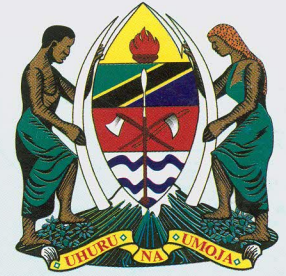




FAIR COMPETITION COMMISSION



STRATEGIC PLAN 2010 - 2013

CORPORATE INFORMATION OF THE FAIR COMPETITION COMMISSION

(Established by Section 62 of the Fair Competition Act No. 8 of 2003)

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LIST OF ABBREVIATIONS

ACD	Anti Counterfeits Division
BRELA	Business Registration and Licensing Agency
CD	Compliance Division
CAD	Corporate Affairs Division
COSOTA	Copyright Society of Tanzania
DIA	Department of Internal Audit
FCA	Fair Competition Act No. 8 of 2003
FCC	Fair Competition Commission
FCFR	Fair Competition (Commission and Tribunal) Funding Regulations, 2010
FCT	Fair Competition Tribunal
GN	Government Notice
ICT	Information and Communication Technology
IPR	Intellectual Property Right
M&E	Monitoring and Evaluation
MITM	Ministry of Industry, Trade and Marketing
MMA	Merchandise Marks Act, 1963 (CAP 85 R.E 2002) as amended in 2004 and 2007
MMR	Merchandise Marks Regulations 2008
NBAA	National Board of Accountants and Auditors
NCAC	National Consumer Advocacy Council
PMU	Procurement Management Unit
CPRU	Communications and Public Relations Unit
PPSDP	Privatization and Private Sector Development Project
RMAD	Research, Mergers and Advocacy Division
RPC	Regional Police Commander
RTD	Radio Tanzania Dar es Salaam
SU	Screening Unit
TBC	Tanzania Broadcasting Corporation
NBS	National Bureau of Statistics
TFDA	Tanzania Food and Drugs Authority
TRA	Tanzania Revenue Authority
USPTO	United States Patent and Trade Office
WIPO	World Intellectual Property Organisation
WTO	World Trade Organization

STRATEGIC PLAN 2010-2013

1.0 INTRODUCTION

1.1 Establishment and Functions of the FCC

1.1.1 Establishment of the FCC

FCC is a market support institution established by the Fair Competition Act No. 8 of 2003. FCC administers implementation of the FCA and the MMA. FCC is entrusted with promotion and protection of effective competition in trade and commerce, protection of consumers from unfair and misleading market conduct and to provide for other related matters.

FCC became fully operational in May, 2007 when it attained a critical mass of staff to discharge its mandate in the economy. At inception, FCC prepared the first three years strategic plan for the period 2007/08 – 2009/10 which focused on areas of training, advocacy, consumer protection and public awareness and anti-counterfeits. The plan was mostly funded by the Privatization and Private Sector Development Project of the World Bank. The project ended in September, 2009 and FCC reverted to Government financing through Parliamentary allocations as its main source of financing.

As it was for the past strategy, the 2010/11 – 2012/2013 Strategic Plan has been prepared in accordance with the powers derived from the FCA and MMA and experience gathered from implementation of the first Strategic Plan.

This second three years Strategic Pan (2010/11 – 2012/2013) is meant to capitalize on experience gathered from priorities of the first strategic plan; training, advocacy, public awareness and anti-counterfeit campaigns and focus on its top new priorities which are investigation and enforcement of competition issues, fight against counterfeit goods, research and advocacy efforts towards compliance with FCA and enhancement of consumer protection enforcement mechanisms.

1.1.2 Functions of the FCC

To enforce compliance with the FCA.

To promote public knowledge, awareness and understanding of the obligations rights and remedies available to consumers, competitors and other stakeholders.

To carry out studies, inquiries, and research into matters relating to competition and the protection of the interests of consumers.

To study policies, procedures, programmes, legislation of government and regulatory authorities so as to assess their effects on competition and consumer welfare and publicize the results of such studies.

To investigate impediments to competition, including entry into and exit from markets, in the economy as a whole or in particular sectors and publicize the results of such investigations.

To counter counterfeit goods in Tanzania.

To participate and make representations in deliberations and proceedings of government, government commissions, regulatory authorities, consumer representative bodies, business organizations and other bodies in relation to competition and consumer welfare.

1.2 Vision, Mission, Objectives and Core Values

1.2.1 Vision

To be an integral and credible market support institution that is held with highest regard by the Government, business community and consumer.

1.2.2 Mission

To protect and promote competition in markets and protect consumer from unfair and misleading market conduct.

1.2.3 Objectives

The objective of the FCA is to enhance the welfare of the people of Tanzania as a whole by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout Tanzania in order to:

To increase efficiency in the production, distribution and supply of goods and services.

To promote innovation.

To maximize the efficient allocation of resources.

To protect the consumer.

1.2.4 Core Values

In discharging their responsibilities, the FCC will be guided by the following core values:

Integrity

To make decisions in a manner that is consistent, transparent and fair as well as adhering to ethical and professional standards.

Accountability

To accept responsibility for the consequences of our actions and decisions.

Independence

To carry out the FCC mandate without fear or favour.

Confidentiality

Not to divulge commercially or industrially sensitive matters without proper authorization.

Due process

To perform all duties and responsibilities according to the rule of law.

