

SURINAME

Suriname Business Climate and Innovation Program (SUBCIP) SU-L1043

CONSULTANT TO DRAFT SECONDARY LEGISLATIONS AND PROVIDE TRAINING FOR THE COMPETITION LAW FOR SURINAME

TERMS OF REFERENCE

1. Background:

Effective competition policy is widely recognized as a requisite for the orderly operation of markets¹. In Suriname, competition remains unexplored territory. As economies developed and liberalized markets have ushered in a new era in respect of competition, it is deemed necessary for any economy to create specific rules and procedures for trade. To this extend Suriname has entered into the harmonization of Caribbean markets and economy through the Revised Treaty of Chaguaramas and therefore entering the CARICOM Single Market and Economy (CSME). This imposes an obligation to implement competition law and policy, to promote and maintain competition and enhance economic efficiency in production, trade and commerce with the ultimate goal to deliver maximum value and benefits for Surinamese consumers and producers. As part of its responsibility to develop and implement competition policy strategy and to promote and accommodate fair competition, the Ministry of Trade, Industry and Tourism of Suriname (MTIT) is taking the subsequent step to create a legal framework for competition. The draft competition law is already in process, and now it is necessary to create the secondary legislation and start the training process to build capacity in this area.

2. Objective of consultancy

2.1 General Objective:

In order to create a framework for fair practices and a level playing field, the legal framework for competition must be put in place and the capacity within government and private sector must be developed.

2.2 Specific Objectives:

The specific objective of the consultancy is to:

¹ COMPETITION POLICY AND LAW IN THE CSME, Caricom competition Commission

- a) prepare secondary draft legislation to complement the draft competition law;
- b) to execute a wide range of knowledge dissemination activities through capacity building, training and education to develop human capacity at country level;
- c) Develop a toolkit for training and provide three sets of training programs to both government officials and private sector professionals to strengthen their capacity in providing training. Support of those who are trained with conducting three sets of these activities independently.
- d) Develop a practical handbook with real life cases for trainers to provide training on competition.

3. Duties and Responsibilities

This consultancy will focus on:

- 1. Review of existing competition laws and regulations (national and international laws; and legal statutes and treaties);
- 2. Draft a set of secondary legislation;
- 3. Support with knowledge transfer to government officials and other professionals involved during the further drafting of the law (amongst others by reviewing and commenting the draft law, explanatory notes and secondary legislation; give advice whether to amend other legislation that will be affected; harmonize the law with existing Caricom laws);
- 4. Carry out consultations with key stakeholders and make an inventory of perceptions and opinions concerning free and fair competition (e.g. competition organizations, Business associations, Chamber of Commerce, AdeKUvS);
- 5. Develop a training handbook and a toolkit, provide training and a train the trainers program on competition law.

4. Deliverables:

- a. Draft of secondary legislation for competition in Suriname;
- b. A report on the advice regarding the implementation and promoting consumer protection in Suriname, taking in account best practices in similar economies;
- c. Develop a training handbook and toolkit and conduct train the trainers program. The training should be in Dutch;
- d. Perform capacity building activities for identified stakeholders;
- e. Support with three sets knowledge transfer events.

5. Methodology

The consultant will conduct literature study and hold meetings/ interviews to understand local competition issues, remedies and culture in draft secondary legalization and a training program that fits the country needs. To achieve this, the consultant will use all the relevant studies that have been carried out by the Ministry of Trade, Industry and Tourism as well as other institutions as background information and will carry out consultations with relevant stakeholders, in both the public and private sector, to achieve objectives.

6. Coordination and supervision

The technical responsibility of this consultancy will be coordinated by the Legal Task Force of the Ministry of Trade, Industry and Tourism together with the Competitive Unit Suriname (CUS).

7. Characteristics of the consultancy

7.1 Consultant category & modality: Individual Consultant.

7.2 Contract duration: 120 working days.

7.3 Place(s) of work: Ministry of Trade, Industry and Tourism, the consultant should be available for the duration of the project.

8. Qualification:

8.1 Education:

- Advanced degree in law with a specialization in Competition;
- Trainings certificate.

8.2 Experience:

- At least 5 years of professional experience in the legal field of competition, preferably working in/with the public sector or an international organization;
- At least 5 years of professional experience in development of legal documents, preferably in writing laws related to competition for countries with small economies that have little to no experience in this area and that are comparable to Suriname (size community, social structure);
- Experience with preparing (secondary) laws in similar countries;
- Experience with conducting training programs and developing toolkits and handbooks;
- Experience in carrying out consultative research (using a variety of approaches) and in producing high quality analytical reports;

- Proven track record in addressing and policy making for competition in small economies;
- Proven track record with stakeholder's analysis and involvement.

8.3 Competencies:

- Extensive knowledge of preparing legislation in the field of competition;
- Knowledge of the Surinamese legal system and the strengths and weaknesses of institutions;
- Extensive knowledge of international legislation on competition in both civil law countries (esp. in the Netherlands and the Dutch Caribbean) and common law countries;
- Excellent interpersonal, presentation and communication skills;
- Language: Fluency in writing and speaking Dutch is required, knowledge of English is an asset;
- Good Computer skills.

9. Payment schedule

The consultant will receive a per diem for travel and accommodation for 2 (two) trips to and from Suriname, this amount will be included in the contract between the consultant and MTI&T.

The consultant will receive the following lump sum payments:

- 10% after signing the contract;
- 20% after submission and approval of the report concerning the consultation with stakeholders;
- 20% after approval and submission of the official draft of the proposed secondary legislation;
- 20% after conducting the capacity building program;
- 30% on the submission and project closure report.