



COMPETITION
AUTHORITY
OF KENYA

Creating efficient markets for consumers

NEWSLETTER

COMPETITION AUTHORITY OF KENYA

The Commencement of the Leniency Program in Kenya



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Editorial Note

Dear Reader,

It is my great pleasure to welcome you to the third edition of the Authority's e-newsletter. This edition is a manifestation of the tremendous progress we have made as an institution in addressing competition and consumer protection concerns since our establishment. In the recent times, the Authority has evaluated a higher number of mergers with international dimension, an indication that the Investment Climate has continued to be favourable for the business community.

Additionally, we are happy to note that we have put in place enforcement efforts mechanisms, specifically on leniency program guidelines that were recently gazetted to sensitize the business community in order to minimize cartel activities in the Kenyan economy.

Further, this edition is timely because it comes at a time we have just come to the end of the 2016/2017 Financial Year, and at a time when the Authority has developed a new Strategic Plan for 2017/18-2020/21 period that will enhance our service delivery to the Kenyan citizen, whom we serve.

I now welcome you to enjoy reading articles on leniency program, the swearing in of the Competition Tribunal members, consumer education and awareness on e-commerce as an emerging issue in Kenya and the recently concluded 2017 ICN conference among other exciting news we have lined up for you.

As I conclude, I wish to note that this newsletter will go beyond our local boundaries to reach our international stakeholders who are partners in ensuring efficient markets for the consumer. Going forward, this newsletter will be published and shared with you on a bi-annual basis.

We appreciate your continued support and feedback.

Wang'ombe Kariuki

Director-General

Editorial Team

Evans Nyangema
Alexia Waweru
Mercelline Anduro
Linus Melly
Terence Minishi
Sylvester Mwazama
Rosebela Oiro
Benard Ayieko

The Commencement of the Leniency Program in Kenya

The Competition Authority of Kenya has operationalized section 89A of the Competition Act by gazetting the Leniency Program Guidelines (LPG) on 19th May, 2017. In the new guidelines, an undertaking that voluntarily discloses the existence of an agreement or practice that is prohibited under section 21 and 22 of the Act and cooperates with the Authority in the investigation of the agreement or practice, may not be subjected to all or part of a financial penalties that could otherwise be imposed under the Act.

The LPG has been operationalized at a time when the Authority has enhanced its investigation capacity by increasing the number of its staff involved in cartel investigations and upgrading the forensic investigation skills of the staff. Further, section 36 of the Competition Act has been amended to provide the Authority with statutory powers to impose financial penalty of up to ten (10) percent of the preceding year's turnover of undertakings found to have engaged in cartel activities.

The guidelines set out the privileges that govern the granting of partial or full immunity to undertakings that have been engaging in cartel conduct and who provide direct and relevant evidence and proactively cooperate in the successful enforcement action.

The salient eligibility criteria for the LPG are:

- a. An undertaking or a division of an undertaking would be eligible for leniency only through the legal entity of

which it forms part and which controls its decision-making process;

- b. A leniency agreement will cover the applicant's directors and employees as long as they respect the obligation to cooperate with the Authority;



- c. The leniency applicant has not coerced others or instigated others to operationalize the agreement.
- d. If a subsidiary applies, it would be eligible for leniency in relation to its participation in prohibited conduct but not in relation to its parent's participation in the prohibited

conduct (as the parent undertaking is not under the control of the subsidiary);

- e. A parent undertaking of a subsidiary would be eligible as well as its subsidiary;
- f. Leniency can only be granted to one of the legal entities involved in a joint venture. However, a joint venture constituted as a separate legal entity under the joint control of two parent companies is eligible for leniency.
- g. The involvement of the joint venture in a prohibited conduct is not covered by one of the parent's application because control over the joint venture does not rest solely with the parent applicant.

The Authority may accept leniency application where the Authority has:

- i. no knowledge of the contravention; or
- ii. has knowledge of the contravention but lacks sufficient information to start an investigation; or
- iii. Has commenced investigations but requires additional evidence to penalize the offenders in which case, applications may be received for as long as new evidence can be introduced in the file.

