



Republic of Rwanda
**Ministry of Trade
and Industry**



COMPETITION AND CONSUMER PROTECTION POLICY

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EXECUTIVE SUMMARY

The Competition and Consumer Protection Policy 2023 (CCP) revises and updates the outdated 2010 policy to integrate national priorities (including Vision 2050 & NST1), as well as regional and international commitments (including EAC Vision 2050, COMESA, AU Agenda 2063 and SDGs). In addition, emerging trends observed globally need to be considered in the context of the CCP including, on the competition side, the increased prevalence of digital multi-sided markets, the growing need to ensure competition rules do not stifle green investment and sustainability initiatives and innovation, the interplay between government interventions in the market as buyer, supplier and regulator, and the need to address issues of synergies and overlaps in the legal and institutional framework. On the consumer protection side, addressing emerging issues in e-commerce, pyramid schemes and multi-level marketing and sustainable consumption, as well as interinstitutional coordination to protect consumers in the CCP are necessary.

The vision, mission and objectives of the CCP focus on the promotion of a thriving and competitive business environment to protect and enhance consumer rights in Rwanda. It is recognised in the CCP that a number of constraints currently exist in Rwanda which hinder this goal. As such, the CCP establishes five policy pillars and key policy actions within each pillar to address these issues:

Pillar 1 – Promoting a Competitive Business Environment

To address limited controls on anticompetitive practices and mergers, restrictive regulations that weaken competition, misalignment with regional and national policies, and gaps in addressing climate change and digitization, the CCP establishes the need to update the current competition law and ensure harmonization of all national legislation with regional rules and the national competition policy.

Pillar 2 – Enhanced Consumer Protection and Welfare

Defective and unsafe products and services are prevalent in Rwanda as well as unfair business conducts which harm consumer welfare, coupled with a weak regulatory framework required to address these issues. Policy actions include updating the regulatory framework, in particular, to protect online consumers and address emerging trends such as sustainable consumption; raising awareness to facilitate consumer complaints and resolution; and implementing strategies to ensure compliance with regulations guaranteeing consumer safety, including through risk-based inspections and collaboration with consumer associations.

Pillar 3 – Enhanced Legal and Institutional Arrangements

To address systemic issues with overlapping functions and lack of institutional collaboration between the Authority in charge of competition and consumer protection and sectoral regulators, policy actions under the CCP include strengthening the powers of the Authority; and adopting a mandatory collaboration mechanism between the Authority and sector regulators with competition and consumer protection mandates to ensure consistent application of rules and the removal of overlapping interventions.

Pillar 4 – Competition and Consumer Education and Information

Due to the limited awareness of consumer rights and anticompetitive practices, policy actions under this pillar include designing and implementing competition and consumer education and awareness programs with collaboration from government; as well as engaging in outreach programs and advocacy strategies which target relevant groups; and building on partnerships with education institutions, civil society and other stakeholders.

Pillar 5 – Enhanced Enforcement Mechanism

To address limited resources, capacity and inadequate tools to tackle competition and consumer protection investigations and to address gaps in procedures, policy actions focus on setting up regular capacity development programs for staff; setting up a tribunal to hear appeals following Authority decisions; adopting a leniency program; setting up a formal referral system for handling complaints; and establishing enforcement procedures that are transparent and offer due process to parties.

The CCP finally sets out the implementation plan for 2023-2033, the budget and the responsible institutions, with the Ministry of Trade being overall responsible for monitoring and evaluating its progress.

DEFINITION OF KEY TERMS

Authority: the government authority responsible for enforcing consumer protection and competition laws and regulations, established to safeguard consumer interests, competition and promote fair trade practices.

Anti-competitive conduct: a conduct which restrains free competition in the market and stems from business practices in which a enterprise or group of enterprises may engage to restrict inter-enterprise competition to maintain or increase their relative market position and profits without necessarily providing goods and services at a lower cost or of higher quality.

Competition: economic rivalry between two or more separate and independent enterprises engaged, on the same market, in identical or similar commercial activities.

Consumer association: an institution established under the prevailing law, with the objective of protecting and promoting the rights and welfare of the consumers.

Consumer protection: refers to the policies and practices designed to safeguard consumers of goods and services, and the public, against defective products and deceptive or unfair business practices in the marketplace.

Consumer: includes any person; who purchases or offers to purchase goods otherwise than for the purpose of resale but does not include a person who purchases any goods for the purpose of using them in the production and manufacture of any other goods or articles for sale; and to whom a service is rendered.

Dominant position: means a position of market power exercised by an enterprise, whether by itself or together with other enterprises, that gives the enterprise concerned the ability to unilaterally influence prices, output or any other competitive element, or to behave to an appreciable extent independently of its competitors, customers or suppliers.

Dominant enterprise(s): has the meaning assigned of “dominant position”.

Enterprise: any natural person, firm, partnership, corporation, company, associations or other legal person, engaged in commercial activities for gain or reward, including their branches, subsidiaries, affiliates or other entities directly or indirectly controlled by them;

Goods or services: goods or services ordinarily acquired for personal, domestic or for use within a household or family or by enterprises for use in the production of other goods or services or by government for use by government officials or its citizens

Market Player/participant: means buyer(s) and seller(s); inter play between them in for of demand and supply defines the market equilibrium.

Merger: a merger occurs when one or more undertakings directly or indirectly acquire or establish direct or indirect control over the whole or part of the business of another enterprise whether inside or outside Rwanda, resulting in the change of control of a business, or when two or more enterprises mutually agree to adopt arrangements for common ownership or control over the whole or part of their respective businesses, part of a business or an asset of a business in Rwanda in any manner and includes a takeover ;

Minister: The Minister in charge of Trade and Industry

Rights of consumers: Legal and moral duties of protection owed to a natural person that purchases goods or services by the supplier.

CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background

In 2010, the Government of Rwanda (GoR) introduced the Competition and Consumer Protection Policy (CCP) which envisions a conducive business environment underpinned by a robust legal and institutional framework that promotes fair competition among enterprises and ensures consumer rights are protected and promoted. The policy inspired the enactment of the law n° 36/2012 of 21/09/2012, which focuses on competition and consumer protection.

The law promotes competition in the economy by prohibiting practices that distort or undermine fair practices in commercial activities. It also aims at ensuring the promotion and protection of consumer rights. Additionally, in the spirit of establishing a supportive institutional framework, article 5 of the above-mentioned law provided for the establishment of a dedicated agency responsible for handling matters related to competition and consumer protection.

As a result, the GoR passed the law N° 31/2017 of 25/07/2017 establishing the Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA), the law determined the mission, organization and functioning of RICA. RICA's establishment was also aligned to GoR broader policy goals to meet regulatory requirements under East African Community Competition Act, 2006 as amended and the COMESA Competition and Consumer Protection Regulations and Rules, 2004.

In addition, several other government institutions were mandated to ensure competition and consumer protection in their respective regulated sectors, among those are the National Bank of Rwanda (NBR) under the law N°48/2017 of 23/09/2017 governing the National Bank of Rwanda in its article 6, and the Rwanda Utilities Regulatory Authority (RURA) established under law N°09/2013 of 01/03/2013 in its articles 4 and 5.

The Policy was aligned with the previous long-term development strategy (Vision 2020) and accordingly helped with the realization of the strategic objectives. The country has been among the fastest growing economies in Africa and among the best in improving the ease of doing business worldwide.¹ The Policy also helped in improving compliance levels by manufacturers and traders with consumer rights. Nonetheless, due to the changing world and new necessities linked to the country's national priorities, regional integration and international cooperation commitments, it was deemed relevant to review the old policy in order to respond to changing environment and integrate priorities embedded in different strategies.

Indeed, the need to review the policy is to harmonize it with the recently approved Rwanda long-term development ambition (VISION 2050) and its sub-programs Vision 2035 and National Strategy for Transformation (NST1), and other regional and continental strategies in EAC, COMESA, COMESA-EAC-SADC Tripartite and the African Union agenda, as well as global commitments.

¹ For example, the World Bank scored Rwanda 76.5% for ease of doing business in 2020, similar to a number of developed countries such as Israel, Portugal and France.

1.2 Justification for Revising Competition and Consumer Protection Policy 2010

A Competition and Consumer Protection Policy (CCP) is of paramount necessity as it provides the best means of ensuring that the resources of the economy are put to best use through competitive markets that provide strong incentives for good performance, thus encouraging businesses to improve productivity while rewarding consumers with fair and competitive prices and a wider choice of high-quality goods and services.

