Fair Trading Commission

Seychelles

2015 Annual Report

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Our Purpose and Functions

About the Commission

The Fair Trading Commission is a statutory body established under the terms of the Fair Trading Commission Act 2009 along with the Board of Commissioners and the Appeal Tribunal. The Commission is the investigative and enforcement body, whereas the Board of Commissioners is the adjudicative body and the Appeal Tribunal considers appeals made against the decision of the Board.

Responsibilities

The Commission's overall responsibilities are to:

- promote and advance the welfare of consumers;
- promote, maintain and encourage fair competition among business enterprises and Service providers; and
- see that goods and services meet quality standards.

Functions of the Commission

The Commission's main functions are to:

- promote and maintain fair competition;
- carry out investigation in relation to conduct of trade;
- monitor commercial activities to ensure that practices that may adversely or unfairly affect the interest of consumers and businesses are prevented or terminated;
- prevent the abuse of a dominant position by an enterprise;
- eliminate anti-competitive practices;
- prevent or control anti-competitive mergers;
- provide general information to consumers with respect to their rights and responsibilities;
- initiate or receive complaints concerning alleged prohibited conduct, and deal with those complaints in accordance with CPA;
- investigate and evaluate complaints or alleged contraventions of the CPA;
- implement any policies on competition and consumer protection on behalf of the government.

The Board of Commissioners

Mrs. Jenna Thelermon - Commissioner (Far Left), Mr. Victor Pool - Commissioner (Second Left), Mr. Colin Jean-Louis - Chairman (Second Right), Mr. Philippe Chong-Seng - Commissioner (Far Right), Mr. Michael Naletamby - Commissioner (Unfeatured)

The Chairman

Mr. Colin Jean-Louis

Dear Stakeholders of the Fair Trading Commission (Commission), fellow commissioners and dedicated officers of the Commission, on behalf of the Board of Directors, it gives me great pleasure to present to you the annual report for 2015. I trust that it will give a glimpse into the operations and activities of the Commission and generate greater support and engagement from the stakeholders in the coming year.

The annual report summarizes the data in respect of the operations of the FTC in Market Surveillance, Investigation of consumer and competition cases and Legal affairs. The report also gives an insight of the efforts being undertaken by the supporting departments in building a workplace and a workforce that is well equipped to discharge the duties of the FTC in an efficient and effective manner.

The data shows increase in the number of case recorded despite great efforts to safeguard the interest of consumers and maintain fair competition practices in the market. It is imperative to note that investigating and resolving complaints are becoming increasingly challenging as more technical expertise are required to tackle the increasing change of trends in the market. As consumers become more informed about their rights and businesses look towards achieving greater success in the free market economy, the Commission needs to be able work towards minimizing market failure through greater emphasis on preventative measures rather than remedial measures. In order to able to achieve this milestone, the continued support from other sector regulators will be vital.

To this end, I would like to thank the management team and my fellow colleagues of the board of Commissioners for the achievements of the Commission during this year. I would like to thank the dedicated officers of the FTC for their continued devotion. I urge you all to stay committed and work relentlessly towards becoming an even stronger voice in ensuring a sound and well-regulated market.

In accordance with Section 29 of the Fair Trading Commission Act, 2009, we present this report on the activities and operations of the Commission for 2015.

The Chief Executive Officer

Mr. Georges Tirant

It gives me great pleasure to convey to you the achievements of the Commission for the year of 2015. This report dually assesses the accomplishments of the Commission against set objectives, guided by the action plans of each department for the year. The Commission's focus was directed at the re-evaluation of the organizational structure to allow faster resolution of complaints within a reasonable time frame. Additionally in our commitment to safeguard consumers and businesses against unfair trading practices, major improvements has been made to the Commission's operational systems.

A courtesy visit in March by the Minister of Finance, Trade and the Blue Economy Mr. Jean Paul Adam was the highlight of 2015. Furthermore, our participation in the latest edition of the National Expo held in June, 2015 was the perfect platform to carry out our function in creating more awareness about the Fair Trading Commission's mandate.

Considering that Seychelles is a consumer driven economy, the number of complaints related to goods and services recorded in 2015 were higher compared to the previous year. Alternatively the number of competition cases in 2015 were relatively lower compared to 2014. From a total of 72 routine inspections undertaken by our market surveillance department, 40 shops were found to be in contravention with our laws and the relevant businesses were directed to comply with the laws of the Fair Trading Commission.

Taking into account the achievements of the Commission during 2015, it is to be noted that the tasks at hand were not without constraints and the contribution of other authorities were equally important for the identification and prevention of market failure. As we work towards our vision, I wish to express my sincere gratitude to the Board of Commissioners and the staff of the Commission for their continued hard work and commitment towards the Commission's mission.

Our Strategic Goals

Strategic goal 1
Protect consumers from unfair business practices;

Strategic goal 2
Promote and maintain fair competition;

Strategic goal 3
Advance the Commission's performance through organizational, management and individual excellence.

Support

Human Resources & Administration

Staff Turnover and Recruitment

In the beginning of the year, the Commission had a workforce capacity of 22 staff. With the necessity to employ more staff, the Commission recruited a total of 4 staff namely in the departments of Administration & Human Resource, Legal & Policy, Investigation & Market Surveillance and the Chief Executive Officer's office. Following these recruitment, the workforce capacity increased to 26. However, by December 2015 a total of 5 staff ended their employment with the Commission hence decreasing the workforce capacity to a total 21 staff.

Internship & Work Attachment

The Commission accommodated three (3) students from the UNISEY on internship program for a period of (insert number of months). These programs are being offered to graduates with degree levels to acquire work based experience in different fields within the Commission. Two students from the School of Visual arts were also accommodated within the month of June to assist mainly in the preparation of the many displays for the Commission's participation in the National Day Expo.

Program Performance Based Budgeting

The Commission's management has been following the new budgeting process implemented by the Ministry of Finance, Trade & the Blue Economy namely the Programme Performance Based Budgeting since 2013. In 2015, the PPBB process moved to the piloting phase where the Commission had an overview and experience of how to prepare the yearly budget according to the newly introduced method. With much training offered by the parent Ministry, the 2016 budget has been prepared using this method and the Commission is eager to operate the allocated budget under such a program.

Performance Management System

The objective of implementing the new Performance Management System was to replace the existing performance appraisal system with a more articulate and efficient system to manage staff performance. A draft was compiled and is in the process of being finalized. The process consisted of the development of performance management tools, updating of the current job descriptions and the creation of performance contracts for a better performance evaluation system. The Commission believes that this will be an important element in the Human Resources department and contribute greatly in the management of its staff.

Target

- To fully implement the performance management system.

Information Technology Department

As per previous year many changes were done to the FTC IT infrastructure during the year under review, all with the aim of improving the IT system to facilitate the work of FTC staff. Several projects were implemented or improved in 2015, some of which are still work in progress and hence will be completed the following year. These projects are:

1. **Database**

During the first semester of 2015, a new database has been installed on a new server. The new database provided easier access to information by generating report based on different outputs. The new database was design in MySQL database using IIS (internet information service) to make the database available on the local FTC Server via web URL. Compared to the old the database that was using Microsoft access with limitation such as:

- Allocating multiple users access to the database at the same time
- No client installation/software is required, the database is available via the browser on any PC within the FTC network
- Central base database
- Better security
- Portable

In the second semester, some new features were added, such as access control. The Commission worked on implementing other new features such as email alerts for cases being processed in the database so as to alert the department supervisors of new cases so as to assign them to officers and which also allows them to follow up on the cases.

