent it is necessary that the consumer protection policy is guided by certain principles that will inform the overall consumer protection regime:

- a. Consumer's economic interest as far as price, quality and access to goods and services across all sectors can help to eradicate poverty and contribute to food security;

- b. Social and economic equality as far as income distribution and access to income-earning opportunities can be afforded;
- c. Physical safety and well-being of consumers as far as ensuring that Sierra Leoneans have access to food, drugs and other goods and services that are fit for human use and consumption;
- d. Environmental protection to promote sustainable production and consumption to secure the future of Sierra Leoneans; and
- e. International standards and codes of conduct as far as adopting them and ensuring adherence to prescribed standards and codes can advance the health, safety and security of the citizens of Sierra Leone;

6.3 Competition Policy Objectives

The competition policy of Sierra Leone aims in a general way to (i) enhance consumer welfare (which is manifested as high quality products sold at the lowest possible price, innovation in product design and reduction in length of time that those products reach the market, and access to good aftermarket service); (ii) promote competition and make markets work better in order to increase efficiency (including the use of goods, raw materials, human and financial capital, continuous innovation in goods and services and the method for delivering these to markets, using resources with the least possible waste and loss) and (iii) foster and maintain market spheres in which small- and medium-sized enterprises can be born and grow.

It is believed that when there are multiple firms operating in a market, it is more likely that the manifestations of consumer welfare will be present in that market. This is because when firms are forced to compete they have to find better ways of producing goods and services. It is therefore the intent of the policy to commit to fostering market structures with as many players as the market can sustain and to ensure that more of those players are small- and medium-sized entities.

The ultimate aim of the competition policy is to encourage market entry and growth for development of the economy and country as a whole. It is however recognized that competition policy cannot supply all the fixes to encourage the expected results of the Government's pro-development strategies. It is recognized that competition is not an end in itself but rather a means for improving the overall economic performance and welfare of the country. It is intended that the competition policy, which is already acknowledged as a sub-set of competition law is supported by other government policies including trade policy, an information, communication and technology strategy and any overall industrial reformation policies that are adopted.

The specified objectives of the competition policy are:

- a. to promote productive, dynamic and allocate efficiency;
- b. to protect consumers from the undue exercise of market power and provide redress where damages are suffered;
- c. to promote trade and integration within an economic union of free trade and general cooperation as far as possible with our regional and international trading partners;

- d. to facilitate economic liberalisation, including privatisation, deregulation and the reduction of internal trade barriers; preserving and promoting the sound development of a market economy;
- e. to ensure fairness and equity in marketplace transactions and protecting the public interest, including considerations relating to industrial competitiveness and employment through minimizing the need for intrusive forms of regulation or political interference in markets;
- f. to protect opportunities for small and medium-sized businesses to secure entry into markets and growth;
- g. to support the institutional arrangements that are in place to enforce the competition law and provide workable public administrative arrangements to support the formulation of relationships between the competition authority and other sector regulators; and
- h. to commit to ongoing evaluation of priorities and strategies to sustain the competition policy objectives of Sierra Leone.

6.4 Guiding Principles that will underlie the Sierra Leone Competition Policy

The competition policy contemplates pro-development through the creation of opportunities for growth of businesses, sustainable economic development, social welfare, consumer interests and efficient use of resources. On that basis, the guiding principles which underlie the competition policy include:

- a. Unfettered competition to drive competitiveness and dynamism throughout almost all sectors of the economy;
- b. Universal and transparent application of competition rules stimulates inter-firm rivalry and leads to efficiency in the allocation of resources;
- c. Prohibition of any behaviour, which has the purpose or effect of lessening competition in a market;
- d. Authorisation of some anticompetitive behaviour on the basis of “public interest”, if and when total welfare gains to society outweigh the costs; and

Consistency of the competition policy with and its supportiveness of the general thrust of domestic economic reforms in Sierra Leone which, among other things, call for the removal of unnecessary barriers to trade and competition and relaxation of cumbersome administrative regulations.