A successful leniency applicant that is 'first through the door' shall be granted 100% reduction of the penalties, the applicant who is 'second through the door' may be granted up to 50% reduction of penalties and the 'third through the door' gets 30% penalty reduction.

For further information on Leniency application, Kindly send your enquiries to a designated email (leniency@cak.go.ke) or via email (gmokaya@cak.go.ke) or call +25420268233 between 8.00 am - 5.00 pm. The leniency Guidelines and leniency application forms may be downloaded from the authority's website at cak.go.ke.

ICN 2017 at a Glance

The Annual International Conference Network (ICN) conference was held in Porto, Portugal from 10th to 12th May 2017. It brought together over 600 delegates from over 100 competition agencies, non-governmental advisors and international organizations. The ICN steering group chairman Mr. Andreas Mundt in his address noted that the conference was timely given that good progress has been made in the development of new work products to tackle emerging issues in the competition world. He further noted that competition and restraints of competition are more global than ever before.

The Authority's Director General Mr. Wang'ombe Kariuki was among the panelists who made a presentation during the 'Advocacy Strategy in Traditional and New Markets: which differences' session. The session tackled the competition regulation challenges that included:

- i. Definition of the markets
- ii. Disruptive technology
- iii. Balance of innovation
- iv. The issue of timing in terms of intervention; and

- v. Distortion of competition. For instance, innovation changes the products in the two sided market in a very rapid manner and therefore affecting the structure of the market

During the conference, new and sharper tools of investigating competition infractions that include the use of the informants rewards systems, leniency programmes, use of anonymous mailbox against cartels and unannounced visits were discussed. It was noted that

Competition Agencies across the world need to develop and embrace the use of the informants reward system given its level of effectiveness in several jurisdictions such as Hungary and European Union.

The Manager, Enforcement and Compliance Mr. Gideon Mokaya also represented the Authority in a breakout session, themed 'Fines and Criminal Sanctions against Cartels'. The session discussed sanctions as a tool to deter cartel activity and the choice of criminal or civil administrative sanctions to hard-core cartel conduct. They compared the records of both systems and how each has been implemented in different jurisdictions

The Conference also deliberated on the new work products on merger notifications and reviewed procedures as well as the nexus on the merger thresholds. There was also a session on advocacy strategies to preserve open and competitive markets in a changing world.

The ICN Annual Conference brings together global Competition Agencies with an aim of sharing experiences on merger cases, enforcement activities, to tackle strategies to enhance cooperation and convergence in sanctioning international cartels, strengthen cooperation between ICN members and Non-Governmental Advisors (NGAs), and to promote good practices to protect competition for the benefit of businesses and consumers.

The next annual ICN conference will be held in India from March 28, 2018.



The Director General Mr. Wang'ombe Kariuki addressing the 2017 ICN Conference participants (Source: ICN Website)

More information can be found on the ICN website: www.internationalcompetitionnetwork.org

Networking of Competition Agencies is Key for Global Convergence in Competition Law

The 13th ICN Merger Investigative Techniques Workshop was held at the Constitution Centre in Washington D.C and hosted by the Federal Trade Commission of the United States. The workshop objectives were to develop participants' investigative skills, presenting and promoting relevant ICN work product, share experiences on merger investigations, train members through a live hypothetical merger simulation, evaluating the remedy proposal and cooperation by parties to the remedies and striking a balance between effectiveness and compliance to remedies.

During this workshop, the Authority was represented by two analysts from Mergers and Acquisitions Department who took part in the discussions and made presentations to the participants.

It was noted that ICN has become a crucial instrument for dialogue, cooperation and convergence within the global antitrust community, and the workshop provides an opportunity for members to share knowledge and experiences gathered while dealing with antitrust issues. The Chair further noted that ICN has made tremendous progress in competition policy and enforcement around the world, as well as equipping participants with the necessary skills to combat the challenges that lie ahead.



Ms. Edith Masereti, Mergers and acquisition Analyst at the Competition Authority of Kenya in one of the breakaway sessions at the ICN Mergers Workshop in Washington DC.

The ICN Mergers chairman at the International Competition Network (ICN), Mr. Bradley Callaghan also urged competition agencies across the globe to embrace practical cooperation with other jurisdictions in creating a strong foundation for more effective enforcement in a globalized economy.

