



BUSINESS REQUIREMENT DOCUMENT FOR FAIR COMPETITION COMMISSION

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Comments or Queries regarding this document should be forwarded to Team Leader

Definition of Terms

| | |
|----------------------------|--|
| Application roles | Used to enable access to specific data to only those users who connect through a particular application |
| Authentication | The process of verifying the identity of a user or devices before granting access to a system |
| Authorization | A process of verifying users' privileges before granting access to system resources or services |
| Customer | A person or entity who buys goods or services from business |
| Functional requirement | A requirement that describes in detail tangible needs and/or requested behaviours of the proposed system. Specifically define business requirements and how users interact with the proposed system. |
| Non-functional requirement | A requirement that describes qualitative attributes of the proposed system. |
| FCC Officer | For the purpose of this document FCC Officer means any internal FCC user accessing the system |

List of Abbreviations and Acronyms

| | |
|-------|--|
| API | Application Program Interface |
| DG | Director General |
| GePG | Government electronic Payment Gateway |
| HTTPS | Hypertext Transfer Protocol Secure |
| I&A | Identification and Authentication |
| ICT | Information and Communications Technology |
| IS | Integrated System |
| LGA | Local Government Authority |
| NIDA | National Identification Authority |
| NIN | National Identification Number |
| OTP | One Time Password |
| OGDs | Other Government Departments |
| PKI | Public Key Infrastructure |
| QAO | Quality Assurance Officer |
| RDBMS | Relational Database Management System |
| SMS | Short Message Service |
| SOAP | Simple Object Access Protocol |
| BRD | Business Requirement Document |
| TRA | Tanzania Revenue Authority |
| TIN | Taxpayer Identification Number |
| TMA | TradeMark Africa |
| USM | User Management |
| VRN | VAT Registration Number |
| DRTP | Director of Restrictive Trade Practices |
| DCS | Director of Corporate Services |
| DRMA | Director of Research, Mergers and Advocacy |
| DAC | Director of Anti-Counterfeits |

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1 Introduction

1.1 Background

The Fair Competition Commission (FCC) is a Public Institution established by virtue of section 62(1) of the Fair Competition Act, No.8 of 2003 (FCA) with the aim of promoting and protecting effective competition in trade and commerce and protecting consumer from unfair and misleading market conduct. The ultimate goal is to increase efficiency in the production, distribution and supply of goods and services. Establishment of FCC is a significant step in Tanzania effort to establish a market economy.

1.2 Problem Statement

The Fair Competition Commission (FCC) has outlined its strategic plan for the years 2021/22 to 2025/26, with a primary focus on automating its operations for increased efficiency. This initiative aligns with the 2023/2024 National Development Plan which requires the FCC to establish Management Information Systems (FCC MIS) that simplifies trade procedures, reduces processing times for trade regulatory matters such as mergers and acquisitions, consumer protection matters, and streamlines anti-counterfeit operations. Currently, these processes are manually operated.

1.3 Strategic Significance

The Fair Competition Commission (FCC) has provided a blueprint of the strategic undertakings intended to be accomplished in the next five years. Among the focus areas of this Plan is to automate its business processes to revolutionize its operations with the goal of providing a seamless and improved service delivery to its business community by fostering an efficient trade regulatory environment and effective regulatory systems.

1.4 Purpose Description

The purpose of this document is to provide the Business Requirement for the automation of FCC core and support processes.

This document is intended to: -

- a. Provide detailed AS-IS processes for FCC processes.
- b. Provide a list of needs and requirements from process owners and staff
- c. Provide feedback from stakeholders on additional cost and time to complete service at FCC

1.5 Objectives

The main objective of this assignment is to conduct a thorough review, analysis, and documentation of the Fair Competition Commission's (FCC) business processes and operations as well as infrastructure (servers and networking).

Specific Objectives of this assignment includes:

- a. To review and document the As-Is processes and procedures

- b. To reengineer and develop To-be processes and procedures
- c. To develop recommendations based on identified gaps in the processes or the existing system
- d. To identify integration opportunities with other agencies to optimize service delivery
- e. To conduct an analysis of the infrastructure and network connection for the Headquarters and zonal offices and propose areas of improvement
- f. To gather baseline data on cost and time for undertaking various processes for the As-Is

1.6 Benefit Statements

1.6.1 The Central Government

The anticipated benefits will be:

- a. More efficient product and services quality.
- b. Improved compliance in Fair Competition and counterfeit control.

1.6.2 Fair Competition Commission

The expectations are as follows: -

- a. Reduced operation and administration overheads.
- b. Enhance Data Confidentiality, Integrity and Availability to ensure accuracy and credibility of information.
- c. Increased efficiency and effectiveness for FCC to deliver services to general public.
- d. Improve Compliance to Regulatory requirements, international standards and internal policies and procedures.

1.6.3 Customers and General Public

The expectations are as follows: -

- a. Reduced physical visits to FCC offices.
- b. Improved user experience and convenience.
- c. Reduced consumption of counterfeit products

1.7 Scope

The scope of the project is to come-up with the business requirement for the automation of FCC core & support functions, gap analysis and documentation of additional cost & time to access specific service. The analysis encompasses all core and supporting business such as Competition Research, Merger and Acquisition processes, Advocacy, Investigation and Enforcement tasks, Monopoly and Cartel services, as well as Anti-Counterfeit operations. Additionally, it extends to cover supporting functions of the FCC, which include Human Resources, Finance, Planning, Procurement, Audit, Risk and Quality Assurance, Legal section and Information System (ICT). This holistic approach aims to modernize and streamline the

entire spectrum of FCC's functions, enhancing overall operational efficiency and service delivery.

2 FCC Overview

This section gives the overview of the FCC departments and units and process map. It provides general description of functions performed by each departments and units to aid in understanding the existing business and supporting processes.

2.1 FCC Processes Overview

This section aims to give the general overview of the FCC processes by providing the FCC processes map and later providing a brief description of each main process at FCC.

2.1.1 Processes Map

The following figure gives a clear illustration of the main processes in the FCC and further provides clustering of sub-processes in various main processes and also supporting processes that help core processes to work properly.

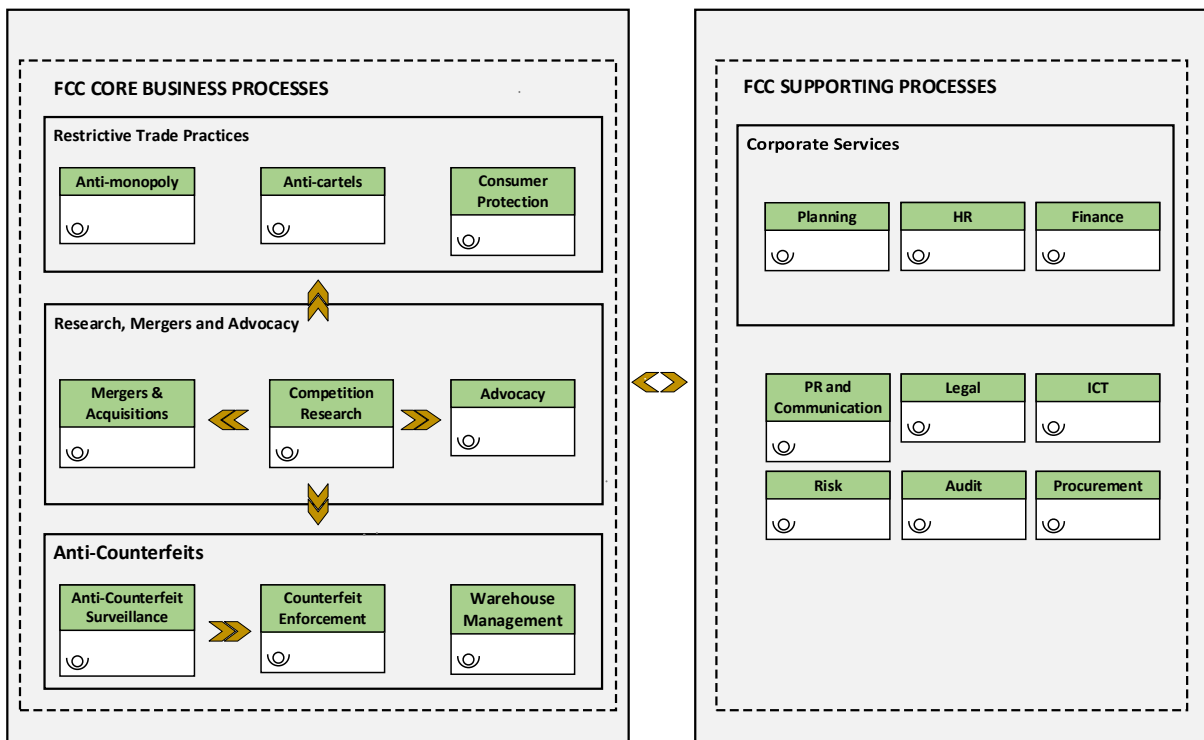


Figure 1: FCC Processes Map

2.1.2 Research, Mergers and Advocacy

Competition Research deals with conducting research and mini studies on competition-related matters in the Tanzanian market. This includes analysing industry trends, identifying potential anti-competitive practices, and evaluating the impact of government policies on competition. All these processes and tasks will be automated to streamline the FCC Operations

Mergers & Acquisitions (M&A) processes review mergers and acquisitions to ensure they comply with the Fair Competition Act (FCA) and do not harm competition in the market. This

involves assessing the potential impact of the merger on market concentration, competition, and consumer welfare. The process currently done manually, all tasks of these processes will be automated and run within the integrated FCC system

Advocacy process deals on how to promote a competition culture in Tanzania by engaging with various stakeholders, including the government departments, ministries, businesses, and the public. This involves advocating for policies and regulations that promote fair competition, educating stakeholders about competition law, and raising awareness about the benefits of competition for consumers and the economy. Current there is no any specific system that automate the process. The plan is to introduce this process into integrated FCC system so as to automate the process.

2.1.3 Restrictive Trade Practices

Anti-monopoly process deals with anti-competitive practices by dominant firms in the market. These practices can involve:

Abuse of dominance: When a company with a significant market share uses its power to unfairly disadvantage competitors or consumers. This can include exclusive dealing arrangements, predatory pricing, and tying arrangements.

Excessive market power: This refers to a situation where a single company or a small group of companies control a large portion of the market, giving them undue influence over prices and other market conditions.

Anti-cartels process focuses on identifying and addressing cartel agreements between competitors. Cartels involve businesses illegally agreeing to fix prices, limit production, or share markets, harming consumers through reduced competition and higher prices.

Consumer Protection process deals with safeguarding of consumer welfare by addressing practices that harm consumers, such as:

- a. Deceptive marketing: False or misleading advertising and marketing practices.
- b. Unfair contract terms: Terms in contracts that are unfair or disadvantageous to consumers.

All these processes will be automated and administered and managed by the FCC integrated system.

2.1.4 Anti-Counterfeits

Counterfeits (Anti-Counterfeit Surveillance, Anti-Counterfeit Enforcement) processes focused on combating the production, distribution, and sale of counterfeit goods.

Here's a breakdown of the processes:

Anti-Counterfeit Surveillance is the process that monitors the market for counterfeit goods, gathering information through various means, including:

- a. Market surveys: Identifying and investigating potential sources of counterfeit products.

- b. Consumer complaints: Addressing complaints filed by consumers who suspect they have purchased counterfeit goods.
- c. Collaboration with other agencies: Working with law enforcement and border control authorities to identify and intercept counterfeit goods entering the country.

Anti-Counterfeit Enforcement is the process that takes action against individuals and businesses involved in counterfeiting activities, including:

- a. Investigations: Conducting thorough investigations based on gathered information to build strong cases against counterfeiters.
- b. Legal action: Initiating legal proceedings against individuals and businesses found to be involved in counterfeiting activities. This can involve seeking penalties, confiscation of counterfeit goods, and even imprisonment in severe cases.
- c. Public awareness campaigns: Educating consumers and businesses about the dangers of counterfeit goods and how to identify them.

2.1.5 Corporate Services

Corporate Services (Planning, HR, Finance and Record Management) refers to internal processes that supports the core functions of the FCC.

Here's a breakdown of some of activities handled by these supporting functions:

Planning

- a. Develops strategic plans and objectives for the FCC, aligning them with the organization's mission and vision
- b. Preparation of FCC budget
- c. Sets performance goals, evaluate and monitors progress towards achieving them

Human Resources

- a. Recruits, trains, and develops qualified personnel to staff the FCC effectively.
- b. Manages employee relations, including compensation, benefits, and performance evaluations.
- c. Deals with fleet management and Official trips and safari administration
- d. Ensures compliance with Tanzanian labour laws and regulations.

Finance

- a. Manages the FCC's budget and financial resources efficiently and responsibly.
- b. Prepares financial reports and monitors the organization's financial performance.
- c. Ensures compliance with Tanzanian financial regulations and reporting requirements.

Record Management

- a. Storing, securing and maintaining filing system
- b. Scanning and indexing paper records
- c. Responding to requests for records from staff and other stakeholders
- d. Disposing of records according to legal and regulatory requirements

2.1.6 Procurement Unit

The unit handles the acquisition of goods, services, and works at the Commission. The key functions of the unit include identifying needs, soliciting bids, evaluating bids, negotiating contracts, contract management, supplier relationship management and Ensuring proper use and maintenance of FCC assets.

2.1.7 Public Relation and Communication Unit

The unit acts as the voice of the Commission, managing the flow of information between the Commission and its stakeholders.

2.1.8 Legal Services Unit

The unit is responsible for provision of legal services to the Commission. It is responsible for drawing, reviewing and drafting legal documents, provision of legal services to the Commission, interpretation of laws and rules affecting the commission, provision of secretarial services to the Commission, to represent FCC in cases which the FCC has sued or has been sued and to ensure that all decisions and directives of the Commission are implemented and preparation of periodic reports on the same.

2.1.9 Audit Unit

The unit is responsible for conducting financial, performance and systems audit of operations of the Commission. Amongst others, the Unit is responsible for developing and implementing Commission's internal audit strategy, policies and procedures, preparation of Annual Audit Plan, conducting audit reviews and assessment of the Commission's compliance with existing laws, policies and procedures and perform periodic internal Audit.

2.1.10 Risk and Quality Assurance Unit

The unit is responsible for identifying, assessing, and mitigating risks, as well as ensuring that quality services is offered by the Commission. The unit is also responsible for developing, monitoring and coordinating implementation of risk & quality assurance management policy, strategies and plan, establishing and implementing Operational Risk Management Charter, identifying potential risks and implementing risk register so as to track out FCC services against risks and improve efficiency and cost reduction, monitoring quality of Competition and Consumer Welfare and recommend for improvement, conducting evaluation of FCC's liabilities and perform projections on future liabilities and coordinating external quality audits and benchmarking assessments amongst others.

2.1.11 Information and Communication Technology Unit

This unit is responsible for managing all aspects of technology within the Commission. It is essentially the backbone of the technological infrastructure, ensuring smooth operation, supporting users, and keeping everything up-to-date.

2.2 Stakeholders

The below matrix details a list of stakeholders with interested in the Commission and outcome of its action. We have both internal and external stakeholders.

Table: Stakeholders

| Stakeholder | Description | Remarks |
|---|---|---|
| Internal Stakeholders | | |
| Staff | People who work for the FCC | Officers |
| Committees of the Commission | Sub-groups created by a commission to handle Audit and Human Resources | |
| Management | The people responsible for running the organization. They have an interest in the organization's success and meeting the needs of all stakeholders | Director General, Heads, Unit Managers, Directors |
| Commission | Governing Board of the Organization | |
| External Stakeholders | | |
| Customers | Individuals or companies utilizing FCC services | |
| Solution Providers (MDAs, Suppliers etc.) | Government organizations and companies providing services to the FCC. Solution such as MUSE, PlanRep, GePG, NeST, BRELA,TRA are provided by MDAs | Integration Requirement |
| Ministry of Industry and Trade | Parent Ministry | Information sharing |
| Fair Competition Tribunal (FCT) | A quasi-judicial body in Tanzania that deals with appeals on competition and economic regulation matters. | Integration with FCT case management to link file reference numbers for easy tracking |

3 Processes Flows AS-IS

3.1 Research, Merger and Advocacy

3.1.1 Merger

3.1.1.1 Application for Merger

| | |
|--|--|
| Name of Process | Application for Merger |
| Process Number | FCC_CBP_RMA_01 |
| Process Description | This process entails consideration of merging parties' provisional declaration of merger fee |
| Process Boundaries | Start Point: Merging firms conduct self-assessment End Point: Proof of Payment |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director of Research, Merger and Advocacy ▪ Applicant ▪ Law Firm ▪ Accountant |
| Stakeholders | Law Firms, FCC, BRELA, TRA |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Registered companies |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | N/A |
| Process Input | Assessment/declaration |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant fill provisional declaration of merger fees form and submit to FCC 2. Officer issue control number and send it to applicant 3. Applicant make payment and submit proof of payment and proceed with process number FCC_CBP_RMA_02 |

| | |
|--|--|
| Process Output | Payment receipt |
| Measurable Outcome | Number of Provisional Declarations submitted |
| Exceptions to Normal Process Flow | Not Applicable |
| Control Points and Measurements | Control number |

3.1.1.2 Preliminary Review of Merger Application

| | |
|----------------------------|--|
| Name of Process | Preliminary Review of Merger Application |
| Process Number | FCC_CBP_RMA_02 |
| Process Description | This process entails preliminary review of submitted Merger Application to assess its completeness and issue either Notice of Incomplete or Complete Filing |
| Process Boundaries | <p>Start Point: Merging firms fill and submit Application for Merger Clearance Form (FCC-8) and related documents</p> <p>End Point: Director of Research, Mergers and Advocacy issue Notice of Complete or Incomplete Filing</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Director of Corporate Services ▪ Merger and Exemptions Manager ▪ Economist(s) or Legal Officer(s) ▪ Record Officer ▪ Applicant/Merging Firms |
| Stakeholders | Law Firms, FCC, Applicant |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |

| | |
|--|---|
| Pre-Conditions | Payment of Merger Application fee |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Complete or incomplete application for merger clearance |
| Process Input | <ol style="list-style-type: none"> 1. Application for Merger Clearance Form (FCC-8) and its related document 2. Confidentiality Claim Form (FCC-2) 3. Provision Declaration (Self-Assessment) and proof of payment of merger application fee |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant fills and submits the Application for Merger Clearance Form (FCC-8), FCC-2 if necessary and related documents and submit to FCC 2. Record Officer receive submitted application for merger clearance form and related documents 3. Record Officer assign reference number to submitted application for merger clearance and issue a copy to Applicant 4. Record Officer submit the application for merger clearance to Director General for preview 5. Director General assign previewed application for merger clearance to Director of Research, Merger and advocacy for further processing 6. Director of Research, Merger and advocacy assign the application for merger clearance to Division of Corporate Affairs for payment assessment, verification and issuance of payment receipt 7. Director of Corporate Services assign the submitted Merger Clearance (FCC-8) Form and related documents to Finance Manager for processing and validating payment 8. Manager of Finance assign the submitted Merger Clearance (FCC-8) Form and related documents to Accountant/Financial Analyst for payment verification, its adequacy and issuance of payment receipt (Government Exchequer Receipt) if payment is reflected in FCC's account. 9. Assigned Accountant/Financial Analyst upon verification, returned Merger Clearance (FCC-8) Form and related documents |

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| | <p>to Finance Manager with recommendation on verification and issuance of payment receipt (Government Exchequer Receipt) if payment is seen in the system.</p> <p>10. Manager of Finance upon satisfy with recommendation made therein by Accountant/Financial Analyst, returned the file to Director of Corporate Service endorsing recommendation of Accountant/Financial Analyst.</p> <p>11. Director of Corporate Services return submitted Merger Clearance (FCC-8) Form and related documents to Director of Research, Merger and advocacy with assessed payment details and recommendations.</p> <p>12. Director of Research, Merger and advocacy assign application for merger clearance to Merger and Exemptions Manager to review completeness of filed documents</p> <p>13. Merger and Exemptions Manager assign application for merger clearance to Economist(s) or Legal Officer(s) and supervise the review of completeness of filed documents</p> <p>14. Economist(s) or Legal Officer(s) screen to review completeness of the submitted application for merger clearance</p> <p>15. If the submitted application for merger clearance is not complete, Economist(s) or Legal Officer(s) recommend to Merger and Exemptions Manager for issuance of Notice of Incomplete Filing (FCC-12)</p> <p>16. Merger and Exemptions Manager recommend to Director of Research, Merger and advocacy for issuance of Notice of Incomplete Filing</p> <p>17. Director of Research, Merger and advocacy sign and issue Notice of Incomplete Filing to merging firms with reasons of which information/document is missing during filing</p> <p>18. Where the Notice of Incomplete is issued because FCC has no jurisdiction to investigate the matter, the Director of Research, Mergers and Advocacy return all the Merger notification to the Acquiring Firm that submitted notification and Applicant shall not file any further document concerning the merger. However, filling fees shall be forfeited.</p> <p>19. Where the merging firm neglects within stipulated time to provide missing information or documents as Commission may</p> |
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| | <p>requires, the Commission shall consider the merger as abandoned and <i>Abandonment process follows</i></p> <p>20. Merging Firms submit requested documents and relevant missing details as per issued Notice of Incomplete Filing</p> <p>21. Economist(s) or Legal Officer(s) review submitted documents and relevant missing details as per issued Notice of Incomplete Filing</p> <p>22. If the submitted application for merger clearance is complete, Economist(s) or Legal Officer(s) recommend to Merger and Exemptions Manager for issuance of Notice of Complete Filing (FCC-11)</p> <p>23. Merger and Exemptions Manager recommend to Director of Research, Merger and advocacy for issuance of Notice of Complete Filing</p> <p>24. Director of Research, Merger and advocacy sign and issue Notice of Complete Filing and assign Record Officer to dispatch the merging firms</p> <p>25. Record Officer dispatch Notice of Complete Filing to merging firms</p> |
| <p>Process Output</p> | <p>Issued Notice of either Complete of Incomplete Filing for Merger Application</p> <p>Notice of Incomplete Filing Form (FCC-12)</p> <p>Notice of Complete Filing Form (FCC-11)</p> <p>Notice of Abandonment of Merger (FCC-9)</p> |
| <p>Measurable Outcome</p> | <p>Number of Issued Notice of either Complete of Incomplete Filing</p> <p>Number of Issued Notice of Abandonment of Merger (FCC-9)</p> |
| <p>Exceptions to Normal Process Flow</p> | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| <p>Control Points and Measurements</p> | <ul style="list-style-type: none"> ▪ Application for Merger Clearance Form (FCC-8) and related documents ▪ Provision Declaration (Self-Assessment) |

3.1.1.3 Investigation of Merger Application

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| Name of Process | Investigation of Merger Application |
| Process Number | FCC_CBP_RMA_03 |
| Process Description | This process entails investigation of merger application, which commence immediately after issuance of Notice of Examination of Merger (90 Days Prohibition Notice FCC 14A) and terminates when Merger Analysis Report is submitted to Commission for deliberations |
| Process Boundaries | <p>Start Point: Director of Research, Merger and Advocacy assign Merger and Exemptions Manager to initiate investigation of merger application</p> <p>End Point: Economist(s) or Legal Officer(s) archive and maintain a repository of Merger Analysis Report submitted to Management for deliberation</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Merger and Advocacy ▪ Merger and Exemptions Manager ▪ Procurement Management Unit ▪ Head of Communication and Public Relation Unit ▪ Information and Communications Technology Manager ▪ Economist(s) or Legal Officer(s) |
| Stakeholders | Ministry of Industry and Trade, Regulatory Authorities, Consumer Associations, industry experts, hired consultant(s), third party with material and pecuniary interest, Competitors to Merging Firms, Suppliers to Merging Firms, Print Media, and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Section 11 (3) of Fair Competition Act, 2003 ▪ Rule 36(1) and 37(1) of the Competition Rule, 2018 |
| Pre-Conditions | Issued Notice of Examination of Merger Application (Issuance of 90 Days Prohibition Notice to Merging Firms.) |
| Frequency of Occurrence | Whenever need arise |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Authorization to proceed with publication of notice to the Public ▪ Need for clarity or Additional Information ▪ Need for stakeholders' engagement ▪ If initial period for review ends ▪ If 90 Days prohibition ends |
| <p>Process Input</p> | <ol style="list-style-type: none"> 1. FCC 8 and its related document 2. Public Notice 3. Procurement Requisition Form 4. Notice of Intention to Participate (FCC- 10) 5. Additional Merger Information (FCC-13) 6. 90 Days Prohibition Notice (FCC-14A) 7. 30 Days Extension Certificate (FCC-14B) |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Director of Research, Merger and Advocacy assign Merger and Exemptions Manager to initiate investigation of merger application 2. Merger and Exemptions Manager crosscheck and assign merger application to Economist(s) or Legal Officer(s)Economist(s) or Legal Officer(s) for investigation 3. Economist(s) or Legal Officer(s) screen a merger application, establish data and information gap as well as potential stakeholder for engagement 4. Economist(s) or Legal Officer(s)Economist(s) or Legal Officer(s) prepare Public Notice and submit to Merger and Exemptions Manager 5. Merger and Exemptions Manager review and submit prepared Public Notice to Director of Research, Merger and Advocacy 6. Director of Research, Merger and advocacy request authorization for publication from the Director General 7. Director General authorise or recommend for improvement the request for publication of the prepared Public Notice 8. For recommended improvements, Director of Research, Merger and Advocacy perform corrective actions as per recommendations |

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| | <ol style="list-style-type: none"> 9. For authorised Public Notice, Director of Research, Merger and Advocacy direct Merger and Exemptions Manager to submit approved Public Notice to Procurement Manager as well as Information and Communications Technology Manager and Head of Communication and Public Relation Unit for publication 10. Merger and Exemptions Manager direct Economist(s) or Legal Officer(s) to fill Procurement Requisition Form for approval to proceed with publication of approved Public Notice 11. Economist(s) or Legal Officer(s) fill and submit Procurement Requisition Form to Merger and Exemptions Manager 12. Merger and Exemptions Manager submit approved Public Notice and filled Procurement Requisition Form to Procurement Manager, as well as submit approved Public Notice to Information and Communications Technology Manager and to the Head of Communication and Public Relation Unit for publication for publication 13. Economist(s) or Legal Officer(s) or record officer receives public comments and objection submitted by Third Party in duly filled Notice of Intention to Participate (FCC-10), when applicable and submit to DG for preview 14. Economist(s) or Legal Officer(s) analyse the objection under FCC-10 and prepare economic and legal opinion as to whether the said objection/complaint/opinion should be entertained or not. 15. In case of a need to entertain an objection received from the public through FCC-10, Economist(s) or Legal Officer(s) shall recommend on whether public oral hearing is warranted or objection will be entertained by a way of written submission by each party. 16. Economist(s) or Legal Officer(s) prepare and submit economic and legal opinion of the assigned FCC-10 to Mergers and Exemptions Manager for review 17. Mergers and Exemptions Manager review the submitted legal and economic opinion and submit the reviewed opinion to Director of Research, Mergers and Advocacy. 18. Director of Research, Mergers and Advocacy review the submitted legal opinion and submit to Director General for decision. |
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| | <p>19. Director General attend and decide whether the complaint should be entertained in accordance with prepared legal and economic opinion.</p> <p>20. If the Director General decides not to entertain complaint, steps 38-42 shall be followed with reply "Management Decision Not to Entertain Objection". FCC-10 process is terminated thereafter.</p> <p>21. If the DG decides to entertain reasons submitted under FCC-10, It shall direct the Director of Research, Mergers and Advocacy to notify the Third Party who submitted the said FCC-10 and Merging Firm to respond to the argument under FCC-10.</p> <p>22. Director of Research, Mergers and Advocacy inform the Mergers and Exemptions Manager to draft a reply of the said FCC-10 to Third Party and Notify Merging Firm on the reasons submitted under FCC-10</p> <p>23. Mergers and Exemptions Manager notify Economist(s) or Legal Officer(s) to draft a notification to Third Party and Merging Firm</p> <p>24. Economist(s) or Legal Officer(s) draft a notification and submit to Mergers and Exemption Manager for Review</p> <p>25. Mergers and Exemption Manager Review the notifications and send to the Director of Research, Mergers and Advocacy / Director General for review and Approval</p> <p>26. Director of Research, Mergers and Advocacy / Director General review sign and send to Records / registry Officer for Dispatch</p> <p>27. Registry/ Records Officer dispatch signed acknowledgement letter to Third Party and signed transmittal letter with attached FCC-10 and its annexures to Merging Firm.</p> <p>28. Merging Firm submit reply to the FCC-10</p> <p>29. Record Officer Submit to Director General for preview</p> <p>30. Director General assign to the Director of Research, Mergers and Advocacy for processing</p> <p>31. Director of Research, Mergers and Advocacy assign Mergers and Exemptions Manager for processing</p> <p>32. Mergers and Exemptions Manager assign Economist(s) or Legal Officer for processing</p> |
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| | <p>33. During investigation period, in case where Economist(s) or Legal Officer(s) is of the opinion that there is a Need for clarity or Additional Information, Economist(s) or Legal Officer(s) prepare Request for Additional Merger Information (FCC-13) and submit to Mergers and Exemptions Manager</p> <p>34. Merger and Exemptions Manager review prepared Request for Additional Merger Information and submit to Director of Research, Merger and Advocacy</p> <p>35. Director of Research, Merger and Advocacy sign and issue Request for Additional Merger Information and assign Record Officer to dispatch to merging firms</p> <p>36. Record Officer dispatch Request for Additional Merger Information to merging firms</p> <p>37. During investigation period, in case where Economist(s) or Legal Officer(s) is of the opinion that there is a need for certain stakeholders' engagement, Officer(s) Economist(s) or Legal Officer(s) collect required information from relevant stakeholders</p> <p>38. Economist(s) or Legal Officer(s) prepare Merger Analysis Report and submit to Merger and Exemptions Manager</p> <p>39. Merger and Exemptions Manager review prepared Merger Analysis Report and submit to Director of Research, Merger and Advocacy</p> <p>40. Director of Research, Merger and Advocacy review prepared Merger Analysis Report and submit to Director General for review</p> <p>41. Director General review prepared Merger Analysis Report, approve and send back to DRMA for submission to management</p> <p>42. DRMA send a merger analysis report to the Legal Service Manager for deliberation at Management level. submission of papers to the Management process lifecycle (Deliberation by the Management)</p> <p>43. Economist(s) or Legal Officer(s) archive and maintain a repository of Merger Analysis Report submitted to Management for deliberation</p> <p>44. Where it appears that at a 90th days from the date of issuance of notice of examination of merger (90 Days Prohibition Notice) a merger analysis report has not been deliberated and decided</p> |
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| | <p>at the Commission level, Economist(s) or Legal Officer(s) prepare 30 Days Extension Certificate (FCC-14B) and submit to Merger and Exemptions Manager</p> <p>45. Merger and Exemptions Manager review prepared 30 Days Extension Certificate and submit to Director of Research, Merger and Advocacy</p> <p>46. Director of Research, Merger and Advocacy submit to Director General for preview and endorsement</p> <p>47. Director General review, provide go ahead or send it back for corrections</p> <p>48. If Director General provide go ahead, Director of Research, Merger and Advocacy sign and issue 30 Days Extension Certificate to merging firms</p> <p>49. If time extension allowed under 30 Days Extension Certificate issued is expired and merger analysis report has not been deliberated and/or decided at the Commission level, Economist(s) or Legal Officer(s) prepare the stopping the counting the 30 days' extension order and submit to Merger and Exemptions Manager</p> <p>50. Merger and Exemptions Manager review and submit to Director of Research, Merger and Advocacy</p> <p>51. Director of Research, Merger and Advocacy review and submit to Director General</p> <p>52. Director General review, approve and send back to DRMA for transmission to management for inputs. Then process FCC_CBP_RMA_04 proceed</p> <p>53. If the reason for stoppage for counting order has been resolved, Economist(s) or Legal Officer(s) Economist(s) or Legal Officer(s) prepare Merger Analysis Report and an Order setting aside the "stoppage counting of 30 days extension order" and submit to Merger and Exemptions Manager for review</p> <p>54. Merger and Exemptions Manager review prepared Merger Analysis Report and Order that set aside "stoppage the counting of 30 days extension order" and submit to Director of Research, Merger and Advocacy</p> <p>55. Director of Research, Merger and Advocacy review prepared Merger Analysis Report and Order that set aside "stoppage the</p> |
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| | <p>counting of 30 days extension order” and submit to Director General for review</p> <p>56. Director General review prepared Merger Analysis Report and Order that set aside “stoppage the counting of 30 days extension order”, approve and send back to DRMA for submission to management</p> <p>57. Economist(s) or Legal Officer(s) archive and maintain a repository of Merger Analysis Report submitted to Management for deliberation</p> |
| Process Output | <p>Merger Analysis Report</p> <p>Decision by Director General Not to Entertain Third Party Objection</p> |
| Measurable Outcome | Number of Merger Analysis Report |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Issuance of Public Notice ▪ Repository of Merger Analysis Report ▪ Time Extension requests |

3.1.1.4 Clearance of Merger Application

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| Name of Process | Clearance of Merger Application |
| Process Number | FCC_CBP_RMA_04 |
| Process Description | <p>This process entails clearance of merger whereby the Commission make an assessment of the merger analysis report which contain economic and legal argument explaining whether there is breach of Fair Competition Act as a result of a Merger; and if so whether exemption of merger is warranted. It do so by Commission to review submitted merger analysis report/ stopping the counting of 30 days extension order and issue either merger clearance certificate or notice of prohibition of the merger and reasons for the decision or stopping the counting of 30 days extension order</p> |

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| Process Boundaries | <p>Start Point: Secretary to the Commission receive Merger Analysis Report submitted by Director of Research, Merger and Advocacy for management input/comments. It also receives an Order that either requesting Commission to Stop Counting 30 Days Extension or an Order set aside "stoppage the counting of 30 days extension for Commission review and signature only if 30 days extension certificate Notice expired</p> <p>End Point: Secretary to the Commission document details of the cleared Merger Applications in Public Register</p> |
| Process Owner | Secretary to the Commission |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Management ▪ Director of Research, Merger and Advocacy ▪ Secretary to the Commission ▪ Merging Firms |
| Stakeholders | Ministry of Industry and Trade, Regulatory Authorities, Third Parties with material and pecuniary interest includes but not limited to Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms, Print Media, and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Submitted Management Merger Analysis Report |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Management to Recommend for Improvement or adopt Merger Analysis Report and recommendation made therein; ▪ Commission Recommend for Improvement or Adopt Merger Analysis Report to become "Reasons for Commission Decision" ▪ Commission Decide Proposed Merger with or without conditions; or ▪ Commission Decide to prohibit Merger Application |
| Process Input | <ol style="list-style-type: none"> 1. Transcript of Oral Hearing Proceedings 2. Decision of Commission to Entertain or Not to Entertain Third Party Objection Under FCC-10 |

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| | <ol style="list-style-type: none"> 3. Decision of Commission to Stop Counting of 30 Days Extension under FCC-14B 4. Merger Clearance Certificate (FCC-18) 5. Notice of Prohibition of Merger (FCC-15) 6. Reasons for Commission Decision 7. Merger Clearance Register |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Director of Research, Merger and Advocacy submit approved report to 'Secretary to the Commission' for transmission to the management for inputs 2. Management review submitted Merger Analysis Report and adopt or recommend for improvement 3. If Management recommend for Improvement, Secretary to the Commission transmit the reviewed Merger Analysis Report to Director of Research, Merger and Advocacy for improvement 4. If Management adopt the Merger Analysis Report, Secretary to the Commission transmit adopted Merger Analysis Report to the Commission (i.e. FCC Board) for review, deliberation and if possible, decision. submission of papers to the commission process lifecycle (Determination by the Commission) 5. The Commission review, consider and deliberate transmitted Merger Analysis Report. On event where there will be FCC-10 and based on economic and legal analysis made therein show that such FCC-10 shall be entertained, the Commission, during deliberation, will decide whether it shall hold oral hearing session to hear argument of Third-Party Intention to Participate in Merger determination Process (submitted earlier under FCC-10) at the same meeting together with Merging Firm. This will occur only if there is submission of FCC-10 and Director General has decided earlier to entertain the Third-Party Submission or the Third Party has Appeal Decision of Director General to the Chairman of Commission. 6. Where the Commission decide to hear the Merging Parties and Third Parties separately, jump to step 13 7. Where the Commission decide to conduct Oral Hearing Session, it shall, at the recommendation of Director General, identify significant stakeholder(s) relevant to the case; and formulate key issues for discussion in relation to the proposed merger based on the submission made earlier under FCC-10. |

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| | <ol style="list-style-type: none"> 8. Director of Research, Mergers and Advocacy review and address any comment that Commission makes under Draft Analysis Report presented and in consultation with Legal Services Manager, identified key stakeholders relevant to participate in oral hearing session. Director of Research, Mergers and Advocacy also formulate key issues and present the same to Director General for review. 9. Director General review the revised Merger Analysis Report, formulated key issues for case and proposal for key stakeholders to be invited in oral hearing session. 10. Legal Services Manager at the direction of Director General will thereafter, cause oral hearing to be conducted and invite relevant expert(s) for transcription services (transcriber). 11. If the Third Party and significant stakeholder(s) invited appear for oral representation, the Commission will conduct oral hearing and Secretary to the Commission prepare transcript of the oral hearing proceedings at the meeting and submit to Director of Research, Merger and Advocacy to incorporate the finding to Merger Analysis Report. 12. If the Third Party and Significant Stakeholder failed to appear to the oral hearing session, the Commission will have discretion to adjourn, reschedule or halt the entire oral hearing session and/or decide another mode of hearing such as hearing session by a way of written submission (see paragraph 13 herein below). 13. Where the Commission decide to hear merging parties and third parties separately, it shall order for parties to make written submission with both parties given opportunities to reply of each argument presented under written submission made by parties. 14. Director of Research, Merger and Advocacy utilize findings gathered from oral and written submissions made and improve the revised Merger Analysis Report as per directives given by the Commission. After improvement to the report be made, and at the direction of Director General, Director of Research, Mergers and Advocacy shall forward the improved version of the report to Legal Services Manager 15. Secretary to the Commission, will thereafter, at the Direction of Director General transmit revised Merger Analysis Report to Commission for decision. |
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| | <p>16. The Commission shall thereafter, make decision whether there is likely to be, a breach of the Fair Competition Act arising from the proposed merger (see 17-23).</p> <p>17. Where the Commission, after deliberation of the merger analysis report be of the opinion there is NO likelihood of breach of Fair Competition Act arising out of the proposed merger, they shall approve the merger without any condition.</p> <p>18. Where the Commission, after deliberation of the merger analysis report be of the opinion there is likelihood of breach of Fair Competition Act arising out of the proposed merger, but those effect can be mitigated by certain conditions, they shall approve the merger subject to specific condition(s) designed to remedy observed competition effect.</p> <p>19. Where the Commission, after deliberation of the merger analysis report be of the opinion there is likely breach of Fair Competition Act arising out of the proposed merger and those effect observed cannot be cured by any proposed condition, they shall need to consider whether an exemption is warranted because of existence of specific benefit articulated by merging firms during oral proceedings in line with provision of public interest benefit articulated under the Fair Competition Act.</p> <p>20. Where the Commission, after deliberation of the merger analysis report be of the opinion that proposed merger shall be exempted, because the merger will likely harm competition and there is also existence of peculiar benefits listed under Section 13(1) (b) OR (c) of Fair Competition Act, the Commission may advise the Merging parties to apply for exemption of merger application. <i>Application for exemption of Merger process lifecycle follows</i></p> <p>21. Where the Commission, after deliberation of the merger analysis report be of the opinion there is likely breach of Fair Competition Act arising out of the proposed merger and those effect observed cannot be cured by any proposed set of condition(s), AND public benefit arise out of the proposed merger, cannot be, at the Commission opinion, outweighs adverse competition effects caused by the proposed merger, the Commission shall declare merger prohibited.</p> <p>22. To each decision made under 17-21, the Legal Services Manager shall issue Merger Clearance Certificate (FCC-18) and reasons for</p> |
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| | <p>decision assign Record Officer to dispatch to Merging Firms and third party (if applicable) ; or</p> <p>23. For prohibited Merger Application, The Secretary to the Commission shall prepare Notice of Prohibition of Merger (FCC-15) and reasons for decision and assign Record Officer to dispatch to Merging Firms and third party (if applicable)</p> <p>24. Record Officer dispatch the documents for step 22 or 23 to merging firms and third party (if applicable)</p> <p>25. The Secretary to the Commission follows procurement process to publish a notice of Commission decision to the Public Registrar (Gazette) and notify ICT unit to publish on the official Website of the Commission</p> <p>26. Head of Public Relation Unit will produce Press Release informing the Public on the Decision of Commission</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Merger Clearance Certificate (FCC-18) ▪ Notice of Prohibition of Merger (FCC-15) ▪ Reasons for Decision ▪ Updated Public Register ▪ Stopping the counting of 30 days extension order ▪ Order Set aside Stoppage Order of the 30 days Extension. |
| Measurable Outcome | Number of issued Merger Clearance Certificate or Notice of Prohibition of Merger |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Registration of Decision to the Public Register and to the official website of the Commission ▪ Reasons for Commission Decision |

3.1.1.5 Application for Exemption of Merger

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| Name of Process | Application for Exemption of Mergers |
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| Process Number | FCC_CBP_RMA_05 |
| Process Description | This process entails merging parties' application of exemption to the merger which, at the opinion of the Commission, such merger has ability to harm competition in the relevant market. |
| Process Boundaries | <p>Start Point: Merging firms fill and submit Application for Exemption of Merger and related documents</p> <p>End Point: Secretary to the Commission document details of the cleared exempted merger in Public Register and to the official website of Commission</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Merger and Advocacy ▪ Merger and Exemptions Manager ▪ Secretary to the Commission ▪ Economist(s) or Legal Officer(s) ▪ Merging firms |
| Stakeholders | Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Merger Analysis Report deliberated by the Commission indicating that the proposed merger is likely to harm competition. |
| Frequency of Occurrence | Whenever need arise |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ One-year issuance of Merger Exemption Certificate or Notice of Prohibition of Merger ▪ Decision of Commission ▪ Plan and/or program of monitoring Exempted Merger |
| Process Input | 1. Merger Analysis Report |
| Process Flow | 1. Applicant fills the Application for Exemption of Merger and related documents and submit to FCC |

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| | <ol style="list-style-type: none"> 2. Record Officer receive submitted exemption for merger application form and related documents 3. Record Officer assign reference number to submitted application for merger clearance and issue a copy to Applicant 4. Record Officer submit the application for exemption for merger application to Director General for preview 5. Director General preview and assign application for exemption for merger application to Director of Research, Merger and advocacy for further processing 6. Director of Research, Merger and advocacy preview and assign the exemption for merger application to Mergers and Exemptions Manager for assessment 7. Merger and Exemptions Manager “may” assign exemption for merger application to Economist(s) or Legal Officer(s) for analysis. OR Merger and Exemptions Manager, taking into account complexity of the matter may attend the matter himself/herself 8. Merger and Exemptions Manager review recommendation of Economist(s) or Legal officer(s), improve the report and recommend to Director of Research, Merger and Advocacy 9. Director of Research, Merger and Advocacy submit the Merger Analysis Report with recommendation on application to exemption of merger to Director General for approval 10. Director general, may choose to call for management meeting to deliberate the Merger Analysis Report OR submit the same direct to Legal Services Manager for onward transmission to Commission for deliberation. Submission of papers to the commission process lifecycle (Determination by the Commission) OR submission of papers to the Management process lifecycle (Deliberation by the Management) follows 11. Where the Merger Analysis Report with recommendation on Exemption of Merger is tabled at Management, the Management review submitted report and adopt or recommend for improvements 12. If Management recommend for improvements, Director of Research, Merger and Advocacy improve the report and resubmit to Management |
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| | <p>13. If Management adopt the report, Secretary to the Commission transmit adopted report to the Commission for decision</p> <p>14. The Commission review and consider submitted Merger Analysis Report that have recommendation for application of exemption for merger application made earlier.</p> <p>15. If the transmitted Merger Analysis Report that have recommendation for application of exemption for merger application is not adopted, The Commission, through Secretary to the Commission return transmitted monitoring report with directives to Management</p> <p>16. Secretary to the Commission transmit Merger Analysis Report that have recommendation for application of exemption for merger application with Commission’s directives to Director of Research, Merger and Advocacy</p> <p>17. Director of Research, Merger and Advocacy improve the Merger Analysis Report that have recommendation for application of exemption for merger application as per Commission’s directives and resubmit to Secretary to the Commission</p> <p>18. Secretary to the Commission retransmit Merger Analysis Report that have recommendation for application of exemption for merger application to the Commission for decision</p> <p>19. If the transmitted monitoring report is adopted, the Commission take note on compliance status as per adopted monitoring report</p> |
| <p>Process Output</p> | <p>Merger Exemption Certificate</p> <p>Reasons for Commission Decision</p> <p>Notice of Prohibition of Merger</p> |
| <p>Measurable Outcome</p> | <p>Number of Merger Exemption Certificate</p> <p>Number of Notice of Prohibition of Merger</p> |
| <p>Exceptions to Normal Process Flow</p> | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |

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| Control Points and Measurements | Annual Monitoring and Evaluation Framework for the Exempted Merger |
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3.1.1.6 Monitoring of Approved Merger, Conditional Approved Merger, Exempted Merger and Compliance Agreement related to Merger Decision

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| Name of Process | Monitoring of Conditional Merger Clearance |
| Process Number | FCC_CBP_RMA_06 |
| Process Description | This process entails monitoring of decision regarding merger that have conditions on it. It involves generation of plan and/or program for monitoring of approved and conditional approved merger, Compliance Agreement and Exempted Merger. Periodic Monitoring report is prepared thereafter to inform the Commission status of complying with conditions agreed. |
| Process Boundaries | <p>Start Point: Director of Research, Merger and Advocacy receive approved and conditional approved merger, Compliance Agreement and Exempted Merger and its respective Reasons for Commission Decision from Legal Services Manager</p> <p>End Point: The Commission take note and/or give specific and broad directives after deliberate on compliance status as per adopted monitoring report</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Merger and Advocacy ▪ Merger and Exemptions Manager ▪ Legal Services Manager ▪ Economist(s) or Legal Officer(s) Economist or Legal Officer ▪ Merging firms |
| Stakeholders | Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |

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| Pre-Conditions | Merger Clearance Certificate with or without conditions; Notice of Prohibition of Merger; or Merger Exemption Certificate, Compliance Agreement and Exempted Merger Certificate |
| Frequency of Occurrence | Whenever need arise |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Director General/Commission to ADOPT/ACCEPT Monitoring Report with its recommend recommendation therein. |
| Process Input | <ol style="list-style-type: none"> 1. Merger Clearance Certificate (FCC-18) with conditions 2. Plan and/or program of monitoring Conditional Approved Merger 3. Monitoring report |
| Process Flow | <ol style="list-style-type: none"> 1. Director of Research, Merger and Advocacy receive Merger Clearance Certificate with conditions or Merger Exemption Certificate and reasons for decision from the Secretary to the Commission 2. For Notice of Prohibition of Merger and its respective Reasons for Decision, Director of Research, Merger and Advocacy assign Merger and Exemptions Manager to close the merger application 3. Merger and Exemptions Manager receive the directives and assign Economist or legal officer to close the merger application. 4. Assigned Economist or legal officer receive the directives and mark the application of merger clearance as closed 5. For Merger Clearance Certificate and reasons for decision, Director of Research, Merger and Advocacy directs Merger and Exemptions Manager to monitor merging firms' implementation of the Merger approval condition(s) or condition(s) under Merger Exemption Certificate 6. Merger and Exemptions Manager assign issued Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger to respective Economist or legal officer for purpose of making decision as to whether there is a need to monitor compliance of merger approval conditions. 7. Assigned Economist or legal officer examined and decide whether there are specific conditions and compliance order |