2.0 SITUATION ANALYSIS

This is a strategic planning tool used to evaluate strengths, weaknesses, opportunities and challenges of an organisation. It involves specifying the objectives of the organisation and identifying internal and external factors that are favourable and unfavourable towards achieving organizational objectives.

2.1 Analysis of Internal Environment

2.1.1 Strengths

These are organisational attributes that are useful in achieving the objectives. At FCC such attributes are as follows:

Presence of qualified and competent personnel.

Independency of the FCC in performing its functions and exercising its powers without fear or favour.

2.1.2 Weaknesses

These are attributes of the organisation that are likely to limit the achievement of the objectives. At FCC such attributes are as follows:

Inadequacies of FCA and MMA that impair optimal implementation of the two legislation.

Lack of sustainable long term funding arrangements that will ensure both perpetuity and independency of the Commission.

Insufficient budget to finance planned activities at desired levels.

Inadequate office space to accommodate both staff and assets of the Commission.

In adequate technical training opportunities for both Commissioners and staff.

In adequate technical staff to perform planned activities at desired levels.

2.2 Analysis of External Environment

2.2.1 Opportunities

These are external conditions that are useful in achieving organisation's objectives. At FCC such conditions are as follows:

Existence of political and public good will.

Existence of public knowledge on functions of the FCC.

Existence of competition and consumer protection allies at local and international levels.

Co-existence with sector regulators/regulated sector authorities.

Existence of support from the Government and Development Partners.

2.2.2 Challenges

These are external conditions that the Commission has to overcome to achieve its objectives. The conditions are as follows:

Consumers are not organised enough to provide effective representation in deliberations

and proceedings of Government and other organs.

Political and economic issues impacting functions of the Commission.

In effective mechanisms to deal with international competition problems because some countries do not have competition authorities.

Fear of Government capture due to financial instability.

Porous importation mechanism in the economy.

Immature mainstreaming of cross cutting issues such as gender, HIV and environment into FCC plans.

3.0 REVIEW OF PERFORMANCE OF THE FCC 2007-2010 STRATEGIC PLAN

3.1 Review of the Competition Regime in Tanzania

Competition law aims at fostering opportunity for businesses by ensuring existence of a level playing field among competitors in order to protect consumer sovereignty; that is, the consumer's freedom to choose goods and services in the market at a price and quality that fit consumer's needs. It imposes limitations on businesses that include:

Limiting the ability of an incumbent firm to create barriers to entry or expansion of its rivals (abuse of dominance).

Limiting the ability of firms to raise neither prices nor profits collectively (entering into anticompetitive agreements).

It limits the ability of firms to achieve market power by changing the market structure by way of mergers or acquisitions.

In 2007 when FCC prepared its first three years i.e. 2007-2010 Strategic Plan, public awareness on competition, consumer protection and anti counterfeits issues was reported to be generally low; on that note the FCC embarked on countrywide advocacy and awareness campaigns that aimed at ensuring more Tanzanians become aware of these issues. These efforts have started bearing fruits as it manifests in the trend of complaints and applications made at the FCC since 2007 presented in the Table 1 below.

Table 1. Complaints and Applications Registered at FCC since 2007

Complaints/Applications	2007/2008	2008/2009	2009/2010
Mergers and Acquisitions Applications	7	8	8
Competition Complaints	-	2	5
Consumers Complaints	13	40	55
Counterfeits Complaints	7	16	30
Exemption Applications	-	-	1

Despite the FCC efforts and the public response so far, there still remain members of the society that FCC has either not reached to or require further awareness and sensitisation. Such groups include Private Sector Organisations, Civil Society Organisations, High Court Judges, Advocates of the High Court, Regional Administrative Secretaries and District Administrative Secretaries. FCC will also continue with wide scale campaigns especially through radio programmes in order to reach out to wider section of the society.

The working relationships with sectoral regulators and the appealant body, the FCT have strengthened through the works that FCC does for the former and FCC appeals at the FCT. During the three years, the entire competition and regulation regime in Tanzania has been operational as evidenced by a case that was lodged at FCC which went for appeal at the FCT and eventually to the Court of Appeal. There have been challenges and lessons learnt during the course of implementing the FCA that will be considered in improving the Strategic Plan for 2010/11 – 2012/13. Despite the few implementation challenges, there have been significant improvements in functioning of the competition regime in Tanzania.

3.2 Implementation of the Fair Competition Act No. 8 of 2003 during 2007 - 2010

3.2.1 Implementation Experience

Implementation of the FCC priorities according to the 2007/2010 Strategic Plan was as follows:

(i) Training

There have been 5 internal training programmes for members of staff on competition and consumer issues aimed at strengthening staff knowledge and skills in dealing with the referred issues. There have also been several external training programmes for staff as well as familiarization tours of Commissioners and staff to more developed competition authorities.

(ii) Research and Advocacy

FCC has reached out to the Parliament twice, first to the Parliamentary Standing Committee on Industry and Trade and to the whole Parliament. It has also reached out to the Justices of Appeal, Permanent Secretaries, Deputy Permanent Secretaries, Cabinet Secretariat, Business Community and Councilors of Kinondoni Municipal Council. On all the events, FCC managed to educate and sensitize stakeholders on the functions of the FCC and benefits of competition in the economy.

Studies on tobacco, cement and taxi-cab markets were conducted with a view to establishing competition issues in these markets and recommend both enforcement and policy measures to be taken by the Government and the FCC. There have also been a review of crop boards' legislation carried out with the aim of assessing their compliance with the FCA.