The workshop further provided an opportunity for a dynamic dialogue that serves to build consensus and convergence towards sound competition policy principles across the global antitrust community.

The participants gained skills in: Investigative Techniques; Interview Skills; Requests for Information; Roles of Market Power and Market Definition in Merger Cases; Entry Analysis in Merger Investigations; Effective Remedies; and Recommended Practices for Merger Analysis and Model ICN Guides.

More information can be found on the ICN website: www.internationalcompetitionnetwork.org

The Authority Staff Benefits From the CAK-JFTC Cooperation

Investigating and evaluating predatory pricing; Case precedents. The JFTC team also reviewed and made comments on the block exemption and buyer power guidelines. The two day training enhanced the officers understanding on investigations skills specifically on interviewing, inspections and case analysis.

The JFTC team on their part benefitted from key lessons, experiences and progress that the Authority has made in it's strive

to ensure that Kenyan markets are efficient and particularly, they were taken through how CAK conducts its market research.

Additionally, the JFTC facilitated a meeting between JICA/JFTC and the Authority officers. At the meeting, the progress of implementation of the JFTC/CAK MOU was discussed. Further, the meeting identified the next steps in the cooperation framework which will focus on enhancing the skills of the Authority staff through specialized trainings on competition.



The Authority's Staff join the JFTC team for a photo session during the training at the Kenya School of Monetary Studies in Nairobi

The Authority's staff continue reaping benefits of the Competition Authority of Kenya (CAK)- Japan Fair Trade Commission (JFTC) Memorandum of Understanding (MOU) signed one year ago. As part of the implementation of that MoU, three officers from the JFTC made a three day visit to Kenya to interact with the Authority's staff.

During their visit, the JFTC team which included Mr. Kazuhiro Hara (Director of International Affairs Division), Mr. Toshiki Murata (Assistant Director, International Affairs Division), and Mr. Yusuke Takahara (International Affairs Division Secretariat), trained the Authority's staff at the Kenya School of Monetary

Studies in Nairobi on 19th-and 20th April, 2017.

The training sessions covered the following topics among others: Search & Seizure inspections including handling of digital evidence; interrogation and investigations techniques; application of competition law in the digital economy;

The Authority Educates Consumers on Their Rights, Responsibilities and Risks of E-Commerce

The residents of Nakuru County had an opportunity to learn about their rights on e-commerce during the 2017 World Consumer Rights Day. The day's theme was: 'Consumer Rights in the Digital Age'. During the event, the Authority's staff also created awareness to consumers on their responsibilities and risks associated with e-commerce.

Digital age is defined as the time frame in history when the use of digital technology became more prevalent. The Kenyan

Consumer lifestyle has become digital with various online platforms emerging, thus presenting a number of opportunities such as reducing the time spent to purchase products, and challenges such as fraud due to fake goods being sold online amongst other challenges.

Kenya has had its own share of benefits and risks associated with e-commerce with the emergence and development of information and communication technology (ICT) in the country. The Authority educated the

residents of Nakuru County on its power under the Competition Act to protect online consumers from false



CAK staff Mr. Benard Ayieko (in white shirt) educating a resident of Nakuru County on e-commerce during the World Consumer Rights Day on March 15, 2017

or misleading representations, unconscionable conduct, defective goods and unsuitable goods. The Authority recognizes that online consumers must be given the same protection as those involved in the traditional retail system.

The Authority also educated the consumers on the prevalent

online risks such as cyber fraud; privacy and security risks; unfair contractual terms and conditions such as hidden charges; misleading representations and deceptive advertising; illegal or harmful goods, services and content; insufficient information about goods or about their supplier; insufficient redress and dispute resolution mechanism. The Authority urged the consumers to always undertake due

diligence to confirm the authenticity of the supplier or retailer before purchase of a product online. In addition, in case of violation of their rights, they should always address the issue with the retailer first, and if unsuccessful seek the intervention of the Authority.

It was also emphasized that obtaining a receipt for a purchase made is highly important.

