DRAFTING NOTE

COMPETITION AND CONSUMER PROTECTION ACT 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The inherited commercial framework did not supply a complete modern law against cartels, abuse of dominance, anticompetitive mergers and unfair consumer practices. Open markets require rules that discipline both private and State-linked market power.

3. What the draft retains

The draft retains ordinary contract, delict, product-quality and licensing remedies and coordinates them with the Commercial and Civil Codes.

4. What the draft updates and modernizes

It adds merger review, cartel and dominance rules, competitive neutrality, consumer information and redress, unfair-term and misleading-practice controls, digital-market coverage, investigative safeguards, proportionate sanctions and independent judicial review.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; competition and consumer commission; anticompetitive agreements; dominance and market power; mergers; market inquiries and state measures; consumer rights and fair dealing; digital commerce and services; product safety and essential services; credit and vulnerable consumers; and the concluding enforcement, transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ___/2026

COMPETITION AND CONSUMER PROTECTION ACT 2026

(ACT)

AN ACT TO PROMOTE COMPETITIVE MARKETS, PREVENT ANTICOMPETITIVE CONDUCT AND UNFAIR TRADE PRACTICES, REGULATE MERGERS, PROTECT CONSUMERS, ESTABLISH AN INDEPENDENT COMMISSION, AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Articles 8, 11 and 21 of the Constitution of Eritrea require economic and social development, lawful market activity and efficient, accountable institutions that serve the people;
WHEREAS open and competitive markets are necessary for investment, innovation, employment, affordable goods and services, and the transition from administrative control to a democratic market economy;
WHEREAS Unfair Trade Practices Proclamation 125/2002 combines broad executive price control with limited competition and consumer safeguards and should be replaced by modern, independent and reviewable regulation;
WHEREAS Eritrea's small economy, strategic infrastructure, public enterprises and concentrated distribution channels require rules sensitive to scale without accepting cartel, exclusion, exploitation or political privilege;
NOW, THEREFORE, the National Assembly of Eritrea enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Competition and Consumer Protection Act 2026.

Article 2 — Objects

1. promote effective competition and freedom of lawful enterprise;
2. prevent cartel, abuse of dominance and harmful concentration;
3. protect consumers from unsafe, deceptive, unfair and exploitative conduct;
4. ensure competitive neutrality between public and private enterprise;
5. support regional trade and cooperation; and
6. provide effective remedies, independent enforcement and due process.

Article 3 — Application

1. This Act applies to conduct having a substantial actual or likely effect in Eritrea, irrespective of where the conduct or person is located.
2. It applies to private persons, public enterprises, professional bodies and government commercial activity.
3. It does not apply to sovereign noncommercial action except provisions governing competitive neutrality, procurement advocacy and consumer-facing public service.

Article 4 — Definitions

1. “agreement” includes a decision, arrangement, understanding and concerted practice whether legally enforceable or not;
2. “business” includes an entity, individual, association, public enterprise and group carrying on economic activity;
3. “consumer” means an individual acquiring goods or services mainly for personal, family or household use;
4. “dominant position” means substantial market power enabling conduct materially independent of effective competitive constraint;
5. “market” means the relevant product, service and geographic field of competition;
6. “merger” means acquisition of control or material competitive influence over a business or asset;
7. “platform” means a digital intermediary facilitating interaction or transactions; and
8. “supplier” includes a producer, importer, distributor, retailer, service provider and platform liable under this Act.

Article 5 — Constitution and other laws

1. This Act shall be interpreted consistently with the Constitution and treaties lawfully binding upon Eritrea.
2. The Civil and Commercial Codes govern contracts, companies, delict, damages and private remedies except where this Act provides a specific rule.
3. Sector, procurement, investment, data-protection, electronic-transactions, standards, tax and criminal laws remain applicable.

Article 6 — Relationship with sector regulation

1. A sector regulator retains its statutory mandate and shall apply sector law consistently with competition and consumer principles.
2. The Commission and regulator shall consult, avoid duplication and record which body leads a concurrent matter.
3. A licence or regulatory approval does not immunize conduct unless an Act expressly and necessarily authorizes the precise restriction.

Article 7 — Interpretive principles

1. Assessment shall consider actual economic substance, market conditions, entry, innovation, efficiency and consumer welfare.
2. Size, success, low price or public ownership alone does not establish violation.
3. A restriction shall not be approved merely because it benefits an incumbent, ministry or politically preferred enterprise.

