

TANZANIA*			
COMPETITION FRAMEWORK			
Competition Law	The Fair Competition Act (“Competition Act”) was enacted in May 2003.		
Competition Authority	Fair Competition Commission (“FCC”), Fair Competition Tribunal (“FCT”), National Consumer Advocacy Council (“NCAC”). Website: http://www.competition.or.tz		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	✓	Obligations to report to the executive on on-going investigations upon request. <i>See</i> Competition Act, section 65(2)(g).
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. <i>See</i> Competition Act, section 62(2).
		✓	The Competition Authority has to report on an annual basis to the executive. <i>See</i> Competition Act, section 81(1)(3).
Does the Competition Authority have obligations before the legislature?	Yes	✓	Obligation to publish an annual report on its activities. <i>See</i> Competition Act, section 81(1)(3).
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	✓	Decisions of the Competition Authority are subject to judicial review. <i>See</i> Competition Act, section 61(8).
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Act, section 63(1).	
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	<i>See</i> Competition Act, section 62(2).	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Act, section 77(4)(a)(b)(c).	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<i>See</i> Competition Act, section 78(1)(d).	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<i>See</i> Competition Act, section 78(1)(e).	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		
Are the heads appointed by a minister?	Yes	<i>See</i> Competition Act, section 62(6)(a).	
Are the heads appointed by representatives of more than one government branch?	Yes	<i>See</i> Competition Act, section 63(3).	
Is there a fixed period during which removal is prohibited?	No	<i>See</i> Competition Act, section 64.	
Is the tenure of the heads renewable?	Yes	<i>See</i> Competition Act, section 63(7)(a).	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No	<i>But see</i> Competition Act, section 63(5). <i>See also</i> Competition Act, Second Schedule (I)(1).	
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.	2 nd Floor, Western wing, Ubongo Plaza, Morogoro Road.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	Yes		
	Horizontal Agreements	Tanzania Communications Regulatory Authority (“TCRA”).	
	Vertical Restraints	TCRA	
	Abuse of Dominance	TCRA	

	Merger Control	TCRA	
	Other	Other sector regulators have a general grant of authority to address competition issues. <i>See e.g.</i> , the Energy and Water Utilities Regulatory Authority Act, section 20(2).	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate.
		X	Concurrent IP mandate. <i>But see</i> the Competition Act, section 1(2).
		Other mandates: Yes, the Energy and Water Utilities Regulatory Authority Act, 2001; the Surface and Marine Transport Regulatory Act, 2001; Tanzania Civil Aviation Regulatory Authority Act, 2003; the Tanzania Communications Regulatory Authority Act, 2003.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Act, section 9(1).	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Act, section 71(5).	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, section 10(1).	
Does the Competition Authority have powers to accept leniency applications?	No		
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, section 65(2)(f). The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No		
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, section 65(2)(e)(g).	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>See</i> Competition Act, section 65(2)(j).	
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?	Yes		
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different institutions that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		
* Data based on public sources.			