Consumer Protection Under the ECOWAS Regulatory Framework

Client briefing Consumer Protection
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The ECOWAS consumer protection framework is entering a decisive phase of institutional maturation: the cross-border consumer protection regulation endorsed at the fifth ECOWAS Ministerial Meeting in June 2026 signals that ERCA is advancing from a merger control authority to a fully dual-mandate regulator, with direct implications for how businesses operating across the region manage their consumer-facing conduct.

The Economic Community of West African States (ECOWAS) has long articulated consumer protection as an integral objective of its integration agenda. The region's founding treaty identified the welfare of community citizens as a central purpose of the ECOWAS project, and successive legislative instruments have sought to translate that ambition into enforceable rights. Yet for much of the institution's history, consumer protection remained an underdeveloped pillar of the regional regulatory framework — formally embedded in the legal architecture but lacking the implementing instruments, enforcement capacity, and institutional infrastructure needed to give it practical effect.

That picture has changed materially in recent years. The adoption of Supplementary Act A/SA.3/12/21 in December 2021, which formally tasked the ECOWAS Regional Competition Authority (ERCA) with representing the community in matters of competition and consumer protection, gave the consumer protection mandate an institutional home with defined enforcement powers. The subsequent publication of the ECOWAS Directive on Consumer Protection — which sets a harmonization target of 31 December 2028 for member state implementing legislation — provided the substantive framework. And a sequence of technical and ministerial developments through 2023, 2025, and 2026 has built the procedural architecture to underpin that Directive with operational enforcement tools.

The Legal Foundation: Supplementary Act A/SA.3/12/21 and the Consumer Protection Directive

The primary legal basis for ERCA's consumer protection mandate is Supplementary Act A/SA.3/12/21, which amends the earlier act establishing ERCA and introduces a positive duty on the authority to represent ECOWAS wherever necessary in matters of competition and consumer protection across the sub-region. This formulation is significant: the Supplementary Act does not merely permit ERCA to engage with consumer protection matters but affirmatively requires it to do so. Consumer protection is thus not a discretionary extension of ERCA's competition mandate but a co-equal pillar of the authority's institutional purpose — a point that ERCA's Executive Director, Dr. Siméon Koffi, has described publicly as the "second pillar" of the authority's mandate.

The substantive content of the consumer protection framework is set out in the ECOWAS Directive on Consumer Protection, which establishes a harmonized regional framework designed to enable member states to achieve the objectives of protecting consumers and defending their interests. The Directive is structured around four interconnected elements: institutional frameworks at the national level, collaboration mechanisms between member states and ERCA, broad outlines of the consumer rights to be protected, and the obligations of businesses in their dealings with consumers across the common market.

In terms of substantive rights, the Directive affirms a set of inalienable consumer entitlements that closely track international best practice standards. These include the right of access to goods and services that are of safe and adequate quality, the right to fair and honest trade practices in transactions with businesses, the right to make informed purchasing decisions

— which the Directive grounds in obligations of disclosure and transparency on the part of businesses — and the right of consumers to organize themselves collectively to safeguard their interests. These rights are framed as minimum standards. Member states retain the competence to enact more protective national provisions but may not adopt laws that fall below the floor established by the Directive. The compliance deadline of 31 December 2028 creates a clear institutional timetable for the region's legislative harmonization, though as the discussion below makes clear, the state of national implementation varies considerably across member states.

ERCA's Institutional Role: Between Harmonization and Enforcement

ERCA's consumer protection function operates on two distinct planes. The first is harmonization: ERCA works with member states to promote the adoption and consistent implementation of the consumer rights set out in the Directive, supporting national legislative reform processes, conducting advocacy and sensitization activities, and providing technical assistance to member states that are in the process of developing or updating domestic consumer protection frameworks. The second is enforcement: ERCA operates a web-based Complaint Management System through which any natural or legal person who considers themselves a victim of a consumer protection violation may lodge a complaint, with each submission assigned a unique tracking number for monitoring purposes. ERCA may also initiate complaints on its own initiative through the Executive Director, without the need for a third-party trigger.

The harmonization function has been particularly prominent in member states that lack national consumer protection legislation or enforcement capacity. ERCA conducted advocacy and sensitization activities in Liberia in May 2024, bringing together government ministries, the banking and financial services sector, manufacturing associations, the private sector, the Chamber of Commerce, and consumer protection bodies to discuss the existing regulatory environment and identify the gaps that would need to be addressed before Liberia could be considered compliant with the regional framework. A similar engagement took place in Sierra Leone, where ERCA's Council paid a courtesy visit to the Ministry of Trade and Industry in late 2025 and committed to supporting the finalization of a draft national competition and consumer protection law that was expected to be presented to Cabinet by the end of that year. These activities are supported financially and technically by the EU-funded Competition and Consumer Protection Support Programme PACOSPRO, which has conducted national information and awareness seminars across multiple ECOWAS member states since its launch in 2024.

The enforcement function, while formally operational, has been limited in its reach by the practical challenges common to newly established regional regulatory bodies: institutional capacity constraints, a limited record of published consumer enforcement decisions, and the absence, until recently, of a comprehensive procedural manual governing how consumer protection complaints are investigated, assessed, and resolved. That gap is in the process of being closed.

