



## Institutional autonomy and enforcement of competition law: The case of Ethiopia

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### Abstract

As we have different countries in the world, we have also different kinds of institutions with regard to the enforcement of the competition laws of the respective countries. Ethiopia is not also an exception to this fact and has her own institutions at federal and regional level such as TCCPPA, courts, Tribunals or bureau to enforce her competition law. Hence the main purpose of this paper is to analyze, criticize and check whether the Ethiopian institutions which are established under the Ethiopian Competition law are autonomous or not with regard to enforcement of competition law. However there are many problems regarding the autonomy of such institutions in Ethiopia such as executive interference, not having their own fund and other related problems. Hence this paper concludes that Ethiopia is expected to revise her competition law to secure the autonomous of the institutions.

**Keywords:** institution, institutional autonomy, competition law, Ethiopia, enforcement

### Introduction

States may have different institutions whether they are autonomy or nor regarding to the enforcement of competition laws of each country. The autonomy of competition Authorities actions is inherently linked to their ability to act independently, free from external influence either from the companies they supervise or from the state <sup>[1]</sup> or from any other body. In some countries, such Authorities have both judicial and administrative power while in other countries they have no judicial power but administrative with regard to enforcement of competition laws.

Ethiopia is not an exception to this fact and she has also established institutions such as (TCCPA, FTCCPAT...) to enforce competition laws to secure the consumers, business communities, competitors in the market and others. But with regard to the autonomous of these institutions there are many problems that make them under the whims of political affiliated organs. Hence the institutions will lose their autonomy and may act in accordance with the interest of these political organs.

Having said so, in this research paper, I will analyze the concept and meaning of institutional autonomy, the comparative analysis of different countries institutions, the institutional autonomy of Ethiopia and its critics in line with the appropriate competition law, and in addition to this, enforcement of Ethiopian competition law in light with the concept of institutional autonomy will be analyzed in detail. Finally, conclusion and recommendation will be provided.

### 1. The meaning and concept of Institutional Autonomy

Before defining the phrase "Institutional Autonomy" it is better to define what institution is. The word institution may be defined differently in different contexts. But for this

purpose, institution means a basic building block/organization of all societies, governmental, or other bodies for the purpose of acting as the storehouse of resources or other things that orient action by providing the type of goals which people or business men strive, the potential means with which to pursue these goals and interests, and the mechanisms of social, economic control that constrain their behaviors and others <sup>[2]</sup>. In short this implies that it is an organization which is established for the achievement of a certain goal/purpose and the paramount structure facilitating and constraining action, goal setting, and decision making <sup>[3]</sup>.

With regard to the institutional autonomy, it has no unanimously accepted definition across the world rather it has different meaning due to the reason that it has been affected by each country's economic, social and political factors. These factors have affected highly particularly the concept of autonomy. At international perspective, in most countries, a good practice of institutional autonomy has been practiced in recent times <sup>[4]</sup>.

Having said so, according to Seth Abrutyn, he defined institutional autonomy as it is an evolutionary process that indicates the degree or extent of autonomous of the institution from the influence or interference from external or internal bodies or in otherwise prohibition of other bodies not to interfere in the internal or external affairs of the institution <sup>[5]</sup>. Beyond this another scholar, Johan P. Olsen, stated that the meaning of the term has, however, been modified by several historical developments, raising issues about autonomy for whom, from whom, in what respects, how, and why? <sup>[6]</sup> He

<sup>1</sup> Sofia Alves, Jeroen Capiou and Ailsa Sinclair, Principles for the Independence of Competition Authorities (European Commission, Brussels), p.1

<sup>2</sup> Seth Abrutyn, Towards a General Theory of Institutional Autonomy, University of California–Riverside December (2009), p.450

<sup>3</sup> Ibid, p.452

<sup>4</sup> Ibid, p. 454

<sup>5</sup> Ibid, p.455

<sup>6</sup> Johan P. Olsen, Democratic Government, Institutional Autonomy and the Dynamics of Change Working Paper No. 01, January 2009, p.1

stated this point in consideration of Institutional differentiation and functional specialization and the right of institutions to function according to their own normative and organizational principles and behavioral logics, and a similar right for specific groups (estates, corporations, guilds, professions) <sup>[7]</sup>. But most countries remain conservative and continue to choose to limit the autonomy of institutions <sup>[8]</sup>, even if it has been demanded by many. Neither is there agreement about the processes through which, and the conditions under which, autonomy is gained, maintained or lost, nor which normative and organizational principles “autonomous” entities should be governed and which decisions should be made <sup>[9]</sup>.