Furthermore, CCP protects consumers from fraud, unfair practices, and unsafe products. It provides a framework for consumer protection to be an integral part of a properly functioning market, and therefore establishes a direct and close relationship between level playing field for businesses and fair trading. CCP indeed regulates this relationship so that businesses do not engage in anti-competitive practices or take advantage of information asymmetries associated with their products and services during consumer transactions that are becoming increasingly complex.

As the Rwandan economy continues to experience significant growth, it has seen a rise in the introduction of more sophisticated consumer products. This expansion increases the potential for consumer confusion and misunderstanding, especially in digital markets. Therefore, there is a pressing need to revise the Competition and Consumer Protection Policy (CCP) to align it with global standards that reflect the changing landscape of increased e-commerce. This adjustment is essential to guarantee the protection of (online) consumer rights, encourage fair and transparent transactions, and build trust and confidence in digital commerce. Ultimately, this will contribute to strengthening the growth and resilience of the Rwandan economy.

In addition, new trends on competition matters observed globally need to be considered in the context of the revised CCP, namely, the emergence of global consolidation and new business models based on digital technology that are reshaping the boundaries of markets and relationships between producers, consumers and intermediation services but also taking into consideration the larger AfCFTA market. Moreover, increased state intervention in markets following the Covid-19 pandemic and international conflict have led to significant supply disruptions and therefore, have adversely impacted competition in markets.

The revised CCP, therefore, sets out a broad framework with which GoR will:

1. respond to anticompetitive challenges in the marketplace and boost open and competitive markets;
2. ensure that all enterprises operating in various sectors of the economy comply with and adhere to the policy recommendations and regulatory requirements to establish a level playing field;
3. harmonize and establish the obligations of enterprises operating in the digital space, including but not limited to online platforms and e-sellers, and clarify and establish online consumer rights;
4. enhance consumer literacy and transparency of consumer market transactions and hereby mitigating the motivations for businesses to resort to deceptive or unfair practices;

5. increase the confidence of consumers, sellers and investors in the openness and fairness of markets, thus inspiring economic growth in markets playing ground; and
6. provide a driving force for innovation, efficiency, and better performance by business entities through competitive prices, product safety, and improved product quality that can boost the country's competitiveness at regional and global markets.

1.3 Rationale for the Policy Review

Due to the changing world and new necessities linked to the country national priorities, regional integration and international cooperation commitments, it was deemed relevant to review the old policy in order to develop a new policy document that integrates national priorities, regional and international cooperation commitments. The review for the policy will address anti-competitive conducts and unfair trading, but in addition will also address emerging market trends that affect consumer protection such as e-commerce, pyramid schemes and multilevel marketing, and those that affect market competition such as the expansion of digital multi-sided markets, the interplay between government interventions in markets as supplier, buyer and regulator, and to address the issue of synergies and overlaps in the legal and institutional framework. The review of this policy will also set new rules which will trigger the revision of the existing laws and regulations, or the preparation of the new ones if need be.

1.4 Alignment of Revised CCP With Vision 2050 and other Policies

Alignment of revised CCP with Vision 2050

Rwanda aspires to increase the income and well-being of all Rwandan citizens and has adopted an ambitious growth strategy which sets targets for achieving upper-middle-income status by 2035 and high-income status by 2050. Vision 2050 also wants to ensure that Rwandans are connected and integrated into regional and global markets, an objective intimately connected to the development of e-commerce and competitive domestic markets. The CCP will help Rwanda grow a more competitive and integrated digital market by strengthening consumers' trust in e-commerce. In addition, Rwanda adopted a seven-years implementation program (NST1) which prioritizes inclusive economic growth, job creation, and private sector-led development in a variety of growth sectors, including diversified tourism, local manufacturing, productive agriculture & agro-processing, knowledge-based services and ICT. For achieving those growth objectives, support to entrepreneurship by creating conditions for the growth of vibrant and competitive enterprises across all sectors of the economy is a critical element. Thus, the policy aims to establish a level playing field to foster effective competitiveness through sound competition while also protecting the consumer. This will not only encourage participation of small and medium enterprises in the main economy but protect them from anti-competitive practices by entrenched market players.

Alignment of revised CCP to the regional, continental and global strategies and goals

This policy hinges on Rwanda's commitments under key regional and international development agendas, including the EAC Vision 2050, COMESA, AU Agenda 2063 and SDGs. Creating an environment conducive to the growth of competitive, dynamic and innovative markets that protects consumers is essential in achieving regional and global growth and development objectives.

Revised CCP and SDGs

Vibrant and robust ecosystems for competitive markets that ensure consumer well-being are essential to achieving SDGs, as private sector-led development is a foundation for economic growth, job creation, poverty reduction and increased prosperity. A level playing field for business drives innovation, protects consumers and inspires the development of solutions to the most intractable economic growth challenges and has a key role to play in promoting each of the 17 SDGs, with CCP contributing most directly and immediately to the following SDGs:

1. **Goal 1:** End poverty in all its forms everywhere.
2. **Goal 2:** End hunger, achieve food security, improve nutrition, and promote sustainable agriculture.
3. **Goal 5:** Achieve gender equality and empower all women and girls
4. **Goal 6:** Ensure availability and sustainable management of water and sanitation for all.
5. **Goal 7:** Ensure access to affordable, reliable, sustainable, and modern energy for all.
6. **Goal 8:** Promote inclusive and sustainable economic growth, full and productive employment, and decent work for all.
7. **Goal 9:** Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.
8. **Goal 10:** Reduce inequality within and among countries.



Figure 1: Revised CCP alignment with SDGs
Source: Elaborated based on SDGs, 2015

Revised CCP and AU Agenda 2063

The AU Agenda 2063 sets out a framework for “an integrated, prosperous, and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena.” The first 10-year Implementation Plan of the Agenda (2014–2023) includes seven Priorities (“Aspirations”) and 20 Goals. Successful implementation of the CCP will directly contribute to the achievement of the following goals:

1. **Goal 1:** A high standard of living, quality of life, and well-being for all citizens
2. **Goal 2:** Well-educated citizens and skills revolution underpinned by science, technology, and innovation
3. **Goal 4:** Transformed economies
4. **Goal 5:** Modern agriculture for increased productivity and production
5. **Goal 7:** Environmentally sustainable and climate-resilient economies and communities
6. **Goal 17:** Full gender equality in all spheres of life
7. **Goal 18:** Engaged and powerful youth.

Revised CCP and EAC, COMESA and AfCFTA

At the regional level, different instruments have been established and among those include COMESA Competition Regulation 2004 and the EAC Competition Act 2006 which oblige member/partner states to establish a well-functioning legal and institutional framework to ensure implementation of the obligations of the law. The two acts apply to transactions with a regional dimension and the new policy integrates their objectives along with its priorities. At continental level the African Continental Free Trade Area (AfCFTA) is negotiating regulations to be implemented at continental level and it is expected that the national law will be harmonized with the continental regulations.

The EAC Vision 2050 outlines six common development goals for the East African region. CCP directly contributes to the achievement of the following EAC goals:

1. **Goal 2:** Enhanced agricultural productivity for food security and a transformed rural economy.
2. **Goal 3:** Structural transformation of the industrial and manufacturing sector through value addition and product diversification based on comparative advantage for regional competitive advantage.
3. **Goal 4:** Effective and sustainable use of natural resources with enhanced value addition and management.
4. **Goal 5:** Leverage on the tourism and services value chain and building on the homogeneity of regional cultures and linkages.
5. **Goal 6:** Well-educated and healthy human resources.

The African Continental Free Trade Area (AfCFTA) under article 6 stipulates that “This Agreement shall cover trade in goods, trade in services, investment, intellectual property rights and competition policy”. Furthermore, the agreement provides that Member States shall enter into Phase II negotiations in the following areas: (a) intellectual property rights; (b) investment; and (c) competition policy which is of our concern”. The policy therefore needs to be aligned with the proposed protocol which is under negotiation and at drafting phase.

Revised CCP and other existing national policies and strategies

The revised CCP is closely aligned with all key GoR policies and strategies across all line ministries and is grounded in Rwanda’s strategic orientation articulated in NSTI. Particularly, it supports NSTI priorities of empowering special group such as youth and women entrepreneurship, improving access to finance for entrepreneurs, developing skills, supporting innovation and technology enterprises, improving industry networks and business support services, developing competitive value chains and services sectors, reducing the cost of doing business and facilitating trade, increasing productivity in agriculture, and increasing entrepreneurial motivation and risk taking, among others.