CHAPTER II
COMPETITION AND CONSUMER COMMISSION

Article 8 — Establishment

1. The Competition and Consumer Commission is established as an independent public body with legal personality and administrative autonomy.
2. It shall not operate a business, own a regulated enterprise or accept direction in an individual matter.

Article 9 — Functions

1. The Commission shall investigate and decide competition and consumer matters, review mergers, conduct studies, issue guidance and promote compliance.
2. It shall advise on legislation, state measures, procurement and market reform and cooperate with domestic and regional bodies.

Article 10 — Board

1. A Board of seven members shall govern institutional strategy, finance and adjudicative panels while preserving separation from investigation.
2. Members shall collectively possess expertise in law, economics, business, consumer affairs, technology, public administration and regional trade.

Article 11 — Appointment

1. The President shall appoint Board members from a merit-based public shortlist with approval of the National Assembly.
2. Selection shall promote competence, independence, gender and regional inclusion and shall publish reasons.

Article 12 — Term and removal

1. A member serves one nonrenewable term of six years with staggered initial terms.
2. Removal requires incapacity, serious misconduct, corruption, persistent neglect or disqualifying conflict established through independent inquiry, notice, hearing and reasons.

Article 13 — Conflicts

1. A member or officer shall disclose financial, professional, family and prior-client interests and recuse where impartiality may reasonably be questioned.
2. A recent senior political, military, intelligence or regulated-industry office creates ineligibility for the cooling-off period prescribed by Act.

Article 14 — Director General

1. The Board shall appoint a Director General through open competition for a five-year term renewable once.
2. The Director General manages investigation, staff and administration but shall not sit on the adjudicative panel in the same matter.

Article 15 — Staff and experts

1. Staff shall be recruited on merit and trained in law, economics, accounting, digital evidence, consumer affairs and investigation.
2. The Commission may engage independent experts subject to conflict, confidentiality and procurement rules.

Article 16 — Institutional separation

1. Investigation, prosecution, merger review and adjudicative support shall be functionally separated.
2. A person who directed an investigation shall not decide the merits or confidentially influence the deciding panel.

Article 17 — Funding and audit

1. The Commission shall receive adequate National Assembly appropriation and may retain lawful filing fees within public-finance controls.
2. Accounts shall be audited by the Auditor General, and funding shall not depend on penalties imposed or mergers prohibited.

Article 18 — Annual plan and report

1. The Commission shall publish annual priorities based on market significance, consumer harm, vulnerability and enforcement capacity.
2. Its report shall state investigations, decisions, mergers, remedies, litigation, complaints, market studies, finances and performance.

CHAPTER III
ANTICOMPETITIVE AGREEMENTS

Article 19 — General prohibition

1. An agreement is prohibited where its object or substantial effect is to prevent, restrict or distort competition in Eritrea.
2. Assessment shall consider market power, duration, entry, countervailing power, efficiencies and actual or likely harm.

Article 20 — Cartel conduct

1. Competitors shall not agree to fix price or trading condition, allocate market or customer, restrict output, or rig a bid.
2. Cartel conduct is prohibited without proof of market effect, subject only to a narrow statutory exclusion or approved joint activity not having cartel object.

Article 21 — Information exchange

1. Exchange of future price, output, customer, cost or strategy information may violate Article 19 where it facilitates coordination.
2. Public aggregate statistics, historical data and information reasonably necessary for a lawful collaboration are not prohibited without competitive harm.

Article 22 — Association decisions

1. A trade or professional association shall not prescribe price, divide clients, exclude innovative service or enforce anticompetitive rules.
2. Genuine technical, ethical, safety and interoperability standards are permitted where objective, transparent and no more restrictive than necessary.

Article 23 — Vertical agreements

1. A supplier-distributor restriction is assessed by likely competitive effect, market power, entry and efficiency.
2. Resale price maintenance, territorial foreclosure, exclusive dealing and online-sales restriction may be prohibited where they materially impair competition.

Article 24 — Exemption

1. An otherwise restrictive agreement may be exempt where it produces verifiable efficiency, gives consumers a fair share, is indispensable and does not eliminate substantial competition.
2. The person relying on exemption bears the burden and shall disclose material facts.