This is because most countries particularly developing countries have infancy laws regarding institutional autonomy <sup>[10]</sup> particularly on the issue of trade competition and consumer protection affairs. In addition to this, institutions have a tremendous role in the social, economic life of the human being and giving recognition to these institutions as autonomy helps the human beings or other bodies to create interaction among them and perform their activities on the basis of overt laws <sup>[11]</sup>. such as trade competition and consumer protection law.

## 2. Comparative analysis on institutional autonomy of in different countries

In different countries, there are conflicts and want of being dominant illegally in the economic transactions of a certain country. To solve these problems countries has enacted laws and established different Authorities to enforce such laws in order to secure competitors, consumers and so on in the market. To achieve this objective Competition Authorities are expected to make their decisions impartially or in autonomous, unhindered not just by political interests but also other external influence or pressures <sup>[12]</sup>. Having this in mind, let's see some countries' institutions or Authorities with regard to competition.

**France:** In France March 2nd, 2009 marked the advent of the Competition Authority, which was created by way of transformation of the previous Competition Council. Now France enjoys a single independency competition agency. This independent agency or Authority of competition has is now solely responsible for making competition work on the markets by overseeing mergers as well as by enforcing rules prohibiting cartels, anticompetitive agreements, and abuses of dominance without interference of any body or college <sup>[13]</sup> and this seems an autonomous as we have understood from this expression.

<sup>7</sup> Ibid,p.2

<sup>8</sup> Reehana Raza, Examining Autonomy and Accountability in Public and Private Tertiary Institutions, done for Human Development Network The World Bank November (2009), p.13

<sup>9</sup> Ibid

<sup>10</sup> Supra note 5, p.451

<sup>11</sup> Geoffrey M. Hodgson (prof), What Are Institutions? The Business School, University of Hertfordshire, De Havilland Campus, Hatfield, U.K (2004), p.2

<sup>12</sup> Supra note 2,p.14

<sup>13</sup> Daniel Denebo, Evaluating Issues Related with Consolidation of Investigation, Prosecution and Adjudication Powers Under the Ethiopian Competition Authority: A Comparative Analysis

**Republic of South Africa:** this country has a common legal system and in its current legal regime has established three independent competition Authorities (the Commission, the Competition Tribunal (the Tribunal), and the Competition Appeal Court).These Authorities are functionally independent but are administratively accountable to the Economic Development Department <sup>[14]</sup>. From this expression we can understand that in most cases the competition Authorities are independent or autonomous in their functions but in administration they are accountable to the single body which is Economic Development Department which may not be strong as the parliament. The most independent/autonomous competition authorities are not only administratively separated from the government but they are staffed by competition professionals and they do not rely on the government for their budgetary allocations <sup>[15]</sup> Hence according to this may be a suspect for the autonomy of these competition authorities because they are not free to administer themselves.

**Australia:** According to its constitution, the executive or administrative organ cannot exercise judicial power but the court. Under her competition code she has established three independent enforcement organs (The Australian Competition and Consumer Commission, The Australian Competition Tribunal, and the federal High Court) <sup>[16]</sup>. Among these competition enforcement organs the Australian Competition Tribunal is a review body that can set aside or vary the original decision. But this Tribunal has not its own resource/fund <sup>[17]</sup>. However independence; power and resources are the most crucial things for competition Authorities to be autonomous <sup>[18]</sup>. But the Tribunal of Australia lacks one of the most important factor i.e. resource and impossible to conclude that the Tribunal autonomous.

In general from the experience of the above countries, we can understand that countries may have established different competition Authorities with different powers, autonomous, with own resource or depend from the government and the French competition Authority seems somehow autonomous.