(iii) Consumer and Public Awareness

FCC has conducted five (5) zonal awareness campaigns that aimed at sensitizing the public on consumer rights and obligations, competition and anti counterfeit issues. During the same events FCC facilitated formulation of five (5) zonal consumer protection committees. The zones are Lake (Mwanza), Central (Dodoma), Northern (Arusha), Southern Highlands (Mbeya) and Southern (Mtwara). FCC has also organized meetings in collaboration with sectoral Consumer Consultative Committees with the aim of sensitizing consumer and other stakeholders.

FCC attended major local fairs and exhibitions during the period under review. The attended local fairs and exhibitions include Public Service Week in Dar es Salaam, Dar es Salaam International Trade Fair in Dar es Salaam and the Nane Nane Show in Dodoma.

FCC carried out eleven (11) radio programmes on Radio Tanzania Dar es Salaam (RTD)/Tanzania Broadcasting Corporation (TBC) aimed at educating the public about consumer rights and obligations, competition and anti counterfeit issues.

FCC has supported the National Consumer Advocacy Council (NCAC) as per section 93 (2) of the FCA.

(iv) Anti-counterfeits Measures

During the period under review, FCC managed to seize and destroy different products imported to Tanzania which were proved to be counterfeits. The products included electrical supplies, fuel, air and oil filters and shoe polish. The seized goods are estimated to value TSH 2.356 billion.

FCC has also carried out a number of anti- counterfeit education and awareness campaigns in four zones, namely, Mwanza, Arusha, Dodoma, Mbeya and Mtwara with the aim of promoting compliance with the MMA which the FCC invokes in cracking down counterfeit goods in the economy.

(v) Compliance with the FCA

The Fair Competition (Threshold for Notification of a Merger) Order, 2006 was published on 19/1/2007 by Government Notice No. 17.

FCC published the Fair Competition Commission (Procedural Rules) 2009 in February 2010. FCC has also prepared a code of conduct that guides Commissioners and staff in the course of discharging functions of the Commission.

During 2007-2010 FCC received a total of twenty three (23) merger applications of which, twenty were approved, one was referred to sector regulator for determination and two are still under consideration.

A total of seven (7) competition complaints were received by the Commission, out of which two (2) have been determined and penalties imposed. Two (2) were determined on preliminary objections, the decisions have been appealed against at the Fair Competition Tribunal. One (1) case was voluntarily withdrawn by the Complainant and two (2) are pending hearing on the dates that will be determined by the Commission.

The cases are from the beer, banking, outdoor advertising, foam and cigarette sub-sectors of the economy.

(vi) Administration and Finance

During the period under review, FCC analysed terms and conditions of employment of comparable institutions, conducted staff performance appraisal and monitored implementation of human resource policy in order to keep in touch with happenings in the labour market.

Regarding finance, FCC ensured that each department received funds that enabled execution of their obligations accordingly. Follow up of funds disbursement and reports on reimbursement of World Bank and Government funds were done promptly to ensure availability of cash for budgeted activities throughout the period under review.

FCC upgraded its financial management system to meet the requirements of NBAA and Public Finance Act, 2006 whereby it installed and started operating the SAP Business One accounting package; the package has enabled accurate and timely execution of financial operations at FCC. Assets register for all assets handed over to FCC by the Ministry of Industry, Trade and Marketing, PSRC and new assets acquired during the period under review has been established.

Record of all financial operations have been well maintained and used in preparations of financial statements for the 2007/2008, 2008/09 and 2009/10 financial years. The 2007/2008 and 2008/09 accounts were audited by the Controller and Auditor General and subsequently approved.

3. 2. 2. Monitoring and Evaluation

Monitoring and evaluation team has been formed comprising members from all operational divisions of the FCC. The team has prepared quarterly, semi-annual and annual M & E reports that have been submitted and accepted by the Commission.

3.2.3. Implementation Challenges

The Staff

FCC attained its critical mass of staff in May, 2007. Most members of the staff did not possess the required competition knowledge as there are no higher learning institutions that offer competition courses in the country. Therefore training of technical staff on competition issues was of paramount importance in ensuring proper functioning of the Commission. Unfortunately, due to procurement technicalities, major training on competition to all staff was conducted late in July, 2009. The delay subsequently affected operationalisation of some activities planned in 2007/08 and 2008/09 Business Plans.

Lack of Sustainable Funding

The Privatization and Private Sector Development Project of the World Bank funded the first two years of FCC operations i.e. September 2007 – September 2009. During the period under review, FCC was also funded by limited Government allocations and its internal sources. Table 2 below summarize FCC funding structure for the period under review.

Table 2: FCC Budget Structure for 2007 - 2010

Source	Year		
	2007/08	2008/09	2009/10
World Bank	1,791,837,017	2,948,580,624	271,873,487
Government	142,903,899	57,953,238	2,672,006,724
Internal Sources	6,629,300	215,350,000	400,000,000
Total	1,941,370,216	3,221,883,862	3,343,880,211

Table 3 : Percentage Contribution to FCC Budget 2007 - 2010

Source	Year		
	2007/08	2008/09	2009/10
World Bank	92.30	92	8
Government	7.36	2	80
Internal Sources	0.34	7	12
Total	100	100	100

Following closure of the PPSDP, FCC depends heavily on funds allocated to it by Parliament through the Treasury as seen in Table above. This arrangement has proven to be inadequate as it does not guarantee sustainable funding of FCC activities, thus jeopardizing its independence.