2. **Upgrading the network cables from CAT5 to CAT6 , changing the backbone to fibre optic**

2 CAT6 cables have been implemented on the network removing the CAT5 cables, the benefit of CAT6 to provide a faster more reliable/stable network for FTC, adding a faster data transfer between staff computers and the server.

3. **Reconfigure Xerox Printer for individual username/password and adding a new multifunctional canon copier**

The Xerox printer has been reset up on the basic of individual usernames and passwords. A new Authentication has been put in place to provide better control of ink usage and prevent printing abuse.

A new Canon copier has been purchased and implemented in the IMS department to help reduce the work load on the Xerox copier. The Canon Copier has also been reconfigured and authenticated by individual usernames and passwords.

4. **New electronic inventory system**

For the new electronic inventory system, FTC has chosen the fixed asset registry software, it is currently installed on the server and a HR staff PC. The database of the fixed asset has been updated from the manual copy to electronic copy. FTC is currently updating the fixed asset database with new fixed asset purchased.

5. **Replace the main DC Server with a new server**

FTC main Dell Power Edge T110 was replaced with a new Dell Power Edge T110, all FTC files/settings was migrated to the new server. validation and testing was done on the new server completed without errors.

6. **Configuring FTP Server**

IT Manager have Configured a new FTP server due to high demand for large files/documents that cannot be sent by emails. FTP Server provides the freedom to share unlimited file size from anywhere around the world from the main FTC office using the internet on both ends. FTP server creates the prospect for FTC staff travelling regularly or away from the office to access any information/files on the local Server. Allowing them to keep up to date with work.

7. **Maintaining FTC Network and updating OS/software**

Upgrading all FTC OS to windows 10 for better security against viruses, adware and other malicious software.

Upgrading all the hardware to a minimum of 4 GB providing a faster work station and increase staff productivity/efficiency.

Upgrading all Microsoft office from 2007 to 2013 upwards providing more rich features and tools for data manipulation.

8. **Network helpdesk & Intranet**

A New helpdesk was designed and implemented on FTC network where FTC staff can interact with IT department and follow up on tickets/faults that occurs.
the helpdesk provides a learning platform library for reoccurring errors, where staff can log in and find resolution of previously fixed errors.

A local FTC intranet was design and implemented on the server to provide staff with template of forms, processes and other information's that FTC recommended to share among all the staff.

9. **Exchange Server**

A new proposal to purchase an Exchange server for Better management of FTC emails was put forth. Currently FTC emails are being manage externally by FTC ISP cable and wireless.

10. **Upgrade our current backup system with removal backup tapes and to implement a new proposed offsite DRP (disaster recovery plan)**

FTC is currently backing up data on an external NAS with Symantec backup Exec 2010, it is recommended that FTC upgrade the current backup system with backup exec 15.

Purchase new backup tapes and hardware to specifically backup FTC data on a removal backup disk that will be stored remotely.

11. **Installing a PABX Phone system for FTC**

A new PABX to remove limitation on expanding FTC phone system and eliminate the use of extension sharing amongst departments and staff.

12. **Configure each FTC staff's email with signatures & disclaimer**

IT will design each staff signature and disclaimer that will appear on every FTC emails to provide more legitimacy, copyright, confidentiality to FTC emails.

Future Plans and Targets/Objectives

- To purchase/upgrade/installed and configure new Symantec backup exec with new hardware removal disk.
- Upgrade Symantec backup software to create a removal disk to be stored at remote location in concurrence with the new DRP.
- Extending database with more features to improve reports and reduce errors
- Connect the database to the other intra government database such as Registrar for live synchronization of NIN.
- To fully upgrade FTC current physical network from CAT5 to CAT6 and fiber optic network by improving the speed and data/information access through the main network.
- More users interacting thru the helpdesk for IT faults, reduce IT faults and errors occurs.
- Updating the intranet with more template provide an resourceful access to template and documents to staff.
- Purchasing new technology and IT tools to maintain a reliable IT infrastructure

Constraints:

With a high demand of IT at FTC, 1 person in the IT unit is not sufficient to cover every aspect of IT. There is a need to expand IT Unit for an assistant to be able to meet all FTC IT expectations.

FTC IT unit will continue to evolve by requiring more IT training such as MCSE, Cisco to cope with the High demand of IT and evolving technologies.

IT Project is a restricted due to unavailability of Budget for important projects such as Disaster recovery plan.

FTC requires new hardware & software to be installed on the main server and a backup disk to provide a remote backup solution.