## 3. Justification for the need of institutional autonomy in comparison with enforcement of competition law

Having a well justified and guaranteed autonomy of institutions have a paramount role to enforce competition law effectively and wisely in different countries. As it has been noted by UNCTAD secretariat stated that the most effective design to such autonomous institutions includes elements of legal status within the broader government machinery and with businesses and consumer representatives <sup>[19]</sup>. Establishing an autonomous institution in competition and consumer protection law is important to maintain high quality work

<sup>14</sup> Ibid

<sup>15</sup> Harka Haroye, Competition Policies And Laws:Major Concepts and an Overview of Ethiopian Trade Practice Law (2008),p.44

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Supra note 15,p.44

<sup>19</sup> Trade and Development Board Trade and Development Commission Intergovernmental Group of Experts on Competition Law and Policy, Geneva, 19–21 July 2011, Note by the UNCTAD secretariat, Foundations of an effective competition agency, pp.5-6

performance, to make them independent, accountable, transparency and more autonomous for the sake of achieving their objectives to which purpose they are established <sup>[20]</sup> and to enforce competition laws efficiently and effectively. But it does not mean that they have no liability and responsibility rather for checking and balance purpose, they shall be responsive to the policy and laws of the country and their decisions are also better to subject to judicial review to secure justice of business communities <sup>[21]</sup>. But their day-to-day decisions shall be free from political interference to ensure the decisions of the institution is not be politicized, discriminatory, corrupted or implemented on the basis of narrow goals of interested groups <sup>[22]</sup>.

In addition to this, if these institutions are autonomous, then it is very important to them to have sufficient powers and funding in proportion to the mandate, and being staffed by well-educated, well-trained and non-corrupt persons), beyond this it helps the institution to conduct its activity in a manner of well qualified and non-corrupt <sup>[23]</sup> practices and free from the negative interference of internal and external affairs of any pressure.

Therefore these are some of the justifications why we want to have an autonomous institution in trade competition and consumer protection laws or policies.

#### 4. Institutional autonomy of TCCPPA and its critics in Ethiopia

In now a day, in different countries of the world, there is a need of maintaining and protecting consumers from anticompetitive acts of traders or firms, states have been enacting competition regimes, though there might be some differences among such competition regimes as to the content and number of specific objectives to be achieved.<sup>24</sup>Different existing studies propose that establishing an autonomous institution is the most effective way for the implementation of trade competition and consumer protection laws and ensure market competition <sup>[25]</sup>.

Ethiopia is also not exception to these countries and has established her own institution which is called Trade competition and consumer protection Authority (TCCPPA) (herein after referred as the Authority) and accountable to the MoT as per Art.27 of the TCCPP <sup>[26]</sup>. The Authority has been established as an autonomous federal government body having its own legal personality <sup>[27]</sup>. But there are grounds or factors that can be raised from the TCCPP which affect the autonomous of the Authority. Hence some of them are:

##### 4.1 Appointment and composition

The Authority is headed by the Director General and Deputy General who are appointed by the Prime Minister upon the

recommendation of MoT as it has been indicated under Art.20 of the TCCPP <sup>[28]</sup>. However the TCCPP has also given recognition the Authority as autonomous institution but it can be criticized as it gave the most important power to the PM and MoT to determine who are the main key personnel of the Authority. As it has been known that the PM and MoT are parts of executive organs and they are politically affiliated bodies. Hence giving such kinds of power for such bodies will help them to make political interference to the institution and they may appoint a person as a Director General who supports the political views of these bodies. This may highly affects the autonomous of the Authority. This may have a considerable impact on market stability, the facilitation of investment, and the efficient operations of competition agencies <sup>[29]</sup> and parties other than the government before the Authority may be prejudiced <sup>[30]</sup>. So it better to appoint the General Director by the HPR upon the recommendation of the Prime Minister.

Even if the proclamation has indicated the appointment of judges by the prime minister but it does not indicate clearly the tenure, discipline, removal and transfer of judges is not addressed by the proclamation. Though, these issues are out of the scope of the study, on their own may have effect on the autonomous of the tribunal judges of the Authority <sup>[31]</sup> and this leads to the Authority/institution not to be autonomous. In addition to this with regard to the composition of members of appointee or employees of the Authority, they are from the government institutions. Private sectors, consumers or stake holders are not represented in the Authority <sup>[32]</sup> and this harms their interest. Hence without considering such important representations in the Authority, it is impossible to say that the institution is really an autonomous.