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| | <p>under Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger that their implementation need to be monitored.</p> <ol style="list-style-type: none"> 8. On event where Economist(s) or Legal Officer(s) will satisfy that there is no requirement for monitoring given Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger, Economist(s) or Legal Officer(s) mark the application for merger clearance as closed 9. On event where Economist(s) or Legal Officer(s) satisfy that there is a requirement for monitoring given Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger, Assigned Economist(s) and/or legal officer (s) prepare plan and/or program of monitoring said Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger. 10. Assigned Economist or legal officer submit prepared plan and/or program of monitoring conditions under Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger and submit to Mergers and Exemption Manager. 11. Merger and Exemptions Manager review submitted plan and/or program of monitoring Conditional Approved Merger and where agree with the submitted plan and monitoring programme recommend the same to Director of Research, Merger and Advocacy. 12. Director of Research, Merger and Advocacy review the submitted plan and/or program of monitoring Conditional Approved Merger and if agree with the submitted plan and monitoring programme, and if the said plan has budgetary implication, recommend the same to the Director General for approval before any further step. 13. Notwithstanding provision of 12 above, on event where the said plan does not have budgetary implication, Director of Research, Mergers and Advocacy may have discretion to sanction recommended monitoring plan without seeking Director General approval 14. Director General, upon review of the draft monitoring plan and programme with or without budgetary implication may approve or recommend for improvements of the plan and/or program for |
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| | <p>monitoring conditions under Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger</p> <ol style="list-style-type: none"> 15. Where the Director General recommend for draft monitoring plan be improved, Director General return the matter to Director of Research, Merger and Advocacy perform corrective actions as recommended and submit the same to the Director General for approval, else approve the monitoring plan and assign Director of Research, Mergers and Advocacy for implementation 16. Director of Research, Mergers and Advocacy direct Mergers and Exemption Manager to formulate team of officers conversant with the matter to carry out the said monitoring activity. 17. Mergers and Exemptions Managers formulate team and notify respective officers to carry out the said activity. 18. The team which will comprise economist(s) and/or legal officers conversant with the matter perform monitoring of Conditional Approved Merger as per sanctioned plan and/or program. 19. Appointed economist(s) and/or legal officers prepare and submit to Mergers and Exemption Manager, comprehensive monitoring report after consultation with merging firm and all those responsible for compliance with implementation of conditions under Merger Clearance Certificate or Merger Exemption Certificate or Notice of Prohibition of Merger Economist(s) or Legal Officer(s) 20. Merger and Exemptions Manager review submitted monitoring report and if agreed with the content of the report, recommend the same to Director of Research, Merger and Advocacy. 21. Director of Research, Merger and Advocacy review and if agreed with the content of the report, submit the monitoring report to Director General for approval 22. Director general approve the monitoring report and "may" assign to Legal Services Manager for onward transmission to Management Meeting for their input and deliberation. 23. Management review submitted monitoring report and adopt or recommend for improvements 24. If Management recommend for improvements, Director of Research, Merger and Advocacy improve the report and resubmit to Management |
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| | <p>25. If Management adopt the report, Secretary to the Commission transmit adopted monitoring report to the Commission for decision</p> <p>26. The Commission review and consider submitted monitoring report</p> <p>27. If the transmitted monitoring report is not adopted, The Commission return transmitted monitoring report with directives to Management</p> <p>28. Secretary to the Commission transmit monitoring report with Commission’s directives to Director of Research, Merger and Advocacy</p> <p>29. Director of Research, Merger and Advocacy improve the monitoring report as per Commission’s directives and resubmit to Secretary to the Commission</p> <p>30. Secretary to the Commission retransmit monitoring report to the Commission for decision</p> <p>31. If the transmitted monitoring report is adopted, the Commission take note on compliance status as per adopted monitoring report and issue specific and broad directives where necessary.</p> |
| Process Output | Monitoring Report |
| Measurable Outcome | Number of Monitoring Report decided by the Commission. |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Implementation progress report |

3.1.1.7 Notice of Revocation of Decision of Commission

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| Name of Process | Notice of Revocation of Merger |
| Process Number | FCC_CBP_RMA_07 |
| Process Description | This process entails issuance of notice of Commission’s intention to revoke its own decision related to merger that was earlier approved with or without condition as a result of merging firm’s breach of an obligation |

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| | that was part of an approval or conditional approval of merger. This include amongst other things, if the merger was approved with or without conditions based on wrong information and/or deceit |
| Process Boundaries | <p>Start Point: Secretary to the Commission receive a Report detailing Status of Compliance or non-compliance status of approved or conditional approval mergers; and Exempted Merger.</p> <p>End Point: Secretary to the Commission document details of issued Notice of Revocation of Merger in Public Register and to the Official Website of the Commission</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Director of Research, Merger and Advocacy ▪ Secretary to the Commission ▪ Merging Firms ▪ Information and Communication Technology Manager ▪ Procurement Manager ▪ Head of Public Relation and Communication |
| Stakeholders | Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | <p>Decision of Commission of approved or conditional approval mergers; Exempted Merger and Decision of Commission in regard to Exemption of Agreement.</p> <p>Report detailing Status of Compliance or non-compliance status of approved or conditional approval mergers; or Exempted Merger.</p> <p>Adopted monitoring report framework</p> <p>Compliance Agreement or Compliance Order if applicable</p> |
| Frequency of Occurrence | Whenever need arise |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Administrative Letter detailing status of compliance of approved or conditional approval mergers; or Exempted Merger ▪ Issuance of Notice of Apparent Breach of Merger Condition(s) in widely circulated newspapers, official commission’s website and in Public Register. ▪ Merging Firm’s Response on Notice of Apparent Breach of Merger ▪ Accept or Reject Settlement Application ▪ Invite Merging Firm for Consultation of Settlement Plan ▪ INVITE the merging firm to consult with Commission on regard to apparent breach with the aim of establishing a Settlement Plan satisfactory to the Commission for which all obligations of the firm with respect to the approval or conditional approval may be settled ▪ Approve or Reject Ground for Argument ▪ Signing Compliance Agreement or Compliance Order ▪ Revoke the Decision to Approve or Conditionally Approve Merger and Publish the same in widely circulated newspapers, official commission’s website and in Public Register |
| <p>Process Input</p> | <ol style="list-style-type: none"> 1. Notice of Apparent Breach (FCC-16) 2. Application for Settlement 3. Request to Review Notice of Apparent Breach 4. Compliance Agreement 5. Public Register |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Secretary to the Commission receive detailed monitoring report with recommendation on the status of compliance of the Conditional Merger <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i> 2. If status of decision of the Commission on the Compliance of the conditional merger is noted to be compliant, Secretary to the Commission communicate the decision on the status of compliance to the Merging firms through normal administrative letter. 3. If the Commission observe that there is non-compliance of merger approval conditions OR Commission become aware that the merger was approved based on incorrect information or |

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| | <p>deceit, the Commission deliberate and decide whether to issue Notice of Apparent Breach (FCC-16) BEFORE taking any further action to revoke merger approval or conditional approval.</p> <ol style="list-style-type: none"> 4. Where the Commission decide to issue a Notice of Apparent Breach, Director of Research, Mergers and Advocacy may direct Mergers and Exemption Manager to draft a Notice of Apparent Breach for review. 5. Mergers and Exemption Manager draft a Notice of Apparent Breach and submit to the Director of Research, Mergers and Advocacy. 6. Director of Research, Mergers and Advocacy submit a Notice of Apparent Breach to Director General. 7. Director General transmit the same to Legal Services Manager for onward submission to Commission for signature. 8. Legal Services Manager assign Record Officer to dispatch the signed Notice of Apparent Breach to Merging firm and proceed to publish in public register and to the widely circulated newspapers. 9. Record Officer dispatch the signed Notice of Apparent Breach to Merging firm 10. Within ten working days after issuance of FCC-16, Merging Firm may apply for Settlement and submit to the Commission a Settlement plan to remedy breach OR request to review the Notice of Apparent Breach from Merging Firms on the ground that the merging firm has substantially complied with its obligations with respect to the approval or conditional approval of the merger. Settlement Procedures follows 11. Where the Merging Firms fails to respond to the Notice of Apparent Breach of Merger Approval Conditions within ten (10) working days after its issuance, Secretary to the Commission may, at the direction of the Commission, issue to the merging firm, a Notice of Revocation of Merger (FCC-17) and publish this Notice to the Commission’s Official website and in widely circulating newspapers. 12. If the Merging Firms respond to Notice of Apparent Breach; Merging Firm may apply for settlement and submit to the Commission a settlement plan to remedy the breach; or request the Commission to review the notice of apparent breach on the ground that the firm has substantially complied with its |
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| | <p>obligation with respect to the approval or conditional approval of merger.</p> <p>13. Applicant, within 10 working days fills and submits the Application for Settlement and submit settlement plan to FCC or request the Commission to review the notice of apparent breach.</p> <p>14. Record Officer receive submitted Application for Settlement/request for review of FCC-16.</p> <p>15. Record Officer submit the said Application for Settlement/request to Director General for preview</p> <p>16. Director General assign previewed Application for Settlement/request to Director of Research, Merger and advocacy for further processing</p> <p>17. Director of Research, Merger and advocacy "may" assign the said application/request to Mergers and Exemptions Manager for assessment OR Director of Research, Merger and advocacy, taking into account complexity of the matter may attend the matter himself/herself</p> <p>18. Director of Research, Merger and Advocacy submit the detailed report with recommendation to the Director General as whether the Commission should ACCEPT proposed settlement plan; or REJECT the proposed settlement plan</p> <p>19. Director general, may cause Legal Services Manager to call management meeting to deliberate the said detailed report. <i>submission of papers to the management process lifecycle (Deliberation by the Management process)</i></p> <p>20. Legal Services Manager submit detail report to Management and Management review submitted report and adopt or recommend for improvements</p> <p>21. If Management recommend for improvements, Director of Research, Merger and Advocacy improve the report and resubmit to Management</p> <p>22. If Management adopt the report, Secretary to the Commission transmit adopted report to the Commission for decision <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i></p> <p>23. The Commission review and consider submitted Report that have recommendation for whether to ACCEPT proposed Settlement Plan or REJECT Settlement Plan.</p> |
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| | <p>24. If the submitted Report that have recommendation for settlement is REJECTED, The Commission, through Legal Services Manager INVITE the merging firm to consult with Commission on regard to apparent breach with the aim of establishing a Settlement Plan satisfactory to the Commission for which all obligations of the firm with respect to the approval or conditional approval may be settled.</p> <p>25. If the submitted Report that have recommendation for settlement is ACCEPTED, the procedure related to settlement triggered in until when draft Compliance Agreement is concluded.</p> <p>26. The Commission, through Legal Services Manager convert a detailed report to make it a final COMPLIANCE AGREEMENT which contains terms acceptable by both parties.</p> <p>27. Secretary to the Commission produce a copy of Compliance Agreement or Compliance Order and place it in Public Register, and in the case of Compliance Order, a copy be served to the merging firm by the Record Officer</p> <p>28. If the Commission accept the proposed settlement plan, the Legal Services Manager, at the direction of Commission issue Compliance Agreement/Order and monitor its compliance</p> <p>29. Where the Commission observed that Settlement negotiation has failed or merging firm are unable to agree to meet or fails to meet as agreed with the Commission or merging firm act in a manner calculated to frustrate the efforts of the Commission to monitor compliance with a settlement plan or firm fail to employ its best efforts to substantially comply with settlement plan, the Secretary to the Commission may, at the direction of the Commission, issue to the merging firm, a Notice of Revocation of Merger (FCC-17) and publish this Notice to the Commission's Official website, Public Register and in widely circulating newspapers.</p> |
| <p>Process Output</p> | <ul style="list-style-type: none"> ▪ Notice of Apparent Breach of Merger ▪ Compliance Agreement/Order ▪ Notice of Revocation of Merger (FCC-17) Decision ▪ Application for Settlement ▪ Request to Review Notice of Apparent Breach ▪ Updated Public Register |

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| Measurable Outcome | <ul style="list-style-type: none"> ▪ Number of issued Notice of Apparent Breach ▪ Number of issued Compliance Agreement ▪ Number of issued Notice of Revocation of Merger (FCC-17) |
| Exceptions to Normal Process Flow | Not Available |
| Control Points and Measurements | Merger Revocation Register |

3.1.1.8 Settlement Procedures

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| Name of Process | Settlement |
| Process Number | FCC_CBP_RMA_08 |
| Process Description | This process entails engagement of merging firm for settlement after Commission's issuance Notice of Apparent Breach of Merger Approval Conditions |
| Process Boundaries | <p>Start Point: Receiving application for settlement from the Applicant</p> <p>End Point: Dispatching Settlement Compliance Agreements to Applicant</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Legal Services Manager ▪ Mergers and Exemptions Manager ▪ Economist(s) or Legal Officer(s) ▪ Record Officer ▪ Applicant |
| Stakeholders | Any third party, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |

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| | <ul style="list-style-type: none"> ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 |
| Pre-Conditions | Notice of Apparent Breach of Merger Approval Conditions |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ The Commission grants or reject the application for Settlement ▪ The Commission accept or reject the Settlement Plan ▪ The Commission approve or reject Settlement Report |
| Process Input | 1. Application for settlement |
| Process Flow | <ol style="list-style-type: none"> 1. Record Officer receive the Settlement Application and submit to the Director General for preview and assignment 2. Director General preview the Settlement application and assign to Director of Research, Mergers and Advocacy to prepare submission paper 3. Director of Research, Mergers and Advocacy preview the Settlement Application and assign to the Mergers and Exemptions Manager 4. Mergers and Exemptions Manager preview the settlement application and assign the Economist(s) or Legal Officer for analysis and preparation of submission paper 5. Economist(s) or Legal Officer(s) analyse the settlement application, prepare submission paper and submit to the Mergers and Exemptions Manager for review. 6. Mergers and Exemptions Manager review the submission paper and submit to Director of Research, Mergers and Advocacy for review 7. Director of Research, Mergers and Advocacy review the submission paper and submit to the Director General for approval or for submission to the commission for approval 8. If Director General recommend submission to the commission, sub-process for submission of papers to the commission (Determination by the Commission) follows 9. If the Director General Approves the settlement application skip to step 13 |

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| | <ol style="list-style-type: none">10. If the Commission reject the application for settlement, the Commission orders the Secretary to the Commission to serve the Order to strike out the application for settlement to the Applicant11. Secretary to the Commission assign Record Officer to dispatch Order to strike out the application for settlement to Applicant12. Record Officer dispatch Order to strike out the application for settlement to Applicant13. If the Commission/DG grants the application for Settlement, the Commission/DG orders the Applicant to submit Settlement Plan within a specified period of time14. Record Officer receive the Settlement Plan and submit to the Director General for preview15. Director General preview the Settlement Plan and assign to Director of Research Mergers and Advocacy for assignment and preparation of analysis report16. Director of Research Mergers and Advocacy preview the Settlement Plan and assign to the Mergers and Exemptions Manager to act on instruction provided17. Mergers and Exemptions Manager preview the settlement and assign to the Economist(s) or Legal Officer for preparation of Analysis report18. Economist(s) or Legal Officer analyse the Settlement Plan, prepare and submit Analysis Report to the Mergers and Exemptions Manager for review19. Mergers and Exemptions Manager review the Analysis Report and submit to Director of Research, Mergers and Advocacy for review20. Director of Mergers, Research and Advocacy review the Analysis Report and submit to the Director General for approval21. Director General approve the Analysis Report and submit to the Commission for determination. sub-process for <i>submission of papers to the commission (Determination by the Commission) follows</i> |
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| | <p>22. If the Commission rejects the Settlement Plan, the Commission orders the Applicant to resubmit a fresh Settlement Plan addressing specific issues as provided in the Order</p> <p>23. If the Commission accept the Settlement Plan as it is, proceed with step number 24 of this process</p> <p>24. If the Commission accept the Settlement Plan with reservations, the Commission direct the Director General to constitute a technical team for scrutinization of Settlement Plan and submit the report within 30 days</p> <p>25. Director General assign Director of Research, Mergers and Advocacy to prepare Terms of Reference and instrument of appointment for the technical team to scrutinize Settlement Plan</p> <p>26. Director of Research, Mergers and Advocacy assign Mergers and Exemptions Manager to prepare Terms of Reference and instrument of appointment for the technical team to scrutinize Settlement Plan</p> <p>27. Mergers and Exemptions Manager assign Economist(s) or Legal Officer(s) to prepare Terms of Reference and instrument of appointment for the technical team to scrutinize Settlement Plan</p> <p>28. Economist(s) or Legal Officer(s) prepare draft Terms of Reference, instrument of appointment, proposed names of technical team members and Submit to the Mergers and Exemption Manager for review and consideration</p> <p>29. Mergers and Exemption Manager review Terms of Reference, instrument of appointment, proposed names of technical team members and submit to the Director of Research, Mergers and Advocacy for review and consideration</p> <p>30. Director of Research, Mergers and Advocacy Review Terms of Reference, instrument of appointment, proposed names of technical team members and submit to the Director General for approval and Appointment</p> <p>31. The Director General review and approve Terms of Reference, Instrument of Appointment and Appoint the technical team.</p> <p>32. The Technical Team prepare and submit Negotiation Plan to the Director General for approval</p> <p>33. The Director General review and approve the negotiation plan</p> |
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| | <p>34. If approved, the Technical Team engage in settlement process with the applicant and prepare settlement report evidencing applicant's agreement to terms of settlement or reason(s) for settlement failure</p> <p>35. The Technical Team submit prepared Settlement Report to Director General for approval</p> <p>36. Director General approve the prepared Settlement Report and assign Secretary to the Commission to submit to the Commission for determination</p> <p>37. Secretary to the Commission submit Settlement Report using <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i></p> <p>38. The Commission review the Settlement Report and provide decision</p> <p>39. For rejected Settlement Report, Enforcement process complete life cycle</p> <p>40. For approved Settlement Report, the Commission direct the Director General to prepare Settlement Compliance Agreement</p> <p>41. Director General assign the Director of Research Mergers and Advocacy to prepare draft Settlement Compliance Agreement</p> <p>42. Director of Research Mergers and Advocacy preview and assign to the Mergers and Exemptions Manager to prepare a draft Settlement Compliance Agreement</p> <p>43. Mergers and Exemptions Manager preview and assign to the Economist(s) or Legal Officer(s) to prepare a draft Settlement Compliance Agreement</p> <p>44. Economist(s) or Legal Officer(s) prepare a draft Settlement Compliance Agreement and submit to the Mergers and Exemptions Manager for review</p> <p>45. Mergers and Exemptions Manager review draft Settlement Compliance Agreement and submit to Director of Research, Mergers and Advocacy for review</p> <p>46. Director of Research, Mergers and Advocacy review the draft Settlement Compliance Agreement and submit to the Director General for approval</p> |
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| | <p>47. Director General approve and assign Secretary to the Commission submit to the Commission for approval</p> <p>48. Secretary to the Commission submit approved Investigation Report using submission of papers to the commission process lifecycle (Determination by the Commission)</p> <p>49. The Commission approve and sign Settlement Compliance Agreement and direct Secretary to the Commission to seek Applicant signatures</p> <p>50. Secretary to the Commission seek Applicant signature and assign Record Officer to dispatch Settlement Compliance Agreement to Merging firms/Parties to the agreement.</p> <p>51. Record Officer dispatch Settlement Compliance Agreements to Applicant</p> |
| Process Output | <p>Settlement Compliance Agreement</p> <p>Settlement Plan</p> <p>Analysis Report</p> <p>Negotiation Plan</p> <p>Settlement Report</p> |
| Measurable Outcome | Number of issued Settlement Compliance Agreement |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Settlement plan ▪ Negotiation Plan |

3.1.1.9 Amendments to Final Decision of Commission

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| Name of Process | Request for Amendment of Merger Clearance Certificate and its Reasons for Commission Decision |
| Process Number | FCC_CBP_RMA_09 |

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| Process Description | This process entails application made by merging firm to request Commission in regard to the recent decision made in regard to merger application, amend its final decision for purposes of correcting a clerical or typographical error or error of calculation; rectifying an accidental slip or omission; or clarifying an ambiguity. |
| Process Boundaries | Start Point: Applicant submit request of amendment of final decision of commission End Point: Commission correct a clerical or typographical error or error of calculation; rectifying an accidental slip or omission; or clarifying an ambiguity. |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General (DG) ▪ Director of Research, Merger and Advocacy (DRMA) ▪ Merger and Exemptions Manager ▪ Applicant ▪ Law Firm ▪ Record Officer |
| Stakeholders | Law Firms, FCC, Applicant |
| Business Rules | <ul style="list-style-type: none"> ▪ Rule 26 of the Competition Rules, 2018 |
| Pre-Conditions | Merger Clearance Certificate (Form FCC.18) Reasons for Commission Decision |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Signed Addendum or Order of Commission |
| Process Input | Letter from Merging firm Merger Clearance Certificate (Form FCC.18) Reasons for Commission Decision |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant submit a letter requesting a Commission to correct a clerical or typographical error or error of calculation; rectifying an accidental slip or omission; or clarifying an ambiguity from its recent decision and merger clearance certificate issued. |

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| | <ol style="list-style-type: none"> 2. Record Officer receive a letter from the Applicant/law firm/merging firm. 3. Record Officer assign reference number to submitted letter and issue reference to applicant. 4. Record Officer submit a letter to Director General for preview 5. Director General assign a letter to Director of Research, Merger and advocacy for further processing 6. Director of Research, Mergers and Advocacy review and assign a letter to Merger and Exemptions Manager 7. Merger and Exemptions Manager review and assign to Economist(s) or Legal officer(s) for draft of reply letter or to advise on modality of correction 8. Where assigned Economist(s) or Legal Officer(s) is of the opinion that there is indeed a clerical or typographical error or error of calculation; or a need of rectifying an accidental slip or omission; or a phrase that need to be clarifying an ambiguity, advise the matter to the Mergers and Exemption Manager 9. Economist(s) or Legal Officer(s) prepare modality for rectification of error noted either through addendum or draft Commission Order. 10. Merger and Exemptions Manager review and submit to draft to Director of Research, Mergers and Advocacy for further processes 11. Director of Research, Mergers and Advocacy review and submit to Director General for review and approval for onward submission to Commission 12. On event where Director General agree with Director of Research, Mergers and Advocacy submission, assign the matter to Secretary of Commission for submission to Commission <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i> 13. Commission will deliberate and on the event they agree, signed addendum or Commission Order. 14. Secretary of Commission transmit the signed document to Director of Research, Mergers and Advocacy |
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| | <p>15. Director of Research, Mergers and Advocacy assign records officer to dispatch the letter together with signed addendum or Commission Order to merging firm/applicant/law firm.</p> <p>16. Records Officer receive and dispatch the same to Applicant</p> <p>17. Legal Services Manager is updating Public Register on the refer changes to public register where necessary.</p> |
| Process Output | <p>Administrative letter to merging firm</p> <p>Signed Addendum by Commission or signed Commission Order</p> <p>Update of Public Register and Official Website of Commission.</p> |
| Measurable Outcome | Number of letter requesting amendment of final decision of Commission. |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Administrative Letter to Merging firm. |

3.1.1.10 Application for Abandonment of Merger

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| Name of Process | Application for Abandonment of Merger |
| Process Number | FCC_CBP_RMA_10 |
| Process Description | This process entails application made by merging firm under Form FCC.9 that it has abandoned the approved merger transaction or ongoing merger and has no intention to implement it |
| Process Boundaries | <p>Start Point: Applicant submit Notice of Abandonment under Form FCC.9</p> <p>End Point: Director General signed letter confirming abandonment.</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General (DG) ▪ Director of Research, Merger and Advocacy (DRMA) ▪ Merger and Exemptions Manager |

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| | <ul style="list-style-type: none"> ▪ Applicant ▪ Law Firm ▪ Record Officer |
| Stakeholders | Law Firms, FCC, Applicant |
| Business Rules | <ul style="list-style-type: none"> ▪ Rule 45 of the Competition Rules, 2018 |
| Pre-Conditions | Notice of Complete Filing (Form FCC.11) or Merger Clearance Certificate (Form FCC.18) |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Signed letter confirming abandonment. |
| Process Input | Assessment/declaration |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant submit a Notice of Abandonment of Merger Application which is currently under examination or which has already approved by the Commission 2. Record Officer receive a Notice of Abandonment of Merger Application 3. Record Officer assign reference number to submitted request for opinion and issue reference to applicant. 4. Record Officer submit a Notice of Abandonment of Merger Application to Director General for preview 5. Director General assign a Notice of Abandonment of Merger Application to Director of Research, Merger and advocacy for further processing 6. Director of Research, Mergers and Advocacy review and assign a Notice of Abandonment of Merger Application to Merger and Exemptions Manager 7. Merger and Exemptions Manager review and assign to Economist(s) or Legal officer(s) for draft of reply letter 8. Economist(s) or Legal Officer(s) review and draft reply letter informing merging parties that the parties to the merger shall remain in the same position as if the merger had never been notified; and the filing fee paid in respect of that merger shall be forfeited to the Commission. |

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| | <p>9. Economist(s) or Legal Officer(s) prepare submit draft reply letter to Merger and Exemptions Manager</p> <p>10. Merger and Exemptions Manager review and submit to Director of Research, Mergers and Advocacy for further processes</p> <p>11. Director of Research, Mergers and Advocacy review and submit to Director General for review and signature</p> <p>12. Director of Research, Mergers and Advocacy assign records officer to dispatch the letter.</p> <p>13. Records Officer receive and dispatch opinion to Applicant</p> <p>14. Economist or legal officer(s) in charge of merger database update the database on the notice of abandonment.</p> <p>15. Legal Services Manager is updating Public Register on the refer notice of abandonment for those merger which already approved.</p> |
| Process Output | <p>Administrative letter to merging firm</p> <p>Update of Public Register and Official Website of Commission.</p> |
| Measurable Outcome | Number of Notice of abandonment submitted. |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Administrative Letter to Merging firm. |

3.1.1.11 Payment of Exemption of Agreement Fee

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| Name of Process | Payment of Exemption of Agreement Fee |
| Process Number | FCC_CBP_RMA_11 |
| Process Description | This process entails Parties to the Agreement requesting control number for payment of fee for application of agreement. |
| Process Boundaries | Start Point: Parties to the Agreement pay fee for application of agreement |

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| | End Point: Proof of Payment |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director of Research, Merger and Advocacy ▪ Applicant ▪ Law Firm ▪ Accountant |
| Stakeholders | Law Firms, FCC, |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Agreement between two parties that warranting Exemption for Agreement |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Issuance of Control Number to the Parties in Agreement |
| Process Input | Request of control number from Parties to the Agreement, GePG |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant request a control number to the FCC 2. Officer issue control number and send it to applicant 3. Applicant make payment and submit proof of payment and proceed with process number FCC_CBP_RMA_12 |
| Process Output | Payment receipt (Government Exchequer Receipt) |
| Measurable Outcome | Government Exchequer Receipt |
| Exceptions to Normal Process Flow | Not Applicable |
| Control Points and Measurements | Control number |

3.1.1.12 Preliminary Review of Application for Exemption of Agreement

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| Name of Process | Preliminary Review of Application for Exemption of Agreement |
| Process Number | FCC_CBP_RMA_12 |
| Process Description | This process entails issuance of either notice of material incompleteness or provision of information on specific exemption sought and/or notice of complete filling upon FCC satisfied that all information submitted under application for exemption of agreement are materially complete. |
| Process Boundaries | <p>Start Point: Parties submitting an application for exemption of agreement through dully filled Application for Exemption of Agreement Form (FCC-3)</p> <p>End Point: Director of Research, Merger and Advocacy sign and issue Notice of Complete Filing to Parties</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Merger and Advocacy ▪ Merger and Exemptions Manager ▪ Economist(s) or Legal Officer(s) assigned for a case ▪ Parties under the Agreement |
| Stakeholders | Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Exchequer Receipt of Payment/ Proof of Payment of Fee for Application of Exemption for Agreement. |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Notice of Complete (FCC-4C) or Incomplete Notice (FCC-4A) for Application of Exemption of Agreement ▪ Admistrative letter on the Notice of Abandonment of the Application for Exemption of Agreement. ▪ Notice of Provision of Information on Specific Exemption Sought (FCC-4B) ▪ |

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| <p>Process Input</p> | <p>Application for Exemption of Agreement Form (FCC-3) and its related documents</p> <p>Confidentiality Claim Form (FCC-2)</p> |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Parties Intending to make or giving effect on agreement notify the Commission through Application for Exemption of Agreement (FCC-3) Form and its related/supportive document 2. Record Officer receive submitted Application for Exemption of Agreement Form and its related/supportive documents 3. Record Officer assign reference number to submitted Application for Exemption of Agreement Form and related documents and issue a copy to Applicant 4. Record Officer submit Application for Exemption of Agreement Form and related documents to Director General for preview 5. Director General assign previewed submitted Application for Exemption of Agreement Form and related documents to Director of Research, Merger and advocacy for further processing 6. Director of Research, Merger and Advocacy assign the submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Division of Corporate Affairs for payment verification and issuance of payment receipt (Government Exchequer Receipt) 7. Director of Research, Merger and Advocacy assign the submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Finance Manager for processing and validating payment 8. Manager of Finance assign the submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Accountant/Financial Analyst for payment verification and issuance of payment receipt (Government Exchequer Receipt) 9. Assigned Accountant/Financial Analyst upon verification, returned Application for Exemption of Agreement (FCC-3) Form and related documents to Finance Manager with recommendation on verification and issuance of payment receipt (Government Exchequer Receipt) if payment is seen in the system. 10. Manager of Finance upon satisfy with recommendation made therein by Accountant/Financial Analyst, returned the file to |

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| | <p>Director of Corporate Service endorsing recommendation of Accountant/Financial Analyst.</p> <ol style="list-style-type: none"> 11. Director of Corporate Services return submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Director of Research, Merger and advocacy with assessed payment details and receipt if paid correctly. 12. Director of Research, Merger and Advocacy assign submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Merger and Exemptions Manager to review completeness of filed documents 13. Merger and Exemptions Manager assign application for submitted Application for Exemption of Agreement (FCC-3) Form and related documents to Economist(s) or Legal Officer(s) 14. Economist(s) or Legal Officer(s) screen to review completeness of the submitted Application for Exemption of Agreement (FCC-3) Form and related documents 15. If the submitted Application for Exemption of Agreement Form and related documents is not complete or the application does not provide specific exemption sought, Economist(s) or Legal Officer(s) recommend to Merger and Exemptions Manager for issuance of Notice of Material Incompleteness (FCC-4A) Form or Provision of Information on Specific Exemption Sought (FCC-4B) Form respectively 16. Merger and Exemptions Manager recommend to Director of Research, Merger and Advocacy for issuance of Notice of Material Incompleteness or Provision of Information on Specific Exemption Sought 17. Director of Research, Merger and Advocacy recommend to Director General for issuance of Notice of Material Incompleteness or Provision of Information on Specific Exemption Sought 18. Director General take note and send back to Director of Research, Merger and Advocacy for signature and issuance to parties or send back for corrections 19. Director of Research, Merger and Advocacy effect corrections if any, sign and issue Notice of Material Incompleteness or Provision of Information on Specific Exemption Sought to Parties within 14 days from the first date of receipt of Application for Exemption of Agreement. |
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| | <p>20. If parties fail to respond to Notice of Material Incompleteness Form or Provision of Information on Specific Exemption Sought or both within 30 working days after date of issuance, the application to exemption for agreement is abandoned.</p> <p>21. The Director of Research, Merger and Advocacy issue a letter and assign Record Officer to dispatch to the Parties explaining the abandonment of the application for exemption sought</p> <p>22. Record Officer dispatch the letter to the Parties</p> <p>23. If parties respond to Notice of Material Incompleteness Form or Provision of Information on Specific Exemption Sought or both within 30 working days after date of issuance but does not meet requirement set out, Director of Research, Mergers and Advocacy require the Parties to provide required information where necessary under FCC-4B</p> <p>24. If Parties fail to submit required information within 30 days from the date of issuance of Notice, Director of Research, Merger and Advocacy consider the agreement abandoned and proceed to issue a letter to the Parties explaining the abandonment of the application for exemption sought</p> <p>25. If Parties submit the required information, proceed with step number 25 to 29 herein below</p> <p>26. If the submitted Application for Exemption of Agreement Form and related documents is complete, Economist(s) or Legal Officer(s) recommend to Merger and Exemptions Manager for issuance of Notice of Complete Filing (FCC-4C)</p> <p>27. Merger and Exemptions Manager recommend to Director of Research, Merger and Advocacy for issuance of Notice of Complete Filing</p> <p>28. Director of Research, Merger and Advocacy recommend to Director General for issuance of Notice of Complete Filing</p> <p>29. Director General take note and send back to DRMA for signature and issuance to parties or send back for corrections</p> <p>30. Director of Research, Merger and Advocacy effect corrections if any, sign and issue Notice of Complete Filing to Parties within 14 days from the first date of receipt of Application for Exemption of Agreement</p> |
| <p>Process Output</p> | <ul style="list-style-type: none"> ▪ Issued Notice of Complete Filing for Exemption of Agreement (FCC-4C) |

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| | <ul style="list-style-type: none"> ▪ Notice of Material Incompleteness (FCC-4A) Form ▪ Provision of Information on Specific Exemption Sought (FCC-4B) ▪ Letter of Abandonment of Application of Exemption Though. |
| Measurable Outcome | Number of Issued Notice of Complete Filing for Exemption of Agreement |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Application for Exemption of Agreement Form |

3.1.1.13 Investigation of Application for Exemption of Agreement

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| Name of Process | Investigation of Application for Exemption of Agreement |
| Process Number | FCC_CBP_RMA_13 |
| Process Description | This process entails investigation of application for exemption of agreement, which commence immediately after issuance of notice of complete filling for application for exemption of agreement and terminates when report of application for exemption agreement is submitted to management for deliberations |
| Process Boundaries | <p>Start Point: Director of Research, Merger and Advocacy assign Application for Exemption of Agreement to Merger and Exemptions Manager to initiate investigation</p> <p>End Point: Economist(s) or Legal Officer(s) archive and maintain a repository of Application for Exemption of Agreement submitted to Management for deliberation</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Merger and Advocacy ▪ Procurement Manager ▪ Information and Communications Technology Manager |

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| | <ul style="list-style-type: none"> ▪ Merger and Exemptions Manager ▪ Economist(s) or Legal Officer(s) ▪ Record Officer |
| Stakeholders | Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Issued Notice of Complete Filing for Application for Exemption of Agreement |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Management Adopt a report or recommend for improvement ▪ Issuance of Notice of Additional Information ▪ Need for stakeholders' engagement |
| Process Input | a completed submission of Application for Exemption of Agreement made under FCC-3 and all of its related/supportive document |
| Process Flow | <ol style="list-style-type: none"> 1. Director of Research, Merger and Advocacy assign Application for Exemption of Agreement to Mergers and Exemptions Manager to initiate investigation 2. Merger and Exemptions Manager crosscheck and assign Application for Exemption of Agreement to Economist(s) or Legal Officer(s) for investigation 3. Economist(s) or Legal Officer(s) screen an Application for Exemption of Agreement and establish data and information gap as well as potential stakeholder for engagement 4. Economist(s) or Legal Officer(s) prepare Public Notice and submit to Merger and Exemptions Manager 5. Merger and Exemptions Manager review and submit prepared Public Notice to Director of Research, Merger and Advocacy 6. Director of Research, Merger and advocacy request authorization for publication from the Director General 7. Director General authorize or recommend for improvement the request for publication of the prepared Public Notice |

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| | <ol style="list-style-type: none"> 8. For recommended improvements, Director of Research, Merger and Advocacy perform corrective actions as per recommendations 9. For authorized Public Notice, Director of Research, Merger and Advocacy directs Merger and Exemptions Manager to submit approved Public Notice to Procurement Manager as well as Information and Communications Technology Manager and Head of Communication and Public Relation Unit for publication 10. Merger and Exemptions Manager directs Economist(s) or Legal Officer(s) to fill Procurement Requisition Form for approval to proceed with publication of approved Public Notice 11. Economist(s) or Legal Officer(s) fill and submit Procurement Requisition Form to Merger and Exemptions Manager 12. Merger and Exemptions Manager submit approved Public Notice and filled Procurement Requisition Form to Procurement Manager, as well as submit approved Public Notice to Information and Communications Technology Manager for publication which will subsist for a period of 30 days from the date of its publication at the Commission's official website and in widely circulated newspaper 13. Where there is comment or objection from public, record officer receives public comments and objection submitted by Third Party in duly filled Notice of Intention to Participate (FCC-10), when applicable and submit to DG for preview 14. Economist(s) or Legal Officer(s) analyse the objection under FCC-10 and prepare economic and legal opinion as to whether the said objection/complaint/opinion should be entertained or not. 15. In case of a need to entertain an objection received from the public through FCC-10, Economist(s) or Legal Officer(s) shall recommend on whether public oral hearing is warranted or objection will be entertained by a way of written submission by each party. 16. Economist(s) or Legal Officer(s) prepare and submit economic and legal opinion of the assigned FCC-10 to Mergers and Exemptions Manager for review 17. Mergers and Exemptions Manager review the submitted legal and economic opinion and submit the reviewed opinion to Director of Research, Mergers and Advocacy. |
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| | <p>18. Director of Research, Mergers and Advocacy review the submitted economic and legal opinion and submit to Director General for decision.</p> <p>19. Director General attend and decide whether the complaint should be entertained in accordance with prepared legal and economic opinion.</p> <p>20. If the Director General decides not to entertain complaint, steps 37-40 shall be followed with reply "Management Decision Not to Entertain Objection". FCC-10 process is terminated thereafter.</p> <p>21. If the Director General decides to entertain reasons submitted under FCC-10, It shall direct the Director of Research, Mergers and Advocacy to notify the Third Party who submitted the said FCC-10 and Merging Firm to respond to the argument under FCC-10.</p> <p>22. Director of Research, Mergers and Advocacy inform the Mergers and Exemptions Manager to draft a reply of the said FCC-10 to Third Party and Notify Merging Firm on the reasons submitted under FCC-10</p> <p>23. Mergers and Exemptions Manager notify Economist(s) or Legal Officer(s) to draft a notification to Third Party and Merging Firm</p> <p>24. Economist(s) or Legal Officer(s) draft a notification and submit to Mergers and Exemption Manager for Review</p> <p>25. Mergers and Exemption Manager Review the notifications and send to the Director of Research, Mergers and Advocacy / Director General for review and Approval</p> <p>26. Director of Research, Mergers and Advocacy / Director General review sign and send to Records / registry Officer for Dispatch</p> <p>27. Registry/ Records Officer dispatch signed acknowledgement letter to Third Party and signed transmittal letter with attached FCC-10 and its annexures to Merging Firm.</p> <p>28. Merging Firm submit reply to the FCC-10</p> <p>29. Record Officer Submit to Director General for preview</p> <p>30. Director General assign to the Director of Research, Mergers and Advocacy for processing</p> <p>31. Director of Research, Mergers and Advocacy assign</p> |
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| | <p>Mergers and Exemptions Manager for processing</p> <p>32. Mergers and Exemptions Manager assign Economist(s) or Legal Officer for processing</p> <p>33. During investigation period, in case where Economist(s) or Legal Officer(s) is of the opinion that there is a Need for clarity or Additional Information, Economist(s) or Legal Officer(s) prepare Request for Additional Information (FCC-13) and submit to Mergers and Exemptions Manager</p> <p>34. Merger and Exemptions Manager review prepared Request for Additional Information and submit to Director of Research, Merger and Advocacy</p> <p>35. Director of Research, Merger and Advocacy sign and issue Request for Additional Merger Information to merging firms</p> <p>36. During investigation period, in case where Economist(s) or Legal Officer(s) is of the opinion that there is a need for certain stakeholders' engagement, Economist(s) or Legal Officer(s) collect required information from relevant stakeholders.</p> <p>37. Economist(s) or Legal Officer(s) prepare Exemption to Agreement Report and submit to Merger and Exemptions Manager</p> <p>38. Merger and Exemptions Manager review prepared Exemption to Agreement Report and submit to Director of Research, Merger and Advocacy</p> <p>39. Director of Research, Merger and Advocacy review prepared Exemption to Agreement Report and submit to Director General for review</p> <p>40. Director General review prepared Exemption to Agreement Report, approve and send back to DRMA for submission to Secretary Commission to form part of agenda in management meeting <i>submission of papers to the management process lifecycle</i></p> <p>41. Economist(s) or Legal Officer(s) archive and maintain a repository of Exemption to Agreement Report submitted to Management for deliberation</p> <p>42. If period under 90 Days Prohibition Notice issued is expired (exactly the 90th day from the first date of its issuance) and merger analysis report has not been deliberated and decided at the Commission level, Economist(s) or Legal Officer(s) prepare 30</p> |
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| | <p>Days Extension Certificate (FCC-14B) and submit to Merger and Exemptions Manager</p> <p>43. Merger and Exemptions Manager review prepared 30 Days Extension Certificate and submit to Director of Research, Merger and Advocacy</p> <p>44. Director of Research, Merger and Advocacy submit to Director General for preview and endorsement</p> <p>45. Director General review, provide go ahead or send it back for corrections</p> <p>46. If Director General provide go ahead, Director of Research, Merger and Advocacy sign and issue 30 Days Extension Certificate to parties under agreement.</p> <p>47. Economist(s) or Legal Officer(s) archive and maintain a repository of Application for Exemption Agreement submitted to Management for deliberation</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Report of Application for Exemption of Agreement ▪ Public Notice ▪ Procurement Requisition Form ▪ 90 Days Prohibition Notice ▪ 30 Days Extension Notice |
| Measurable Outcome | Number of Report of Application for Exemption of Agreement |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Issuance of Public Notice ▪ Repository of Application for Exemption of Agreement |

3.1.1.14 Clearance of Application for Exemption of Agreement

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| Name of Process | Clearance of Application for Exemption of Agreement |
| Process Number | FCC_CBP_RMA_14 |

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| Process Description | This process entails clearance of application for exemption of agreement whereby the commission review submitted application for exemption of agreement report and issue either exemption certificate or Notice of Refusal to grant exemption and reasons for decision to parties |
| Process Boundaries | <p>Start Point: Secretary to the Commission receive Report of Application for Exemption of Agreement submitted by Director of Research, Merger and Advocacy for management inputs</p> <p>End Point: Secretary to the Commission document details of the Application for Exemption of Agreement in Exemption of Agreement Register</p> |
| Process Owner | Secretary to the Commission |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Management ▪ Director of Research, Merger and Advocacy ▪ Secretary to the Commission ▪ Parties |
| Stakeholders | Ministry of Industry and Trade, Regulatory Authorities, Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms, Print Media, and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Submission Report of Application for Exemption of Agreement |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Adopt Report of Application for Exemption of Agreement or recommend for Improvement ▪ Grant or prohibit the Application for Exemption of Agreement |
| Process Input | Report of Application for Exemption of Agreement |
| Process Flow | <ol style="list-style-type: none"> 1. Secretary to the Commission receive Report of Application for Exemption of Agreement submitted by Director of Research, Merger and Advocacy for management inputs 2. Management review submitted Report of Application for Exemption of Agreement and adopt or recommend for improvement 3. If Management recommend for Improvement, Secretary to the Commission transmit the reviewed Report of Application for |

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| | <p>Exemption of Agreement to Director of Research, Merger and Advocacy for improvement</p> <ol style="list-style-type: none"> 4. If Management adopt the report, Secretary to the Commission transmit adopted Report of Application for Exemption of Agreement to the Commission (i.e., FCC Board) for decision submission of papers to the commission process lifecycle (Determination by the Commission) 5. The Commission review and consider transmitted Report of Application for Exemption of Agreement 6. If transmitted Report of Application for Exemption Agreement is adopted, proceed with step number 12-16 herein below 7. If transmitted Report of Application for Exemption of Agreement is not adopted, the Commission return transmitted Report of Application for Exemption of Agreement with directives to Management 8. Secretary to the Commission transmit Report of Application for Exemption of Agreement with Commission's directives to Director of Research, Merger and Advocacy 9. Director of Research, Merger and Advocacy improve the Report of Application for Exemption of Agreement as per directives given by the Commission and forward to Secretary to the Commission 10. Secretary to the Commission retransmit improved Report of Application for Exemption of Agreement to the Commission 11. The Commission review, consider and deliberate transmitted Report of Application for Exemption of Agreement. On event where there will be FCC-10 and based on economic and legal analysis made therein show that such FCC-10 shall be entertained, the Commission, during deliberation, will decide whether it shall hold oral hearing session to hear argument of Third-Party Intention to Participate in Exemption for Agreement determination Process (submitted earlier under FCC-10) at the same meeting together with Parties. This will occur only if there is submission of FCC-10 and Director General has decided earlier to entertain the Third-Party Submission or the Third Party has Appeal Decision of Director General to the Chairman of Commission. 12. Where the Commission decide to hear the Parties and Third Parties separately, jump to step 19 13. Where the Commission decide to conduct Oral Hearing Session, it shall, at the recommendation of Director General, identify significant |
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| | <p>stakeholder(s) relevant to the case; and formulate key issues for discussion in relation to the Application for Exemption of Agreement based on the submission made earlier under FCC-10.</p> <p>14. Director of Research, Mergers and Advocacy in consultation with Legal Services Manager, identified key stakeholders relevant to participate in oral hearing session. Director of Research, Mergers and Advocacy also formulate key issues and present the same to Director General for review.</p> <p>15. Director General review the revised Report of Application for Exemption of Agreement, formulated key issues for case and proposal for key stakeholders to be invited in oral hearing session.</p> <p>16. Legal Services Manager at the direction of Director General will thereafter, cause oral hearing to be conducted and invite relevant expert(s) for transcription services (transcriber).</p> <p>17. If the Third Party and significant stakeholder(s) invited appear for oral representation, the Commission will conduct oral hearing and Secretary to the Commission prepare transcript of the oral hearing proceedings at the meeting and submit to Director of Research, Merger and Advocacy to incorporate the finding to Report of Application for Exemption of Agreement.</p> <p>18. If the Third Party and Significant Stakeholder failed to appear to the oral hearing session, the Commission will have discretion to adjourn, reschedule or halt the entire oral hearing session and/or decide another mode of hearing such as hearing session by a way of written submission (see paragraph 13 herein below).</p> <p>19. Where the Commission decide to hear merging parties and third parties separately, it shall order for parties to make written submission with both parties given opportunities to reply of each argument presented under written submission made by parties.</p> <p>20. Director of Research, Merger and Advocacy utilize findings gathered from oral and written submissions made and improve the revised Merger Analysis Report as per directives given by the Commission. After improvement to the report be made, and at the direction of Director General, Director of Research, Mergers and Advocacy shall forward the improved version of the report to Legal Services Manager</p> <p>21. Secretary to the Commission, will thereafter, at the Direction of Director General transmit revised Report of Application for Exemption of Agreement to Commission for decision.</p> |
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| | <p>22. The Commission shall thereafter, make decision whether there is proposed agreement constitute constitute a prohibited practice and hence warranted exemption.</p> <p>23. Where the Commission, after deliberation of Report of Application for Exemption of Agreement be of the opinion that exemption for agreement thought does not constitute a prohibited practice as contemplated by section 12 of the Act, the Commission shall issue a notice of refusal to grant an exemption on Form FCC. 5.</p> <p>24. Where the Commission, after deliberation of Report of Application for Exemption of Agreement be of the opinion that exemption for agreement thought constitute, a prohibited practice as contemplated by section 12 of the Act, the Commission issue a notice to grant an exemption on Form FCC. 19.</p> <p>25. To each decision made under 23-24, the Legal Services Manager shall issue Exemption Certificate (FCC-19) or Notice of Refusal to grant exemption (FCC-5) and reasons for decision to Parties under Agreement; or</p> <p>26. Secretary to the Commission upon issuances of 25 make available to merging firms and third party (if applicable) copy of Commission Reasons for Decision; and</p> <p>27. Publish a notice of its decision the Public Register (Gazette) and to official Website of the Commission.</p> <p>28. Head of Public Relation Unit will produce Press Release informing the Public on the Decision of Commission.</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Exemption Certificate (FCC-19) ▪ Notice of Refusal to Grant Exemption (FCC-5) ▪ Reasons for decision ▪ Monitoring report framework |
| Measurable Outcome | Number of issued Exemption Certificate or Notice of Refusal to Grant Exemption |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Exemption of Agreement Register ▪ Reasons for Decision |

3.1.1.15 Revocation of Exemption of Agreement Certificate

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| Name of Process | Revocation of Exemption Certificate |
| Process Number | FCC_CBP_RMA_15 |
| Process Description | This process entails consideration of board paper and confirm in writing to the applicant continuation of the exemption as previous granted or revoke exemption certificate by issuing notice of revocation of exemption |
| Process Boundaries | <p>Start Point: Director of Research, Merger and Advocacy prepare and submit a draft Board Paper to the Management on the reasons as to why Certificate of Exemption should be revoked</p> <p>End Point: Secretary to the Commission document details of Notice of Revocation of Exemption in Revocation of Exemption Register</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Management ▪ Director of Research, Merger and Advocacy ▪ Secretary to the Commission ▪ Economist(s) or Legal Officer(s) ▪ Management ▪ Head of Public Relation and Communication ▪ Procurement Manager ▪ Information and Communication Technology Manager |
| Stakeholders | Ministry of Industry and Trade, Regulatory Authorities, Consumer Associations, Competitors to Merging Firms, Suppliers to Merging Firms, Print Media, and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Exemption Certificate (FCC-19) issued earlier ▪ Monitoring framework |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Adopt or recommend for improvement of Board Paper ▪ Need for further information ▪ Revoked or confirmed Exemption Certificate |
| Process Input | <ul style="list-style-type: none"> ▪ Approved Application of Exemption Report ▪ Reasons for revocation of exemption certificate ▪ Monitoring Report |

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| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Director of Research, Merger and Advocacy prepare and submit a draft Board Paper to the Legal Service Manager for his onward submission to Management for the deliberation of the reasons as to why Certificate of Exemption should be revoked <i>submission of papers to the Management process lifecycle (Deliberation by Management)</i> 2. Management receives draft Board Paper for revocation of Exemption Certificate submitted by Director of Research, Merger and Advocacy for management inputs 3. Management review submitted Board Paper and adopt or recommend for improvement 4. If Management recommend for improvement of Board Paper, Director of Research, Merger and Advocacy consider management comments and resubmit Board Paper to Secretary to the Commission 5. Secretary to the Commission receive submitted Board Paper, and proceed with step number 6 herein below 6. If Management adopt Board Paper, Secretary to the Commission transmit adopted Board Paper to the Commission for decision <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i> 7. The Commission review and consider transmitted Board Paper 8. If the Commission is contemplating revoking an exemption granted, the Commission advise the Person Concerned in writing before taking further steps 9. Secretary to the Commission publish notice in widely circulated newspaper and in Commission's Official website 10. Secretary to the Commission receive Written Submissions (FCC from the public and other interested Parties, when applicable 11. If there is a need for further information, Secretary to the Commission request required details from the Parties to the exempted agreement or any other third Parties using FCC-13 form 12. If there is no need for further information, Secretary to the Commission incorporate details of the Written submission and retransmit the Board Paper to the Commission |
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| | <p>13. The Commission consider transmitted Board Paper and confirm or revoke the Exemption Certificate</p> <p>14. For confirmed Exemption Certificate, the Commission confirm in writing to the applicant continuation of the exemption as previous granted</p> <p>15. For revoked Exemption Certificate, the Commission issue Notice of Revocation of Exemption (FCC-6) Form to Parties</p> <p>16. Secretary to the Commission document details of Notice of Revocation of Exemption in Revocation of Exemption Register</p> |
| Process Output | <p>Notice of Revocation of Exemption</p> <p>Board Paper</p> <p>Written Submissions from Parties</p> |
| Measurable Outcome | Number of Issued Notice of Revocation of Exemption |
| Exceptions to Normal Process Flow | Not Applicable |
| Control Points and Measurements | Revocation of Exemption Register |