Article 25 — Block exemption

1. The Commission may recommend regulations exempting defined classes whose benefits ordinarily exceed competitive harm.
2. A block exemption shall state conditions, market-share limits, excluded restrictions, duration and withdrawal procedure.

Article 26 — Small cooperative activity

1. Small producers, farmers, fishers, workers or consumers may jointly purchase, market or negotiate where necessary to participate effectively and not used to cartelize a substantial market.
2. The Commission shall issue accessible guidance and may grant comfort or exemption.

Article 27 — Voidness

1. A prohibited term is void and unenforceable to the extent of inconsistency.
2. The remaining agreement continues where severable and not contrary to the transaction's essential lawful purpose.

CHAPTER IV
DOMINANCE AND MARKET POWER

Article 28 — Dominance not prohibited

1. Holding or acquiring a dominant position through lawful competition is not itself prohibited.
2. A dominant business has a special duty not to use its market power to exclude competition or exploit trading partners or consumers unfairly.

Article 29 — Determining dominance

1. The Commission shall consider market share, entry barriers, control of infrastructure or data, buyer power, network effects, financial strength and countervailing constraint.
2. No single market-share percentage is conclusive unless an Act or published rebuttable presumption provides otherwise.

Article 30 — Exclusionary abuse

1. A dominant business shall not engage in predatory pricing, refusal to deal, margin squeeze, tying, exclusivity or discrimination that materially forecloses competition without objective justification.
2. Vigorous price competition, product improvement and refusal grounded in capacity, credit risk or legitimate protection are not abuse.

Article 31 — Exploitative abuse

1. A dominant business shall not impose an excessive price or unfair term grossly unrelated to economic value where entry and bargaining cannot protect customers.
2. Intervention shall use careful cost, risk, investment, quality and comparative evidence and shall not become routine price administration.

Article 32 — Essential facility

1. A dominant controller of infrastructure indispensable for effective competition may be required to provide fair, reasonable and nondiscriminatory access where duplication is impracticable.
2. Access shall protect capacity, safety, investment, intellectual property and reasonable return and shall not require subsidy of a competitor.

Article 33 — Public monopoly

1. A statutory or public monopoly shall confine exclusivity to the precise lawful mandate and shall not extend it into adjacent competitive markets.
2. Accounts, subsidies, shared assets and access terms shall be separated transparently.

Article 34 — Platform power

1. A dominant platform shall not unfairly self-preference, discriminate in ranking, misuse dependent-business data, impose parity clauses or block interoperability where competition is materially harmed.
2. A remedy shall consider security, privacy, integrity, innovation and legitimate platform governance.

Article 35 — Remedies for abuse

1. The Commission may order cessation, access, interoperability, nondiscrimination, contract correction, accounting separation or another proportionate behavioral remedy.
2. Structural separation or divestiture requires proof that lesser remedies are inadequate and confirmation by the Competition Tribunal.

CHAPTER V
MERGERS

Article 36 — Merger control

1. A merger meeting the thresholds in Schedule 1 shall be notified before completion.
2. A transaction below threshold may be called in within six months where credible evidence shows substantial competitive harm.

Article 37 — Control

1. Control arises from ownership, voting rights, contract, financing or another means conferring decisive or material competitive influence.
2. Temporary acquisition by a financial institution solely for resale and internal reorganization without material change of control may be excluded as prescribed.

Article 38 — Thresholds

1. Schedule 1 shall state objective turnover, asset, transaction-value or market-connection thresholds appropriate to Eritrea.
2. Thresholds shall be periodically reviewed, simple to calculate and shall not capture a transaction lacking substantial Eritrean nexus.

Article 39 — Notification

1. The parties shall provide ownership, control, markets, competitors, customers, transaction documents, efficiencies and public-interest information reasonably required.
2. The Commission shall accept electronic filing, protect confidentiality and publish a nonconfidential transaction summary.

Article 40 — Initial review

1. Within twenty working days after a complete filing, the Commission shall approve, condition by consent or open an in-depth review.
2. Failure to act within the period results in approval unless time was lawfully suspended for missing information attributable to the parties.

Article 41 — In-depth review

1. An in-depth review shall be completed within sixty working days, subject to one reasoned extension of thirty days.
2. The Commission shall issue concerns, permit response and test proposed remedies before final decision.

