



THE COMPETITION AUTHORITY OF KENYA (CAK)

CITIZEN SERVICE DELIVERY CHARTER

A. Introduction

This Citizen Service Charter outlines the Competition Authority of Kenya's (CAK) Vision, Mission, Core Values and Standards under which it delivers the services to its clients. This Service Charter is a commitment of the CAK to provide service of such standard that will ensure the highest level of satisfaction for its clients.

The Development of this Charter took a consultative process which commenced during the preparation of the Strategic Plan for 2013/2017. The contributions offered then provided useful input for the formulation of this Charter.

It is CAK's desire to provide the best possible service standards to our clients and stakeholders. This Charter is therefore expected to facilitate quality, efficient and effective delivery of services to the public.

The Charter sets out the guidelines for service delivery which will require support from all parties involved in order to achieve the objectives. We expect that delivery of Service will continue to improve through feedback from our stakeholders.

B. Organizational Profile

The CAK is a Statutory body established under The Competition Act (No. 12 of 2010) Laws of Kenya (The Act). The Competition Act came into effect on 1st August, 2011 through Legal Notice No.73 of 8th July, 2011.

C. Our Mandate

The CAK is responsible for promotion and safeguarding of the competition process in Kenya and protection of consumers from unfair and misleading market conduct, and for connected purposes.

Objective of the Service Charter

The Charter aims at enhancing participation of stakeholders in the efficient and effective delivery of service. This can only be possible when the stakeholders are aware of the CAK's commitment to them and what role they are expected to play. Consequently, the Charter sets out the standards our clients and stakeholders can expect from the Authority and highlights how they can get information.

However, the Charter is not about the decisions and actions the CAK takes when applying the law. Since the Authority is accountable to the public, through Parliament, for enforcement action.

D. The Functions of the Authority are to:-

1. Promote and enforce compliance with the Act;
2. Receive and investigate complaints from legal or natural persons and consumer bodies;
3. Promote public knowledge, awareness and understanding of the obligations, rights and remedies under the Act and the duties, functions and activities of the Authority;
4. Promote the creation of consumer bodies and the establishment of good and proper standards and rules to be followed by such bodies in protecting competition and consumer welfare;
5. Recognize consumer bodies duly registered under the appropriate national laws as the proper bodies, in their areas of operation, to represent consumers before the Authority;
6. Make available to consumers information and guidelines relating to the obligations of persons under the Act and the rights and remedies available to consumers under the Act;
7. Carry out inquiries, studies and research into matters relating to competition and the protection of the interests of consumers;

8. Study government policies, procedures and programmes, legislation and proposals for legislation so as to assess their effects on competition and consumer welfare and publicize the results of such studies;
9. Investigate impediments to competition, including entry into and exit from markets, in the economy as a whole or in particular sectors and publicize the results of such investigations;
10. Investigate policies, procedures and programmes of regulatory authorities so as to assess their effects on competition and consumer welfare and publicize the results of such studies;
11. Participate in deliberations and proceedings of government, government commissions, regulatory authorities and other bodies in relation to competition and consumer welfare;
12. Make representations to government, government commissions, regulatory authorities and other bodies on matters relating to competition and consumer welfare;
13. Liaise with regulatory bodies and other public bodies in all matters relating to competition and consumer welfare; and
14. Advise the government on matters relating to competition and consumer welfare.

E. Vision

“A Kenyan Economy with Globally Efficient Markets and Enhanced Consumer Welfare for Shared Prosperity.”

F. Mission

“To enhance competition and consumer welfare in the Kenyan economy by regulating market structure and market conduct in order to ensure efficient markets for sustainable growth and development”.

G. Core Values

- i) Customer Focus
- ii) Integrity
- iii) Professionalism
- iv) Impartiality
- v) Teamwork
- vi) Innovation and Creativity

H. Our Organizational Structure

The activities of the Authority are coordinated in the following set up;

- 1. Members of the Authority
- 2. The Director-General's Office
 - (i) Legal
 - (ii) PR & Communications
 - (iii) Internal Audit
- 3. Divisions
 - i) Competition and Consumer Protection**
 - (a) Enforcement and Compliance
 - (b) Consumer Protection
 - (c) Mergers & Acquisitions
 - ii) Policy Research & Advocacy**
 - (a) Policy & Research
 - (b) Advocacy
 - iii) Corporate Services**
 - (a) Human Resources & Administration
 - (b) ICT
 - (c) Procurement
 - (d) Finance

I. The Current (2013/2014 – 2016/2017) Strategic Goals

- 1. Enforcement of Competition and Protection of Consumers
- 2. Research, Advocacy and Awareness Creation

3. Mobilization and Optimal Utilization of Resources
4. Infrastructure and Human Capital Development
5. Visibility and Corporate Image

