



**FORTY THIRD ORDINARY SESSION OF THE AUTHORITY  
OF HEADS OF STATE AND GOVERNMENT**

Abuja, 17 – 18 July, 2013

**SUPPLEMENTARY ACT A/SA.4/07/13 AMENDING THE  
SUPPLEMENTARY ACT A/SA.2/12/08 ON THE ESTABLISHMENT,  
FUNCTIONS AND OPERATION OF THE REGIONAL COMPETITION  
AUTHORITY FOR ECOWAS**

**THE HIGH CONTRACTING PARTIES,**

**MINDFUL** of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

**MINDFUL** of Article 3 of the said Treaty that provides for the harmonization and coordination of National Policies in the area of trade as a means of maintaining and enhancing economic stability within the sub region;

**MINDFUL** of Supplementary Act adopting the Community Competition Rules and the Modalities for its implementation within ECOWAS;

**RECALLING** the adoption of Supplementary Act A/SA.2/12/08 on the Establishment, Functions and Operation of the Regional Competition Authority for ECOWAS which is meant to guarantee optimum application of the Competition Rules;

**HAVING IDENTIFIED** differences in material provisions within the English and French versions of the Supplementary Act A/SA.2/12/08 establishing the Regional Competition Authority;

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**WISHING** to ensure uniformity in the English and French versions of this Supplementary Act leaving no room for any disparity within the provisions of both versions;

**DESIROUS** therefore of amending the current Article 2 paragraphs 1, 2, and 3 of the French version of this Supplementary Act to align it in both meaning and content to Article 2 paragraphs 1, 2, 3, and 4 of the English version of the latter Act;

**ON THE RECOMMENDATION** of the Seventieth Ordinary Session of the Council of Ministers held in Abidjan, from 20<sup>th</sup> to 21<sup>st</sup> June 2013

**AGREE AS FOLLOWS:**

**ARTICLE 1:** Amendment of Article 2 (1) (2) and (3) of the French Version of the Supplementary Act A/SA.2/08/12 on The Establishment, Functions and Operation of the Regional Competition Authority for ECOWAS Realigning it with the English version

1. Article 2 paragraphs 1, 2 and 3 of the French version of the Supplementary Act A/SA.2/12/08 are hereby deleted and substituted by the following provision whilst the former Article 2 paragraph 4 in the English and French versions of the former Act are hereby renumbered as Article 2 paragraph 5.

**New Article 2 Composition and Appointments**

1. The Authority shall be headed by an Executive Director, assisted by two (2) Directors and staff necessary for its smooth functioning.
2. The Executive Director shall be a Statutory Appointee and shall be recruited and appointed by the Council of Ministers on the proposal of the Ministerial Committee on the selection and Evaluation of the Performance of Statutory Appointees, after evaluation of three (3) candidates who are nationals of the State to which the post has been allocated.



3. The Executive Director shall be recruited for a non-renewable period of four (4) years.
4. The Directors and other staff shall be recruited in accordance with the ECOWAS Staff Rules and Regulations on appointment.
5. Notwithstanding the provisions of paragraphs 1 and 2 of this article, and within a transitional period, the Executive Director and the two Directors shall be recruited on the basis of a contract for a period not exceeding eight (8) years maximum and shall be directly attached to the President of the Commission.

#### **Article 2: Amendment and Revision**

- 1) Any Member State, the Council of Ministers, the ECOWAS Parliament and the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.
- 2) Proposals not emanating from the ECOWAS Commission shall be submitted to it. The Commission shall forward all proposals for amendment and revision to the Member States not later than thirty (30) days after their receipt. Upon expiration of the thirty (30) days notice given to Member States, the Authority of Heads of State and Government shall examine the proposals for amendment or revision of the Supplementary Act.
- 3) The amendments or revisions shall be adopted by the Authority of Heads of State and Government in accordance with the provisions of Article 9 of the ECOWAS Treaty. The adopted amendments and revisions shall enter into force upon their publication in the Official Journal of the Community

#### **Article 3: Publication**

The Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.



**Article 4: Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States and the Institutions of ECOWAS undertake to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 5: Depository Authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other Organisations as Council may determine.

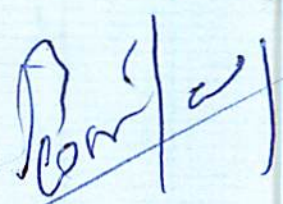
**IN WITNESS WHEREOF WE, THE HEADS OF STATE AND  
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN  
STATES, HAVE APPENDED OUR SIGNATURES TO THIS  
SUPPLEMENTARY ACT**

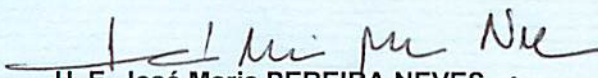
**DONE AT ABUJA THIS 18<sup>TH</sup> DAY OF JULY 2013**

**IN A SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE,  
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC**




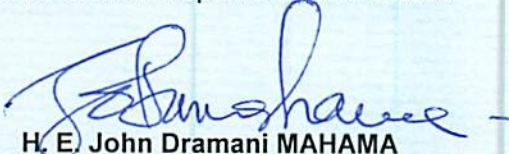
  
H. E. Dr. Thomas Boni YAYI  
President of the Republic of Benin

  
H. E. Blaise COMPAORE  
President of Burkina Faso

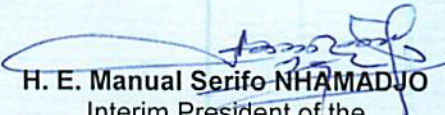
  
H. E. José Maria PEREIRA NEVES  
Prime Minister of Cape Verde

  
H. E. Alassane OUATTARA  
President of the Republic of Côte d'Ivoire


  
H. E. Isatou NJIE SAIDY  
Vice-President of The Gambia,  
For and on behalf of the President  
of the Republic

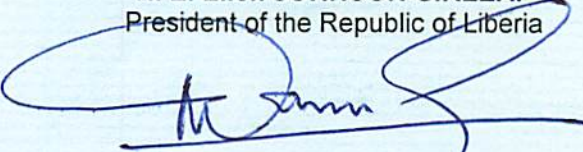
  
H. E. John Dramani MAHAMA  
President of the Republic of Ghana

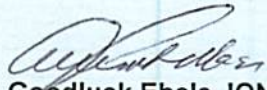
H. E. Prof. Alpha CONDE  
President of the Republic of Guinea

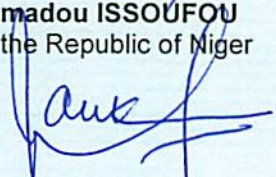
  
H. E. Manual Serifo NHAMADJO  
Interim President of the  
Republic of Guinea Bissau

  
H. E. Ellen JOHNSON-SIRLEAF  
President of the Republic of Liberia

  
H. E. Prof. Dioncounda TRAORE  
Interim President of the  
Republic of Mali

  
H. E. Mahamadou ISSOUFOU  
President of the Republic of Niger

  
H. E. Dr. Goodluck Ebele JONATHAN, GCFR  
President, Commander-in-Chief of the  
Armed Forces of the Federal Republic of Nigeria

  
H. E. Mankeur NDIAYE  
Minister of Foreign Affairs and Senegalese in Diaspora  
For and on behalf of the President of the Republic

  
H. E. Ernest Bai KOROMA  
President of the Republic of Sierra Leone

  
H. E. Elliott OHIN  
Senior Minister of Foreign Affairs and Cooperation  
For and on behalf of the President of the Togolese Republic