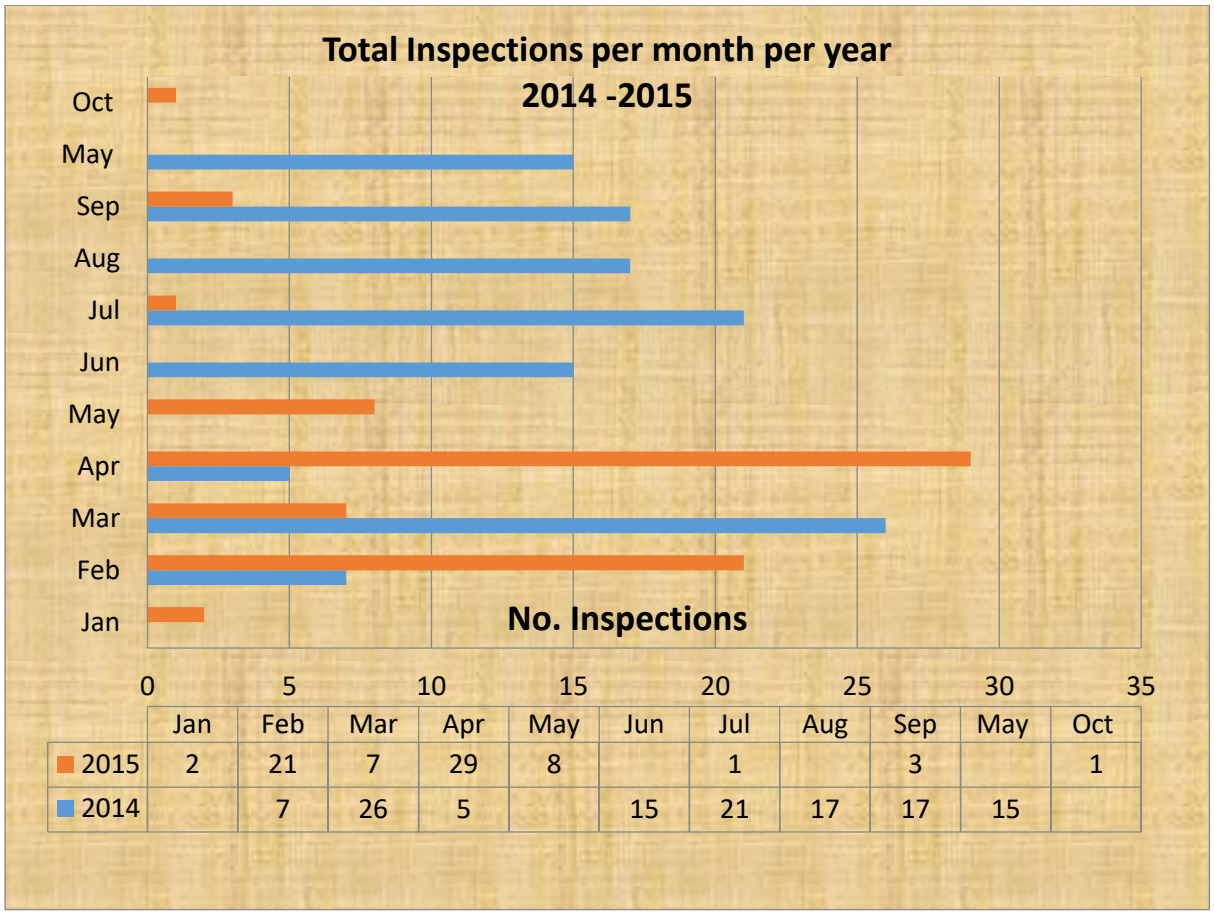
The Operative

Market Surveillance

Inspections

In 2014, the Commission carried out **Routine Inspections** twice per week, as part of its mandate to ensure that retailers are not engaging in practices that are in contravention of the Consumer Protection Act 2010. Inspection is carried out on Mahe, Praslin and La Digue Islands. However this was not the case in 2015 due to various reasons, namely the unavailability of funds, the decrease in the number of staff and hence increase in staff workload.

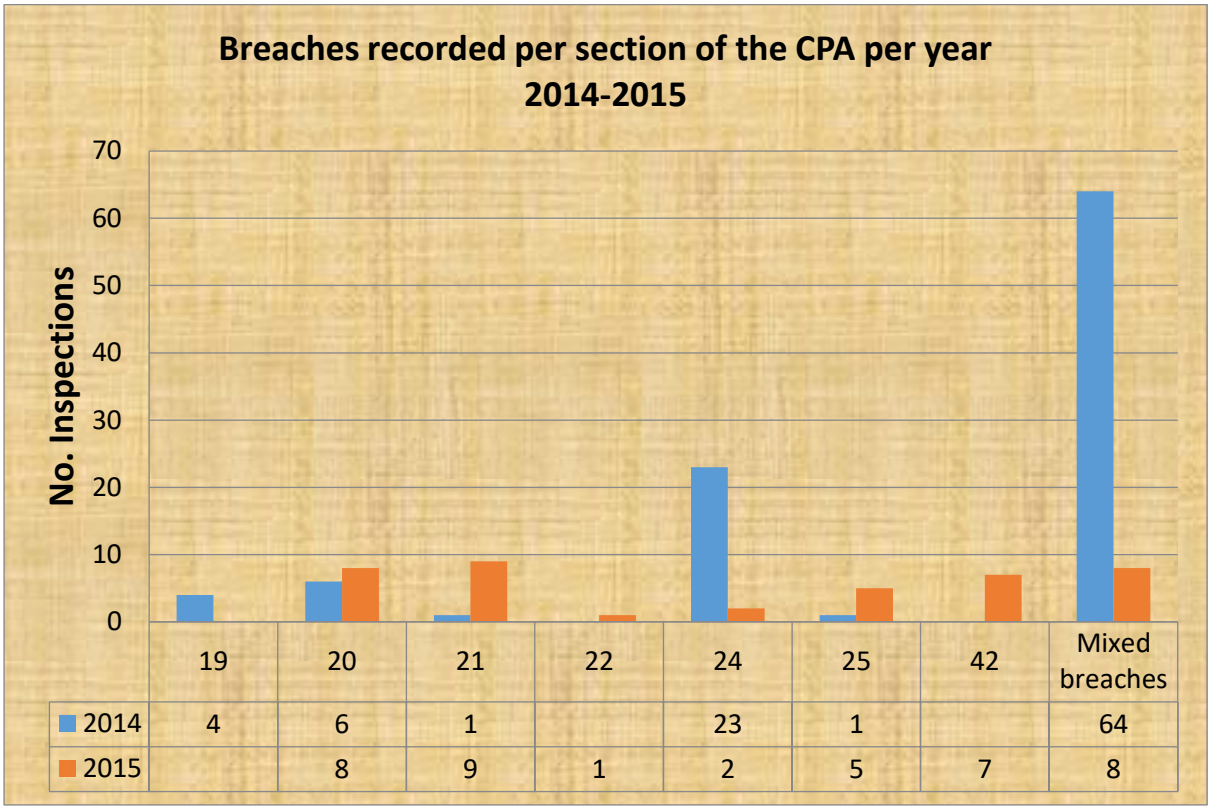
During the year under review the Commission carried out 72 inspections out of which 40 shops were in contravention with our laws. This represents a significant decrease of 25% of breach identified as compared to precedent year. This decrease is greatly attributed to the lower number of inspections carried out as compared to the previous year which was 123 in total.



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	May	Oct
2015	2	21	7	29	8		1		3		1
2014		7	26	5		15	21	17	17	15	

Out of the 40 shops identified as being in contravention during inspections carried out in 2015, the most breaches were with regards to section 21 - Product labelling and trade description for which 9 shops were in contravention, 8 shops were found to be in contravention of section 20 - Disclosure of prices, whereas 8 shops had mixed breaches, and the remaining breaches where with regards to sections 19 – Language, section 24 – Expired goods, section 25 - Sales records and section 42 – Defective goods.

Contrary to 2014 where the majority of the breaches were either identified with regards to shops in contravention to multiple sections of the Act, 64 shops in total, and 23 shops with regards to section 24 - Expired goods, the remaining shops were found to be in contravention to either section19 - Language, section 20 - Disclosure of prices, section 21 - Product labelling and trade description or section 25 - sales records.



	19	20	21	22	24	25	42	Mixed breaches
2014	4	6	1		23	1		64
2015		8	9	1	2	5	7	8

Enquiries

Through the year of 2015 the Commission received many enquiries for which the Commission undertook some investigations. Below is a small summary and the outcomes of these enquiries.

Cigarette Scam

The Commission launched into a fact finding exercise after being alerted by the manufacturer that some consumers had reported having bought cigarette packs which were empty. The exercise lead the Commission to a certain shop who had a video footage of the alleged customer making the complaint in the shop and it was seen then that the customer himself was making the exchange in the shop as he had swapped the full pack for the empty one which he had initially brought with him in the shop.

The matter not being one that falls in the ambit of the Commission's powers the appropriate authority was informed so that they could address the issue.

House Fires

Due to the rapid increase in the number of house fires in early 2015, the Commission met with other authorities and agencies in order to discuss and identify the main causes of the fires and propose solutions to the problem.

The meetings led the Commissions to discover that most of the fires are of electronic/ electrical origin. The exercise lead the Commission to be more implicated with these other authorities and worked together in creating consumer awareness when it comes to the different causes of fires and what they can do to minimise the risks of house fires.