The Competition Tribunal Sworn in

The Competition Tribunal, established under the Competition Act No. 12 of 2010 (“the Act”) is now up and running. This is after the members took Oath at the Supreme Court of Kenya. The members led by the chairperson, Mr. Stephen Kipkenda Kiplagat, Mr. Irshad A. Ibrahim, Rtd Major P.O Awita and Ms. Wanja Wambugu were sworn in on 7th July, 2017 in an event presided over by the Chief Registrar of the Judiciary Ms. Anne Amadi at the Supreme Court Building. The oaths were administered by the Acting Registrar of Tribunals, Ms. Ann Asugah.

After the swearing in, the Chief Registrar noted that the Judiciary is committed to supporting the Tribunal to ensure that its operations run smoothly. Mr. Kiplagat, on his part, said the Tribunal will hit the ground running once its operational Rules are approved and gazetted. The Tribunal will among other things deal with decisions arising from the Competition Authority of Kenya especially with regard to restrictive trade practices.

The Act establishing the Competition Authority and the Tribunal, seeks to enhance the welfare of the people of Kenya by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout Kenya.

The will now be operating from the Kenya Re-Plaza, Upper Hill on the 10th Floor.



Mr. Stephen Kipkenda Kiplagat takes Oath of Office as chairperson of the Competition Tribunal at Supreme Court, Nairobi, 7th June, 2017. Looking on is the acting Registrar of Tribunals Ms. Anne Asugah. Photo; Source: (the Judiciary)



Ms. Wanja Wambugu is congratulated by the Chief Registrar of the Judiciary Ms. Anne Amadi shortly after she took Oath of Office as a member of the Competition Tribunal at Supreme Court, Nairobi, 7th June 2017.

Lawyers Guide: What To Know About Competition law

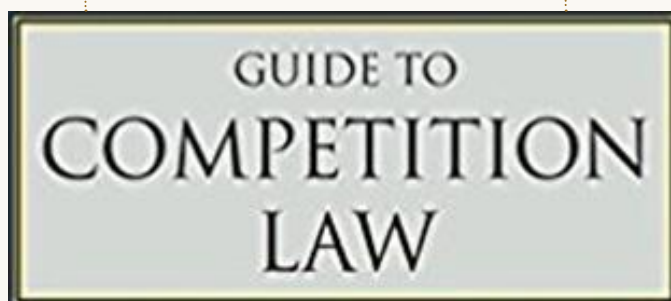
Kenya is making tremendous progress in the area of Competition law which until recently remained an unexplored and untested area of the law. Even as it makes these important strides, there are few legal practitioners in Kenya who have had the opportunity to practice in this area of law. There is an increase in the number of cases which touch on competition law and it has now become necessary for legal practitioners to familiarize themselves with this area of law.

A legal practitioner is likely to be faced with a client brief on a matter touching on competition law. The allegation against your client could be; implementing a merger without the approval of the Competition Authority of Kenya ("the Authority"), entering into a restrictive trade agreement as a member of a trade Association, an allegation that they are abusing their dominant position in a given market, among other related issues.

The starting point for any legal practitioner is to understand what the Competition Act, No 12 of 2010 ("the Act") provides for. Firstly, it is important to understand the functions of the Authority which in summary are; to enforce compliance with the Act, receive and investigate complaints, impediments to competition, policy procedures and programmes of other governmental authorities.

The Authority is charged with a dual mandate under the law; to regulate market structure and market conduct-. Market structure relates to regulation of mergers. It is mandatory under the Act that no merger should be consummated without the approval of the

Authority. Failure to adhere to this provision of the law attracts a penalty under the Act of up to



ten per cent of the immediately preceding year's gross annual turnover of the undertaking in Kenya. In order to be compliant with the Act, an individual or an undertaking should then apply to the Authority for approval of a proposed merger or exemption of a proposed merger. The thresholds for what qualifies for approval or exemption are set out in the Merger Guidelines developed by the Authority. On the other hand, market conduct refers to regulating restrictive trade practices; the agreements, decisions or practices which are likely to prevent, distort or lessen competition, contraventions by trade associations and abuse of dominance. The Authority has developed Restrictive Trade Practices Guidelines to guide stakeholders in matters. The restrictive trade practices are listed

under section 21 of the Act. A person or undertaking can apply for exemption of the restrictive trade agreement and the Authority will undertake public consultation before making a final decision on the matter. A legal practitioner is key in advising their client when drafting a commercial agreement: to revise the agreement to remove any clauses which restrict competition.

