AFRICAN DIALOGUE PRINCIPLES ON COOPERATION

IN CONSUMER PROTECTION ENFORCEMENT

On September 10 -12, 2013, agencies responsible for enforcing consumer protection and related laws in 20 countries, having worked together in connection with the African Consumer Protection Dialogue (“African Dialogue”), met in Livingstone, Zambia, to address enforcement cooperation on consumer protection matters.

Misleading advertising, fraud, illegal spam, and other unfair and deceptive commercial practices undermine the integrity of both domestic and global markets, to the detriment of businesses and consumers, and undermine consumer confidence in those markets.

The enforcement challenges that exist go beyond national frontiers. Cooperation between public authorities responsible for the enforcement of consumer protection laws is essential to fight such practices. Moreover, cooperation between consumer agencies and criminal enforcement agencies on matters of mutual concern, such as fraud, also helps protect consumers against such practices.

A. Representatives of the participating agencies listed below are government or public agencies with investigative and/or enforcement authority, whether civil, criminal, or administrative, to enforce some or all consumer protection laws in their respective countries. Consumer protection laws here means laws against misleading advertising, fraud, spam, and other unfair and deceptive commercial practices affecting consumers. The participating agencies may also have enforcement authority in other areas, such as competition, product safety, and food safety.

B. The participating agencies recognize that with respect to the enforcement of consumer protection laws, it is in their common interest:

1. To have the authority and discretion to cooperate on appropriate investigations and cases, both those involving domestic practices targeting foreign consumers and those involving foreign practices targeting domestic consumers;
2. To encourage communication, coordination, and reciprocal exchange of information and expertise among the participating agencies;
3. To have amongst the authorities in each country the ability to obtain evidence to investigate and take action in a timely manner against consumer protection law violations;
4. To each examine their respective laws to identify obstacles to effective cross-border co-operation;
5. To promote a better understanding by all participating agencies of economic and legal issues relevant to such enforcement; and
6. To inform each other of developments in their respective countries that relate to these Principles.

C. In furtherance of these common interests, the participating agencies further recognize the value of working together:

1. to prioritize the most serious problems for coordinated action;
2. to exchange information and evidence, including complaint information, with other participating agencies in appropriate particular investigations and enforcement matters;
3. to provide investigative assistance in appropriate cases, including obtaining evidence under the Participants’ respective legal authorities, on behalf of another participating agency;
4. to designate a contact point within each participating agency to further enforcement communication as part of an African Dialogue joint enforcement committee;
5. to identify a contact point for a criminal enforcement authority within each country with a participating agency, if such authority is not already itself a participating agency;
6. to participate in periodic teleconferences of the joint enforcement committee to discuss ongoing and future opportunities for cooperation, capacity building, training, staff exchanges, and best practices for consumer protection enforcement;
7. to explore systematic complaint and trend sharing;
8. to periodically review of the impact of these Principles, and when appropriate, consider additions and modifications.

D. In connection with the sharing of information and evidence, participating agencies cooperating with each other recognize the value, to the fullest extent possible and consistent with applicable laws, of:

1. maintaining the confidentiality of information shared , and the existence of any investigation to which the shared information relates, when requested to do so by the other agency;
2. using the information only for official purposes, and for the purposes agreed to with the other agency;
3. retaining the information shared only for so long as is reasonably required to fulfill the purpose for which it was shared, or is required by the laws of the country of the participating agency receiving the information; and
4. communicating to a participating agency with which they are cooperating any limits placed on their ability to cooperate in accordance with these Principles.

F. Participating agencies are expected to give at least 30 days prior written notice to the other agencies if they no longer intend to work towards cooperation consistent with these Principles. Other authorities are also invited to endorse these Principles.

G. The participating agencies recognize that nothing in these Principles is intended to:

1. Create binding obligations, or affect existing obligations, under international or domestic law.
2. Prevent a participating agency from seeking assistance from or providing assistance to the other participating agencies pursuant to other agreements, arrangements, or practices.
3. Affect any right of a participating agency to seek information on a lawful basis from a Person located in the territory of another participating agency's country, or preclude any individual or entity from voluntarily providing legally obtained information to a participating agency.
4. Create a commitment that conflicts with any participating agency’s national laws, court orders, or any applicable international legal instruments.
5. Create expectations of cooperation beyond a participating agency's jurisdiction, or suggest that each participating agency already has the legal authority to act in accordance with every Principle above.

Participating agencies (List to be updated and modified):

Angola National Institute of Consumer Protection

Botswana Competition Authority

Botswana Department of Trade and Consumer Affairs, Ministry of Trade and Industry

Cape Verde Consumer Defense Association

Chad Association pour la Défense des Droits des Consommateurs

COMESA

Egypt Consumer Protection Agency

Egypt National Telecommunications Regulatory Authority

Gabon Ministere De L'Economie, De L'Emploi, and Du Development Durable

Gambia Consumer Protection Association of the Gambia

Ghana Ministry of Trade and Industry

INTERPOL

Kenya Competition Authority

Malawi Competition and Fair Trading Commission

Namibia Department of Trade and Industry - Office of Consumer Protection

Namibia Competition Commission

Namibian Consumers' Association

Niger Association des Consommateurs du Niger

Nigeria Consumer Protection Council

Nigeria Consumer Protection Organization of Nigeria

Nigeria Economic and Financial Crimes Commission

Rwanda Ad Unguem Consultancies

Rwanda Consumers' Rights Protection Agency

Senegal Association pour la Défense de l'Environnement et des Consommateurs

Seychelles Fair Trading Commission

South Africa National Consumer Commission

South Africa National Consumer Forum

South Africa National Credit Regulator

South Africa Nelson Mandela Metropolitan University

South Africa RBB Economics

South Africa National Consumer Tribunal

Swaziland Competition Commission

UNCTAD

Tanzania Department of Consumer Education

Tanzania Energy and Water Regulatory Authority - Consumer Consultative Council

Tanzania Fair Competition Commission

Tanzania Surface and Marine Transport Regulatory Authority - Consumer Consultative Council

Tanzania Civil Aviation Authority - Consumer Consultative Council

Tanzania Communication Regulatory Authority - Consumer Consultative Council

Tanzania Consumer Advocacy Network

Tanzania Consumer Advocacy Society

Togolese Consumer Association - Association Togolaise des Consommateurs

Uganda Consumer Education Trust

Uganda Communications Commission

United States Federal Trade Commission

Zambia Competition and Consumer Protection Commission

Zambia Centre for Trade Policy

Zambia Consumer Unity Trust Society

Zambia Zambia Consumer Association

Zambia Zambia Information & Communication Technology Authority

Zimbabwe Competition and Tariff Commission