Efforts to have a sustainable source of funding are on-going; the Fair Competition (Commission and Tribunal) Funding Regulations, 2010 have been gazetted through Government Notice No. 208 of 11th June 2010. These regulations will form basis for accessing funds from the regulatory authorities pursuant to section 78 (1) (c) of the FCA.

Lack of Independent Consumer Associations

Generally, Tanzanian consumers are considered to be passive. Despite the fact that FCC has registered achievements in consumer protection front since its establishment, there remains a challenge of pooling resources and expertise from stakeholders to campaign for nationwide consumer awareness creation on consumer rights and obligations as per the FCA in a manner that will instill demand for independent consumer protection associations amongst consumers.

4.0 PRIORITIES AND STRATEGIC AREAS

4.1 Priorities

4.1.1 Investigations of Anticompetitive Conducts and Enforcement of Infringements of FCA

This priority focuses on enforcement of legislative provisions relating to abuse of a dominant position, anticompetitive business agreements and mergers and acquisitions that create or strengthen position of dominance in the market.

Pursuant to section 69 of the FCA, complaints may be initiated by consumers, Government, FCC itself or by way of application from companies contemplating to merge or engage in business agreements that require granting of exemption by the Commission. FCC Management will investigate the complaint and conduct economic analysis on the alleged conduct to establish whether the anti-competitive behavior warrants enforcement or not.

When an infringement is found, the Management will move the Commission to hear the case and apply appropriate remedial measures and penalties. Procedures guiding proceedings of cases are stipulated in the Fair Competition Commission Procedure Rules, 2009.

The Commission pursues allegations of breaches of the FCA, subject to administrative prioritization.

4.1.2 Fight against Counterfeit Goods in Tanzania Mainland

The MMA together with the MMR form the legal frame work for fighting counterfeit goods in Tanzania Mainland. MMA declares that dealing with counterfeit goods is a criminal offence in Tanzania. Section 10 of the MMA prohibits the importation of counterfeit goods into Tanzania and that anyone doing such acts risks their goods as they are subject to forfeiture and disposal whereas the offender runs the risk of being fined or even jailed.

Therefore in the manufacture and importation of goods, the MMA outlaws the use of the following:

- False name or initials in the sale of goods.
- False trade descriptions.
- Forged and deceptive trade marks.

To make this war a success, the FCC is planning to carry out a number of activities, including but not limited to strengthening raid operations, combating counterfeit goods in Dar es Salaam and other entry points, strengthening collaboration with local stakeholders, strengthening collaboration with intellectual property rights organizations and big brand owners, and working closely with the East Africa Community in harmonizing the legal framework on anti-counterfeit measures in the East African region. The latter is especially significant considering the onset of the East African Common Market on 1 July 2010, whereby the EAC anti-counterfeits law, once operational, shall require adjustment in the MMA.

4.1.3 Enhancement of Research and Advocacy Efforts towards Compliance with FCA

This priority is geared towards promoting a strong competition culture in the economy. It shall involve carrying out market studies in identified sectors with the aim of identifying and addressing all aspects of market failures especially those related to competition and consumer protection. Furthermore, it shall focus on awareness programmes with the aim of sensitizing different stakeholders and the public at large on the concepts of competition and its eventual benefits to the economy. The priority will also include studying Government policies, legislations, regulations and programmes so as to assess their impact on competition and make necessary recommendations to relevant authorities. With regard to the competition advocacy component, an advocacy strategy shall be developed in order to identify key stakeholders that the Commission seeks to influence and define the approach to effectively undertake advocacy activities in the economy.

4.1.4 Enhancement of Consumer Protection Enforcement Mechanism Pursuant to FCA

This priority focuses on enhancement of measures that promote enforcement of consumer protection provisions in the FCA. In the coming three years FCC shall prepare a comprehensive and effective consumer protection enforcement mechanism with appropriate redress mechanism in line with the FCA, 2003. FCC will continue conducting consumer education and awareness campaigns to enlighten the public on consumer rights and obligations. Campaigns will include production and placement of radio and television programmes, preparations of newsletters, brochures, banners, posters, as well as participation in workshops, seminars, trade fairs and exhibitions. FCC will continue

to establish zonal consumer committees in areas that were not covered in the last three years so as to foster consumer rights within the zonal areas. This priority will also focus on formulation of national consumer protection policy organized by Tanzania Consumer Forum composed of CCC of regulatory bodies, FCC and NCAC.

4.2 Strategic Areas

4.2.1 Attainment of FCC Financial Sustainability

Finance forms part of a framework that enables desired performance of activities in any organization. It is therefore crucial to ensure that FCC has adequate funds to perform its functions and that the funds are properly managed. For the period of 2010/11 – 2012/13, FCC will focus on issues of financial sustainability and financial management in ensuring its desired performance is met. In financial sustainability FCC will ensure that it has enough funds to meet its priorities as outlined in this strategic plan. Furthermore FCC will ensure that funds are properly managed by strictly abiding to both local and international accounting standards.

In this strategic area, the following activities are expected to be performed during the 2010/11 – 2012/13:

- Development of a sustainable and independent source of fund for FCC from the Government and other Development Partners.

- Soliciting funds regulatory authorities as per FCFR.

- Establish revolving fund for staff of the Commission.

- Formulation of assets capitalization policy.

- Harmonization of FCC Financial Regulation with Public Finance Regulations.

- Improvement of Financial Resources Management System at FCC.