Article 42 — Substantive test

1. A merger shall be prohibited or remedied where it is likely substantially to lessen competition, including by unilateral power, coordination or foreclosure.
2. The Commission shall consider entry, failing business, buyer power, innovation, efficiencies and less anticompetitive alternatives.

Article 43 — Public interest

1. A demonstrable effect on employment, small business participation, strategic resilience or regional development may be considered transparently.

2. Public interest shall not excuse cartelization, protect a politically favored owner or override competition without necessity and proportionate conditions.

Article 44 — Efficiency

1. Merger-specific, verifiable and timely efficiency benefiting consumers may offset competitive harm.
2. Cost saving based principally on unlawful labor, environmental or tax avoidance is not a cognizable efficiency.

Article 45 — Merger remedies

1. A remedy shall directly address identified harm and may include divestiture, access, licensing, supply, interoperability or limited behavioral commitment.
2. Structural remedy is preferred where durable and practical; ongoing behavioral control shall have clear duration, monitoring and review.

Article 46 — Interim measures

1. The Commission may prohibit closing or integration where necessary to preserve effective review.
2. Urgent interim action requires reasons, limited duration and expedited Tribunal review.

Article 47 — Gun jumping

1. Parties shall not implement a notifiable merger before approval or exchange competitively sensitive control beyond what transaction planning requires.
2. Ordinary due diligence under clean-team safeguards is permitted.

Article 48 — Regional mergers

1. The Commission shall coordinate with a competent regional body to avoid duplicate filing, inconsistent remedy and unnecessary cost.
2. Regional jurisdiction shall be recognized to the extent required by lawfully binding agreement and domestic constitutional law.

CHAPTER VI
MARKET INQUIRIES AND STATE MEASURES

Article 49 — Market inquiry

1. The Commission may inquire into a market where prices, concentration, entry barriers, consumer complaints or public restrictions suggest competition is not working effectively.
2. An inquiry is not a finding of violation and shall use public terms of reference and evidence.

Article 50 — Inquiry powers

1. The Commission may request information, hold hearings, commission research and publish interim findings under confidentiality safeguards.
2. Participation shall be proportionate, and small businesses and consumers shall receive practical opportunity to contribute.

Article 51 — Inquiry recommendations

1. A final report may recommend enforcement, regulatory amendment, procurement reform, data access, licensing reform or another market-opening measure.
2. A ministry or public body shall respond publicly within ninety days to a recommendation directed to it.

Article 52 — Competitive neutrality

1. A public enterprise shall bear ordinary tax, finance, licensing and regulatory obligations comparable to a private competitor unless an Act transparently compensates a public-service duty.
2. A subsidy, guarantee, land grant, exclusive right or regulatory preference shall be identified, costed and confined to its lawful purpose.

Article 53 — Government restriction

1. A ministry, regulator or local government shall not restrict entry, price, import, distribution or professional practice beyond statutory authority and demonstrated public need.
2. The Commission may issue an opinion and seek judicial review of an unlawful anticompetitive measure.

Article 54 — Procurement

1. Public procurement shall use competition and detect bid rotation, cover pricing, market allocation and corrupt exclusion.
2. The Commission shall cooperate with the procurement authority without displacing procurement review or criminal process.

Article 55 — Advocacy

1. The Commission may comment on draft legislation, regulation, licence, concession and public-enterprise reform affecting competition or consumers.
2. An opinion shall be evidence-based, public and respectful of the constitutional authority of the deciding institution.

CHAPTER VII
CONSUMER RIGHTS AND FAIR DEALING

Article 56 — Consumer rights

1. A consumer is entitled to safety, truthful information, fair choice, reasonable quality, privacy, accessible redress and protection of vulnerability.
2. These rights apply to private, public, physical and digital suppliers.

Article 57 — Fair and honest dealing

1. A supplier shall deal fairly, honestly and transparently and shall not exploit inability to understand, urgent need, disability, age or unequal bargaining power.
2. An unfair practice is prohibited whether occurring before, during or after a transaction.

Article 58 — Misleading conduct

1. A person shall not make or omit a representation likely to mislead a reasonable member of the intended audience about price, quality, origin, approval, availability, risk or rights.
2. Actual deception or intention is unnecessary, but audience vulnerability and context shall be considered.

Article 59 — False claims

1. A false claim concerning performance, composition, sponsorship, environmental benefit, health benefit, testimonial or comparison is prohibited.
2. A factual advertising claim shall be supported by adequate evidence held when made.