J. Stakeholders

i) The Government including:

- (a) The National Treasury
- (b) Members of the Authority
- (c) Parliament
- (d) Judiciary
- (e) Attorney General
- (f) Director of Public Prosecution
- (g) Other Ministries
- (h) The Competition Tribunal

ii) Members of the Authority and Staff

iii) Sector Regulators including:

- (a) The Communications Authority of Kenya
- (b) The Energy Regulatory Commission
- (c) The Capital Markets Authority
- (d) The Kenya Bureau of Standards
- (e) Insurance Regulatory Authority
- (f) Central Bank of Kenya
- (g) The Kenya Civil Aviation Authority

iv) Media

v) Other Stakeholders including:

- (a) Business Community
- (b) Suppliers and Service Providers
- (c) Development partners
- (d) Regional Competition Agencies
- (e) International Competition Networks and other Competition and Consumer Forums
- (f) International Agencies dealing with competition such as (

Organization for Economic Co-operation and Development,
United Nations Competition on Trade and Development,
World Trade Organizations)

K. Our Commitment on Service Delivery

If you contact us, we will:

- i) Answer phone calls promptly during normal office hours (8:00am – 5.00pm) and identify the name or position of the person speaking and/or the area you have contacted. The pick time for calls at the switchboard will be 30 seconds but at any given time will not exceed three (3) rings.
- ii) If we are unable to answer your phone query immediately, we will take your contact details and ensure that you receive response within 2 working days.
- iii) Respond to requests for information within 3 working days of receipt;
- iv) Reply to Correspondences:
 - (a) Reply to correspondence (letter or email) within 3 working days of receipt or, if we cannot answer within that time, send you an acknowledgment and let you know when you can expect a reply;
 - (b) Refer you to the appropriate organization if the matter is not within the Authority's mandate.
 - (c) Give you the most accurate, up to date information available to us.
- v) Visitors will be attended to at the reception within two (2) minutes of their arrival.
- vi) Suppliers will be paid within 30 days after submission of all the necessary supporting documents.
- vii) When we are executing our mandate to our clients, we will:
 - (a) Strive for the highest professional and ethical standards;
 - (b) Seek to enhance our outputs and value through strategic collaboration;
 - (c) Provide high quality, timely and comprehensive advice to various stakeholders.
 - (d) Ensure that our activities minimizes any potential adverse impact on the environment on issues of conservation and sustainability so that we meet our needs without compromising

the ability of future generations to meet their own needs (Sustainable Development).

- (e) We shall too comply with the applicable environmental legislations and other legal requirements.
- (f) Observe National Values as espoused in The Constitution in the following Articles for promotion of National Cohesion and Integration:

- Article 10: Patriotism, human dignity, equity, inclusiveness, non-discrimination, good governance, integrity, transparency, accountability and sustainable development among others.
- Article 232: High standards of professional ethics, transparency and provision to the public of timely, accurate information, impartial and equitable provision of services, fair competition and merit as basis of appointments and promotions and equal opportunities for men, women and persons with disabilities.

L. Client's general obligations and rights.

1. Control of Mergers Application – General obligations of our client and rights of our clients

- (i) The Authority shall acknowledge receipt of a merger application or complaints within 3 days, upon receipt of the same in the Authority's Offices.
- (j) The Authority shall consider and make a determination on a merger proposal, within 60 days after receipt of complete merger notification;
- (k) If the Authority requests (where necessary) further information within 30 days after receipt of merger notification, it shall make a determination within 60 days after receipt of such information
- (l) If the Authority requires to convene a hearing conference, it shall make a determination within 30 days after the date of the

conclusion of the conference

2. Consumer Protection

- (i) The Authority shall commence acknowledge and undertake preliminary assessment of the matter 3 days on receipt of a complaint from a consumer.
- (ii) The Authority shall communicate to the relevant persons the outcome of complaint received 1 day following the determination.
- (iii) For cases which do not require investigations, the response will be given within a period of 5 days after receipt of the complaint.

3. Control of Restrictive Trade Practices and Exemptions

- (i) The Authority shall commence investigations within 2 days on receipt of a complaint.
- (ii) The Authority shall consider and make a determination on a complete exemption application, within 90 days after full compliance with the application requirements.
- (iii) The outcome of investigation and exemption evaluation shall be communicated to the relevant parties within 1 day following determination.

M. Performance against our Service Standards

We welcome your comments in regards to our compliance to the service standards set out in this Charter. Please send us comments by letter or e-mail on any matter of concern to you. We will Monitor and evaluate our services against the standards we have set in this Charter.