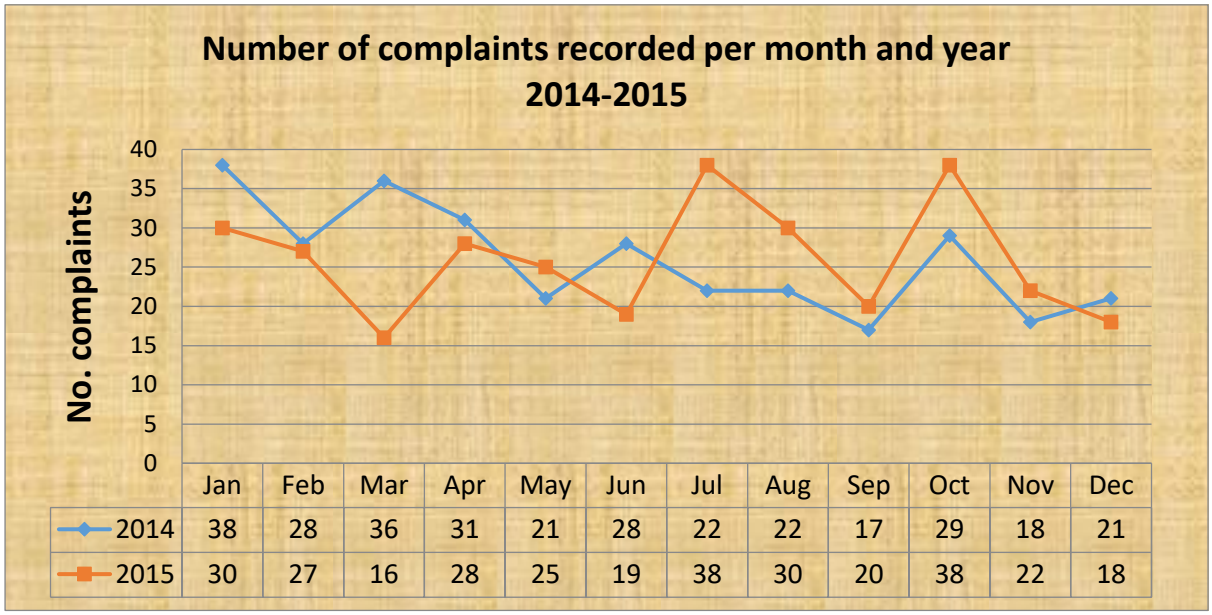
Misleading advertising - Lite Pro Upgrade

The issue was with regards to cable and wireless requiring customers to pay higher than a price being advertised for a product. The Commission's findings showed that Cable was knowingly displaying a price which was not complete and hence was advised to amend the advert to reflect the true price of the product.

Investigation

Consumer cases

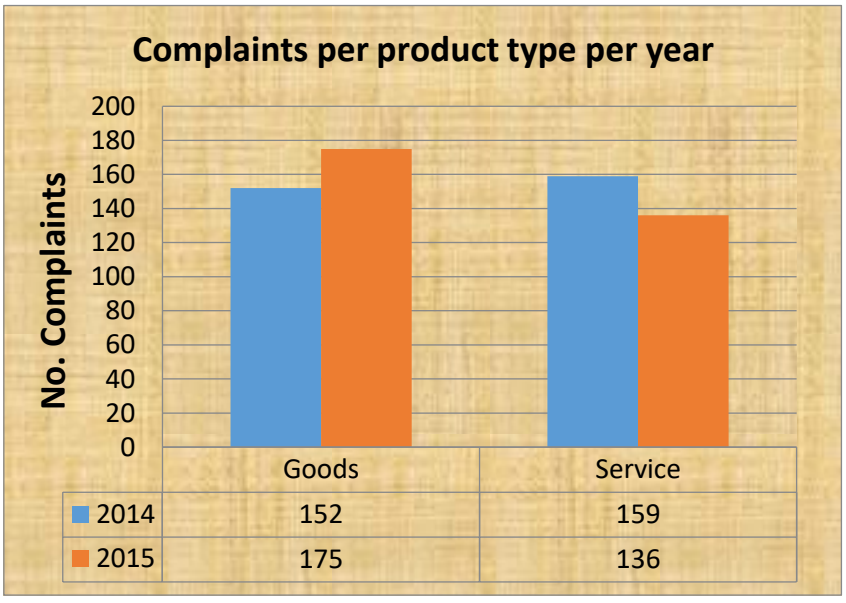
During 2015, the Commission investigated a total of 311 consumer cases out of which 201 were completed by 31st December 2015. Whilst 227 out of 311 cases investigated during 2014 were completed by 31st December 2014. As per previous year the number of complaints recorded during the first two months remain high, this is attributed to the purchases made in the festive seasons namely Christmas and New Year for which consumers report the product, service failure after the festivities.



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	38	28	36	31	21	28	22	22	17	29	18	21
2015	30	27	16	28	25	19	38	30	20	38	22	18

Although in 2014 the number of complaints throughout the year showed an overall gradual decrease, this was not the case for 2015 where peaks of significantly high numbers of complainant were received in July and October recording 38 complaints each. For the moment the Commission has no particular explanation as to these sudden influxes of complaints.

It is to be noted that the total complaints for goods in 2015 stood at 175 compared 152 in 2014. Whereas the total complaints for services were 136 in 2015 compared to 159 in 2014. The increase of cases in goods in 2015 reflects the rise of cases FTC has received for mobile phones and other electronics items.



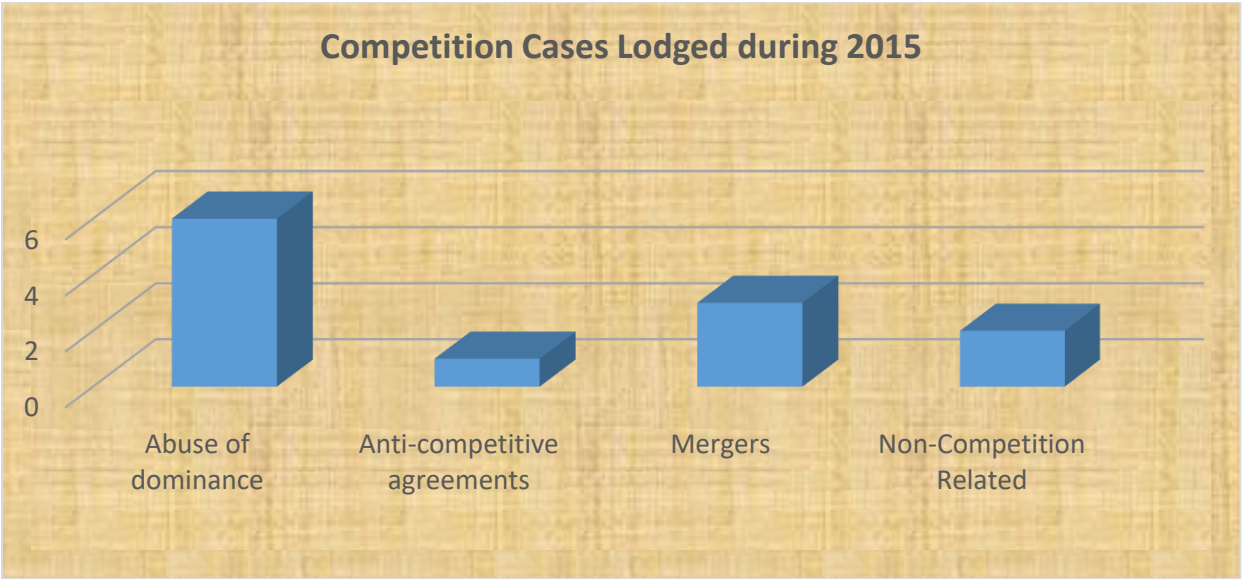
	Goods	Service
2014	152	159
2015	175	136

Competition Cases

During the year 2015 the Commission investigated a total of 24 competition cases altogether. This represents an increase of 26% in terms of cases investigated compared to the year 2014. In the year 2014, 19 competition cases were investigated. The increase in the number of cases investigated is indicative of the complexity and laborious nature of competition cases. In other words competition cases are very data and evidence intensive as such cases are subjected to stringent counter arguments from respondents. Out of the 24 competition cases, the Commission has completed investigations in 17 cases during the same year, that is, 2015 and has carried over 7 cases.

