

Fair Competition Tribunal - FCT

THE UNITED REPUBLIC OF TANZANIA



**FAIR COMPETITION TRIBUNAL - FCT
(BARAZA LA USHINDANI)**

CLIENT

SERVICES CHARTER

DECEMBER, 2011

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FOREWORD

This Client Service Charter outlines the Fair Competition Tribunal (FCT) Vision, Mission, Core Values and Standard under which it delivers the services to its clients. With this Client Service Charter the FCT commits itself to provide services of such a standard that will ensure the highest level of satisfaction for its Clients.

Development of this Charter took a consultative process which commenced during the preparation of our Strategic Plan for 2009/2012. The advices and contributions offered during the formulation of our Strategic Plan also provided useful input for the formulation of this Charter. The Charter was discussed and received valuable contributions from the Members and Staff of the Tribunal at various stages before its finalization.

The FCT is mandated by the Fair Competition Act, No. 8 of 2003, to be an appellate body with powers to hear and determine appeals from decisions of the Fair Competition Commission (FCC); the Energy and Water Utilities Regulatory Authority (EWURA); the Tanzania Communications Regulatory Authority (TCRA); the Surface and Marine Transport Regulatory Authority (SUMATRA); and the Tanzania Civil Aviation Authority (TCAA) and any other such regulatory authority established by law. Moreover, the Tribunal shall exercise such other functions and powers conferred upon it by the Act.

In exercising its mandate the FCT facilitates achievement of the objectives of the Fair Competition Act 2003, which are to enhance the welfare of the people of Tanzania as a whole by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout

Tanzania in order to:

- i. Increase efficiency in the production, distribution and supply of goods and services;
- ii. Promote innovation;
- iii. Maximize the efficient allocation of resources; and
- iv. Protect consumers.

When discharging its mandate, FCT also facilitates acceleration of the achievement of economic goals and objectives of the National Development Vision 2025, the National Strategy for Economic Growth and Poverty Reduction (MKUKUTA) and those of Millennium Development Goals of 2015.

In order to achieve the outlined objectives, it is important that the FCT provides its services to clients and stakeholders at the highest level of excellence at all times, so that quality, efficiency, effectiveness and professionalism in delivery of the services are not compromised. Ultimately, this will facilitate the enhancement of efficiency in market operations and hence make our economy an attractive investment destination.

As Tanzania's market for goods and services is liberalized and the economy is fast being oriented to comply with the rules of market economy, market players find trust in a level playing field with a reliable competition and regulatory framework. As such FCT is committed to play its role diligently to provide effective appeal mechanism in the competition and regulatory processes. This in turn will lead into the attainment of high level of performance in the competition and regulatory framework.

The Government on its side is implementing major economic reforms that commenced in the 1980s. These reforms will result into full liberalization of the economy. In this light, the primary

role of the FCT will remain to ensure efficient performance of the liberalized market for increased quantity and quality of goods and services and consumer protection.

With this Charter, FCT reveals the standards and philosophy of service delivery to our clients and their expectations. The charter also explicitly outlines the FCT commitment to deliver service at highest level of excellence for customer satisfaction and enhanced consumer welfare.

Similarly, FCT expects to get good cooperation from all relevant stakeholders to fulfill this commitment. For successful implementation, monitoring and evaluation will be done, and the result will form the basis for review where necessary. Our esteemed clients are requested to provide open feedback to assist FCT to achieve its objectives.

Registrar

Fair Competition Tribunal

1.0 Purpose

The purpose of this Client Service Charter is to inform our Clients and Stakeholders in particular and the public in general, about the services offered by the FCT, the standards of services and the manner used in providing the services.

Also, the Charter explains the rights and obligations of clients in line with the FCT's Vision, Mission and Core Values. The Charter further explains the avenues of communication with the FCT, and mechanisms for provision of feedback about its services.

Consistent with the above purpose, this Charter underlines the following key features:

- i. the Vision, Mission and Core Values of the FCT as stated in its Strategic Plan;
- ii. the principles and spirit that guide the FCT in the delivery of the services to its Clients;
- iii. the standards of service delivered to clients; and
- iv. Information on how to reach FCT.