3.1.1.16 Request for opinion

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| Name of Process | Request for opinion/review of agreement |
| Process Number | FCC_CBP_RMA_16 |
| Process Description | This process entails application for opinion whether the intended merger is notifiable under FCA (Fair Competition Act) |
| Process Boundaries | <p>Start Point: Applicant submit request for control number</p> <p>End Point: Opinion</p> |
| Process Owner | Director of Research, Merger and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General (DG) ▪ Director of Research, Merger and Advocacy (DRMA) |

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| | <ul style="list-style-type: none"> ▪ Director of Corporate Service (DCS) ▪ Merger and Exemptions Manager ▪ Applicant ▪ Law Firm ▪ Accountant ▪ Record Officer |
| Stakeholders | Law Firms, FCC, Applicant |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Registered companies |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Control Number |
| Process Input | Assessment/declaration |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant submit a request for control number 2. Officer issue control number and send to applicant 3. Applicant make payment, submit proof of payment and request for opinion to FCC 4. Record Officer receive submitted application for request of opinion and related documents 5. Record Officer assign reference number to submitted request for opinion and issue a copy to Applicant 6. Record Officer submit the request of opinion to Director General for preview 7. Director General assign previewed request for opinion to Director of Research, Merger and advocacy for further processing 8. Director of Research, Merger and advocacy assign the request for opinion to Division of Corporate Service for payment assessment, verification and issuance of payment receipt |

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| | <ol style="list-style-type: none"> 9. After verification, DCS send request to DRMA for processing 10. DRMA review and assign to Merger and Exemptions Manager 11. Merger and Exemptions Manager review and assign to Merger analyst 12. Economist(s) or Legal Officer(s) review and request for additional information from applicant where applicable 13. Economist(s) or Legal Officer(s) prepare draft opinion and submit to Merger and Exemptions Manager 14. Merger and Exemptions Manager review and submit to DRMA for further processes 15. DRMA review and submit to DG for review and approval 16. DG review, approve and send to DRMA for further processes 17. DRMA assign records officer to dispatch opinion 18. Records Officer receive and dispatch opinion to Applicant |
| Process Output | Opinion |
| Measurable Outcome | Number of opinions dispatched |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 3. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 4. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | Approvals |

3.1.2 Competition and Market Research

Competition and Market Research services intends to carry out inquiries studies and research into matters relating to competition and the protection of the interests of consumers in order

to understand competition status in respective markets and inform advocacy as well as investigation functions. Competition and Market Research includes the following business processes: -

1. Mini Study
2. Initiation of Research Study and
3. Conducting Research Study

3.1.2.1 Mini Study

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| Name of Process | Mini Study |
| Process Number | FCC_CBP_CM_10 |
| Process Description | This process entail procedure to conduct mini study for idea or proposals for market inquiry which are not well known (Internal driven) |
| Process Boundaries | Start Point: Director of Research, Mergers and Advocacy assess the idea or proposals for market inquiry for research End Point: Research Officer record details of the mini study in the Studies and Research Register |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Research Manager ▪ Research Officer |
| Stakeholders | Ministry of Industry and Trade, MDAs and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules 2018 |
| Pre-Conditions | List of recorded ideas, work plan and proposals for market inquiry for research |
| Frequency of Occurrence | whenever need arises |
| Decisions associated with the process | Idea or proposals for market inquiry is known or not well known |
| Process Input | 1. Intention to Conduct a Mini Study |

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| | <p>2. Checklist and/or Questionnaires</p> |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Director of Research Mergers and Advocacy assess the idea or proposals for market inquiry for research 2. If the idea or proposals for market inquiry is well known, Initiation of Research Process complete life cycle follows 3. If the idea or proposals for market inquiry is not well known, Director of Research, Mergers and Advocacy prepare an Intention to Conduct a Mini Study 4. The Director of Research, Mergers and Advocacy assign the Manager for Research to prepare Intention to Conduct a Mini Study 5. The Research Manager assign research officer to prepare Intention to Conduct a Mini Study 6. Research Officer prepare and submit Intention to Conduct a Mini Study to the Research Manager for review and recommendation 7. Research Manager review Intention to Conduct a Mini Study and submit to the Director of Research, Mergers and Advocacy 8. Director of Research, Mergers and Advocacy submit prepared Intention to Conduct a Mini Study document to the Director General for approval 9. Director General review Intention to Conduct a Mini Study, approve and assign to Director of Research, Mergers and Advocacy for implementation 10. Director of Research, Mergers and Advocacy receive approved Intention to Conduct a Mini Study document and appoints the team to carry out the study 11. Team prepare lead questions and document in checklist and/or questionnaires for mini study 12. Team submit prepared Checklist and/or Questionnaires to Research Manager for review 13. Research Manager review prepared Checklist and/or Questionnaires and submit to Director of Research Mergers and Advocacy for approval |

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| | <ol style="list-style-type: none"> 14. Director of Research Mergers and Advocacy approve prepared Checklist and/or Questionnaires and assign to Team for conducting mini study 15. Team conduct field data collection and analysis in collaboration with the concerned stakeholders 16. Team prepare the Mini Study Report and submit to Research Manager for review 17. Research Manager review prepared Mini Study Report and submit to the Director of Research Mergers and Advocacy 18. Director of Research Mergers and Advocacy review the mini study report and recommend to the Director General 19. If approved, Director General provide view on the idea or proposal for market inquiry and assign to the Director of Research Mergers and Advocacy for conducting full scale study 20. Director of Research, Mergers and Advocacy receive and assign the provided view on the idea or proposal for market inquiry to Research Manager 21. Research Manager receive and assign the provided view on the idea or proposal for market inquiry to Research Officer 22. Research Officer record details of the mini study in the Study and Research Register |
| Process Output | Mini Study Report |
| Measurable Outcome | Number of Mini Study Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Studies and Research Register |

3.1.2.2 Initiation of Research Study

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| Name of Process | Initiation of Research Study (Internal/External Driven) |
| Process Number | FCC_CBP_CMR_11 |
| Process Description | This process entails initiation of research study as per need identified by FCC, request of the Regulatory Body or Order of the Minister |
| Process Boundaries | <p>Start Point: Regulatory Body consult the Commission in advance on the subject matter and scope of the research study or Order of Minister to initiate the research study</p> <p>End Point: Director General appoints the team to conduct research study</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Minister of Industry and Trade ▪ The Commission ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Regulatory Body ▪ Research Manager ▪ Research Officer ▪ Record Officer |
| Stakeholders | Ministry of Industry and Trade, MDAs, LGAs and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Mini Study Report ▪ Request from Regulatory Body ▪ Order from the Minister |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Research Study Initiated by Regulatory Body, FCC or Order of the Minister ▪ Regulatory Body adopt or did not adopt Terms of Reference ▪ Commission adopt or reject strategy paper |
| Process Input | 1. View of the Commission on the subject matter and scope |

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| | <ol style="list-style-type: none"> 2. Mini Study Report 3. Request from Regulatory Body 4. Order of the Minister |
| Process Flow | <p>Start Case 1: Research Study Initiated by Regulatory Body</p> <ol style="list-style-type: none"> 23. Record Officer receive submitted request from regulatory Body for conducting a research 24. Record Officer assign reference number to submitted request and issue a copy to the submitter 25. Record Officer submit the request for conducting research to Director General for preview 26. The Director General instruct the Secretary to the Commission to submit request to the Commission (<i>process lifecycle for submission of papers to the commission follows-Determination by the Commission</i>) 27. The Commission provide a view on the Subject matter and scope of the research study 28. Director General communicates the View of the Commission on the subject matter and scope of the research study to Director of Research, Mergers and Advocacy 29. Director of Research, Mergers and Advocacy receive View of the Commission and assign to Research Manager 30. Research Manager receive View of the Commission and assign to Research Officer to prepare Terms of Reference 31. Research Officer prepare draft Terms of Reference and submit to Research Manager for Review 32. Research Manager review prepared draft Terms of Reference and submit to Director of Research, Mergers and Advocacy for review 33. Director of Research, Mergers and Advocacy review and submit the draft Terms of Reference to the Director General for approval 34. Director General approve the draft Terms of Reference and assign to the Director of Research, Mergers and Advocacy for engagement of the Regulatory Body |

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| | <p>35. Director of Research, Mergers and Advocacy engage Regulatory Body on Terms of Reference</p> <p>36. If Regulatory Body did not adopt Terms of Reference, Director of Research, Mergers and Advocacy incorporates comments/inputs of the Regulatory Body to produce Final Terms of Reference</p> <p>37. If Regulatory Body adopt Terms of Reference, Director of Research, Mergers and Advocacy mark adopted Terms of Reference as final</p> <p>38. Director of Research, Mergers and Advocacy proceed with step number 14 herein below</p> <p>End Case 1: Research Study Initiated by Regulatory Body</p> <p>Start Case 2: Research Study Initiated by FCC</p> <p>39. Director of Research Mergers and Advocacy assign Research Manager to prepare draft Strategy Paper</p> <p>40. Research Manager assign Research officer to prepare draft Strategy Paper</p> <p>41. Research Officer prepare draft Strategy Paper and submit to Research Manager for review</p> <p>42. Research Manager review and submit to Director of Research Mergers and Advocacy for review</p> <p>43. Director of Research Mergers and Advocacy review draft Strategy Paper and submit to the Director General for review and approval</p> <p>44. Director General review the submitted draft Strategy Paper, approve, and assign to Secretary to the Commission</p> <p>45. Secretary to the Commission transmit draft Strategy Paper to the Commission following process for submission of paper to the Commission life cycle (Determination by the Commission)</p> <p>46. The Commission consider and determine submitted draft Strategy Paper</p> <p>47. Secretary to the Commission pass decision of the Commission and draft Strategy Paper to Director of Research Mergers and Advocacy</p> |
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| | <p>48. For non-adopted Strategy Paper, Director of Research Mergers and Advocacy note decision of the Commission</p> <p>49. For adopted Strategy Paper, Director of Research Mergers and Advocacy receive decision of the Commission and appoints the team to conduct research study</p> <p>End Case 2: Research Study Initiated by FCC</p> <p>Start Case 3: Research Study Initiated by Order of the Minister</p> <p>50. Minister Order the Director General to initiate the study on idea or proposal for market inquiry</p> <p>51. Director General receives the Order of the Minister to initiate the study and assign to Director of Research, Mergers and Advocacy</p> <p>52. Director of Research, Mergers and Advocacy receive Order of the Minister and liaise with Ministry to expedite the assignment, when applicable</p> <p>53. Director of Research, Mergers and Advocacy select the team for conducting research and submit to DG for consideration</p> <p>54. Director General appoint the team to conduct the research study</p> <p>End Case 3: Research Study Initiated by Order of Minister</p> |
| Process Output | Strategy paper |
| Measurable Outcome | Number of strategy papers |
| Exceptions to Normal Process Flow | <ul style="list-style-type: none"> ▪ For Research Study Initiated by Order of Minister, some of research team members may not be appointed by Director General ▪ Director General may use external specialist to conduct research where appropriate <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |

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| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Strategy Paper ▪ Terms of Reference ▪ Order from the Minister ▪ Request from the Regulatory Body |
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3.1.2.3 Conducting Research Study

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| Name of Process | Conducting Research Study |
| Process Number | FCC_CBP_CM_12 |
| Process Description | This process entails procedure for conducting research study and prepare research study report |
| Process Boundaries | <p>Start Point: Team prepare Checklist and/or Questionnaires as tools for data collection</p> <p>End Point: Research Officer record details of the Final Research Study Report and decision of the Commission in Studies and Research Register</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Research Manager ▪ Research Officer |
| Stakeholders | Ministry of Industry and Trade, MDAs, LGAs and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | Approved strategy paper |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Commission Approve Final Study report |

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| Process Input | Strategy Paper |
| Process Flow | <ol style="list-style-type: none"> 1. Team prepare Checklist and/or Questionnaires as tools for data collection 2. Team submit prepared Checklist and/or Questionnaires to Research Manager for review 3. Research Manager review prepared Checklist and/or Questionnaires and submit to Director of Research, Mergers and Advocacy for approval 4. Director of Research, Mergers and Advocacy approve prepared Checklist and/or Questionnaires and assign to Team for conducting research study 5. Team conduct field data collection in collaboration with the concerned stakeholders 6. Team conduct data cleaning & analysis and prepare the draft Research Study Report and submit to Research Manager for review 7. Research Manager review prepared draft Research Study Report and submit to the Director of Research, Mergers and Advocacy 8. Director of Research, Mergers and Advocacy review the draft Research Study Report and recommend to Director General 9. Director General review the submitted draft Research Study Report, approve, and direct DRMA to carry out stakeholder engagement in order to validate study findings 10. Director of Research, Mergers and Advocacy instruct the Research Manager to carry out stakeholder engagement in order to validate study findings. 11. Research Manager prepare and submit the draft research study report to DRMA incorporating comments from stakeholder engagement. 12. Director of Research, Mergers and Advocacy review and submit the draft research study report to Director General. 13. Director General review the submitted draft Research Study Report, approve, and assign to Secretary to the Commission 14. The Secretary to the commission prepares notice and submit the document to the management for discussion and |

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| | <p>recommendation(s) (follows submission of paper to the Commission life cycle)</p> <ol style="list-style-type: none"> 15. If Management recommend for Improvement, Secretary to the Commission transmit to the Director of Research, Mergers and Advocacy for improvement 16. If Management adopt the research study report, Secretary to the Commission prepare notice for the commission meeting and submit the same to the Commission (i.e., FCC Board) together with documents for determination 17. Secretary to the Commission transmit draft Research Study Report to the Commission for determination 18. The Commission consider and determine submitted draft Research Study Report 19. Secretary to the Commission pass decision of the Commission and Final Research Study Report to Director of Research, Mergers and Advocacy for further steps 20. Director of Research, Mergers and Advocacy receive decision of the Commission and Final Research Study Report, and assign to Research Manager 21. Research Manager receive decision of the Commission and Final Research Study Report and assign to Research Officer 22. Research Officer record details of the Final Research Study Report and decision of the Commission in Studies and Research Register |
| Process Output | Final Research Study Report |
| Measurable Outcome | Number of Final Research Study Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |

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| Control Points and Measurements | Study and Research Register |
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3.1.3 Competition Advocacy

Competition Advocacy activities entails those activities related to promotion of competitive environment for economic activities by means of non-enforcement mechanism, mainly through relationship with relevant stakeholders and by increasing public awareness for the benefit of competitions. Competitive economy targets various Policy Makers to influence adoption of competitive regime and raise public awareness regarding the benefit of competition to the economy. Competition advocacy includes the following business processes: -

- i. Review of the policy, bills or legislation; and
- ii. Public Awareness.

3.1.3.1 Review of Policy, Bills or Legislation

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| Name of Process | Review of Policy, Bills or Legislation |
| Process Number | FCC_CBP_CA_13 |
| Process Description | This process entails review of policy, bills or legislation initiated by either external parties or FCC to assess their effect on competition and consumer welfare |
| Process Boundaries | <p>Start Point: Party submit request to review policy, bills or legislation and related documents or Advocacy Officer identify the need to review policy, bills or legislation</p> <p>End Point: Advocacy Officer document details of the Decision of the Commission and Analysis Report in Advocacy Database</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ The Commission ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Secretary to the Commission ▪ Advocacy Manager |

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| | <ul style="list-style-type: none"> ▪ Advocacy Officer ▪ Record Officer |
| Stakeholders | Ministry of Industry and Trade, Parliament of Tanzania, Attorney General, Regulatory Authorities, Consumer Associations, Industry Associations, Media House, Business Community and Law Firms |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 ▪ Guideline for Policy and Legislation Analysis ▪ Merchandize Mark Act,1963 as amended in 2012 |
| Pre-Conditions | Not applicable |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Review of policy, bills or legislation Initiated by Parties or FCC ▪ Collected desk search information are enough or not enough ▪ Commission reject or accept Analysis Report |
| Process Input | 1. Request for bill, policy or legislation review |
| Process Flow | <p>Start Case 1: Review of policy, bills or legislation Initiated by Parties</p> <ol style="list-style-type: none"> 1. Party submit request to review policy, bills or legislation and related documents 2. Record Officer receive request to review policy, bills or legislation 3. Record Officer assign reference number and submit request for policy, bills or legislation review to Director General for preview 4. Director General preview request to review policy, bills or legislation and assign to Director of Research, Mergers and Advocacy 5. Director of Research, Mergers and Advocacy receive the directives and assign to Advocacy Manager for policy, bills or legislation review 6. Advocacy Manager receive the directives and assign to Advocacy Officer for policy, bills or legislation review |

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| | <p>7. Advocacy Officer receive the directives for policy, bills or legislation review and proceed with step number 7 herein below</p> <p>End Case 1: Review of policy, bills or legislation Initiated by Parties</p> <p>Start Case 2: Review of policy, bills or legislation Initiated by FCC</p> <p>8. Advocacy Officer identify the need to review policy, bills or legislation</p> <p>9. Advocacy Officer prepare proposal for policy, bills or legislation review</p> <p>10. Advocacy Officer submit prepared proposal for policy, bills or legislation review to Advocacy Manager for review</p> <p>11. Advocacy Manager review prepared proposal for policy, bills or legislation review and submit to Director of Research, Mergers and Advocacy for approval</p> <p>12. Director of Research, Mergers and Advocacy approve the submitted proposal for policy, bills or legislation review and assign to Advocacy Manager</p> <p>13. Advocacy Manager receive approved proposal for policy, bills or legislation review and assign to Advocacy Officer for action</p> <p>End Case 2: Review of policy, bills or legislation Initiated by FCC</p> <p>14. Advocacy Officer collect desk search information required for policy, bills or legislation review</p> <p>15. Advocacy Officer analyse collected information and policy, bills or legislation</p> <p>16. If collected desk search information are enough, Advocacy Officer proceed with step number 14 to 25 herein below</p> <p>17. If collected desk search information are not enough, Advocacy Officer engage key stakeholders</p> <p>18. Advocacy Officer visit key stakeholders and collect additional information</p> <p>19. Advocacy Officer analyse additional information collected from key stakeholders as well as policy, bills or legislation under review</p> <p>20. Advocacy Officer prepare Analysis Report for policy, bills or legislation and submit to Advocacy Manager</p> |
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| | <ol style="list-style-type: none"> 21. Advocacy Manager review Analysis Report for policy, bills or legislation and submit to Director of Research, Mergers and Advocacy for review 22. Director of Research, Mergers and Advocacy review Analysis Report for policy, bills or legislation and submit to Director General for approval 23. Director General approve Analysis Report for policy, bills or legislation and assign to Secretary to the Commission 24. The Secretary to the commission prepares notice and submit the document to the management for discussion and recommendation(s) 25. If Management recommend for Improvement, Secretary to the Commission transmit to the Director of Research, Mergers and Advocacy for improvement 26. If Management adopt the Analysis Report for policy, bills or legislation, Secretary to the Commission prepare notice for the commission meeting and submit the same to the Commission (i.e., FCC Board) together with documents for determination 27. The Commission review transmitted Analysis Report for policy, bills or legislation and provide decisions 28. If the Commission reject Analysis Report, Secretary to the Commission transmit Decision of the Commission and Analysis Report to Director of Research, Mergers and Advocacy for reference 29. If the Commission approve the Analysis Report, Secretary to the Commission transmit Decision of the Commission and Analysis Report to Director of Research, Mergers and Advocacy for reference and to Party for further processing 30. Director of Research, Mergers and Advocacy receive Decision of the Commission and Analysis Report and assign to Advocacy Manager for reference 31. Advocacy Manager receive Decision of the Commission and Analysis Report and assign to Advocacy Officer for reference 32. Advocacy Officer document details of the Decision of the Commission and Analysis Report in Advocacy Register |
| <p>Process Output</p> | <p>Proposal for policy, bills or legislation review</p> <p>Analysis Report for policy, bills or legislation</p> |

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| | Updated Advocacy Register |
| Measurable Outcome | Number of Analysis Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | <p>Advocacy Register</p> <p>Notice for the commission meeting</p> |

3.1.3.2 Public Awareness

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| Name of Process | Public Awareness |
| Process Number | FCC_CBP_CA_14 |
| Process Description | This process entails procedure to conduct public awareness session to promote competition culture in the economy |
| Process Boundaries | <p>Start Point: Stakeholders or Advocacy Officer identify the need to perform Public Awareness</p> <p>End Point: Advocacy Officer document details of the Public Awareness Session in Advocacy Register</p> |
| Process Owner | Director of Research, Mergers and Advocacy |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Research, Mergers and Advocacy ▪ Advocacy Manager ▪ Advocacy Officer ▪ Record Officer ▪ Head of Public Relations and Communication ▪ Information and Communication Technology Manager ▪ Procurement Manager |
| Stakeholders | Ministry of Industry and Trade, Parliament of Tanzania, Attorney General, Regulatory Authorities, Consumer Associations, Industry |

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| | Associations, Media Houses, Business Community, Law Firms and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 ▪ Guideline for Policy and Legislation Analysis ▪ Advocacy Strategy 2023 ▪ Merchandize Mark Act,1963 as amended in 2012 |
| Pre-Conditions | Public awareness Notice |
| Frequency of Occurrence | Whenever need arise |
| Decisions associated with the process | Public Awareness Session Report contain or does not contain issues that require investigation |
| Process Input | Final Research Study Report Public Awareness Needs |
| Process Flow | <p>Start Case 1: Public Awareness Initiated by Research or External Parties</p> <ol style="list-style-type: none"> 1. Director of Research, Mergers and Advocacy assign decision of the Commission and Final Research Study Report to Advocacy Manager 2. Research Manager receive decision of the Commission and Final Research Study Report and assign to Advocacy Officer for implementation 3. Advocacy Officer proceed with step number 9 herein below <p>End Case 1: Public Awareness Initiated by Research or External Parties</p> <p>Start Case 2: Public Awareness Initiated by Advocacy Department</p> <ol style="list-style-type: none"> 4. Advocacy Officer identify the need to perform Public Awareness 5. Advocacy Officer prepare proposal for conducting Public Awareness and Execution Plan |

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| | <ol style="list-style-type: none"> 6. Advocacy Officer submit prepared proposal for conducting Public Awareness and Execution Plan to Advocacy Manager for review 7. Advocacy Manager review prepared Proposal for conducting Public Awareness and Execution Plan and submit to Director of Research, Mergers and Advocacy for review 8. Director of Research, Mergers and Advocacy review Proposal for conducting Public Awareness and Execution Plan and submit to Director General for approval 9. Director General approve the proposal to conduct Public Awareness and its Execution Plan, and assign to Director of Research, Mergers and Advocacy for implementation 10. Director of Research, Mergers and Advocacy assign approved proposal to conduct Public Awareness and its Execution Plan to Advocacy Manager 11. Advocacy Manager receive approved proposal to conduct Public Awareness and its Execution Plan, and assign to Advocacy Officer for implementation <p>End Case 2: Public Awareness Initiated by Advocacy Department</p> <ol style="list-style-type: none"> 12. Advocacy Officer prepare draft Invitation Letter for stakeholders to participate in Public Awareness session 13. Advocacy Officer submit draft Invitation Letter to Advocacy Manager for review 14. Advocacy Manager review prepared draft Invitation Letter and submit to Director of Research, Mergers and Advocacy for review 15. Director of Research, Mergers and Advocacy review draft Invitation Letter and submit to Director General for signature 16. Director General sign Invitation Letter, assign to Record Officer for dispatch and to Advocacy Officer for further processing 17. Record Officer dispatch signed Invitation Letter to respective Stakeholders 18. Advocacy Officer prepare draft Budget and Presentation Material for Public Awareness Session and submit to Advocacy Manager for review |
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| | <ol style="list-style-type: none"> 19. Advocacy Manager review prepared draft Budget and Presentation Material and submit to Director of Research, Mergers and Advocacy for approval 20. Director of Research, Mergers and Advocacy review and approve Budget and Presentation Material and assign to Advocacy Officer for Public Awareness Session 21. Advocacy Officer conduct Public Awareness Session using approved Presentation Material 22. Advocacy Officer identify Stakeholders who did not appear, so that they will be invited in next Public Awareness Session 23. Advocacy Officer prepare Public Awareness Session Report and submit to Advocacy Manager review 24. Advocacy Manager review submitted Public Awareness Session Report and submit to Director of Research, Mergers and Advocacy 25. Director of Research, Mergers and Advocacy review submitted Public Awareness Session Report and submit to Director General for decision 26. Director General review Public Awareness Session Report and provide decision 27. If the Public Awareness Session Report contain issues that require investigation and has been approved, Director General assign the Decision to Director of Restrictive Trade Practices for implementation 28. If the Public Awareness Session Report does not contain issues that require investigation, Director General assign the Public Awareness Session Report and Decision to Director of Research, Mergers and Advocacy for reference 29. Director of Research, Mergers and Advocacy assign the Public Awareness Session Report and Decision to Advocacy Manager for reference 30. Advocacy Manager assign the Public Awareness Session Report and Decision to Advocacy Officer 31. Advocacy Officer document details of the Public Awareness Session in Advocacy Register |
| Process Output | Public Awareness Session Report |

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| Measurable Outcome | Number of Public Awareness Session Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Updated Advocacy Register |

3.2 Restrictive Trade Practices

3.2.1 Consumer Protection

The consumer protection services address matters related to protecting consumers from unfair and misleading market conducts in line with Fair Competition Act, 2003 (FCA). These services include the following business processes: -

- i. Review of standard form consumer Contracts;
- ii. Complaints Handling;
- iii. Complaint Investigation;
- iv. Enforcement;
- v. Interim Compliance Order; and
- vi. Settlement.

3.2.1.1 Review of Standard Form Consumer Contract

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| Name of Process | Review of Standard Form Consumer Contract |
| Process Number | FCC_CBP_CP_14 |
| Process Description | This process entails review of the submitted dully filled standard form contract and related documents as well as issuance of sealed certificate for approved standard form contract to Applicant |
| Process Boundaries | <p>Start Point: Submission of dully filled Standard Form Contract (SFC-1) and related documents</p> <p>End Point: Issuance of sealed certificate for approved Standard Form Contract to Applicant</p> |
| Process Owner | Director of Restrictive Trade Practices |

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| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Consumer Protection Manager ▪ Secretary to the Commission ▪ Consumer Protection Officer ▪ Record Officer ▪ Applicant |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TCRA, , BRELA, Consumer Associations, e-GA, Business Community and Development Partners |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulation, 2014 |
| Pre-Conditions | Registered business under the laws of mainland Tanzania |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Approved or rejected recommendations of the Summary Review ▪ Approved and rejected Summary Review after consultation |
| Process Input | Standard Form Contract (SFC-1) and other legal documents |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant submit dully filled Standard Form Contract (SFC-1) and related documents for application of reviewing Standard Form Consumer contract 2. Record Officer receive submitted Standard Form Contract and related documents 3. Record Officer assign reference number and submit Standard Form Contract to Director General for preview 4. Director General assign previewed Standard Form Contract and assign to Director of Restrictive Trade Practices for further processing 5. Director of Restrictive Trade Practices assign the Standard Form Contract to Consumer Protection Manager for review and provide guidance |

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| | <ol style="list-style-type: none"> 6. Consumer Protection Manager assign the Standard Form Contract to Consumer Protection Officer for review 7. Consumer Protection Officer screen the assigned Standard Form Contract for completeness of related documents 8. If documents are in order, Consumer Protection Officer compute payable fee, generate control number and draft acknowledgement letter and submit to Consumer Protection Manager for review 9. If documents are not in order Consumer Protection Officer draft a letter to notify Applicant to provide missing documents 10. Consumer Protection Manager review draft of acknowledgement letter or notification letter on missed documents and submit to Director of Restrictive Trade Practices for approval 11. Record Officer receive and dispatch approved acknowledgement letter with a control number or a letter of notification on missed documents to the Applicant 12. Applicant pay required fee amount and submit proof of payment 13. Consumer Protection Officer review the submitted Standard Form Contract, prepare Summary Review and submit to Consumer Protection Manager for review 14. Consumer Protection Manager crosscheck and submit the prepared Summary Review for Standard Form Contract to Director of Restrictive Trade Practices for review and recommendations 15. Director of Restrictive Trade Practices review and submit prepared Summary Review for Standard Form Contract to Director General for approval 16. Director General approve the prepared Summary Review for Standard Form Contract and assign to Director of Restrictive Trade Practices for further steps 17. Director of Restrictive Trade Practices assign the approved Summary Review for Standard Form Contract to Consumer Protection Manager for further steps |
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| | <ol style="list-style-type: none"> 18. Consumer Protection Manager assign Summary Review for Standard Form Contract to Consumer Protection Officer for further steps 19. Consumer Protection Officer issue the approved Summary Review for Standard Form Contract and invite Applicant for consultation 20. For approved recommendations of the issued Summary Review, Applicant submit corrected version of the Standard Form Consumer Contract 21. For rejected recommendations of the Summary Review, Applicant appears for consultation to obtain clarity for issued Summary Review 22. Consumer Protection Officer conduct consultation with Applicant as per issued Summary Review, document agreements reached during consultation and obtain Applicant signature 23. For rejected Summary Review after consultation, Applicant appeal to the Fair Competition Tribunal against issued Summary Review for Standard Form Consumer Contract 24. For adopted Summary Review after consultation, Applicant submit corrected final version of the Standard Form Consumer Contract 25. Consumer Protection Officer prepare certification documents for reviewed Standard Form Consumer Contract and submit to Consumer Protection Manager for review 26. Consumer Protection Manager review and submit prepared certification documents for Standard Form Contract to Director of Restrictive Trade Practices 27. Director of Restrictive Trade Practices review and submit certification documents for Standard Form Contract to Director General for approval 28. Director General approve the prepared draft certificate for Standard Form Contract and assign to the Secretary of the Commission for a seal 29. Secretary to the Commission seal the certificate for approved Standard Form Contract and submit to Record Officer for dispatch |
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| | <p>30. Record Officer issue sealed certificate for approved Standard Form Contract to Applicant</p> <p>31. Consumer Protection Officer update the Register of Standard Form Consumer Contract</p> |
| Process Output | Certificate for approved Standard Form Contract |
| Measurable Outcome | Number of approved Standard Form Contracts |
| Exceptions to Normal Process Flow | <p>Review of Standard Form Contract does not apply to: -</p> <ul style="list-style-type: none"> ▪ Business to Business Standard Form Contracts ▪ Industrial relations and collective bargains agreements between employers and employee ▪ Succession and Family matters <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directives from the Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | <ol style="list-style-type: none"> 1. Signed consultation agreements document 2. Updated Register for Standard Form Consumer Contract 3. Sealed certificate for approved Standard Form Contract |

3.2.1.2 Handling of Consumer Complaint

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| Name of Process | Handling of Consumer Complaint |
| Process Number | FCC_CBP_CP_15 |
| Process Description | This process entails review of submitted complaints form (SFC-2), issuing notification on complaint filed with the Commission (SFC-3) as well as approved legal opinion to Respondent and document details in complaint register |
| Process Boundaries | <p>Start Point: Submission of filled Complaints Form (SFC-2) to the Commission</p> <p>End Point: Documentation of presented complaints details and approved legal opinions in Complaints Register</p> |

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| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Consumer Protection Manager ▪ Consumer Protection Officer ▪ Record Officer ▪ Complainant ▪ Respondent |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TCRA, BRELA, Consumer Associations, e-GA, Business community, Development Partner and general public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulation, 2014 ▪ The Fair Commission Consumer Complaint Internal Procedure, 2022 |
| Pre-Conditions | Complainant should be a final consumer |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Complaint should or should not be entertained ▪ Rejected complaint, complainant to be notified ▪ Entertained complaint, notification to Respondent ▪ Written feedback from Respondent on redress or does not redress Complaint as per demand letter ▪ Mediation Agreements establish or does not establish need for investigation ▪ Submission of defence within or beyond fourteen (14) days |
| Process Input | Filled Complaints Form (SFC-2) |
| Process Flow | 1. Complainant fill Complaints Form (SFC-2) and submit to the Commission |

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| | <ol style="list-style-type: none"> 2. Record Officer receive submitted Complaint Form by Complainant 3. Record Officer assign reference number and submit Complaint Form to Director General for preview 4. Director General assign previewed Complaint and assign to Director of Restrictive Trade Practices for further processing 5. Director of Restrictive Trade Practices assign the Complaint to Consumer Protection Manager for review and recommendation 6. Consumer Protection Manager assign the Complaint to Consumer Protection Officer for review 7. Consumer Protection Officer determines if assigned Complaints is consumer protection related 8. If assigned complaints is not consumer protection related, Consumer Protection Officer prepare Legal Opinion 9. Consumer Protection Officer submit prepared Legal Opinion to Consumer Protection Manager 10. Consumer Protection Manager review and submit the prepared Legal Opinion to Director of Restrictive Trade Practices 11. Director of Restrictive Trade Practices review and submit prepared Legal Opinions to Director General for approval 12. Director General approve the prepared Legal Opinion and assign to Director of Restrictive Trade Practices for further processing 13. Director of Restrictive Trade Practices assign Consumer Protection Manager further processing of approved Legal Opinion 14. Consumer Protection Manager Assign Consumer Protection Officer to notify complainant to submit complaints as per approved Legal Opinion 15. If the complaint falls under different jurisdiction, Consumer Protection Officer draft notification letter for onwards approvals notifying Complainant to submit presented complaints to respective Authority with competent jurisdiction as per approved legal opinions |
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| | <ol style="list-style-type: none"> 16. If assigned complaint is consumer protection related, Consumer Protection Officer determine if the complaint falls under Standard Form Consumer Contract (SFCC) or Goods and Consumer Services that does not use SFCC 17. For Complaint that falls under Goods and Consumer Services that does not use SFCC, Consumer Protection Officer prepare demand letter to the Respondent to redress the Complainant 18. Consumer Protection Officer submit prepared demand letter to Consumer Protection Manager for review 19. Consumer Protection Manager review and submit prepared demand letter to Director of Restrictive Trade Practices for review and signature 20. Director of Restrictive Trade Practices review and sign demand letter and assign Record Officer to dispatch the letter to Respondent and copy to Complainant 21. Record Officer dispatch the letter to Respondent and copy to Complainant 22. The Respondent and Complainant submit written feedback to the Commission 23. If the written feedback redresses the Complaint as per demand letter, Consumer Protection Officer mark that Complaint as closed 24. If the written feedback does not redress the Complaint as per demand letter, Consumer Protection Officer invite the Complainant and Respondent for mediation 25. Consumer Protection Officer conduct mediation 26. Consumer Protection Officer prepare Mediation Agreements and cause the Respondent as well as Complainant to sign 27. Consumer Protection Officer sign and issue copy of the same to Complainant and Respondent 28. Consumer Protection Officer submit the signed Mediation Agreement to Record Officer for archiving 29. If the Mediation Agreements establish a need for investigation, Consumer Protection Officer prepare Legal Opinion and proceed with step number 37 to 41 herein below 30. For Complaint that falls under Standard Form Consumer Contract, Consumer Protection Officer fill, Notification on |
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| | <p>Complaint Filed with the Commission (SFC-3) and notify Respondent on filed complaint</p> <ol style="list-style-type: none"> 31. Consumer Protection Officer submit filled Notification on Complaint Filed with the Commission (SFC-3) to Consumer Protection Manager 32. Consumer Protection Manager review and submit the filled Notification on Complaint Filed with the Commission (SFC-3) to Director of Restrictive Trade Practices 33. Director of Restrictive Trade Practices review and submit filled Notification on Complaint Filed with the Commission (SFC-3) to Director General for review and signature 34. Director General sign the submitted Notification on Complaint Filed with the Commission (SFC-3) and assign Record Officer for dispatch to Respondent 35. Record Officer issue signed Notification on Complaint Filed with the Commission (SFC-3) to Respondent. 36. Record Officer receive defence from Respondent and submit to Consumer Protection Officer for processing 37. If Respondent has not submitted defence within fourteen (14) days, Consumer Protection Officer prepare Final Legal Opinion based on presented complaints 38. If Respondent has submitted defence within fourteen (14) days, Consumer Protection Officer perform defence analysis against presented complaints and prepare Final Legal Opinion 39. Consumer Protection Officer submit prepared Legal Opinion to Consumer Protection Manager 40. Protection Manager review and submit the prepared Legal Opinion on presented Complaint to Director of Restrictive Trade Practices 41. Director of Restrictive Trade Practices review and submit Legal Opinion to Director General for approval 42. Director General approve the submitted Legal Opinion and assign the Director of Restrictive Trade Practices 43. The Director of Restrictive Trade Practices assign the approved legal opinion to the Consumer Protection Manager for further processes |
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| | 44. Consumer Protection Officer document details of the presented complaints and approved legal opinions in Complaints Register |
| Process Output | <ul style="list-style-type: none"> ▪ Mediation Agreements ▪ Approved Legal Opinions |
| Measurable Outcome | <p>Number of Approved Legal Opinions</p> <p>Number of redressed & non-redressed complaints</p> |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Complaints Register ▪ Notification on Complaint Filed ▪ Approved Legal Opinion |

3.2.1.3 Investigation of Consumer Complaint

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| Name of Process | Investigation of Consumer Complaint |
| Process Number | FCC_CBP_CP_16 |
| Process Description | This process entails investigation of submitted complaints according to directives issued by Director General |
| Process Boundaries | <p>Start Point: Director General assign approved Legal Opinion and provide directives to Director of Restrictive Trade Practices for implementation</p> <p>End Point: Director General approve the Investigation Report</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Consumer Protection Manager |

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| | <ul style="list-style-type: none"> ▪ Consumer Protection Officer ▪ Record Officer ▪ Complainant |
| Stakeholders | Ministry of Industry and Trade, FCT, TIRA, TCRA, EWURA, TBS, WMA, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulations, 2014 ▪ The Fair Commission Consumer Complaint Internal Procedure, 2022 |
| Pre-Conditions | Approved Legal Opinions |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Complaint should or should not be entertained ▪ Complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons ▪ Approve or reject Investigation Plan and Budget |
| Process Input | Approved Legal opinion |
| Process Flow | <ol style="list-style-type: none"> 1. Director General assign approved Legal Opinion and provide directives to Director of Restrictive Trade Practices for implementation 2. Director of Restrictive Trade Practices receive directives from Director General and assign to Consumer Protection Manager for implementation 3. Consumer Protection Manager assign the directives to Consumer Protection Officer for implementation 4. If the directives entail that the complaint should not be entertained, Consumer Protection Officer prepare draft letter narrating reason(s) for rejection 5. Consumer Protection Officer submit prepared draft letter to Consumer Protection Manager for review 6. Consumer Protection Manager review prepared draft letter and submit to Director of Restrictive Trade Practices |

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| | <ol style="list-style-type: none"> 7. Director of Restrictive Trade Practices review prepared draft letter and submit to Director General for review and signature 8. Director General sign the prepared draft letter and assign to the Records Officer for dispatch 9. Record Officer dispatch signed letter to inform the Complainant that complaint will not be entertained 10. If the directives entail that the complaint should be entertained, Consumer Protection Officer request complaint number from Registry Office 11. If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons, Interim Compliance Order process complete life cycle 12. Consumer Protection Officer receive complaint number from Registry Office and prepare draft Investigation Plan and Cost 13. Consumer Protection Officer submit draft Investigation Plan and Budget to Consumer Protection Manager for review 14. Consumer Protection Manager review the draft Investigation Plan and Cost and submit to the Director of Restrictive Trade Practices for review 15. Director of Restrictive Trade Practices review the draft Investigation Plan and Budget and submit to the Director General for approval 16. Director General approve or reject the Investigation Plan and Cost and assign the Director of Restrictive Trade Practices for action 17. Director of Restrictive Trade Practices assign Consumer Protection Manager for action 18. Consumer Protection Manager assign Consumer Protection Officer for action 19. If the Investigation Plan and Budget is rejected, Consumer Protection Officer mark the Complaint as closed 20. If the Investigation Plan and Budget is approved, Consumer Protection Officer conduct investigation 21. Consumer Protection Officer prepare draft Investigation Report and submit to Consumer Protection Manager for review |
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| | <p>22. Consumer Protection Manager review the draft Investigation Report and submit to the Director of Restrictive Trade Practices for review</p> <p>23. Director of Restrictive Trade Practices review the draft Investigation Report and submit to the Director General for approval</p> <p>24. Director General approve the Investigation Report and assign to Director of Restrictive Trade Practices for action</p> <p>25. Director of Restrictive Trade Practices receive the report and Consumer Enforcement process follows.</p> |
| Process Output | Approved Investigation Report |
| Measurable Outcome | Number of Approved Investigation Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Investigation Plan and Budget ▪ Approved Investigation Report |

3.2.1.4 Consumer Enforcement

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| Name of Process | Consumer Enforcement |
| Process Number | FCC_CBP_CP_17 |
| Process Description | This process entails procedure for enforcement of the complaint after approval of the investigation report |
| Process Boundaries | <p>Start Point: Director General assign Investigation Report to Director of Restrictive Trade Practices for further steps</p> <p>End Point: Record Officer dispatch Final Finding to Respondent</p> |
| Process Owner | Director of Restrictive Trade Practices |

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| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Secretary to the Commission ▪ Consumer Protection Manager ▪ Investigation Officer ▪ Consumer Protection Officer ▪ Record Officer ▪ Respondent ▪ Procurement Manager ▪ Information and Communication Manager ▪ Head of Public Relations and Communication |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulations, 2014 ▪ The Fair Commission Consumer Complaint Internal Procedure, 2022 |
| Pre-Conditions | Approved Investigation Report |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ There is a case or there is no case to answer ▪ The Commission reject or adopt Investigation Report ▪ Submission of non-confidential version of the provisional findings or written submissions ▪ Respondent has or has not submitted non-confidential version ▪ Written submission does or does not contain request for settlement ▪ Respondent applied or did not apply for oral presentation ▪ Respondent appear or did not appear for oral representation |
| Process Input | Approved Investigation Report |

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| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Director General assign Investigation Report to Director of Restrictive Trade Practices for further steps <p>Start Case 1: There is No Case to Answer</p> <ol style="list-style-type: none"> 2. Director of Restrictive Trade Practices assign Consumer Protection Manager to prepare a letter informing the Respondent that Commission shall not take any further action 3. Consumer Protection Manager, assign Consumer Protection Officer to prepare a letter informing the Respondent that Commission shall not take any further action 4. Consumer Protection Officer prepare and submit draft letter to Consumer Protection Manager to inform the Respondents that the Commission shall not take any further action 5. Consumer Protection Manager review the submitted draft letter and submit to Director of Restrictive Trade Practices for review 6. Director of Restrictive Trade Practices review the letter and submit to Director General for review and signature 7. Director General review, sign the letter and assign to the Records Officer for dispatch 8. Records Officer dispatch the signed letter to inform the Respondent that Commission shall not take any further action <p>End Case 1: There is No Case to Answer</p> <p>Start Case 2: There is a Case to Answer</p> <ol style="list-style-type: none"> 9. Director of Restrictive Trade Practices sign prepared Statement of the Case from Case officer/Manager and assign to Record Officer for dispatch 10. Records Officer dispatch the Statement of the case to the Respondent for noting 11. Director of Restrictive Trade Practices submit the approved Investigation Report to the Director General for submission to the Commission 12. The Director General Assign Secretary to the Commission to submit approved Investigation Report 13. Secretary to the Commission submit approved Investigation Report using <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i> |
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| | <p>14. The Commission review the Investigation Report and adopt or reject the Investigation Report</p> <p>End Case 2: There is a Case to Answer</p> <p>Start Case 3: The Commission Reject Investigation Report</p> <p>15. Repeat Process Number 2 to 8 of the Enforcement Process</p> <p>End Case 3: The Commission Reject Investigation Report</p> <p>Start Case 4: The Commission Adopt Investigation Report</p> <p>16. Director of Restrictive Trade Practices assign Consumer Protection Manager to prepare draft Provisional Findings with legal reasoning and requiring the Respondent to make written submissions, apply for oral presentation, apply for settlement and submit non-confidential version of the provisional findings within a specified period</p> <p>17. Consumer Protection Manager assign Consumer Protection Officer to prepare draft Provisional Findings requiring the Respondent to make written submissions, apply for oral presentation, apply for settlement and submit non-confidential version of the provisional findings within a specified period</p> <p>18. Consumer Protection Officer draft Provisional Findings requiring the Respondent to make written submissions, apply for oral presentation, apply for settlement and submit non-confidential version of the provisional findings within a specified period and submit to the Consumer Protect Manager for review</p> <p>19. Consumer Protection Manager review draft Provisional Findings requiring the Respondent to make written submissions, apply for oral presentation, apply for settlement and submit non-confidential version of the provisional findings within a specified period and submit to the Director of Restrictive Trade Practices for review</p> <p>20. Director of Restrictive Trade Practices review draft provisional Findings and submit to Director General for approval and submission to the Commission</p> <p>21. The Director General review provisional Findings and assign Secretary to the Commission to submit findings to the Commission</p> |
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| | <p>22. Secretary to the Commission submit a provisional Findings <i>submission of papers to the Commission process lifecycle (Determination by the Commission)</i></p> <p>23. The Commission sign the Provisional Findings and assign Secretary to the Commission for dispatch to the Respondent</p> <p>24. Secretary to the Commission assign Record Officer to dispatch the Provisional Findings to Respondent</p> <p>25. Record Officer dispatch Provisional Findings to Respondent</p> <p>End Case 4: The Commission Adopt Investigation Report</p> <p>26. Respondent submit written submissions and non-confidential version of the provisional findings</p> <p>27. Records Officer receives written submissions and non-confidential version of the provisional findings and submit to the Director General for preview</p> <p>Start Case 5: Analysis of Written Submission and Non-Confidential Version</p> <p>28. Director General preview the submitted written submissions and non-confidential version of the provisional findings and instruct the Director of Restrictive Trade Practices to ascertain the declared confidentiality</p> <p>29. Director of Restrictive Trade Practices receive written submission(s) and non-confidential version of the provisional findings and direct the Consumer Protection Manager to ascertain the declared confidentiality</p> <p>30. Consumer Protection Manager assign the written submissions and non-confidential version of the provisional findings to Consumer Protection Officer to ascertain the declared confidentiality</p> <p>31. Consumer Protection Officer analyse non-confidential issues submitted by Respondent and submit the Draft Report for Confidential Issues to the Consumer Protection Manager for review</p> <p>32. Consumer Protection Manager review the Draft Report for Confidential Issues and submit to Director of Restrictive Trade Practices for review</p> |
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| | <p>33. Director of Restrictive Trade Practices review the Draft Report for Confidential Issues and submit to the Director General for approval</p> <p>34. Director general approve Draft Report for Confidential Issues and assign Secretary to the Commission to submit to the Commission for decision</p> <p>35. Secretary to the Commission submit a provisional Findings submission of papers to the commission process lifecycle (Determination by the Commission)</p> <p>36. The Commission review the Report for Confidential Issues and make decision on the submitted report and assign to Secretary to the Commission for dispatch to the Respondent</p> <p>37. Secretary to the Commission, assign Record Officer to dispatch decision of the Commission to the Respondent</p> <p>38. Record Officer dispatch decision of the Commission to the Respondent</p> <p>39. If Respondent has not submitted non-confidential version, Commission publishes the non-confidential version of the provisional findings in the Commissions websites and widely circulating newspapers</p> <p>40. Record Officer receive informed comments from the public and Submit to DG for preview</p> <p>41. Director General assign Director of Restrictive Trade Practices for action</p> <p>42. Director of Restrictive Trade Practices assign Consumer Protection Manager for action</p> <p>43. Consumer Protection Manager assign Consumer Protection Officer for analysis</p> <p>44. Consumer Protection Officer analyse written submission from the Respondent and informed comments from the public</p> <p>45. If the written submission from Respondent contain request for settlement, Settlement process complete life cycle follows</p> <p>46. If the written submission from Respondent does not contain request for settlement, Consumer Protection Officer submit Draft Analysis Report for Written Submission to the Consumer Protection Manager for review</p> |
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| | <p>47. If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons, Interim Compliance Order process complete life cycle</p> <p>48. Consumer Protection Manager review the Draft Analysis Report for Written Submission and submit to the Director of Restrictive Trade Practices for review</p> <p>49. Director of Restrictive Trade Practices review the Draft Analysis Report for Written Submission and submit to the Director General for approval</p> <p>50. Director General approve the Analysis Report for Written Submission and cause oral hearing to be conducted</p> <p>51. If the Respondent applied for oral presentation, The Commission invite the Respondents to make oral presentations</p> <p>52. If the Respondent appear for oral representation, the Commission conduct oral hearing and prepare transcript of the oral representation meeting</p> <p>53. The Commission serve the prepared transcript of the oral representation meeting to the Respondent for confirmation</p> <p>54. Respondent submit confirmed transcript of oral representation meeting to the Commission</p> <p>55. If the Respondent did not apply or appear for oral representation, and did not submit written submission, the Commission prepare Final Findings</p> <p>56. The Commission assign Secretary to the Commission for dispatch final findings to the Respondent</p> <p>57. Secretary to the Commission assign Record Officer to dispatch Final Findings to Respondent</p> <p>58. Record Officer dispatch Final Findings to Respondent</p> <p>End Case 5: Analysis of Written Submission and Non-Confidential Version</p> |
| <p>Process Output</p> | <ul style="list-style-type: none"> ▪ Provisional Finding ▪ Statement of a Case/Letter to inform the respondent that Commission shall not take any further action ▪ Final Findings |

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| Measurable Outcome | Number of Approved Final Findings |
| Exceptions to Normal Process Flow | In case of zone <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Issuance of Provisional Finding to Respondent Statement of a Case Provisional Finding |