O. How you can help us

1. You can help us meet our standards by:

- (i) Providing your queries to us in writing;
- (ii) Giving us sufficient and accurate information for us to understand your request and be able to respond appropriately;
- (iii) Treating our staff courteously; and
- (iv) Providing feedback and comments on the service we provide.

2. Feedback

We welcome feedback on our performance, so we can know to what extent we are meeting your needs. If you have any comments or suggestions about improving our service, please let us know by contacting us.

If you are dissatisfied or have concerns about our day-to-day services, please discuss this with the person you dealt with or their supervisor, and we will try to resolve your concerns immediately.

If you are still not satisfied, please contact the Director General who will respond within five (5) working days of hearing from you.

If you are still not satisfied with the Director General's feedback, you have a right to contact the Commission for Administrative Justice "Office of the Ombudsman" for redress.

3. Feedback Platforms

The Authority welcomes your feedback, including complaints, compliments and suggestions. You can provide feedback and comment through the following channels:

- (i) Telephone : +254-20-2628233
- (ii) E-mail : info@cak.go.ke
- (iii) complaints@cak.go.ke
- (iv) Mail: P.O Box 36265 00200, City Square
- (v) Visit to our offices
- (vi) Customers' satisfaction survey

- (vii) Face Book Page: Competition Authority of Kenya Twitter
- (viii) Twitter: @CAK_Kenya

R. Our Stakeholder expectations

In our commitment to providing the best possible standard of service to all our stakeholders, we shall:

- (i) Be honest, ethical and professional;
- (ii) Treat you politely and fairly;
- (iii) Act with care and diligence in the execution of our duties;
- (iv) Listen to what you tell us;
- (v) Endeavour to use simple and precise language in our communication;
- (vi) Respond in a timely version when answering reasonable requests for information;
- (vii) Maintain appropriate confidentiality.

If we are unable to provide the Service you need, we will refer you to an alternative contact point. However, the Authority recognizes the diverse needs of our clients and shall:

- (i) Ensure all public information clearly identifies contact details for further information;
- (ii) Provide opportunities for you to give feedback with our performance;
- (iii) Commit to continuously improve our level of service.

S. Specific Rights of our clients/stakeholders

As a stakeholder, you have the following rights and obligations when dealing with the Authority:-

- (i) You are entitled to timely and accurate information on all matters pertaining to promotion and safeguarding of competition and protection of consumers from unfair and misleading market conduct and the applicable laws, regulations and rules.
- (ii) You are entitled to equal and impartial treatment in the application of the law, regulations, rules and in accessing the Authority for inquiries.
- (iii) You are entitled to courteous, fair and non-discriminatory treatment in all dealings with the Authority's officials or agents.

- (iv) You are assured at all times that the information you provide to the Authority will only be used for the purpose for which it was requested or for carrying out lawful duty, unless the Authority has express permission to do otherwise from you.
- (v) You have a right to question the information, advice or service that we provide to you and for us to listen and resolve the disagreements in the shortest possible time.
- (vi) You have a right to speak in confidence or ask for private interview or meeting.
- (vii) If you have no appointment, but need to see an officer of the Authority on a complex issue, you have a right to be seen within fifteen minutes. If this is not possible, you have a right to an appointment within the next five days at a time convenient to you and to the officer concerned.
- (viii) If you have an appointment, you have a right to be seen immediately and in any case, not later than five minutes.
- (ix) You have a right to demand an official employee identification card from any of our employees visiting you on official duty. If this is not forthcoming, you have a right to contact the Director-General.

T. In order to receive timely and effective service, the Authority expects you to:

- (i) Treat our staff with respect and courtesy.
- (ii) Provide the Authority with the right information to enable us serve you in a timely and efficient manner.
- (iii) Inform us in a timely manner of any changes in your circumstances that could affect the service that we provide to you.
- (iv) Notify us if you are unable to honour an appointment.

U. Obligations of our clients

- (i) To comply with regulatory laws, regulations and guidelines.

- (ii) We expect our suppliers to observe procurement rules and regulations and deliver goods or services in the quality and prices quoted.
- (iii) It is an offence for any individual to bribe or compromise any of our staff.

V. Review of the Charter

The Authority will review the charter every twelve months. In each review we shall consider all the comments from our stakeholders and where relevant, the findings of the most recent customer surveys.

We take this opportunity to encourage our clients and stakeholders to use the proposed machinery to engage constructively with the Authority on the standards we aspire to offer, and how users can contribute to setting them in order to build on the service delivery system.

Business Hours

Monday to Friday from 8.00 a.m. to 5.00 p.m.

Physical Address:

Kenya Railways HQ's, Block 'D'
Workshop Road,
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Our Postal Address

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Wang'ombe Kariuki

Sign_____

Director-General

Date_____

Judith Guserwa

Sign_____

Chairman

Date_____