2.0 The FCT Outlook

The FCT is implementing its Strategic Plan for 2012/13 – 2015/16. The plan spells out the Vision, Mission and Core Values which constitutes guidance for services delivery as follows:

2.1 Vision:

To become the best appellate body in competition and regulatory matters in Africa.

2.2 Mission:

To deliver timely justice on competition and regulatory appeals for enhanced market efficiency and consumer welfare.

2.3 Core Values

2.3.1 Timely justice

FCT will endeavor to ensure that cases brought before it are adjudicated expeditiously to enhance market efficiency and effectiveness.

2.3.2 Impartiality

FCT is an impartial adjudicative body which is governed by laws, rules of natural justice and fairness. When providing services to our clients, both Members and employees will demonstrate a high level of respect, courtesy and impartiality.

2.3.3 Professionalism

FCT will strive to provide services in a highly professional manner and make optimal efforts to enhance competence of the Tribunal Members and staff to ensure clients' satisfaction.

2.3.4 Efficiency and Effectiveness

The FCT, when discharging its mandate, will maintain high level of efficiency and effectiveness to ensure appropriateness, exactness and speedy disposal of cases.

2.3.5 Responsiveness

The FCT will be accessible by its clients with less stringent procedures and well exercised level of openness and fairness and promptly react to client needs.

3.0 The Fct Clients/Stakeholders

Our Strategic Plan identifies our main clients/stakeholders as partners in the administration of justices in competition and regulatory regime.

The FCT clients/stakeholders are divided into two groups as follows:

3.1. Internal Clients/stakeholders

Internal clients/stakeholders of the FCT include:

- i. Members of the FCT; and
- ii. employees of the FCT.

3.2. External Clients/Stakeholders

External clients/stakeholders of the FCT include:

- i. Government Ministries, Departments and Agencies (MDAs);
- ii. the Parliament;
- iii. the Judiciary;
- iv. Development Partners;
- v. Competition, infrastructure and utilities regulatory authorities;
- vi. Business community;
- vii. Consumer organizations;
- viii. Individual consumers of goods and services;
- ix. Legal Counsels;
- x. Academic and research institutions; and
- xi. the Media.

4.0 Clients/Stakeholders' Expectations

The FCT Strategic Plan (2009/2012) identifies expectations of our clients/stakeholders. The following matrix specifies the clients/stakeholders and their respective expectations.

s/n	Clients/ Stakeholders	Expectations
1.	Members of the FCT	<ul style="list-style-type: none">• To provide services as mandated by the Law;• Commensurate and prompt remuneration;• Respect and trust by the public; and• Appropriate training.
2.	Employees of the FCT	<ul style="list-style-type: none">• To provide services as per employment contract;• Good working environment and development;• Timely promotion;• Commensurate and prompt remuneration;• Recognition; and• Reward.

4.2 External Clients/Stakeholders

s/n	Clients/ Stakeholders	Expectations
1.	Legal Counsels	<ul style="list-style-type: none">• Easy accessibility to the Tribunal;• Clear rules of procedures;• Issuance of notices and summons in time;• Early and speedy hearing of appeal cases;• Adherence to the Laws, Rules, Regulations and procedures;• Bold and reasoned judgment; and• Timely execution of decrees.
	Infrastructure and utilities services providers	<ul style="list-style-type: none">• Easy accessibility to the Tribunal;• Clear rules of procedures;• Early and speedy hearing of appeal cases;• Adherence to the Policies and Laws;• Fair hearing and decisions;• Proper exercise of Powers by the Tribunal;• Promotion and protection of competition in the market; and• Curbing unfair and misleading market conduct.

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s/n	Clients/ Stakeholders	
2.	Suppliers of FCT Goods and Services	<ul style="list-style-type: none">• Transparent, fair and competitive tendering processes;• Timely payment for the goods and services provided; and• Speedy response to suppliers' inquiries.
3.	Consumer Consultative Councils/ Consumers	<ul style="list-style-type: none">• Easy accessibility to the Tribunal;• Clear rules of procedures;• Early and speedy hearing of appeal cases;• Adherence to the Policies and Laws;• Fair hearing and decisions;• Proper exercise of Powers by the Tribunal;• Promotion and protection of competition in the market;• Curbing unfair and misleading market conduct; and• Consumer protection.