4.2.2 Improvement of Information Management System

In order to enhance effective delivery of services, this priority shall endeavor to integrate Information and Communication Technologies (ICTs) to transform delivery of service to FCC stakeholders by improving quality of services, accountability and efficiency (corporate service obligation) in performing FCC functions.

There is already significant progress in deploying ICT tools at FCC, but to make further progress and reap additional rewards, there is also a need to adopt and deploy various e-governance solutions during 2010/11 – 2012/13. The possibility of providing e-governance services depends much upon existence of an effective “e-infrastructure” through which FCC can communicate internally and with the intended beneficiaries of its services including corporate world and general public. For this case, this priority will involve modernizing communication services at FCC.

Activities relating to improvement of ICT that will be carried out during the planned period include development of internal ICT policy, establishment of electronic document management system, redesigning of FCC website.

Regarding the library, the activities will include the following:

Formulation of library document and resource management policy.

Establishment of a digital library.

Enhancement of collection of library materials and resources.

4.2.3 Improvement of FCC Human Resources Management System

A reputable organisation is dependent upon the quality, reputation and productivity of its human resources. Global trends show that work places are characterized by rapidly changing knowledge base and information technologies, competitive environment and an increasing level of interactions with the business community, consumer and other stakeholders. To be able to function properly in such circumstances a high level of skilled, knowledgeable and committed employees is required.

FCC will continue to engage in regular analysis of FCC Human Resource Management Systems to ensure that its human resource policies are up-to-date with current trends of employment standards and legislations. Over the next three years the main activities to be performed in this strategic area are Review of Human Resources Development Policy and Formalization of Training Committee, Review of Schemes of Service, Harmonization of FCC Human Resources Manual with Public Service Regulations, Formation and Operationalization of Integrity, Gender and Environment Committees as per requirement of Government Policies and Regulations and Creation of a Safe and Supportive Workplace Environment by ensuring that there is adequate office space, stable stand-by power supply and modern security system at FCC.

4.2.4 Improvement of FCC Communication and Public Relations

Effective communication with key stakeholders and the general public is one of the key strategic areas for the Commission. The public has the right to be informed of the procedures and processes carried out by the Commission in implementing the CA and the MMA. Communication not only projects Commission's accountability, but also the manner in which the Commission discharges its duties. Pursuant to this cause, the Commission has established the Communication and Public Relations Unit to expedite key efforts of sensitizing the general public and key stakeholders on Commission's activities.

For the period 2010/11-2012/13, the Commission will focus on informing and sensitizing key stakeholders and the general public on Commission's activities and processes and ensuring that the Commission has a positive image before the Government, policy and decision makers, the Legislature, business community, consumers, consumer associations and bodies as well as the general public.

In this strategic area, the following activities are expected to be performed during the 2010/11 – 2012/13:

- (i) Development of FCC's communication strategy.
- (ii) Production of communication materials.
- (iii) Organize and conduct workshop with media reporters on Commission's activities and processes.

- (iv) Production of awareness programmes on FCC activities and air them in Radio and Television.
- (v) Production of quarterly FCC Newsletter.
- (vi) Participation in Fairs and Exhibitions.

5.0 BUDGET, IMPLEMENTATION, MONITORING AND EVALUATION

5.1 Budget

Total budget for the 2010/11 – 2012/13 Strategic Plan is estimated to be TZS 24,502,459,675 which according to the prevailing funding regime; 50 % i.e. TZS 12,251,229,838 shall come from Regulatory Authorities; 45 % i.e. TZS 11,026,106,854 shall come the Government and 5% i.e. TZS 1,225,122,984 shall come from FCC's internal sources. Annual figures are as presented in the Table 4 below.

Table 4: Budget for the 2010/11 – 2012/13 Strategic Plan in Annual Figures

Priority/ Strategic Area	Description	Amount (TZS)		
		2010/11	2011/12	2012/13
Priority	Investigations of Anti-competitive Conduct and Enforcement of Infringements of FCA	726,079,600	860,449,965	921,910,677
Priority	Fight against Counterfeit Goods in Tanzania Mainland	170,545,000	202,106,545	216,542,727
Priority	Enhancement of Research and Advocacy Efforts towards Compliance with FCA	165,100,000	195,653,878	209,629,155
Priority	Enhancement of Consumer Protection Enforcement Mechanism Pursuant to FCA	103,332,500	139,971,015	144,322,562
Strategic Area	Attainment of FCC Financial Sustainability	26,000,000	23,701,257	25,394,204
Strategic Area	Improvement of Human Resource Management System	4,163,970,075	8,096,230,826	4,924,533,028
Strategic Area	Improvement of Information Management System	159,100,000	70,000,000	75,000,000
Strategic Area	Improvement of FCC's Communications and Public Relations	103,332,500	104,940,000	118,082,097
Normal	Procurement	740,000,000	876,946,514	939,585,551
Total		6,357,459,675	10,570,000,000	7,575,000,000

5.2 Implementation

In order to ensure that all efforts to implement the 2010/11 – 2012/13 Strategic Plan remain focused in attaining the planned priorities and strategic areas, an implementation matrix has been prepared and attached as an Annex to this strategic plan. The matrix will guide systematic implementation as well as monitoring and evaluation of the strategic plan. The matrix outlines the priorities/strategic area main activities, sub- activities, indicators, as well as responsible personnel for each sub activity. The matrix covers three year period of 2010/11 – 2012/13 and it shall be a guiding tool in preparing detailed annual business plans for the 2010/11 – 2012/13 periods.

