

GAMBIA			
COMPETITION FRAMEWORK			
Competition Law	The Competition Act was enacted in September 2007.		
Competition Authority	The Gambia Competition Commission started functioning in 2009. Website: http://www.gcc.gm/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive. <i>See</i> Competition Act, article 42(2), obligation to report to the Secretary of State.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities. <i>See</i> Competition Act, article 24.
		√	Obligation to stand before parliament and respond to congressmen on an annual basis (to the Public Accounts Committee of the National Assembly).
		√	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions from the Competition Authority are subject to judicial review. <i>See</i> Competition Act, article 56.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Act, article 7.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Act, article 15. The opinions are not binding.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Current fiscal year for 2012: Approximately 8 million Dalasis. <i>See</i> Competition Act, article 21.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<i>See</i> Competition Act, article 22(1)(2).	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Competition Act, article 7.	
Does a minister appoint the heads?	Yes	<i>See</i> Competition Act, article 7, appointed by the president after consultation with the Public Service Commission.	
Do representatives of more than one government branch appoint the heads?	Yes	<i>See</i> Competition Act, article 7.	
Is there a fixed period during which removal is prohibited?	No	<i>See</i> Competition Act, articles 7 and 8.	
Is the tenure of the heads renewable?	Yes	<i>See</i> Competition Act, article 8.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Act, article 7(2).	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a Minister?	Stand-alone agency.		
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Yes. The Public Procurement Authority and the Central Bank of Gambia. However, there is serious tension with the Public Utilities Regulatory Authority.		

POLICY DUTIES			
Does the Competition Authority have exclusive mandate or multiple mandates on competition related matters?	Multiple mandates	√	Concurrent consumer protection mandate. A draft bill is in place to be administered by the Gambian Competition Commission by 2013.
		X	Concurrent IP mandate.
		Other mandates: Yes, the Public Utilities Regulatory Authority.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Act, article 39.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Act, articles 40 and 41.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, article 39.	
Does the Competition Authority have powers to accept leniency applications?	Yes	Leniency Program is under development.	
Does the Competition Authority have powers to seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Act, article 15.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<i>See</i> Competition Act, article 15.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Act, article 15.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>See</i> Competition Act, article 15.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Does the Competition Authority make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		