The figure below illustrates key national policies and strategies and vision that are aligned to this Competition and Consumer Protection Policy.

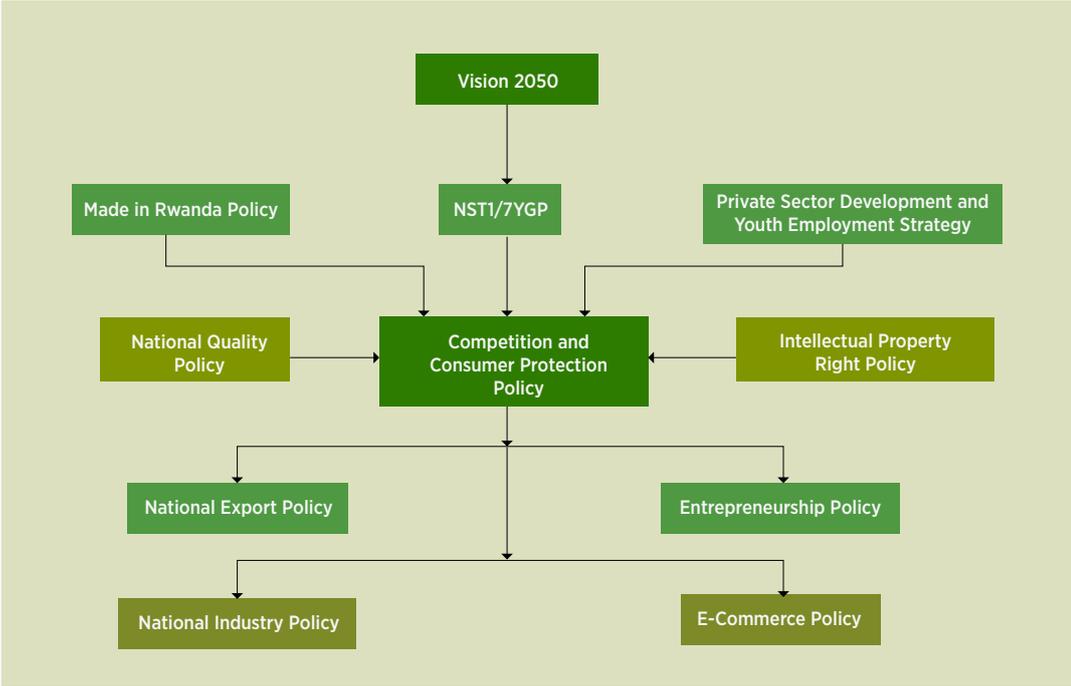


Figure 2: National policies linked with the Competition and Consumer Protection Policy
 Source: Primary data

The government has built a strong track record of reforms to support the development of viable enterprises. Revised CCP leverages the above-mentioned policies and the Government’s previous reform. While the GoR’s policies promote private sector development more broadly in each of their respective domains, the revised CCP actions serve to strengthen, reinforce support the implementation of, and complement these existing policies and strategies. This alignment enables the Government to enhance competition, promote entrepreneurship & creativity, foster business growth, and create employment opportunities, hence leading to improved standards of living.

The figure below summarizes all the above-mentioned strategic guiding strategic documents as aligned to this revised CCP.

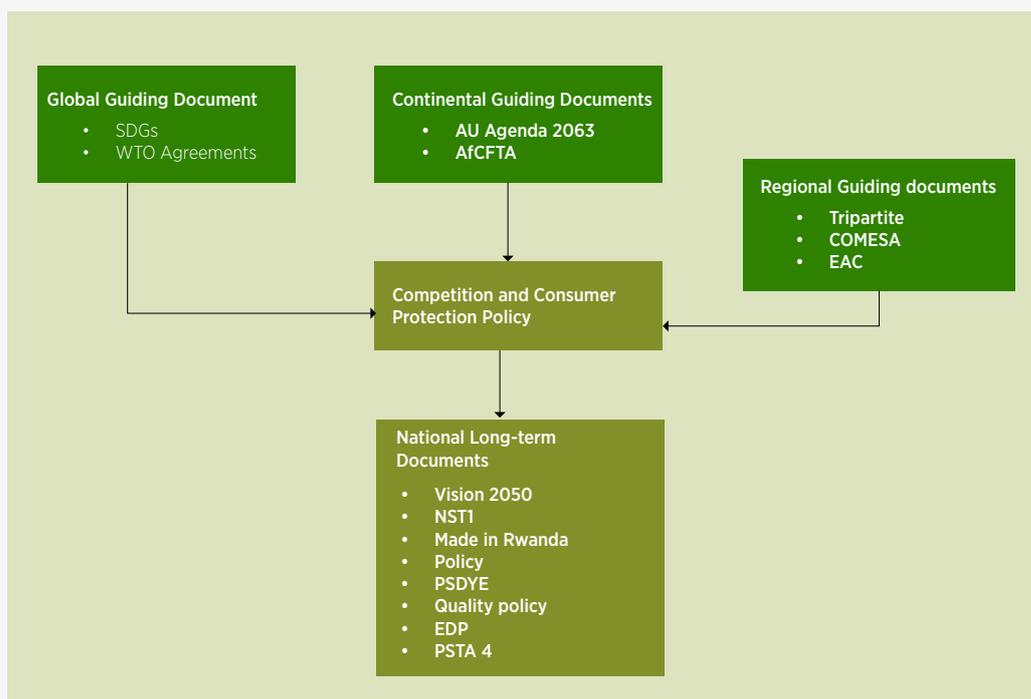


Figure 3: Guiding documents for the Competition and Consumer Protection Policy
Source: Primary Data

1.5 Mission, Vision and Objectives of Revised CCP

1.5.1 Vision

The revised CCP envisions a future for Rwanda where competition thrives in the economy markets flourish and support the dynamics of competitiveness and innovation. The revised CCP guarantees consumer welfare, promotes openness to market globalization and boosts economic growth.

1.5.2 Mission

The mission of this policy is to protect and promote a competitive business environment and enhance consumer protection and welfare by prohibiting anti-competitive and unfair trading practices in the Rwandan economy and by empowering consumers and enhancing consumers' rights to ensure efficient markets for sustainable and inclusive growth and development.

1.5.3 Objectives of the Policy

The principal objective of the policy is to cultivate a thriving and competitive business environment as well as establishing a mechanism to safeguard and enhance consumer rights. The policy recommendations are designed to address identified issues and achieve the following objectives:

1. To ensure that market participants freely compete by prohibiting, preventing and sanctioning anti-competitive practices and removing regulatory restrictions that are likely to facilitate such practices;
2. To safeguard consumers rights and ensure they are observed by market operators;
3. To stimulate and encourage innovation in market places;
4. To address the challenges brought by the digital economy in terms of competition and consumer protection;
5. To ensure that goods and services are safe and fit for purpose;
6. To provide accessible and timely enforcement mechanism for resolving complaints and disputes;
7. To ensure effective, responsive and accountable institutional mechanisms; and
8. To contribute positively to green investments and sustainability by spurring innovation and supporting efficiency-oriented cooperation among market players.

CHAPTER TWO: PRINCIPLES GUIDING THE POLICY

2.0 General guiding principles

The competition and consumer protection policy is founded on the principles of effective and affordable redress, Coherence, Complementarity and Stakeholders' involvement.

In achieving competition and consumer protection policy objectives, the competent authorities must be guided by the following considerations for the design and implementation of related regulation:

- a. **Effective and affordable redress** - This policy seeks to establish an appropriate mechanism to facilitate reporting and identification of potential competition and consumer protection infringements, handle complaints, conduct investigations, prosecute and adjudicate cases, and enable appeals related to competition and consumer protection.
- b. **Coherence and neutrality** - The policy will establish a legal and institutional framework to ensure coherence and impartiality in operations and handling matters related to competition and consumer protection across economic sectors and between public and private sectors.
- c. **Complementarity** - The policy builds on and complements other national policies and strategies that affect market functioning, competition and consumer welfare, and are aimed at improving competitiveness and people's standards of living.
- d. **Integration** - Competition and consumer protection related issues will be taken into account in defining and implementing other national strategies and policies at regional and international level.
- e. **Stakeholders' involvement** - The implementation of the policy is hinged on buy-in from key actors or stakeholders involved in competition and consumer protection.