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s/n	Clients/ Stakeholders	Expectations
4.	Government and Government Departments and Agencies (MDAs)	<ul style="list-style-type: none"> • Competent and efficient Tribunal; • Attainment of the policy objectives; • Speedy correspondences; • Adherence to policies and laws; • Efficient utilization and proper management of the allocated resources; and • Timely submission of periodic reports.
5.	Competition, Infrastructure and utilities Regulatory Authorities	<ul style="list-style-type: none"> • Early and speedy hearing of appeal cases; • Adherence to policies and laws; • Efficient utilization of the allocated resources; and • Clear rules of procedures.
6.	Judiciary of Tanzania	<ul style="list-style-type: none"> • Clear rules of procedures; and • Adherence to the relevant laws.
7.	Development Partners	<ul style="list-style-type: none"> • Competent, efficient and Independent Tribunal; • Value for money in the use of public funds and property; • Update information on projects; • Transparency and accountability in the use of donor funds; • Quick response to financial queries; and • Attainment of the policy objectives.

5.0 The FCT 'S Principles of Service Delivery

The FCT is committed to deliver timely, fair and responsive services under the following principles:

- i. to operate under reduced formalities and less stringent procedures for the purposes of attaining the objectives of the Fair Competition Act, 2003;
- ii. to ensure that all procedures and communications are clear and simple for Clients to understand and follow;
- iii. to ensure that all information and pieces of advice provided to Clients and Stakeholders are accurate and up-to date;
- iv. to ensure that Members and staff of the Tribunal discharge their duties and responsibilities in a professional and ethical manner at all times;
- v. to consult and involve Clients and Stakeholders in order to help the FCT in exploring more ways of increasing efficiency;
- vi. to set clear standards of services that clients can expect, and undertake evaluation against these standards for addressing any shortcoming;
- vii. to respond to queries and requests for services from Clients and Stakeholders in a timely manner as set out in standard of service delivery;
- viii. to collaborate with Ministries, Departments, Agencies and other service providers in provision of services in order to ascertain good governance and poverty alleviation.

6.0 The FCT Standards of Service Delivery

6.1 Quality of service and standards

6.1.1 Staff Attitude and Behavior

The FCT staff commits themselves to be friendly, helpful, respectful, honest and sensitive to Clients, and to listen to their needs at all times.

6.1.2 Clarity

The FCT will ensure that all judgments, orders, letters, regulations, procedures, public notices, forms, reports and other information are as clear as possible and are easily understood by all clients and stakeholders.

6.1.3 Appointments

The FCT will ensure that all appointments and Tribunal sessions take place as scheduled.

6.1.4 Responsiveness

The FCT will respond to and deal with all inquires and acknowledge all written communication from Clients and Stakeholders as promptly as possible.

6.1.5 Emergencies

The FCT will respond to emergencies immediately, taking into account particular circumstances of each case and or procedures stipulated in the Tribunal Rules.

6.1.6 Registry Services

The FCT will provide competent staff to guide and attend clients when filing appeals and applications in addition to ordinary registry services. The Registry staff will strive to a good working

relationship with clients, based on mutual respect, courtesy and impartiality in the delivery of the services stated in this charter. The Registry staff will ensure that all relevant documents and information for guiding filing of an appeal and application are available during the filing process.

Furthermore, the FCT shall prepare a public Register and keep it at its Registry for public inspection at all the time during business hours. All records of the proceedings, decisions and reasons for decisions will be kept in the public register and will be made available to the clients by the Registry Staff.

6.1.7 Information Technology;

The FCT will apply IT fully in serving clients and other stakeholders. We will also maintain the IT standards in line with international best practice.

