

# **COMPETITION ENFORCEMENT AGENCIES**

## HANDBOOK 2019

Published in association with:

Atsumi & Sakai

Bowmans

Cooley

ELIG Gürkaynak Attorneys-at-Law

Lapidot, Melchior, Abramovich & Co

Morrison & Foerster LLP

SRS Advogados

Van Bael & Bellis



# Competition Enforcement Agencies Handbook 2019

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A Global Competition Review Special Report

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*Global Competition Review's* 2019 edition of the *Competition Enforcement Agencies Handbook* provides full contact details for competition agencies in over 100 jurisdictions, together with charts showing their structure and a Q&A explaining their funding and powers. The information has been provided by the agencies themselves and by a panel of specialist local contributors.

The *Competition Enforcement Agencies Handbook* is part of the *Global Competition Review* subscription service, which also includes online community and case news, enforcer interviews and rankings, bar surveys, data tools and more.

We would like to thank all those who have worked on the research and production of this publication: the enforcement agencies and our external contributors.

The information listed is correct as of April 2019.

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# Gambia Competition and Consumer Protection Commission

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## Contacts



**Amadou Ceesay**

Executive Secretary

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## Questions and answers

**How long is the head of agency's term of office?**

There is no term limit.

**Which posts within the organisation are political appointments?**

None. But, the executive secretary is screened, interviewed and recommended by the Board of Commissioners with final approval from the President.

**What is the agency's annual budget?**

The agency's annual budget is US\$300,000.

**How many staff are employed by the agency?**

There are 30 members of staff employed by the agency.

**To whom does the head of the agency report?**

The head of the agency reports to the Board of Commissioners.

**Do any industry-specific regulators have competition powers?**

Yes.

**If so, how do these relate to your role?**

We operate a memorandum of understanding for better enforcement and collaboration.

**Do politicians have any right to overrule or disregard the decisions of the authority?**

Yes. The Secretary of State (the minister responsible for trade) may require the Commission, by order under section 17(3) of the Competition Act, 2007:

- (i) not to carry out an investigation in respect of an enterprise specified in the order;
- (ii) to discontinue an investigation it has started in respect of an enterprise specified in the order;
- (iii) not to impose any penalty on an enterprise specified in the order; or
- (iv) not to impose any penalty or other remedy unless it has been approved by the Secretary of State.

There is an additional requirement under section 17(4) of the Competition Act that the Secretary of State shall not make an order under subsection (iii) unless he or she is satisfied that the action specified in the order is necessary and required:

- in the interest of national security; or
- to comply with Gambia's international obligations.

Section 17(5) provides that an order made under subsection (iii) shall have no effect until it has been published in the Gazette and must identify the grounds relied on by Secretary of State to make the order.



**Does the law allow non-competition aims to be considered when taking decisions?**

Yes, section 35(4)(a)–(d) of the Competition Act 2007 allows for consideration of offsetting public benefits in determining remedial action.

**Which body hears appeals against the agency's decisions? Is there any form of judicial review beyond that mentioned above? If so, which body conducts this?**

Decisions of the Commission can be challenged through the High Court (Court System).

**Has the authority ever blocked a proposed merger?**

No, merger provisions are not yet in force.

**Has the authority ever imposed conditions on a proposed merger?**

No.

**Has the authority ever pursued a company based outside your jurisdiction for a cartel offence?**

No.

**Do you operate a leniency programme? Whom should potential applicants contact?**

Yes. Applicants should contact the executive secretary.

**Are there any plans to reform the competition law?**

Yes.

**When did the last review of the law occur?**

It has not yet been reviewed.

**Do you have a separate economics team? If so please give details.**

There is an economics department; however, investigations and studies are done jointly by the economics analysis team and the legal department. Issues are dealt with using both the Competition Act 2007 and the Consumer Protection Act 2014.

**Has the authority conducted a dawn raid?**

No.

**Has the authority imposed penalties on officers or directors of companies for offences committed by the company?**

No.

**What are the pre-merger notification thresholds, if any, for the buyer and seller involved in a merger?**

Merger provisions not yet in force.

**Are there any restrictions on minority investments?**

No.

**Does the country have an immunity and leniency programme? What discounts are available to companies that cooperate with cartel investigations?**

Yes, we do have an immunity and leniency programme. During the investigation of the medical insurance underwriting scheme, some companies were given a light fine because of their cooperation.

**Does the authority conduct criminal investigations and prosecutions for cartel activity? If not, is there another authority in the country that does?**

Yes. The Gambia Competition and Consumer Protection Commission is the only authority responsible for the investigation and prosecution of cartels in the country.

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