3.2.1.5 Interim Compliance Order

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| Name of Process | Interim Compliance Order |
| Process Number | FCC_CBP_CP_18 |
| Process Description | This process entails procedure for issuing interim compliance order for complaints that poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Process Boundaries | Start Point: Consumer Protection Officer prepare report indicating serious or irreparable damage to a person End Point: Secretary to the Commission document details of the order in Interim Compliance Order Register |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Secretary to the Commission ▪ Consumer Protection Manager ▪ Consumer Protection Officer ▪ Record Officer |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |

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| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulations, 2014 ▪ The Fair Commission Consumer Complaint Internal Procedure, 2022 |
| Pre-Conditions | Complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Commission approve or reject the report indicating serious or irreparable damage to a person ▪ Commission reject or uphold the defence |
| Process Input | Details of Interim Compliance Order |
| Process Flow | <ol style="list-style-type: none"> 1. Consumer Protection Officer prepare report indicating serious or irreparable damage to a person 2. Consumer Protection Officer submit report indicating serious or irreparable damage to a person, to Consumer Protection Manager 3. Consumer Protection Manager review the report indicating serious or irreparable damage to a person and submit to the Director of Restrictive Trade Practices for review 4. Director of Restrictive Trade Practices review report indicating serious or irreparable damage to a person report and submit to the Director General for approval 5. Director General approve the report indicating serious or irreparable damage to a person and submit to the Commission for decision and Order 6. If Commission reject the report indicating serious or irreparable damage to a person, The Commission issue the order to strike out application for Interim Compliance Order 7. The Director of Restrictive Trade Practices prepare the Order to strike out the application for Interim Compliance Order and submit to the Commission for signatures 8. The Commission assign the Secretary of the Commission to serve the Order to strike out the application for Interim Compliance Order to the Respondent |

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| | <ol style="list-style-type: none"> 9. Secretary to the Commission assign Record Officer to dispatch the Order to strike out the application for Interim Compliance Order to Respondent 10. Record Officer dispatch Order to strike out the application for Interim Compliance Order to Respondent 11. If Commission approve the report indicating serious or irreparable damage to a person, the Commission summons the Respondent to defend the allegations 12. The Commission conduct oral hearing and make determination on the defence by the Respondent 13. If the Commission uphold the defence, the Commission orders to stop preparation of the interim Order 14. If the Commission reject the defence, Commission directs the Director General to prepare draft Interim Compliance Order 15. Secretary to the Commission prepare draft Interim Compliance Order and submit to the Commission 16. The Commission sign the Interim Compliance Order and assign Secretary to the Commission for dispatch to the Respondent 17. Secretary to the Commission dispatch the Interim Compliance Order to Respondent 18. Secretary to the Commission document details of the order in Interim Compliance Order Register |
| Process Output | Interim Compliance Order |
| Measurable Outcome | Number of issued Interim Compliance Order |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Updated Interim Compliance Order Register |

3.2.1.6 Settlement

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| Name of Process | Settlement |
| Process Number | FCC_CBP_CP_19 |
| Process Description | This process entails the review of submitted application for settlement and issuance of Settlement Compliance Agreement |
| Process Boundaries | Start Point: Receiving application for settlement from the Applicant End Point: Dispatching Settlement Compliance Agreements to Applicant |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Secretary to The Commission ▪ Consumer Protection Manager ▪ Consumer Protection Officer ▪ Record Officer ▪ Applicant ▪ Respondent |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulations, 2014 ▪ The Fair Commission Consumer Complaint Internal Procedure, 2022 |
| Pre-Conditions | Submitted application for settlement |
| Frequency of Occurrence | Whenever need arises |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ The Commission grants or reject the application for Settlement ▪ The Commission accept or reject the Settlement Plan ▪ The Commission approve or reject Settlement Report |
| <p>Process Input</p> | <p>Application for Settlement</p> |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. The Director general receive the application for settlement from the Applicant and submit to the Commission for approval 2. If the Commission reject the application for settlement, the Commission orders the Secretary to the Commission to serve the Order to strike out the application for settlement to the Applicant 3. Secretary to the Commission assign Record Officer to dispatch Order to strike out the application for settlement to Applicant 4. Record Officer dispatch Order to strike out the application for settlement to Applicant 5. If the Commission grants the application for Settlement, the Commission orders the Applicant to submit Settlement Plan within a specified period of time 6. Applicant prepare Settlement Plan and submit to the Commission 7. Record Officer receive the Settlement Plan and submit to the Director General for preview 8. Director General preview the Settlement Plan and assign to Director of Restrictive Trade Practices for review 9. Director of Restrictive Trade Practices review the Settlement Plan and assign to the Consumer Protection Manager for review 10. Consumer Protection Manager review the settlement and assign to the Consumer Protection Officer for analysis 11. Consumer Protection Officer analyse the Settlement Plan and submit Analysis Report to the Consumer Protection Manager for review 12. Consumer Protection Manager review the Analysis Report and submit to Director of Restrictive Trade Practices for review 13. Director of Restrictive Trade Practices review the Analysis Report and submit to the Director General for approval |

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| | <p>14. Director General approve the Analysis Report and submit to the Commission for determination</p> <p>15. If the Commission rejects the Settlement Plan, the Commission orders the Applicant to resubmit a fresh Settlement Plan addressing specific issues as provided in the Order</p> <p>16. If the Commission accept the Settlement Plan as it is, proceed with step number 25 herein below</p> <p>17. If the Commission accept the Settlement Plan with conditions, the Commission direct the Director General to constitute a technical team for scrutinization of Settlement Plan and submit the report</p> <p>18. Director General constitute a technical team and assign Terms of Reference for scrutinization of Settlement Plan</p> <p>19. The Technical Team prepare Negotiation Plan in line with directives of the Commission</p> <p>20. The Technical Team engage in settlement process with the Applicant and prepare Settlement Report evidencing Applicant’s agreement to terms of settlement or reason(s) for settlement failure</p> <p>21. The Technical Team submit prepared Settlement Report to Director General for approval</p> <p>22. Director General approve the prepared Settlement Report and submit to the Commission for determination</p> <p>23. The Commission review the Settlement Report and provide decision</p> <p>24. For rejected Settlement Report, Enforcement Process life cycle follows</p> <p>25. For approved Settlement Report, the Commission direct the Director General to prepare Settlement Compliance Agreement</p> <p>26. Director General assign the Director of Restrictive Trade Practices to prepare draft Settlement Compliance Agreement</p> <p>27. Director of Restrictive Trade Practices prepare draft Settlement Compliance Agreement and submit to Director General for recommendation</p> |
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| | <p>28. Director of General recommend the draft Settlement Compliance Agreement and submit to the Commission for approval</p> <p>29. The Commission approve Settlement Compliance Agreement and direct Secretary to the Commission to seek Applicant signatures</p> <p>30. Secretary to the Commission seek Applicant signature and assign Record Officer to dispatch Settlement Compliance Agreement to Respondent</p> <p>31. Record Officer dispatch Settlement Compliance Agreements to Applicant</p> |
| Process Output | <p>Settlement Compliance Agreement</p> <p>Order to strike out the application for settlement</p> <p>Settlement Plan</p> <p>Analysis Report</p> <p>Negotiation Plan</p> <p>Settlement Report</p> |
| Measurable Outcome | Number of issued Settlement Compliance Agreement |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Settlement plan ▪ Negotiation Plan |

3.2.2 Investigation and Enforcement (Anti-Monopoly and Anti-Cartel)

Investigation and Enforcement services deals with investigation and enforcement of matters related to anti-competitive agreements, abuse of dominance and un-notified mergers in line with Fair Competition Act, 2003 (FCA). These services include the following business processes:

- i. Complaint Management
- ii. Complaint Investigation

- iii. Enforcement
- iv. Interim Compliance Order
- v. Settlement

3.2.2.1 Complaints Management

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| Name of Process | Complaints Management |
| Process Number | FCC_CBP_IE_20 |
| Process Description | This process entails review of submitted complaint (FCC-1) and prepare legal opinion on whether the complaint should or should not be entertained |
| Process Boundaries | <p>Start Point: Submission of filled Complaint Form (FCC-1) to the commission</p> <p>End Point: Provision of decision on whether the complaint should be entertained in relation to prepared legal and economic opinion</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Anti-Cartels Manager ▪ Anti-Monopoly Manager ▪ Case Officer (Legal Officer or Economist Officer or Statistician) ▪ Registry Officer (Record Management) ▪ Complainant |
| Stakeholders | Ministry of Industry and Trade, FCT, TIRA, TCRA, EWURA, Consumer Associations, TCAA, TASAC, LATRA, PURA, BRELA, BoT, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules 2018 ▪ The air Competition (Threshold for Notification of Merger) (Amendment) Order, 2017 ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 ▪ Cartels Investigation Manual (draft,2024) ▪ Abuse of Dominance Investigation Manual (Draft, 2024) |

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| Pre-Conditions | Not Applicable |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Process Input | 1. Complaint Filed Form (FCC-1) |
| Process Flow | <ol style="list-style-type: none"> 1. Complainant fill Complaint Form (FCC-1) or any manner and submit the complaint to the Commission 2. Registry /Record Officer receive submitted Complaint by Complainant 3. Registry /Record Officer assign reference number and submit Complaint to the Director General for preview 4. Director General assign previewed complaint to the Director of Restrictive Trade Practices for processing 5. Director of Restrictive Trade Practices assign the Complaint to Anti-Cartels Manager or Anti-Monopoly Manager for review and recommendation 6. Anti-Cartels Manager or Anti-Monopoly Manager assign the complaint to Case Officer for review and opine 7. Case Officer prepare draft acknowledgement letter and send to Anti-Cartels Manager or Anti-Monopoly Manager 8. Anti-Cartels Manager or Anti-Monopoly Manager review the draft acknowledgement letter and send to Director of Restrictive Trade Practices for review and signature 9. Director of Restrictive Trade Practices review, sign and send to Records / registry Officer for dispatch 10. Registry/ Records Officer dispatch signed acknowledgement letter to the complainant 11. Case Officer review assigned complaint and prepare legal and economic opinion as to whether the complaint should be entertained or not 12. If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons, <i>Interim Compliance Order complete life cycle follows</i> |

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| | <ol style="list-style-type: none"> 13. Case Officer document details of the assigned complaint in the General Complaint Register 14. Case Officer prepare and submit legal and economic opinion of the assigned complaint to Anti-Cartels Manager or Anti-Monopoly Manager for review 15. Anti-Cartels Manager or Anti-Monopoly Manager review the submitted legal opinion and submit the reviewed legal opinion to Director of Restrictive Trade Practices 16. Director of Restrictive Trade Practices review the submitted legal and economic opinion and submit to Director General for decision 17. Director General attend and decide whether the complaint should be entertained in accordance with prepared legal and economic opinion 18. If the Director General decides not to entertain complaint, steps 19-23 shall be followed. If the DG decides to entertain complaints, Process FCC_CBP_IE_21 (Complaints Investigation) shall be followed 19. Director General shall direct the Director of Restrictive Trade Practices to notify the complainant 20. Director of Restrictive Trade Practices inform the Anti-Cartels Manager or Anti-Monopoly Manager to draft a notification letter 21. Anti-Cartels Manager or Anti-Monopoly notify case officer to draft a notification letter 22. Case officer draft a notification letter and submit to Anti-Cartels Manager or Anti-Monopoly Manager for Review 23. Anti-Cartels Manager or Anti-Monopoly Manager Review the notification letter and send to the Director of Restrictive Trade Practices/Director General for review and Approval 24. Director of Restrictive Trade Practices/ Director General review sign and send to Records / registry Officer for Dispatch 25. Registry/ Records Officer dispatch signed acknowledgement letter to complainant |
| Process Output | Legal and economic opinions, notification |

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| Measurable Outcome | Number of attended Legal and economic Opinions, notifications |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | Updated General Complaint Register |

3.2.2.2 Complaints Investigation

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| Name of Process | Complaints Investigation |
| Process Number | FCC_CBP_IE_21 |
| Process Description | This process entails investigation of submitted complaints according to the decision of the Director General |
| Process Boundaries | <p>Start Point: Director General assign the decisions to Director of Restrictive Trade Practices for implementation</p> <p>End Point: Director General approve the investigation report and assign to Director of Restrictive Trade Practices for further steps</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Anti-Cartels Manager ▪ Anti-Monopoly Manager ▪ Case Officer (Legal Officer or Economist Officer or Statistician) ▪ Registry Officer (Record Management) |
| Stakeholders | Ministry of Industry and Trade, FCT, TIRA, TCRA, EWURA, Consumer Associations, TCAA, TASAC, LATRA, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules 2018 |

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| | <ul style="list-style-type: none"> ▪ The fair Competition (Threshold for Notification of Merger) (Amendment) Order, 2017 ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 ▪ Cartels Investigation Manual (draft,2024) ▪ Abuse of Dominance Investigation Manual (Draft, 2024) |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Decision of the Legal and Economic Opinion ▪ Decision of the Public Awareness Session Report ▪ Decision of the Competition Research |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Complaint should entertained ▪ Available information is not enough ▪ If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Process Input | 1. Director General Decision |
| Process Flow | <ol style="list-style-type: none"> 1. Director General assign the decisions to Director of Restrictive Trade Practices for implementation 2. Director of Restrictive Trade Practices receive decision from Director General and assign to Anti-Cartels Manager or Anti-Monopoly Manager for implementation 3. Anti-Cartels Manager or Anti-Monopoly Manager assign the decision to Case Officer for implementation 4. Case Officer request and receive complaint number and prepare draft investigation report according to the available information 5. If available information is not enough, Case Officer initiate further investigation 6. If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons, Interim Compliance Order process complete life cycle 7. Case Officer submit draft investigation report to the Anti-Cartels Manager or Anti-Monopoly Manager for review |

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| | <p>8. Anti-Cartels Manager or Anti-Monopoly Manager review the draft investigation report and submit to the Director of Restrictive Trade Practices for review</p> <p>9. Director of Restrictive Trade Practices review the draft investigation report and submit to the Director General for approval</p> <p>10. Director General approve the investigation report and process FCC_CBP_IE_22 (Enforcement) follows</p> |
| Process Output | Approved Investigation Report |
| Measurable Outcome | Number of Approved Investigation Reports |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Updated Complaints Register ▪ Approved Investigation Report |

3.2.2.3 Enforcement

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| Name of Process | Enforcement |
| Process Number | FCC_CBP_IE_22 |
| Process Description | This process entails enforcement of the complaint after approval of the investigation report |
| Process Boundaries | <p>Start Point: Director General assign investigation report to Director of Restrictive Trade Practices for further steps</p> <p>End Point: Record Officer dispatch Final Finding to Respondent</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Anti-Cartels Manager |

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| | <ul style="list-style-type: none"> ▪ Anti-Monopoly Manager ▪ Case Officer (Legal Officer or Economist Officer or Statistician) ▪ Registry Officer (Record Management) ▪ Respondent |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules 2018 ▪ The fair Competition (Threshold for Notification of Merger) (Amendment) Order, 2017 ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 ▪ Cartels Investigation Manual (draft,2024) ▪ Abuse of Dominance Investigation Manual (Draft, 2024) |
| Pre-Conditions | Approved Investigation Report |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ There is a case or there is no case to answer ▪ The Commission reject or adopt Investigation Report ▪ Submission of non-confidential version of the provisional findings or written submissions ▪ Respondent has or has not submitted non-confidential version ▪ Written submission does or does not contain request for settlement ▪ Respondent applied or did not apply for oral representation ▪ Respondent appear or did appear for oral representation |
| Process Input | 1. Approved Investigation Report |
| Process Flow | <ol style="list-style-type: none"> 1. Director General assign investigation report to Director of Restrictive Trade Practices for further steps 2. Director of Restrictive Trade Practices assign to Anti-Cartels Manager or Anti-Monopoly Manager to prepare opinion |

3. Anti-Cartels Manager or Anti-Monopoly Manager, assign Case Officer to prepare opinion
4. Case Officer prepare and submit draft opinion to Anti-Cartels Manager or Anti-Monopoly Manager for review
5. Anti-Cartels Manager or Anti-Monopoly Manager review and recommend the submitted draft opinion and submit to Director of Restrictive Trade Practices for review and onward submission
6. Director of Restrictive Trade Practices review the opinion and submit to Director General for determination

Start Case 1: There is No Case to Answer

7. Director General direct the Director of Restrictive Trade Practices to cause and sign a letter informing the responded that the Commission shall take no further action
8. Director of Restrictive Trade Practices inform the Anti-Cartels Manager or Anti-Monopoly to draft a letter
9. Anti-Cartels Manager or Anti-Monopoly notify case officer to draft a letter
10. Case officer draft a letter and submit to Anti-Cartels Manager or Anti-Monopoly Manager for Review
11. Anti-Cartels Manager or Anti-Monopoly Manager review the letter and send to the Director of Restrictive Trade Practices/Director General for review and signing
12. Director of Restrictive Trade Practices review, sign and send to Records / registry Officer for Dispatch
13. Registry/ Records Officer dispatch signed acknowledgement letter to Respondent

End Case 1: There is No Case to Answer

Start Case 2: There is a Case to Answer

14. Director General direct the Director of Restrictive Trade Practices to prepare a statement of the case and dispatch to Respondent
15. Director of Restrictive Trade Practices inform the Anti-Cartels Manager or Anti-Monopoly Manager to draft a statement of the case

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| | <p>16. Anti-Cartels Manager or Anti-Monopoly Manager notify case officer to draft a statement of the case</p> <p>17. Case officer draft a statement of the case and submit to Anti-Cartels Manager or Anti-Monopoly Manager for Review</p> <p>18. Anti-Cartels Manager or Anti-Monopoly Manager review the statement of the case and send to the Director of Restrictive Trade Practices for review and signing</p> <p>19. Director of Restrictive Trade Practices review, sign and send to Records / registry Officer for Dispatch</p> <p>20. Registry/ Records Officer dispatch signed statement of the case to Respondent(s)</p> <p>21. Director of Restrictive Trade Practices submit the investigation report to the Director General for approval to be tabled to the Commission</p> <p>22. The Director General review, approve investigation report to be tabled to the Commission for determination</p> <p>End Case 2: There is a Case to Answer</p> <p>Start Case 3: The Commission Reject Investigation Report</p> <p>23. Repeat Process Number 1 to 6 of the enforcement process</p> <p>End Case 3: The Commission Reject Investigation Report</p> <p>Start Case 4: The Commission Adopt Investigation Report</p> <p>24. Director of Restrictive Trade Practices prepare draft Provisional Findings (adopted investigation report) requiring the Respondent to make written submissions, apply for oral representation, apply for settlement and submit non-confidential version of the provisional findings within a specified period</p> <p>25. Director of Restrictive Trade Practices submit the draft Provisional Findings to the Director General for approval to be tabled to the Commission for signing</p> <p>26. The Commission sign the Provisional Findings and assign Secretary to the Commission for dispatch to the Respondent</p> <p>27. Secretary to the Commission Assign Record Officer to dispatch the Provisional Findings to Respondent</p> <p>28. Record Officer dispatch Provisional Findings to Respondent</p> |
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| | <p>End Case 4: The Commission Adopt Investigation Report</p> <p>29. Respondent submit written submissions and non-confidential version of the provisional findings</p> <p>30. Records Officer receive written submissions and non-confidential version of the provisional findings and submit to the Director General for preview</p> <p>Start Case 5: Analysis of Written Submission and Non-Confidential Version</p> <p>31. Director General preview the submitted written submissions and non-confidential version of the provisional findings and instruct the Director of Restrictive Trade Practices to ascertain the declared confidentiality</p> <p>32. Director of Restrictive Trade Practices receive written submission(s) and non-confidential version of the provisional findings and direct the Anti-Cartels Manager or Anti-Monopoly Manager to ascertain the declared confidentiality</p> <p>33. Anti-Cartels Manager or Anti-Monopoly Manager assign the written submissions and non-confidential version of the provisional findings to the Case Officer to ascertain the declared confidentiality</p> <p>34. Case Officer analyse non-confidential issues submitted by Respondent and submit the Draft Report for Confidential Issues to the Anti-Cartels Manager or Anti-Monopoly Manager for review</p> <p>35. Anti-Cartels Manager or Anti-Monopoly Manager review the Draft Report for Confidential Issues and submit to Director of Restrictive Trade Practices for review</p> <p>36. Director of Restrictive Trade Practices review the Draft Report for Confidential Issues and submit to the Director General for recommendation</p> <p>37. Director General recommend the Report for Confidential Issues and assign the Secretary to the Commission to submit to the commission for determination</p> <p>38. The Commission review the Report for Confidential Issues and make decision on the submitted report and assign to Secretary to the Commission for dispatch to the Respondent</p> |
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| | <p>39. Secretary to the Commission, assign Record Officer to dispatch decision of the Commission to the Respondent</p> <p>40. Record Officer dispatch decision of the Commission to the Respondent</p> <p>41. If Respondent has not submitted non-confidential version, Commission shall publish the non-confidential version of the provisional findings on the commissions websites and widely circulating newspapers</p> <p>42. Case Officer receive and consolidate informed comments from the public and submit to Anti-Cartels Manager or Anti-Monopoly Manager for review</p> <p>43. Anti-Cartels Manager or Anti-Monopoly Manager review informed comments from the public and submit to Director of Restrictive Trade Practice for review</p> <p>44. Director of Restrictive Trade Practice review informed comments from the public and submit to the Director General for review</p> <p>45. The Director General review informed comments from the public and assign Secretary to the Commission to submit to the Commission</p> <p>46. Secretary to the Commission submit informed comments from the public using <i>submission of papers to the commission process lifecycle (Determination by the Commission)</i></p> <p>47. If the written submission from Respondent contain request for settlement, Settlement process complete life cycle follows</p> <p>48. If the written submission from Respondent does not contain request for settlement, Case Officer submit Draft Analysis Report for Written Submission to the Anti-Cartels Manager or Anti-Monopoly Manager for review</p> <p>49. If complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons, Interim Compliance Order process complete life cycle follows</p> <p>50. Anti-Cartels Manager or Anti-Monopoly Manager review the Draft Analysis Report for Written Submission and submit to the Director of Restrictive Trade Practices for review</p> |
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| | <p>51. Director of Restrictive Trade Practices review the Draft Analysis Report for Written Submission and submit to the Director General for approval</p> <p>52. Director General approve the Analysis Report for Written Submission and cause oral hearing to be conducted</p> <p>53. If the Respondent applied for oral presentation, the Secretary to the Commission invite the Respondents to make oral presentations</p> <p>54. If the Respondent appear for oral representation, the Commission conduct oral hearing and Secretary to the Commission prepare transcript of the oral representation meeting</p> <p>55. The Secretary to the Commission serve the prepared transcript of the oral representation meeting to the Anti-Cartels Manager or Anti-Monopoly Manager for transmitting to the Respondent</p> <p>56. The Anti-Cartels Manager or Anti-Monopoly Manager serve the prepared transcript of the oral representation meeting to the Respondent for confirmation</p> <p>57. Respondent submit confirmed transcript of oral representation meeting to the Commission</p> <p>58. If the Respondent did not apply or appear for oral representation, and did not submit written submission, the Commission prepare Final Findings</p> <p>59. The Commission Assign Secretary to the Commission for dispatch Final Findings to the Respondent</p> <p>60. Secretary to the Commission Assign Record Officer to dispatch Final Findings to Respondent</p> <p>61. Record Officer Dispatch Final Findings to Respondent</p> <p>End Case 5: Analysis of Written Submission and Non-Confidential Version</p> |
| <p>Process Output</p> | <ul style="list-style-type: none"> ▪ Provisional Findings ▪ Statement of a Case/Letter to inform the respondent that Commission shall not take any further action ▪ Final Findings |

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| Measurable Outcome | Number of Prepared Final Findings |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes directly to the Director General |
| Control Points and Measurements | Issuance of Provisional Finding to Respondent |

3.2.2.4 Interim Compliance Order

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| Name of Process | Interim Compliance Order |
| Process Number | FCC_CBP_IE_23 |
| Process Description | This process entails procedure for issuing Interim Compliance Order for complaint that poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Process Boundaries | <p>Start Point: Case Officer prepare report indicating serious or irreparable damage to a person</p> <p>End Point: Secretary to the Commission document details of the order in Interim Compliance Order Register</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Secretary to the Commission/Legal Services Manager ▪ Anti-Cartels Manager ▪ Anti-Monopoly Manager ▪ Case Officer ▪ Record Officer |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |

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| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Standard Form Consumer Contract Regulation, 2014 ▪ The Fair Competition (Threshold for Notification of Merger) (Amendment) Order, 2017 ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 ▪ Cartels Investigation Manual (draft,2024) ▪ Abuse of Dominance Investigation Manual (Draft, 2024) |
| Pre-Conditions | Complaint poses imminent danger of substantial damage to a person or likely offense is committed or other good reasons |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Commission approve or reject the report indicating serious or irreparable damage to a person ▪ Commission reject or uphold the defence |
| Process Input | Details of Interim Compliance Order |
| Process Flow | <ol style="list-style-type: none"> 1. Case Officer prepare report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons 2. Case Officer submit report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons to Anti-Cartels Manager or Anti-Monopoly Manager respectively 3. Anti-Cartels Manager or Anti-Monopoly Manager review the report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons and submit to the Director of Restrictive Trade Practices for review 4. Director of Restrictive Trade Practices review report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons report and submit to the Director General for approval 5. Director General approve the report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons and assign |

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| | <p>Secretary to the Commission to submit to the Commission for determination</p> <ol style="list-style-type: none"> 6. Secretary to the Commission submit the Report to the Commission using submission of papers to the commission process lifecycle (Determination by the Commission) 7. If Commission reject the report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons, the Commission issue the order to strike out application for Interim Compliance Order 8. The Director of Restrictive Trade Practices prepare the Order to strike out the application for Interim Compliance Order and submit to the Commission for signatures 9. The Commission assign the Secretary of the Commission to serve the Order to strike out the application for Interim Compliance Order to the Respondent 10. Secretary to the Commission Assign Record Officer to dispatch the Order to strike out the application for Interim Compliance Order to Respondent 11. Record Officer Dispatch Order to strike out the application for Interim Compliance Order to Respondent 12. If Commission approve the report indicating serious or irreparable damage to a person, the Commission summons the Respondent to defend the allegations 13. The Commission conduct oral hearing and make determination on the defence by the Respondent 14. If the Commission uphold the defence, the Commission orders to stop preparation of the interim Order 15. If the Commission reject the defence, the Commission directs Secretary to the Commission to prepare draft Interim Compliance Order 16. Secretary to the Commission prepare draft Interim Compliance Order and submit to the Commission 17. The Commission sign the Interim Compliance Order and assign Secretary to the Commission for dispatch to the Respondent 18. Secretary to the Commission dispatch the Interim Compliance Order to Respondent |
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| | 19. Secretary to the Commission document details of the order in Interim Compliance Order Register |
| Process Output | Interim Compliance Order |
| Measurable Outcome | Number of issued Interim Compliance Order |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Director General 2. Head of Zone submission goes Directly to the Director General |
| Control Points and Measurements | Updated Interim Compliance Order Register |

3.2.2.5 Settlement

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| Name of Process | Settlement |
| Process Number | FCC_CBP_IE_24 |
| Process Description | This process entails the review of submitted application for settlement and issuance of Settlement Compliance Agreement |
| Process Boundaries | <p>Start Point: Receiving application for settlement from the Applicant</p> <p>End Point: Dispatching Settlement Compliance Agreements to Applicant</p> |
| Process Owner | Director of Restrictive Trade Practices |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Restrictive Trade Practices ▪ Secretary to The Commission/ Legal Services Manager ▪ Anti-Cartels Manager ▪ Anti-Monopoly Manager ▪ Case Officer ▪ Record Officer ▪ Applicant |

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| | <ul style="list-style-type: none"> ▪ Respondent |
| Stakeholders | Ministry of Industry and Trade, FCT, Bank of Tanzania, TIRA, TRA, TCRA, EWURA, TCAA, LATRA, TASAC, PURA, BRELA, Consumer Associations, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 ▪ The Fair Competition (Threshold for Notification of Merger) (Amendment) Order, 2017 ▪ Fair Competition Commission Internal Fine Computation and Settlement Guideline 2023 ▪ Cartels Investigation Manual (draft,2024) ▪ Abuse of Dominance Investigation Manual (Draft, 2024) |
| Pre-Conditions | Submitted application for settlement |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ The Commission grants or reject the application for Settlement ▪ The Commission accept or reject the Settlement Plan ▪ The Commission approve or reject Settlement Report |
| Process Input | 2. Application for settlement |
| Process Flow | <ol style="list-style-type: none"> 1. Record Officer receive the Settlement Application and submit to the Director General for preview and assignment 2. Director General preview the Settlement application and assign to Director of Restrictive Trade Practices to prepare submission paper 3. Director of Restrictive Trade Practices review the Settlement Application and assign to the Anti-Cartels Manager or Anti-Monopoly Manager 4. Anti-Cartels Manager or Anti-Monopoly Manager review the settlement application and assign the Case Officer for analysis and preparation of submission paper |

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| | <ol style="list-style-type: none"> 5. Case Officer analyse the settlement application, prepare Analysis report and submit to the Anti-Cartels Manager or Anti-Monopoly Manager for review 6. Anti-Cartels Manager or Anti-Monopoly Manager review the submission paper and submit to Director of Restrictive Trade Practices for review 7. Director of Restrictive Trade Practices review the submission paper and submit to the Director General for approval or for submission to the Commission for approval. 8. If Director General recommend submission to the Commission, sub-process for submission of papers to the commission (Determination by the Commission) follows (exercised by the Secretary to the Commission) 9. If the Director General approves the settlement application skip to step 13 10. If the Commission reject the application for settlement, the Commission orders the Secretary to the Commission to serve the Order to strike out the application for settlement to the Applicant 11. Secretary to the Commission assign Record Officer to dispatch Order to strike out the application for settlement to Applicant 12. Record Officer dispatch Order to strike out the application for settlement to Applicant 13. If the Commission/DG grants the application for Settlement, the Commission/DG orders the Applicant to submit Settlement Plan within a specified period of time 14. Record Officer receive the Settlement Plan and submit to the Director General for preview 15. Director General preview the Settlement Plan and assign to Director of Restrictive Trade Practices for assignment and preparation of analysis report 16. Director of Restrictive Trade Practices review the Settlement Plan and assign to the Anti-Cartels Manager or Anti-Monopoly Manager to act on instruction provided 17. Anti-Cartels Manager or Anti-Monopoly Manager review the settlement and assign to the Case Officer for preparation of Analysis report |
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| | <ol style="list-style-type: none">18. Case Officer analyse the Settlement Plan, prepare and submit Analysis Report to the Anti-Cartels Manager or Anti-Monopoly Manager for review19. Anti-Cartels Manager or Anti-Monopoly Manager review the Analysis Report and submit to Director of Restrictive Trade Practices for review20. Director of Restrictive Trade Practices review the Analysis Report and submit to the Director General for approval21. Director General approve the Analysis Report and submit to the Commission for determination22. If the Commission rejects the Settlement Plan, the Commission orders the Applicant to resubmit a fresh Settlement Plan addressing specific issues as provided in the Order23. If the Commission accept the Settlement Plan as it is, proceed with step number 40 of this process24. If the Commission accept the Settlement Plan with reservations, the Commission direct the Director General to constitute a Technical Team for scrutinization of Settlement Plan and submit the report within 30 days25. Director General assign Director of Restrictive Trade Practices to prepare Terms of Reference and instrument of appointment for the Technical Team to scrutinize Settlement Plan26. Director of Restrictive Trade Practices assign Anti-Cartels Manager or Anti-Monopoly Manager to prepare Terms of Reference and instrument of appointment for the Technical Team to scrutinize Settlement Plan27. Anti-Cartels Manager or Anti-Monopoly Manager assign Case Officer to prepare Terms of Reference and instrument of appointment for the Technical Team to scrutinize Settlement Plan28. Case Officer prepare Terms of Reference, instrument of appointment, proposed names of Technical Team members and Submit to the Anti-Cartels Manager or Anti-Monopoly Manager for review and consideration29. Anti-Cartels Manager or Anti-Monopoly Manager Review Terms of Reference, instrument of appointment, proposed names of Technical Team members and submit to the Director of Restrictive Trade Practices for review and consideration |
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| | <p>30. Director of Restrictive Trade Practices Review Terms of Reference, instrument of appointment, proposed names of Technical Team members and submit to the Director General for approval and Appointment</p> <p>31. The Director General review and approve Terms of Reference, Instrument of Appointment and Appoint the Technical Team.</p> <p>32. The Technical Team prepare and submit Negotiation Plan to the DG for approval.</p> <p>33. The DG review and approve the Negotiation Plan</p> <p>34. If approved, the Technical Team engage in settlement process with the applicant and prepare settlement report evidencing applicant's agreement to terms of settlement or reason(s) for settlement failure</p> <p>35. The Technical Team submit prepared Settlement Report to Director General for approval</p> <p>36. Director General approve the prepared Settlement Report and assign Secretary to the Commission to submit to the Commission for determination</p> <p>37. Secretary to the Commission submit Settlement Report using <i>submission of papers to the Commission process lifecycle (Determination by the Commission)</i></p> <p>38. The Commission review the Settlement Report and provide decision</p> <p>39. For rejected Settlement Report, Enforcement process complete life cycle</p> <p>40. For approved Settlement Report, the Commission direct the Director General to prepare Settlement Compliance Agreement</p> <p>41. Director General assign the Director of Restrictive Trade Practices to prepare draft Settlement Compliance Agreement</p> <p>42. Director of Restrictive Trade Practices preview and assign to the Anti-Cartels Manager or Anti-Monopoly Manager to prepare a draft Settlement Compliance Agreement</p> <p>43. Anti-Cartels Manager or Anti-Monopoly Manager preview and assign to the Anti-Cartels Officer or Anti-Monopoly Officer to prepare a draft Settlement Compliance Agreement</p> |
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| | <p>44. Case Officer prepare a draft Settlement Compliance Agreement and submit to the Anti-Cartels Manager or Anti-Monopoly Manager for review</p> <p>45. Anti-Cartels Manager or Anti-Monopoly Manager review draft Settlement Compliance Agreement and submit to Director of Restrictive Trade Practices for review</p> <p>46. Director of Restrictive Trade Practices review the draft Settlement Compliance Agreement and submit to the Director General for approval</p> <p>47. Director General approve and assign Secretary to the Commission submit to the Commission for approval</p> <p>48. Secretary to the Commission submit approved Investigation Report using submission of papers to the commission process lifecycle (Determination by the Commission)</p> <p>49. The Commission approve and sign Settlement Compliance Agreement and direct Secretary to the Commission to seek Applicant signatures</p> <p>50. Secretary to the Commission seek Applicant signature and assign Record Officer to dispatch Settlement Compliance Agreement to Respondent</p> <p>51. Record Officer dispatch Settlement Compliance Agreements to Applicant</p> |
| <p>Process Output</p> | <p>Settlement Compliance Agreement</p> <p>Settlement Plan</p> <p>Analysis Report</p> <p>Negotiation Plan</p> <p>Settlement Report</p> |
| <p>Measurable Outcome</p> | <p>Number of issued Settlement Compliance Agreement</p> |
| <p>Exceptions to Normal Process Flow</p> | <p>In case of zone</p> <p>3. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directives from Director General</p> <p>4. Head of Zone submission goes Directly to the Director General</p> |

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| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Settlement plan ▪ Negotiation Plan |
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3.3 Anti-Counterfeits Services

Anti-counterfeits services cover the fight against counterfeits goods in accordance with the Merchandise Marks Act, 1963, these services are managed by two departments namely, Anti-Counterfeits Surveillance and enforcement.

3.3.1 Anti-Counterfeits Surveillance

Anti-Counterfeits Surveillance encompasses handling applications for Stop Orders on suspected counterfeits, handling counterfeit complaints which reflect trademark infringements, conducting daily inspections in search for counterfeits goods, handling counterfeit complaints (Conducting Raids Operations and Seizures) of either offending or counterfeit goods in respective markets as well as conducting counterfeit market surveillance. Anti-Counterfeits Surveillance includes the following business processes: -

- i. Handling Applications for Stop Orders on Suspected Counterfeits;
- ii. Handling Counterfeit Complaints (Conducting Raids Operations and Seizures);
- iii. Daily Inspections; and
- iv. Counterfeit Market Surveillance

3.3.1.1 Handling Applications for Stop Orders on Suspected Counterfeits

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| Name of Process | Handling Applications for Stop Orders on Suspected Counterfeits |
| Process Number | FCC_CBP_AC_25 |
| Process Description | The process entails the procedures for lodging applications for stop orders seeking Chief Inspector's interventions where there is a likelihood of trademark infringement (suspected counterfeits) with regards to goods that are to be imported into the country |
| Process Boundaries | <p>Start Point: Trademark Holder lodges applications for stop orders to the Chief Inspector, accompanied with proof of payment of requisite fee and power of attorney where a complaint is lodged by a representative or any other person.</p> <p>End Point: Record Officer dispatches signed Stop Order to the Commissioner of Customs, Tanzania Ports Authority (TPA) and Joint Port Control Unit (JPCU) for implementation</p> |
| Process Owner | Director of Anti-Counterfeits |

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| <p>Process Actors</p> | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-counterfeits Surveillance Manager ▪ Accountant ▪ Anti-Counterfeits Surveillance Officer ▪ Lead Inspector ▪ Complainant/Brand Owner ▪ Record Officer |
| <p>Stakeholders</p> | <p>DCI, TRA, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, Business Community and General Public</p> |
| <p>Business Rules</p> | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 as amended ▪ The Trade and Service Marks Act (BRELA) ▪ Criminal Laws |
| <p>Pre-Conditions</p> | <ol style="list-style-type: none"> 1. Proof of ownership of a trade mark (registration certificates from BRELA) 2. Business License and TIN 3. Power of Attorney 4. Proof of payment of Investigation Fee 5. Submission of samples of genuine products for identification purposes 6. Training to Officers on how to identify the trademark under investigation from the counterfeited one. |
| <p>Frequency of Occurrence</p> | <p>Whenever need arises/Ad-hoc</p> |
| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Offloading goods proved to contravene the law for further enforcement procedures (authentic complaint) ▪ Release of goods which do not contravene the law (non-authentic complaint) ▪ Payment of requisite fine/penalty ▪ Destruction/disposal order |

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| <p>Process Input</p> | <ol style="list-style-type: none"> 1. Counterfeit Complaint details 2. Certificate of trademark registration/ownership |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Trademark Holder/Representative or any other person lodges applications for stop orders to the Chief Inspector, accompanied with certificate of trademark registration and/or power of attorney 2. Record Officer assigns reference number to submitted applications for stop orders and submit to Chief Inspector for preview 3. Chief Inspector previews the submitted applications for stop orders and assign to the Director of Anti-Counterfeits 4. Director of Anti-Counterfeits receives the applications for stop orders and assigns to the Anti-Counterfeits Surveillance Manager 5. Anti-counterfeits Surveillance Manager receives the applications for stop orders and assigns to Anti-Counterfeits Surveillance Officer/Inspector for implementation 6. Anti-Counterfeits Surveillance Officer/Inspector conducts due diligence on the application in collaboration with complainant 7. If the submitted complaint is non-authentic, Anti-Counterfeits Officer/Inspector prepares response to inform the Complainant that the application cannot be entertained 8. Anti-Counterfeits Surveillance Officer/Inspector submits the referred response to the Anti-Counterfeits Surveillance Manager for review 9. Anti-counterfeits Surveillance Manager receives the response, reviews and submits to the Director of Anti-Counterfeits for review 10. Director of Anti-Counterfeits reviews the response and submits to the Chief Inspector for approval 11. Chief Inspector approves and signs the response and assigns it to Record Officer for dispatch 12. Record Officer receives the signed response and dispatches to the Complainant 13. If the submitted complaint/application is authentic, Anti-Counterfeits Surveillance Officer prepares response to inform the Complainant to submit product samples for product |

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| | <p>identification, to make requisite payment/to pay prescribed fee and submit training presentation</p> <ol style="list-style-type: none"> 14. Anti-Counterfeits Surveillance Officer/Inspector issues respective control number to the Complainant 15. Complainant submits proof of payment, product samples for product identification and training presentation 16. Accountant crosschecks payment made as per submitted proof of payment, issues payment receipt and informs Anti-Counterfeits Surveillance Officer to proceed with further steps 17. Anti-Counterfeits Surveillance Officer receives samples of product both genuine and counterfeits for identification and training presentation and submits to Anti-Counterfeits Surveillance Manager 18. Anti-counterfeits Surveillance Manager appoints Lead Inspector and informs other Inspectors to participate in training which will be conducted by Complainant 19. Lead Inspector organises training on product identification to Inspectors which will be conducted by Complainant, documents detail of the training and attendance in the Training Register, prepares Training Report on product identification and submits to Anti-Counterfeits Surveillance Manager for review 20. Anti-counterfeits Surveillance Manager reviews the Training Report and submits to Director of Anti-Counterfeits for noting 21. For counterfeits goods at market, Raid process cycle follows 22. For counterfeits goods at customs custody, Anti-Counterfeits Surveillance Officer fills Stop Order (Form C) and submits to Anti-Counterfeits Surveillance Manager for review 23. Anti-counterfeits Surveillance Manager reviews filled Stop Order and submits to Director of Anti-Counterfeits 24. Director of Anti-Counterfeits reviews and recommends for signature to Chief Inspector 25. Chief Inspector signs filled Stop Order and assigns Record Officer for dispatch to the Commissioner of Customs, Tanzania Port Authority and Joint Port Control Unit (JPCU) |
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| | 26. Record Officer dispatches signed Stop Order to the Commissioner of Customs, Tanzania Ports Authority and Joint Port Control Unit (JPCU) |
| Process Output | <ul style="list-style-type: none"> ▪ Issued Stop Order ▪ Response on Declined Complaints |
| Measurable Outcome | <ol style="list-style-type: none"> 1. Number of Issued Stop Orders on counterfeits goods 2. Number of Responses on Declined Complaints |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone plays both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Updated Training Register ▪ Stop Order |

3.3.1.2 Handling Counterfeit Complaints

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| Name of Process | Handling Counterfeit Complaints |
| Process Number | FCC_CBP_AC_26 |
| Process Description | <p>This process entails the following:</p> <p>Procedure to conduct raid operations for suspected counterfeits or offending goods in identified premises and issue notices of seizure to offenders as well as preparing raid report for Chief Inspector (For raids conducted on suo moto basis)</p> <p>Procedure to lodge complaints and conducting raid operations on suspected counterfeits or offending goods in identified premises and issue notices of seizure to offenders as well as preparing raid report for Chief Inspector (For raids conducted based on complaints lodged by brand owners)</p> |
| Process Boundaries | <p>For raids conducted on suo moto basis,</p> <p>Start Point: The Chief Inspector provides directive to Director of Anti-Counterfeits to conduct raid operations for suspected counterfeits or offending goods</p> |

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| | <p>End Point: Director of Anti-Counterfeits reviews the Raid Report and submits to the Chief inspector for noting and/or further directives</p> |
| | <p>For raids conducted on suo moto basis,</p> <p>Start Point: The Chief Inspector receives complaint from brand owners and directs the Director of Anti-Counterfeits to conduct raid operations for suspected counterfeits or offending goods where the complaint is authentic.</p> <p>End Point: Director of Anti-Counterfeits reviews the Raid Report and submits to the Chief inspector for noting and/or further directives</p> |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-counterfeits Surveillance Manager ▪ Brand Owner/Representative ▪ Police Officer ▪ Occupant ▪ Record Officer |
| Stakeholders | DCI, TRA, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, Business Community, Brand Owner/Representative |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 as amended |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Authentic Complaint on Counterfeits Goods ▪ Trademark registration details from BRELA ▪ Business License and TIN ▪ Power of Attorney ▪ Proof of Payment of Investigation Fee ▪ Training to Officers on trademark identification |
| Frequency of Occurrence | <ul style="list-style-type: none"> ▪ Whenever need arises/Ad-hoc ▪ Own Initiatives/Suo moto |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Goods found in identified premises are either counterfeits or not ▪ Seized counterfeits goods are to be secured at Government Warehouse or places other than Government Warehouse |
| <p>Process Input</p> | <p>Authentic Complaint on Counterfeits Goods</p> <p>Own Initiatives/Suo moto</p> |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Chief Inspector receives complaint from brand owners on suspected counterfeits or offending goods 2. Chief Inspector provides directive to Director of Anti-Counterfeits to conduct raid on suspected counterfeits or offending goods 3. Director of Anti-Counterfeits assigns directives to conduct raid to Anti-Counterfeits Surveillance Manager 4. Anti-counterfeits Surveillance Manager receives the directives and assigns to Counterfeits Surveillance Officer for their actions 5. Counterfeits Surveillance Officer prepares letter to request assistance of Director of Criminal Investigation (DCI) to take charge of security during raid operations and submits to Anti-Counterfeits Surveillance Manager for review 6. Anti-Counterfeits Surveillance Manager reviews the letter and submits to the Director of Anti-Counterfeits for review 7. Director of Anti-Counterfeits reviews the letter and submits to the Chief Inspector for signature 8. Chief Inspector approves and signs the letter and assigns to Records Officer for dispatch 9. Record Officer receives the signed letter and dispatches to Director of Criminal Investigation 10. Anti-counterfeits Surveillance Manager appoints Lead Inspector and formulate team to conduct raid operations 11. Inspectors in collaboration with appointed Police Officers from DCI conduct raid operations on identified premises 12. If counterfeits goods are not found in identified premises, Inspector(s) collect details of the same and proceed with step number 22, 23 and 24 hereunder |

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| | <p>13. If counterfeits goods are found in identified premises, Inspector collects the counterfeits goods, records their quantity and value in Notice of Seizure (Form I)</p> <p>14. Inspector and Owner of Goods/Representative of the Owner counter sign Notice of Seizure</p> <p>15. Inspector issues copy of signed Notice of Seizure to Owner of Goods/Representative of the Owner</p> <p>16. For counterfeits goods to be secured at Government Warehouse, Inspector informs Warehouse Supervisor to start preparation for storage of the same</p> <p>17. For counterfeits goods to be secured at places other than Government Warehouse, Inspector makes Order of Detention of Goods (Form E) and submits to Anti-Counterfeits Surveillance Manager</p> <p>18. Anti-counterfeits Surveillance Manager reviews Order of Detention of Goods and submits to the Director of Anti-Counterfeits for review</p> <p>19. Director of Anti-Counterfeits reviews Order of Detention of Goods and submits to the Chief Inspector for signature</p> <p>20. Chief Inspector signs Order of Detention of Goods and assigns to Records Officer for dispatch</p> <p>21. Record Officer receives the signed Order of Detention of Goods and dispatches to Owner of Goods/Representative of the Owner</p> <p>22. Inspector registers Notice of Seizure in the Seizure Register</p> <p>23. Inspector prepares Raid Report and submits to the Anti-Counterfeits Surveillance Manager for review</p> <p>24. Anti-counterfeits Surveillance Manager reviews the Raid Report and submits to the Director of Anti-Counterfeits for review</p> <p>25. Director of Anti-Counterfeits reviews the Raid Report and submits to the Chief inspector for noting</p> |
| Process Output | Approved Raid Report |
| Measurable Outcome | Number of submitted Raid Reports |

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| Exceptions to Normal Process Flow | In case of zone <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone plays both roles in receiving submissions from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Seizure Register ▪ Raid Reports |

3.3.1.3 Daily Inspections

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| Name of Process | Daily Inspections |
| Process Number | FCC_CBP_AC_27 |
| Process Description | This process entails the procedures for performing daily inspection at the product entry points e.g., Ports, ICDs, Border Ports in search for counterfeit goods |
| Process Boundaries | <p>Start Point: Counterfeits Surveillance Officer receives Product Verification List (TANSAD) from TRA Officer and determines which products qualify for verification</p> <p>End Point: Chief Inspector receives Inspection Report and provides directives to the Director of Anti-Counterfeits for further steps</p> |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-counterfeits Surveillance Manager ▪ Counterfeits Surveillance Officer ▪ TRA Officer ▪ Clearing and Forwarding Agents ▪ Record Officer |
| Stakeholders | TRA, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, Importer, TPA, ICDs |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 as amended |

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| Pre-Conditions | Submitted Product Verification List (TANSAD) from TRA |
| Frequency of Occurrence | Daily |
| Decisions associated with the process | Suspected goods are either counterfeits or not |
| Process Input | <ol style="list-style-type: none"> 1. Product Verification List (TANSAD) 2. Packing list |
| Process Flow | <ol style="list-style-type: none"> 1. Counterfeits Surveillance Officer receives Product Verification List from TRA and determines which products qualify for verification 2. Counterfeits Surveillance Officer performs verification of the products in search for counterfeits according to the customs documents 3. If counterfeits goods are not found, Anti-Counterfeits Surveillance Officer fills Daily Inspection Form and submits to the Anti-Counterfeits Surveillance Manager 4. Anti-counterfeits Surveillance Manager reviews the Daily Inspection Form and submits to the Director of Anti-Counterfeits for reviews 5. Director of Anti-Counterfeits reviews the Daily Inspection Form and submits to the Chief Inspector for noting 6. If counterfeits goods are found, Counterfeits Surveillance Officer fills, signs and issues a Notice of Seizure 7. Counterfeits Surveillance Officer serves a copy of Notice of Seizure to TRA and Clearing & Forwarding Agent 8. Counterfeits Surveillance Officer collects sample of the counterfeits goods or goods with omission of rules of origin 9. Counterfeits Surveillance Officer marks sampled counterfeits goods and registers in the Sample Register 10. Counterfeits Surveillance Officer registers the Notice of Seizures in the Daily Inspection Register, prepares Inspection Report and submit to Anti-Counterfeits Surveillance Manager for review 11. Anti-counterfeits Surveillance Manager reviews the Inspection Report and submits to the Director of Anti-Counterfeits for review |