The 2026 Consumer Protection Regulation: A Landmark Development

The most consequential development in the ECOWAS consumer protection framework in recent years is the adoption, at the fifth ECOWAS Ministerial Meeting in June 2026, of a cross-border consumer protection regulation developed and championed by ERCA. This regulation represents the culmination of a multi-year technical drafting and institutional validation process that began in earnest in February 2023, when ERCA convened a technical working-group meeting in Dakar to review a draft ECOWAS

Directive on Consumer Protection before submission to the Ministers of Trade and Industry.

The drafting process continued through successive iterations. In February 2026, ERCA convened in Dakar to review the draft Regional Regulation and Manual of Procedures on Consumer Protection, with participants agreeing on a roadmap for institutional validation and adoption. Notably, the discussions at that stage specifically highlighted the rapid evolution of digital markets as a key driver of the regulatory urgency, signaling that the regulatory framework's scope will extend to the fast-growing e-commerce and digital services sectors that are reshaping consumer interactions across the region. The draft was subsequently reviewed and validated by the Competition Consultative Committee (CCC) at its twelfth meeting in Abuja in March 2026, before proceeding to the ministerial level for endorsement.

The endorsed regulation addresses a structural gap that the Directive alone could not fill: the establishment of a coherent, cross-border enforcement mechanism for consumer protection matters that transcend the territorial jurisdiction of individual member states. The Directive sets out the substantive framework and tasks member states with adopting implementing legislation. The regulation provides the procedural architecture through which ERCA can act directly on cross-border consumer protection matters — bringing investigations, processing complaints involving parties in multiple member states, and enforcing outcomes — without being dependent on the prior existence of parallel national frameworks in each affected member state. This is a material upgrade in ERCA's operational toolkit and positions the authority to address the most complex consumer protection challenges generated by cross-border commerce in the region.

Consumer Protection in ERCA's Competition Assessments

The Supplementary Act A/SA.2/12/08 establishing ERCA specifically lists the welfare of consumers and the protection of their interests as factors that the authority must take into account in the exercise of its functions. This means that consumer protection is not confined to a discrete enforcement track within ERCA's regulatory activities but is embedded across the full range of its assessments, including in its review of mergers and acquisitions. When the ERCA Council considers whether a notifiable transaction should be approved, conditions imposed, or a clearance refused, the effect on consumers is part of the substantive analytical framework.

In practical terms, this intersection of competition enforcement and consumer protection was visible in the Canal+/MultiChoice decision of August 2025, the first conditional clearance issued by the ERCA Council. The conditions imposed — requiring Canal+ to maintain a diverse range of audiovisual content for French and English-speaking audiences, to preserve existing distribution networks across member states, and to notify the Council of any future price changes — were explicitly designed to protect the interests of consumers across the ECOWAS region in a market where the transaction created a consolidated market share exceeding 60 percent. The price monitoring obligation in particular reflects a consumer welfare concern given the dominant position that Canal+ would occupy post-transaction in the audiovisual services market, ensuring that price movements remained subject to regulatory scrutiny was a direct consumer protection measure embedded within a competition clearance decision.

The ERCA Council's Eleventh Ordinary Session in Banjul in May 2026 similarly framed its mandate explicitly in terms of both competition governance and consumer protection, underscoring the extent to which the two functions are treated as integrated rather than separate at the highest level of the authority's institutional practice. The annual conference on competition scheduled for September 2026 under the theme of "Competition Policy and Market Integration in ECOWAS: Issues and Challenges" is expected to address consumer protection as one of its strategic pillars, further cementing the dual-mandate character of the institution.

The State of National Implementation

The ECOWAS consumer protection framework operates in an environment of significant diversity across member states in terms of domestic legislative capacity and institutional infrastructure. Some member states — most notably The Gambia, which hosts ERCA and has a functioning Gambia Competition and Consumer Protection Commission — have established dedicated national bodies capable of engaging substantively with the regional framework. Nigeria, the region's largest economy, operates the Federal Competition and Consumer Protection Commission (FCCPC), which is one of the more developed national competition and consumer protection authorities in the community, though the relationship between the FCCPC's consumer protection remit and ERCA's supranational mandate on cross-border matters remains an area requiring further regulatory clarification and coordination. Senegal, Côte d'Ivoire, Ghana, and Cabo Verde similarly have national frameworks of varying scope and maturity.

At the other end of the spectrum, Liberia and Sierra Leone are still in the process of developing the foundational legislation needed to create functioning national competition and consumer protection bodies. ERCA's advocacy and technical assistance activities in those countries are directed at closing this gap before the 2028 harmonization deadline. The political signaling from those governments — with Liberia embarking on a formal law review process and Sierra Leone expecting to present a draft law to Cabinet — suggests that meaningful progress is achievable within the timeframe, though enactment and the establishment of effective enforcement capacity will require sustained engagement. The role of the EU-funded PACOSPRO program in providing technical and financial support to this process is an important enabler that companies with operations in those jurisdictions should factor into their regulatory timeline planning.