7 Strategic Approaches to Implement Consumer Protection and Competition Policy Objectives

7.1 Implementing a Regulatory Regime

In order to implement the Policy, the Government will develop laws to regulate Competition and Consumer Protection in Sierra Leone. The Government will indicate its commitment to the enhance competition in the market by enacting a law that will address all anti-competitive business practices in the market. The Government will therefore create a law that will seek to maintain and promote competition in Sierra Leone. The law will also provide for the creation of the Competition Commission which will be responsible for the implementation of the Policy and all matters relating to Competition Policy in Sierra Leone. The Competition law will aim to promote economic efficiency and consumer welfare. The Government will also apply this law to protect Small and Medium Enterprises (SMES) to ensure that they have an equitable opportunity to participate in the economy. In developing the Competition law the Government will ensure that it is in accordance with overall development objectives of Sierra Leone.

In regard to Consumer Protection, the Government will indicate its commitment to promote and protect the rights of consumer through the enactment of a Consumer Protection Law. The Consumer Protection Law which will be based on the UN Guidelines on Consumer Protection, and will take into consideration Sierra Leone's which sets priorities according to the economic, social and environmental circumstances of the country and the needs of its population, bearing in mind the costs and benefits of proposed measures. The Consumer Protection law will outline consumer's economic interests, it will provide for the requirement for the maintenance of physical safety of products. The laws will also create an administrative mechanism which is accessible to all Sierra Leoneans.

7.2 Ensuring Consistency of Competition and Consumer Protection Policies with Other Government Policies and Strategies

The Competition and Consumer Protection Policy shall be developed in line with existing Government policies. The Policy supports the priorities identified in the Poverty Reduction Strategy Paper (II) of promoting the development of the private sector. The Competition and Consumer Protection Policy will be designed to ensure that it supports policies relating to the development of the private sector, in particular the private sector development strategy. Regard shall also be made to ensure that this Policy supports existing policies to protect consumers. In this regard, the Policy will ensure coherence with Policies relating to the development of standards, food safety, health, pharmaceuticals.

This Policy has been developed after based consultations with key Government institutions, members of the private sector, civil society groups and academia. These consultations resulted in Broad based consultations ensured that the Competition and Consumer Protection Policy was coherent with other Government Policies.

In order to strengthen the Government's ongoing efforts to create and maintain a more conducive environment for stimulating and enabling the growth and diversification of the economy, the competition policy will be consistent with other policies such as policies governing small, medium and micro enterprises, industrial policy and the PSDS and PRS.

In addition, the Government will maintain a non-interference and competitive environment whilst ensuring consistency between this Policy and other socio-economic development policy initiatives.

7.3 Creation of the Institutional Arrangements to Administer and Enforce the Laws

Institutional arrangements for the formulation, review, and monitoring of the implementation of the competition and consumer protection policies and its related legislation will remain the responsibility of the Ministry of Trade and Industry whilst the Competition Bureau and the Consumer Protection Commission will be responsible for the implementation of these policies and enforcement of the competition and consumer protection law.

Government will ensure the availability of adequate resources to implement and enforce competition law. Any budgetary shortfall may result in cutting back work programmes, thereby rendering the Authority's operations ineffective/inefficient. It may also lead to a shortage of skilled staff which may hinder the investigation of infringements and the analysis of merger proposals.

7.4 Building Understanding and Respect for the Policy among Government and Citizenry

The Government recognizes that commitment to a new institutional regime and adherence to the rule of law is necessary for the effects of the legal regime to be realised. The Government commits to the development of programmes and advocacy methods to develop acceptance and adherence to the rules by the government personnel, the business community and citizens in general.

The Government commits to the implementation of a strategy for educating the public and stakeholders on its important role in the economy and to the nation, in general. In this regard, the Government will develop and implement educational and awareness campaigns aimed at ensuring that all stakeholders, including the general public, civil society organisations, politicians, public servants, the legal fraternity, the business community, sectoral regulators, academics, and the media clearly understand this Policy.

7.5 Instituting and Maintaining the Educational Infrastructure to Supply Human Resource

The Government will adopt programmes to ensure that the human resource capabilities to maintain the competition and consumer protection regime are developed. The Government will commit to a plan for developing the curriculum of tertiary institutions to include subjects which range from industrial policy, to competition law, consumer protection law and a wider range of subject areas that cover trade regulation including international business law, international trade policy, and intellectual property.

