



OFFICIAL GAZETTE

of the

**COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA (COMESA)**

Volume 17 No. 14

20 November 2012

**AMENDMENT TO THE COMPETITION RULES OF
2004**

The COMESA Competition Rules (2004) are hereby amended as follows:

1. Rule 55(4) is deleted and replaced with:

“Notification of a notifiable merger shall be accompanied by a fee calculated at 0.5% or COM \$500,000 or whichever is lower of the combined annual turnover or combined value of assets in the Common Market, whichever is higher.”

2. Rule 63(1) is deleted and replaced with:

“A fee of COM \$10,000 is payable on application for authorization.”

3. Rule 77(4) is deleted and replaced with:

“The fee for an application for exemption order is COM \$10,000.”

4. A new rule is inserted after Rule 77 as follows:

“Power to Revise Fees:

The Board shall, with the approval of the Council, revise any fee prescribed under these Rules.”

5. Rule 79 is deleted and replaced with:

1. The maximum monetary penalties for contravention of this Rule by a corporation, as long as it does not exceed 10% of the annual turnover, are:

- (a) for each contravention of Article 19, 750,000 units;
- (b) for each contravention of Article 18, 500,000 units;
- (c) for each contravention of Article 16, 300,000 units; or
- (d) for each contravention of Part 5 of the Regulations, 300,000 units.

2. A penalty unit is equivalent to COM \$1.

3. Monetary penalties may be paid in a COMESA Member State currency or in any convertible currency specified by the Commission or the Board in respect of a particular matter.

6. A new Rule 83 is inserted as follows:

“Amendment of Rules:

The Board may amend these Rules and the amendments shall enter into force upon approval by the Council.”