Article 60 — Price transparency

1. A supplier shall disclose the total unavoidable price, tax, fee, recurring charge and material condition before agreement.
2. A hidden fee, drip price, false discount, manipulated reference price or charge for an unrequested item is prohibited.

Article 61 — Unfair terms

1. A standard term is unfair where contrary to good faith it causes a substantial imbalance to the consumer's detriment.
2. A term excluding basic liability, allowing unilateral price change without exit, imposing disproportionate penalty or obstructing redress may be declared void.

Article 62 — Plain language

1. A consumer contract and material notice shall be clear, legible and available in a language reasonably appropriate to the transaction.

2. Ambiguity in a nonnegotiated term is interpreted in the consumer's favor.

Article 63 — Unsolicited goods and services

1. A consumer is not liable for an unsolicited good, service, digital feature or subscription.
2. Silence, failure to opt out or use necessary to prevent loss does not constitute consent.

Article 64 — Aggressive practice

1. Harassment, coercion, undue influence, repeated unwanted solicitation and obstruction of cancellation are prohibited.
2. Assessment shall consider timing, location, persistence, threat, vulnerability and disproportionate barrier.

Article 65 — Consumer guarantees

1. Goods shall be of acceptable quality, safe, durable, fit for disclosed purpose and correspond with description or sample.
2. Services shall be performed with reasonable care, skill, timeliness and fitness for disclosed result where the supplier accepted that result.

Article 66 — Consumer remedies

1. For remediable failure, the consumer may require repair, replacement or reperformance within reasonable time and without charge.
2. For serious or unremedied failure, the consumer may reject, terminate, obtain refund and recover proven consequential loss under the Civil Code.

Article 67 — Warranty

1. A voluntary warranty adds to and does not replace statutory guarantees.
2. Warranty terms, duration, territorial scope, procedure and exclusions shall be disclosed before sale.

Article 68 — Receipts and records

1. A supplier shall provide an electronic or paper receipt identifying supplier, transaction, date, goods or services and total price.
2. Absence of receipt does not defeat a claim proved by other reliable evidence.

Article 69 — Repair and spare parts

1. A manufacturer or importer shall disclose reasonable availability of repair, parts, software support and expected service life for durable goods.
2. A supplier shall not misrepresent repairability or use technical barriers principally to defeat lawful independent repair.

CHAPTER VIII
DIGITAL COMMERCE AND SERVICES

Article 70 — Online identity

1. An online supplier shall disclose legal name, physical and electronic contact, registration information and complaint route.
2. A platform shall preserve verified trader identity for lawful redress without publicly exposing unnecessary personal data.

Article 71 — Online disclosure

1. Before order, the consumer shall receive total price, principal characteristics, delivery, duration, renewal, cancellation, data use and geographic restriction.
2. Required information shall be prominent and shall not be hidden through interface design or excessive layering.

Article 72 — Electronic consent

1. Consent requires a clear affirmative act and a reasonable opportunity to review and correct the order.
2. A preselected option, disguised advertisement, false countdown or interface designed to impair choice is prohibited.

Article 73 — Cooling-off period

1. A consumer may cancel a prescribed distance or off-premises contract within fourteen days without reason, subject to reasonable statutory exceptions.
2. The supplier shall refund within fourteen days and may charge only disclosed direct return cost where permitted.

Article 74 — Subscriptions

1. A recurring subscription requires clear price and frequency, reminder before material renewal, and cancellation as easy as enrollment.
2. Continued charging after effective cancellation is prohibited and refundable.

Article 75 — Platform responsibility

1. A platform is responsible for its own representations, ranking disclosures, payment handling and failure to act on known unlawful trade.
2. It is not automatically the seller, but may be treated as supplier where it controls price, essential terms, fulfillment or consumer perception.

Article 76 — Reviews and endorsements

1. A paid, incentivized or materially connected endorsement shall disclose the relationship.
2. A supplier or platform shall not fabricate reviews, suppress genuine reviews deceptively or misrepresent ranking neutrality.

Article 77 — Digital content

1. Digital content and service shall conform, function, remain secure and receive necessary updates for the period reasonably expected.
2. A modification materially harming use requires lawful basis, notice and a right to terminate where appropriate.

Article 78 — Data and personalization

1. Use of personal data for pricing, targeting or recommendation shall comply with data-protection law and shall not exploit vulnerability unfairly.
2. A material personalized price or commercial ranking shall be disclosed where omission would mislead.