A total of 12 competition complaints were lodged during the year 2015 which accounts for a decrease of 8% in competition complaints lodged compared to 13 cases recorded for the year 2014. Among the cases recorded in 2015, there were 6 cases that were related to abuse of dominance while 1 concerned anti-competitive agreements and 2 were not competition related. In terms of mergers there were 2 mergers from the COMESA competition Commission but there was also 1 local merger that the Commission was assessing to determine whether there were any substantial lessening of competition or harm to competition post-merger.

Do note that the overarching goal of the Commission is to protect consumers from unfair trading practices whilst also promoting fair competition amongst businesses hence the Commission places great emphasis on resolving cases Expeditiously as well as Effectively.



The graph above depicts the spread of cases in terms of type as lodged during the year 2015.

Prosecution, Appeal and Non-Compliance

Legal

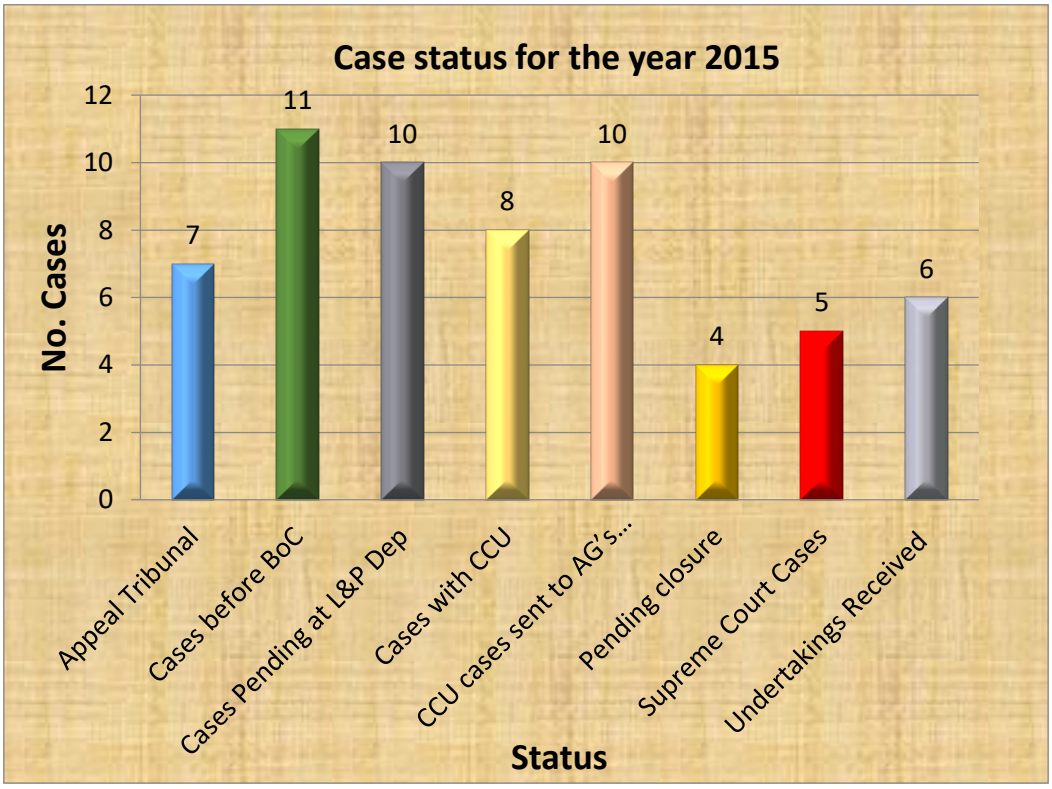
The Legal and Policy Department is mandated to ensure enforcement of the Acts which the Fair Trading Commission administers. Pursuant to its mandate the Legal and Policy Department prosecuted 11 cases before the Board of Commissioners and successfully negotiated settlements by voluntary Undertakings in 6 cases. The Department also defended 7 matters before the Appeal's Tribunal. 5 of these cases were further appealed at Supreme Court level and the Department referred these matter to the Attorney General's Office for representation. 10 cases remained pending with the department and were carried over to 2016.

Compliance to Undertakings and Board of Commissioners rulings remained a challenge and the Department had to refer 18 cases to the Commercial Crime Unit of the Police for non-compliance. 8 of these cases are still with them whilst they have referred 10 to the Attorney General's Office for prosecution.

In the year under review the Department also worked on and facilitated the signing of a memorandum of understanding between the Commission and the Public Health Authority of the Ministry of Health.

The MOU is aimed at ensuring effective co-operation between the two entities on matters including, importantly, food safety and to complement each other's roles in maintaining consumers' protection.

The Department also continued to provide its support and plays an essential role with regard to investigations processes within the Commission by providing legal advice/opinions in order to ensure proper handling of investigations which would determine the successes of or failures of the Department/ Commission before the different instances before which it appears.



Legal Drafting & Policy:

Memorandums of Understanding:

- Public Health Authority
- Seychelles Ports Authority
- Procurement Oversight Unit

Legal Opinions and Research:

- Warranty Terms Issue
- Unfair contract terms
- Mediation and redress mechanism comparative report,
- Warranty Terms Issue
- Unfair contract terms
- Mediation and redress mechanism comparative report.

Legislative Drafting:

- The Fair Trading Commission Act
- The Consumer Protection Act
- The Fair Competition Act
- Distance Selling Regulations
- Labelling Regulations

Legislative comments on other laws:

- Seychelles Medicine Legislation

Training:

Legal Advisor and Legal Officer: ITEC Special Course on Competition Law & Policy in India

Unleashing Potential

Educational Session

The Consumer department conducted a series of educational sessions to familiarize companies with the Consumer Protection Act, 2010. The first session was held staff with of the Seychelles Trading Company on the 15th February 2015.

The session was carried out by FTC's head of consumer department, Neddy Padayachy and senior compliance officer, Nadia Pillay. Mr. Padayachy gave a brief introduction of FTC and its objectives and this was followed by a discussion of the Consumer Protection Act 2010 (CPA). He also highlighted the vision and mission of the Fair Trading Commission.

Other similar session was carried out with Importers and Wholesalers in March 2015. Other sessions held were with Seychelles Trading Company staff on Praslin, as well as with Pharmacist from private pharmacy and Ministry of Health.