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| | <p>12. Director of Anti-Counterfeits reviews the Inspection Report and submits to the Chief Inspector for implementation</p> <p>13. Chief Inspector receives Inspection Report and provides directives to the Director of Anti-Counterfeits for further steps</p> |
| Process Output | Inspection Report |
| Measurable Outcome | Number of Inspection Reports |
| Exceptions to Normal Process Flow | <p>In Case the sampled goods can't be moved: -</p> <ol style="list-style-type: none"> Counterfeits Surveillance Officer takes a photo of inspected goods, and important unique features for identification; and Counterfeits Surveillance Officer files the inspection report with the evidence of photos. <p>In case of zone</p> <ol style="list-style-type: none"> There is no Director or Manager in the Zonal Office. The Head of Zone plays both roles in receiving submission from Zonal officer and Directive from Chief Inspector Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Daily Inspection Register ▪ Sample Register ▪ Notice of Seizure |

3.3.1.4 Counterfeits Market Surveillance

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| Name of Process | Counterfeits Market Surveillance |
| Process Number | FCC_CBP_ACS_28 |
| Process Description | This process entails the procedure for conducting market surveillance activities aimed at generating actionable insights on the prevalence of counterfeit goods in the market through data analysis and reporting to inform strategic decision-making, enforcement strategies, and policy interventions in combating counterfeits |
| Process Boundaries | <p>Start Point: Conducting regular risk assessments to identify sectors, goods and geographical areas vulnerable to counterfeit activities.</p> <p>End Point: Director of Anti-Counterfeit generates market surveillance report on the prevalence of counterfeit goods with actionable insights</p> |

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| | and recommendations and submits to the Chief inspector for implementation |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Head of Counterfeit Surveillance ▪ Inspectors ▪ Trade Officers ▪ Sellers/ distributors of goods ▪ Manufacturers ▪ Brand owners |
| Stakeholders | TRA, BRELA, TBS, TMDA, Brand owners, Manufacturers, Sellers/ distributors, Trade Officers and Police Force. |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 ▪ Guidelines for Conducting Counterfeits Market Surveillance |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Risk assessment Report ▪ Approved Counterfeits Annual Market Surveillance Plan |
| Frequency of Occurrence | Quarterly |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Timely enforcement actions such as awareness and seizures ▪ Regular monitoring and updates to ensure detection of evolving counterfeit tactics and emerging risks |
| Process Input | <ol style="list-style-type: none"> 1. Risk assessment Report 2. Counterfeits Annual Market Surveillance Plan 3. Data Collection Form 4. Data Analysis 5. Market Surveillance Report |
| Process Flow | <ol style="list-style-type: none"> 1. Based on risk assessment report, Director of Anti-Counterfeit will develop annual market surveillance plan, prioritizing |

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| | <p>activities accordingly and submit to Chief Inspector for approval</p> <ol style="list-style-type: none">2. Upon approval, Director of Anti-Counterfeits assigns directives to Anti-Counterfeits Surveillance Manager to ensure that all the necessary preparations for initiation and implementation of the market surveillance plan are undertaken3. Anti-counterfeits Surveillance Manager engages brand owners for familiarization of features of their goods4. Anti-counterfeits Surveillance Manager assigns inspectors to conduct surveillance as per plan and schedule.5. Counterfeit Surveillance Officer prepares letter to request assistance of Regional Administrative Secretary (RAS) to provide Trade Officers during surveillance and submits to Anti-Counterfeits Surveillance Manager for review6. Anti-counterfeits Surveillance Manager reviews the letter and submits to the Director of Anti-Counterfeit for review7. Director of Anti-Counterfeit reviews the letter and submits to the Chief Inspector for signature8. Chief Inspector approves, signs and assigns the letter to Records Officer for dispatch9. Record Officer receives the signed letter and dispatches to respective Regional Administrative Secretary (RAS)10. Anti-counterfeits Surveillance Manager appoints Lead Inspector and formulates team to conduct surveillance11. Inspectors prepare for surveillance as per the plan and schedule12. Inspectors visit areas which are under schedule or plan as assigned.13. Inspectors in collaboration with appointed Trade Officers from RAS's office conduct surveillance |
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| | <p>14. Inspectors gather data on suspected counterfeit goods, sources, and distribution channels through designed method.</p> <p>15. Upon completion of data collection, inspectors shall analyse data and generate report with recommendations to be submitted to Anti-Counterfeits Surveillance Manager</p> <p>16. Anti-Counterfeits Surveillance Manager reviews the Market Surveillance Report and submits it to the Director of Anti-Counterfeit for review</p> <p>17. Director of Anti-Counterfeit reviews the Market Surveillance Report and submit it to the Chief inspector for approval and further guidance on implementation of recommendations</p> |
| Process Output | Approved Market Surveillance Report |
| Measurable Outcome | Number of submitted Market Surveillance Reports |
| Exceptions to Normal Process Flow | Where during surveillance, counterfeit goods of targeted brand are found in bulk at a shop or premise, Inspectors will request the assistance of Police in conducting seizure operations |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Market Surveillance form ▪ Market Surveillance Report |

3.3.2 Warehouse Management

Warehouse management encompasses the principles and processes involved in receiving counterfeits or offending goods from raid and daily inspection conducted by Counterfeits Surveillance Officer, organizing storage in proper equipment, and issue stored goods to Counterfeits Surveillance Officer for release, donation or destruction. Warehouse management process is tabulated below: -

3.3.2.1 Warehouse Management

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| Name of Process | Warehouse Management |
| Process Number | FCC_CBP_WM_28 |

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| Process Description | This process entails procedures to receive incoming counterfeits or offending goods, and store the goods in proper equipment as well as issue stored goods to respective inspector for release or disposal |
| Process Boundaries | <p>Start Point: Warehouse Supervisor receive information from Inspector about the time of delivering counterfeits or offending goods at the Warehouse</p> <p>End Point: Director of Anti-Counterfeits review prepared stock taking report and submit to Chief Inspector for noting</p> |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-Counterfeits Enforcement Manager ▪ Anti-counterfeits Surveillance Manager ▪ Inspector ▪ Warehouse Supervisor |
| Stakeholders | TRA, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, DCI, Brand Owners, Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | Seized counterfeits goods at markets, port and ICDs |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Counterfeits goods tally or does not tally with Notice of Seizure ▪ End of quarter for Government financial year and 30 days have or have not elapsed since receipt of counterfeits goods for storage ▪ Approve or reject list of goods to be disposed ▪ Government financial year has or has not end |
| Process Input | <ol style="list-style-type: none"> 1. Notice of Seizure 2. Goods information |
| Process Flow | <ol style="list-style-type: none"> 1. Warehouse Supervisor receive information from Inspector about the time of delivering counterfeits or offending goods at the Warehouse |

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| | <ol style="list-style-type: none"> 2. Inspector handover counterfeits goods and Copy of Notice of Seizure to the Warehouse Supervisor 3. Warehouse Supervisor verify the goods details against Notice of Seizure 4. If the goods do not tally with the Notice of Seizure, Inspector perform corrective actions to rectify the discrepancy 5. If the goods tally with Notice of Seizure, Warehouse Supervisor accept counterfeits goods and prepare Goods Received Note 6. Warehouse Supervisor and Inspector sign the prepared Goods Received Note. Warehouse Supervisor issue signed Goods Received Note to Inspector, record details of received counterfeits goods into Warehouse Ledger and arrange the received similar counterfeits goods in proper storage equipment 7. If it is the end of quarter for Government financial year and 30 days have not elapsed since receipt of counterfeits goods for storage, proceed with step number 16 herein below 8. If it is the end of quarter for Government financial year and 30 days have elapsed since receipt of counterfeits goods for storage, Warehouse Supervisor prepare list of counterfeits goods to be disposed 9. Warehouse Supervisor submit the list of counterfeits goods to be disposed to Anti-Counterfeits Enforcement Manager 10. Anti-Counterfeits Enforcement Manager review list of counterfeits goods to be disposed and submit to Director of Anti-Counterfeits 11. Director of Anti-Counterfeits review list of counterfeits goods to be disposed and submit to Chief Inspector 12. Chief Inspector approve or reject list of counterfeits goods to be disposed, provide reasons for rejection and assign to Director of Anti-Counterfeits 13. Director of Anti-Counterfeits assign approved or rejected list of counterfeits goods to Anti-Counterfeits Enforcement Manager 14. Anti-Counterfeits Enforcement Manager check if Chief Inspector approved or rejected list of counterfeits goods to be disposed |
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| | <p>15. For rejected list of counterfeits goods to be disposed, Anti-Counterfeits Enforcement Manager notify Warehouse Supervisor to maintain storage status</p> <p>16. Warehouse Supervisor to maintain storage status of the rejected counterfeits goods</p> <p>17. For approved list of counterfeits goods to be disposed, Disposition of Goods Process complete life cycle</p> <p>18. Warehouse Supervisor receive signed Release Order or signed Disposal Order from Anti-Counterfeits Enforcement Manager</p> <p>19. Warehouse Supervisor prepare Issue Note in accordance with received order for release or disposal.</p> <p>20. Warehouse Supervisor and Inspector sign prepared Issue Note, issue counterfeits goods and signed Issue Note to respective Inspector and update details of the issued counterfeits goods in Warehouse Ledger</p> <p>21. If it is end of Government financial year, Warehouse Supervisor perform stock taking for the available counterfeits goods in Warehouse</p> <p>22. Warehouse Supervisor prepare stock taking report and submit to Anti-Counterfeits Enforcement Manager</p> <p>23. Anti-Counterfeits Enforcement Manager review prepared stock taking report and submit to Director of Anti-Counterfeits</p> <p>24. Director of Anti-Counterfeits review prepared stock taking report and submit to Chief Inspector for noting</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Good Return Note ▪ Stock Taking Report |
| Measurable Outcome | <ul style="list-style-type: none"> ▪ Number of Stock Taking Reports ▪ Number of Good Return Note |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |

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| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Warehouse Ledger ▪ Issue Note |
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3.3.3 Anti-Counterfeits Enforcement

Anti-Counterfeits Enforcement encompasses procedures for handling requests for compoundment, representing Chief Inspector before Courts of Law, disposal of condemned goods and release of suspected goods. Anti-Counterfeits Enforcement include the following business processes: -

- i. Handling Requests for Compoundment;
- ii. Representing Chief Inspector before Courts of Law;
- iii. Disposal of Condemned Goods; and
- iv. Release of Suspected Goods

3.3.3.1 Handling Requests for Compoundment

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| Name of Process | Handling Requests for Compoundment |
| Process Number | FCC_CBP_AC_30 |
| Process Description | This process entails submission of requests for compoundment by offenders, review, and assessment of applicable documents to determine requisite fine |
| Process Boundaries | <p>Start Point: Director of Anti-Counterfeits receives Chief Inspector directives on submitted Raid Report and Notices of Seizure</p> <p>End Point: Record Officer dispatches Release Letter to WHARF Manager and Anti-counterfeit Enforcement Officer closes the file</p> |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-Counterfeits Enforcement Manager ▪ Anti-counterfeits Surveillance Manager ▪ Surveillance Officer ▪ Enforcement Officer ▪ Offender |

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| | <ul style="list-style-type: none"> ▪ Record Officer ▪ WHARF Manager |
| Stakeholders | TRA, DCI, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, DPP, Brand Owner, Culprit, General Public and Business Community |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Offender Requests for Compoundment ▪ Chief Inspector Grants Orders for Compoundment |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Offender chooses to challenge or accepts Seizure Notice ▪ Submission of Required Documents ▪ Offender settles or fails to settle the fine within 30 days ▪ Counterfeits goods seized at port or market ▪ Goods missing country of origin seized |
| Process Input | <ol style="list-style-type: none"> 1. Notice of Seizure 2. Fine Schedule 3. Checklist for Complete Seizure Process 4. Raid Reports 5. Necessary Documents (i.e., TANSAD, Parking List, Invoice, Bill of Lading, Manifest) |
| Process Flow | <ol style="list-style-type: none"> 1. Director of Anti-Counterfeits receive Chief Inspector directives on submitted Raid Reports and Notices of Seizure 2. Anti-Counterfeits Enforcement Manager receives directives from the Director of Anti-Counterfeits and assigns to the Enforcement Officer 3. Enforcement Officer receives directives from Anti-Counterfeits Enforcement Manager for assessment 4. If the offender chooses to challenge Seizure Notice, this completes life cycle of compound process. 5. If the offender chooses to accept Seizure Notice, the offender fills and submits Request for Compoundment (Form F) |

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| | <p>6. Enforcement Officer receives Request for Compoundment and instructs the offender to submit necessary documents (TANSAD, Parking List, Invoice, Bill of Lading, Manifest etc.) for computation of fines.</p> <p>7. Enforcement Officer performs screening of the submitted documents to determine requisite fines to be paid</p> <p>8. Enforcement Officer assesses requisite fine according to the Fine Schedule, fills checklist for complete Seizure process, signs and submits to Anti-Counterfeits Enforcement Manager</p> <p>9. Anti-Counterfeits Enforcement Manager reviews and signs the Checklist for Complete Seizure Process and submits to the Director of Anti-Counterfeits for approval</p> <p>10. Director of Anti-Counterfeits approves the Checklist for Complete Seizure Process and assigns to Enforcement Officer to issue control number for payment</p> <p>11. Enforcement Officer issues Order of Compoundment (Form G) and control number to the offender for payment</p> <p>12. If the offender has made full payment of the fine and submits proof of payment, payment receipt is issued to the Offender</p> <p>13. After payment of the fine, the Anti-Counterfeit Enforcement Officer prepares a Release Letter and submits the same to the Anti-Counterfeits Enforcement Manager for review.</p> <p>14. Anti-Counterfeits Enforcement Manager reviews and submits draft Release Letter to the Director of Anti-Counterfeits for signature.</p> <p>For counterfeits goods seized at the port the process is as follows:</p> <p>15. Enforcement Officer prepares Offloading Letter to Commissioner of Customs copying TPA, Wharf Manager, Joint Port Control Unit, TICTS</p> <p>16. Enforcement Officer submits draft Offloading Letter to Anti-Counterfeits Enforcement Manager for review</p> <p>17. Anti-Counterfeits Enforcement Manager reviews and submits draft Offloading Letter to Director of Anti-Counterfeits for review</p> <p>18. Director of Anti-Counterfeits reviews the submitted draft Offloading Letter and submits to Chief Inspector for approval and signature</p> |
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| | <p>19. Chief Inspector signs Offloading Letter and assigns Record Officer for dispatch</p> <p>20. Record Officer receives Offloading Letter and dispatches to the Commissioner of Customs and copy to TPA, Wharf Manager, Joint Port Control Unit (JPCU), Offender</p> <p>21. Manager of Anti-Counterfeit Surveillance appoints surveillance Officer to participate in offloading of counterfeits goods seized at port</p> <p>22. Surveillance Officer offloads offending goods and transport the same to the Warehouse for storage purposes</p> <p>23. Warehouse Management Process completes lifecycle</p> <p>24. Surveillance Officer prepares Offloading Report and submits the to the Manager of Anti-Counterfeit Surveillance</p> <p>25. Anti-Counterfeit Surveillance Manager for review and approve submitted draft Offloading Report and submit to the Director of Anti-Counterfeits for further steps</p> <p>26. Director of Anti-Counterfeits receive the Offloading Report and assigns to the Anti-Counterfeits Enforcement Manager for preparation of Release Letter</p> <p>27. Anti-Counterfeits Enforcement Manager receives Offloading Report and assigns to Anti-Enforcement Officer to prepare Release Letter</p> <p>28. Anti-Enforcement Officer prepares release letter for release of consignment to the owner/offender</p> <p>29. Anti-Enforcement Officer submits draft release letter to Anti-Counterfeits Enforcement Manager for review</p> <p>30. Anti-Counterfeits Enforcement Manager reviews and submits the draft release letter to Director of Anti-Counterfeits for review</p> <p>31. Director of Anti-Counterfeits reviews and submit the draft release letter to Chief Inspector for Approval</p> <p>32. Chief Inspector reviews, signs release letter and assigns Record Officer for dispatch</p> <p>33. Record Officer receives Release Letter and dispatches to the Commissioner of Customs and copy to TPA, Wharf Manager, Joint Port Control Unit (JPCU) and offender</p> <p>For goods missing country of origin</p> |
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| | <p>34. Enforcement Officer assesses TANSAD document to determine the value of consignment for computation of requisite fine</p> <p>35. Enforcement Officer issues Order of Compoundment (Form G) and control number to the offender for payment</p> <p>36. If the offender settles the fine, proceeds with preparation of draft release letter</p> <p>37. If the offender fails to settle the fine, Chief Inspector informs Commissioner for customs to complete Disposal of Counterfeits Goods process lifecycle.</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Release Letter ▪ Offloading Letter ▪ Request for Compoundment (Form F) ▪ Order of Compoundment (Form G) |
| Measurable Outcome | Number of Release Letters, Number of Offloading Letters, Number of Files closed |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Checklist for Complete Seizure Process ▪ Daily Inspection Register ▪ Raid Seizure Register |

3.3.3.2 Representing Chief Inspector before Hearing Committees and Courts of Law

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| Name of Process | Challenge of Seizure |
| Process Number | FCC_CBP_AC_31 |
| Process Description | This process entails filling statement of claim, appointment of hearing committee and appearing before tribunal and courts of law |
| Process Boundaries | Start Point: Applicant fills and submits Statement of Claim (Form L) to Chief Inspector |

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| | <p>End Point: Record Officer dispatches Appointment Letters to the members of hearing committee.</p> <p>Appearing before tribunal and court of law.</p> |
| Process Owner | Director of Anti-Counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-Counterfeits ▪ Anti-Counterfeits Enforcement Manager ▪ Enforcement Officer/Inspector ▪ Record Officer ▪ Claimant ▪ Brand owner |
| Stakeholders | TRA, DCI, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, DPP, JPCU, |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | Claimant submits Statement of Claim (Form L) to Chief Inspector |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Chief Inspector approves statement of claim |
| Process Input | Statement of Claim (Form L) |
| Process Flow | <ol style="list-style-type: none"> 1. Claimant fills and submits Statement of Claim (Form L) to Chief Inspector 2. Chief Inspector receives the Statement of Claim (Form L) and assigns to the Director of Anti-Counterfeits for advice 3. Director of Anti-Counterfeits receives the Statement of Claim and assigns to Anti-Counterfeits Enforcement Manager for Advice 4. Anti-Counterfeits Enforcement Manager prepares Advice and submits to Director of Anti-Counterfeits for review 5. Director of Anti-Counterfeits reviews prepared advice and submit to Chief Inspector for decision |

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| | <ol style="list-style-type: none">6. Chief Inspector receives Legal Advice, provides decision, and assigns to Director of Anti-Counterfeits7. Director of Anti-Counterfeits receives decision and assigns to Anti-Counterfeits Enforcement Manager for further Actions8. For rejected Claim, Anti-Counterfeits Enforcement Manager receives and assigns to Enforcement Officer to prepare Response Letter to inform the Claimant that the Claim has been rejected9. Enforcement Officer prepares draft Response Letter to the Claimant and submit to Anti-Counterfeits Enforcement Manager for review10. Anti-Counterfeits Enforcement Manager receives draft Response Letter, review and submit to the Director of Anti-Counterfeits for review11. Director of Anti-Counterfeits review draft Response Letter and submit to the Chief Inspector for Signature12. Chief Inspector reviews and signs Response Letter and assigns Record Officer for dispatch to Claimant13. Record Officer receives signed Response Letter and dispatch to the Claimant14. For accepted Claim, Anti-Counterfeits Enforcement Manager prepares suggested members for hearing committee for Chief Inspector's appointment or otherwise15. Anti-Counterfeits Enforcement Manager submit to Director of Anti-Counterfeits suggested members for the hearing committee16. Director of Anti-Counterfeits reviews proposed names of members of hearing committee and submits to the Chief Inspector for approval17. Chief Inspector review and approves the names of members of hearing committee and assign to Director of Anti-Counterfeits to prepare Appointment Letters18. Director of Anti-Counterfeits receives names of appointed members of the hearing committee and assigns to the Anti-Counterfeits Enforcement Manager to prepare Appointment Letters19. Anti-Counterfeits Enforcement Manager receives names of appointed members of the hearing committee and assigns to Enforcement Officer to prepare draft Appointment Letters |
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| | <p>20. Enforcement Officer prepares Appointment Letters and submits to Anti-Counterfeits Enforcement Manager for preview</p> <p>21. Anti-Counterfeits Enforcement Manager previews and submits to the Director of Anti-Counterfeits for preview</p> <p>22. Director of Anti-Counterfeits previews the Appointment letter and submits to Chief Inspector for Signature</p> <p>23. Chief Inspector signs Appointment Letters and assigns to the Record Officer for dispatch</p> <p>24. Record Officer dispatch Appointment Letters to the appointed members of hearing committee and submit Claim File to the Chairperson of Committee</p> |
| Process Output | <ul style="list-style-type: none"> ▪ Response Letter ▪ Appointment Letter |
| Measurable Outcome | Number of challenged seizures |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | Advisory Report |
| Name of Process | Claim Hearing |
| Process Number | FCC_CBP_AC_32 |
| Process Description | This process entails procedure for conducting hearing as well as issuing proceedings and ruling of the Claim to Parties |
| Process Boundaries | <p>Start Point: Chairperson of Hearing Committee receive appointment letter and claim file</p> <p>End Point: Record Officer dispatch the signed proceeding and ruling to the Parties</p> |
| Process Owner | Chief Inspector |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Chairperson of the Committee |

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| | <ul style="list-style-type: none"> ▪ Members of the Committee ▪ Respondent/Inspectors ▪ Records Officer ▪ Claimant ▪ Parties ▪ Brand Owner |
| Stakeholders | TRA, DCI, BRELA, TBS, TMDA, Clearing and Forwarding Agencies, TPA, DPP, JPCU, Claimant, Brand Owner |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | Approved Statement of Claim by the Chief Inspector |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Need for Witness ▪ Complainant appeared or did not appear before the Hearing Committee ▪ Claimant chooses to challenge or not challenge the order for dismissal ▪ Chief Inspector is satisfied or not satisfied with submitted reasons |
| Process Input | <ol style="list-style-type: none"> 1. Appointment letter 2. Claim file |
| Process Flow | <ol style="list-style-type: none"> 1. Chairperson of Hearing Committee receive appointment letter and claim file 2. Chairperson of Hearing Committee call a meeting with committee members to familiarize with the case and schedule the date and time the hearing to be conducted 3. If there is a need of Witness, Chairperson of Hearing Committee issue and serve Notice of Witness to Appear (Form P) 4. Chairperson of the Committee issue and serve Notice of Hearing (Form M) to claimant, Inspectors and Brand Owner |

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| | <ol style="list-style-type: none"> 5. Chairperson of the Hearing Committee check if the claimant has appeared in front of the committee 6. If the claimant was dully served with the Notice of Hearing and does not appear before the Committee, The Committee dismisses the Claim 7. If Claimant choose to challenge the dismissal, within 14 days the Claimant fills and submits to the Chief Inspector the Application to Set Aside Dismissal Order (Form N) 8. Record Officer receive the application and submit to the Chief Inspector for preview 9. Chief Inspector receive Application to Set Aside Dismissal Order and review 10. If Chief Inspector/Hearing Committee is satisfied with the reason submitted, the Dismissal Order will set aside 11. If the Chief Inspector/ is not satisfied with the reasons submitted, Chief Inspector /hearing committee uphold the Dismissal Order and notify the Claimant 12. If the Claimant appears before the Committee, the hearing proceeds 13. After closure of the claimant case, the Respondent (Inspector) will present their defence before the Hearing Committee 14. Committee prepares Proceedings and Ruling of the Claim 15. Chairperson and Members of Hearing Committee sign the Proceedings and Ruling of the Claim 16. Chairperson of Hearing Committee calls upon the Parties and delivers Ruling of the Claim 17. Chairperson of Hearing Committee assigns signed Proceedings and Ruling of the Claim to Records Officer for dispatch 18. Record Officer dispatches the signed Proceedings and Ruling of the Claim to Parties |
| <p>Process Output</p> | <ol style="list-style-type: none"> 1. Signed Proceeding and Ruling 2. Notice of Witness to Appear (Form P) 3. Notice of Hearing (Form M) 4. Dismissal Order |

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| | 5. Application to Set Aside Dismissal Order (FORM N) |
| Measurable Outcome | Number of Signed Proceeding and Ruling |
| Exceptions to Normal Process Flow | Not Applicable |
| Control Points and Measurements | Proceeding and Ruling of the Claim |

3.3.3.3 Disposal of Condemned Goods

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| Name of Process | Disposal of Counterfeits Goods |
| Process Number | FCC_CBP_AC_33 |
| Process Description | This is process entails the disposal of counterfeit goods through donation to charitable organizations as well as destruction of counterfeits goods |
| Process Boundaries | Start Point: Chief Inspector assigns approved list of counterfeits goods to be destructed or donated to Director of Anti-Counterfeits End Point: Director of Anti-Counterfeits reviews and submits the donation or destruction report to the Chief Inspector for noting |
| Process Owner | Director of Anti-counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-counterfeits ▪ Anti-Counterfeits Enforcement Manager ▪ Enforcement Officer |
| Stakeholders | Director of Anti-counterfeits |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | Approved list of counterfeits goods to be donated or destructed |
| Frequency of Occurrence | Whenever need arises |

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| Decisions associated with the process | Counterfeits goods to be destructed or donated |
| Process Input | List of counterfeits goods to be destructed or donated |
| Process Flow | <ol style="list-style-type: none"> 1. Chief Inspector assign approved list of counterfeits goods to be destructed or donated to Director of Anti-Counterfeits 2. Director of Anti-Counterfeits reviews list of approved counterfeits goods to be destructed or donated and assigns to Anti-Counterfeits Enforcement Manager 3. Anti-Counterfeits Enforcement Manager reviews list of approved counterfeits goods to be destructed or donated and assigns Enforcement Officer 4. Enforcement Officer prepares Disposal Order (Form K) and submits to Anti-Counterfeits Enforcement Manager for review 5. Anti-Counterfeits Enforcement Manager reviews prepared Disposal Order and submits to Director of Anti-Counterfeits for review 6. Director of Anti-Counterfeits reviews Disposal Order and submits to Chief Inspector for signature 7. Chief Inspector reviews, signs prepared Disposal Order and assign to Director of Anti-Counterfeits 8. Director of Anti-Counterfeits receives signed Disposal Order and assigns to Anti-Counterfeits Enforcement Manager 9. Anti-Counterfeits Enforcement Manager receives signed Disposal Order and assigns to Inspector for further proceedings and Warehouse Supervisor for noting 10. Inspector receives issued counterfeits goods from Warehouse Supervisor as well as signed Issue Note 11. Inspector prepares Handover Note narrating list of issued counterfeits goods to be disposed 12. For counterfeits goods to be disposed, Inspector informs Service Provider, Brand Owner, Police Force about Disposal Order 13. Inspector countersigns Handover Note with Service Provider in presence of Police Force and other available witnesses for transportation to Destruction Facility |

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| | <p>14. Inspector, Police Force and Brand Owner witness the process of destructing counterfeits goods at the Destruction Facility and sign Counterfeits Goods Destruction Note</p> <p>15. Service Provider prepares and signs Destruction Certificate and submits to the Inspector</p> <p>16. Inspector prepares Destruction Report and submits to the Anti-Counterfeits Enforcement Manager for review</p> <p>17. Anti-Counterfeits Enforcement Manager Reviews Destruction Report and submits to the Director of Anti-Counterfeits for review</p> <p>18. Director of Anti-Counterfeits reviews and submits the Destruction Report to the Chief Inspector for noting</p> <p>19. For counterfeits goods to be donated, Inspector informs selected Organisation</p> <p>20. Inspector countersigns Handover Note with selected Organisation in presence of Police Force and other available witnesses</p> <p>21. Inspector handovers offending goods to selected Organisation in presence of Police Force and other available witnesses</p> <p>22. Inspector prepares Donation Report and submit to the Anti-Counterfeits Enforcement Manager for review</p> <p>23. Anti-Counterfeits Enforcement Manager Reviews Donation Report and submits to the Director of Anti-Counterfeits for review</p> <p>24. Director of Anti-Counterfeits reviews and submits the Donation Report to the Chief Inspector for noting</p> |
| <p>Process Output</p> | <ol style="list-style-type: none"> 1. Counterfeits Goods Donation Report 2. Counterfeits Goods Destruction Report 3. Disposal Order (Form K) 4. Issue Note Details 5. Destruction Note 6. Handover Note 7. Destruction Certificate |
| <p>Measurable Outcome</p> | <ul style="list-style-type: none"> ▪ Number of Counterfeits Goods Donation Reports ▪ Number of Counterfeits Goods Destruction Reports |

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| Exceptions to Normal Process Flow | <ul style="list-style-type: none"> ▪ For counterfeits goods to be destructed in absence of Service Provider, Inspector may conduct environment friendly destruction <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone plays both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Disposal Order ▪ Handover Note |

3.3.3.4 Release of Suspected Goods

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| Name of Process | Release of Suspected Goods |
| Process Number | FCC_CBP_AC_34 |
| Process Description | This process entails release of suspected counterfeits goods to responsible party |
| Process Boundaries | <p>Start Point: Chief Inspector assign Director of Anti-Counterfeits to prepare Release Order</p> <p>End Point: Director of Anti-Counterfeits review and submit Return of Goods Report to the Chief Inspector for noting</p> |
| Process Owner | Director of Anti-counterfeits |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Inspector ▪ Director of Anti-counterfeits ▪ Anti-Counterfeits Enforcement Manager ▪ Inspector ▪ Responsible Party ▪ Record Officer |
| Stakeholders | Director of Anti-Counterfeits |
| Business Rules | <ul style="list-style-type: none"> ▪ Merchandise Marks Act, 1963 as amended ▪ Merchandise Marks Regulations 2008 and 2010 |
| Pre-Conditions | <ul style="list-style-type: none"> ▪ Suspected counterfeits goods in Warehouse declared as not counterfeits |

| | |
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| | <ul style="list-style-type: none"> ▪ Ruling of the Hearing Committees ▪ Ruling of the appeal from FCT ▪ Submission of MOU between Offender and Brand Owner to the Chief Inspector ▪ Court Order |
| Frequency of Occurrence | Whenever need arise |
| Decisions associated with the process | Not Applicable |
| Process Input | 1. Inspection Report |
| Process Flow | <ol style="list-style-type: none"> 1. Chief Inspector assign Director of Anti-Counterfeits to prepare Release Order 2. Director of Anti-Counterfeits receive the directives and assign Anti-Counterfeits Enforcement Manager to prepare Release Order 3. Anti-Counterfeits Enforcement Manager receive the directives and assign Inspector to prepare Release Order 4. Inspector prepare Release Order and submit to Anti-Counterfeits Enforcement Manager for review 5. Anti-Counterfeits Enforcement Manager review prepared Release Order and submit to Director of Anti-Counterfeits for review 6. Director of Anti-Counterfeits review Release Order and submit to Chief Inspector for signature 7. Chief Inspector review, sign prepared Release Order and assign to Director of Anti-Counterfeits 8. Director of Anti-Counterfeits receive signed Release Order and assign to Anti-Counterfeits Enforcement Manager 9. Anti-Counterfeits Enforcement Manager receive signed Release Order and assign to Inspector for further proceedings and Warehouse Supervisor for noting 10. Inspector receive signed Release Order and inform Responsible Party, Police Force and other applicable witnesses 11. Inspector receive issued non-offending goods from Warehouse Supervisor as well as signed Issue Note |

| | |
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| | <p>12. Inspector prepare Handover Note narrating list of non-offending goods to be released in accordance with signed Release Order</p> <p>13. Inspector countersign Handover Note with Responsible Party, Police Force and other applicable witnesses</p> <p>14. Inspector return non-offending goods to Responsible Part in presence of Police Force and other applicable witnesses</p> <p>15. Inspector prepare Return of Goods Report and submit to the Anti-Counterfeits Enforcement Manager for review</p> <p>16. Anti-Counterfeits Enforcement Manager review the Return of Goods Report and submit to the Director of Anti-Counterfeits for review</p> <p>17. Director of Anti-Counterfeits review and submit Return of Goods Report to the Chief Inspector for noting</p> <p>18. Chief Inspector receive the Return of goods Report and assign Record Officer for filing</p> <p>19. Record officer receive the Return of Goods Report and file</p> |
| Process Output | <ol style="list-style-type: none"> 1. Released Goods 2. Release Order 3. Handover Note 4. Issue Note 5. Return of goods Report |
| Measurable Outcome | Return of Goods Report |
| Exceptions to Normal Process Flow | <p>In case of zone</p> <ol style="list-style-type: none"> 1. There is no Director or Manager in the Zonal Office. The Head of Zone play both roles in receiving submission from Zonal officer and Directive from Chief Inspector 2. Head of Zone submission goes Directly to the Chief Inspector |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Release Order ▪ Signed Handover Note ▪ Return of Goods Report |

3.4 Corporate Services

3.4.1 Finance and accounts section

3.4.1.1 Internal Payment

| | |
|--|---|
| Name of Process | Internal Payment |
| Process Number | FCC_SBP_CS_01 |
| Process Description | This process used to approve internal FCC payments |
| Process Boundaries | Start Point: Officer submits internal memo and request payment form End Point: Approved payment processed through MUSE |
| Process Owner | Director of Corporate Services |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General/DCS ▪ Director ▪ Head/Manager ▪ Finance Manager ▪ Budget Officer ▪ Finance Officer |
| Stakeholders | FCC departments, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Internal staff rules and regulations,2017 |
| Pre-Conditions | Approved Internal memo |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for amendments of internal memo and request payment form |

| | |
|---------------------------|---|
| Process Input | <ol style="list-style-type: none"> 1. Approved internal memo 2. Request for payment form |
| Process Flow | <ol style="list-style-type: none"> 1. User department Officer request payment by writing Internal Memo 2. Manager recommends and send internal memo to Director of user department 3. Director of user department recommends to Director General for approval 4. Director General approves or rejects 5. If approved, Director General sends the response to the director of user department 6. Director of user department send response to Manager 7. Manager send response to Officer to fill request for payment 8. Officer of user department fill request for payment form and submit to budget officer of user department 9. Budget officer of user department fill balance as per budget and submit to Manager 10. Manager sign and submit to Director of user department 11. Director of user department sign and submit to DG or Director of corporate services depends on amount requested 12. DG or Director of corporate services depends on amount requested, sign and send to Finance Manager for payment processing 13. Finance Manager assign to Finance Officer 14. Finance Officer processes payment through MUSE system |
| Process Output | <ol style="list-style-type: none"> 1. Approved Internal memo 2. Approved request payment form |
| Measurable Outcome | Number of Complete payments |

| | |
|--|---|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Internal Memo Application for request payment form |

3.4.1.2 External Payment

| | |
|----------------------------|--|
| Name of Process | External Payment |
| Process Number | FCC_SBP_CS_02 |
| Process Description | This process used to approve External FCC payments |
| Process Boundaries | Start Point: Supplier/vendor submits invoice End Point: Approved payment processed through MUSE |
| Process Owner | Director of Corporate Services |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General/DCS ▪ Directors ▪ Head/Managers ▪ Finance Manager ▪ Budget Officer ▪ Finance Officer |
| Stakeholders | FCC departments, MUSE, supplier, vendor |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Procurement act, ▪ Procurement Manual |
| Pre-Conditions | Supplier/Vendor Contract |

| | |
|--|---|
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for amendments of invoice and request payment form |
| Process Input | Invoice |
| Process Flow | <ol style="list-style-type: none"> 1. Supplier/Vendor submit invoice at the reception 2. Reception Officer send invoice to registry 3. Registry Officer send the invoice to DG for assignment though e-office 4. DG review and assign to respective Director/unit Manager 5. Respective Director review and assign to manager for processing. For unit without Director, the unit Manager review and assign to Officer for processing 6. For Department, The Manager review and assign to Officer for processing 7. Officer process invoice, fill request payment form, attach relevant documents and submit to budget officer 8. Budget officer of respective department fill balance as per budget and submit to Manager 9. For unit that report direct to DG, Manager review the submitted documents and advice to DCS for approval 10. For Department, Director of respective department recommends to DCS for approval 11. DCS send to FAM (Finance and Accounting Manager) for review 12. FAM review and submit documents to Procurement Manager 13. Procurement Manager review and assign to Procurement Officer 14. Procurement Officer initiate payment through MUSE |
| Process Output | Approval for payment |
| Measurable Outcome | Number of Complete payments |

| | |
|--|---|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Invoices/contracts and Application for request payment form |

3.4.1.3 External Payment for utilities (water bills, electricity bills, telephone bills etc.)

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|--------------------------------|--|
| Name of Process | External Payment for utilities (water bills, electricity bills, telephone bills etc.) |
| Process Number | FCC_SBP_CS_03 |
| Process Description | This process used to approve External FCC payments for utilities bills |
| Process Boundaries | Start Point: Supplier submits invoice/bills End Point: Approved payment processed through MUSE |
| Process Owner | Director of Corporate Services |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director of Corporate services ▪ Finance Manager ▪ Budget Officer ▪ Finance Officer |
| Stakeholders | FCC departments, MUSE, supplier |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 |
| Pre-Conditions | Service utilization |
| Frequency of Occurrence | Monthly or Whenever Need arises |

| | |
|--|---|
| Decisions associated with the process | Approved, Rejected or send back for amendments of invoice/bill and request payment form |
| Process Input | Invoice/bill |
| Process Flow | <ol style="list-style-type: none"> 1. Supplier submit invoice/bill at the reception 2. Reception Officer send invoice to registry 3. Registry Officer send the invoice to DG for assignment though e-office 4. DG review and assign to DCS 5. DCS review and assign to respective Director/Manager/Head for processing. 6. For unit without Director, the unit Manager/Head review and assign to Officer for processing 7. For Department, the Director review and assign the Manager for processing 8. The Manager review and assign officer for processing 9. Officer process invoice/bill, fill request payment form, attach relevant documents and submit to budget officer 10. Budget officer of respective department fill balance as per budget and submit to Manager (Manager) 11. For unit that report direct to DG, Manager review the submitted documents and submit to DG/DCS for approval 12. For Department, Director of respective department recommends to DG/DCS for approval 13. DCS send to FAM (Finance and Accounting Manager) for review 14. FAM review and submit documents to Finance Officer for Payment 15. Finance Officer process payment through MUSE |
| Process Output | Approval for payment |
| Measurable Outcome | Number of Complete payments |

| | |
|--|---|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Invoice/bill and Application for request payment form |

3.4.1.4 Retirement for Internal Payment

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|--|--|
| Name of Process | Retirement for Internal Payment |
| Process Number | FCC_SBP_CS_04 |
| Process Description | This process used to retire internal FCC payments |
| Process Boundaries | Start Point: Officer submits retirement document End Point: Approved retirement through MUSE |
| Process Owner | Director of Corporate Services |
| Process Actors | <ul style="list-style-type: none"> ▪ All staff |
| Stakeholders | All Staff of FCC, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Internal staff rules and regulations, 2017 |
| Pre-Conditions | Approved Imprest |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved or send back for amendments of Retirement form |
| Process Input | Filled Retirement form and associated documents |

| | |
|--|--|
| Process Flow | <ol style="list-style-type: none"> 1. Staff fills retirement form, attaches retirement documents and submit to Respective Manager/Head of unit/ Director for approval 2. Manager/Head of unit/ Director reviews the submitted request and sign 3. If signed, the finance officer reviews the signed retirement form and associated documents. If in order, the finance officer signs the retirement document and register in the imprest retirement book and submit to FAM for review 4. FAM reviews the retirement form and associated documents, signs and submit to DCS for approval 5. DCS approves the retirement form and sends to FAM 6. FAM assigns the Finance Officer to process retirement 7. Finance Officer processes retirement through MUSE system |
| Process Output | Approved retirement |
| Measurable Outcome | Number of Complete retirements |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Retirement form |

3.4.1.5 Revenue Collection

| | |
|----------------------------|--|
| Name of Process | Revenue Collection |
| Process Number | FCC_SBP_CS_05 |
| Process Description | This process used for collecting revenue and accounting |
| Process Boundaries | <p>Start Point: Customer request control number</p> <p>End Point: GePG receipt</p> |
| Process Owner | Director of Corporate Services |

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|--|---|
| | |
| Process Actors | <ul style="list-style-type: none"> ▪ Finance Manager ▪ Finance Officer/Officer (GePG) ▪ Customer/Payer |
| Stakeholders | FCC departments, MUSE, Customer, GePG |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 |
| Pre-Conditions | Service request |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | N/A |
| Process Input | Customer control number request |
| Process Flow | <ol style="list-style-type: none"> 1. Customer request for control number 2. Officer issues control number to customer 3. Payer make payment using control number 4. Payer submits payment evidence to Officer 5. Officer issue GePG receipt |
| Process Output | GePG receipt |
| Measurable Outcome | Number of Complete payments |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Control number |

3.4.1.6 Revenue Collection from Fines

| | |
|--|---|
| Name of Process | Revenue Collection from Fines |
| Process Number | FCC_SBP_CS_06 |
| Process Description | This process used for collecting revenue from fines |
| Process Boundaries | Start Point: Officer issues control number to customer End Point: GePG receipt |
| Process Owner | Director of Corporate Services |
| Process Actors | <ul style="list-style-type: none"> ▪ Finance Manager ▪ Finance Officer/Officer (GePG) ▪ Customer/Payer |
| Stakeholders | FCC departments, MUSE, Customer, GePG |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 |
| Pre-Conditions | Service request |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | N/A |
| Process Input | Issuance of control number |
| Process Flow | <ol style="list-style-type: none"> 1. Officer issues control number to customer 2. Payer make payment using control number 3. Payer submits payment evidence to Officer 4. Officer issue GePG receipt |
| Process Output | GePG receipt |
| Measurable Outcome | Number of Complete payments |

| | |
|--|----------------|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Control number |

3.4.1.7 Salary Advance

| | |
|--|---|
| Name of Process | Salary Advance |
| Process Number | FCC_SBP_CS_07 |
| Process Description | This process used by staff to apply for salary advance |
| Process Boundaries | Start Point: Staff fill salary advance form End Point: Approved payment processed through MUSE |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC Staff |
| Stakeholders | All FCC Staff, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Internal staff rules and regulations,2017 |
| Pre-Conditions | Approved salary advance form |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for amendments of salary advance form |
| Process Input | Filled salary advance form |
| Process Flow | 1. Staff fill salary advance form and submit to HR Officer |

| | |
|--|--|
| | <ol style="list-style-type: none"> 2. HR Officer review and recommend to HR manager 3. HR manager review and recommend to DCS 4. DCS forward to FAM to check for outstanding balances 5. FAM forward to Finance officer to check outstanding balances and forward to FAM 6. Finance Officer checks outstanding balances and forward to FAM 7. FAM review and forward to DCS for approval 8. DCS approve and forward to FAM for processing 9. FAM assign to Finance Officer for processing 10. Finance Officer processes payment through MUSE system |
| Process Output | Approved payment |
| Measurable Outcome | Number of Complete payments |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Salary Advance form |

3.4.1.8 Extra Duty

| | |
|----------------------------|---|
| Name of Process | Extra Duty |
| Process Number | FCC_SBP_CS_08 |
| Process Description | This process used by staff to apply for extra duty approval |
| Process Boundaries | <p>Start Point: Staff fill extra duty form and memo indicating total amount payable</p> <p>End Point: Approved payment processed through MUSE</p> |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC Staff |

| | |
|--|--|
| Stakeholders | All FCC Staff, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Internal staff rules and regulations,2017 |
| Pre-Conditions | Approved Extra duty form and memo |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, rejected or send back for amendments of extra duty form |
| Process Input | Filled extra form and memo |
| Process Flow | <ol style="list-style-type: none"> 1. Staff fill extra duty form and submit to Line manager for signature 2. Line Manager fill necessary details, sign and submit to FAM Manager 3. FAM Manager assign Finance Officer to fill form 4. Finance Officer fill form and submit to FAM for signature 5. FAM fill necessary details, sign the form and submit to DCS for approval 6. DCS approve and forward to FAM for processing 7. FAM assign to Finance Officer for processing 8. Finance Officer processes payment through MUSE system |
| Process Output | Approved payment |
| Measurable Outcome | Number of Complete payments |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Extra duty form |

3.4.1.9 Petty Cash requisition

| | |
|--|---|
| Name of Process | Petty Cash requisition |
| Process Number | FCC_SBP_CS_09 |
| Process Description | This process used by staff to apply for petty cash |
| Process Boundaries | Start Point: Staff fill petty cash requisition form End Point: Approved petty cash requisition form |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC Staff |
| Stakeholders | All FCC Staff, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Public Finance Act, 2001 ▪ Financial regulations, 2023 ▪ Accounting Manual, 2023 ▪ Internal staff rules and regulations,2017 |
| Pre-Conditions | filled petty cash requisition form |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, rejected or send back for petty cash requisition form |
| Process Input | Filled petty cash requisition form |
| Process Flow | <ol style="list-style-type: none"> 1. Staff fill petty cash requisition form and submit to Line Manager 2. Line Manager review and recommend to DCS 3. DCS approves or Reject petty cash requisition and forward to FAM for payment 4. FAM assign Finance Officer to pay 5. Finance Officer issue payment to staff |

| | |
|--|--|
| | <ol style="list-style-type: none"> 6. Staff sign petty cash form after receiving fund 7. Staff submit receipt to Finance Officer after utilizing fund 8. Finance Officer collect receipt from staff and mark petty cash form as retired |
| Process Output | Approved petty cash requisition |
| Measurable Outcome | Number of approved petty cash requisition |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved Petty cash requisition form |

3.4.2 Human Resources

3.4.2.1 Leave Application process

| | |
|----------------------------|---|
| Name of Process | Leave Application process |
| Process Number | FCC_SBP_CS_10 |
| Process Description | This process used by staff to apply for leave |
| Process Boundaries | <p>Start Point: Staff fill leave application form</p> <p>End Point: Approved leave</p> |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC Staff |
| Stakeholders | All FCC Staff, MUSE |
| Business Rules | <ul style="list-style-type: none"> ▪ Financial regulations, 2023 ▪ Internal staff rules and regulations,2015 ▪ Standing Order ▪ Public Services Act and Regulations |

| | |
|--|---|
| Pre-Conditions | Valid FCC staff with leave balance |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for leave application form |
| Process Input | Filled leave application form |
| Process Flow | <ol style="list-style-type: none"> 1. An employee fill in leave application form according to their leave roaster and submit to HR Manager for review 2. HR Manager review and assign HRA Officer for verification 3. HRA Officer, review, verify and forward to HR Manager 4. Human Resource Manager review, sign and submit to Line Manager (Section Manager/Unit Head) 5. Line Manager (Section Manager/Unit Head) review, sign and forward to DG/Director for approval <ol style="list-style-type: none"> 1. DG/Director approve and forward to FAM for confirmation of entitlement of payment 2. FAM confirm payment entitlement and forward to DG/DCS for approval 3. DG/DCS approve the paid leave and forwarded to HRM for recording purposes 4. HRM assign the HRA Officer to record the approved leave request and provide feedback to the employee. 5. HRA Officer record the approved leave request and provide feedback to the employee. |
| Process Output | Approved leave |
| Measurable Outcome | Number of approved leave |
| Exceptions to Normal Process Flow | Not applicable |

| | |
|--|---------------------------------|
| Control Points and Measurements | Approved leave application form |
|--|---------------------------------|

3.4.2.2 Staff Training process

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|--|---|
| Name of Process | Staff Training process |
| Process Number | FCC_SBP_CS_11 |
| Process Description | This process used by staff to apply for training |
| Process Boundaries | Start Point: Staff fill training request form End Point: Approved training |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC Staff |
| Stakeholders | All FCC Staff |
| Business Rules | <ul style="list-style-type: none"> ▪ Financial regulations, 2023 ▪ Internal staff rules and regulations, 2015 |
| Pre-Conditions | Valid FCC staff |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for training application form |
| Process Input | Approved Training Program |
| Process Flow | <ol style="list-style-type: none"> 1. An employee fill training request form according to training program action (personal particulars) (Names, Gender, Age, Designation, Date of employment, Academic/Professional qualification) and training fee, per Diem allowance and local/fair allowance 2. Training application reviewed by Manager/supervisor of that staff for approval |

| | |
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| | <p>3. Application be forwarded to Human Resource Manager reviewing and verification</p> <p>4. Application sent to HRA Office for review and verification (Training needs, Proposed training to attend, expected training institution, training duration and proposed training date) also HR reviewing training fee, per diem allowance and local/fair allowance.</p> <p>5. Application forwarded to Human Resource Manager for confirmation and verification</p> <p>6. Application be forwarded to DG/DCS for final training approval</p> <p>7. Approved training application request be forwarded to Finance and Accounts Manager for training entitlement and payments</p> <p>8. Training (approved or not approved) be sent to HRA Office for recording purposes and feedback to the employee</p> |
| Process Output | Approved training |
| Measurable Outcome | Number of approved trainings |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved training |

3.4.2.3 Official Safari Application Process

| | |
|----------------------------|---|
| Name of Process | Official Safari Application Process |
| Process Number | FCC_SBP_CS_12 |
| Process Description | This process used by staff to apply for Official trip |
| Process Boundaries | <p>Start Point: Staff fill in application form for official Safari</p> <p>End Point: Approved official Safari</p> |
| Process Owner | Director of Corporate Services |

| | |
|--|---|
| | |
| Process Actors | All FCC Staff |
| Stakeholders | All FCC Staff |
| Business Rules | <ul style="list-style-type: none"> ▪ Financial regulations, 2023 ▪ Internal staff rules and regulations,2015 |
| Pre-Conditions | Valid FCC staff |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for application for official Safari form |
| Process Input | Filled application form for official Safari |
| Process Flow | <ol style="list-style-type: none"> 1. An employee fills in application form for official Safari and submit to line manager (Section Manager/ Unit Head) 2. Line Manager preview, sign and submit form to Director for approval 3. If Unit, the Manager submit filled form to the DG for approval 4. The DG approve the safari application and send to DCS for payment processing 5. DCS sign and assign FAM to process payment 6. The HRM take note of the approved safari. 7. The FAM assign Finance officer to process payment 8. The Finance officer process safari payment through MUSE and notify HRM 9. The HRM take note of the approved safari and send copy of the approval to staff for travel permit processing |
| Process Output | Approved official safari |
| Measurable Outcome | Number of approved official safari |

| | |
|--|-------------------|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved training |