CHAPTER IX
PRODUCT SAFETY AND ESSENTIAL SERVICES

Article 79 — General safety duty

1. A supplier shall place on the market only goods and services reasonably safe for intended and foreseeable use.
2. Safety assessment shall consider design, composition, instructions, users, duration and cumulative risk.

Article 80 — Warnings

1. A material nonobvious risk shall be communicated clearly before use in appropriate language and format.
2. A warning does not excuse an avoidable unsafe design or unlawful product.

Article 81 — Incident reporting

1. A manufacturer, importer or major distributor shall promptly report serious injury, death or dangerous defect linked to its product.
2. Reporting shall preserve investigation and shall not by itself establish civil or criminal liability.

Article 82 — Recall

1. A supplier shall promptly stop supply, notify users, repair, replace, refund or recall where a serious risk is discovered.
2. The Commission or product-safety authority may order proportionate recall after notice or immediate temporary action in urgent danger.

Article 83 — Traceability

1. A supplier shall maintain proportionate records identifying source and distribution of higher-risk products.
2. Traceability duties shall account for small informal producers and shall not require unnecessary personal data.

Article 84 — Essential services

1. Water, electricity, communications, transport, finance and another declared essential service shall use fair connection, billing, disconnection and complaint procedures.
2. Disconnection for disputed or minor debt shall follow notice, verification, proportionality and protection of life and basic dignity.

Article 85 — Coordination with standards authority

1. The Commission and standards or sector authority shall coordinate safety alerts, testing, recall and public information.
2. Technical conformity does not immunize deceptive conduct or a defect not addressed by the standard.

CHAPTER X
CREDIT AND VULNERABLE CONSUMERS

Article 86 — Consumer credit disclosure

1. A creditor shall disclose total credit amount, annual percentage cost, installments, security, default consequence and right of early payment.
2. A fee or bundled product shall be included according to its economic substance.

Article 87 — Responsible lending

1. Before material consumer credit, a creditor shall reasonably assess ability to repay without severe hardship using proportionate reliable information.
2. The duty shall not exclude low-income borrowers through unnecessary documentation or discriminatory assumptions.

Article 88 — Debt collection

1. A creditor or collector shall not threaten, shame, impersonate authority, contact unrelated persons or pursue an amount without reasonable verification.
2. A disputed debt shall be investigated and collection communication limited while the dispute is unresolved.

Article 89 — Over-indebtedness

1. A court may adjust enforcement, interest or schedule under insolvency and civil law where necessary for a fair rehabilitation.
2. This Article does not erase principal arbitrarily or reward fraudulent borrowing.

Article 90 — Vulnerable consumers

1. The Commission shall prioritize practices harming children, elderly persons, persons with disabilities, displaced persons, low-literacy consumers and persons under economic distress.
2. Protective measures shall support autonomy and access and shall not exclude a group from lawful goods, services or credit without evidence.

CHAPTER XI
PRICE INTERVENTION IN EMERGENCIES

Article 91 — Competition as ordinary rule

1. Prices shall ordinarily be determined by competitive markets and disclosed transparently.
2. Government shall address shortage primarily through supply, trade, infrastructure, procurement, targeted support and enforcement against collusion.

Article 92 — Emergency declaration

1. The National Assembly, or the President under a narrowly authorized emergency Act subject to prompt Assembly approval, may declare specified essential goods or services temporarily subject to price measure.
2. The declaration shall identify emergency, goods, territory, duration, evidence and less restrictive measures considered.

Article 93 — Conditions

1. A price measure requires severe shortage, disaster, epidemic, conflict disruption or proven market failure causing imminent widespread harm.
2. Ordinary inflation, political preference or desire to suppress market information is insufficient.

Article 94 — Form of measure

1. A measure may limit excessive margin, require price reporting, establish a temporary ceiling or prohibit exploitative emergency increase.
2. It shall permit reasonable cost recovery, supply incentive and quality and shall not compel sale below sustainable cost except with lawful compensation.

Article 95 — Duration and review

1. A measure expires after ninety days unless renewed by the National Assembly on updated evidence.
2. The Commission shall monitor availability, queues, black markets, quality, entry and distribution and recommend modification or termination.