The Act also provides for legal representation for a client against whom a complaint has been lodged. The legal practitioner may or may not be present at the hearing conference where oral submissions are made depending on the request of the client but the presence of the client is mandatory.

Once the Authority has completed investigations into an allegation, it issues a notice of proposed decision. A notice of proposed decision is similar to a charge sheet as it outlines the allegations and the sections of the law which are said to have been violated. The final decision issued by the Authority, once a person against whom a complaint has been lodged has had opportunity to be heard, contains remedies which can either be administrative or criminal. A party is at liberty to enter into a Settlement Agreement with the Authority if they do not wish to undergo full trial before the Authority.

The above is the competition Act in a nutshell. The focus of this article has been on the competition mandate of the Authority. The Authority also has a mandate for consumer protection in the country.

The Authority's Stakeholder Engagement To Promote Competition



Photo: CAK members with other State agencies' officials during a retreat in Mombasa to discuss the repeal of Cap 222 on the Films and Stage Act.

In executing its mandate as espoused in the Competition Act No. 12 of 2010 (the Act), the Authority's engagement with its stakeholders is not only focused on relating with the public and communicating information, but also engaging them to inform policy directions. It's on this basis that the Authority participated in key stakeholder forums to deliberate on policy issues in the formulation of the National Investment Policy – a process spearheaded by Kenya Investment Authority (KenInvest).

The Authority took this opportunity to give inputs on the 6th pillar of the National Investment Policy on Goods Market Efficiency. This pillar evaluates the Global Competitiveness Index of selected countries, including Kenya on the intensity of local competition; effectiveness of anti-monopoly policy; extent of market dominance and the

degree of customer orientation. The index ranks 139 member countries based on the degree of economic reforms.

The Authority also participated in the Kenya Films Classification Board (KFCB) stakeholders' forum to review the Film and Stage plays Act Cap 222. The objective of the forum was to raise the profile of the film industry, address issues of intellectual

property in the industry, ease the burden of multiple licenses in the film sector and eventually enable artists to benefit from their creative works. In this forum, the inputs from the Authority were geared toward promoting a competitive policy environment in the Kenyan film industry.

These initiatives are part of the multi-pronged approach being used by the Authority to sensitize the stakeholders on competition issues and promotion of a competitive environment for economic activities, mainly through building partnerships with other governmental, non-governmental and private entities.

The Authority Holds the Fourth Essay Writing Competition

The Authority held the fourth Essay Writing Competition on 30th March, 2017 at its offices, this being the fourth Cooperate Social Responsibility activity held since the Authority was established. The winner in the postgraduate category got Ksh. 80,000 while the first runners-up got Ksh. 50, 000. The winner in the undergraduate category pocketed Ksh. 50,000 with the first runners-up pocketing Ksh. 30,000.

This is an annual competition targeting university students in the postgraduate and undergraduate categories with an aim of supporting their education. In this year's competition, the postgraduate students were required to discuss the concept of 'buyer power' as an emerging competition concern in the Kenyan economy and how it can be remedied.

Mr. Victor Nzomo from Strathmore University emerged the winner while Mr. Fredrick Njehu from the University of Nairobi (UoN) came second in the hotly contested competition which involved eight finalists drawn from eight universities.

In the undergraduate category, students were required to discuss the possible consumer protection issues that would arise from e-commerce or online shopping, highlighting how the Competition Authority of

Kenya (CAK) can resolve them. Ms. Margaret Wanjiku from Kenya Methodist University (KEMU) emerged the winner in the category while Wafula Shikuku from Kenyatta University came in second.

level of competition as quite competitive which gave the judges a hard time to determine the winners compared to previous competitions.

*"Unlike before, today's essay writing competition was quite competitive and it tells how knowledge on Competition Law and Policy is gaining momentum",
Ms. Onyancha.*

The Authority will pay the rewards directly to the students' institutions of learning to cater



Victor Nzomo from Strathmore University, the winner of 2017 Essay Writing Competition, receiving a certificate at CAK Offices from Ms. Stella Onyancha, Manager, Mergers and Acquisition.