3.4.2.4 Fleet Management Process

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|--|--|
| Name of Process | Fleet Management Process |
| Process Number | FCC_SBP_CS_13 |
| Process Description | This process used by staff to apply for fleet maintenance/ service/ replacement |
| Process Boundaries | Start Point: Staff fill in application form for fleet maintenance/ service/ replacement End Point: Approved fleet maintenance/ service/ replacement |
| Process Owner | Director of Corporate Services |
| Process Actors | FCC Drivers, HRA Manager, Administrative Officer, PMU, Finance Department |
| Stakeholders | All FCC Staff |
| Business Rules | <ul style="list-style-type: none"> ▪ Financial regulations, 2023 ▪ Internal staff rules and regulations,2015 |
| Pre-Conditions | Valid FCC staff |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approved, Rejected or send back for application for fleet maintenance/ service/ replacement |
| Process Input | Filled application form for fleet maintenance/ service/ replacement |
| Process Flow | 1. Driver filling maintenance/service/replacement form, |

| | |
|--|--|
| | <ol style="list-style-type: none"> 2. Filled form sent to Administrative Officer for Review 3. The Administrative Officer submit reviewed form to HRA Manager for checking 4. HRA Manager review and recommend for approval to DCS for approval 5. DCS approve and submit reviewed form to PMU for procurement processes 6. PMU initiate procurement process through NeST |
| Process Output | Approved fleet maintenance/ service/ replacement |
| Measurable Outcome | Number of approved fleet maintenance/ service/ replacement |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved fleet maintenance/ service/ replacement |

3.4.3 Record Management Office

Processes:

1. Recieve internal and external documents
2. Dispatch of document to external stakeholders

3.4.3.1 Receive internal and external documents

| | |
|----------------------------|---|
| Name of Process | Receive internal and external documents |
| Process Number | FCC_SBP_CS_14 |
| Process Description | This process used by staff to receive and disseminate documents to the respective directorates or units |
| Process Boundaries | Start Point: Record Officer receive internal or external document |

| | |
|--|---|
| | End Point: Route to relevant directorates or units |
| Process Owner | Director of Corporate Services |
| Process Actors | Record Officers |
| Stakeholders | All FCC Staff, External Entities |
| Business Rules | <ul style="list-style-type: none"> ▪ Record manual, 2007 ▪ Record and archive management act no.3, 2002 |
| Pre-Conditions | Internal or external document need to be received |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | To route received stamped document to respective directorates or units |
| Process Input | Filled incoming register form (filled in e-Office system) |
| Process Flow | <ol style="list-style-type: none"> 1. Record Officer receive internal or external document 2. Record Officer record date and stamp received document 3. Record Officer fill incoming register form through e-Office and submit 4. Record Officer scan received document and upload to e-Office system 5. Record Officer send the received document to DG through e-Office system 6. DG preview and channel received document to respective Director/Manager/Head for action 7. Respective Director/Manager/Head receive the document and assign to respective Manager/Officer for action |
| Process Output | Relevant action Officer receives the stamped document for action |
| Measurable Outcome | Number of received stamped documents |

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|--|--|
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Stamped documents and filled incoming register |

3.4.3.2 Dispatch of document to external stakeholders

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|--|--|
| Name of Process | Dispatch of document to external stakeholders |
| Process Number | FCC_SBP_CS_15 |
| Process Description | This process used by Record Officer to dispatch documents to external stakeholders |
| Process Boundaries | Start Point: Record Officer receive signed document to dispatch End Point: Document dispatched to respective external stakeholder |
| Process Owner | Director of Corporate Services |
| Process Actors | Record Officers |
| Stakeholders | All FCC Staff and external stakeholders |
| Business Rules | <ul style="list-style-type: none"> ▪ Record manual, 2007 ▪ Record and archive management act no.3, 2002 |
| Pre-Conditions | Signed document need to be dispatched |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | To dispatch signed and stamped document to respective stakeholder |
| Process Input | Filled outgoing register form (filled in e-Office system) |
| Process Flow | <ol style="list-style-type: none"> 1. Record Officer receive signed internal document to dispatch 2. Record Officer date and stamp the signed internal document to be dispatched 3. Record Officer fill outgoing register form through e-Office |

| | |
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| | <p>4. Record Officer scan stamped and signed internal document to be dispatched and upload to e-Office system</p> <p>5. Record Officer send stamped and signed document to respective stakeholder through e-Office system</p> <p>6. For External stakeholders not using e-Office system, record officer dispatch stamped and signed document through other transmission channels</p> |
| Process Output | Dispatched stamped and signed document to respective stakeholder |
| Measurable Outcome | Number of dispatched documents |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Stamped, signed documents and filled outgoing register |

3.4.4 Planning, monitoring and evaluation

The following business processes are handled by the planning, monitoring and evaluation Unit;

- i. Plan and budgeting
- ii. Monitoring and evaluation

3.4.4.1 Plan and Budgeting

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| Name of Process | Plan and budgeting |
| Process Number | FCC_SBP_CS_16 |
| Process Description | This process used by management to plan for implementation of FCC strategic plan |
| Process Boundaries | <p>Start Point: Planning activities to be performed and estimation of income and expenditure projection.</p> <p>End Point: Approved annual plans (activities) and budget</p> |
| Process Owner | Director of Corporate Services |

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| Process Actors | All FCC budget officers from Directorate and independents units <ul style="list-style-type: none"> ▪ Director General (DG) ▪ Director of Corporate Services (DCS) ▪ Planning, Monitoring and Evaluation Manager (PMEM) ▪ Budget officers |
| Stakeholders | All FCC Staff and the Commission |
| Business Rules | <ul style="list-style-type: none"> ▪ Budget act, 2015 ▪ Budget regulations,2015 ▪ Planning and Budgeting Guideline 2023 |
| Pre-Conditions | Strategic Plan |
| Frequency of Occurrence | Annually |
| Decisions associated with the process | Approved, rejected or send back to management (Budget committee) for corrections and additions. Reviewed by Audit Committee and approved by Commission |
| Process Input | Fill budget matrices with agreed unit of measures; such as rates, values, prices, hours etc. |
| Process Flow | <ol style="list-style-type: none"> 1. PMEM prepare plan and budget circular and submit to Director of Corporate Services (DCS) to review and recommend to DG 2. DCS review and submit recommendation for approval to the DG 3. DG approves and issue Plan and Budget Circular issued to all Directorates, Units and Zones 4. Directorates, Units and Zones through their budget officers develop annual plans and budget as per budget circular and submit to DCS 5. DCS present the proposed annual plans and budget to FCC Management (Budget Committee) 6. Budget committee review the proposed annual plans and budget submitted and finally set budget targets. |

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| | <ol style="list-style-type: none"> 7. After Management reviews submit final annual plans and budget draft to DG 8. DG Present the final draft annual plans and budget to the Workers Council for deliberation and endorsement 9. DG Present the final draft annual plans and budget after Workers Council deliberation and endorsement to the Audit committee for further deliberation and endorsement. 10. Once endorsed, Audit committee chairperson present the final draft budget to the Commission for deliberation and approval 11. DG Submit Budget to the Treasury Registrar for scrutinization and final approval 12. Once Approved, the DG assign DCS to prepare action plan for implementation of plans and budget 13. DCS assign PMEM to prepare action plan 14. PMEM prepares action Plan for implementation of plan and budget and submit to DCS for review 15. DCS review the action plan and submit to management for approval 16. The Management approve the action plan |
| Process Output | <p>Approved plan and budget</p> <p>Approved action plan</p> |
| Measurable Outcome | Number of approved plan and budget |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved plan and budget |

3.4.4.2 Monitoring and Evaluation

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| Name of Process | Monitoring and evaluation |
| Process Number | FCC_SBP_CS_17 |
| Process Description | This process used by management to track and assess progress of implementation of plan and budget |
| Process Boundaries | Start Point: Prepare monitoring and evaluation plan End Point: Monitoring and evaluation report |
| Process Owner | Director of Corporate Services |
| Process Actors | All FCC monitoring and evaluation team |
| Stakeholders | All FCC Staff and the Commission |
| Business Rules | Monitoring and evaluation framework, 2024 |
| Pre-Conditions | Approved Annual Plan and Budget |
| Frequency of Occurrence | Quarterly |
| Decisions associated with the process | Approved, rejected or send back for monitoring and evaluation plan (Approved by management) |
| Process Input | Filled monitoring and evaluation forms |
| Process Flow | <ol style="list-style-type: none"> 1. PMEM prepare monitoring and evaluation plan and submit to Director of Corporate Services to review and recommend to DG 2. DG approves the monitoring and evaluation Plan and assign to DCS for implementation 3. DCS assign to PMEM for implementation 4. PMEM (Plan, monitoring and evaluation manager) assign to Monitoring and evaluation team 5. Monitoring and evaluation team start data collection from directorates and units and analyze them 6. Monitoring and evaluation team prepares draft monitoring/evaluation reports and submit to PMEM 7. PMEM review and submit draft report to the DCS |

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| | <p>8.DCS review draft report and recommend to management for review and deliberation</p> <p>9. DG Present the final draft to the Audit committee for deliberation and endorsement</p> <p>10. Audit Committee chairperson submit the draft report to the commission for approval</p> <p>11. The commission approve monitoring and evaluation report</p> |
| Process Output | Approved monitoring and evaluation report |
| Measurable Outcome | Number of approved monitoring and evaluation report |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved monitoring and evaluation report |

3.5 Public Relation and Communication Unit

3.5.1 Production of the Commission's newsletter

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| Name of Process | Production of the Commission's newsletter |
| Process Number | FCC_SBP_PR_01 |
| Process Description | This process entails process of production of Commission's Newsletter |
| Process Boundaries | Start Point: Collect news from departments/Units End Point: Dissemination of Newsletter to the public |
| Process Owner | <ul style="list-style-type: none"> ▪ Head of PR and Communication unit |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Editorial Board ▪ Head of PR and Communication unit ▪ Representatives from the Department ▪ PR Officer ▪ Record Officer |
| Stakeholders | FCC Departments/Units, General Public, Business Community, MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | |
| Frequency of Occurrence | 2 Times a Year |
| Decisions associated with the process | Approval from Director General |
| Process Input | Information from Department/Units |
| Process Flow | <ol style="list-style-type: none"> 1. PR Officer collect, Consolidate and submit Information/developed stories to Head of PR and Communication unit 2. Head of PR and Communication unit review submitted Information/developed stories and submit to the Editorial Board for Editing |

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| | <ol style="list-style-type: none"> 3. The Chairperson of the Editorial Board submit draft Newsletter to the Head of PR 4. Head of PR accommodate comments if any and submit to Director General for approval 5. Director General approve the Newsletter and assign the Head of PR for further process 6. Head of PR and Communication unit follow procurement lifecycle for printing and online publishing 7. Head of PR and Communication unit assign Printed Newsletter to Records Officer for dispatch 8. Record Officer dispatch the Printed Newsletter to the Stakeholders |
| Process Output | Newsletter |
| Measurable Outcome | Number of Newsletters |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Editing of Information/Developed Stories by the Editorial Board |

3.5.2 Preparation of Public Relations Writings (press releases, speeches, articles for journals and newspapers, as well as radio and television scripts)

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| Name of Process | Preparation of Public Relations Writings |
| Process Number | FCC_SBP_PR_02 |
| Process Description | This process entails Preparation of press releases, speeches, articles for journals and newspapers, as well as radio and television scripts |
| Process Boundaries | Start Point: Responsible Unit / PR Officer prepare draft writing End Point: Director General approve the prepared PR writing |
| Process Owner | <ul style="list-style-type: none"> ▪ Head of PR and Communication unit |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director/Manager |

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| | <ul style="list-style-type: none"> ▪ Head of PRCU ▪ PR Officer ▪ Record Officer |
| Stakeholders | FCC Departments/Units, General Public, Business Community, MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approval by the Director General |
| Process Input | Received needs for the writing |
| Process Flow | <ol style="list-style-type: none"> 1. PR Officer prepare draft PR writing and submit to Head of PR and Communication unit for review 2. Head of PR and Communication unit review the draft PR writing and submit to the Director General for approval 3. Director General approve writing and assign the Head of PR and Communication unit for further processing 4. Head of PR and Communication Unit assign PR officer for further process 5. 6. If dissemination involves procurement, then procurement lifecycle for dissemination follows, else, assign record officer for dispatch 7. Record Officer dispatch the PR Writing to stakeholder |
| Process Output | Approved PR writing |
| Measurable Outcome | Number of Approved PR writing |
| Exceptions to Normal Process Flow | Not applicable |

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| Control Points and Measurements | Approval of PR writing by the Director General |
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3.5.3 Preparation of PR Events

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| Name of Process | Preparation of Public Relations Events |
| Process Number | FCC_SBP_PR_03 |
| Process Description | This process entails organizing and managing press conferences, conventions, exhibitions, promotions, open-house publicity events and sponsorship |
| Process Boundaries | Start Point: PR Officer prepare draft Event plan End Point: Director General approve the prepared Event Plan |
| Process Owner | <ul style="list-style-type: none"> ▪ Head of PR and Communication unit |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director/Manager/Head ▪ Head of PR and Communication unit ▪ PR Officer ▪ Record Officer |
| Stakeholders | FCC Departments/Units, General Public, Business Community, MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Approval of Event Plan by the Director General |
| Process Input | <ul style="list-style-type: none"> ▪ Received Invitation to attend Event ▪ Internal needs to participate to the Event |
| Process Flow | <ol style="list-style-type: none"> 1. PR Officer prepare draft Event plan and submit to Head of PR and Communication unit for review 2. Head of PR and Communication unit review the draft Event Plan and submit to the Director General for approval 3. Director General approve the draft Event Plan and assign the Head of PR and Communication unit for further processing |

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| | <p>4. Head of PR and Communication assign PR officer for further actions</p> <p>5. If the Event involves procurement, then procurement lifecycle follows, else, continue with Event processes</p> |
| Process Output | Approved Event Plan |
| Measurable Outcome | Number of Approved Event Plans |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approval of Event Plan by the Director General |

3.5.4 Review of print and electronic media

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|----------------------------|---|
| Name of Process | Review of print and electronic media |
| Process Number | FCC_SBP_PR_04 |
| Process Description | This process entails Review of print and electronic media |
| Process Boundaries | <p>Start Point: PR Officer review print electronic media</p> <p>End Point: Director General receive summary on issues related to the commission</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ Head of PR and Communication unit |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Head of PR and Communication unit ▪ PR Officer ▪ Record Officer |
| Stakeholders | FCC Departments/Units, General Public, Business Community, MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | |

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| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Analysed Issues related to the commission by the Director General |
| Process Input | Print and Electronic Media |
| Process Flow | <ol style="list-style-type: none"> 1. PR Officer review print and electronic media and prepare a summary of Issues related to the commission and submit to the Head of PR and Communication unit for review 2. Head of PR and Communication unit review, prepare recommendation on the summary of Issues related to the commission and submit to the Director General for guidance 3. Director General Review the submitted recommendation on the summary of Issues related to the commission, guide and assign the Head of PR and Communication unit for further action 4. Head of PR and Communication unit receive the directives from the Director General and assign the PR Officer for further action |
| Process Output | Summary of Issues related to the commission |
| Measurable Outcome | Number Summaries of Issues related to the commission |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Guidance by the Director General |

3.5.5 Inquiry/Invitation Processing

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| Name of Process | Inquiry/Invitation Processing |
| Process Number | FCC_SBP_PR_05 |
| Process Description | This process entails processing of inquiry/Invitation submitted by stakeholders |
| Process Boundaries | <p>Start Point: Stakeholder submit inquiry/Invitation to FCC</p> <p>End Point: Head of PR and Communication unit respond to the inquiry</p> |

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| Process Owner | <ul style="list-style-type: none"> ▪ Head of PR and Communication unit |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Director/Head/Manager ▪ Head of PR and Communication unit ▪ PR Officer ▪ Record Officer ▪ Applicant/Inquirer |
| Stakeholders | |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 |
| Pre-Conditions | |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | Feedback on the Inquiry |
| Process Input | Inquiry/Letter |
| Process Flow | <ol style="list-style-type: none"> 1. Inquirer submits the Inquiry to the Commission 2. Record Officer receive submitted Inquiry, assign reference number to submitted Inquiry and issue a copy to Inquirer 3. Record Officer submit the Inquiry to Director General for preview 4. Director General preview the Inquiry and assign the Head of PR and Communication unit for processing 5. Head of PR and Communication unit preview the Inquiry. 6. If the Inquiry requires input from other departments/Units, the Head of PR and Communication unit provide recommendations and submit to Director General for decision. 7. Director General assign/inform the responsible Director to participate in processing the Inquiry |

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| | <p>8. If the Inquiry does not require input from other departments/Units, the Head of PR and Communication unit preview and assign the Inquiry to PR Officer for Processing</p> <p>9. PR Officer review the Inquiry, provide recommendation and submit to Head of PR and Communication unit for review</p> <p>10. Head of PR and Communication unit review the recommendation and submit to Director General for decision</p> <p>11. Director General Review recommendation, provide decision and submit to Head of PR and Communication unit</p> <p>12. If the Decision is to respond to the Inquiry, Head of PR and Communication unit Notify PR Officer to draft a response letter and other necessary documents</p> <p>13. PR Officer prepare draft response letter and other necessary documents and submit to Head of PR and Communication unit for preview</p> <p>14. Head of PR and Communication unit preview the draft response letter and submit to Director General for approval</p> <p>15. Director General approve, sign the response letter and submit to Head of PR and Communication unit for further processing</p> <p>16. Head of PR and Communication unit assign signed response letter to Records Officer for dispatch</p> <p>17. Record Officer dispatch the signed response letter to the Inquirer</p> |
| Process Output | <p>Response Letter</p> <p>Associated documents</p> |
| Measurable Outcome | <p>Number of Issued Response letters</p> |
| Exceptions to Normal Process Flow | <p>Not applicable</p> |
| Control Points and Measurements | <p>Approval of the response letter by the Director General</p> |

3.6 ICTU- Information and Communication Technology Unit

This unit is responsible for managing all aspects of technology within the Commission. The following business processes are handled by the Information and Communication Technology Unit;

- i. Request for new Library books, reports and regulations
- ii. Update and maintain library register book (Institutional Public Register)
- iii. Dissemination process (borrowing and Return)
- iv. Services and Maintenance
- v. Change Management Request
- vi. Support and Services
- vii. Training and Awareness

3.6.1 Request for new Library books, reports and regulations

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|----------------------------|---|
| Name of Process | Request for new library books, reports and regulations |
| Process Number | FCC_SBP_ICT_01 |
| Process Description | This process entails supporting institutional knowledge sharing and storage |
| Process Boundaries | Start Point: Analysis from the user information needs End Point: Storage of the institutional collection |
| Process Owner | Information Communication Technology Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Secretary of the Commission ▪ Information Communication Technology Manager ▪ Information Communication Technology Officer ▪ PMU ▪ FCC Staff ▪ General Public |
| Stakeholders | Commission, FCC Staff, MDAs and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ FCC ICT Policy ▪ Business Process/Action Plan ▪ eGA Acts and Regulation, 2019 ▪ eGA Guidelines |

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| Pre-Conditions | Approved documents from the Commission |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Acquisitions of library books, reports and regulations |
| Process Input | <ol style="list-style-type: none"> 1. Information needs 2. Procurement Requisition Form 3. Payment Request Form |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant/User from the departments submit request to ICTM 2. ICTM receive Information needs/request and assign ICTO to prepare requirements 3. ICTO prepare requirements and submit to ICTM for review and recommendation 4. ICTM review, recommend and submit to DG for review and approval 5. The DG review, approve and assign ICTM for further processing 6. ICTM submit the approved request to Manager of procurement for procurement processing 7. Manager of procurement follows procurement process lifecycle to process the requested items 8. Once completed, purchased library books, reports and regulations will be delivered to the ICTM 9. ICTM assign ICTO to register purchased library books, reports and regulations 10. ICTO register books in Library book register, upload the soft copy in the Institutional Repository/database and create public awareness of the delivered books/information for usage process. |
| Process Output | Updated library register book |
| Measurable Outcome | Number of books acquired, processed and stored |
| Exceptions to Normal Process Flow | Information Services does not apply to: - |

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| | <ul style="list-style-type: none"> ▪ Request books/information that are not related with FCC Business Functions |
| Control Points and Measurements | 1. Approved FCC Action Plan |

3.6.2 Update and maintain library register book (Institutional Public Register)

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|----------------------------|--|
| Name of Process | Update and maintain library register book (Institutional Public Register) |
| Process Number | FCC_SBP_ICT_02 |
| Process Description | This process entails supporting institutional knowledge sharing and storage |
| Process Boundaries | <p>Start Point: Receive the collections from the Commission</p> <p>End Point: Storage of the institutional collection</p> |
| Process Owner | Information Communication Technology Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Commission ▪ Director General ▪ Secretary of the Commission ▪ Information Communication Technology Manager ▪ Information Communication Technology Officer ▪ FCC Staff ▪ MDAs ▪ General Public |
| Stakeholders | Commission, FCC Staff, MDAs and General Public |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ FCC ICT Policy ▪ Business Process/Action Plan ▪ eGA Acts and Regulation, 2019 ▪ eGA Guidelines |
| Pre-Conditions | Approved documents from the Commission |

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| Frequency of Occurrence | <ul style="list-style-type: none"> • Whenever need arises • Commission decisions • Management decision |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Receiving the Commission decisions ▪ Receiving the Management decisions |
| Process Input | <ul style="list-style-type: none"> • Management decisions • Commission decisions • Research Reports |
| Process Flow | <ol style="list-style-type: none"> 1. Secretary of the Commission submit decisions of the Commission/Management to ICTM; 2. ICTM assign the Commission/Management decisions to ICTO for registrations process and storage; 3. ICTO organize the physical copy to the library shelves; 4. ICTO proceed with the registrations process of Bibliographic information and upload the soft copy in the Institutional Repository/database. |
| Process Output | <ul style="list-style-type: none"> ▪ Updated library register book ▪ Updated Institutional Public register |
| Measurable Outcome | Number of Commission/Management decisions acquired, processed and stored |
| Exceptions to Normal Process Flow | Information Services does not apply to: - <ul style="list-style-type: none"> ▪ Request books/information that are not related with FCC Business Functions |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Management decisions ▪ Commission decisions |

3.6.3 Dissemination process (Borrowing and Return)

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|------------------------|---|
| Name of Process | Dissemination process (Borrowing and Return) |
| Process Number | FCC_SBP_ICT_03 |

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| Process Description | This process entails supporting institutional knowledge sharing and storage |
| Process Boundaries | Start Point: Request from the user of the library End Point: Return of borrowed Asset |
| Process Owner | Information Communication Technology Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ FCC staff ▪ MDAs ▪ Secretary of the Commission ▪ Information Communication Technology Manager ▪ Information Communication Technology Officer |
| Stakeholders | Commission, FCC Staff and MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ FCC ICT Policy ▪ ICT Strategy |
| Pre-Conditions | Approved documents from the Commission |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Dissemination process (borrowing and Return) |
| Process Input | <ul style="list-style-type: none"> ▪ Library register book |
| Process Flow | <ol style="list-style-type: none"> 1. Applicant/User from the departments submit request to ICTO; 2. ICTO receive Information needs/request form for review; 3. If the borrower is an FCC Staff, ICTO lend the book/document to the borrower; 4. If not, verify the particulars of the borrower, If the borrower is a public servant. ICTO request permission from ICTM to initiate the process; 5. If approved, ICTO lend the book to the borrower; 6. The borrower returns the book to the library. |
| Process Output | Updated library register book |

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| Measurable Outcome | Number of books disseminated to the borrower |
| Exceptions to Normal Process Flow | Information Services does not apply to: - <ul style="list-style-type: none"> ▪ Request books/information that are not related with FCC Business Functions |
| Control Points and Measurements | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 |

3.6.4 Services and Maintenance

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| Name of Process | Services and Maintenance |
| Process Number | FCC_SBP_ICT_04 |
| Process Description | This process entails how FCC staff can request a particular service. |
| Process Boundaries | <p>Start Point: FCC Staff requests for a particular service.</p> <p>End Point: ICTO delivers the service requested.</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ ICT Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ ICT Manager ▪ ICT Officer ▪ FCC Staffs |
| Stakeholders | FCC Staffs |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC ICT Policy |
| Pre-Conditions | Need for a particular service. |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | |
| Process Input | Service Request |
| Process Flow | 1. FCC Staff fill and submit service request forms to the ICTM. |

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| | <ol style="list-style-type: none"> 2. The ICTM assigns the service request to an ICTO 3. ICTO analyses and processes the request. 4. ICTO prepares the service delivery, if available. 5. If the service requested is unavailable, the ICTO will submit the request to ICTM 6. ICTM request the approval for the service request from the DG 7. DG approve the service request and assign ICTM to proceed with service delivery 8. ICTM assign the ICTO to proceed with offering the service 9. If the requested service requires approval of payment, ICTO proceed with <i>request for payment lifecycle</i> 10. If requested service requires procurement, <i>procurement process lifecycle follows</i> 11. ICTO proceed with offering the requested service |
| Process Output | Service Delivery |
| Measurable Outcome | Number of services delivered |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Number of services delivered |

3.6.5 Change Management Request

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| Name of Process | Change Management Request |
| Process Number | FCC_SBP ICT_05 |
| Process Description | This process details steps to follow when requesting for change management |
| Process Boundaries | <p>Start Point: Officer fill change request form</p> <p>End Point: Change request is approved and implemented</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ ICT Manager |

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| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ ICT Manager ▪ ICT Officer ▪ FCC Staffs |
| Stakeholders | FCC Staffs |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC ICT Policies & Regulations |
| Pre-Conditions | Need for a particular service |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | Approval or rejection of change request |
| Process Input | Filled service request form |
| Process Flow | <ol style="list-style-type: none"> 1. FCC Staff fill and submit the change management request form to the ICTM. 2. The ICTM assigns the change management request to an ICTO 3. ICTO conduct analysis on the impact of request change and submit recommendation to ICTM 4. ICTM review impact of the change and make decision 5. If requested change have wider impact across the Institution, ICTM submit recommendation to the DG for approval 6. The DG review change request and approve 7. If the request change has minimal impact to the organization/system, ICTM approve and submit to ICTO for action. 8. The ICTO implement the change request, notify staff and ICTM for noting |
| Process Output | Approved and implemented change request |
| Measurable Outcome | <p>Number of Implemented changes</p> <p>Time taken to make changes</p> |

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| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Number of changes made |

3.6.6 Support and Services

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| Name of Process | Support and Services |
| Process Number | FCC_SBP_ICT_06 |
| Process Description | This process details steps involved to submit request and receive necessary support from the ICT Team |
| Process Boundaries | Start Point: Staff submit issues to ICT End Point: ICT officer resolve issue |
| Process Owner | <ul style="list-style-type: none"> ▪ ICT Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ ICT Manager ▪ ICT Officer ▪ FCC Staffs ▪ Procurement Officer ▪ Procurement Manager ▪ Director ▪ External actor |
| Stakeholders | FCC Staffs, Ministry of Finance, eGA, UTUMISHI, Ministry of Planning and Investment, Ministry of Industry and Trade and other MDAs |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC ICT Policies and Regulations ▪ eGA guideline ▪ ICT service Management Guidelines |
| Pre-Conditions | Need for a particular service |

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| <p>Frequency of Occurrence</p> | <p>When need arise</p> |
| <p>Decisions associated with the process</p> | |
| <p>Process Input</p> | <p>Staff submit application for help</p> |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Staff fill form, select appropriate category (service request, inquiry or incident) and submit via Helpdesk platform 2. ICTO receive notification about the reported issue and log in to the system (Helpdesk platform) <p>For Internal Issues</p> <ol style="list-style-type: none"> 3. If the reported issue falls under incident and inquiry category, ICTO attend the issue and send back the response to FCC staff. 4. If the reported issue falls under service request category, ICTO submit the issue and recommendation to ICTM for determination to either initiate procurement process or assign hardware to staff from stock 5. If ICTM recommend assignment of hardware/software to staff from stock, ICTO proceed to handover asset to staff 6. If ICTM recommend procurement of hardware/software, ICTO prepare the hardware/software detail and cost and follows procurement process lifecycle to acquire new hardware/software and mark ticket status as progress while waiting for the procurement process to be completed 7. Once procurement process is completed, ICT officer notify the FCC staff that the issue has been resolved, and register in 'Asset register' 8. Staff receive requested hardware/software and close the ticket after confirming that the issue is resolved. 9. If staff receives a response and still sees that the issue has not been resolved, reply to that response, and the ticket will be |

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| | <p>rolled back to inform the ICTO that the problem has not been resolved and ICTO take action again to solve the issue.</p> <p>For issues requiring interventions from MDAs</p> <p>10. ICTO open outgoing ticket via helpdesk platform to respective institution that own the service.</p> <p>11. ICTO mark the ticket status as progress while awaiting for responses from the ICTO of the external service owner institution.</p> <p>12. Once ICTO receives a response from the external, proceed to solve the issue. Afterwards, inform the FCC staff that the problem has been resolved.</p> <p>13. Staff receive requested service and close the ticket after confirming that the issue is resolved.</p> <p>14. If staff receives a response and still sees that the issue has not been resolved, reply to that response, and the ticket will be rolled back to inform the ICTO that the problem has not been resolved and ICTO take action again to solve the issue.</p> |
| Process Output | Service delivered |
| Measurable Outcome | <p>Number of issues resolved</p> <p>Time taken to resolve issues</p> |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | |

3.6.7 Training and Awareness

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| Name of Process | Training and Awareness |
| Process Number | FCC_SBP_ICT_07 |
| Process Description | Training and Awareness for users and IT Personnel on ICT issues |

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| Process Boundaries | <p>Start Point: Training need assessment</p> <p>End Point: Training program report</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ ICT Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ ICT Manager ▪ ICT Officer ▪ FCC Staffs ▪ System Users |
| Stakeholders | <ul style="list-style-type: none"> ▪ FCC Staffs ▪ ICT system users |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC ICT Policies and Guidelines |
| Pre-Conditions | Awareness needs on ICT systems |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | Dissemination of knowledge or awareness of how to use ICT systems |
| Process Input | Service Request |
| Process Flow | <ol style="list-style-type: none"> 1. FCC introduce system use awareness need and knowledge gap analysis 2. The ICTM see the awareness and knowledge gap analysis report 3. The ICTM propose the training program and awareness creation programs 4. If the training is external the ICTM sends the Officers to attend the training program session 5. If it is within the ICTO will conduct the awareness program to system users 6. If the ICTO attend the training of knowledge gap at the end they have to produce training report on what they have learn |

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| | 7. The ICTOs will produce the awareness creation report to ICTM after doing the awareness creation session to system users |
| Process Output | Understanding ICT Systems |
| Measurable Outcome | Knowing system to users and ICT personnel |
| Exceptions to Normal Process Flow | <ul style="list-style-type: none"> ▪ On Desk attendance ▪ Oral directives to system users ▪ Giving users pre conditions of how to use ICT systems |
| Control Points and Measurements | Knowledge gained and Understanding ICT Systems |

3.7 Legal Services Unit

3.7.1 Determination(s) by the Commission

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| Name of Process | Determination(s) by the Commission |
| Process Number | FCC_SBP_LS_01 |
| Process Description | This process entails process of submitting Board Papers and Reports to the Commission for determination |
| Process Boundaries | <p>Start Point: Author (Directorates/Units) submits document to the Secretary to the Commission</p> <p>End Point: Determination of the Commission</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ Secretary to the Commission |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Secretary to the Commission ▪ Author (Director General/Directors/Managers) ▪ The Management ▪ Record Officers |
| Stakeholders | FCC Directorates/Units |

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| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ Competition Rules, 2018 ▪ Consumer Complaints Handling Procedures, 2022 |
| Pre-Conditions | {Discussion and adoption by the Management } |
| Frequency of Occurrence | <p>When need arise</p> <p>Ordinary Monthly Case Meetings (Quasi-Judicial) - 12</p> <p>Ordinary Meetings (Governance) – 4</p> |
| Decisions associated with the process | Determination by the Commission |
| Process Input | Documents from Author |
| Process Flow | <ol style="list-style-type: none"> 1. The Author submits documents to the Secretary for the Commission for submission to the Commission 2. The Secretary to the Commission prepares notice and submit the documents to the Management for discussion and recommendation(s) 3. If the Management recommend for improvement, the Secretary to the Commission transmit to the Author for improvement 4. If Management adopt the report, the Secretary to the Commission prepare notice for the Commission meeting and submit the same to the Commission (i.e., FCC Board) together with documents for determination 5. The Commission makes determination on the presented matter 6. If determination requires Secretary to the Commission to prepare a specific document, Secretary to the Commission prepares the document and submit to the members of Commission for their review and signature 7. Secretary to the Commission prepare minutes of the meeting and matters arising (if any) |

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| | <p>8. Secretary to the Commission share matters arising to the Management</p> <p>9. Secretary to the Commission prepares a Public Register for decisions of the commission</p> |
| Process Output | Determination of the Commission |
| Measurable Outcome | <p>Number of Commission decisions published</p> <p>Number of Directives issued by the Commission</p> <p>Number of Determinations made</p> |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | <p>Number of Commission decisions published</p> <p>Number of Directives issued by the Commission</p> <p>Number of Determinations made</p> |

3.7.2 To represent FCC in cases which the FCC has been sued

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| Name of Process | FCC Sued |
| Process Number | FCC_SBP_LS_02 |
| Process Description | This entails process of representing FCC in case FCC has been sued |
| Process Boundaries | <p>Start Point: FCC being served with case initiating document (Plaint, Application, Chamber Summons, Affidavits etc.)</p> <p>End Point: Completion of the case</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ Legal Services Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Legal Services Manager ▪ Plaintiff/ Applicant ▪ Legal Officers ▪ Record Officers |
| Stakeholders | FCC Directorates/Units, Attorney General, Solicitor General, Ministry of Industry and Trade, The Judiciary |

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| Business Rules | <ul style="list-style-type: none"> ▪ Civil Procedure Code ▪ Labour Laws ▪ Law of Contract ▪ Any other relevant laws |
| Pre-Conditions | FCC being served with case initiating documents |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | <p>Mediation</p> <p>Arbitration</p> <p>Settlement</p> <p>Litigation</p> |
| Process Input | Case initiating documents (Plaint, Application, Chamber Summons, Affidavits etc.) |
| Process Flow | <ol style="list-style-type: none"> 1. Plaintiff/ Applicant submits case initiating documents (Plaint, Application, Chamber Summons, Affidavits) to FCC 2. Record Officer receive case initiating documents 3. Record Officer open and assign reference/file number to case initiating documents 4. Record Officer submit the case initiating documents to Director General for preview 5. Director General preview and assign case initiating documents to the Legal Services Manager for action 6. The Legal Services Manager review and assign a Legal Officer for action 7. Legal officer review case initiating documents, act as assigned (opines, draft a response etc.) and submit to the Legal Services Manager for review and further guidance (If any) 8. The Legal Services Manager review and submit to DG for approval 9. The DG review draft document (opinion, draft response etc.), approve and assign the Legal Services Manager for action. |

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| | <ol style="list-style-type: none">10. If approved by the Director General, the Legal Service Manager sign, attest etc. the response and submit to Record Officer for filing in court and serving the same to applicant/plaintiff11. If the case involves other court processes (e.g., injunction, preliminary objections etc.), other court processes life cycle follows12. If the applicant/plaintiff intends to file a rejoinder, the FCC will be served with the rejoinder, other court processes life cycle follows13. The FCC will be served with a summons to appear for mention/hearing14. The Director General receives the summons, preview and assign the Legal Service Manager for action15. The Legal Service Manager receives the summons from the DG, Appears or Assign the Legal Officer to represent the Commission to the hearing16. The Legal Service Manager or Legal officer shall appear and represent the Commission to the hearing17. If the Legal officer represented the commission to the hearing, the legal officer prepares a case report and submit to the Legal Services Manager for preview18. If the Legal Services Manager represented the commission to the hearing, the Legal Service Manager prepares a case report and submit to the Director General for preview and guidance19. If the case is determined in favour of the commission and costs have been awarded to the Commission, the Legal Service Manager will draft the bill of cost or assign the Legal Officer to draft the bill of cost20. The Legal Service Manager review the draft bill of cost and submit to Director General for review and approval |
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| | <p>21. If approved by the Director General, the Legal Service Manager sign, attest etc. the draft bill of cost and submit to Record Officer for filing in court and serving the same to the respondent</p> <p>22. The Hearing-related processes lifecycle follows (13-18)</p> <p>23. If the case has been determined against the commission, the Legal Service Manager shall advise the Director General on whether the commission should prefer an appeal or not.</p> <p>24. Director General will receive and review the advice from the Legal Service Manager.</p> <p>25. If the Director General approves the advice that an appeal should be preferred, the Director general will assign the Legal Service Manager to prepare necessary documents for filing an appeal.</p> <p>26. Else, FCC implement decisions and judgement of the court</p> |
| Process Output | Signed response/reply (written statement of defence, counter-affidavit etc.) |
| Measurable Outcome | Number of signed responses/replies |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Number of signed responses/replies |

3.7.3 To represent FCC in cases which the FCC is Sueing

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| Name of Process | FCC Sueing |
| Process Number | FCC_SBP_LS_03 |
| Process Description | This entails process of representing the FCC in case FCC is sueing |

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| Process Boundaries | <p>Start Point: FCC being aggrieved with an action or omission by a certain person (Legal/Natural) (breach of terms/conditions/agreement etc)</p> <p>End Point: Completion of the Case</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ Legal Services Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Legal Services Manager ▪ Respondent ▪ Legal Officers ▪ Record Officers |
| Stakeholders | FCC Directorates/Units, Attorney General, Solicitor General, Ministry of Industry and Trade, The Judiciary |
| Business Rules | <ul style="list-style-type: none"> ▪ Civil Procedure Code ▪ Labour Laws ▪ Law of Contract ▪ Any other relevant laws |
| Pre-Conditions | Action or omission warranting for legal action (breach of terms/conditions/agreement) |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | <p>Mediation</p> <p>Arbitration</p> <p>Settlement</p> <p>Litigation</p> |
| Process Input | FCC file case initiating document (Plaint, chamber summons etc.) |
| Process Flow | <ol style="list-style-type: none"> 1. Respective Department/ Division reports breach to the DG for review 2. Director General submit the matter to the Legal Services Manager for advice 3. Legal Services Manager submit the matter to the Legal Officer for opinion/advice |

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| | <ol style="list-style-type: none">4. The Legal Officer opines (e.g., Opening a case in court), draft a response and submit to the Legal Services Manager for review5. The Legal Services Manager review and submit advice to the DG accordingly6. The Director General review the advice and make determination7. If determination by the DG requires FCC to file a case in Court, the DG instructs Legal Services Manager to prepare case initiating documents.8. The Legal Services Manager assigns a Legal Officer to prepare case initiating documents9. Legal Officer prepare case initiating documents and submit to the Legal Services manager for review10. The Legal Services Manager review case initiating documents and submit to DG for approval11. The DG review case initiating documents, approve and submit the same to Legal Services Manager for action.12. If approved, the Legal Service Manager sign, attest etc. and submit to Record Officer for filing and serving13. Record Officer receive Legal documents, open and assign reference/file number14. Record Officer file Legal documents in court and serve the same to parties15. Respondent submits response to FCC16. Record Officer receive the response, file and submit to the Director General for preview17. Director General preview and assign the response to the Legal Services Manager for advice18. The Legal Services Manager review the response and assign a Legal Officer for advice (Whether to rejoin or not)19. Legal officer reviews the response, prepare rejoinder if any and submit advise to the Legal Services Manager for review |
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| | <p>20. The Legal Services Manager review and submit the advice and rejoinder if any to DG for approval</p> <p>21. The DG review the advice and rejoinder if any, approve and assign the Legal Services Manager for action.</p> <p>22. If approved by the Director General, the Legal Service Manager sign, attest etc. the rejoinder and submit to Record Officer for filing in court and serving the same to respondent</p> <p>23. Record Officer file the rejoinder in court and serve the same to parties</p> |
| Process Output | Decision by the Court |
| Measurable Outcome | Number of signed Plaintiff, Chamber Summons, Affidavit, Rejoinder |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Plaint, Chamber Summons, Affidavit, Rejoinder |

3.7.4 Applications in Court/Tribunals

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| Name of Process | Application in Courts/Tribunals |
| Process Number | FCC_SBP_LS_04 |
| Process Description | This entails process of opening application in court |
| Process Boundaries | <p>Start Point: Drafting of necessary document for initiating an application (Plaint, Application, chamber summons) to court, tribunal etc.</p> <p>End Point: Ruling on the application</p> |
| Process Owner | <ul style="list-style-type: none"> ▪ Legal Services Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Legal Services Manager |

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| | <ul style="list-style-type: none"> ▪ Respondent(s) ▪ Legal Officer ▪ Record Officer |
| Stakeholders | FCC Directorate/Unit, Attorney General, Solicitor General, Ministry of Industry and Trade, Court |
| Business Rules | <ul style="list-style-type: none"> ▪ Civil Procedure Code ▪ Labour Laws ▪ Law of Contract |
| Pre-Conditions | Existence of a case in court (e.g., FCC Sued) |
| Frequency of Occurrence | When need arise |
| Decisions associated with the process | Ruling of the application |
| Process Input | Approval by the DG to open an application |
| Process Flow | <p>12. Legal Services Manager Instruct Legal Officer to prepare Legal documents</p> <p>13. Legal Officer prepare Legal documents (e.g., Chamber Summons, affidavit etc.) and submit to the Legal Service Manager for review</p> <p>14. Legal Service Manager review, sign and submit to Record Officer for filling in court</p> <p>15. Record Officer receive Legal documents, open and assign reference/file number</p> <p>16. Record Officer file Legal documents in court and serve the same to parties</p> |
| Process Output | Legal Documents and Appearance before the court |
| Measurable Outcome | Decisions by the court |
| Exceptions to Normal Process Flow | |

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| Control Points and Measurements | Number of signed Legal documents |
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3.8 Audit Unit

3.8.1 Preparation for Risk Based Annual Audit Plan

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| Name of Process | Preparation for Risk Based Annual Internal Audit Plan |
| Process Number | FCC_SBP_IA_01 |
| Process Description | This procedure describes the process for preparation of Risk Based Annual Internal Audit Plan (RBIAP). |
| Process Boundaries | Start Point: CIA initiates by instructing auditors to start the process End point: Approved Annual Audit Plan |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> ▪ Chief Internal Auditor (CIA) ▪ Internal Auditor (IA) ▪ Audit Committee ▪ Management ▪ Director General ▪ Commission |
| Stakeholders | FCC Staff |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC Internal Audit Manual, 2020 ▪ FCC Risk Management Policy and Framework, 2022 ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Chief Internal Auditor initiates the process of preparation of the Risk based Internal Audit annual plan at the end of quarter two in every financial year by instructing auditors to start preparation of RBIAP |
| Frequency of Occurrence | Annually |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Approval of the RBIAP |
| <p>Process Input</p> | <ul style="list-style-type: none"> ▪ Policies, framework, manuals and SOPs, Quarterly reports |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. Internal Auditors (IA) identify Audit Universe representing the potential range of all audit activities that can be audited through consultation with Heads of directorates/units/zones 2. CIA reviews and approves the audit universe 3. IA shall conduct risk assessment for developing an integrated, risk based and focused audit plan 4. IA shall analyze and Score Risks by assigning a numeric rating for each audit activity based on various risk factors and Rating each audit activity into High, Medium, and Low, based on the risk scores 5. IA draft the RBAIP by ensuring that critical activities having high risk are given more audit frequency relatively to medium and low risk activities and submits to CIA for review 6. CIA reviews the RBAIP and submits to the Management for review and comments 7. The management reviews RBAIP and make recommendations 8. If Management adopts the RBIA plan, the CIA submits the plan to the Audit Committee for review, deliberation and approval. |
| <p>Process Output</p> | <p>Approved Annual Risk Based Internal Audit Plan (RBIA)</p> |
| <p>Measurable Outcome</p> | <ul style="list-style-type: none"> ▪ Number of Approved Annual Risk Based Internal Audit Plan |
| <p>Exceptions to Normal Process Flow</p> | |
| <p>Control Points and Measurements</p> | <p>Approved Risk Based Annual Internal Audit Plan</p> |

3.8.2 Audit Engagement Initiation

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| Name of Process | Audit Engagement Initiation |
| Process Number | FCC_SBP_IA_02 |
| Process Description | This process details steps involved in audit initiation |
| Process Boundaries | <p>Start Point: Audit Plan</p> <p>End point: Monitoring and Reporting of the corrective action</p> |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Chief Internal Auditor (CIA) ▪ Lead Auditor (LA) ▪ Internal Auditor (IA) |
| Stakeholders | All Staffs |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC Internal Audit Manual, 2020 ▪ FCC Risk Management Policy and Framework, 2022 ▪ FCC Risk Management Manual, 2019 ▪ FCC Strategic and Business Plan ▪ FCC Annual Activity Plan and Budget ▪ FCC Annual Procurement Plan and Budget ▪ FCC Rules & Regulations ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Approved Annual Risk Based Internal Audit Plan |
| Frequency of Occurrence | Whenever need arises/Suo moto |

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| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Approval of the Internal Audit Memo |
| <p>Process Input</p> | <ul style="list-style-type: none"> ▪ Approved Annual Risk Based Internal Audit Plan |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. The CIA appoints Lead Auditor (LA) and audit team for approved audit assignments as per Engagements Schedule from the Risk Based Internal Audit Plan (RBIAP) to prepare Internal Audit Memo 2. Lead Auditor prepares an Internal Audit Memo (As per approved FCC memo template) identifying and submit to CIA for review and recommendation 3. CIA reviews the Internal Audit Memo and submits to the DG for approval 4. DG review the Internal Audit Memo, approve and transmit to CIA 5. CIA transmit approved Internal Audit memo to the Lead Auditor to initiate Pre-Audit Preparation 6. Lead Auditor prepare audit engagement plan, checklists and other procedures or documentation relative to the audit and provide a copy to audit team members for review 7. The audit team review the audit plan checklists and other procedures or documentation relative to the audit and if in order, sign the declaration of Independence/Conflict of interest Form prior to participation in engagement audit activities and submit to Lead Auditor 8. Lead Auditor contact the auditable area to ensure all arrangements are in place and appropriate personnel and documents, are available for the audit process |
| <p>Process Output</p> | <p>Approved Internal Audit Memo</p> <p>Signed declaration of Independence/Conflict of interest Form No. (F-IAU-CIA-001-AEN)</p> |
| <p>Measurable Outcome</p> | <ul style="list-style-type: none"> ▪ Number of approved internal audit memo |

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| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Approved internal audit memo |

3.8.3 Preliminary Survey

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| Name of Process | Preliminary Survey |
| Process Number | FCC_SBP_IA_03 |
| Process Description | This process details steps involved in conducting preliminary survey |
| Process Boundaries | Start Point: Audit Team Conducts preliminary assessment of audit activity for identifying its critical risks, which need to be covered in the audit in order to achieve the audit objectives End point: Approved Engagement Notification to Auditee |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Chief Internal Auditor (CIA) ▪ Internal Auditor (IA) ▪ Lead Auditor (LA) ▪ Audit Team |
| Stakeholders | Auditee |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC Internal Audit Manual, 2020 ▪ FCC Risk Management Policy and Framework, 2019 ▪ FCC Risk Management Manual, 2019 ▪ FCC Strategic and Business Plan ▪ FCC Annual Activity Plan and Budget |

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| | <ul style="list-style-type: none"> ▪ FCC Annual Procurement Plan and Budget ▪ FCC Rules & Regulations ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Approved Audit Engagement Initiation |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Signing of engagement notification ▪ Development of effective testing |
| Process Input | <ul style="list-style-type: none"> ▪ Approved internal audit memo |
| Process Flow | <ol style="list-style-type: none"> 1. The Audit Team familiarizes itself with the auditable area under review conducting preliminary review 2. Audit Team Members review adequacy of the process controls by assessing the design of the control 3. If controls are found to be adequate, Audit Team Members develop effectiveness tests for detailed testing during fieldwork 4. If controls are inadequate, Audit Team Members include as audit finding and design tests to assess impact in the process and submit to LA 5. LA develops Risk and Control Matrix and prioritizes the auditable process areas. 6. LA develops the audit scope covering areas of focus from the risk and control matrix (As a matter of priority all areas assessed to be high risk shall be included in the audit scope). 7. LA prepares draft audit program which details audit areas, general audit objectives, process objectives and risks, controls in place, audit test procedures, sampling criteria, responsible auditor. 8. PIA reviews the draft audit program, recommends it to CIA for approval. |

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| | <p>9. CIA approves the audit program and instructs LA to prepare Engagement Notification (EN).</p> <p>10. LA prepares EN and submits it to PIA for review.</p> <p>11. PIA reviews the EN and submits to CIA or designee for approval and signature.</p> <p>12. LA distributes the approved EN to auditee Five (5) working days prior to fieldwork</p> |
| Process Output | <p>Approved Internal Audit Memo</p> <p>Signed declaration of Independence/Conflict of interest Form No.</p> |
| Measurable Outcome | <ul style="list-style-type: none"> ▪ Number of approved internal audit memo |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | <p>Approved Engagement Notification</p> |