FTC Staff benefit from Training from the Consumer Tribunal and the National Credit Regulator from South Africa

In its commitment for capacity building and development of its staff, a training based on Mediation and Investigation was organised by the Commission.

The sessions which were facilitated by three consultants from South Africa, Mr. John Simpson and Mr. Joseph Maseko from South Africa, Consumer Tribunal and Mr. Mark Whale from South Africa, National Credit Regulator was conducted from 23rd to 24th March 2016, at the Coral Strand Hotel, and benefited staff from the Consumer, Legal and IMS Department.

The training highlighted proper Investigation procedures allowing the refining of FTC Officer's mediation skills, which in turn will permit quick and effective resolution of cases.

Additionally, a workshop on Food and Food Products Advertising was held on 25th March 2015. The workshop was done in collaboration with all media houses including the media committee. The FTC, the Food Control Unit and the Nutrition Unit did a presentation on food advertising in regards to misleading advert and food safety in Seychelles. FTC guest speaker, Mr Simpsons however compared the Seychelles laws to the South African laws in regards to food and food products advertising.

On the 26th March 2016 a Departmental Consultation was conducted. The FTC benefited from the consultant's visit as they were prepared to address constraints of case handling in operations departments. The main topic under discussion was weather to and how to use mediation as a tool in case handling.

Report writing – 04th, 05th and 11th May 2015

As part of a capacity building exercise, a 3 day in-house training on report writing facilitated by the Ministry of Education, Adult Learning and Distance Education Centre (ALDEC) was carried out to brush up the report writing skills of the staff.

The session was led by Mrs. Jeanine Louange from the ALDEC, and aimed at reviewing the different formats being used in-house and updating them so that they reflect the standard norms being used.

Training with Mr. Chong - Seng – 21st July 2015

Mr. Chong Seng is a Chartered electrical engineer presently engaged in electrical consultancy work.

The one day training laid down the basics of electrical concepts which allowed staff members to get better acquainted with the different terms used in electronics. Due to the continuous numbers of complaints received with regards to electronic and electrical items this allowed the staff better understand the way in which electrical appliances function.

Consumer safety training – 31st July 2015

The Commission attended a one week lecture on Consumer Safety organized by the University of Seychelles presented by Dr. Marco Rizzi. The lecture was attended by officers and heads from the Consumer, Competition and Legal Affairs department. It outlined the powers and limits of the Commission in exercising its role according to the act and gave great insight into the interpretation on the act vis-à-vis the same. The lecture proved to be very fruitful and comprehensive not to mention, highly academic. At the end, participants were awarded certificates from the Universtiy of Seychelles, Guy Morel Institute.

Staff Training: Further Education

Two staff from Legal and IMS department has obtained their GOS Scholarship to start their studies with the UNISEY/UOL for a Law Degree. These were Mr. Ziggy Adam And Mr. Trevor Louise.

External Participation and Workshops

ITEC special course on Competition Policy & Law, 14th February - 04th March 2015

Two officers of the Commission namely Mrs. Chantale Grange (Legal Advisor) & Ms. Karine Dick (Analyst) had the honour of attending the ITEC special course on Competition Policy & Law at the National Law University in Dwarka, New Delhi, India.

This course has been organised under the Aegis of Ministry of External Affairs, Government of India with the aim of bringing different African countries together and educating the junior staff from different Competition Commission by enhancing their knowledge and skills in competition law and policy. Altogether there were 25 participants from 13 African countries namely: Seychelles, Namibia, Tanzania, Ethiopia, Zambia, Mauritius, Malawi, Botswana, Uganda, Morocco, Tunisia, Swaziland & Senegal.

4th Regional Workshop on Practical Skills for developing Reliable Evidence in Competition Investigation, Pretoria, South Africa, 23rd - 27th of March 2015

On 23rd – 27th March, 2015, Mrs. Natalie Edmond participated in a workshop entitled "Regional Workshop On Practical Skills For Developing Reliable Evidence In Competition Investigations". The workshop was held in Pretoria, South Africa at the South African Competition Commission. It was the United States Federal Trade Commission, the United States Department of Justice, and the South Africa Competition Commission, with funding provided by the United States Agency for International Development, that conducted the

Workshop. The Workshop participants were able to develop in greater depth the various lessons and skills from the earlier regional workshops, including developing theories of competitive harm; preparing and using an investigation plan and proof chart; drafting, negotiating, and reviewing requests for documents and information; preparing for and conducting interviews; and drafting the investigation report. These practical skills were illustrated and developed through a combination of presentations and interactive, learning-by-doing exercises involving alleged anticompetitive agreements, abuses of a dominant position, and anticompetitive mergers.

17th International Conference on Competition, Berlin, Germany, 25th - 27th March 2015

The International Conference on Competition has been organised by the Bundeskartellamt every other year since the early 1980s. The conference is one of the most renowned international events dealing with competition law issues and brings together leading personalities and competition experts from all over the world, providing a forum for them to exchange their knowledge and experience.

The last conference in 2013 was attended by more than 350 participants from over 60 countries.

The Deputy CEO participated in the 17th International Conference on Competition on behalf of the Commission.

COMESA Competition Commission attended the Swearing-In Ceremony in Ethiopia, Addis Ababa

The CEO, in his capacity as a Commissioner on the Board of Commissioners of the COMESA Competition Commission attended the Swearing-In Ceremony in Ethiopia on the 30th March - 1st of April 2015

OECD Committee on Consumer Policy review on the guidelines for Consumer Protection in the context of Electronic Commerce, OCED Headquarters, Paris, 20th - 22nd April 2015

The Acting Principal Compliance Officer took part in the OECD workshop in Paris. The workshop was broken down in two sessions; that is, 1 day working committee session and 2 days conference with all OECD participants. The working party's role was to draft the Consumer Policy and the conference was the platform to evaluate and amend the Policy. This year, the conference debated broadly on the e-commerce and its modification in the proposed consumer policy.

7th Annual ICC Round Table on Competition Policy

The CEO participated in the 7th Annual ICC Round Table on Competition Policy, held in Sydney, Australia on the 27th April 2015. Organized by the ICC Competition Commission, the conference provided an opportunity for representatives from business and competition agencies to dialogue on key issues affecting the current competition system across markets.

Emphasis was put on, Antitrust compliance for small business, Best practices in merger control And The increasing importance of foreign investment reviews.

The ICC Roundtable also witnessed the launch of the new ICC antitrust compliance toolkit for small business and the ICC Recommendations on Pre-merger Notification Regimes.

Source:http://www.iccwbo.org/Training-and-Events/All-events/Events/2015/7th-ICC-Roundtable-on-Competition-Policy/

14th Annual Conference (Conference) of the International Competition Network (ICN) 28th April - 1st May 2016, Sydney, Australia

THE INTERNATIONAL COMPETITION NETWORK TO FOCUS ON ITS MEMBERSHIP NEEDS May 1, 2015.

The 14th Annual Conference (Conference) of the International Competition Network (ICN), hosted by the Australian Competition Authority (ACCC) saw the participation of the CEO of the Fair Trading Commission and over 500 participants from more than 70 jurisdictions, including other representatives and stakeholders such as the business community, legal and economic professionals, international organisations and academics, which was held from April 28th until May 1st 2016 in Sydney, Australia.

