



ECOWAS COMPETITION FRAMEWORK

In 2008, the ECOWAS Authority of Heads of State and Government enacted two key legislations that established the framework for regional competition regulation. The first was Supplementary Act A/SA.1/12/08 adopting the Community Competition Rules and the modalities for their application within ECOWAS. The second was Supplementary Act A/SA.2/12/08 on the establishment, functions, and operation of the ECOWAS Regional Competition Authority (ERCA). The adoption of the Competition Rules and establishment of ERCA provides the conditions for implementing and enforcing competition principles within ECOWAS. This framework is essential toward achieving market efficiency, economic growth, and integration in West Africa which are fundamental objectives of ECOWAS. <https://erca-arcc.org/legal-instruments/#93-180-legal-instruments>.

PROCEDURE FOR MERGERS AND ACQUISITION IN ECOWAS

In accordance with the Regulation C/REG.23/12/21, for any Merger and Acquisition, a notification/application shall be submitted to ERCA for prior authorisation <https://erca-arcc.org/legal-instruments/#93-180-legal-instruments>.

A digital form accessible on ERCA website (<https://erca-arcc.org/efile-a-merger/>) is designed to simplify the process of reporting a proposed merger or acquisition. Notifying a merger is a critical step in ensuring that your transaction complies with applicable competition laws.

LENIENCY AND IMMUNITY PROCEDURES IN COMPETITION WITHIN ECOWAS

The Regulation C/REG.22/12/21 lays down the conditions, rules and procedures for leniency and immunity, under which non-prosecution or a reduction of the applicable sanction/penalty may be granted by ERCA. <https://erca-arcc.org/legal-instruments/#93-180-legal-instruments>.

A digital form accessible on ERCA website allows companies or individuals who have participated in anti-competitive agreements, cartels to report their actions to ERCA. In return for their cooperation, they may receive leniency in the form of reduced fines or penalties. eFiling for leniency improves the efficiency and transparency of the process while maintaining the necessary confidentiality. <https://erca-arcc.org/efile-for-lenieny/>

LODGE A COMPLAINT FOR BREACH OF COMPETITION RULES

Any natural or legal person Can lodge complaint for breach of competition laws: (i) any natural or legal person who is the victim of an anti-competitive practice; (ii) ERCA on the initiative of its Executive Director; (iii) when a person feels aggrieved by the behaviour or action of another in breach of the Community competition rules. ECOWAS Regional Competition Authority uses a Web-based Complaint Management System to streamline and fast-track the submission and processing of complaints. Every Complaint and related request are assigned a unique ticket number that can be used to track the status and responses online. We provide complete archives and a record of all your support requests for your reference. To submit a complaint, you must have a valid email address. <https://complaint.erca-arcc.org/>

DIRECTIVE ON CONSUMER PROTECTION IN ECOWAS

Supplementary Act A/SA.3/12/21 gives ERCA the responsibility to represent ECOWAS wherever necessary in matters of Competition and Consumer Protection in the sub-region. The Directive provides a harmonized regional framework enabling Member States to achieve the objectives of protecting consumers and defending their interests by having in place institutional frameworks, collaboration mechanisms, broad outlines of consumer rights to be protected, responsibilities of consumers, and the obligations of businesses, and the implementation of the Directive. ERCA works with Member States to ensure the promotion and protection of consumer rights contained in this Directive in line with best practices on consumer protection which include inalienable rights of access to quality and safe goods, fair and honest trade, ability to make informed choices, etc. Member States are encouraged to adopt laws, regulations, and administrative provisions necessary to comply with this ECOWAS Directive by 31st December 2028. <https://erca-arcc.org/legal-instruments/#93-180-legal-instruments>.