3.8.4 Conducting Internal Audit

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|----------------------------|---|
| Name of Process | Conducting Internal Audit |
| Process Number | FCC_SBP_IA_04 |
| Process Description | This process details steps involved in conducting Audit |
| Process Boundaries | <p>Start Point: Internal Auditor conduct entry meeting</p> <p>End point: Approval of Final Audit Report</p> |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General |

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| | <ul style="list-style-type: none"> ▪ Chief Internal Auditor (CIA) ▪ Internal Auditor (IA) ▪ Lead Auditor (LA) ▪ Audit Team |
| Stakeholders | Auditee |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC Internal Audit Manual, 2020 ▪ FCC Risk Management Policy and Framework, 2019 ▪ FCC Risk Management Manual, 2019 ▪ FCC Strategic and Business Plan ▪ FCC Annual Activity Plan and Budget ▪ FCC Annual Procurement Plan and Budget ▪ FCC Rules & Regulations ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Approved Audit Engagement Initiation |
| Frequency of Occurrence | Whenever need arises |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Signing of engagement notification ▪ Development of effective testing |
| Process Input | <ul style="list-style-type: none"> ▪ Approved internal audit memo |
| Process Flow | <ol style="list-style-type: none"> 1. LA arranges and conducts entry meeting with with key process owners record the attendance and proceedings of the meeting for future reference Audit Team Members performs tests to evaluate effectiveness of controls by collecting evidence through audit techniques, document results of fieldwork in the Working Paper Form and submit to LA for review 2. LA reviews evidence gathered by audit team members to ensure that each audit documentation matches critical element and arrange pre-exit meeting with the auditee. 3. LA and Audit Team Members conducts pre-exit meeting at the audit area for clarification and communication of the result of the audit work. |

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| | <ol style="list-style-type: none">4. Audit Committee prepare working paper forms (audit findings, results and observations) and submit to the LA for review5. LA review working paper forms (audit findings, results and observations) and submit to CIA for review and approval6. CIA review and approve working paper forms and submit to LA for further action7. LA arranges and conducts Audit team meeting prior to the exit meeting with auditee management for reviewing and consolidating the deviations and recommendations for presentation to the auditee and for preparation of the draft Internal Audit Report8. LA documents status of the action and draft Internal Audit Report submit to IA for review9. IA review the draft report, forward report to CIA for noting and authorizes the LA to proceed with the exit meeting10. LA arranges exit meeting by agreeing date of the meeting with the auditee; sending invitation email including draft audit report to auditee, auditors and other personnel responsible for the finding (3 working days prior to meeting).11. LA conducts Exit meeting with the key personnel of the audited activity and document exit meeting minutes and attendance sheet12. LA prepares final report incorporating written responses from Auditee and other adjustments obtained from the exit conference then submit to IA for final review13. IA review the final report and submit to CIA for review14. CIA reviews the report and instructs LA to arrange printing, Preparation of submittal letter and distribution to auditee.15. LA prints the audit Final Report, Signoff the report with other audit team members then prepares Final Audit Report Submittal letter and sends to CIA for review and approval16. CIA reviews, approve the submittal letter and instruct LA to distribute the Final report attached with Submittal Letter to the Director General, Auditee and other authorized relevant parties concerned with the findings17. LA distributes the Final report attached with Submittal letter to the Director General, Auditee and other authorized relevant parties concerned with the findings and Record distribution of final Engagement communication in Final Report Dispatch book18. LA distribute customer feedback questionnaire to Auditee through email and direct auditee to provide performance response to CIA.19. CIA review performance and communicate with Auditors and auditee for collective action and improvement |
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| Process Output | Approved Internal Audit Memo Signed declaration of Independence/Conflict of interest Form No. |
| Measurable Outcome | <ul style="list-style-type: none"> ▪ Number of approved internal audit memo |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Approved Engagement Notification |

3.8.5 Monitoring

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| Name of Process | Monitoring |
| Process Number | FCC_SBP_IA_05 |
| Process Description | This process details steps involved in monitoring implementation status of previous audit observations |
| Process Boundaries | <p>Start Point: Internal Auditor share audit previous audit findings to auditee</p> <p>End point: Approval Management responses</p> |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Directors ▪ Chief Internal Auditor (CIA) ▪ Internal Auditor (IA) ▪ Lead Auditor (LA) ▪ Audit Team |

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| Stakeholders | Auditee |
| Business Rules | <ul style="list-style-type: none"> ▪ FCC Internal Audit Manual, 2020 ▪ FCC Risk Management Policy and Framework, 2022 ▪ Risk based Annual Internal Audit Plan ▪ FCC Strategic and Business Plan ▪ FCC Annual Activity Plan and Budget ▪ FCC Annual Procurement Plan and Budget ▪ FCC Rules & Regulations ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Approved previous quarterly report |
| Frequency of Occurrence | Quarterly |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Agreed Implementation status |
| Process Input | <ul style="list-style-type: none"> ▪ Approved previous quarter report |
| Process Flow | <ol style="list-style-type: none"> 1. Internal Auditor identify list of unimplemented previous audit observations 2. Internal Auditor share the list with the auditee for updating status/developments 3. Auditee respond to the list within five days and submit to the internal auditor with the attached evidences 4. Internal auditor compiled the status from all auditees 5. Internal auditor conducts review and analysis 6. Internal auditor submits the implementation status of previous audit observation to CIA for final review 7. CIA present the implementation status of the previous audit observations to the Management meeting for discussion and adoption |
| Process Output | Agreed implementation status of the previous audit observations |

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| Measurable Outcome | <ul style="list-style-type: none"> Implementation rate of previous audit observations |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Agreed implementation status of the previous audit observations |

3.8.6 Approval of the Report

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| Name of Process | Submission of the quarterly audit reports to Audit Committee |
| Process Number | FCC_SBP_IA_06 |
| Process Description | This procedure describes the process of submission of quarterly Internal Audit Report to Audit Committee and Commission. |
| Process Boundaries | <p>Start Point: CIA submit Quarterly Internal Audit Report</p> <p>End point: Approved Quarterly Internal Audit Report</p> |
| Process Owner | Chief Internal Auditor (CIA) |
| Process Actors | <ul style="list-style-type: none"> Chief Internal Auditor (CIA) Internal Auditor (IA) Management Audit Committee Director General Commission |
| Stakeholders | Management, Audit Committee and Commission |
| Business Rules | <ul style="list-style-type: none"> Risk Based Annual Internal Audit Plan FCC Internal Audit Manual, 2020 FCC Risk Management Policy and Framework, 2022 |

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| | <ul style="list-style-type: none"> ▪ International Professional Practices Framework (IPPF) 2017 |
| Pre-Conditions | Chief Internal Auditor submits the quarterly internal audit report to Audit Committee for Discussion and deliberation there after the Audit Committee submit to the Commission for approval |
| Frequency of Occurrence | Quarterly |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Approved quarterly report |
| Process Input | <ul style="list-style-type: none"> ▪ Discussed quarter internal audit report by management |
| Process Flow | <ol style="list-style-type: none"> 1. After Management adopt the quarterly reports, the CIA submits the report to the Audit Committee for review, deliberation 2. Audit Committee reviews the report and make determination 3. If Audit Committee recommends for Improvement, CIA makes necessary improvement and resubmits to committee for determination 4. Audit Committee recommends the report to the Commission for approval |
| Process Output | Approved Quarterly Internal Audit Report |
| Measurable Outcome | <ul style="list-style-type: none"> ▪ Number of Approved Quarterly Internal Audit Reports |
| Exceptions to Normal Process Flow | |
| Control Points and Measurements | Approved Quarterly Internal Audit Report |

3.9 Risk Management and Quality Assurance Unit

This is the unit established to provide expertise on risk management and quality assurance to the Commission; including the implementation of risk management policy, integration of risk management with Commission activities, identifying key risks, implementation of risk mitigation controls, and coordination of the review of Standard Operating Procedures (SOPs). It was established in July 2023.

Services provided by the Unit include the following processes;

I. Risk Management Process.

- Establishing Context
- Conducting risk assessment (Risk Identification, Analysis, and Evaluation)
- Risk Treatment
- Monitoring and review
- Communication and Consult
- Recording and Reporting

II. Quality Assurance processes

The FCC has scheduled an internal quality audit to be conducted at planned intervals, aiming to ascertain adherence to both its internal quality management system (QMS) requirements and those outlined in the ISO 9001:2015 standard. The implementation of this activity will be effective upon the establishment of the Quality Management System at FCC, within the financial year 2023/24. It includes the following processes:

- Planning
- Execution
- Reporting
- Monitoring

Business processes for both services have been provided as follows;

3.9.1 Risk Identification Processes

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| Name of Process | Risk Identification Processes |
| Process Number | FCC_SBP_RMQA_01 |
| Process Description | The development of a risk register typically involves several key steps to ensure that risks are identified, assessed, measured, and managed to achieve the Commission’s objectives. This process aims to ensure all risks are proactively managed. |
| Process Boundaries | <p>Start Point: The risk identification process begins by raising awareness among Risk Champions and facilitating a thorough understanding to establish the context effectively.</p> <p>End Point: Maintaining comprehensive documentation of the risk management process i.e Risk Register and The Risk Treatment Action Plan sheet</p> |
| Process Owner | Risk Management and Quality Assurance Manager |
| Process Actors | <ul style="list-style-type: none"> ▪ Director General ▪ Directors ▪ Unit Managers ▪ Heads of Zones ▪ Risk Champions |
| Stakeholders | Ministry of Industry and Trade, Ministry of Finance, Internal Auditor General (IAG) , Professional Bodies, Commission, Audit Committee, Management, FCC Directorates, Zones Offices , Internal Audit Unit, Risk Champions and FCC Staff. |
| Business Rules | <ul style="list-style-type: none"> ▪ Fair Competition Act, 2003 ▪ MMA, 1968 ▪ Guideline for developing and implementing risk management framework in Public Sector Entities, 2023. ▪ Risk Management Framework, 2024 ▪ Risk Management and Quality Assurance Annual Plan |

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| <p>Pre-Conditions</p> | <ol style="list-style-type: none"> 1. Appointment of Risk Champions by the Director General for a duration of three years. 2. Training and awareness sessions are provided to Risk Champions, Risk Owners, and Staff regarding Risk Management Processes. 3. Conduct departmental surveys to pinpoint potential risk-prone areas. |
| <p>Frequency of Occurrence</p> | <p>Quarterly or when the need arises.</p> |
| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Acknowledging the risks identified by the Risk Champion via the Risk Assessment Sheet ▪ Regularly reviewing the risk register, either upon the emergence of new risks or alteration of existing risks. ▪ Monitoring the status of identified risks to ensure they align with the FCC's risk appetite. |
| <p>Process Input</p> | <ol style="list-style-type: none"> 4. Risks identified at the Directorate and Zone level 5. Internal Audit Reports 6. External Audit Reports/External Assurance Providers 7. Quarterly Progress /Performance Report 8. New Regulations/Policies/Laws/ 9. Special Audit Reports 10. Reported Incidents |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. The Risk Management Coordinator/ Risk Management and Quality Assurance Manager (RMQAM) shall initiate the risk identification process by ensuring Risk Management Awareness sessions are conducted to designated Risk Champions. 2. The Risk Management and Quality Assurance Manager /Risk Management Coordinator guides the Risk Champion Team in the risk identification process by employing various risk identification methodologies; brainstorming, risk workshops, |

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| | <p>interviews, SWOT Analysis, Checklist analysis, Cause & Effect analysis, Scenario analysis and Delphi Technique.</p> <ol style="list-style-type: none"> 3. Every Risk Champion is responsible for communicating identified risks from their respective areas of representation to the RC Team for a comprehensive discussion. 4. The RC Team conducts risk assessment by thoroughly analysing, evaluating, and implementing controls for identified risks. 5. Following discussion, the team determines the residual risk associated with each identified risk. 6. Upon discussion, if the total risk severity level exceeds level 5, the particular risk is escalated to the Institutional Risk Register, while risks below level 5 are retained and monitored at the Directorate level through the Directorate Risk Register. 7. The RC team formulates risk control mitigation measures through the development of a Risk Treatment Action Plan. 8. Risk Champions submit the Risk Assessment sheet and the Risk Treatment Action Plan to the Risk Management Coordinator for reviewing and updating the risk register. 9. The Risk Management Coordinator (RMQAM) assigns the task of consolidating the Risk Assessment Sheets and Risk Treatment Action Plan to the Senior Risk Management Officer, with the objective of generating the Risk Register. 10. The RC Team reviews the Consolidated Risk Register and makes necessary updates to the previous risk register before submitting it to the Management Meeting for discussion. 11. After discussion with the Management, the Risk Management Coordinator/RMQAM shall incorporate changes into the Risk Register and Risk Treatment Action Plan. (if any) 12. The Risk Management Coordinator/RMQAM shall submit the Risk Register and Risk Treatment Action Plan to the Audit |
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| | <p>Committee for reviewing, directing, and recommending for adoption to the Commission.</p> <p>13. Upon approval by the Audit Committee, RMQAM submits the approved risk mitigation measures outlined in the Risk Treatment Action Plan to the Risk Owners for implementation.</p> <p>14. RMQAM through SRMO and Risk Champions monitors the implementation of risk mitigation measures quarterly.</p> <p>15. RMQAM reviews the implementation status of the risk mitigation measures and prepares a quarterly risk management implementation report.</p> <p>16. The Report is submitted to the Audit Committee for reviewing, directing, and recommending for adoption to the Commission.</p> <p>17. RMQAM incorporates any changes to the Risk Management Report identified during the Audit Committee Meeting.</p> <p>18. The Quarterly Risk Management Implementation Report is submitted to the Commission Meeting.</p> <p>19. After adoption by the Commission, the report is submitted to the Internal Auditor General Office (IAGO).</p> |
| <p>Process Output</p> | <ul style="list-style-type: none"> i. Institutional Risk Register ii. Directorate Risk Register iii. Risk Treatment Action Plan iv. Quarterly Risk Management Implementation Report |
| <p>Measurable Outcome</p> | <ul style="list-style-type: none"> v. Reports submitted to the Internal Auditor General Office. (IAGO) vi. Approved Risk Register |
| <p>Exceptions to Normal Process Flow</p> | <ul style="list-style-type: none"> vii. Review of Risk Management Guiding Documents can be done at any time during the quarter. i.e Risk Management Framework, Risk Management Annual Plan viii. Risk Assessment of the emerging risks/ incidents |

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| Control Points and Measurements | 2. Review of the Risk Register and Risk Treatment Action Plan by Management Members |
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3.9.2 Quality Assurance Services

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| Name of Process | Quality Management System Process |
| Process Number | FCC_SBP_RMQA_02 |
| Process Description | This process aims to ensure Quality Management System (QMS) Audit is being conducted and corrective actions are implemented timely. |
| Process Boundaries | Start Point: Planning and Preparation End point: Monitoring and Reporting of the corrective action |
| Process Owner | Risk Management and Quality Assurance Manager (RMQAM) |
| Process Actors | <ul style="list-style-type: none"> ▪ Directors ▪ Unit Managers ▪ Heads of Zones ▪ Risk Champions ▪ Quality Auditors ▪ Staff |
| Stakeholders | Ministry of Industry and Trade, Ministry of Finance, Internal Auditor General (IAG), Professional Bodies, Service Providers, Commission, Audit Committee, Management, Internal Audit Function, Risk Champions and FCC Staff. |
| Business Rules | <ul style="list-style-type: none"> ▪ ISO 9001:2015 QMS requirements ▪ ISO 19011:2018 Guidelines for auditing management systems ▪ Quality Policy ▪ QMS Audit Manual ▪ Framework, Manuals, and SOPs |
| Pre-Conditions | Appointment of Quality Auditors (QA) by Director General |

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| <p>Frequency of Occurrence</p> | <p>Semi-annually or whenever the need arises</p> |
| <p>Decisions associated with the process</p> | <ul style="list-style-type: none"> ▪ Approval of the Audit Program ▪ Approval of the Audit Plan ▪ Approval of the Quality Policy ▪ Approval of the Quality Manuals ▪ Approval of the SOPs (Standard Operating Procedures). |
| <p>Process Input</p> | <ul style="list-style-type: none"> ▪ ISO 9001:2015 QMS requirements ▪ QMS audit manual ▪ Policies, framework, manuals and SOPs, Previous Audit Reports |
| <p>Process Flow</p> | <ol style="list-style-type: none"> 1. RMQAM in collaboration with the QMS Coordinator shall Select a qualified Audit Team and the Lead Auditor (Team Leader) with relevant expertise in QMS. 2. The Senior Risk Management and Quality Assurance Officer in collaboration with the Lead Auditor shall prepare the Audit Program, Audit Plan, Audit Objectives and Scope, criteria, methodology, schedule, and resources needed for the audit for each audit engagement. 3. The Risk Management and Quality Assurance Manager shall review and approve the Audit Program, Audit Plan, Audit Objectives, and Scope for each audit engagement. 4. The selected Audit Team shall conduct a Pre-Audit meeting and Preparation by reviewing relevant documentation, such as ISO 9001:2015 Standards, quality manuals, procedures, and records. 5. The QMS Coordinator shall convene meetings with key personnel to discuss the audit process and expectations. |

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| | <ol style="list-style-type: none"> 6. Lead Auditor/Team Leader shall conduct opening meeting with auditees. 7. Quality Auditor (QA) shall conduct QMS audit as per the Quality Audit Plan and checklists prepared. 8. Upon completion of the quality audit exercise, QA shall prepare the report and submit to RMQAM for review and recommendations 9. RMQAM shall present the QMS audit report findings (Non Conformances) and proposed action plans to the Management Review Meetings for discussion. 10. RMQAM shall present the report to the Audit Committee for deliberations and recommending for adoption to the Commission. 11. RMQAM shall incorporate all directives from the Audit Committee, then She/he will forward the findings to respective directorates/ Sections/Units/Zone heads for implementation 12. RMQAM through SRMO shall monitor monthly the closure status of the corrective actions and report to the Commission quarterly. |
| Process Output | 13. Quality Audit Report |
| Measurable Outcome | Quality Audit Reports |
| Exceptions to Normal Process Flow | <ul style="list-style-type: none"> • Review of Quality Manual, Standard Operating Procedures (SOP'S) , and other relevant QMS guiding documents. • Quality Auditor (QA) shall not audit his/her own process. • |
| Control Points and Measurements | Monitoring implementation of corrective actions |

3.10 Procurement Management

3.10.1.1 Annual Procurement Plan

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| Name of Process | Annual Procurement Plan |
| Process Number | FCC_SBP_PM_01 |
| Process Description | This process is used by management to plan for implementation of FCC annual procurement plan |
| Process Boundaries | Start Point: Manager of Procurement initiate annual procurement plan End Point: Approved annual procurement plan |
| Process Owner | Manager of Procurement |
| Process Actors | All FCC Directorate and independents units |
| Stakeholders | All FCC Staff and the Commission |
| Business Rules | <ul style="list-style-type: none"> ▪ PPRA Public Procurement Act and Public Procurement regulations |
| Pre-Conditions | Strategic Plan Annual Work Plan |
| Frequency of Occurrence | Annually |
| Decisions associated with the process | Approved, rejected or send back for procurement plan (Approved by management and Commission) |
| Process Input | Approved annual work plan |
| Process Flow | <ol style="list-style-type: none"> 1. The initial stage of Annual Procurement Plan preparation commenced on the NeST system by the Procurement Manager 2. After completing the NeST process, the Procurement Manager submits it to management for deliberation 3. If the management adopts the plan, the Secretary to the Commission submits it to the Commission for review, deliberation, and approval. 4. If the Commission recommends improvements, the Secretary to the Commission informs the Procurement Manager to make the necessary adjustments and resubmit it to the Commission for determination |

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| | <p>5. The Commission approves the plan and assigns the Secretary to the Commission for transmission</p> <p>6. The Secretary to the Commission transmits the approved procurement plan to the Procurement Manager for implementation.</p> <p>7. The Procurement Manager submits the approved plan to the Accounting Officer for publication on NeST</p> |
| Process Output | Approved Annual Procurement Plan |
| Measurable Outcome | Number of approved annual procurement plan |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Approved annual procurement plan |

3.10.1.2 Goods Delivery

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| Name of Process | Goods Delivery |
| Process Number | FCC_SBP_PM_02 |
| Process Description | This process is used by procurement for receiving purchased goods |
| Process Boundaries | Start Point: Supplier deliver goods as per contract/ purchase order End Point: Procurement officer store received goods |
| Process Owner | Manager of Procurement |
| Process Actors | All FCC Directorate and independents units |
| Stakeholders | All FCC Staff and the Commission |
| Business Rules | ▪ PPRa Procurement regulations |
| Pre-Conditions | ▪ Supplier issued with contract/ purchase order |
| Frequency of Occurrence | Whenever need arise |
| Decisions associated with the process | Accepted, rejected goods |
| Process Input | Goods delivery note |
| Process Flow | <p>1. The Procurement Officer receives the goods and the goods delivery note from the supplier and then notifies the Procurement Manager of the delivery.</p> |

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| | <ol style="list-style-type: none">2. The Procurement Manager notifies the DG regarding the delivered goods and recommends the names of the inspection and acceptance committee to the DG for approval before the inspection.3. The DG appoints the inspection and acceptance committee and informs the Procurement Manager for further processing4. The Procurement Manager informs the inspection and acceptance committee members about the inspection activity for the delivered goods5. The Inspection and Acceptance Committee conducts an inspection of the delivered goods and, upon completing the task, writes a report and submits it to the DG6. If the DG determines that the delivered goods are accepted, sign the acceptance certificate and transmit it to the Procurement Manager, who then informs the supplier of the acceptance of their goods.7. If the DG determines that the delivered goods are rejected, inform the Procurement Manager to relay the decision to the supplier.8. For good rejected Procurement Officer generate Goods Rejected Note9. The Procurement Officer generates a Goods Received Note in the MUSE system.10. After the completion of the receiving process, the user department will be informed to fill out the payment request form.11. The Procurement Officer will proceed to complete the payment process on the MUSE system.12. After the complete process of delivery, inspection, and acceptance of goods, the goods are transferred to the respective general store for further store functions. |
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| Process Output | Acceptance certificate Inspection report |
| Measurable Outcome | Number of approved inspection report |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Inspection Report |

3.10.1.3 General Store Functions of Receiving Goods and Goods Issue Note

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| Name of Process | General Store Functions of Receiving Goods and Goods Issue Note |
| Process Number | FCC_SBP_PM_03 |
| Process Description | This process is used by procurement for receiving goods in the respective general store and issuing the received goods. |
| Process Boundaries | Start Point: Goods already delivered, accepted and updated in store End Point: Respective unit receive ordered goods |
| Process Owner | Manager of Procurement |
| Process Actors | All FCC Directorate and independents units |
| Stakeholders | All FCC Staff and the Commission |
| Business Rules | PPRA Public Procurement Act and Public Procurement regulations |
| Pre-Conditions | Goods already delivered, inspected, accepted and in storage |
| Frequency of Occurrence | <ul style="list-style-type: none"> ▪ Whenever goods received and accepted ▪ Issuing whenever need arise |
| Decisions associated with the process | <ul style="list-style-type: none"> ▪ Update new stock with existing stock ▪ Issue of good to user department |
| Process Input | Acceptance certificate and inspection report |
| Process Flow | <ol style="list-style-type: none"> 1. The procurement officer prepares an item card for the new item received. 2. The procurement officer generates a Goods Receipt Note (GRN). 3. The procurement officer updates the new stock with existing stock in the stores ledger. 4. The officer from the user department fills out the requisition form for the required items and submits it to the Head of the Department for approval before submitting it to the Procurement Manager. |

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| | <ol style="list-style-type: none"> 5. The Procurement Manager reviews the requisition form and assigns a Procurement Officer to prepare the requested items. 6. The Procurement Officer then records them on a goods issue voucher and, after counterchecking, requests the user department to sign it before issuing the goods. 7. The Procurement Officer issues the goods from the store ledger. 8. Generate various report |
| Process Output | Signed Good Issue Note |
| Measurable Outcome | Number of signed Goods Issue Note |
| Exceptions to Normal Process Flow | Not applicable |
| Control Points and Measurements | Signed Good Issue Note |

4 FCC User Requirements and Needs

This section details needs and requirements as highlighted by process owners and process specific needs. Functional requirements are intended to cover the behaviour of the system expressed as functions the system must perform. Non-functional requirements define the overall qualities and technology that will be used to develop the FCC system.

4.1 Functional Requirements

This section describes functional requirements for the system that will be important to users or/and developers of the FCC system. These requirements have been mainly gathered and validated through a number of workshops between the consultant and key personnel of various FCC departments that participate in gathering processes.

4.1.1 Registration

This section focuses on functional requirements related to registration process.

4.1.1.1 Client/User Registration

This section focuses on functional requirements related to user registration. This user of the system can either be FCC customer or FCC staff.

- **User Class: Applicant**

The following are the requirements corresponding to Applicant.

| Requirement # | Requirement |
|---------------|--|
| FR1REG1 | The system shall allow Applicant to fill in particulars for registration |
| FR1REG2 | The system shall allow Applicant to capture NIN (NIDA Number) TIN and Certificate of Incorporation number then system validate and retrieve details from OGD such as NIDA, TRA, and BRELA. |
| FR1REG3 | The system shall allow Applicant to select customer categories (General Public, Importer/exporter, CFA, producer, trader, Manufacturer) |
| FR1REG4 | The system shall allow Applicant to preview filled registration form before submission |
| FR1REG5 | The system shall allow Applicant to save the application form before submission |
| FR1REG6 | The system shall allow Applicant to submit a completed user registration form |
| FR1REG7 | The system shall allow applicant to change password on the first login |
| FR1REG8 | The system shall allow user to recover the forgotten password |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
|---------------|---|
| FR1REG9 | The system shall send a reminder e-mail to a registered applicant who have not submitted the application form. |
| FR1REG10 | The system shall send an email notification to a registered applicant on successful submission of an application. |
| FR1REG11 | The system shall send an e-mail and SMS notification of a product approval details to an applicant. |

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| FR1REG12 | The system shall be able to interface with TRA and BRELA systems for validation of TIN/VRN and Certificate of Incorporation. |
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4.1.2 Research, Mergers and Advocacy

4.1.2.1 Mergers

- **User Class: Applicant**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|--|
| FR2STD1 | The system shall allow Applicant/Stakeholder to login |
| FR2STD2 | The system shall enable applicant to do self-assessment by fill provisional declaration of merger fees form and submit, obtain bill with control number from GePG and make payment |
| FR2STD3 | The system shall allow Applicant to fill and submits the Application for Merger Clearance Form (FCC-8), attach related documents and submit |
| FR2STD4 | System shall allow applicant to fill FCC form2 (Confidentiality declaration) and submit |
| FR2STD5 | The system shall allow analyst to request for additional merger info form (FCC-13) (only for merger parties) |
| FR2STD6 | The system shall allow Merger Analyst to review completeness of the submitted application for merger clearance |
| FR2STD7 | The system shall allow analyst to recommend to Merger and Exemptions Manager to issue Notice of Incomplete Filing (FCC-12) if the submitted application for merger clearance is not complete |
| FR2STD8 | The system shall allow Merging Firms to re-submit requested documents and relevant missing details as per issued Notice of Incomplete Filing |
| FR2STD9 | The system shall allow Merger Analyst to review submitted documents and relevant missing details as per issued Notice of Incomplete Filing |
| FR2STD10 | The system shall enable Merger Analyst to recommend to Manager of merger to issue "no objection" to merging parties within initial period (14days) if it appears there a little or no possibility that the relevant merger is likely to harm competition |
| FR2STD11 | The system shall enable Merger Analyst to prepare 90 Days Prohibition Notice (FCC-14A) and submit to Manager of Merger If "no objection" is not issued or Initial Period for Review end |

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| FR2STD12 | The system shall allow Merger Analyst to prepare Public Notice and submit to Manager of Merger |
| FR2STD13 | The system shall allow Merger Analyst to fill and submit Procurement Requisition Form and submit to Manager of Merger |
| FR2STD14 | The system shall allow public to fill Notice of Intention to Participate (FCC-10) and submit |
| FR2STD15 | The system shall allow Merger Analyst to receive public comments submitted in duly filled Notice of Intention to Participate (FCC-10) |
| FR2STD16 | In case of Need for clarity or Additional Information, the system shall enable Merger Analyst to prepare Request for Additional Merger Information (FCC-13) and submit to Manager of Merger |
| FR2STD17 | The system shall enable Merger Analyst to prepare Merger Analysis Report and submit to Manager of Merger |
| FR2STD18 | The system shall allow Merger Analyst(s) to prepare 30 Days Extension Certificate (FCC-14B) and submit to Merger and Exemptions Manager if by expiry of 90 Days Prohibition Notice and report was not concluded |
| FR2STD19 | The system shall allow Manager of Merger to recommend to Director of Research, Merger and advocacy for issuance of Notice of Incomplete Filing |
| FR2STD20 | The system shall allow Director of Corporate Services return application for merger clearance to Director of Research, Merger and advocacy with assessed payment details and recommendations |
| FR2STD21 | The system shall allow Director of Research, Merger and advocacy to assign application for merger clearance to Manager of Merger and acquisition to review completeness of filed documents |
| FR2STD22 | The system shall allow Manager of Merger and acquisition to assign application for merger clearance to Merger Analyst and supervise the review of completeness of filed documents |
| FR2STD23 | The system shall allow Director of Research, Merger and advocacy to assign the application for merger clearance to Division of Corporate Affairs for payment assessment, verification and issuance of payment receipt |
| FR2STD24 | The system shall allow Director of Research, Merger and Advocacy to assign Manager of Merger to initiate investigation of merger application |
| FR2STD25 | The system shall allow Manager of Merger to crosscheck and assign merger application to Merger Analyst(s) for investigation |

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| FR2STD26 | The system shall allow Manager of Merger to review recommendation from Merger analyst, recommend to Director of Research, Merger and Advocacy to issue "no objection" to merging parties |
| FR2STD27 | The system shall allow Director of Research, Merger and Advocacy to review recommendations and recommend to Director General to issue "no objection" to merging parties |
| FR2STD28 | The system shall allow Manager of Merger to review prepared 90 Days Prohibition Notice and submit to Director of Research, Merger and Advocacy |
| FR2STD29 | The system shall enable Director of Research, Merger and Advocacy submit 90 Days Prohibition Notice to Director General for preview and endorsement (Approval) |
| FR2STD30 | The system shall enable Manager of Merger to review and submit prepared Public Notice to Director of Research, Merger and Advocacy |
| FR2STD31 | The system shall allow Director of Research, Merger and advocacy to request authorization for publication from the Director General |
| FR2STD32 | For authorised Public Notice, the system shall enable Director of Research, Merger and Advocacy to direct/assign Merger and Exemptions Manager to submit approved Public Notice to Manager of Procurement Management Unit as well as Manager of Information System and Services and Head of Communication and Public Relation Unit for publication |
| FR2STD33 | For recommended improvements public notice, the system shall allow Director of Research, Merger and Advocacy to assign task to Merger specialist to perform corrective actions as per recommendations and re-submit |
| FR2STD34 | The system shall allow Merger and Exemptions Manager submit approved Public Notice and filled Procurement Requisition Form to Manager of Procurement, as well as submit approved Public Notice to Information and Communications Technology Manager for publication |
| FR2STD35 | The system shall allow Manager of Merger to review prepared Request for Additional Merger Information and submit to Director of Research, Merger and Advocacy |
| FR2STD36 | The system shall allow Manager of Merger to review prepared Merger Analysis Report and submit to Director of Research, Merger and Advocacy |
| FR2STD37 | The system shall allow Director of Research, Merger and Advocacy to review prepared Merger Analysis Report and submit to Director General for review |

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| FR2STD38 | The system shall allow Manager of Merger review prepared 30 Days Extension Certificate and submit to Director of Research, Merger and Advocacy for review |
| FR2STD39 | The system shall allow Director General to preview the submitted merger clearance application and assign to Director of Research, Merger and advocacy |
| FR2STD40 | The system shall allow Director General within initial period (14days) where it appear there a little or no possibility that the relevant merger is likely to harm competition, to issues no objection to merging parties |
| FR2STD41 | The system shall allow Director General to authorise/Approve or recommend for improvement the request for publication of the prepared Public Notice |
| FR2STD42 | The system shall Director General to review prepared Merger Analysis Report, approve and send back to DRMA for submission to management |
| FR2STD43 | The system shall allow Director General to review prepared Merger Analysis Report and uplifting of "stopping the counting of 30 days extension order", approve and send back to DRMA for submission to management |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
|---------------|---|
| FR2STD44 | The system shall send a reminder e-mail to a registered applicant who have not submitted the form. |
| FR2STD45 | The system shall be able to check the completeness of the submitted application for merger clearance before submission. If not complete, system shall notify applicant |
| FR2STD46 | The system shall be able to generate and assign reference number to submitted application for merger clearance |
| FR2STD47 | Notice of apparent Breach (FCC-16) shall be automated |
| FR2STD48 | The system shall allow all work flows to have a send back for correction and resubmission |
| FR2STD49 | The system shall be able to generate daily, weekly, monthly merger reports |

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| FR2STD50 | The system shall be able to Stop counting of 30 days extension after form to be filled and approved (form FCC.14B) |
| FR2STD51 | The system shall be able to integrate with BRELA through eGA enterprise service bus |
| FR2STD52 | The system shall be able to be Integrated with eGA Enterprise service bus |
| FR2STD53 | The system shall be able to assign reference number to submitted application for merger clearance and send the notification to applicant |
| FR2STD54 | The system shall be able to send notification of 90 Days Prohibition Notice to Merging Firms |
| FR2STD55 | The system shall be able to send notification of approved Public Notice and filled Procurement Requisition Form to Manager of Procurement and Information and Communications Technology Manager |

4.1.2.2 Advocacy

- **User Class: Applicant, validator and approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
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| FR2STD56 | The system shall allow Applicant/Stakeholder to login |
| FR2STD57 | The system shall enable applicant/Part to submit request (fill form) to review policy, bills or legislation and related documents |
| FR2STD58 | The system shall enable Record Officer receive request to review policy, bills or legislation |
| FR2STD59 | The system shall allow Director General to preview request to review policy, bills or legislation and assign to Director of Research, Mergers and Advocacy/Advocacy Manager |
| FR2STD60 | The system shall enable Advocacy Manager to assign to Advocacy Officer for policy, bills or legislation review |
| FR2STD61 | The system shall enable Advocacy Officer to prepare proposal for policy, bills or legislation review and submit to Advocacy Manager for review |
| FR2STD62 | The system shall allow Advocacy Manager to review and recommend prepared proposal for policy, bills or legislation review and submit to Director of Research, Mergers and Advocacy for approval |

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| FR2STD63 | <p>The system shall enable Director of Research, Mergers and Advocacy to approve or reject with reasons submitted proposal for policy, bills or legislation review</p> <p>If proposal rejected, system send it back to Advocacy Manager and assign to Advocacy Officer for correction and re-submission</p> |
| FR2STD64 | <p>The system shall allow Director of Research, Mergers and Advocacy to assign approved proposal for policy, bills or legislation review to Advocacy Manager and assign to Advocacy Officer for review</p> |
| FR2STD65 | <p>The system shall enable Advocacy Officer to collect desk search information required from system integrations for policy, bills or legislation review</p> |
| FR2STD66 | <p>The system shall enable Advocacy Officer to prepare Analysis Report for policy, bills or legislation and submit to Advocacy Manager/ Director of Research, Mergers and Advocacy for review</p> |
| FR2STD67 | <p>The system shall enable Advocacy Manager /Director of Research, Mergers and Advocacy to review Analysis Report for policy, bills or legislation and submit to Director General for approval</p> |
| FR2STD68 | <p>The system shall allow Director General to approve or reject with reasons Analysis Report for policy, bills or legislation assign to Secretary to the Commission</p> |
| FR2STD69 | <p>The system shall enable Secretary to the Commission transmit/send the Analysis Report for policy, bills or legislation through the email notification to the Commission for decision</p> |
| FR2STD70 | <p>The system shall enable the Commission to review transmitted Analysis Report for policy, bills or legislation and provide decisions to approve or reject with reasons</p> |
| FR2STD71 | <p>The system shall enable Director of Research Merges and Advocacy to assign decision of the Commission and Final Research Study Report to Advocacy Manager</p> |
| FR2STD72 | <p>The system shall allow Research Manager receive decision of the Commission and Final Research Study Report and assign to Advocacy Officer for implementation</p> |
| FR2STD73 | <p>The system shall allow Advocacy Officer to prepare proposal for conducting Public Awareness and attach Execution Plan and submit to Advocacy Manager for review</p> |

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| FR2STD74 | The system shall enable Advocacy Manager to review prepared Proposal for conducting Public Awareness and Execution Plan and submit to Director of Research, Mergers and Advocacy for review |
| FR2STD75 | The system shall allow Director of Research, Mergers and Advocacy review Proposal for conducting Public Awareness and Execution Plan and submit to Director General for approval |
| FR2STD76 | The system shall allow Director General to approve or reject with reasons the proposal to conduct Public Awareness and its Execution Plan, and assign to Director of Research, Mergers and Advocacy for implementation |
| FR2STD77 | The system shall allow Director of Research, Mergers and Advocacy to assign approved proposal to conduct Public Awareness and its Execution Plan to Advocacy Manager, and manager to assign to Advocacy Officer for implementation |
| FR2STD78 | The system shall enable Advocacy Officer to prepare a draft Invitation Letter for stakeholders to participate in Public Awareness session, application channelled to Manager for review, then to Director to recommend to DG for approval |
| FR2STD79 | The system shall enable Director General to approve and sign (digital signature) Invitation Letter, system send to e-Office system for dispatch to Advocacy Officer for further processing |
| FR2STD80 | The system shall enable Advocacy Officer to upload prepared draft Presentation Material for Public Awareness Session and submit to Advocacy Manager for review, manager submit to Director for approval |
| FR2STD81 | The system shall enable Director of Research, Mergers and Advocacy to review and approve or reject with reasons Presentation Material and assign to Advocacy Officer for Public Awareness Session or send back for correction and re-submission |
| FR2STD82 | The system shall enable Advocacy Officer to prepare Public Awareness Session Report and submit to Advocacy Manager review, manager submit to Director then submit to DG for approval |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
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| FR2STD83 | The system shall generate and assign reference number to submitted request for policy, bills or legislation review and notify applicant |
| FR2STD84 | The system shall send notification on analysis reports decision to Director of Research, Mergers and Advocacy and Advocacy Manager for reference |
| FR2STD85 | The system shall allow all work flows to be send back for correction and resubmission |

4.1.2.3 Competition and Market Research

- **User Class: Applicant, Validator, Approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|---|
| FR2STD86 | The system shall allow Applicant/Stakeholder to login |
| FR2STD87 | The system shall enable Research Officer to capture ideas or proposal for market inquiry for research |
| FR2STD88 | The system shall allow Director of Research, Merger and Advocacy to assess the idea or proposals for market inquiry for research If the idea or proposals for market inquiry is well known, System shall enable Director of Research, Merger and Advocacy to allow Initiation of Research Process If the idea or proposals for market inquiry is not well known, the system shall enable Director of Research Merges and Advocacy to allow preparation of Intention to Conduct a Mini Study |
| FR2STD89 | The system shall allow Director of Research Merges and Advocacy to assign the Manager for Research to prepare Intention to Conduct a Mini Study |
| FR2STD90 | The system shall allow Manager for research to assign research officer to prepare Intention to Conduct a Mini Study |
| FR2STD91 | The system shall allow Research Officer prepare and submit Intention to Conduct a Mini Study to the Manager for research for review and recommendation |
| FR2STD92 | The system shall allow Manager for research review Intention to Conduct a Mini Study and submit to the Director of Research Merges and Advocacy |

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| FR2STD93 | The system shall allow Director of Research Merges and Advocacy to recommend and submit prepared Intention to Conduct a Mini Study document to the Director General for approval |
| FR2STD94 | The system shall allow Director General to review Intention to Conduct a Mini Study, approve and assign to Director of Research Merges and Advocacy for implementation |
| FR2STD95 | The system shall enable Director of Research Merger and Advocacy to appoints the team and assign to carry out the mini study and research study |
| FR2STD96 | The system shall allow Team leader prepare lead questions and document in checklist and/or questionnaires for mini study and research study and submit prepared Checklist and/or Questionnaires to Research Manager for review |
| FR2STD97 | The system shall allow Research Manager to review prepared Checklist and/or Questionnaires and submit to Director of Research Merges and Advocacy for approval |
| FR2STD98 | The system shall allow Director of Research Merges and Advocacy to approve prepared Checklist and/or Questionnaires and assign to Team for conducting mini study and research study |
| FR2STD99 | The system shall allow Team Leader to prepare the Mini Study and Research study Report and submit to Research Manager for review |
| FR2STD100 | The system shall allow Research Manager to review and recommend prepared Mini Study Report and Research study and submit to the Director of Research Merges and Advocacy |
| FR2STD101 | The system shall allow Director of Research Merges and Advocacy to review and the mini study report and Research study and recommend to the Director General |
| FR2STD102 | The system shall enable Regulatory Body to inform the Commission in advance on the subject matter and scope of the research study |
| FR2STD103 | The system shall allow The Commission (secretary to Commission should login on behalf of Commission) to provide a view on the Subject matter and scope of the research study |
| FR2STD104 | The system shall allow Director General to assign the View of the Commission on the subject matter and scope of the research study to Director of Research, Mergers and Advocacy |

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| FR2STD105 | The system shall enable Director of Research, Mergers and Advocacy receive View of the Commission and assign to Research Manager, Manager review and assign to Officer to work on it |
| FR2STD106 | The system shall allow Research Officer to prepare draft Terms of Reference and submit to Research Manager for Review, manager review and submit to Director of Research, Mergers and Advocacy to recommend to DG for approval |
| FR2STD107 | The system shall enable Director General approve or reject with reasons the draft Terms of Reference and assign to the Director of Research, Mergers and Advocacy |
| FR2STD108 | The system shall allow Regulatory Body to adopt Terms of Reference |
| FR2STD109 | The system shall allow Director of Research Mergers and Advocacy to prepare draft Strategy Paper and submit to the Director General for review and approval |
| FR2STD110 | The system shall allow Director General to review the submitted draft Strategy Paper and approve or reject, and assign to Secretary to the Commission |
| FR2STD111 | The system shall enable Secretary to the Commission to transmit draft Strategy Paper to the Commission for review |
| FR2STD112 | The system shall allow the Commission (Secretary to Commission login and work on behalf of Commission) to consider and determine submitted draft Strategy Paper |
| FR2STD113 | The system shall allow Minister (User of a relevant ministry) to Order the Director General to initiate the study on idea or proposal for market inquiry |
| FR2STD114 | The system shall allow Director General to receives the Order of the Minister to initiate the study and assign to Director of Research, Mergers and Advocacy |
| FR2STD115 | The system shall enable Research Manager to prepare and submit the study report to DRMA incorporating comments from stakeholder engagement. |
| FR2STD116 | The system shall allow Director of Research, Mergers and Advocacy to review, recommend and submit the study report to Director General incorporating comments from stakeholder engagement |
| FR2STD117 | The system shall allow Director General to review the submitted draft Research Study Report, approve or reject with reason, and assign to Secretary to the Commission |

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| FR2STD118 | The system shall allow the Commission to consider and determine (Approve) submitted draft Research Study Report |
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- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
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| FR2STD119 | The system shall send a reminder e-mail to Manager, Director and Director General about submitted Draft mini study/research report need approval/recommendation/review |
| FR2STD120 | The system shall send email notification about approved mini study/Research report to all stakeholders |
| FR2STD121 | The system shall allow all work flows to be send back for correction and resubmission |
| FR2STD122 | The system shall send email notification about Terms of Reference to users from Regulatory Body |
| FR2STD123 | The system shall send decision of the Commission and draft Strategy Paper notification to Director of Research Merges and Advocacy |

4.1.3 Restrictive Trade Practices

This section focuses on functional requirements related to Restrictive Trade Practices process.