2.1 Five Guiding Policy Pillars

In light of the overall objective of the Policy, policy actions will be organized under the following five pillars:

2.1.1 Pillar One: Promoting Competitive Business Environment

2.1.1.1. Effective competition law enforcement

According to the Global Competitiveness Report 2019-2020, Rwanda ranks 48 out of 141 economies on the intensity of local competition overall and 54th and 90th for the extent of market dominance prevalent in the country and level of competition in services respectively. Although respectable, this performance falls short of those of other Sub-Saharan peers due to weaker competition policies and limited controls on anticompetitive business practices to date.

Preventing, detecting and sanctioning anticompetitive practices and stopping mergers with anticompetitive effects are important actions needed to preserve competition in markets for the benefit of final consumers, including families, other businesses that purchase inputs along value chains, and the government through public procurement. This may be achieved through the following sets of actions:

1. Enhancing existing competition rules on anticompetitive practices and merger control to improve effective competition in the marketplace, including:
 - **Abuse of dominant position** - tackling abuses of dominant position in the country while promoting innovation, research and development of enterprises whose dominant positions are not per se unlawful;
 - **Cartels** - clamping down on cartels which are the most heinous forms of anticompetitive agreements;
 - **Merger control** - providing risk-based, objective merger control rules to avoid unnecessary burden on businesses, as well as establishing appropriate notification thresholds - including preserving the ability to review those transactions which fall below prescribed thresholds where they are likely to be harmful to competition, as may be the case with nascent markets such as digital economy.
 - **Preventing monopolies** - avoiding the establishment of monopolies or the abuse of market power by dominant market players who can prevent competition.
2. Enhancing the efficiency of competition assessments to prioritize and dismiss complaints where necessary, and focus enforcement priorities and resources on addressing areas where more harmful practices are occurring, such as:
 - **Merger control** – enabling an expedited merger review process for transactions unlikely to harm competition;
 - **Anticompetitive practices** – establishing a leniency policy to enable cartelists to self-report in return for immunity from / reduction of financial penalties; and
 - **Remedies** – promoting the use of commitments to alleviate competition concerns in addition to ensuring that structural and/or behavioral conditions are imposed to address identified harm to competition where possible.

2.1.1.2. Elimination of restrictive regulations that weaken competition

The policy recognizes that all sector regulators and national authorities can set rules affecting competition in markets. Therefore, sectoral regulators (such as for utilities, pharmaceuticals and financial services) and authorities entrusted with the implementation of economy-wide policies (such as those related to investment and incentives, trade, public procurement, public investment and privatization) shall endeavor to eliminate unjustified restrictions to competition, and insofar as this is not possible, provide justifications necessitating such restrictions. Embedding competition principles in sectoral and economy-wide government policies and regulations will contribute to improving competition in the Rwandan economy by building a pro-competitive environment and levelling the playing field, for the ultimate benefit of consumers, including SMEs in Rwanda. This may be achieved by:

- Aligning sectoral regulation and national policies with this CCP;
- Ensuring advice from the competition Authority is sought and considered when designing and reviewing sectoral and economy-wide policies and regulations to embed competition principles;
- Establishing mechanisms for regulatory impact assessment of current and new legislation and regulations to identify alternatives that minimize their negative impact on market performance, rivalry and consumer welfare;
- Granting power to the competition Authority to analyze markets, identify regulations that reinforce market dominance, restrict the ability of enterprises to compete or facilitate collusion and distort the level playing field, undermining competitive neutrality, and recommend pro-competition regulatory reforms.

2.1.1.3. Alignment of the ccp with national and regional policies

Recognizing that the CCP cannot be implemented in isolation of other national policies, there will be alignment between the CCP and other national policies to ensure consistency. The CCP recognizes that, the following policies and related legal frameworks help sustain competitive markets, but not limited to:

- **Entrepreneurship Development Policy** – which allow technology enabling innovation, incubators and development of small and medium enterprises;
- **Private Sector Development Policy** - aimed at developing the private sector as the engine of growth;
- **Industrial policy** - aims at developing competitive and green industrial with improved utilization capacities.
- **Intellectual Property Policy** – that protects intellectual property and combats counterfeits providing incentives for product development and innovation,
- **Trade Policy** – that allows for more options for consumers, better inputs for producers and greater incentives for competitiveness of Rwandan products,
- **Investment Policy** – that aims at ensuring ability of enterprises to enter and expand in the economy allocating resources towards productive economic activities, and

- **Privatization Policy** – that accounts for the importance of preserving competition in markets where privatization takes place,
- **Public Procurement framework** – that encourages competition to ensure best value for money.

Moreover, this revised CCP and its implementation mechanisms will be harmonized with regional and continental policies on competition and consumer protection such as the EAC, COMESA and AfCFTA. Specifically, the revised CCP will need to adhere to the Tripartite Cooperation, 2012, between the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the Southern African Development Community (SADC).

The revised CCP will also be aligned to the Africa Continental Free Trade Area (AfCFTA) protocol that aims at facilitating regional integration while safeguarding competition in national and regional markets. For example, the State aid (subsidies) control framework needs to be developed for the review of government subsidies, in line with the EAC competition framework, to ensure that they do not harm competition and regional trade.

2.1.2 Pillar Two: Enhance Consumer Protection and Welfare

Consumer protection means safeguarding the interests and rights of consumers. In other words, it refers to the measures adopted for the protection of consumers from unfair and deceptive practices by business operators, and to provide them speedy redressal of their grievances. These protections are essential in building consumer confidence in markets and in establishing a more balanced relationship between businesses and consumers involved in commercial transactions. Lack of trust by consumers stifles development of markets as consumers would not be willing to engage in commerce, thereby depressing the market.

However, despite the existence of a legal and institutional framework, for a long time, several reports showed a low level of compliance of traders on basic consumers' rights, whereby the consumer has been raising concerns of being subjected to various substandard products and services. The relevant institutions or agencies lack adequate or sufficient recourse. In addition, the problem has been compounded by the inability of most consumers to make informed decisions regarding product choice.

In addition, consumers now face new challenges as they engage in e-commerce, and it is important to clarify their rights and how they can exercise them. This goes hand in hand with clarifying the obligations of businesses that operate online, including but not limited to online platforms such as e-market places or online suppliers. And it includes protecting SME suppliers in e-commerce from unfair business practices of online platforms. Promoting consumer trust in the digital market will help Rwanda engage more robustly in regional and global digital markets.

The end goal of this policy is to enhance consumer welfare through: 1) safe and quality products to meet consumer expectations and inspire confidence in the market; 2) availability and affordability of products; 3) clear rights and obligations for transactions for both consumers and traders; and 4) improving the effectiveness of institutions to respond in case of non-compliance with consumer rights. In that regard, this policy outlines the challenges which impede the insurance of consumers of their rights and obligations.

2.1.2.1. Enhance safety of products and services

The prevalence of products of limited quality or that do not comply with current national or regional standards has been a significant concern among the public in Rwanda. Products, which are either illegally imported through porous borders or locally produced without the required approvals from the regulatory authorities, pose a threat to consumer safety and undermine the country's efforts towards economic growth and development. Furthermore, consumers are often unable to determine the quality of products on the market, therefore they cannot make informed purchasing decisions. In addition, some service providers in sectors such as transport, banking, insurance, ICT sector and health care need to fully comply with relevant regulatory requirements. This non-compliance further exacerbates the challenges faced by consumers in accessing quality services.

An effective framework for ensuring safe products on Rwandan markets involve not only risk-based monitoring and inspections of products by the public sector, but that both suppliers and consumers should play a role as well. Therefore, there is a need to involve both the private sector and citizens in a structured framework to ensure that monitoring and inspections are conducted diligently, efficiently, and professionally, and that consumers have an effective way of reporting products that infringe current regulations. This will enhance the effectiveness of regulatory bodies and ensure that providers of unsafe products, products lacking compliance with standards, and services lacking compliance with regulations are identified and held accountable. In addition, there is a need to strengthen the capacity of the Authority and increase its resources for inspection and enforcement activities. Complementary frameworks such as safety regulations, national or international standards, and voluntary standards are important to ensure that products are safe for either intended or normally foreseeable use.

2.1.2.4. Removal of business practices that harm consumers

Business practices that can harm consumers relate to how businesses promote, sell and deliver products and services, the terms they use in contracts, and how businesses take payment from consumers. Unconscionable conduct can take place where sellers take advantage of consumers, especially vulnerable consumers, and leave them in a position where they are unable to retain the benefit from the purchase. Pyramid schemes, abusive marketing tactics, coercion and undue harassment are other examples of unfair business practices.

