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THE EAST AFRICAN COMMUNITY  
***STATUTORY INSTRUMENTS SUPPLEMENT***

***No. 1***

***15th February, 2019.***

*to the East African Community Gazette No. 2 of 15th February, 2019.*

Printed by the Uganda Printing and Publishing Corporation, Entebbe by Order of the East African Community.

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THE EAST AFRICAN COMMUNITY COMPETITION AUTHORITY  
(CONDUCT OF MEETINGS) RULES, 2019

ARRANGEMENT OF RULES

*Rule*

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**THE EAST AFRICAN COMMUNITY COMPETITION  
AUTHORITY (CONDUCT OF MEETINGS) RULES,  
2019**

*(Made under section 40 of the East African Community Competition  
Act, 2006)*

**IN EXERCISE** of the powers conferred on the Authority by section 40 of the East African Community Competition Act, 2006, these Rules are made by the Authority on this 25<sup>th</sup> day of October, 2108.

PART I—PRELIMINARY

Citation.

**1. Citation**

These Rules shall be cited as the East African Community Competition Authority (Conduct of Meetings) Rules, 2019.

Inter-  
pretation.

**2. Interpretation**

(1) In these Rules, unless the context otherwise requires—

“Act” means the East African Community Competition Act, 2006;

“Authority” means the East African Community Competition Authority established under section 37 of the Act;

“Commissioner” means a Commissioner provided for under section 38 of the Act;

“person” includes a company, corporation and association or body of persons corporate or unincorporated;

“Registrar” means the Registrar of the East African Competition Authority provided for by section 41 of the Act;

“Regulations” means the East African Community Competition Regulations made under section 49 of the Act;

(2) The expressions used in the Act which are also used in these Rules have the same meaning in these Rules as they have in section 2 of the Act.

## PART II—MEETINGS OF THE AUTHORITY

### **3. Convening meetings of the Authority**

Convening  
meetings of  
the Authority

(1) The Registrar shall, in consultation with the Chairperson, convene an ordinary meeting of the Authority in accordance with the calendar of activities of the Authority.

(2) An extra-ordinary meeting of the Authority may be convened by the Registrar at the request of the Chairperson, or at least three Commissioners.

(3) A notice convening an ordinary meeting of the Authority shall be sent to members in writing at least twenty-one (21) days prior to the date of the meeting and in the case of an extra-ordinary meeting, at least seven (7) days prior to the meeting.

(4) The notice shall state the date, time, venue and the provisional agenda.

(5) A notice of a meeting shall be delivered by post and electronic mail to the address submitted by a member to the Authority.

(6) If after sending or transmitting the notice convening a meeting, the date or venue of the meeting is changed or the meeting is cancelled, the Registrar shall, at least within twenty-four hours before the date of the meeting, communicate the changes to all Commissioners.

Provisional  
Agenda.

**4. Provisional agenda**

(1) The Registrar shall, in consultation with the Chairperson, prepare a provisional agenda for each meeting.

(2) A Commissioner may propose an additional item on the provisional agenda for a meeting by giving notice to the Registrar at least ten days prior to the meeting.

(3) The Commissioners shall be notified of such additional items through a supplementary list, which shall be communicated to them at least five days prior to the commencement of the meeting.

(4) An item listed in the agenda shall be accompanied by the documents relevant to that agenda item.

(5) The Authority shall only consider items listed on the agenda and for which there are relevant documents.

Quorum.

**5. Quorum**

(1) The quorum for meetings of the Authority shall be all the Commissioners of the Authority.

(2) A Commissioner may participate in, and form part of a quorum at, a meeting of the Authority by means of any other method of communication determined by the Authority.

Conflict of  
interest

**6. Conflict of Interest**

(1) Where any Commissioner has any direct or indirect interest in any matter under consideration by the Authority, the Commissioner shall, immediately and prior to any deliberations, disclose the interest and shall not take part in any discussion relating to that matter.