The ICN is the most important network of competition authorities worldwide. It comprises of 132 competition agencies from 119 jurisdictions. Mr. Andreas Mundt, President of the German Bundeskartellamt, in his capacity as the ICN Steering Group Chair addressed the Conference attendees on April 29. He stated that "*The ICN has been a key driver for the constant development that competition law and policy have taken since the foundation of the ICN in 2001. A challenge for the future will be to ensure that the ICN continues to cater to the needs of its diverse membership which is one of the ICN's greatest assets.*"

At the Conference, the past year's work products were approved, inter alia:

- a guidance document on investigative process that reflects key investigative tools and procedural fairness principles,
- a new chapter for the ICN Anti-Cartel Enforcement Manual on the relationship between competition agencies and public procurement bodies,
- a practical guide to international cooperation in mergers, and
- a workbook chapter on tying and bundling and a report on developing an effective competition culture.

In 2014-2015, the ACCC led a special project devoted to the treatment of on-line vertical restraints under competition law and produced a comparative report, based on responses to a survey from 47 ICN member agencies which was presented and discussed at the Conference. The Conference once more allowed members and other stakeholders to have in-depth discussions of work products already produced and future topics. By this the ICN will be able to meet members and non-governmental advisers' needs and provides one of the most important forums for experience sharing and an informal venue for maintaining regular contacts to address practical competition concerns.

Source: http://www.internationalcompetitionnetwork.org/uploads/library/doc1027.pdf

Workshops and IGE conference, Geneva, Switzerland, 1st - 10th July 2015

The first 3 days that is from 1st - 3rd July 2015 Mrs. Natalie Edmond of the Commission, had the opportunity to participate in a pre- Unctad workshop organised by the Japan Fair Trade Commission on Investigative Tools for Case Handlers of African competition agencies. As of 6th -10th July 2015 the UNCTAD conference was held. In addition side meetings were also organised by the Commission and UNCTAD officers on other matters concerning the Review of laws undertaken by the Commission.

Consumer Seminar Program for ARSO/COCO – ISO/COPOLCO, Addis Ababa, Ethiopia 13th - 14th August 2015

Consumers in Africa: Making a difference in standards

Two participants from the Commission, Mr Neddy Padayachy and Ms Dolores Barrack participated in a workshop in Addis Ababa targeting the implementation of mandatory standards for food and food products in Africa. The workshop also aimed at Consumers in Africa making a difference in standards. It is Africa priority in 2016 for most voluntary standards for food and food products to become mandatory standards.

7th Annual African Consumer Protection Dialogue Conference, Egypt – 17th -20th August, 2015 Annual Conference

Two participants from the Commission attended the 7th Annual African Consumer Protection Dialogue Conference titled, "Achieving Effective Consumer Protection through Law Enforcement Collaboration and Adjudication", the conference was hosted by the United States Federal Trade Commission, the Egyptian Consumer Protection Agency and The national Telecom Regulatory Authority and was held in Cairo, Egypt from August 17-20, 2015, at the Sofitel Cairo El Gezirah Hotel.

The 4 day conference was divided into multiple sessions whereby a series of presentations were made by participants from different jurisdiction. The Fair Trading Commission ('the Commission) presented three presentations, with regards to the legal framework of the Commission, Intermediaries (online and offline) and E-commerce challenges, Issues and opportunities, and Law enforcement and cross-border collaborations.

9th Annual Competition Law, Economics & Policy Conference 2015 - 11th November 2015, Durban, South Africa

The theme for this year's Annual Competition Conference is "Competition policy and enforcement in BRICS countries". South Africa will host the 4th BRICS International Competition Conference in Durban on 12th – 13th November 2015. This year's Annual Competition Conference will be a precursor event to the 4th BRICS International Competition Conference. In addition, the Commission, Cresse and the University of KwaZulu-Natal will hold a joint workshop on "Lectures on competition policy" on 10th November 2015.

Above: Mr. Norman Nanoim - Chairperson of Competition Tribunal of South Africa (left) and Mr. Tembinkosi Bonakele - Commissioner of Competition Commission of South Africa (right)

While competition law has expanded to more than 100 jurisdictions worldwide with varying degrees of economic, social and institutional development, important questions have arisen as to the interaction between competition law and economic development. Many developing countries have designed their competition policies to include not only efficiency and consumer welfare but also distribution, equity and fairness as goals of competition policy. Competition law regimes should be designed and applied according to the institutional level of development of a country and to the overall structure of its institutional system, economy and societal norms. Put differently, the design and application of competition law and policy in BRICS countries should fit the facts of their markets and respond to their conditions and needs.

The objective of this conference is to bring together renowned specialists in competition law and economics in conference to debate. The conference is targeted at academics (with a keen interest in the competition enforcement), policy makers and practitioners (including competition agency officials, competition lawyers and competition economic consultants).

Regional workshop on Practical Skills for Competition Investigation, Pretoria, South Africa, 6th to 11th September 2015

Ms. Judith Louis of the Competition and Market Surveillance department attended the workshop which focused on legal writing and analysis, including various practical writing exercises, and on proving the existence of an agreement in the absence of direct evidence. Participants were also able to develop in greater depth the various lessons and skills which were obtained from the earlier regional workshops.

These practical skills were illustrated and developed through a combination of presentations and interactive exercises involving alleged anti-competitive agreements, abuses of a dominant position, and anti-competitive mergers.

COMESA Merger Assessment Guidelines which was held in Egypt, September 2015

The CEO along with Ms. Burgitta Albest from the Investigation & Market Surveillance Department participated in the Training Workshop on the COMESA Merger Assessment Guidelines which was held on 16th -17th September 2015 in Cairo, Egypt.

The main objective of the workshop was to enhance the understanding and application of the Guidelines by the National Competition Authorities with regard to cross border mergers which have an effect in their respective jurisdictions.

The workshop was attended by Heads of Mergers Division of National Competition Authorities and officials in-charge of competition in their respective Ministries.

Source: http://www.comesacompetition.org/?cat=36

ICPEN best practice workshop - Manchester, UK from the 13th - 15th October.

ICPEN is an international network of consumer protection authorities that aims to protect consumers' economic interests around the world by sharing information about cross-border issues and encouraging global co-operation among law enforcement agencies.

Mr. Francis Lebon, Deputy Chief Executive Officer participated in the 2 day workshop.

The workshop saw the unveiling of the updated econsumer.gov website by the Federal Trade Commission (FTC). Hosted by the Competition and Markets Authority (CMA), which currently holds the presidency of ICPEN, the workshop brought together investigators from agencies around the world to share and develop their enforcement experience and skills.

4th BRICS International Competition Conference: Competition and Inclusive Growth - 12th – 13th November 2015, Durban, South Africa

South Africa through the competition authorities (The Competition Commission and Competition Tribunal), hosted the 4th BRICS International Competition Conference in Durban on 12 -13 November 2015, at the Inkosi Albert Luthuli Convention Centre (Durban ICC).

The BRICS International Competition Conference takes place every two years and rotates amongst BRICS competition authorities. The first three conferences took place in Russia, China and India respectively.