A further dimension of the national implementation picture is the relationship between ERCA and the West African Economic and Monetary Union (WAEMU) competition framework. Several ECOWAS member states — Senegal, Côte d'Ivoire, and others — are simultaneously members of WAEMU, which operates its own regional competition rules through the WAEMU Commission. While ERCA's mandate is formally supranational within ECOWAS and claims primacy on cross-border matters, the existence of a parallel regional framework creates complexity for businesses whose activities touch both frameworks. Consumer protection activities and advocacy awareness seminars involving both ERCA and the WAEMU Commission — such as those conducted in Côte d'Ivoire in June 2026 — reflect an emerging recognition that coordination between the two bodies is necessary to avoid fragmentation and duplication, though the formal boundaries of their respective mandates remain to be fully worked out in practice.

Digital Markets and the Evolving Consumer Protection Agenda

A theme that runs through the most recent phase of ERCA's consumer protection work is the heightened attention to digital markets. The technical working group meeting in Dakar in February 2026 explicitly noted that the draft Regional Regulation and Manual of Procedures on Consumer Protection are being developed at a "crucial time given the rapid evolution of markets, particularly digital markets." This framing reflects a broadly shared concern among African competition and consumer protection authorities that the growth of e-commerce, digital platforms, and mobile financial services is generating consumer protection challenges that existing frameworks — designed largely for physical goods and traditional service markets — are not well equipped to address.

The ECOWAS region is not immune to these dynamics. Cross-border e-commerce is growing across West Africa, driven by the expansion of mobile internet penetration, the proliferation of digital payment infrastructure, and the increasing availability of goods and services from international platforms. For consumers in the region, this creates exposure to risks — misleading or deceptive commercial practices, inadequate product safety standards, opaque data practices, and limited recourse in cross-border disputes — that require regulatory frameworks capable of operating across multiple jurisdictions and in respect of digital service providers who may not have a physical presence in any member state. The cross-border consumer protection regulation endorsed in June 2026 is specifically designed to equip ERCA to address these challenges, and digital markets are expected to be a central topic at the authority's inaugural annual conference in September 2026.

Practical Implications for Businesses

The progressive consolidation of ERCA's consumer protection framework has a number of concrete implications for companies operating across the ECOWAS region. The most immediate is the increasing need to treat ERCA not only as a merger control authority but as a consumer protection regulator whose enforcement reach is expanding. Companies in sectors with significant consumer-facing activity — retail, e-commerce, financial services, telecoms, media, fast-moving consumer goods, and healthcare — should be assessing their current practices against the substantive standards established by the ECOWAS Consumer Protection Directive: access to safe and quality goods, fair and honest commercial practices, transparency and disclosure, and consumer redress mechanisms.

The endorsement of the cross-border consumer protection regulation in June 2026 means that ERCA now has, or is in the process of operationalizing, the procedural tools needed to investigate and enforce against consumer protection violations that cross member state borders. Businesses that rely on the practical difficulty of cross-border enforcement as a reason not to invest in regional consumer protection compliance should revisit that calculus. The investment in drafting the regulation, the multi-year consultative process that preceded its adoption, and the explicit messaging from ERCA's leadership about the centrality of consumer protection to its institutional identity all point to an authority that intends to use its new tools.

The 2028 deadline for member state implementing legislation is also a material regulatory horizon for companies. As national consumer protection frameworks are enacted or updated across the region — and as national enforcement bodies are established or strengthened with ERCA's support — the patchwork of domestic standards that has characterized the region will progressively give way to a more consistent baseline. Companies whose current consumer-facing practices meet the standards expected in more developed jurisdictions will be better positioned to navigate this harmonization process than those that have calibrated their practices to the lowest common denominator of existing national requirements. The practical message is that investment in regional consumer protection compliance now will reduce the risk of costly remediation as the regulatory floor rises.

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Way Forward

The ECOWAS consumer protection framework is at an inflection point. The Supplementary Act, the Consumer Protection Directive, and now the cross-border consumer protection regulation endorsed in June 2026 together constitute a legal infrastructure with genuine enforcement potential. The 2028 harmonization deadline provides a clear legislative target. ERCA's institutional posture — publicly framing consumer protection as the second pillar of its mandate, investing in technical drafting capacity, and engaging systematically with member states at varying stages of national implementation — makes clear that the consumer protection agenda is not aspirational but operational.

What remains to be seen is how quickly the procedural infrastructure translates into a body of enforcement practice. ERCA has no published consumer protection enforcement decisions comparable to its growing compendium of merger control clearances. The cross-border regulation provides the procedural tools, but the development of an enforcement track record — case selection, investigation methodology, sanctioning approach — will take time to mature. Companies should monitor developments closely, including the outcomes of the annual conference in September 2026 and any enforcement communications from ERCA in the period leading up to the 2028 deadline. Those that engage proactively with the evolving framework — whether through participation in public consultations, stakeholder engagements with ERCA or national authorities, or internal compliance reviews benchmarked against the Directive's standards — will be better placed to navigate the consumer protection environment that is taking shape across the ECOWAS common market.

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