7.6 Defining Relationships between the Competition and Consumer Protection Authorities and Other Sector-Specific Regulatory Bodies

The Government commits to establishing the linkages among economic sectors and defining institutional arrangements, employing formalised channels, to secure cooperation among sector regulators and the competition and consumer protection authority.

The Government will work in collaboration and harmony with other countries and organisations at the bilateral and multilateral levels to respond to existing and potential cross-border anticompetitive practices, including but not restricted to, various types of anticompetitive behaviour, abuse of dominant position in the market and various types of anticompetitive combinations.

The principles of competition should be embedded in the process of policy making, legislation and enforcement, and applied at both local and central Government levels.

7.7 Commitments to Structural Reform of Public Sector

The Government remains committed to restructuring public enterprises within the broader framework for increasing the role of the private sector in the economy. Government will, therefore, continue to look into ways of structurally reforming public monopolies operating in sectors such as telecommunications, water, electricity and export trade with a view to opening up some of the services they provide to competition.

The Government will, however, retain monopoly powers, where necessary, to provide major infrastructure facilities whilst at the same time opening up activities like connection and distribution services to competition.

Prior to introducing competition in a market traditionally supplied by public enterprise or monopoly, the Government will undertake a review of the entity or entities concerned, the Government will, where possible, embark on a review of the status of competition and competitiveness in the sector. Such a review will take into consideration the commercial objectives of the business as well as the merits and de-merits of separating any natural monopoly elements from potentially competitive elements of the public monopoly.

7.8 Professional Services

In order to ensure that laws such as those which regulate professional associations and any other laws that have a direct or indirect bearing on competition do not inhibit the effective working of competitive markets, the Government will include all professional associations, whether enacted by law or not, within the ambit of both this Policy and its related legislation.

7.9 Strategic Steps to Building the Private Sector and Growing Small- and Medium-Sized Enterprises

The Government is cognisant that the drivers of the economy are the micro, small, and medium enterprises. In this regard, the Government will use the Competition and Consumer Protection Policy to support MSMEs to grow and compete favourably in the market. The Government will continue to address the challenges of the MSMEs such as lack of access to affordable finance and lack of entrepreneurial skills. While promoting competition in the market, the Government will ensure that this Policy will promote and support MSMEs by addressing all anti-competition behaviours that barr entry of firms into the market. The Policy will promote activities that will have the objective of promoting the competitiveness of MSMEs in Sierra Leone

7.10 Encouraging Civil Society Initiatives to Guard Against Exploitation of Consumers

The Government recognises the work of civil society groups which have functioned as bodies for representing the interest of the consumers. Those civil society organisations have contributed to the effort to secure whatever existing levels of consumer protection that exists. The government encourages the vigilance of those institutions and encourages, where possible, relationships between the competition and consumer protection agency and those civil society bodies.

7.11 Cooperating with ECOWAS

The Government will take steps to ensure that it complies with its obligation under ECOWAS Regional Competition Framework and the ECOWAS Community Competition Rules as contained in *contained in supplementary Act A/SA.1/06/08*. It will comply, as far as the current political and economic conditions in Sierra Leone and the region allows, to harmonise and coordinate national policies and promote integration programmes, projects and activities in food, agriculture, and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism and legal matters.

The competition authority is charged with ensuring that it develops rules to ensure that the competition law is in compliance with prescribed obligations under the ECOWAS Community Competition Rules. In its operations, the Competition Bureau shall cooperate with the ECOWAS Regional Competition Authority established under Supplementary Act to share information and to promote competition with the ECOWAS sub-region.

7.12 Prioritising Consumer Health and Safety in all Spheres of Public and Private Activity

In order to promote consumer welfare the Government will put in place measures to protect the health and safety of consumers by continued monitoring of laws and policies relating to their health and safety. In this respect, the Government will continue to build the capacity of institutions such as the Sierra Leone Standards Bureau, the Pharmacy Board under the Ministry of Health and

Sanitation. Due attention will also be provided to ensure that goods imported into Sierra Leone adhere to the health and safety standards and do not pose a danger to consumers.

The Government also recognizes the need to educate the general public in matters of consumer health and safety. In this regard, country wide sensitization will be carried out to educate the public on matters of health and safety. Consumer associations will also be supported to provide consumer education to their constituents.