As technology continues to advance and businesses increasingly rely on digital platforms to reach consumers, there has been a rise in deceptive practices that negatively impact consumers. Misleading advertisements and deceptive labeling are part of the different tactics that businesses may use to take advantage of unsuspecting consumers during trade. In recent years, the practice of “greenwashing” has become more common, involving false or exaggerated claims regarding the environmental and sustainable benefits of a product or service.

These practices not only harm consumers, but they also erode trust in the marketplace and can undermine the competitive environment. As such, it is critical to set clear rules and design a policy to address these issues and protect consumers from such harmful business practices. In addition, the policy will emphasize the need for education and awareness campaigns to empower consumers to make informed decisions and protect themselves from deceptive practices.

In order to protect consumer safety and economic interests and allow them to make informed choices, rules will be set and enforced to encourage (i) good business practices including related to advertising; (ii) clear and timely information regarding the goods or services offered, (iii) clear, concise and easy to understand contract terms that are not unfair, and (iv) a transparent process for the confirmation, cancellation, return and refund of transactions. Specific guidance will be provided to ensure that these rules and their implementation consider elements to avoid discrimination and gender bias. Furthermore, the policy recognizes that complementary approaches such as labelling can support consumer protection including to boost safe and sustainable consumption.

Furthermore, secure payment systems and consumer privacy and data security are also essential. Therefore, appropriate interoperability and coordination with national laws and regulations in these areas is important for effective consumer protection.

This policy recognizes that sector-specific rules for the protection of consumers are necessary in key areas such as food, water, pharmaceuticals, energy, telecommunications, financial services, and tourism. In these cases, collaboration and coordination between the Regulatory Authority and sector regulators would be necessary.

2.1.2.3 Online consumer protection

The 2050 vision for Rwanda emphasizes ensuring that its citizens are connected and integrated into regional and global markets. This objective involves the expansion of e-commerce, highlighting the critical need to address consumer protection for online transactions in this policy. This policy recognizes that consumers who participate in e-commerce should be provided effective consumer protection that is not less than the level of protection granted for other forms of commerce.

Consumers are exposed to additional risks when engaging in e-commerce transactions that require special attention to ensure their protection and well-being. The proposed approach includes protecting consumers from unfair or deceptive practices, establishing clear guidelines for online transactions and promoting transparency and accountability in this sector. Consumer protection in the context of e-commerce needs to be complemented with clear obligations for digital businesses, and protections to e-suppliers vis a vis online platforms. The cross-border nature of e-commerce also highlights the importance of regional and international collaboration for effective protection of consumers.

Online consumer protection encompasses various aspects such as:

- (i) Transparent and accurate product information: Ensuring that businesses provide clear and accurate descriptions, specifications, pricing, and other relevant details about their products or services online;
- (ii) Secure online transactions: Implementing robust measures to safeguard consumer payment information and protect against unauthorized access or fraudulent activities;
- (iii) Privacy protection: Safeguarding consumer personal data from unauthorized collection, use, or disclosure by businesses, and requiring explicit consent for data processing activities;

- (iv) Dispute resolution mechanisms: Establishing accessible and efficient procedures for resolving consumer complaints, including alternative dispute resolution methods to expedite fair resolutions; (v) Consumer redress and remedies: Ensuring that consumers have access to appropriate remedies, such as refunds, returns, exchanges, or compensation, in case of faulty products, misleading advertising, or breaches of contract. Furthermore, it is important to protect online suppliers, including through clear and accessible contractual terms, among others. Complementary approaches to regulate and monitor online platforms to prevent anti-competitive practices also safeguard consumer welfare and can protect small and medium-sized enterprise (SME) online suppliers.

2.1.2.4. Improved Complaint handling mechanism

Despite the existence of legal instruments that protect consumers' rights and provide mechanisms for redress of grievances, consumers often fail to exercise their right to report such matters. This lack of reporting has resulted in cases of adulteration, high prices, poor quality, black marketing, and other unethical practices in the market that pose risks to the health and safety of consumers. As a result, unfair trade practices, false and misleading advertising and the abuse of information continue to occur, all of which benefit traders, manufacturers, and service providers at the expense of consumers.

To address this issue, the policy will strengthen mechanisms for reporting and addressing grievances, so that consumers are encouraged to report cases of unfair practices without risk of retaliation. The policy will also include potential avenues for handling complaints that may fall under the jurisdiction of different regulators. Fair, affordable, prompt and non-discriminatory dispute resolution and redress mechanisms will be ensured for all consumers, independently of their biological characteristics, race, nationality or other individual characteristics. Data disaggregated by sex and other relevant characteristics will be collected to ensure effective monitoring and evaluation of services provided to consumers.

2.1.2.5. Market surveillance

Competent regulatory authorities should regularly monitor markets to ensure compliance with competition and consumer protection laws. Those authorities should investigate and take legal action against entities violating the existing laws and regulations.

2.1.3 Pillar Three: Enhanced Legal and Institutional Arrangement

Competition and consumer protection policy in Rwanda cannot flourish without an effective institutional collaboration framework in place. This is because the current legal framework provides certain regulators with mandates related to competition and consumer protection, which has resulted in the need of coordination between the Authority in charge of competition and consumer protection and other sector regulators. Thus, the current framework exhibits several issues ranging from overlapping mandates, weak enforcement mechanisms and an ineffective collaboration framework.

2.1.3.1. Jurisdiction of competition and consumer protection matters

The policy recognizes that the implementation of competition and consumer protection policy requires collaboration among all sector regulators and national authorities that can set rules affecting competition in markets and consumer protection. Therefore, the Authority cannot operate and implement the policy in isolation. It would have to collaborate closely with other government agencies – such as sector regulators and other authorities in charge of data protection, standards, weights and measures, and intellectual property rights - and line Ministries to achieve competitive and trustworthy markets.

The Authority for Competition and Consumer Protection is the primary advocate for competition and general consumer protection matters due to its competence in these areas. The Authority (RICA) is independent in executing its mandate without interference from any ministry or other institution.

At the same it is also important to recognize that certain sectoral regulators like RURA, Rwanda FDA, RURA, BNR etc. have the primary mandate, and the necessary more specialized competence, as well as equivalent independence, for consumer protection for the particular sector they are responsible for. For example, the National Bank of Rwanda and Rwanda Capital Markets Authority are the regulators responsible for financial consumer protection for the financial market (having regard to their respective mandates) as reflected in the recently passed national Financial Consumer Protection Law.

To ensure accountability and fairness, decisions of the Authority on competition and consumer protection cases and decisions of other regulators related to consumer protection may be appealed before the ad hoc tribunal established under the Authority. This system ensures that the Authority and other regulators operate effectively, independently, and with transparency to protect the interests of all stakeholders (consumers and traders) and promote fair competition.

The Authority is mandated to collaborate with other sector regulators who, as noted above, are responsible for enforcing competition and consumer protection rules in their respective sectors and have the primary mandate to do so. In line with the CCP, the Authority will conduct consultations with sector regulators to address issues such as handling of cross-sectoral complaints, conducting investigations or market studies and other coordination activities that may be necessary. Through this collaboration, the concerns of sector regulators will be considered to ensure that the regulatory framework is effective and efficient. Likewise, sector regulators will undertake to consult with the Authority on matters related to competition and consumer protection. By working together, both parties can ensure that competition and consumer protection laws are effectively enforced in all industries.

The CCP will ensure that where there are existing conflicts between sectoral regulation rules and the competition and consumer protection law, the relevant legislation will be amended to ensure a consistent approach in the implementation of the revised CCP, while having appropriate regard to the nature and risks of relevant products and services in the specific sector. This will include, for example, ensuring that specialized financial consumer protection rules for a particular sector (such as the Financial Consumer Protection Law for the financial sector) and the mandate and responsibility of the relevant sectoral expert regulator (such as the National Bank of Rwanda) have primacy in relation to their relevant sector, and amending the laws as needed to remove overlaps and facilitate collaboration.

Moreover, when sectoral legislation affecting competition and consumer protection policy is drafted or amended, the Authority will be consulted.

Furthermore, the revised CCP recognizes that it will be aligned with the regional and continental treaties, laws and regulations as regards competition and consumer protection, specifically, the East Africa Community Treaty (EAC), the Common Market for East and Southern African Treaty (COMESA) and the African Continental Free Trade Area Treaty (AfCFTA).