6.2 Response times for FCT core services

Timely adjudication	Response Time
Receiving Notice of Appeal	1 working day
Receiving Memorandum and Record of Appeal and registration of the same	1 working day
Receiving Applications and registration of the same	1 working day
Publication of Notice of appeal in the Tribunal's website and in any widely circulated news paper	4 working days after registration of an appeal
Assignment of appeals/ applications	3 Working days
Hearing and Determination of appeals/application	Within six (6) months after the date of filling
Issuance of copies of proceedings, judgment and decrees	Within five (5) working days
Enforcement of decree	Within 3 months

6.3 Response times for General Services

General services	Response Time
Response to telephone calls	Within the first three rings
Response to customer e-mails	Within two (2) days from the date we receive the email
Response to clients/ stakeholders inquiries	Within one(1) day from the date we receive the request
Provision of feedback to clients/stakeholders	Within five (5) days from the day we receive their complaints

7.0 Rights and Responsibilities of Clients

In this Charter, the FCT has attempted to set out service promises in respect of what we believe clients have the rights to expect in terms of standards, and we have consulted them in consideration of this important matter. In addition to the right to high standards of service delivery we consider that clients also have the following rights and responsibilities.

7.1 Clients/Stakeholder Rights

Clients have the right to:

- i. appeal to the Tribunal;
- ii. be heard and respected;
- iii. access services and information relating to the matter which is being pursued without contravening the laws, regulations and procedure;
- iv. lodge complaints and get feedback on the complaint;
- v. Privacy and confidentiality

7.2 Clients/Stakeholders Responsibilities

Clients' responsibilities include:

- i. adhere to the policies, laws, regulations and procedures governing the provision of services by the FCT;
- ii. behave in a decent manner and treat Members and staff of the FCT with respect;
- iii. provide accurate information and respond timely within required time to do so;
- iv. attend case sessions, meetings and appointments as scheduled;
- v. demonstrate professional conduct in case of legal counsels;
- vi. comply with Tribunal orders accurately and in a timely manner;
- vii. pay necessary Tribunal fees and demand receipt of the payments;
- viii. avoid unnecessary request for adjournment of cases; and
- ix. avoid corrupt practices.

8.0 Feedback and Complaints Handling

The FCT welcomes constructive criticism and feedback about the services we deliver as well as suggestions on how we can improve them. Furthermore, we promise that complaints and suggestions will be dealt with in a timely manner by the respective departments and/or the ethical committee.

We also expect our clients to acknowledge the good services they get from the FCT. All complaints shall be received by the Registrar for appropriate action.

8.1 Feedback Mechanisms

The FCT welcomes feedback in form of oral reports and comments, written correspondences (letters, faxes, email), or telephone. All correspondence should be addressed to the Registrar at the address given in this Charter.

8.2 Record of Compliments and Complaints

The FCT will maintain a record of all compliments, suggestions and complaints received. The information will be used for the purpose of improving services to Clients and when reviewing this Charter and the Strategic Plan.

The results of feedback from Clients and Stakeholders will constitute part of the FCT's public information service and will be available on request.

9.0 Maintaining and Reviewing the Charter

This Charter is a living document that has an on-going relevance to Clients. To this end, the Charter will be reviewed after every two years. The review will take into consideration the following:

- i. Changes in the structure of the FCT
- ii. Changes in the Vision of the FCT
- iii. Changes in the FCT service delivery mechanisms, principles and core values;
- iv. Consultations with and feedback from Clients and Stakeholders;
- v. Results of performance monitoring and evaluation against set standards;
- vi. Changes in the Government policies; and
- vii. Change in technology.

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The postal address of the Tribunal is as follows:

Registrar
Fair Competition Tribunal,
P. O. Box 79650,
Dar es salaam, TANZANIA
Telephone: +255 22 2461173/75
Fax: +255 22 2461174
Website: www.fct.or.tz
Email: info@fct.or.tz

The physical address of the Tribunal's offices is as follows:

9th Floor, Ubungo Plaza Complex,
Morogoro Road,
Ubungo, Dar es Salaam,
TANZANIA.



CLIENT

SERVICE CHARTER

DECEMBER, 2011

10.0 Reporting Performance against Standards

The FCT shall continue to make itself accountable for its performances and operations.

It will compile the results of the evaluation of its performance against these service standards. The results of the evaluation will be available to clients and Stakeholders on request. It will also regularly monitor the level of clients' awareness of the charter.