

The study on “The Revision of Institutional Enforcement Framework of the West African Economic and Monetary Union (WAEMU) Regional Competition Law”, carried out by the Max Planck Institute, is submitted to the WAEMU Commission and presented before the regional Consultative Committee on Competition (CCC).

In April 2011 the West African Economic and Monetary Union (WAEMU) Commission mandated a “*Study on the Revision of the Institutional Enforcement Framework of the WAEMU Regional Competition Law*”. This study, conducted by the Max Planck Institute, has three components: (1) assessment of the regional institutional enforcement framework; (2) assessment of the national institutional framework; and (3) reform proposals on how best to design the enforcement orientation with a focus on the distribution of competences between the national level and the regional level. During the conduct of the study, Mor Bakhoum traveled to all WAEMU member states: Benin, Burkina Faso, Ivory Coast, Guinea-Bissau, Mali, Niger, Senegal, and Togo. He interviewed the regional enforcement authorities, the national competition authorities and the WAEMU Court of Justice. Other stakeholders, such as the consumer associations, the professional associations and the business community were also interviewed by Mor Bakhoum. Most importantly, the national competition law of each member state was reviewed in line with the regional framework. This is the first time that such ground work has been done. Building on that first-hand experience in the member states and the results of eight years of enforcement of the regional competition law, the Study puts forward important reform proposals for the regional institutional framework. Three main recommendations need to be highlighted here: (1) to foster the enforcement tools of the regional competition authority; (2) to decentralize the decision-making power by recognizing to national competition authorities the competence to apply the community competition law to national cases; and (3) to establish collaboration channels between the regional authority and the national competition authorities.

The findings of the Study were presented by Mor Bakhoum before the WAEMU regional Consultative Committee on Competition (CCC) in its 7th session held in Dakar in November 2011. The CCC discussed and approved the main findings of the study. WAEMU is heading towards recognizing more decision-making power to its national competition authorities. A regional validation seminar of the findings of the Study will be held next year at the headquarters of the Commission in Ouagadougou, Burkina Faso before its publication. For more information on the study contact Mor Bakhoum at: mor.bakhoum@ip.mpg.de