(2) A disclosure of conflict of interest shall not affect the quorum.

(3) Any disclosure of interest made under sub-rule (1) shall be recorded using the Form in the Schedule to these Rules and in the minutes of the meeting.

**7. Attendance at meetings**

Attendance  
at meetings.

(1) The meetings of the Authority shall be attended by Commissioners.

(2) Without prejudice to paragraph (1), the Authority may invite any person to attend a meeting of the Authority.

**8. Venue of meetings**

Venue of  
meetings.

(1) The meetings of the Authority shall be held at the headquarters of the Authority.

(2) Notwithstanding sub-rule (1), a meeting of the Authority may be held in any Partner State on a rotational basis.

**9. Conduct of meetings**

Conduct of  
meetings.

(1) The Chairperson shall preside over the meetings of the Authority.

(2) The Authority shall at the beginning of the meeting, adopt its Agenda.

(3) The Chairperson shall rule on questions of procedure in accordance with the Act and these Rules.

(4) Without limiting the generality of this rule, the following procedural guidelines should be observed—

- (a) the Chairperson shall satisfy himself or herself that the meeting was duly convened and is quorate at all material times;
- (b) the discussion should be confined at each stage to the item currently under consideration and as far as practicable follow the sequence of the agenda as adopted;
- (c) the Chairperson should signal the end of the discussion, at which point he or she sums up the sense of the meeting so that a suitably worded decision or

conclusion may be formulated for inclusion in the minutes of the meeting;

- (d) the Commissioners not introduce new discussions on previous minutes when they are being confirmed or when matters arising are being considered;
- (e) the Chairperson shall ensure all Commissioners participate in the meeting in an orderly manner;
- (f) at any time during the meeting, the Chairperson shall permit any Commissioner or the Registrar to raise any matter concerning the compliance of the meeting with the Act, these Rules or any other legal or regulatory requirement; and
- (g) an immediate ruling shall be given by the Chairperson on matters of procedure.

(5) The agenda of an extra-ordinary meeting shall comprise only the items proposed for discussion as contained in the request or notice convening the extra-ordinary meeting.

(6) The decisions of the Authority shall be by consensus and shall be recorded by the Registrar in writing.

Conduct of Meetings with members not in the same location.

## **10. Conduct of Meetings with members not in the same location**

(1) Where the Commissioners are not able to meet in the same location, the meetings may be conducted by electronic conference.

(2) For purposes of authenticating decisions made under sub-rule (1), the Registrar shall circulate the report of the meeting to the Commissioners for signature.

Approved schedule of meetings.

## **11. Approved schedule of meetings**

The Registrar shall at the last meeting of the Authority in a financial year present for approval by the Authority, the proposed calendar of activities and meetings of the Authority for the forthcoming financial year.

**12. Reports of the Authority**

Reports  
of the  
Authority.

The Registrar shall be responsible for—

- (a) taking and keeping all reports and records of the Authority; and
- (b) circulation of reports of the Authority to the Partner States.

**SCHEDULE**



**EAST AFRICAN COMMUNITY**

**DECLARATION OF CONFLICT OF INTEREST FORM**

Name.....

Designation.....

**Description of Conflict of Interest**

<i>Name and address of the person or institution with whom the Commissioner has an interest</i>	<i>Nature of interest</i>	<i>Estimated value of interest, if tangible</i>	<i>Date interest was acquired</i>	<i>Date the interest ceased (if applicable)</i>	<i>Remarks if any</i>

I....., the undersigned holding the position of .....at the EAC Competition Authority and being aware of the provisions of Rule 6 (1) of the EAC Competition Authority (Conduct of Meetings) Rules, 2018 declare the above information to be true to the best of my knowledge.

Signature of Declarant.....

Date.....

Submitted to.....

Signature ..... Date.....

DIDAS MUGANGA KAYIHURA (PhD)  
Chairperson  
East African Community Competition Authority.