5.3 Monitoring and Evaluation

In measuring performance and effectiveness of its plans, FCC relies on M&E frameworks it has developed. In recognizing the relevancy of M&E, FCC has constituted an M&E team comprising members from all its functional divisions and independent departments. The team is responsible in assessing proceedings of planned activities against resources, expected time lines, outputs and outcomes. It is also responsible in preparing quarterly, semi annual and annual M&E reports for submission to the Commission.

ANNEX

6.0 IMPLEMENTATION MATRIX 2010/11 – 2012/13

Priority 1: Investigation of Anticompetitive Conducts and Enforcement of Infringements of FCA

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Strengthening Investigation and Enforcement Machinery	Familiarization with investigation techniques from other competition authorities and effect relevant findings at FCC	Back to office reports	2010/11	CD
Introduction of a Screening Unit for Review of Complaints Submitted to FCC	Review of all incoming information and complaints to establish whether there are competition, consumer protection or anti counterfeit issues to be pursued by the FCC.	Review reports	2010/11	SU
	Preparation of review reports and submitting the same to Management	Review reports	2010/11 2011/12 2012/13	SU
Cartels	Identifying industries/sub -sectors which are mostly affected by cartel arrangements	Identification reports	2010/11 2011/12 2012/13	CD
	Investigation suspected cartels in identified industries/sub-sectors	Number and types of cartels investigated	2010/11 2011/12 2012/13	CD
	Analysis of data to establish cartel evidence	Reports on established evidence	2010/11 2011/12 2012/13	CD
	Preparation and submission of analysis reports to the Management	Analysis report	2010/11 2011/12 2012/13	CD
	Presenting analysis reports to the Commission	Reports	2010/11	CD
Introduction of Leniency Programme for Cartel Members Proving Information to FCC	Preparation of Draft Procedural Rules for Leniency Programme	Draft report	2010/11	CD
	Submission of Draft Procedural Rules for Leniency Programme to the Commission for review and approval	Draft report	2010/11	CD
	Gazetting of Draft Procedural Rules for Leniency Programme	G.N No. for Procedural Rules for leniency programme	2010/11	CD
Merger and Acquisitions	Review of information received from the parties to ensure complete filing	Notice of complete filing	2010/11 2011/12 2012/13	RMAD

	Request for further relevant information from parties (if any)	Request letters	2010/11 2011/12 2012/13	RMAD
	Conducting merger analysis and giving recommendations on issuance or non-issuance of no objection	Analysis report	2010/11 2011/12 2012/13	RMAD
Abuse of Dominance	Identifying abuse of dominance and anti-competitive agreements through reviewing internal and external reports	Identification reports	2010/11 2011/12 2012/13	CD
	Identifying abuse of dominance and anti-competitive agreements from media and informers	Identification report	2010/11 2011/12 2012/13	CD
	Collection and analysis of data to establish evidence	Reports on established evidence	2010/11 2011/12 2012/13	CD
	Preparation and submission of analysis reports to Management/Commission	Reports	2010/11 2011/12 2012/13	CD
Review of FCA	Identifying specific provisions for amendment	Report on provisions proposed for amendment	2010/11	CD
	Submitting identified provisions for amendment to relevant authorities	Recommendations report	2010/11	CD
Preparation of Guidance Notes on Implementation of FCA	Preparation of draft guidance notes	Draft report	2010/11	CD
	Submission of draft guidance notes to the Commission for review and approval	Draft report	2010/11	CD
Strengthening Collaboration with EAC in Establishing EAC Competition Authority and Enforcement of EAC Competition Law	Identifying areas of collaboration	Report on identified areas	2010/11	CD
	Participation in relevant EAC fora	Back to office reports	2010/11 2011/12 2012/13	Selected Staff
Strengthening Collaboration with Other Competition Authorities Worldwide through various Organizations such	Identifying areas of collaboration	Back to office reports	2010/11 2011/12 2012/13	RMAD, CD
	Participating in meetings/seminars organized by the identified institutions	Back to office reports	2010/11 2011/12 2012/13	RMAD, CD

as ICN, AFRICOMP, ACF, SADC etc	Establishment of electronic case hearing mechanism	Electronic case hearing mechanism up and running	2010/11 2011/12 2012/13	CD, PMU
	Training of stenographers	Agreed number of stenographers trained	2010/11 2011/12 2012/13	CAD, PMU
Improvement of Case Hearing Mechanism	Establishment of an electronic document management system	Electronic document management system up and running	2010/11 2011/12 2012/13	CD, CAD, PMU

Priority 2: Fight against Counterfeit Goods in Tanzania Mainland

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Strengthening Raid Operations in Private Owned Premises, Points of Sale and Warehouses	Random checks and inspections in godowns and shops in Dar es Salaam and other regions	Number of shops and godowns raided	2010/11 2011/12 2012/13	ACD
	Ceasing and destruction of counterfeit goods	Number of goods ceased and destroyed	2010/11 2011/12 2012/13	ACD
Combating Counterfeits in Dar es Salaam Port and Other Entry Points	Random checks and inspections at entry points	Number of entry points inspected	2010/11 2011/12 2012/13	ACD
	Forfeiting and destruction of counterfeit goods	Number of goods ceased and destroyed	2010/11 2011/12 2012/13	ACD
Strengthening Collaboration with TRA, TBS, TFDA, Police, COSOTA and BRELA in Combating Counterfeits	Formulating task force	Task force formulated	2010/11	ACD
	Conducting joint operations	Number of operations conducted	2010/11 2011/12 2012/13	ACD
Awareness Creation among Stakeholders in the Regions such as RPCs and TRA	Conducting awareness campaigns	Number of campaigns conducted	2010/11	ACD
	Identification of areas for cooperation	Report of identified areas	2010/11	ACD