##### 4.2 Accountability

As it has been stated under Art.27 of TCCPP, the Authority is accountable to the MoT <sup>[33]</sup>. MoT is a political affiliated organ that may intervene to the functions of the Authority and being with the Prime Minister may arrange the institutions in the way to fit their political interest by recommending and appointing the Director General. Hence this institution may not perform its activities in free of political interference because when the government particularly MoT may appear before the authority as a respondent party and this may erode the autonomous of the institution not to decide fairly and may support the MoT in case they are accountable to it <sup>[34]</sup>. Hence making the Authority to be accountable to the MoT is not appropriate but it is better to HPR <sup>[35]</sup>. Here it may be possible to argue that making accountable the Authority to MoT is appropriate because as Assefa Fisha stated that in Ethiopian

<sup>20</sup> Ibid, p.6

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Kahsay G. Medhn, Ethiopian Competition Law: Appraisal of Institutional Autonomy: International Journal of innovative research vol.15 issue 3. (2016),p.1

<sup>25</sup> Ibid

<sup>26</sup> Trade competition and consumer protection proclamation No.813/2013, Federal Negarit Gazeta,20<sup>th</sup> year,No.28, see Art.27

<sup>27</sup> Ibid

<sup>28</sup> Tessema Elias, Gaps and Challenges in the Enforcement Framework for Consumer Protection in Ethiopia,p.97

<sup>29</sup> Supra note 13, p. 44

<sup>30</sup> Supra note 22

<sup>31</sup> Ibid

<sup>32</sup> Supra note 21

<sup>33</sup> Supra note 19, see Art.27

<sup>34</sup> Elias N. Stebek, Deliverables and Pledges under Ethiopian Trade Competition Law: The Need for Private Sector Empowerment and Enablement, p.43

<sup>35</sup> Supra note 21,p.93

case the executive have strong teeth than HPR <sup>[36]</sup>. But different experiences showed that the executive is not strong regarding protecting the economic, political and social affairs of the people but strong in the opposite this to violate such interests of the people. Hence making accountable to this politically affiliated organ will lead to the autonomous of the institution in question.

### 4.3 Budget Allocation

The concept of autonomous institution comprises the automatic funding of budgets without depending on the whims of other organ of the government <sup>[37]</sup>. Budget allocation and administration can be one of the manifestations of institutional autonomy. In developed competition culture, the Competition Authority is expected to be financially and institutionally to the parliament but in developing culture of competition including Ethiopia; it is accountable to the executive organ <sup>[38]</sup>. As it has been stated under Art.44 of the TCCPP, the budget is allocated by the government <sup>[39]</sup>. This provision is not clear regarding which organ of the government is going allocate the budget. To which organ of the government (Judiciary, parliament or executive) the Authority renders the budget allocation. It is not yet clearly stated in the proclamations. But as Elias N. Stebek stated that the budget of the Authority is approved by the council of Ministers <sup>[40]</sup>. Hence the budget allocation of the Authority is depending upon the whim of the council of Ministers and they may not approve the budget in sufficient way to perform their activities effectively. Therefore the budget of this Authority should be approved by the HPR as the Auditor General, as it has been indicated under Art.101 of the FDRE Constitution <sup>[41]</sup>. To secure the autonomous of the Authority.

### 5. Enforcement of competition law in Ethiopia

There is no uniform guiding principle that every country should follow to enforce competition laws effectively but there are different experiences regarding the enforcement of competition law due to socio-economic and political realities <sup>[42]</sup>. Upon this fact, enforcement of competition regime and ensuring fair competition in a free market economy depends, among others, up on the effectiveness of competition authority. Existing studies reveal that establishment of autonomous competition authorities is the most effective way to implement competition regimes and ensure market competition <sup>[43]</sup>. This means that there should be an autonomous competition Authority to enforce competition law effectively and to achieve the major objectives of the Competitions law in the market.

Despite Ethiopia's effort to legislate three times in a decade and to increase the autonomy of the competition Authority but