Article 96 — No licence retaliation

1. A disputed price-control allegation shall not permit summary business-licence revocation.
2. Urgent interim restraint requires reasons, narrow scope and prompt independent review.

CHAPTER XII
INVESTIGATION AND ENFORCEMENT

Article 97 — Complaint and own initiative

1. The Commission may act on complaint, referral, leniency application, market information or its own initiative.
2. It shall acknowledge complaints and apply published prioritization without conferring a right to demand prosecution.

Article 98 — Information request

1. The Commission may require information foreseeably relevant to an identified inquiry within reasonable time.
2. The request shall be specific, proportionate and subject to legal professional privilege, confidentiality and protection against self-incrimination.

Article 99 — Inspection

1. Business premises may be inspected with consent or judicial warrant stating scope, place and evidence sought.
2. Search of a dwelling, seizure of devices, forensic copying and compelled access require particular necessity and procedural safeguards.

Article 100 — Interviews

1. A person interviewed shall be informed of subject, authority, representation and whether answers are compulsory.
2. The interview shall be fairly conducted and accurately recorded without threat or unlawful detention.

Article 101 — Interim order

1. The Commission may seek a Tribunal interim order where serious irreparable harm or destruction of competition is likely.
2. An urgent without-notice order expires promptly unless confirmed after hearing.

Article 102 — Statement of objections

1. Before finding violation, the Commission shall provide alleged facts, law, evidence and proposed remedy and allow adequate response.
2. The deciding panel shall address material defense and disclose exculpatory evidence subject to lawful protection.

Article 103 — Commitments

1. The Commission may accept enforceable commitments resolving concerns without finding liability where public protection is adequate.
2. Commitments shall be consulted upon where material, published, time-bound and monitored.

Article 104 — Leniency

1. The Commission may grant immunity or penalty reduction to a cartel participant providing decisive, truthful and continuing cooperation.
2. A published program shall state eligibility, marker, confidentiality and treatment of coercing ringleaders.

Article 105 — Settlement

1. A person may settle by admitting defined conduct, accepting remedy and receiving proportionate penalty reduction.
2. Settlement shall be voluntary, reasoned, published and shall not determine liability of a nonsettling person.

CHAPTER XIII
DECISIONS, REMEDIES AND PRIVATE RIGHTS

Article 106 — Administrative orders

1. The Commission may order cessation, correction, disclosure, refund, access, supply, contract adjustment, compliance program and another proportionate remedy.
2. An order shall be clear, necessary, time-limited where appropriate and shall not regulate unrelated business activity.

Article 107 — Administrative penalties

1. An administrative penalty may be imposed up to the percentage of Eritrean turnover stated in Schedule 2 for intentional or negligent violation.
2. Amount shall reflect gravity, duration, harm, benefit, size, cooperation, recidivism and ability to pay and shall not be based on enforcement revenue needs.

Article 108 — Director and parent liability

1. An individual is liable only for knowing participation, direction or culpable failure within actual responsibility.
2. A parent entity is liable where it exercised decisive control, subject to proof and defense that the subsidiary acted independently.

Article 109 — Consumer redress

1. The Commission may order refund, repair, replacement, cancellation, corrective notice or compensation of readily quantifiable loss.
2. Complex individual damages may be determined by court or approved collective-redress procedure.

Article 110 — Private action

1. A person suffering loss from violation may seek damages, injunction, restitution or another Civil Code remedy in the competent court.
2. A final Commission or Tribunal finding is prima facie evidence, while the defendant retains lawful defenses on causation and loss.

Article 111 — Collective redress

1. A qualified consumer body, public authority or representative claimant may bring a collective action where common issues and fair representation justify it.
2. The court shall control notice, funding, settlement, costs, distribution and protection against abuse.

Article 112 — No double recovery

1. A person shall not recover the same loss twice through administrative, collective and individual proceedings.
2. Penalty, restitution, compensatory damages and disgorgement shall be distinguished and coordinated.

CHAPTER XIV
COMPETITION TRIBUNAL AND JUDICIAL REVIEW

Article 113 — Competition Tribunal

1. An independent Competition Tribunal is established to review Commission decisions and determine matters assigned by this Act.
2. Members shall possess judicial, competition-economic and consumer expertise and be appointed with protected tenure under transparent procedure.

Article 114 — Appeal

1. A person materially affected may appeal a final decision on fact, law, remedy, procedure or penalty within thirty days.
2. The Tribunal may confirm, vary, set aside or remit and may admit necessary additional evidence in the interests of justice.