Ms. Stella Onyancha, representing the Director General, congratulated the contestants for making it to the final of the event describing the

for their tuition fees as a way of responding to the call of Corporate Social Responsibility.

Competition Law Collaboration Efforts Taking Shape in the Northern Corridor

The Competition Authority of Kenya has been part of the Northern Corridor initiative which draws representation from across all government ministries in Kenya.

The Northern Corridor is famously referred to as 'the coalition of the willing' owing to its formation as an activism against stagnation of projects under the East African Community (EAC). This is an initiative of Kenya, Rwanda, Uganda and South Sudan.

The four (4) countries

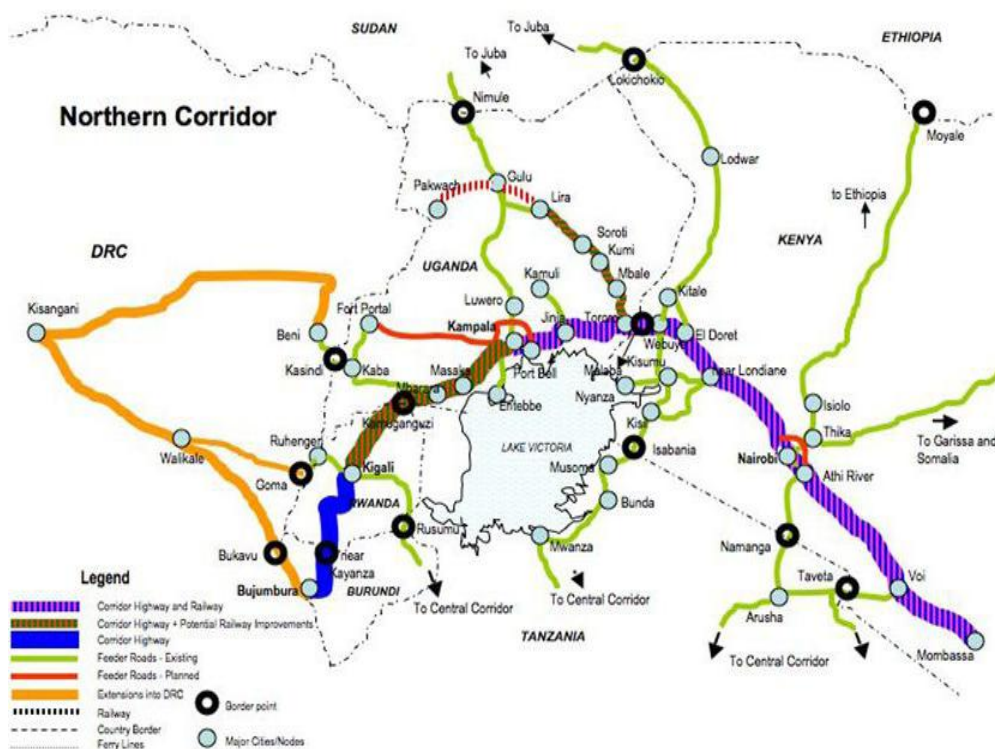
initially sought to fast track infrastructure projects such as the famous Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) initiative then expanded the collaboration to a more ambitious plan geared towards collaborating in the different sectors of their economies. Some of the

initiatives are; allowing cross-border practice for professional services, streamlining the communications sector, standardizing customs at the border points, improving the competitiveness of goods and services with special focus on the aviation sector.

The countries which make up the Northern Corridor have been making progress to put in place competition laws and a competition authority to deal with competition issues in a more liberalized

air transport sector. It has been noted that only Kenya has an operational institution backed by the competition law. Rwanda is currently in the process of giving effect to their Competition Act while Uganda has a competition BILL in their Parliament. South Sudan will also need to put in place a competition law and agency to contribute positively towards collaborative efforts to streamline competition in the aviation industry in the Northern Corridor initiative.

THE NORTHERN CORRIDOR



Authority Staff Participates in Team Building

Work with no play makes Jack a dull boy.