Strengthening Collaboration with International IPR Organizations such as WIPO, WTO and USPTO	Participation in fora organized by the respective organizations	Back to office report	2010/11 2011/12 2012/13	ACD
Establishing Collaboration with Big Brand Owners Worldwide	Identification of areas of cooperation	Report of identified areas	2010/11	ACD
	Participation in fora organized by the respective brand owners worldwide	Back to office report	2010/11 2011/12 2012/13	ACD
Establishing Collaboration with EAC in Anti-counterfeit Initiatives	Identification of areas of cooperation	Report of identified areas	2010/11	ACD
	Participation in fora organized by EAC	Back to office report	2010/11 2011/12 2012/13	ACD
Establishment of Anti counterfeit Database	Procurement of computer hardware and software	Computer hardware and software procured	2012/13	ACD, PMU
	Installation and commissioning of the database	Database up and running	2012/13	ACD, PMU
Review of Merchandise Marks Act and Merchandise Marks Regulations	Identify specific provisions for review	Draft report on identified provisions	2010/11	ACD
	Submission of proposed provisions to relevant authorities	Report on identified provisions	2010/11	ACD
Establishment of 6 Zonal Anti-counterfeits Offices	Procurement of computer hardware, software and other equipment	Computer hardware, software and other equipment procured	2012/13	ACD, PMU
	Installation of computer hardware, software and other equipment	6 zonal anti-counterfeits offices up and running	2012/13	ACD, PMU

Priority 3: Enhancement of Research and Advocacy Efforts towards Compliance with FCA

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
To study sectors which are likely to have anti-competitive effects in the economy	Conducting 20 sectoral studies in the sectors which are likely to have anti-competitive effects in the economy	Study reports	2010/11 2011/12 2012/13	RMAD, PMU

with emphasis on cartels, mergers and acquisitions and abuse of dominance	Holding stakeholders consultative meetings on the sectoral studies	Meeting/inquiry reports	2010/11 2011/12 2012/13	RMAD, PMU
	Preparing policy briefs	Policy brief	2010/11 2011/12 2012/13	RMAD
Establishing a Link with Policy and Legislation Making Processes with a view of Trapping Policies and Legislation for Review by FCC	Submission of findings to the Government and/or other relevant authorities and stakeholders	Policy brief	2010/11	RMAD
	Identify and establish a link for the Commission to receive bills, legislation, policies, programmes	Link identified and established	2010/11	RMAD
	Establish a mechanism for effective communication of policies legislation and programmes that impede competition in the economy	Mechanism for communicating recommendations established	2010/11	RMAD
	Study 20 policies, legislations and programmes that impede competition in the economy	Advocacy letters	2010/11 2011/12 2012/13	RMAD
Developing Advocacy Strategy for the Commission	Engage a consultant to prepare the advocacy strategy	Contract signed	2011/12	RMAD, PMU
	Submit advocacy strategy paper to the Commission for approval	Draft advocacy strategy	2011/12	RMAD
Promotion of Competition Culture in the Economy	Organize 10 seminars to identified key stakeholders	Report on the seminar proceedings	2010/11 2011/12 2012/13	RMAD, PMU
	Facilitate in establishment of a competition on course at the University of Dar es salaam	Competition Curriculum established and implemented	2011/12	RMAD
	Organize 10 training seminars for identified professional groups	Training report	2010/11 2011/12 2012/13	RMAD, PMU
	Establish a forum with sector regulators	Proceedings report	2010/11	RMAD
	Design, develop and publish 12 FCC newsletters	Quarterly publications	2010/11 2011/12 2012/13	RMAD

Priority 4: Enhancement of Consumer Protection Enforcement Mechanism Pursuant to FCA

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Preparation of Consumer Protection Rules	Preparation of draft consumer Protection Rules	Draft Rules	2010/11	CD
	Presentation of rules to Management and Commission	Draft Rules	2010/11	CD
	Submission of rules to Attorney General for vetting and gazetting	GN No. for Consumer Protection Rules	2011/12	CD
Establishment of Enforceable Consumer Redresses Mechanisms at FCC	Conducting analysis of misleading, deceptive and unconscionable conduct; and unfair business practices in trade and commerce	Data collected, analyzed and consumer redress mechanism in place	2010/11 2011/12	CD
	Train trainers on consumer protection issues	Presences of qualified trainers on consumer protection issues in all regions in Tanzania	2010/11 2011/12	CD
	Conducting consumer awareness campaigns in Five entry points regions (Mara, Kigoma, Rukwa, Kagera and Ruvuma)	Back to office report	2010/11 2011/12 2012/13	RMAD
	Sensitization of Consumer Stakeholders from Consumer Departments of Regulatory Authorities	Workshop reports	2010/11 2011/12 2012/13	RMAD
	Support initial operational set up of five zonal consumer protection committees	Implementation report	2010/11 2011/12	CD
Contribution to Formulation of National Consumer Protection Policy	Participate in stakeholders meetings	Position paper on consumer protection policy framework for Tanzania	2010/11 2011/12	CD
Establishment of 6 Zonal Consumer Committee Offices	Procurement of computer hardware, software and other equipment	Computer hardware, software and other equipment procured	2012/13	RMAD, CAD, PMU