still it has gaps it has been discussed under the title institutional autonomy of institutions above and this directly affects the enforcement of competition legal regime <sup>[44]</sup>. Effective enforcement of competition laws, as different studies reveal, does not only depend on the establishment of competition Authority but there has to sufficient legal and practical autonomy of the Authority <sup>[45]</sup>. To do so Ethiopia has enacted Trade competition and consumer protection law in 2013. The preamble of this proclamation ensures the determination of powers and duties of the concerned organs (particularly the organs, in charge of prosecution, investigation and judicial responsibilities) which are established for the implementation trade competition and consumer protection law <sup>[46]</sup>. Among these organs which are established for the enforcement of competition law of Ethiopia under the Trade competition and consumer protection proclamation No.813/2013 are: Trade Competition and Consumer Protection Authority (TCCPA) as Art.27), Federal Trade Competition and Consumer Protection Appellate Tribunal (FTCCPAT) as per (Art.33), Regional Consumer Protection Judicial Organs and Appellate Tribunals as per Art.34 &38, MoT and Regional Trade & Industry Bureaus (Art.23), Court (see Art.37(2),39(2),43)) <sup>[47]</sup>. As it has been indicated under these provisions these are the most important organs which are established and empowered to enforce the competition law of Ethiopia. Even if Ethiopia has established such organs as an enforcer of Ethiopian competition law but it has still gaps. Because the autonomy of these organs particularly, the Authority and the Tribunals, is not well ensured as it has been discussed under topic 4. The executive organ may interfere especially in the adjudicative function of the authority for two reasons: first, the government, like other governments of developing countries, is involved in business activities and could be brought before the authority as defendant; second, the government could also be plaintiff and brings about allegation or accuses against businesspersons <sup>[48]</sup>. This may be one of the major disturbances that hinder the healthy enforcement of the competition law by such organs and they may fear to decide against the executive organ in case they are accountable to it. They will be also forced or ordered by the executive to decide in favor of the government such as in the speech of the government, for economic development or growth but internally it is false but simply to win the case and make liable the other innocent weak party to the case. Because as Kahsay G. Medhn stated that the government itself in Ethiopia is the major role player in the market, and he does not want to lose any case in the litigation and the executive intervene to the adjudicative of the Tribunals <sup>[49]</sup>.

As it has been stated under part five of the Proclamation No.813/2013, the organs which are listed above can enforce the competition law of Ethiopia through a system of investigation, institution of actions and adjudication <sup>[50]</sup>. In

<sup>36</sup> Assefa Fiseha, Legislative – Executive Relations in the Ethiopian Parliamentary System: Towards Institutional and Legal Reform, p.15

<sup>37</sup> Supra note 22

<sup>38</sup> Supra note 27

<sup>39</sup> Supra note 26, see Art.44

<sup>40</sup> Supra note 31,p.44

<sup>41</sup> The constitution of the Federal Democratic Republic of Ethiopia proclamation No.1/1995,Federal Negarit Gazeta,Year 1<sup>st</sup> No.1 see Art.101

<sup>42</sup> Tessema Elias, Gaps and Challenges in the Enforcement Framework for Consumer Protection in Ethiopia (Sep.2015),p.86

<sup>43</sup> Supra note 17

<sup>44</sup> Ibid

<sup>45</sup> Supra note 24

<sup>46</sup> Supra note 26, see its preamble

<sup>47</sup> Ibid

<sup>48</sup> Supra note 24

<sup>49</sup> Ibid

<sup>50</sup> Supra note 26

line with these facts, as per Art.36 of the Proclamation, the Authority has given the power to conduct investigation where there is a sufficient ground to do so. In addition to this, if it is found necessary the Authority may order the police to conduct investigation activities<sup>[51]</sup>. Hence the investigation officer by fulfilling the legal requirements can take sample of goods, search business premises the suspect, examine and take copies of record, seize goods illegally and others<sup>[52]</sup>. For the better enforcement of the competition law, the proclamation as per Art.36 (6) also imposes obligations on owners, officials and employees of the establishments/undertakings to assist the activities of investigation<sup>[53]</sup>.

The other way of enforcement of competition law is punishment upon institution of action. The institution of action will be submitted to the adjudicative bench of the Authority if the case that will entail administrative penalty. However if the case is a criminal matter then it will be entertained by the competent federal court<sup>[54]</sup>. Beyond this any consumer can also bring cases or institutes an action before the adjudicative Tribunal of the Authority to which has a jurisdiction for seeking of compensation as per Art.37 (3)<sup>[55]</sup>.

The other one is adjudication; the adjudicative bench of the Authority has the judicial power (Art.38) to impose administrative penalties in accordance with Art.42 such as fine (if there is abuse of dominance 5% to 10% of the business person's turnover, the fine payable for anticompetitive horizontal and vertical agreements –prohibited under Articles 7(1) and 7(2) – shall be 10% of the business person's turnover)<sup>[56]</sup>. In addition to this there are administrative measures that can be taken by the Tribunal such as the discontinuation of the act of pronounced unfair, taking appropriate measure to reinstate victims to competitive position and suspension or revocation the business license of the offender<sup>[57]</sup>. Criminal penalties are also provided under Art.43 of the TCCPP.