On 9th and 10th June 2017, the Authority staff had the opportunity to participate in team building activities at the Olkutai Lodge in Amboseli. The objective of the team building was to bring the Authority's staff together to form a strong team by appreciating each other's capacity. In his open remarks the Director General, Mr. Wang'ombe Kariuki, reiterated the need of the team to balance family with work, learn to handle conflicts at work place amicably and transform and appreciate the different category of the Authority's clientele/employers.

The team building was not only fun and play but also informative as the staff were taken through key topics fundamental to work place and personal life. These topics included execution of strategic plan, personal financial management and change management. Enterprises Strategic Execution (ESE) involves prioritization, improvement and control of the strategy. The Authority is launching its Strategic Plan 2017/2018-2020/2021 by July 2017 and were reminded that execution of the strategic plan was a team effort.

Change is defined as transition, transformation or substitution. Embracing organizational changes ensures that projects and initiatives are delivered on time, improved employee and stakeholder engagement, reduced resistance to changing and ability to innovate and move forward. As the Authority makes a major milestone in integrating the Enterprise Resource Planning (ERP) in its system, staff had an opportunity to learn about how to incorporate change management. ERP is system that integrates and automates core business processes into one easy use system. The team was encouraged to follow the change management process which involves preparation, manage and reinforcing.

Is personal finance management a challenge to you? Are you ready or are you preparing for retirement? The team was educated on planning



The Authority's staff in tag of war action during a team building activity

for retirement, bridging the gap, saving, budgeting, investments, debt management and life in retirement. Planning for retirement enables one to continue with their living standards, have peace of mind and financial freedom. One requires to save at least 10-15% of salary, build an emergency fund, identify other sources of income, and create wealth through investment. This prepares one in case of job termination and emergency. Managing ones debt is also critical as spending bad debts for consumables curtails financial stability.

An egg was not just an egg during this year's team building. The team was grouped into four teams. Each team was given two eggs and instructed

to ensure that each member had the egg for only one hour. On 9th June in the afternoon all the groups returned the egg. The egg was not just an egg as we know it but it symbolizes the Authorities customers, internal and external. How the egg was treated meant a lot to the Authority. The team had a chance to interrogate how to treat the Authority customers.

Interaction and integration of individual skills and resources is tantamount to any team building activities. The staff participated in

fun filled activities. The first activity was the bursting of the opponents balloons which was won by team three (the buffalo). The second activity involved the removing of an egg tied from a

tree by using one match stick to burn the rope tied on the tree. The lesson learnt was how to make use of limited resources. The third activity was tying of scout knot. This was the most complicated activity that saw team four not able to tie the knot. In order to determine the winner the first and second team who had tied in points, participated in a tug of war. This saw team one being the overall winner.

In a nutshell, this year's team building was fun and informative. The expectations were met and it was a success.

Consumer Protection Remedy, How To Increase Trust In E-Commerce?



During a session themed “E-commerce and Consumer protection”, UNCTAD stressed the importance of consumer protection in creating an enabling environment for inclusive e-commerce. Key stakeholders identified areas where national and regional consumer protection frameworks and institutional capacities should be strengthened.

Today’s digital consumers have access to an unprecedented choice of goods and services. However, as great as the potential benefits of e-commerce are, there are still several challenges. Some challenges include: consumer protection, protection against cybercrime, protection from data breaches, unsafe products, unfair business practices, inadequate online dispute resolution, breaches to consumer privacy, and lack of coordinated action among governments.

«Consumer trust is paramount in achieving the inclusive and sustainable development of e-commerce,» said Mr Izaguerri, «all stakeholders must work closely together to ensure that no one is left behind». According to a 2017 report released by Ipsos and the Centre for International Governance Innovation (CIGI), in collaboration with UNCTAD and the Internet Society, Internet users are increasingly concerned about their online privacy, with 49 % of users polled attributing

their discontinuation of online shopping to lack of trust.

The survey results suggest that such lack of trust is hindering further development of the digital economy, but that this could be addressed through adequate consumer and data protection.

The report indicated that among those worried about their privacy, the top sources of concern were cybercriminals (82%), Internet companies (74%) and governments (65%).

