



African Competition Forum Operational Framework

1. Definitions

1.1. Classification of regional groups for purposes of election of the Steering Committee:

Western Africa	Northern Africa	Eastern Africa	Southern Africa
1. Benin,	1. Algeria	1. Burundi,	1. Angola
2. Burkina Faso,	2. Central African Republic,	2. Comoros,	2. Botswana,
3. Congo (Brazzaville)	3. Chad	3. Democratic Republic of the Congo,	3. Lesotho,
4. Cameroon,	4. Egypt,	4. Djibouti,	4. Madagascar,
5. Cape Verde,	5. Libya,	5. Eritrea,	5. Malawi,
6. Cote d'Ivoire,	6. Mali,	6. Ethiopia,	6. Mauritius,
7. Equatorial Guinea,	7. Mauritania	7. Kenya,	7. Mozambique,
8. Gabon,	8. Morocco,	8. Rwanda,	8. Namibia,
9. Gambia,	9. Niger	9. South Sudan,	9. Seychelles
10. Ghana,	10. Sudan,	10. Somalia	10. South Africa,
11. Guinea,	11. Tunisia,	11. Tanzania,	11. Swaziland,
12. Guinea-Bissau,		12. Uganda	12. Zambia,
13. Liberia,			13. Zimbabwe
14. Nigeria,			
15. São Tomé and Príncipe			
16. Senegal,			
17. Sierra Leone,			
18. Togo			

1.2. Management Committee shall be made up of the Chair, Deputy Chair and Director of the ACF Secretariat.

2. Mission and activities

(i) The African Competition Forum (“ACF”) is a network of African national and multinational competition authorities or where authorities do not exist, government departments or line ministries responsible for competition policy and enforcement.

(ii) The ACF seeks to promote the adoption of competition principles in the implementation of national and regional economic policies of African countries, in order to alleviate poverty and enhance inclusive economic growth, development and consumer welfare by fostering competition in markets, and thereby increasing investment, productivity, innovation and entrepreneurship.

(iii) The activities in which the ACF engages in order to realise its mission are:

(a) **Integration:** Encourage and assist African countries that do not have a competition law to adopt one. Urge Governments to approach the judicial system to have effective implementation of competition laws in each country.

(b) **Capacity Building:** Help build the capacity of existing and future African competition agencies: this includes human resources, budget and institutional structure through training, exchange, and funding.

(c) **Awareness raising:** Increase the awareness of the benefits of implementing competition laws among governments, the general public and stakeholders.

(iv) The ACF’s activities take place on a voluntary basis and rely on a high level of goodwill and cooperation among members, as well as effective working relationships with relevant national and regional governmental authorities, sector regulatory authorities, continental, regional and national development, research and educational institutions, consumer and other relevant NGOs, organised business, professional associations and the judiciary.

(v) The ACF is not intended to replace or coordinate the work of other organisations, nor does it exercise any rule-making function.

3. Membership

(i) A member of the ACF is a national or multinational competition authority entrusted with the enforcement of competition law(s) or where such an authority does not exist, a government department or line ministry responsible for competition policy and enforcement.

(ii) A national agency is an enforcement body supported by a national statutory instrument or regional treaty or agreement.

(iii) A multinational competition agency is an enforcement body supported by a multinational statutory treaty or agreement.

(iv) Members of the ACF participate in whatever way they are able to the mission and activities of the ACF.

(v) Members of the ACF meet periodically in the ACF annual/bi-annual conference.

(vi) Members of the ACF vote or delegate authority to the Steering Committee to decide on the allocation of the ACF's resources.

(vii) All prospective members must accede by letter to the "Mission and activities" set out in article 1 of the African Competition Forum's constitution/operational framework.

(viii) All applications for membership must be approved by the Steering Committee.

(vi) In jurisdictions with more than one competition agency, each may be a member. However:

(a) only one member of the jurisdiction may sit on the Steering Committee at any time and

(b) the jurisdiction has only one vote.

4. ACF conference

(i) The members of the ACF's shall meet at least once every two years at a venue to be decided by the Chairman of the ACF in consultation with the Steering Committee.

(ii) This meeting of the ACF shall have the power to:

a. Adopt the strategy of the ACF;

b. Set the agenda of ACF activities for the following year;

c. Receive, engage with and adopt the reports of the Steering Committee regarding the activities of the ACF;

d. Receive, engage with and adopt the budget and financial reports of the ACF.

(iii) In between meetings of the ACF conference the members of the ACF mandate the Steering Committee to take decisions necessary for the implementation of the agenda and activities agreed upon at the annual conference.

5. Steering Committee

5.1. Mandate of the Steering Committee

The Steering Committee:

(i) Is responsible for the day to day administration and operation of the ACF.

(ii) Develops policy for the approval and adoption of the ACF.

(iii) May appoint and shall supervise the Secretariat.

(iv) Develops, approves and implements ACF programmes in accordance with the agenda and programme of activities mandated by the ACF Conference.

(v) Administers ACF funds and reports to the ACF in that regard.

(vi) May delegate any operational responsibilities to the Management Committee.

5.2. Steering Committee Membership

5.2.1. Composition of the Steering Committee

- (i) The Steering Committee shall consist of eight elected members, comprising two per African region (Southern Africa, Eastern Africa, Western Africa and Northern Africa).
- (ii) Steering Committee members shall be the heads of their agencies or their delegated representatives.
- (iii) No country may have more than one elected Steering Committee member at any time.
- (iv) As appropriate, the outgoing Steering Committee may consider adding up to three Steering Committee members, to a maximum of eleven elected members, to the incoming Steering Committee.
- (v) Elected Steering Committee members shall serve renewable two-year terms.
- (vi) The founding Steering Committee members are those elected by the 2011 ACF Conference. Of these, at least four shall serve two two-year terms, to ensure continuity.
- (vii) If a Steering Committee member chooses to leave the Steering Committee before the end of the two year term, the Steering Committee may fill the vacancy until the end of that term.
- (viii) The Steering Committee shall elect from its members a chairperson, deputy chairperson and secretary.
- (ix) The SC may co-opt additional members to improve its efficiency as the need arises.