Article 115 — Interlocutory review

1. A warrant, interim order, confidentiality ruling or procedural direction may be reviewed where waiting for final decision would cause irreparable prejudice.
2. The Tribunal shall prevent tactical review from frustrating timely enforcement.

Article 116 — Court appeal

1. A Tribunal decision is appealable to the competent court on law, jurisdiction and procedural fairness.
2. Constitutional judicial review remains available.

Article 117 — Stay

1. Appeal does not automatically stay a merger prohibition, safety recall or order preventing serious harm.
2. The Tribunal may grant stay on balance of harm, merits, public interest and appropriate security.

Article 118 — Publication

1. Commission and Tribunal final decisions shall be published with legal and economic reasoning.
2. Confidential commercial information, personal data and leniency material shall be protected without concealing the basis of decision.

CHAPTER XV
COOPERATION AND FINAL PROVISIONS

Article 119 — Domestic cooperation

1. The Commission may exchange relevant information and coordinate with sector regulators, Customs, procurement, police, public health, standards and data-protection bodies under law.
2. Information shall be used only for authorized purpose and protected against unauthorized disclosure.

Article 120 — International cooperation

1. The Commission may cooperate with regional and foreign authorities under an Act or lawfully binding agreement.
2. Assistance shall respect confidentiality, due process, reciprocity where appropriate and the constitutional status of international obligations.

Article 121 — Existing monopolies and restraints

1. Within eighteen months, Government and the Commission shall inventory statutory monopolies, exclusive licences, price controls, public-enterprise privileges and market-entry restrictions.
2. Each shall be retained, narrowed, compensated transparently or repealed according to necessity, competition and public interest.

Article 122 — Existing agreements and mergers

1. An agreement existing at commencement shall be brought into compliance within six months unless the Commission grants a reasoned extension.
2. A completed merger is not retroactively notifiable but remains subject to abuse and unlawful pre-commencement conduct provisions.

Article 123 — Repeal

1. Unfair Trade Practices Proclamation 125/2002 and inconsistent implementing instruments are repealed upon commencement.
2. A pending lawful complaint or proceeding may continue under fair transitional directions without preserving executive price-control or summary licence powers.

Article 124 — Regulations

1. The National Assembly may authorize regulations on merger procedure, block exemptions, consumer forms, cooling-off exceptions, product recall and transition within the limits of this Act.
2. A regulation shall not create a prohibited practice, enlarge penalty, impose price control or remove court review beyond legislative authority.

Article 125 — Commission rules and guidelines

1. After consultation, the Commission may publish procedural rules and nonbinding guidelines on markets, agreements, dominance, mergers, penalties, leniency and consumer compliance.
2. A guideline shall not create liability and a departure supported by law and evidence shall not itself be penalized.

Article 126 — Schedules

1. Schedules 1 and 2 form part of this Act and shall be completed by the National Assembly before merger-control and penalty provisions commence.
2. Thresholds and maximum penalties shall be periodically reviewed for Eritrea's economy, regional obligations, deterrence and proportionality.

Article 127 — Periodic review

1. The National Assembly shall review this Act within five years and thereafter at intervals not exceeding five years.
2. Review shall address concentration, entry, public enterprise, prices, innovation, consumer outcomes, enforcement independence, regional trade and administrative burden.

Article 128 — Commencement

1. Chapters I, II, VI, VII, VIII, IX, X and XV commence upon publication, subject to institutional transition.
2. The remaining Chapters commence six months after publication and completion of Schedules 1 and 2, with courts retaining jurisdiction during establishment of the Tribunal.

SCHEDULE 1

MERGER NOTIFICATION THRESHOLDS

Before enactment, the National Assembly shall insert objective turnover, asset, transaction-value or other thresholds and Eritrean nexus rules after economic analysis and public consultation. No transaction is notifiable until Schedule 1 is completed and enacted by the National Assembly.

SCHEDULE 2

MAXIMUM ADMINISTRATIVE PENALTIES

Before enactment, the National Assembly shall state proportionate maximum percentages or amounts for cartel, other competition, merger, consumer and procedural contraventions. The Commission may not supply an omitted maximum by rule or guideline.

Made at Asmara, this ___ day of __________ 2026.

THE NATIONAL ASSEMBLY OF ERITREA