«Following all the discussions around e-commerce week, it is clear that protecting consumers in the online context is a major factor in inclusive and sustainable development of e-commerce», said Dr. Uwe Petry, Head of the Economic Affairs Division, Permanent Mission of Germany in Geneva, adding «The inclusiveness of e-commerce can be better achieved if we transit from eTrade for All to etrade BY All.»

Key outcomes and follow-up actions identified by participants:

- Implementation of the United Nations Guidelines for Consumer Protection
- Review and update of the legal and institutional frameworks to accommodate e-commerce. Supported by UNCTAD and development partners, this builds upon the work carried out in the OECD, particularly the OECD Recommendation on Consumer Protection in E-commerce.
- Provide capacity building on online consumer protection to relevant stakeholders, particularly government

officials, parliamentarians, judges, businesses and consumer organizations: with the support of UNCTAD and development partners. This is already the case with the ongoing COMPAL, and UNCTAD-MENA capacity building programmes.

- ‘Network the networks’ and deepen international cooperation by using the Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy. This group will share best practices and exchange experiences regarding policymaking and enforcement of consumer protection laws; policies in the digital economy among Member States. The IGE is best suited to incorporate the experiences of other existing networks such as ASEAN, African Consumer Protection Dialogue, FIAGC, GPEN, ICPEN, and OECD as it has a universal membership.

The Second Session of the IGE on Consumer Protection will take place from 3-4 July 2017 where a special session on consumer protection in e-commerce will be hosted.

- Provide education and awareness raising to consumers and businesses on their rights and obligations when they engage in online transactions, through the dissemination of the Guidelines.

All of these measures should contribute to the establishment of trust boosting mechanisms in the online context such as Trust Seals and Online Dispute Resolution, through the development of partnerships between member States, businesses, consumer organizations and UNCTAD.

SUDOKU CHALLENGE - No. 0001

Instructions of play

Fill in the numbers 1-9 exactly once in every row, column and 3x3 box, such that the numbers 1 to 9 appear exactly once in each quadrant.

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COMPETITION LAW AND POLICY JOURNALISTS AWARD

The Competition Authority of Kenya (the Authority) is mandated to promote and safeguard competition in the national economy; to protect consumers from unfair and misleading market conduct.

The Authority recognizes the critical role the media plays in facilitating its mandate of regulating markets in the Kenyan economy and ensuring consumers are protected from misleading market conduct.

The Authority will therefore be recognizing journalists who write on competition and consumer protection issues affecting the Kenyan economy through the **Competition Law and Policy Journalists Award**.

The contestants will be required to submit stories that focus on the Core Mandate of the Authority as stated in the Competition Act No. 12 of 2010 (the Act). **The deadline for submission of the stories is Friday, 26th January, 2018.**

For more details on the key requirements and entry criteria, kindly visit the website:- <http://www.cak.go.ke>



CAK UPCOMING EVENTS

Event	Period
<i>Training on competition law and policy</i>	<i>September-October 2017</i>
<i>Annual Competition Symposium</i>	<i>September-October 2017</i>
<i>World Competition Day</i>	<i>5th December, 2017</i>
<i>World Consumer Rights Day</i>	<i>15th March, 2018</i>

COMPLAINTS HANDLING

The Authority takes its service delivery to the Kenyan citizens seriously. Visit our website at: www.cak.go.ke to understand our commitment and resolve of giving quality services as outlined in the Citizenry Service Delivery Charter., Complaints Handling Policy and the complaints handling procedures.

You can also contact us via Email: complain@cak.go.ke, Telephone – **0202779123** or **020 2628233**, or drop your complaint in our complaints handling box **shown on the right** and located at the reception of our offices.





COMPETITION AUTHORITY OF KENYA

Creating efficient markets for consumers

CONTACT US:

Competition Authority of Kenya

Kenya Railways Staff Retirement

Benefit Scheme Block 'D'

1st Floor, Haile Selassie Avenue

P.O. Box 36265-00200 Nairobi, Kenya

Telephone: +254 20 2628233/+254 20 2779000

E-mail: editorial@CAK.go.ke/info@cak.go.ke

Twitter: @CAK_Kenya

Facebook: Competition Authority of Kenya

Website: www.cak.go.ke