5.2.2. Selection Process

- (i) The incoming ACF Steering Committee shall be confirmed at the ACF conference by simple majority of ACF members present and voting.
- (ii) Any ACF member, including a member of the outgoing Steering Committee, may request that the outgoing Steering Committee nominate the member for the next Steering Committee term.
- (iii) The outgoing Steering Committee may also solicit the interest of one or more ACF members to be a candidate for Steering Committee membership.

5.2.3. Selection Criteria

- (i) All elected ACF Steering Committee members shall meet the following criteria:
 - (a) Time and resource commitment to the ACF, mindful of the relative size of the member agency; and
 - (b) Consistent and effective ACF participation.

(ii) When considering the overall composition of the incoming Steering Committee, members of the outgoing Steering Committee shall recommend new members with a view to reflecting the geographic and economic diversity of ACF members.

5.3. Meetings

(i) Meetings of the Steering Committee can be called by the Chair or by any three elected Steering Committee members. The quorum for meetings of the Steering Committee is established at five members.

(ii) At the Chair's discretion, he/she can invite ACF members or Secretariat members to participate in a Steering Committee meeting.

(iii) Steering Committee members meet in person or virtually as frequently as warranted to consider, among other matters, the status of ongoing projects.

(iv) The agenda and minutes of the Steering Committee meetings will be made available to ACF members.

5.4. Chair

(i) The Steering Committee members shall elect a Chair from among Steering Committee members, at the bi-annual ACF Conference.

(ii) The Chair shall serve a renewable two-year term.

(iii) If the Chair chooses to leave the Steering Committee before the end of the two year term, the Steering Committee shall elect a member from among themselves to serve as Chair for the remainder of the two-year term.

(iv) The Chair is responsible for:

(a) chairing meetings of the Steering Committee;

(b) serving on the ACF Management Committee with the Deputy Chairperson and Director of the ACF Secretariat;

(c) overseeing the necessary administrative duties of the ACF, including preparation and distribution of Steering Committee minutes, and acting as the depository for information regarding the operation and activities of the ACF; and

(d) the general conduct of the affairs of the ACF where not otherwise specified to be within the responsibility of any Group or Committee, the Secretariat, the Deputy Chairperson or the Secretary.

(v) The Chair is considered the head of the ACF.

5.5. Deputy Chairperson

(i) The Steering Committee shall elect the Deputy Chairperson.

(ii) The Deputy Chairperson shall serve a renewable two-year term.

(iii) If the Deputy Chairperson chooses to leave the Steering Committee before the end of the two year term, the Steering Committee shall elect a member from among themselves to serve as Deputy Chair for the remainder of the two-year term.

(iv) The Deputy Chairperson is responsible for:

- (a) chairing meetings of the Steering Committee in the absence of the Chair;
- (b) serving on the ACF Management Committee with the Chair and Director of the ACF Secretariat
- (c) representing the ACF, at speaking engagements, conferences and in other fora, when the Chair is not available to attend.

5.6 Secretary

(i) The Steering Committee shall elect the Secretary.

(ii) The Secretary shall serve a renewable two-year term.

(iii) If the Secretary chooses to leave the Steering Committee before the end of the two year term, the Steering Committee shall elect a member from among themselves to serve as Secretary for the remainder of the two-year term.

(iv) The Secretary is responsible for:

- (a) the preparation and distribution of Steering Committee minutes and
- (b) representing the ACF, at speaking engagements, conferences and in other fora, when neither the Chair nor the Deputy Chair is available to attend.

5.7. Initiatives led by Steering Committee members

(i) The Chair may appoint a Steering Committee member to lead an initiative for a time-specific or an ongoing basis.

6. Cooperation with regional and international bodies

(i) The ACF seeks close cooperation on competition issues with regional bodies working in the same field, including regional competition authorities such as EAC, WAEMU, COMESA, SADC and ECOWAS.

(ii) The ACF seeks close cooperation on competition issues with international bodies working in the same field, including the International Competition Network, the Organisation for Economic Co-operation and Development, the United Nations Conference on Trade and Development, the World Bank and the African Development Bank.

(iii) The Steering Committee may invite regional or international bodies working in the field of competition law and policy to designate representatives to contribute to ACF activity.

7. Stakeholders

(i) The ACF welcomes the participation of relevant experts, sector regulators, development organisations, research and educational institutions, consumer and other relevant NGOs, business associations, professional associations and the judiciary.

(ii) These stakeholders will be invited to participate in the ACF either in their capacity as representatives of their respective organisations or in a personal capacity based on their individual authority and expertise. Stakeholders may contribute to the work of the ACF, including:

- (a) participation in projects or particular aspects of projects;
- (b) participation in ACF conferences and workshops;
- (c) provision of information, expertise and resources; and
- (d) in any other issue considered by the Steering Committee.

(iii) Members may seek information and expertise on ACF-related issues from stakeholders of their own choosing.

(iv) Stakeholders in any ACF activities are generally expected to bear their own expenses in relation to such activities.

(v) Stakeholders shall refrain from making statements on behalf of the ACF.

8. Language of the ACF

(i) English and French are the working languages of the ACF.

(ii) If a sufficient number of members ask for other working languages, the question will be examined by the Steering Committee.