Strategic Area 1: Attainment of FCC Financial Sustainability

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Develop Sustainable and Independent Source of Fund of FCC from the Government and other Development Partners	Developing and submitting funding proposals to financiers	Funding proposal developed	2010/11 2011/12 2012/13	RMAD, CAD, CD
	Implementation of FCC funding regulations	Implementation Reports	2010/11 2011/12 2012/13	RMAD, CAD, CD
	Collection of funds as per respective Business Plan	Funds collected	2010/11 2011/12 2012/13	CAD
Establishment of Revolving Fund for Staff of the Commission	Develop revolving fund policy	Draft Revolving Fund Policy	2011/12	CAD
	Identify sources of fund	Report on Identified Sources of Funds	2011/12	CAD
	Developing Staff Revolving Fund Plan	Revolving Fund Plan Developed	2011/12	CAD
	Implementation of Staff Revolving Fund Plan	Revolving Fund Report Plan	2012/13	CAD
Formulation of Assets Capitalization Policy	Development of the assets capitalization policy for FCC	Policy framework developed	2010/11	CAD
	Development and review of asset capitalization standards	Reviewed assets capitalization standards	2010/11	CAD
	Implementation of the policy	Policy in use	2011/12	CAD
Harmonizing FCC Financial Regulations with Public Finance Regulations	Review FCC and Public Finance Regulations	Reviewed regulations	2010/11	CAD
	Identify areas of conflict	Number of conflicting clauses identified	2010/11	CAD
	Amendment and/or development of new FCC Financial Regulations	Amended/Developed FCC Financial Regulation in place	2010/11	CAD
	Implementation of the new Financial Regulations	Financial Management Manual	2011/12	CAD

Improvement of Financial Resources Management System	Development of cost centers based on the Financial Management System	Cost centers in place	2010/11	CAD
	Improvement of Financial System Report Generation Capacity	Improved capacity in place	2010/11	CAD
	Development of investment guidelines for idle cash generated from various sources	Investment guidelines in place	2012/13	CAD
	Conduct periodic management and value for money audit for FCC's operations	Audit conducted and report submitted	2010/11 2011/12 2012/13	CAD, DIA

Strategic Area 2: Improvement of Information Management System

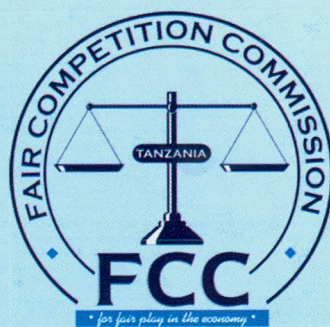
Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Improvement of Information Management System	Development of ICT Policy for FCC	ICT Policy in place	2010/11	CAD
	Establishment of electronic document management system	Electronic document management system in place	2010/11 2011/12	CAD
	Redesigning of the FCC website	Redesigned website in place	2010/11	CAD
	Upgrade financial management system (SAP)	Upgraded Financial management system	2010/11	CAD
	Establishment of a digital library	Digital library in place	2010/11 2011/12 2012/13	CAD
	Enhancement of collection of library materials and resources	List of updated material acquired/collected	2010/11 2011/12 2012/13	CAD, PMU
		List of library resource acquired	2010/11 2011/12 2012/13	CAD, PMU

Strategic Area 3: Improvement of FCC Human Resource Management System

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Improvement of Human Resource Management	Review of human resource development policy	Reviewed Human Development Policy	2011/12	CAD
	Review of Schemes of Service including provision for fixed term contract appointments	Reviewed Scheme of Service in place	2010/11 2011/12	CAD
	Formation of Training committee	Training committee established	2010/11	CAD
	Harmonization of FCC human resource manual and public service regulations.	Harmonized Human resource manual	2010/11	CAD
	Formulation and operationalization of Integrity, Gender and Environment Gender and Environment	Established Integrity, Gender and Environmental policies and Committees	2010/11	CAD
		Integrity, Gender and Environmental policies	2011/12	CAD
	Digitizing office security system	Electronic security system	2011/12	CAD, PMU
Providing standby power supply	Stand by Generator up and running	2011/12	CAD, PMU	
Availability of adequate Office Space	Liaise with the Government on the possibility of acquiring adequate own office building	Communication on availability of space/site for construction of office building	2010/11	CAD, PMU
		Estimated budget for construction and submission to the MITM / Treasury Registrar	2011/12	CAD
		Propose award of tender for construction	2012/13	CAD, PMU

Strategic Area 4: Improvement of FCC Communication and Public Relations

Main Activity	Sub Activities	Performance Indicators		Responsibility
		Measure	Target Date	
Public Awareness Campaigns on FCC Activities and Processes	Develop FCC's communication strategy	Communication strategy in place	2010/11	CPRU
	Production of communication materials	Different communication materials in place	2010/11 2011/12 2012/13	CPRU
	Organize and conduct workshop with media reporters on FCC activities and processes	Workshop proceedings	2010/11 2011/12	CPRU
	Produce and air Radio and TV Programmes on FCC activities and processes	TV and radio programmes aired by contracted TV and radio stations	2010/11	CPRU
	Participate in exhibitions	Back to office report	2010/11 2011/12 2012/13	CPRU



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