2.1.3.2. Enhanced Institutional Arrangements

It is important to note that different agencies have different mandates, and that a single matter may trigger enforcement from two or more pieces of legislation. In order to be efficient and deal with the matter in a systematic manner, it is necessary that regulators work together to address such matters. It is therefore important that the Authority establishes a collaborative framework (such as a cooperation agreement or memorandum of understanding, interinstitutional tribunals, a framework for a network of market regulators) with sector regulators and other relevant institutions, through which they may address concerns affecting their mandates, allocate cases and report on joint work. In particular, the Authority will establish a memorandum of understanding with sector regulators with competition and /or consumer protection mandates to define roles clearly and ensure effective collaboration. Relevant regulators and the Authority are encouraged to establish inter-institutional working groups to discuss specific cases related to consumer protection and establish a common desk to receive consumer complaints.

The current framework also exhibits gaps between the consumer protection mandate and the conformity assessment. Collaboration is necessary since one authority clears goods to enter the market, and issues of lack of compliance are raised to the consumer protection Authority afterwards.

2.1.3.3. Forward looking competition and consumer legislation

The CCP recognizes that the world is ever changing and that the legislation requires to be up to date with the world trends for effective enforcement resulting in free and fair markets. It would therefore be prudent that the legislation deals with emerging issues of the digital economy such as online consumer protection and antitrust tools appropriate to address competition issues in digital markets.

Further, the legislation will incorporate the following topics that are important for Rwanda:

- State aid – government has a sovereign right to grant State-controlled financial resources (subsidies) to enterprises on a discretionary basis for economic and social purposes, ensuring potential distortions to competition are minimized;
- State owned enterprises and enterprises with non-controlling state shareholding – government may create enterprises which are free to compete with the private sector, provided there is competitive neutrality;
- Public interest considerations – where there are public interest considerations these shall be defined for transparency;
- Emergency situations – the government may allow certain conduct during an emergency situation to address concerns caused by the emergency. This however should have a sunset clause within which a review can be made;

- Public procurement – the government will apply the tenants of competition policy to public procurement;
- Online markets - obligations of online market players, depending on their role, size and impact, rights for online consumers, and protection of SME suppliers in e-commerce from unfair business practices of online platforms;
- Sustainable consumption and production - the government will encourage the design, development and use of products and services that are safe and energy- and resource efficient, considering their full life cycle impacts, including their effects on biodiversity and natural assets.

2.1.4 Pillar Four: Competition and Consumer Education and Information

2.1.4.1. Knowledge on consumer rights and education programs

Rwanda's progress in compliance with trade laws, and in particular the competition and consumer protection law of 2012, has been recognized as a significant achievement for the country. However, despite the progress, there is still a need for continued efforts to ensure that consumers are well informed and protected. The policy recognizes the importance of promoting consumer awareness and empowerment through education and awareness-raising initiatives.

These efforts aim to equip consumers with the knowledge and tools they need to make informed choices and assert their rights, thereby contributing to the creation of fair and transparent markets in Rwanda.

In addition, some traders do not feel obligated to provide consumers with relevant information, which can lead to issues such as limited knowledge on consumer rights and resistance to compliance by traders. As a result, more efforts and initiatives are being geared towards promoting consumer education and information. This policy recognizes the need to reach rural consumers, illiterate consumers, children and persons from disadvantaged groups, and therefore encourages the development of appropriate consumer information programs for these target groups.

2.1.4.2. Knowledge of competition matters

The same is true for competition matters where consumers, traders and businesses are not aware of what constitutes an anticompetitive practice and its negative effects in the market. It is important that such stakeholders can identify restrictive business practices, refrain from committing or facilitating them, and report to the relevant authorities when faced with such a conduct. Even when the cause of the restriction of competition is a government policy or regulation, the stakeholders should identify them and report them. This also educates policy makers to be conscious of the effects of policies they may be planning to introduce on the market. A competition culture can only be established once all stakeholders are provided with the necessary education on the subject.

Advocacy strategies must be formulated to raise awareness in the judiciary, legislator and the executive as well as consumers, traders and private sector, academia, civil society and ICT.

2.1.4.3 Target group for education and raising awareness

The CCP advocates for an educated and well-informed Rwandan public on matters of competition and consumer protection. This will be done through advocacy and informal training, including in academia, civil society organizations, professional and business associations, media houses and consumer groups and associations. Furthermore, the revised CCP encourages formal education on competition and consumer protection to be delivered at universities, particularly the schools of law, business studies, economics as well as innovation ecosystem.

The Authority for competition and consumer protection shall ensure that it provides internships and training to young people interested in competition and consumer protection matters.

2.1.5 Pillar Five: Enhanced Enforcement Mechanism

Enforcement of any policy is affected by all the institutions that participate in the implementation of that policy. Therefore, having an effective enforcement mechanism requires enhanced capacity, adequate tools, sufficient resources, and transparency that ensures that the law is applied in an unbiased manner covering all market participants.

2.1.5.1 Enhanced capacity in competition and consumer protection matters

To ensure effective enforcement, there needs to be enhanced capacity in the following areas:

- Staff of the Authority for competition and consumer protection - who are experienced in law, economics and/or business and receive sufficient training in competition and consumer protection, and are incentivized and well compensated to remain with the Authority in order to ensure that the Authority is competent and well-resourced. Staff needs to be numerous enough to adequately be able to fulfill all of the different functions and attributions that the Authority has in both competition and consumer protection mandates.
- Adjudicators at the Authority - for competition and consumer cases, need to have adequate knowledge and expertise to make judgments on competition and consumer protection cases. Adjudicators will be a collegiate body free from any conflict of interest which is distinct from the investigative function to ensure due process and internal independence. This is important because decisions of the adjudicators affect the enforcement of the CCP.
- Other institutions with competition and consumer protection mandates - capacity in all the institutions must be developed to set a common basis for the implementation of this policy and their specific mandates.
- Other institutions with competition and consumer protection mandates - capacity in all the institutions must be developed to support the identification of potential issues that undermine competition and consumer protection to refer them to the Authority, and integrate principles to safeguard competition and protect consumers when developing and implementing their frameworks.

2.5.1.2. Adequate tools to deal with competition and consumer protection cases

Investigative powers of the Authority for competition and consumer protection must be sufficient to enable effective enforcement of competition and consumer protection rules. These include, among others, the ability to initiate and conduct investigations (including ex officio), pursue administrative cases, compel evidence from witnesses and relevant third parties, request information and documents, conduct inspections, search premises, impose monetary fines, sanctions and remedies to address the identified harm to competition or consumers, and incentivize early resolution of cases through leniency, consent agreements, and settlements for anticompetitive practices or unfair and deceptive commercial practices, as well as simplified procedures for merger control. Furthermore, for consumer protection cases, institutions with consumer protection mandates may leverage private sector inspections, private mediation and alternative dispute resolution systems, co-regulation, and self-regulation.

2.5.1.3 Sufficient resources

The enforcement agencies need to be well resourced financially so that experienced staff with a background in law, economics and business are recruited, trained and retained to deal with competition and consumer protection cases. Further, to reduce the burden of enforcement where resources are scarce, there is need to prioritize cases with the greatest impact and to adopt a risk-based approach to investigate cases.

2.5.1.4 Transparency

The implementation of the CCP needs to be predictable and transparent so that all stakeholders, that is, businesses and consumers are fully aware of the enforcement process. As such, procedures and the analytical framework adopted by the Authority for competition and consumer protection must be transparent and promote due process. Regulations must be clear and guidelines on application must be published to increase predictability for the private sector. Furthermore, digitization – for example to lodge complaints and handle cases - is a tool that supports effective and transparent implementation of competition and consumer protection rules. Where parties to cases are not satisfied with the decisions taken by Authority for competition and consumer protection, they may have recourse to the courts of law in Rwanda.

More generally, the Authority for competition and consumer protection will have independence and ensure transparency in carrying out investigations, drafting decisions, sanctioning, adopting remedies, and making public non-confidential versions of its decisions. The Director General of the Authority for competition and consumer protection as well as the Board of Directors, as the collegiate body responsible for adjudicating competition and consumer protection cases, will declare any conflict of interest that may arise in the course of their work.