In general the above organs are established to enforce the competition law and to achieve the objectives which are stated under Article 3(1) of the TCCPP No. 813/2013 such as “to protect the business community from anti-competitive and unfair market practices, and also consumers from misleading market conducts, and to establish a system that is conducive for the promotion of competitive free market<sup>[58]</sup>. Such kinds of enforcement of competition law can be taken as public enforcement because the major role player in the enforcement of the law is the government itself. Hence these institutions that we have discussed above are established by the government not by private persons as we understand from the TCCPP itself. In fact, the current legal system of Ethiopia focuses on the public enforcement rather than private enforcement<sup>[59]</sup>.

<sup>51</sup> Ibid, see Art.36(2)

<sup>52</sup> Ibid, see Art.36(3)(4) (5))

<sup>53</sup> Ibid, see Art.36(6)

<sup>54</sup> Ibid, see Art.37

<sup>55</sup> Ibid, see Art.37(3)

<sup>56</sup> Supra note 34, p.43

<sup>57</sup> Supra note 55, see Art.32

<sup>58</sup> Supra note 56,p.38

<sup>59</sup> Andnet s Haile, Enforcement of Consumer Protection under the new Legal Regime of Ethiopia in the Light of the EU and US Laws and Practices: A comparative analysis, p.27

This is because the enforcement needs high expenditure, difficult to find out information, difficult to conduct investigation and they have not their own force such as police<sup>[60]</sup>. Hence in most cases competition law is enforced through public enforcement (by using institutions which are established under the TCCPP).

However even if these institutions are established to enforce the competition law but there are gaps not to enforce it well as it has been discussed under the title institutional autonomy of Ethiopia and these gaps such as the failure to provide for the representation of stakeholders, interference of the executive in the Authority can contribute to challenges in enforcement and institutional autonomy since competition in a market economy involves the interests of the business community<sup>[61]</sup> and this as a problem apply here too. Therefore we cannot say that these organs are strong to enforce the competition law of Ethiopia and the effect will be harming the market, consumers, competitors or business community, expansion of abuse of dominance and the whole economy of the country will be at stake.

### Conclusion

In every country, having autonomous competition authority is corner stone for proper and effective implementation of competition law. The justification behind recognition of the authority's autonomy is to ensure the effective implementation of the law and protect the authority from volatile political influences.

Ethiopia has established Trade competition and consumer protection Authority under Proclamation No.813/2013 as an autonomous federal government body by having its own legal personality. However this body is accountable to political affiliated organ, MoT and as it has been discussed in relation to this fact, there are many problems which create difficulties for the Authority not to perform its function very well. Some of them are: The executive interference, having uncertain budget allocation, Directors General, Deputy Generals and judges are appointed by the politician, Prime Minister and these personnel may fear( not to decide in confident and have a feeling of fired from their works) in case they are accountable to the political organ. Hence these problems create unhealthy conditions for the institutions such as TCCPA, FTCCPAT and Regional Tribunals not enforce the competition law effectively.

Therefore it is impossible to say that the institutions which are established under the Trade Competition and Consumer protection proclamation no.813/2013 are really autonomous institutions for the enforcement of Ethiopian competition law.

### Recommendation

As I have analyzed from this paper there are many problems regarding the autonomy of the institutions and by having such problems it is impossible to achieve the desired goal of the competition law. Hence to solve such problems, I have provided the following recommendations.

- As it has been discussed the Authority is accountable to the political affiliated organ, MoT, and this organ may also

<sup>60</sup> Ibid

<sup>61</sup> Supra note 24,p.7

appear before the Authority as party to certain case. This may be the source of unhealthy conditions for key personnel of the Authority and they may not decide against this organ, and then may decide in favor the government, partial. Hence to minimize such problems it better to make accountable Authority to HPR. Because being influenced by unhealthy conditions (fear...), it is impossible to pass fair, impartial decisions.

- The budget of the Authority is not allocated approved by HPR but by council of ministers. Hence to an autonomous institution, having its own fund is important and it is better to approve the budget of the Authority by HPR and this helps the Authority not depend on the whims of the political affiliated organ.
- As I have discussed, General Director if necessary Deputy Generals are appointed by the Prime minster upon the recommendation of MoT. This affects the autonomous of the institution as well the key personnel. Hence to minimize such problems it is better to appoint the Director General by HPR upon the recommendation of Prime Minister to increase the autonomy.

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