4.1.3.1 Anti-monopoly and Anti-cartels

- **User Class: Applicant Validator, Approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
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| FR3CERT1 | The system shall allow Applicant/Stakeholder to login |
| FR3CERT2 | The system shall enable Complainant fill Complaint Form (FCC-1) online and submit the complaint to the Commission |
| FR3CERT3 | The system shall allow Director General, Director of Restrictive Trade Practices to preview and recommend on complaints |

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| FR3CERT4 | The system shall enable Anti-Cartels Managers or Anti-Monopoly Manager or Head of Zone to receive and assign the complaint to Case Officer for review and opine |
| FR3CERT5 | The system shall allow Case Officer to prepare draft acknowledgement letter and send to Anti-Cartels Manager or Anti-Monopoly or Head of Zone for review |
| FR3CERT6 | The system shall enable Anti-Cartels Managers or Anti-Monopoly Manager or Head of zone to review the draft acknowledgement letter and send to Director of Restrictive Trade Practices for review and signature |
| FR3CERT7 | The system shall enable Director of Restrictive Trade Practices to review sign draft acknowledgement letter |
| FR3CERT8 | The system shall enable Case Officer to review assigned complaint and prepare legal opinion as to whether the complaint should be entertained or not and submit to Anti-Cartels Managers or Anti-Monopoly Manager or Head of zone for review |
| FR3CERT9 | The system shall enable Anti-Cartels Managers or Anti-Monopoly Manager to review the submitted legal opinion and submit the reviewed legal opinion to Director of Restrictive Trade Practices, then Director recommends to DG for approval |
| FR3CERT10 | The system shall enable Director General to attend and decide (Approve or reject with reasons) whether the complaint should be entertained in accordance with prepared legal opinion |
| FR3CERT11 | The system shall enable Case officer to draft a notification and submit to Anti-Cartels Managers or Anti-Monopoly for Review, then manager review and send to Director to recommend to DG for approval |
| FR3CERT12 | The system shall enable DG to approve or reject with reason acknowledgement letter to complainant notification |
| FR3CERT13 | The system shall enable Director General to assign the decisions to Director of Restrictive Trade Practices for implementation. Director assign to manager, manager assign to Case Officer for implementation (In case not attended within specified time, application should be automatic assigned to subordinate) |
| FR3CERT14 | The system shall enable Case Officer to receive complaint and prepare draft investigation report according to the available information and submit draft investigation report to the Anti-Cartels Managers or Anti-Monopoly Manager for review |
| FR3CERT15 | The system shall enable Anti-Cartels Managers or Anti-Monopoly Manager to review the draft investigation report and submit to the |

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| | Director of Restrictive Trade Practices for review, Director review and recommend to DG for approval |
| FR3CERT16 | The system shall enable Director General to approve or reject the investigation report and system allow process FCC_CBP_IE_22 (Enforcement) to follow |
| FR3CERT17 | The system shall enable Director General to assign investigation report to Director of Restrictive Trade Practices for further steps, Director of Restrictive Trade Practices to assign to Anti-Cartels Manager or Anti-Monopoly Manager to prepare opinion, Anti-Cartels Manager or Anti-Monopoly Manager, to assign Case Officer to prepare opinion (In case not attended within specified time, application should be automatic assigned to subordinate) |
| FR3CERT18 | The system shall enable Case Officer to prepare and submit draft opinion to Anti-Cartels Manager or Anti-Monopoly Manager for review, Anti-Cartels Manager or Anti-Monopoly Manager to review and recommend the submitted draft opinion and submit to Director of Restrictive Trade Practices for review then Director recommends to DG for approval |
| FR3CERT19 | The system shall enable DG to approve or reject draft opinion |
| FR3CERT20 | The system shall enable Case Officer to prepare a letter informing the responded that the Commission shall take no further action and submit to Anti-Cartels Managers or Anti-Monopoly for Review, manager review and send to Director for approval |
| FR3CERT21 | The system shall enable Director of Restrictive Trade Practices review, approve and sign letter informing the responded that the Commission shall take no further action |
| FR3CERT22 | The system shall enable Case officer to draft a case statement and submit to Anti-Cartels Managers or Anti-Monopoly for Review, manager review and submit to Director to review and sign |
| FR3CERT23 | The system shall allow Director of Restrictive Trade Practices to prepare and submit the draft provisional Findings to Director General for approval to be tabled to the Commission for signing |
| FR3CERT24 | The system shall enable the Commission to sign the Provisional Findings (Secretary to commission login on behalf of commission and sign) |
| FR3CERT25 | The system shall enable Respondent to submit written submissions and non-confidential version of the provisional findings, system assign to Director General for preview |
| FR3CERT26 | The system shall enable Director General to preview the submitted written submissions and non-confidential version of the provisional findings and |

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| | instruct the Director of Restrictive Trade Practices to ascertain the declared confidentiality |
| FR3CERT27 | The system shall enable Case Officer to analyse non-confidential issues submitted by Respondent and submit the Draft Report for Confidential Issues to the Anti-Cartels Manager or Anti-Monopoly Manager for review, manager review and send to Director, Director recommend to DG for approval |
| FR3CERT28 | The system shall enable Director general approve Draft Report for Confidential Issues and submit to the Commission for decision |
| FR3CERT29 | The system shall allow the Commission to review the Report for Confidential Issues and make decision (Approve or reject with reasons) |
| FR3CERT30 | The system shall enable public to submit comments and Commission to receive informed comments from the public |
| FR3CERT31 | The system shall enable Case Officer to analyse written submission from the Respondent and informed comments from the public |
| FR3CERT32 | The system shall enable Case Officer to submit Draft Analysis Report for Written Submission to the Anti-Cartels Manager or Anti-Monopoly Manager for review, manager send to Director to recommend to DG for approval |
| FR3CERT33 | The system shall enable Director General to approve or reject the Analysis Report for Written Submission and cause oral hearing to be conducted |
| FR3CERT34 | The system shall enable Anti-Cartels Manager or Anti-Monopoly Manager serve/upload the prepared transcript of the oral representation meeting to the Respondent for confirmation |
| FR3CERT35 | The system shall enable the Commission to prepare Final Findings |
| FR3CERT36 | The system shall enable Case Officer to prepare report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons and follow the bottom-up workflow approvals |
| FR3CERT37 | The system shall allow Director General to approve or reject the report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons and submit to the Commission for determination |
| FR3CERT38 | The system shall enable Secretary to the Commission to prepare draft Interim Compliance Order and submit to the Commission for approval |

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| FR3CERT39 | The system shall enable the Commission to sign the Interim Compliance Order (Chairperson of Commission login and sign on behalf) |
| FR3CERT40 | The system shall enable applicant to lodge Settlement Application online and Director General preview and recommend on application then the top-down work flow follows |
| FR3CERT41 | The system shall enable Case Officer to analyse the settlement application, prepare submission paper and submit to the Anti-Cartels Manager or Anti-Monopoly Manager for review and then bottom-up workflow approvals follows |
| FR3CERT42 | The system shall enable Director General to Approve or reject the settlement application |
| FR3CERT43 | The system shall enable Commission to orders the Secretary to the Commission to serve the Order to strike out the application for settlement to the Applicant |
| FR3CERT44 | The system shall enable DG to order the Applicant to submit Settlement Plan within a specified period of time |
| FR3CERT45 | The system shall enable Case Officer to analyse the Settlement Plan, prepare and submit Analysis Report to the Anti-Cartels Manager or Anti-Monopoly Manager for review and follow the bottom-up workflow approvals |
| FR3CERT46 | The system shall enable Director General to approve or reject the Analysis Report and submit to the Commission for determination |
| FR3CERT47 | The system shall enable Commission to accept or reject the Settlement Plan |
| FR3CERT48 | The system shall enable the Technical Team to prepare and submit Negotiation Plan to the DG for approval |
| FR3CERT49 | The system shall enable DG to review and approve or reject the negotiation plan |
| FR3CERT50 | The system shall enable the Technical Team to submit prepared Settlement Report to Director General for approval |
| FR3CERT51 | The system shall allow Director General to approve or reject the prepared Settlement Report and submit to the Commission for determination |
| FR3CERT52 | The system shall allow the Commission to review the Settlement Report and provide decision (Approve or reject) |

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| FR3CERT53 | The system shall enable Director of Restrictive Trade Practices to prepare draft Settlement Compliance Agreement and submit to Director General for approval |
| FR3CERT54 | The system shall enable Director General to approve or reject Settlement Compliance Agreement and submit to the Commission for approval |
| FR3CERT55 | The system shall enable the Commission to approve and sign Settlement Compliance Agreement |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
|----------------------|---|
| FR3CERT56 | The system shall be able to assign complaints automatic and also allow Manager assign complaints manually if need raised |
| FR3CERT57 | The system shall be able to generate the complaint reference number and notify complainant |
| FR3CERT58 | The system shall be able to send notification to complainant in case the complaint received, in progress or closed |
| FR3CERT59 | The system shall be able to send signed acknowledgement letter notification through the email to complainant |
| FR3CERT60 | The system shall be able to send notification about whether the complaint should be entertained or not (Status) |
| FR3CERT61 | The system shall be able to send acknowledgement letter to complainant notification to complainant |
| FR3CERT62 | The system shall be able to send notification about Approved Investigation Report to complainant through the email |
| FR3CERT63 | The system shall be able to send notification about Final opinion to customer |
| FR3CERT64 | The system shall be able to send email notification about letter informing the responded that the Commission shall take no further action |
| FR3CERT65 | The system shall be able to send email notification about signed case statement, Provisional Findings |
| FR3CERT66 | The system shall be able to send notification about decision of the Commission to the Respondent |

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| FR3CERT67 | The system shall be able to publish the non-confidential version of the provisional findings on the commissions websites |
| FR3CERT68 | The system shall be able to send email notification about Final Findings to Respondent |
| FR3CERT69 | The system shall be able to send email notification about report indicating imminent danger of substantial damage to a person; or showing likely offense is committed; or show other good reasons to Respondent |
| FR3CERT70 | The system shall be able to send email notification about Interim Compliance Order to Respondent |
| FR3CERT71 | The system shall be able to send email notification about Order to strike out the application for settlement to Applicant |
| FR3CERT72 | The system shall be able to notify applicant about the Settlement Plan within a specified period of time |
| FR3CERT73 | The system shall be able to send email notification about signed Settlement Compliance Agreement to applicant |

4.1.3.2 Consumer Protection

- **User Class: Applicant Validator, Approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|---|
| FR3CERT74 | The system shall allow Applicant/Stakeholder to login |
| FR3CERT75 | The system shall allow Applicant to fill and submit Standard Form Contract (SFC-1) and attach related documents for application of reviewing Standard Form Consumer contract |
| FR3CERT76 | The system shall enable Director General to preview, recommend and assign previewed Standard Form Contract to Director of Restrictive Trade Practices for further processing and top-down workflow follows |
| FR3CERT77 | The system shall enable Consumer Protection Officer to screen and vet the assigned Standard Form Contract for completeness of related documents |
| FR3CERT78 | The system shall enable Consumer Protection Officer to review the submitted Standard Form Contract and prepare Summary Review for Standard Form Contract and submit for approval {top-down workflow approvals follow} |

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| FR3CERT79 | The system shall allow Director General to approve or reject the prepared Summary Review for Standard Form Contract and assign to Director of Restrictive Trade Practices for further steps {bottom-up workflow follows} |
| FR3CERT80 | The system shall enable Consumer Protection Officer to document agreements reached during consultation and obtain Applicant signature |
| FR3CERT81 | For adopted Summary Review after consultation, the system shall enable Applicant to submit corrected final version of the Standard Form Consumer Contract |
| FR3CERT82 | The system shall enable Consumer Protection Officer to prepare certification documents for reviewed Standard Form Consumer Contract and submit for approval {bottom-up workflow follows} |
| FR3CERT83 | The system shall enable Director General approve or reject the prepared draft certificate for Standard Form Contract |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
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| FR3CERT84 | The system shall be able to validate the submitted application with attached document to check for minimum submission requirement |
| FR3CERT85 | If documents are in order, system shall be able to generate bill by computing payable fee according to pre-defined fee structure, request control number from GePG and send notification to applicant |
| FR3CERT86 | If documents not in order the system shall be able to notify Applicant to provide missing documents |
| FR3CERT87 | The system shall be able to generate signed acknowledgement letter and notify applicant |
| FR3CERT88 | The system shall be able to recognize payment made by applicant through GePG |
| FR3CERT89 | The system shall be able to send notification about approved Summary Review for Standard Form Contract and invite Applicant for consultation |
| FR3CERT90 | The system shall be able to send email notification about certificate for Standard Form Contract to applicant |
| FR3CERT91 | |

4.1.4 Anti-Counterfeits

This section focuses on functional requirements related to Anti-Counterfeits processes.

- **User Class: Applicant/checker and approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
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| FR4IMP1 | The system shall allow Applicant/Stakeholder to login |
| FR4IMP2 | The system shall allow Trademark Holder/ Representative or any other person to lodge anti-counterfeits complaint by filling form with attached documents and submit |
| FR4IMP3 | The system shall allow Chief Inspector to preview the submitted anti-counterfeits complaint attached with supporting document and assign to the Director of Anti-Counterfeits |
| FR4IMP4 | The system shall allow Director of Anti-Counterfeits to receive the Complaint preview and assign to the Anti-counterfeits Surveillance Manager |
| FR4IMP5 | The system shall allow Anti-counterfeits Surveillance Manager to receive the Complaints, preview and assign to Anti-Counterfeits Surveillance Officer/Inspector for implementation |
| FR4IMP6 | The system shall enable Anti-Counterfeits Surveillance Officer/Inspector to conduct due diligence of the complaint in order to find out if it is non-authentic or authentic If the submitted complaint is non-authentic, system shall enable Anti-Counterfeits Officer/Inspector to prepare response to inform the Complainant that the complaint has been declined and submit to Anti-counterfeits Surveillance Manager for review |
| FR4IMP7 | The system shall enable Anti-counterfeits Surveillance Manager/Director of Anti-Counterfeits to receive the response for declined complaints, review and submit to the Chief inspector for approval |
| FR4IMP8 | The system shall enable Chief Inspector to approve or reject with reasons the declined complaints |
| FR4IMP9 | If the submitted complaint is authentic, the system shall allow Anti-Counterfeits Surveillance Officer to prepare response to inform the Complainant to submit product samples for product identification |
| FR4IMP10 | The system shall enable complainant to receive a bill with a control number and make payment |

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| FR4IMP11 | The system shall allow complainant to register and submit samples of product both genuine and counterfeits for identification |
| FR4IMP12 | The system shall enable Anti-Counterfeits Surveillance Officer receive samples of product both genuine and counterfeits for identification and training presentation and submit to Anti-counterfeits Surveillance Manager |
| FR4IMP13 | The system shall enable Anti-counterfeits Surveillance Manager appoint Lead Inspector and other Inspectors to participate in training which will be conducted by Complainant |
| FR4IMP14 | The system shall allow Lead Inspector to document details of the training and attendance in the Training Register and prepare training report on product identification and submit to Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for preview and noting |
| FR4IMP15 | For counterfeits goods at customs custody, the system shall enable Anti-Counterfeits Surveillance Officer to fill Stop Order (Form C) and submit to Anti-counterfeits Surveillance Manager for preview |
| FR4IMP16 | The system shall enable Anti-counterfeits Surveillance Manager/Director of Anti-Counterfeits to preview and recommend filled Stop Order and submit to Chief inspector for approval The system shall allow Chief inspector to approve or reject with reasons Stop Order |
| FR4IMP17 | The system shall enable Chief Inspector to assign and provide directive to Director of Anti-Counterfeits/ Anti-counterfeits Surveillance Manager to conduct raid for suspected counterfeits or offending goods |
| FR4IMP18 | The system shall enable Director of Anti-Counterfeits/ Anti-counterfeits Surveillance Manager to receive the directives and assign to Counterfeits Surveillance Officer for further proceedings |
| FR4IMP19 | The system shall enable Counterfeits Surveillance Officer to prepare letter (Fill template form) to request assistance of Director of Criminal Investigation (DCI) to take charge of security during raid and submit to Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for review |
| FR4IMP20 | The system shall enable Chief inspector to approve and sign/reject letter (Fill template form) to request assistance of Director of Criminal Investigation (DCI) to take charge of security during raid |

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| FR4IMP21 | The system shall allow Records Officer to print signed letter to request assistance of Director of Criminal Investigation (DCI) to take charge of security during raid for dispatch |
| FR4IMP22 | The system shall enable Anti-counterfeits Surveillance Manager to appoint Lead Inspector and formulate team to conduct raid |
| FR4IMP23 | During the raid process, the system shall allow Inspector to register the counterfeits goods, record description, their quantity and value in Notice of Seizure (Form I) |
| FR4IMP24 | The system shall enable Inspector and Owner of Goods/Representative of the Owner countersign (Accept) Notice of Seizure |
| FR4IMP25 | For counterfeits goods to be secured at Government Warehouse, the system shall allow Inspector to inform Warehouse Supervisor to start preparation for storage of seized counterfeits goods |
| FR4IMP26 | The system shall allow Warehouse Supervisor to register seized counterfeits goods |
| FR4IMP27 | If the counterfeits goods are found in identified premises, The system shall enable Inspector to register the counterfeits goods, record their quantity and value in Notice of Seizure (Form I) |
| FR4IMP28 | For counterfeits goods to be secured at places other than Government Warehouse, the system shall enable Inspector to make Order of Detention of Goods (Fill Form E) and submit to Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for review |
| FR4IMP29 | The system shall allow Chief Inspector approve and sign or reject with reasons Order of Detention of Goods |
| FR4IMP30 | The system shall enable Inspector to prepare and register Notice of Seizure in the Seizure Register |
| FR4IMP31 | The system shall enable Inspector to prepare raid report and submit to the Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for review and recommendation |
| FR4IMP32 | The system shall enable Chief inspector to approve or reject raid report |
| FR4IMP33 | The system shall allow Counterfeits Surveillance Officer to receive Product Verification List from TRA and analyse which product qualify for verification |
| FR4IMP34 | The system shall enable Counterfeits Surveillance Officer to obtain result after system performs verification on the product to check for counterfeits goods if they exist in the customs documents |

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| | If counterfeits goods are not found, the system shall allow Anti-Counterfeits Surveillance Officer fills Daily Inspection Form and submit to the Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for preview |
| FR4IMP35 | The system shall allow Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits to preview and recommend the Daily Inspection Form and submit to the Chief Inspector for approval |
| FR4IMP36 | The system shall allow Chief Inspector to approve or reject filled daily Inspection Form |
| FR4IMP37 | The system shall enable Counterfeits Surveillance Officer to register sample of the counterfeits goods or goods with omission of rules of origin |
| FR4IMP38 | The system shall enable Counterfeits Surveillance Officer to mark sampled counterfeits goods and register in the Sample Register |
| FR4IMP39 | The system shall enable Counterfeits Surveillance Officer to prepare Inspection Report and submit to Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits for review and recommendation |
| FR4IMP40 | The system shall enable Anti-counterfeits Surveillance Manager/ Director of Anti-Counterfeits/Head of Zone to preview and recommend Inspection Report to Chief Inspector for approval |
| FR4IMP41 | The system shall enable Chief inspector to approve /reject and give directives on Inspection Report |
| FR4IMP42 | The system shall enable Chief Inspector to receive Inspection Report and provide directives to the Director of Anti-Counterfeits/ Anti-counterfeits Surveillance Manager/Head of Zone for further steps |
| FR4IMP43 | The system shall enable Inspector to handover counterfeits goods and Notice of Seizure to the Warehouse Supervisor |
| FR4IMP44 | <p>The system shall enable Warehouse Supervisor to verify (with the aid of the system to check and compare) the goods details against Notice of Seizure</p> <p>If the goods do not tally with the Notice of Seizure, the system shall notify Inspector to perform corrective actions to rectify the discrepancy</p> <p>If the goods tally with Notice of Seizure, the system allow Warehouse Supervisor to accept counterfeits goods and prepare Goods Received Note</p> |
| FR4IMP45 | The system shall enable Warehouse Supervisor and Inspector to accept and sign the prepared Goods Received Note |

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| FR4IMP46 | The system shall enable Warehouse Supervisor to records details of received counterfeits goods into Warehouse Ledger |
| FR4IMP47 | The system shall enable Warehouse Supervisor to prepare list of counterfeits goods to be disposed and submit to Enforcement/ Director of Anti-Counterfeits/Head of Zone for preview |
| FR4IMP48 | The system shall enable Anti-Counterfeits Enforcement Manager/ Director of Anti-Counterfeits/Head of Zone to review and recommend a list of counterfeits goods to be disposed and submit to Chief Inspector for approval |
| FR4IMP49 | The system shall enable Chief Inspector to approve or reject list of counterfeits goods to be disposed/Disposal order, provide reasons for rejection and assign to Director of Anti-Counterfeits/Head of Zone/ Anti-Counterfeits Enforcement Manager |
| FR4IMP50 | The system shall enable Warehouse Supervisor to receive signed Release Order or signed Disposal Order |
| FR4IMP51 | The system shall enable Warehouse Supervisor prepare Issue Note in accordance with received order for release or disposal, sign and send to Inspector for acceptance and signature |
| FR4IMP52 | The system shall enable Warehouse Supervisor to perform stock taking for the available counterfeits goods in Warehouse and submit report to Anti-Counterfeits Enforcement Manager/Head of Zone/ Director of Anti-Counterfeits |
| FR4IMP53 | The system shall enable Director of Anti-Counterfeits/ Head of Zone/ Anti-Counterfeits Enforcement Manager to review prepared stock taking report and submit to Chief Inspector for approval |
| FR4IMP54 | The system shall enable Chief Inspector to approve or reject with reasons stock taking report |

- **User Class: System**

The following are the requirements corresponding to the System

| Requirement # | Requirement |
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|---------------|-------------|

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| FR4IMP55 | The system shall send notification to Chief inspector on incoming anti-counterfeit complaints |
| FR4IMP56 | The system shall be able to check the completeness of submitted complaints request with all submitted supporting documents |
| FR4IMP57 | The system shall be able to notify Trademark Holder/ Representative about the declined complaints, Stop Order |
| FR4IMP58 | The system shall be able to receive booking for Inspection initiated by CFA from TeSWS (Interface between FCC system and Single window) |
| FR4IMP59 | The system shall be able to generate a bill with a specified fee structure |
| FR4IMP60 | The system shall notify Customer on debit advice with a control number through SMS |
| FR4IMP61 | The system shall generate destruction certificate |
| FR4IMP62 | The system shall be able to retrieve Manifest, BL, Invoice and TRA Final Assessment Information from TeSWS/TANCIS (Interface between FCC system and Single window) |
| FR4IMP63 | The system shall be able to validate TIN and TANSAD and retrieve information from TRA |
| FR4IMP64 | The system shall be able to notify applicant to make correction and re-submit application |
| FR4IMP65 | The system shall send notification to Customer concerning all rejections related to TANCIS |
| FR4IMP66 | The system shall generate bill with control number from GePG and send notification to CFA/Customer through SMS |
| FR4IMP67 | The system shall be able to receive payment information from GePG , recognize the payment and allow further steps |
| FR4IMP68 | The system shall be able to issue payment receipt and notify complainant after payment recognition |
| FR4IMP69 | The system shall notify (Pop up notification) CFA/Customer on confirmed inspection booking |
| FR4IMP70 | The system shall be able to assign inspection applications to Inspectors |
| FR4IMP71 | The system shall show the pop up notification to CFA on new/incoming inspection reports |
| FR4IMP72 | For released application: The system shall send release notification and permit to TeSWS (Single window) |

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| FR4IMP73 | The system shall be able to send Stop Order notification to Commissioner of Customs (TRA), Tanzania Port Authority and Joint Port Control Unit (JPCU) through single window interface |
| FR4IMP74 | The system shall be able to send notification about signed Notice of Seizure to Owner of Good / Representative of the Owner |
| FR4IMP75 | The system shall be able to send notification about Order of Detention to Owner of Goods / Representative of the Owner |
| FR4IMP76 | The system shall be able to send notification about Notice of Seizure to TRA and Clearing & Forwarding Agent |
| FR4IMP77 | For rejected list of counterfeits goods to be disposed, the system shall be able to notify Warehouse Supervisor to maintain storage status |

4.1.5 Customer Complaints and Inquiry Handling

This section focuses on functional requirements related to customer complaints handling process.

- **User Class: Applicant**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|---|
| FR6COMP1 | The system shall allow Customer to login |
| FR6COMP2 | The system shall allow Customer to register and submit complaint or Inquiry as per category |
| FR6COMP3 | The system shall allow Customer to view the respective complaint/ Inquiry resolution |
| FR6COMP4 | The system shall allow customer to appeal or resubmit the complaint/ Inquiry if he/she not satisfied with the resolution |
| FR6COMP5 | The system shall allow Officer to evaluate complaints/ Inquiry received to determine system needed |
| FR6COMP6 | The system shall allow Officer to reassign the complaint to respective directorate for investigation (In case auto assignment need manual intervention) |
| FR6COMP7 | The system shall allow Respective directorate/unit/Zone to investigate complaints/Inquiry and capture resolution |

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| FR6COMP8 | The system shall allow Respective directorate/unit/Zone to close complaints/Inquiry after resolution and customer notified |
| FR6COMP9 | The system shall allow DG to oversee the received, open and closed complaints/ Inquiry with captured resolution |
| FR6COMP10 | The system shall enable PR Officer to review the Inquiry, provide recommendation and submit to Head of PR and Communication unit for review, Head submit to DG for decision |
| FR6COMP11 | The system shall enable Director General to review recommendation, provide decision and submit to Head of PR and Communication unit |
| FR6COMP12 | If the Decision is to respond to the Inquiry, the system shall enable shall enable Head of PR and Communication unit Notify PR Officer to draft a response letter and other necessary documents {bottom-up workflow follows} |
| FR6COMP13 | The system shall enable Director General to approve or reject, sign the response letter and submit |

- **User Class: System**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|----------------------|---|
| FR6COMP14 | The system shall notify Customer on the receipt of complaint |
| FR6COMP15 | The system shall generate complaints/Inquiry ticket/reference number and notify customer |
| FR6COMP16 | The system shall be able assign/route complaints/ Inquiry to the respective department for resolution |
| FR6COMP17 | The system shall notify the customer on the resolution stage |
| FR6COMP18 | The system shall notify DG on the feedback provided to customer by indicating number of received, open and resolved complaints |
| FR6COMP19 | The system shall close complaint/Inquiry If customer satisfied with resolution |
| FR6COMP20 | The system shall be able to provide all Customer Complaints/Inquiry Handling processes periodic reports as described on reports specification in Annex3 |

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| FR6COMP21 | The system shall be able to send the notification about response letter to applicant |
|-----------|--|

4.1.6 Corporate Services (Planning, HR, Finance and Record Management)

This section focuses on functional requirements related to Corporate Services processes.

- **User Class: Applicant**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|--|
| FR7ACC1 | The system shall allow User department Officer to login |
| FR7ACC2 | The system shall allow User department Officer to fill an Internal Memo for payment request |
| FR7ACC3 | The system shall allow User department officer fill request for payment form and submit to budget officer of user department |
| FR7ACC4 | The system shall allow customer to accept or reject quotation. Upon acceptance system shall allow generation of debit advice. Upon rejection system shall notify FCC officer |
| FR7ACC5 | The system shall allow customer to receive and print receipt after settlement of amount due |
| FR7ACC6 | The system shall allow FCC Officer to request for cancellation of debit advice enclosed with the attachment then follows approval process |
| FR7ACC7 | The system shall provide approval statuses on all correspondence using request ID for creation and cancellation of debit advice. |
| FR7ACC8 | The system shall allow FCC officer to request for refund enclosed with the attachment of the request from customers or internally purposely and channelled to appropriate Director for approval |
| FR7ACC9 | The system shall allow an employee to fill in leave application form according to his/her leave roster |
| FR7ACC10 | The system shall allow an employee to fill training request form and submit Particulars of the form (personal particulars-should be retrieved from database such as Names, Gender, Age, Designation, Date of employment, Academic/Professional |

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| | qualification) and fill the following particulars such as training fee, per Diem allowance and local/fair allowance |
| FR7ACC11 | The system shall allow an employee to fill in application form for official Safari (personal particulars-should be retrieved from database, and fill dates of safari, number of days, means of transport, per Diem allowance and local/fair allowance) |
| FR7ACC12 | The system shall allow Driver to fill fleet maintenance/ service/ replacement form and submit |
| FR7ACC13 | The system shall allow Accountant to cancel Bill after manager approval and control number to be requested again from GePG and send bill direct to customer |
| FR7ACC14 | The system shall allow the appropriate Director to approve or reject cancellation of debit advice request |
| FR7ACC15 | The system shall allow the appropriate Director to approve or reject refund request from FCC officer |
| FR7ACC16 | The system shall allow HRA Officer to review and recommend the leave application from employee |
| FR7ACC17 | The system shall allow Head of respective department to review the leave application that has been reviewed by HRA Officer |
| FR7ACC18 | The system shall allow head of respective department/ supervisor to review and recommend on training application and forward to HR Department for reviewing and verification |
| FR7ACC19 | The system shall allow HRA Officers to review and verify(Training needs, Proposed training to attend, expected training institution, training duration and proposed training date, training fee, per diem allowance and local/fair allowance) training request. |
| FR7ACC20 | The system shall allow Manager of HR to confirm and verify training application and send to Director for approval |
| FR7ACC21 | The system shall allow head of respective department/ supervisor to review and recommend on official Safari application |
| FR7ACC22 | The system shall allow HRA Officers to review and verify fleet maintenance/ service/ replacement form |
| FR7ACC23 | The system shall allow HR Manager to confirm and verify fleet maintenance/ service/ replacement form and send to PMU for procurement processes |

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| FR7ACC24 | The system shall allow Chief Accountant to approve cancel of debit advice upon approval of appropriate Director |
| FR7ACC25 | The system shall allow Chief Accountant to endorse payment of the approved refund |
| FR7ACC26 | The system shall allow DCS/DG to approve or reject reviewed leave application |
| FR7ACC27 | The system shall allow DCS/DG to approve or reject reviewed training application |
| FR7ACC28 | The system shall allow DCS/DG to approve or reject reviewed official Safari application |
| FR7ACC29 | The system shall allow DCS/DG to approve or reject fleet maintenance/ service/ replacement form |
| FR7ACC30 | The system shall enable User department Officer to request payment by writing Internal Memo online and submit for approvals {bottom-up workflow approval follows} |
| FR7ACC31 | The system shall enable Officer of user department to fill request for payment form and submit for approval {bottom-up workflow approval follows} |
| FR7ACC32 | The system shall enable Supplier/Vendor to submit invoice (Attachment) online, fill request form and submit |

- **User Class: System**

The following are the requirements corresponding to System

| Requirement # | Requirement |
|---------------|--|
| FR7ACC33 | The system shall notify customer about a bill with control number via emails/SMS |
| FR7ACC34 | The system shall generate receipt after settling amount due and send to Customer as a notification |
| FR7ACC35 | The system shall be able to receive daily bank statements from banks and recon file from GePG |
| FR7ACC36 | System shall be able to compare transactions from different systems GePG vs FCC system, Bank statement Vs FCC system, Navision Vs FCC system or MUSE vs FCC system |
| FR7ACC37 | The system shall generate unreconciled and reconciled detailed report |

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| FR7ACC38 | The system shall be able to receive payment transaction from GePG |
| FR7ACC39 | The system shall be able to provide all accounting processes periodic reports as described on reports specification in Annex3 |
| FR7ACC40 | The system shall provide actual descriptions generated initially on the service provided to customers in any of report. E.g to the receipts, invoices and detail reports |
| FR7ACC41 | The System to provide request ID or reference number for any application requested by user for easing traceability |
| FR7ACC42 | The system shall provide statuses reports for all corresponding regards to the request ID for debit advice and refund transactions |
| FR7ACC43 | The system shall be able to provide reports that show expired licensees invoiced already and un invoiced |
| FR7ACC44 | The system shall provide a clear formula for computing licensing charges and calculate it correctly |
| FR7ACC45 | The system shall be able to send pop up sms as a reminder on invoicing time |
| FR7ACC46 | The system shall be able to calculate the leave balance (number of days) of every employee |
| FR7ACC47 | For paid leave, the system shall be able to forward to Director of Corporate Services or Director General for approval and forwarded to Finance and Accounts Manager for leave entitlement payments |
| FR7ACC48 | The system shall send notification to employee (Leave applicant) after leave approvals |
| FR7ACC49 | The system shall be able to forward approved training application request to Finance and Accounts Manager for training entitlement and payments |
| FR7ACC50 | The system shall be able to forward approved safari application request to Finance and Accounts Manager for training entitlement and payments |
| FR7ACC51 | The system shall send notification to employee (applicant) after safari approvals |
| FR7ACC52 | The system shall check balance as per budget and notify applicant when user department request for payment |

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| FR7ACC53 | The system shall be able to integrate with MUSE to allow Finance Officer processes payment through MUSE system with reference with transaction initiated from FCC system |
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4.1.7 Communication and Public Relations, Internal Audit, Risk & QA, ICT, Legal Services

This section focuses on functional requirements related to activities that involves Communication and Public Relations, Internal Audit, Risk & QA, Legal Services.

- **User Class: Applicant, Validator, Approver**

The following are the requirements corresponding to Applicant

| Requirement # | Requirement |
|---------------|--|
| FR4IMSC1 | The system shall allow applicant to login |
| FR4IMSC2 | The system shall enable PR Officer to prepare draft PR writing and submit to Head of PR and Communication unit for review |
| FR4IMSC3 | The system shall enable Head of PR and Communication unit to review the draft PR writing and submit to the Director General for approval |
| FR4IMSC4 | The system shall enable Director General to approve or reject the draft PR writing and assign the Head of PR and Communication unit for further processing |
| FR4IMSC5 | The system shall enable PR Officer to prepare draft Event plan and submit to Head of PR and Communication unit for review |
| FR4IMSC6 | The system shall allow Head of PR and Communication unit review the draft Event Plan and submit to the Director General for approval |
| FR4IMSC7 | The system shall enable Director General to approve or reject the draft Event Plan and assign the Head of PR and Communication unit for further processing |
| FR4IMSC8 | The system shall enable PR Officer to review print and electronic media and prepare a summary of Issues related to the commission and submit to the Head of PR and Communication unit for review |
| FR4IMSC9 | The system shall enable Head of PR and Communication unit to review, prepare recommendation on the summary of Issues related to the commission and submit to the Director General for Advisory |
| FR4IMSC10 | The system shall enable Director General to review the submitted recommendation on the summary of Issues related to the commission, |

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| | Advise and assign the Head of PR and Communication unit for further action |
| FR4IMSC11 | The system shall enable Head of PR and Communication unit to receive the directives from the Director General and assign the PR Officer for further action |
| FR4IMSC12 | The system shall enable the Author to submit document to the Secretary for the Commission for submission to the Commission |
| FR4IMSC13 | The system shall allow the Secretary to the commission to prepare notice and submit the document to the management for discussion and recommendation(s) |
| FR4IMSC14 | The system shall enable Secretary to the Commission to prepare notice for the commission meeting |
| FR4IMSC15 | The system shall allow the Commission to make determination on the presented matter (Chairperson of Commission login and make determination on behalf) |
| FR4IMSC16 | The system shall enable Secretary to the commission to prepare minutes of the meeting and matters arising if any and submit |
| FR4IMSC17 | The system shall enable Plaintiff/ Applicant to fill and submits case initiating document form online |
| FR4IMSC18 | The system shall enable Director General to preview, recommend and assign previewed the case initiating documents to the Legal Services Manager for action |
| FR4IMSC19 | The system shall allow the Legal Services Manager to preview and assign a Legal Officer to opine and draft a response |
| FR4IMSC20 | The system shall enable Legal officer to review case initiating documents, opines, draft a response and submit to the Legal Services Manager for review {bottom-up workflow follows} |
| FR4IMSC21 | The system shall enable DG to review draft document (opinion and/or draft response etc.), approve or reject and transmit to Legal Services Manager for action. |
| FR4IMSC22 | The system shall enable request for new library books, reports and regulations |
| FR4IMSC23 | The system shall enable users to borrow and return book |
| FR4IMSC24 | The system shall enable users to request for services and maintenance of ICT Equipment |

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| FR4IMSC25 | The system shall enable users to request for changes |
| FR4IMSC26 | The system shall enable users to request for training and awareness sessions |

- **User Class: System**

The following are the requirements corresponding to System

| Requirement # | Requirement |
|---------------|---|
| FR4IMSC27 | The system shall be able to send PR Writing notification to stakeholder |
| FR4IMSC28 | The system shall be able to send Event Plan notification to stakeholder |
| FR4IMSC29 | The system shall be able to send matters arising notification to the Management |
| FR4IMSC30 | The system shall be able to send email notification about signed opinion and/or response to Plaintiff/Applicant |

4.1.8 General Requirements

- **User Class: System**

The following are the general requirements corresponding to System

| Requirement # | Requirement |
|---------------|---|
| FR4IMSC31 | The system shall be able to store all operational documents for each section and allow FCC users to access it online (such documents are, Policies, Guidelines, etc.) |
| FR4IMSC32 | The system shall be able to perform hand over of duties. The system shall allow FCC user to initiate handover of duties by specifying specific period of time and approver to approve or reject request |
| FR4IMSC33 | The system shall be able to return back hand over of duties to the initiator once specified time elapsed |
| FR4IMSC34 | The system shall enable user to change the different configurable parameters such as fees, calculations formulas, workflow approvals levels etc |

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| FR4IMSC35 | The system shall be able to integrate with e-Office system to obtain the processed transactions from all other directorates and units so as to assist record Officer to view reports on processed and completed transactions/processes |
| FR4IMSC36 | The system shall be able to generate reference number for every transaction and be able to link with document/file reference number from e-Office for the respective incoming and outgoing documents |
| FR4IMSC37 | The system shall have a repository to store all closed files for archiving purposes from e-Office through the integration with e-Office system |
| FR4IMSC38 | The system shall be able to integrate with Fair competition tribunal case management to link file reference numbers for easy tracking |
| FR4IMSC39 | The system shall be able to integrate with digital signature management system to easy signing of document electronically |
| FR4IMSC40 | The system shall have central data repository collected from other FCC directorates and units for operation use |

4.2 Non-Functional Requirements

This section describes non-functional requirements for the System that will be important to users or developers of the FCC process. These include performance, security, quality attributes, and business continuity in line with FCC ICT Policy.

4.2.1 Performance Requirements

This section provides performance requirements to be met in order to guarantee systems usability, availability of services and information, and user satisfaction when processing huge and complex data in the FCC system.

4.2.1.1 Workload Management

The following are workload management requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR1PER1 | In each processing request, the system shall be able to process 99.9% of transactions in less than 5 seconds in both normal and peak workload conditions. |
| NFR1PER2 | The system shall use queuing technologies to enhance processing speed and assurance of data delivery. |

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| NFR1PER3 | The system shall use caching technologies to shorten request/response time. |
| NFR1PER4 | The system shall handle maximum users requests concurrently. |
| NFR1PER5 | The system shall have a facility to keep the Performance and Availability logs to enable generation of periodic reports. |
| NFR1PER6 | The system shall interface with FCC's performance monitoring tools for adequate monitoring of events and resources. |

4.2.1.2 Response Time

The following are system requirements related to response time:

| Requirement # | Requirement |
|---------------|---|
| NFR1PER7 | The system shall allow web page rendering both in standard time and peak time in less than 5 seconds. |
| NFR1PER8 | The application server(s) shall be configured to utilize its maximum available number of concurrent connections. |
| NFR1PER9 | The enterprise operating system (OS) shall be used to host the application to enhance data processing speed. |
| NFR1PER10 | The system shall allow only mandatory processes/services to run in the background in order to boost request response time and internal processing time. |
| NFR1PER11 | The system shall allow auto start-up of critical services in the event where the servers are re-started. |
| NFR1PER12 | The system shall have failover mechanism on its components when any fault is detected on the Operating System (OS), Database or application services. |

4.2.1.3 Scalability

The following are the system scalability requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR1PER13 | The workload and response time requirements shall be met as the system scale. |

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| NFR1PER14 | The system shall be designed in a modular structure so as to allow seamless scaling up/down of modules/functionalities without affecting the overall system architecture. |
| NFR1PER15 | The system shall allow incorporation of new modules/ functionalities without affecting the overall system performance. |
| NFR1PER16 | The system shall allow the reduction of modules/functionalities without affecting the overall system performance. |
| NFR1PER17 | The system shall allow configurable modification to accommodate new rules (such as penalty rules, compliance requirements, fees, etc.) from application-level settings. |

4.2.1.4 Platform

The following are the system platform requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR1PER18 | The system shall be hosted on a server computer running an open-source operating system (OS) such as Unix/Linux with guaranteed technical support, utilities updates, and operating system upgrade. |
| NFR1PER19 | The server computer hosting the system shall be installed with a Random-Access Memory (RAM) of at least 32GB. |
| NFR1PER20 | The maximum allowable CPU utilization shall be 60%, leaving a 40% free space allowable for background processes. |
| NFR1PER21 | The maximum allowable CPU load average shall be 0.60 in all 1 minute, 5-minutes, and 15-minutes intervals. |

4.2.2 System Quality Attributes

This section provides the various non-functional requirements related to quality attributes of the FCC system.

4.2.2.1 Availability and Reliability

The following are the availability and reliability requirements:

| Requirement # | Requirement |
|---------------|--|
| NFR2QLT1 | The system shall be available to authorized users 24/7 so long as the operating environment does not limit the system operation. |

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| NFR2QLT2 | The system shall not have a single point of failure. |
| NFR2QLT3 | The precision of calculations shall be at least 1×10^{-6} |
| NFR2QLT4 | The system shall not be unavailable for more than 1 hour per 1000 hours of operation. |

4.2.2.2 Backup and Recovery Management

The following are the backup and recovery management requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR2QLT5 | The system shall have the facility to enable performing backup that is automatically based on a schedulable frequency to be held at an offsite location so that it is recoverable in the event of a system or hardware failure. |
| NFR2QLT6 | The system shall provide data recovery facilities to enable a smooth switchover to the backup site. |
| NFR2QLT7 | The system shall have the ability to resend undelivered messages in case of a problem without introducing any errors. |

4.2.2.3 Maintainability

The system shall be designed and implemented in a manner that promotes ease of recovery from faults. The maintainability factors presented in Table 4 guide maintainability requirements. Some of the identified factors shall be measured on a scale between 1 and 10. A lower score indicates a good maintainability index.

Table 4: Maintainability Requirements Matrix

| S/N | Maintainability Factor | Description | Scale of measurement |
|-----|---------------------------|---|----------------------|
| 1 | Modularization Complexity | As complexities increases, so it is difficult to maintain the system. | [1 -10] |
| 2 | Data structure complexity | As complexities increases, so it is difficult to maintain the system. | [1 -10] |
| 3 | Code complexity | As complexities increases, so it is difficult to maintain the system. | [1 -10] |
| 4 | Code Annotation | Well explained code simplify its maintenance. | N/A |

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|---|-----------|--|-----|
| 5 | Code size | As code size increases, so it is difficult to maintain the system. | N/A |
|---|-----------|--|-----|

The following are maintainability requirements:

| Requirement # | Requirement |
|---------------|--|
| NFR2QLT8 | The system shall be designed in a modular manner with at most a 5 scale of modularization factor. |
| NFR2QLT9 | The system shall be designed in a manner that enhances the application of simple data structures, measurably in a scale not exceeding 5 data structure complexity factors. |
| NFR2QLT10 | The system shall be implemented with a well-organized code to enhance simplicity, measurably in a scale not exceeding 5 code complexity factors. |
| NFR2QLT11 | The system shall be implemented with a well-annotated code. |
| NFR2QLT12 | The system shall be implemented with minimal code as possible. |

4.2.2.4 Portability

The following are portability requirements:

| Requirement # | Requirement |
|---------------|--|
| NFR2QLT13 | The system shall support client access through all major browsers. |
| NFR2QLT14 | The system shall accommodate localization/ internationalization and correctly interpret local languages where the software is being used, recommended English and Swahili languages. |
| NFR2QLT15 | The system shall be able to adapt to the standard mobile device displays and interfacing. |

4.2.3 Testing Requirement

The following is the testing requirement:

| Requirement # | Requirement |
|---------------|-------------|
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| NFR3QLT1 | The system shall be tested using the following types of testing: unit testing, integration testing, and user acceptance testing as defined in the general domain of knowledge. |
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4.2.4 System Administration, Security and Management Requirements

This section provides the various non-functional requirements related to quality attributes of the FCC system.

4.2.4.1 System Administration

The following are the system administration requirements:

| Requirement # | Requirement |
|---------------|--|
| NFR4ADMT1 | The system shall have user management module for creation of users, groups, roles, login and password management etc. |
| NFR4ADMT2 | The system shall allow analysis of Audit Trail data for security purpose |
| NFR4ADMT3 | The system shall have an error management mechanism that provides Correction of user errors/mistakes using best available technology |
| NFR4ADMT4 | The system shall be capable of being configured for secure operation in its intended environment(s), and must report any deficiencies that preclude its complete configuration |
| NFR4ADMT5 | The system shall comply with the state-of-the-art Security Architecture. |
| NFR4ADMT6 | The system shall comply to the principle of separation of duties. |

4.2.4.2 System Security

The following are the system security requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR4ADMT7 | The system shall be capable of performing data authentication using the best latest methods and be flexible to adopt future improvements. |
| NFR4ADMT8 | The system shall support the best Digital Signature Standard (DSS). |

| Requirement # | Requirement |
|---------------|---|
| NFR4ADMT9 | The system shall be compliant with Government PKI when required. |
| NFR4ADMT10 | The system shall use standard password-based key derivation function. |
| NFR4ADMT11 | The system shall use strong random characters generator to create a salt of 16 bytes or longer. |
| NFR4ADMT12 | The system shall use Keyed hash function as the core hash inside password- based key functions |
| NFR4ADMT13 | The system shall be able provide the capability to increase number of password iterations |
| NFR4ADMT14 | The system shall Store the iteration count, the salt and the final hash in the password database |
| NFR4ADMT15 | The system shall increase the iteration count regularly to keep up with faster cracking tools |
| NFR4ADMT16 | The system shall authenticate user using Multi Factor Authentication |
| NFR4ADMT17 | The system shall provide Identification and Authentication (I&A) mechanism that enable an application administrator to configure the maximum number of login attempts. |
| NFR4ADMT18 | The system shall provide I&A mechanism that enable application administrators to configure the duration of the "lockout" period during which a user (or role) who exceeds the number of allowable login attempts will be prevented from making another I&A attempt. |
| NFR4ADMT19 | The system shall encrypt user passwords and any other sensitive I&A data before transmission over a network so as to protect the information that will be accessed after the user is authenticated |
| NFR4ADMT20 | The system shall transmit sensitive I&A data (e.g., passwords, biometric data, and certificates) over a secured channel (e.g. SSL and TLS). |
| NFR4ADMT21 | The system shall provide privileged accounts managed by accounts management System which provides functionalities such as password vault, check-in and checkout (e.g. one-time password), audit logging, policy control and account lifecycle management. |

| Requirement # | Requirement |
|---------------|--|
| NFR4ADMT22 | The system shall provide a mechanism for creating and modifying authorization information/ rights (e.g., Access Control List (ACLs), active accounts). |
| NFR4ADMT23 | The system shall comply with Policy-Based Access Control (PBAC) and Role-Based Access Control (RBAC) for authorizing user privileges in conjunction with its discretionary and mandatory data access control schemes |
| NFR4ADMT24 | The system shall enable the creation of different user groups, and the assignment of different roles and privileges/right to each group. |
| NFR4ADMT25 | The system shall provide access controls with readily available reports that can enable supervisors or internal auditors to review current user access rights to the application. |
| NFR4ADMT26 | The system shall provide confidentiality of data manipulated, stored, or transmitted. |
| NFR4ADMT27 | The system shall provide Application Program Interface (API) that enables the application to invoke an encryption capability to selectively encrypt data and files while interacting with other system. |
| NFR4ADMT28 | The system shall ensure all sensitive data stored in database or configuration files are encrypted. |
| NFR4ADMT29 | The system shall use a certified and approved technology to implement a hash of data before transmission. |
| NFR4ADMT30 | The system shall provide data availability guarantees to ensure data are not deleted or overwritten by application malfunction. |
| NFR4ADMT31 | The system shall have mechanism to terminate a particular session or logout when attempts to return data to a requesting client, but that client or its network connection does not respond after a certain period. |
| NFR4ADMT32 | The system shall contain an error exception handling capability so that the application executable files and data will not become vulnerable in case of an application processing failure. |
| NFR4ADMT33 | The system shall provide application's error handling mechanism that shall be configurable to allow the application to respond according to the detected error. |

| Requirement # | Requirement |
|---------------|--|
| NFR4ADMT34 | The system shall provide error/exception handling capability with error/failure log, error type and error description of all errors and failure events. |
| NFR4ADMT35 | The system shall log all security-relevant events (configured by the application security administrator) to its own secure audit/event log. |
| NFR4ADMT36 | The system shall be able to transmit audit/event log securely to a centralized audit collection facility. |
| NFR4ADMT37 | The system shall have audit mechanism that provide continuous, automated online auditing in high-robustness. |
| NFR4ADMT38 | The system shall allow the application security administrator to select the events to be logged and the information to be captured about each event. |
| NFR4ADMT39 | The system shall allow all deleted data be removed from user's view but available for security review purpose. |
| NFR4ADMT40 | The system shall log and notify security/audit administrators the relevant types of events to its audit facility. |
| NFR4ADMT41 | The system shall keep any subsequent changes to that data from its original content that will be recorded with respective user details for individual accountability. |
| NFR4ADMT42 | The system shall be able to detect, prevent, correct and audit SQL injection; Parameter tempering; Hidden manipulations; Backdoors and debug option; Buffer overflow; Stealth command; Cross-site scripting; Forceful browsing and malicious software. |
| NFR4ADMT43 | The application shall mitigate against all Open Web Application Security Project (OWASP) listed Vulnerabilities that are being faced by web applications. |
| NFR4ADMT44 | The system shall provide storage of encrypted Passwords Directly in the User Store. |
| NFR4ADMT45 | The system shall provide Protection of Access to Credential Store. |
| NFR4ADMT46 | The system shall provide efficient web service authorization, validation, message security, transport security mechanisms. |

| Requirement # | Requirement |
|---------------|--|
| NFR4ADMT47 | The system shall maintain time-stamped with IP address audit logs on a separate server to uniquely trace transactions such as addition, modification or deletion. |
| NFR4ADMT48 | The system shall support the authentication of individual users, not groups. |
| NFR4ADMT49 | The system shall use strong encrypted passwords and store them in an encrypted format using the strongest hashing algorithm. |
| NFR4ADMT50 | The system shall support the creation of long and complex passwords. Such as the use at least 8 characters long, alphanumeric, uppercase, and lowercases. |
| NFR4ADMT51 | The system shall lock the user ID after a maximum of three logon failures. |
| NFR4ADMT52 | The system shall force the user to change initial passwords before they can access any authorized module. |
| NFR4ADMT53 | The system shall force the user to periodically change the password at regular intervals specified by the system administrator, E.g., every 90 days. |
| NFR4ADMT54 | The system shall not display the password as it is typed in. |
| NFR4ADMT55 | The system shall not allow reuse of the same password until a cycle of five different passwords is completed, and maximum reuse shall be three times. |
| NFR4ADMT56 | The system shall support definitions of unlimited roles and assigned levels of access, viewing, entry, editing, and auditing. |
| NFR4ADMT57 | The system shall restrict the modification of sensitive data to undergo two levels of origination and verification. |
| NFR4ADMT58 | The system shall permit the management of user accounts and their access roles. It will provide tools for creating the accounts, deleting them, updating user information, resetting passwords, and removing locks from locked accounts. |
| NFR4ADMT59 | The system shall not allow multiple login sessions of the same user at the same time. |
| NFR4ADMT60 | The system shall disconnect a logon session automatically after five minutes of inactivity. |

| Requirement # | Requirement |
|---------------|---|
| NFR4ADMT61 | The system shall terminate the existing session when the user logs out. |

4.2.4.3 Virus, Spam-ware and Spy-ware Protection

The following are the system protection requirements:

| Requirement # | Requirement |
|---------------|---|
| NFR4ADMT62 | <p>The system shall provide web service proxy that shall consider the following requirements.</p> <ol style="list-style-type: none"> 1. The web service shall publish metadata over HTTPS to protect clients from proxy spoofing. 2. The web service shall implement mutual authentication to avoid service spoofing. |
| NFR4ADMT63 | The system shall facilitate web service auditing and logging. |
| NFR4ADMT64 | The system shall protect sensitive data which refers to confidential information that web service processes, transmits, or stores. |
| NFR4ADMT65 | The system shall work with common software anti-virus packages to ensure the operation of the system is uninterrupted by virus, spam-ware or spy-ware infections. |
| NFR4ADMT66 | The system shall allow all publicly accessible sections of the system sufficiently protected against viruses, worm, spam-ware, hackers and spy-ware attacks. |

5 SERVICE ACCESS COST AND TIME

The consultant engaged an identified list of stakeholders to establish additional cost incurred to access service and estimated time taken to complete service process.

The table below provide a summary of stakeholders involved and cost involved;

5.1 List of stakeholders

| # | Stakeholder Name | # | Stakeholder Name |
|----|---------------------------------------|----|--------------------------|
| 1 | Mawalla & Advocate | 11 | John Mponela |
| 2 | Abenry & Company | 12 | Asia Tokutoola |
| 3 | FB Attorneys | 13 | Bowmans Tanzania Limited |
| 4 | Anjarwala & khanna | 14 | ARS Law & Advisories |
| 5 | Dentons EALC East Africa Law Chambers | 15 | Immma Advocates |
| 6 | Velma Law | 16 | Clyde \$ Co |
| 7 | Rex Attorney | 17 | David Nguma |
| 8 | Pascas Nguma | 18 | Anjarwala & Khanna |
| 9 | Martin Mchanjila | 19 | Goefrey Dimoso |
| 10 | Ahmed Sagaff Ahmed | 20 | Jeremia Mbingalale |

5.2 Additional Cost and Time

The above stakeholders were contacted to provide estimated time and other cost apart from statutory cost incurred to access specific services at the Commission. The received data was computed and an average for each process is provided in the below table.

| # | Process Name | Time to complete the process (Days) | Logistical cost (TZS) | Compliance cost (TZS) | Documentary compliance cost (TZS) |
|---|--|-------------------------------------|-----------------------|-----------------------|-----------------------------------|
| 1 | Merger Application Application for Merger Preliminary Review of Merger Application Investigation of Merger Application Clearance of Merger Application Monitoring of Conditional Merger Clearance Notice of Revocation of Merger Preliminary Review of Application for Exemption of Agreement Investigation of Application for Exemption of Agreement Clearance of Application for Exemption of Agreement Request for opinion/review of agreement | 105 | 1,097,750.00 | | 735,000 |
| 2 | Consumer Protection Review of standard form consumer Contracts; Complaints Handling; Complaint Investigation; Enforcement; Interim Compliance Order; and Settlement | 14 | 0 | | 0 |
| 3 | Investigation and Enforcement | - | - | | - |

| | | | | |
|----------|--|-----|-----------|---------|
| | Complaint Management Complaint Investigation Enforcement Interim Compliance Order Settlement | | | |
| 4 | Anti-Counterfeits Complaint | 4 | 50,000 | 101,000 |
| 5 | Anti-Counterfeits Enforcement Compoundment Procedure; Challenge of Seizure; Claim Hearing; Release of suspected Goods. Disposition of Counterfeits Goods | 104 | 1,500,000 | 100,000 |