CHAPTER THREE: POLICY ACTIONS

The Ministry of Trade and Industry together with other relevant GoR agencies, will collaborate in implementation of a set of policy actions under each CCP pillar. These pillars were designed to shape this policy followed by the situation analysis conducted while developing this policy. The objective of this collaborative effort is to ensure efficient and effective implementation of the CCP.

MINICOM, together with the Regulatory Body and other relevant GoR agencies, will implement the following policy actions under each CCP pillar. Each policy action directly addresses one or several identified constraints as indicated in Chapter 2 and summarized below.

Pillar 1: Promoting Competitive Business Environment

Objective: The main objective of this pillar is to promote a competitive business environment in Rwanda.

Key highlighted Constraints: Limited controls on anti-competitive practices and mergers, restrictive regulations that weaken competition, misalignment with national and regional policies and need to consider new topics such as digitalization and climate change.

Policy actions

- Establish/Update the current competition framework to address gaps, enhance its effectiveness, integrate digitalization and climate change considerations, and align it with regional policies;
- Establish/review relevant legislations in line with the principles established in this policy to ensure a competitive business environment, including as a result of market assessments;
- Issue relevant regulations and guidelines to facilitate efficient and effective implementation of the law related to competition;
- Adopting clear legal framework on trade remedies (anti-dumping, safeguards, and countervailing measures)

To enhance the effectiveness of the competition framework, legislation to combat anticompetitive conduct shall apply to all consumers (individuals, MSMEs, other enterprises, and government institutions), be comprehensive to address all anticompetitive conduct in markets across all sectors of the economy, allow for efficient procedures to facilitate compliance, and grant appropriate powers to investigate and sanction infringements, which will also be aligned with regional competition rules to ensure a legally supportive business environment. In order to address issues of anti-competitive environment, specific laws and regulations will be established or amended where required to ensure integration of competition principles in sectoral and economy-wide rules. Market assessments and competition advocacy initiatives will be strengthened for this purpose. Furthermore, given the importance of climate change, the competition framework will be amended and implemented to support green economic transformation.

Pillar 2: Enhance Consumer protection and welfare

Objective: The main objective of this pillar is to enhance consumer welfare through provision of variety of quality products and services at a very competitive price, planning regular market surveillance, and through an update of the existing regulatory framework. This includes frameworks addressing new challenges such as online transactions, sustainable consumption, and new business models such as multi-level marketing, interest of special groups such as people with disabilities and considering competition gender perspectives particularly Gender-based Analysis Plus (“GBA+”) mechanism into the periodical review of policies and consider how government policies and initiatives might affect different people and identity groups, including by gender and age (Youth)

Key highlighted constraints: Defective and unsafe products and services, hoarding/withholding of products and other unfair business conducts which harm consumer welfare; and a regulatory framework that does not adequately address the challenges and opportunities of the digital and green economy.

Policy Actions:

- Raise awareness and set effective procedures to facilitate consumer complaints and resolution
- Design and implement a strategy to ensure compliance with regulations that guarantee consumer safety and protection, including through risk-based inspections, collaboration with consumer associations and reporting by consumers, as well as deployment of inspectors of the Authority for Consumer Protection at provincial level;
- Update the regulatory framework for the protection of online consumers, with obligations for digital businesses based on their role, size and impact, clarifying online consumer rights, complemented with protections to e-suppliers vis a vis online platforms, and providing the enforcer with adequate tools to pursue investigations and cases in the online environment.
- Update the current consumer protection framework on additional issues that are becoming increasingly important in Rwanda, including sustainable consumption in support of green economic transformation and other unfair or deceptive marketing practices such as pyramid schemes.
- Establish or review relevant legislation to set frameworks that facilitate consumer protection including on multi-level marketing.
- Periodical review to understand the role and the impact of competition policy in tackling issues of diversity, gender, equity, and inclusion
- Establish and operationalize a scheme for consumer protection officers at district level (benchmarked from Zimbabwe)

Pillar 3: Enhanced legal and institutional arrangement

Objective: Effective collaboration and coordination among institutions that have mandates related to competition and consumer protection in order to implement this policy in an effective and efficient manner.

Key highlighted constraints: Overlapping functions and lack of institutional collaboration framework between the Authority and other agencies such as Rwanda Utilities Regulatory Authority (RURA) and National Bank of Rwanda (NBR).

Policy actions

Preferred option:

- a. Centralization of competition and consumer protection function under one roof, (Kenya, Tanzania, Zimbabwe, Zambia....) and adopting a mandatory collaboration mechanism between the regulatory and specific sector regulators

Alternative Options:

- a. Strengthening existing regulatory authority in charge of competition and consumer protection (RICA), and
- b. Adopting a mandatory collaboration mechanism between all regulatory authorities in charge of competition and consumer protection matters

Pillar 4: Competition and consumer education and information

Objective: The main objective of the policy action is to design and implement competition and consumer rights awareness and education programs with intentions to raise awareness on competition and consumer protection to traders, consumers and public sector.

Key highlighted constraints: Limited awareness on consumer rights and anticompetitive practices.

Policy Actions:

- a. Design and implement competition and consumer rights awareness and education programs with collaboration from government across sectors;
- b. Design and implement outreach programs and advocacy strategies on competition and consumer protection targeting relevant groups for education and awareness raising, building on partnership with education institutions, civil society – including business and consumer organizations- and other stakeholders.
- c. Engaging, supporting and ensuring buy-in from civil society and other stakeholders to enhance advocacy on matter related to competition and consumer rights
- d. Develop and implement a strategy to reduce asymmetric information between market players/participation

Pillar 5: Enhanced enforcement mechanism

Objective: The main objective of the policy is to establish an effective enforcement mechanism to incentivize compliance with the relevant laws on competition and consumer protection.

Key highlighted constraints: Limited staff, limited capacity of staff, inadequate tools and insufficient resources to investigate, prosecute and adjudicate anticompetitive conduct or unfair and deceptive practices; as well as incomplete procedures to ensure transparency and predictability.

Policy action:

- a. Set-up a regular capacity development program for regulatory authorities' personnel to appropriately conduct investigations and prosecution of cases related with competition and consumer protection
- b. Establish formal and informal institutional collaboration and a referral system for handling competition and consumer protection matters,
- c. Setting up an Ad hoc Appeal Tribunal to review and determine appeals that arise from competition and consumer protection related decisions.
- d. Adopting a voluntary compliance program (Corporate Leniency and settlement program)
- e. Establish enforcement procedures that are independent, transparent and offer due process, including recourse to appeal decisions to courts of law in Rwanda, and clear separation of the Regulatory Body's teams implementing different mandates to address potential conflict of interest.

Handling Plan (Communication Strategy)

Communication strategy is an effective tool used in implementation of developed policy and its enabling laws. The presence and full implementation of the communication strategy will ensure that the information reaches consumers and other concerned stakeholders in a timely way. This policy recommends the responsible institution to develop and implement communication strategy to:

- Raise awareness on standards and regulations for fair trading and consumer rights promotion.
- Raise awareness of competition and consumer protection matters
- Raise awareness of its mandate, functions and activities in the economy
- Engage in stakeholder advocacy programs on impact of agency's interventions
- Advocate for the creation of a competitive culture

Legal and regulatory implications:

In a bid to fully achieve revised CCP objectives embedded in policy actions, several legal and institutional reforms will be carried out. Some laws or regulations will be enacted while the existing ones will be amended. Among laws to be amended included the current competition and consumer protection law, and the law governing internal trade, to mention a few. Several laws establishing institutions may also be affected in line with the policy actions.

This policy recommends:

- a. Amendments to the competition and consumer protection law to update it to address new challenges as discussed above, and to facilitate coordination and collaboration with sector regulators and other government institutions.
- b. Amendments to address issues of applicability and comprehensiveness of the law and integration of key principles such as competitive neutrality, transparency, accountability and due process, and provision regarding emergency situations and public interest considerations.
- c. Amendments to address the particular challenges and opportunities arising from the digital economy.

CHAPTER FOUR: IMPLEMENTATION PLAN

4.1 Implementation Framework

The Ministry in charge of Trade and Industry is the custodian of the Policy and eventually oversees its implementation plan and evaluation. The Ministry will be responsible to monitor and evaluate the progress implementation of the Policy. The Authority for Consumer Protection and different sector regulators as implementers of this policy will be responsible for providing progress report on Annual basis to the Office of the Minister for consolidation into one progress report.