The theme of this year's Conference was "Competition and Inclusive Growth", seeking to explore strategies and means of achieving inclusive economic growth through competition enforcement. Among others, the conference aims to share best practice and experience on competition enforcement within and among BRICS counties.

BRICS DURBAN · 2015

4Th BRICS International Competition Conference
10 - 13 November 2015

competitioncommission south africa

06th meeting of the SADC Competition and Consumer law and Policy Committee

Mrs. Gina Come an Analyst from the Consumer Affairs Department attended the 06th meeting of the SADC Competition and Consumer law and Policy Committee 03rd - 4th December 2015 which took place in Botswana.

Highlights

Minister's visit

On the 4th March 2015 the Commission had the pleasure of receiving a courtesy visit from Minister Jean-Paul Adam who had recently been appointed as the Minister of Finance, Trade and the Blue Economy.

To become acquainted with his new portfolios, the minister embarked on a series of visits to all agencies, departments and other units under his directorship and the Commission was not an exception. Once at its premises the Minister visited the various departments and learned about the role and mandate of the Commission as per the legislations which the Commission is custodian of.

World Health Day 2015

In Commemoration of the World Health Day 2015, the Public Health Authority together with the Fair Trading Commission organized an exhibition in the SEnPA garden. The exhibition which had the theme 'From Farm to Plate, Making Food Safe' had the aim of educating consumers on food safety tips which includes proper practice for handling, cooking, choosing and buying. The Commission focused mainly on packaging; knowing what you but and food handling; washing and preparing.

The highlight of the event was the signing of a Memorandum of Understanding between the Fair Trading Commission and the Public Health Authority. The MoU will allow for both organizations to be in the position to assist each with regards to information and collaboration and so on.

World Consumer Rights Day 2015

In commemoration of the World Consumer Rights Day 2015, an exhibition was held at the Orion Mall Building on the 17th March 2015. This was an initiative of the National Consumer Forum (NATCOF) in collaboration with the Fair Trading Commission, Public Health Authority and other agencies.

The Aim of this event was to sensitize the public, consumers in general about healthy food and healthy practice with regards to food. The FTC's target with regards to this was to raise the public's awareness especially whilst shopping for goods.

MOU - 01st June 2015

The FTC and the Procurement Oversight Unit (POU) entered into a memorandum of understanding on 1st June 2015. The signing was done by Mr. Francis Lebon the Deputy Chief Executive Officer for FTC, and by Ms. Annie Dugasse the Director for POU.

The MoU aims to facilitate the exchange of information and expertise between the two parties in the field of procurement and bid rigging.

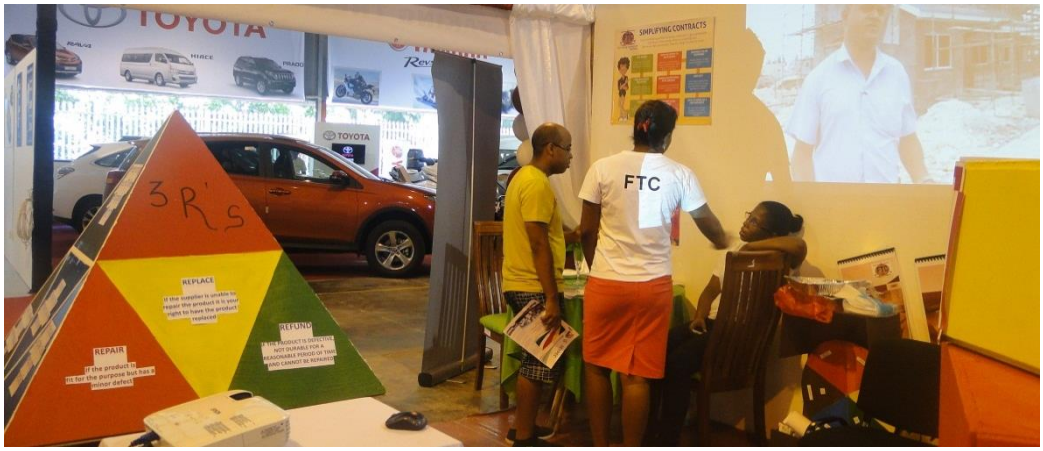
The agreement is the next step in cementing the relationship between the FTC and POU in light of the importance of bid rigging detection under the Fair Competition Act 2009.

The POU has benefitted in the past from specific training hosted by FTC, where international experts from South Africa conducted training on procurement matters and shared different techniques that would allow the procurement authority to detect bid rigging. One of the main aspects of these methods of detection was to ensure a close and effective cooperation with the Competition Law Regulator where the FTC would be able to gain important data and evidence from the POU throughout FTC's investigations.

Other MoUs with sector regulators such as the Financial Services Authority, the Bureau of Standards and the Public Health Authority have already been signed with the FTC.

Expo 2015

The Consumer Affair staff participated in the National Day Expo which was held on 27th -29th June 2015. For this year EXPO, the Commission is focused on educating consumers and businesses with the aid of sophisticated and interactive exhibits, this was done through a consumer pyramid and a live restaurant for consumer education.



As the world of technology and innovation is progressing, the Commission has decided not to be left behind, but to 'Take the Next Step'. The organising team used some of the most attractive and up-to-date methods to educate as fast as possible in the least amount of time. The two main highlights were towards individual consumer education and individual businessman education.

Opening of FTC Office on Praslin 25th September 2015

On the 25th September 2015, the Minister for Finance, Trade and Blue Economy- Minister Jean-Paul Adam, formally opened the Fair Trading Commission office on Praslin. This came as a result of the Government's strategy to decentralise governmental services available on Mahe to other Inner Island and also the FTC had recognised the need to have an office on Praslin in an effort to bring the service loser to the public.

However, no staff has been allocated to the office yet due to a budget constraint. Nonetheless, on a monthly basis as per the rota, staff from Mahe are still conducting inspections on the Praslin and La Digue islands.

Setting up of procedures by **Mrs. Sabrina Ragavoodoo** - 10th – 22nd December 2015

Mrs. Ragavoodoo, holder of an Msc Corporate Governance LLB (Hons), was hired by the Commission in her capacity as a consultant. Mrs. Ragavoodoo has experience as a Legal &

Compliance Officer, Prudence Holding Ltd as well as a Group Legal & Compliance Manager at Mauritius Union Assurances.

The sessions were directed at the development and implementation of consumer, competition and legal, internal and compliance procedures to enhance the quality of performance and of enforcement of Consumer and Competition laws under the ambit of the Fair Trading Commission. This is due to the Commission needing an internal compliance procedure that will encompass the application of all three laws as well as take into consideration the proposed amendments. This is in light of the deficiencies that has been noted in relation to case management and the application of the law in the most resourceful way possible. The creation of an internal manual will provide detailed instructions to staff and will ensure proper use if resources and skills of the Commission. This compliance manual is necessary to structure the Commission and set a firm foundation on work method and application of the laws.

Meetings were held with all departments and the respective staffs within the Commission: Board of Commissioners, Ceo, Deputy Ceo, Administration, I.T, HR, Consumer Department and Competition Department.

Meetings were also held with relevant stakeholders: Office of the Registrar General, Attorney General's Office and Seychelles Chamber of Commerce and Industry.