To ensure effective implementation of the policy, the Ministry of Trade and Industry will design and implement strategies aimed at monitoring the implementation of this policy. The Ministry in collaboration with the authority in charge of competition and consumer protection, specific sector regulators and other stakeholders will coordinate and monitor implementation of the policy.

The implementation of interventions to support competition and consumer protection in Rwanda crosscuts among different institutions. The key players with respective roles are clearly presented in the Table 1 below.

Table 1: Implementation framework

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
Key players			
	MINICOM	Overall CCP Lead	<ol style="list-style-type: none">1. Policymaker2. Lead design and communicate policy indicators and M&E plan.

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	RICA	Overseer of CCP	<p>Competition and consumer protection</p> <ol style="list-style-type: none"> 3. Designing and implementing awareness raising programs for competition and consumer protection 4. Education of businesses and consumers about competition and consumer protection matters (in coordination with sectoral regulators undertaking equivalent activities for the sectoral consumer protection laws for which they have responsibility). <p>Competition</p> <ol style="list-style-type: none"> 5. Establishing regulation for mergers and acquisitions integrating challenges of digital economy 6. Handling and redress of complaints and undertaking investigations, sanctioning and remedying related to competition in close collaboration with relevant regulators. 7. Monitoring competition in markets and identifying regulations and government interventions that restrict competition, including in collaboration with sector regulators and other relevant government institutions 8. Assessing competition impact stemming from privatization of State owned companies in line with the Privatization Policy and Strategy <p>Consumer protection</p> <ol style="list-style-type: none"> 9. Removing any overlaps between the general consumer protection law, and RICA's mandate, and that of sectoral regulators for their specific sector. 10. Consumer protection through regulation of quality and safety of products and e-commerce related issues.

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	MINICT	ICT	<p>Promoting and protect consumer through developing tools related to ICT sector.</p> <ol style="list-style-type: none"> 11. Promote and enforce net neutrality principles, which ensure that internet service providers treat all online content and applications equally. 12. Set and enforce quality of service standards for internet and telecommunication providers, ensuring that consumers receive the promised speeds and reliability of services. 13. Ensure that ICT services and technologies are accessible to individuals with disabilities, bridging the digital divide. 14. Stay up to date with emerging technologies like artificial intelligence, IoT, and 5G, and develop regulations to address potential consumer risks and benefits associated with these technologies
	BNR	Competition & Consumer protection through regulating the financial sector.	<ol style="list-style-type: none"> 15. Continue the implementation of the current financial sector regulatory framework, promoting transparency, fair treatment, and beneficial outcomes for consumers of financial products and services, protecting their data and supporting effective handling of complaints. 16. Liaise with RICA in handling competition related complaints and investigations, and collaboration in market studies 17. Ensure consistency of financial regulation with competition and consumer protection rules at national and regional level, having appropriate regard to the nature and risks of financial products and services. 18. Promote advocacy of competition and consumer protection in the financial sector

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	RURA	Competition & consumer protection through regulating public utilities	<p>19. Further strengthen and continue the implementation of the regulatory framework for promoting fair treatment and protecting consumers of public utilities.</p> <p>20. Liaise with RICA for handling of competition complaints and investigations, and collaboration in market studies in public utilities</p> <p>21. Collaborate with RICA for ensuring quality and safety of electrical and electronic materials used to provide services overseeing by RURA</p> <p>22. Promote advocacy of competition and consumer protection in the sectors overseeing by RURA</p>
Other stakeholders			
	RSB	Protecting consumers through setting Standards and regulating measuring instruments	<p>23. Continue developing standards to support consumer choice</p> <p>24. Develop a regulatory framework for regulating and setting measuring instruments to national standard traceability.</p> <p>25. Receive and handle complaints of consumers in regard to measurements and standards and collaborate with RICA and other regulators to handle complaints involving various institutions through an interinstitutional committee.</p> <p>26. Collaborate with RICA by ensuring quality and safety of measuring products/ equipment through MoU to define specific procedures such as join inspection.</p> <p>27. Promote advocacy / awareness raising of consumer protection</p>

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	Rwanda FDA	Protection of consumers of food and drugs	<p>28. Continue establishing regulations, guidelines and procedures for quality and safety of food and drugs, human and veterinary medicines, vaccines and other biologicals, medical devices, herbal medicines, medicated cosmetics, poisonous substances, tobacco and tobacco products, processed foods, food supplements, food fortificants, fortified foods, management of unfit pharmaceutical and food products, and clinical trials on pharmaceutical products for human and veterinary use.</p> <p>29. Set up enforcement mechanisms</p> <p>30. Handle and redress complaints and appeals on food and drugs, human and veterinary medicines, vaccines and other biologicals, medical devices, herbal medicines, medicated cosmetics, poisonous substances, tobacco and tobacco products, processed foods, food supplements, food fortificants, fortified foods, management of unfit pharmaceutical and food products, and clinical trials on pharmaceutical products for human and veterinary use.</p> <p>31. Liaise with RICA in matters pertaining to competition and consumer protection</p>
	REMA	Protection of consumers against environmental related issues	<p>32. Establish regulations, guidelines and procedures aimed at promoting better environment sustainability of trade activities.</p> <p>33. Liaise with RICA for regulation of environmental sensitive products and enforcement mechanisms.</p>

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	RDB	Protection of consumers through regulating tourism	<ul style="list-style-type: none"> 34. Establish regulatory frameworks in tourism and hospitality sector 35. Implement enforcement mechanisms 36. Liaise with RICA in regard to handling IP issues in business 37. Consider competition principles in the implementation of mandates related to investment incentives/subsidies and special economic zones 38. Integrate competition principles in the identification of enterprises to privatize, selection of method of privatization and privatization design to ensure benefits for consumers and business and the GOR 39. Address issue of dominance created through privatizations with advice sought from Authority
	RHA	Protection of consumers through regulating housing and settlement	<ul style="list-style-type: none"> 40. Establish regulatory framework in housing and settlement 41. Put in place enforcement mechanisms 42. Handle complaints 43. Liaise with RICA for collaboration in regulating construction materials
	RCAA	Protection of consumers through regulating and overseeing aviation safety and security.	<ul style="list-style-type: none"> 44. Enhance and continue enforcing a regulatory framework to ensure compliance with safety and security regulations, as well as consumer rights 45. Continue effective provision of flight safety services inspection and enforcement

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	Private Sector Federation (PSF)	Promotion and representation of the interests of Rwandan business community	<p>46. Carry out advocacy activities to amend policies, laws and regulations geared towards creating a hospitable business climate for its members</p> <p>47. Support co-regulation and self-regulation mechanism such as code of conduct to enhance compliance with competition and consumer protection laws</p> <p>48. Streamline business attitude towards abidance of competition and consumer protection by encouraging internal compliance mechanisms</p> <p>49. Liaise with RICA and other relevant sector regulators for sound awareness of members about competition and consumer protection issues.</p>
	Consumer Associations and other Civil Society Organizations (CSOs)	Advocating for Competition and Consumer Protection	<p>50. Conduct research in competition and consumer protection matters</p> <p>51. Advocate for review and amendment of legal instruments aimed at creating a level playing field for businesses and consumer welfare.</p> <p>52. Advocate for disadvantaged actors in competition and consumer protection framework in Rwanda.</p> <p>53. Educate business and consumers about their obligations and rights</p> <p>54. Establish collaboration frameworks with RICA and other sector specific regulatory authorities to support a competition and consumer protection culture as implementation partners</p>

S/N	INSTITUTION	CCP INTERVENTION AREAS	PRIORITY RESPONSE ROLES
	Academia	Advocating for Competition and Consumer Protection	55. Incorporate competition and consumer protection into curricula 56. Conduct research in competition and consumer protection matters 57. Advocate for review of competition and consumer protection frameworks and effective implementation
	Public Procurement Authority	Protection of competition to ensure best value for money	58. Tackle anticompetitive practices in public tenders 59. Deal with distortions of competition in public procurement created by public institution actions or regulation
	Regional authorities – EAC, COMESA, AUC	Promoting consistent application of competition and consumer policy	60. Rwandan representatives within regional authorities to promote harmonization of regional competition and consumer protection rules in domestic legislation
	Development partners	Promoting competition and consumer protection	61. Support with technical assistance on competition and consumer protection for effective enforcement and advocacy 62. Provide financial assistance to promote competition and consumer protection in Rwanda

4.2 Implementation matrix

A detailed implementation matrix is attached as Annex one and informs the plan for monitoring, evaluation and communication of the policy.

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