



Kang'ombe House, 5th Floor-West Wing
P.O.Box30742
Lilongwe3, Malawi

Tel: +265 (01) 77246
Cell: +265 999 970 269
Email- compcom@comesa.int



Common Market for Eastern
and Southern Africa

CCC-Notice-4-of -2020

NOTICE OF INTERIM MEASURES IN MERGER REVIEW OF THE COMESA COMPETITION COMMISSION DUE TO THE COVID-19 PANDEMIC

The COMESA Competition Commission (the Commission) is aware that these are unprecedented, uncertain and challenging times for undertakings and other stakeholders. In view of this, the Commission wishes to notify the general public and all interested parties that as a result of the global Covid-19 pandemic it has issued the following interim processes for merger reviews under the COMESA Competition Regulations (the Regulations) and the COMESA Competition Rules (the "Rules").

1. Receipt of Merger Notifications

Parties to a Merger are encouraged to submit all notifications and filing of mergers and acquisitions electronically including certified copies of filings. This therefore means that the parties shall not be expected to submit the hard copies within the specified 7 days under the COMESA Merger Assessment Guidelines. The hard copies may still be submitted by the parties at a later date when it is possible under the circumstances.

2. Notification of a Merger following a Decision to Merge by the Parties

Pursuant to Article 24 (1) of the Regulations, parties to a merger should notify the Commission within 30 days of the decision to merge. The Commission takes cognizant that due to restrictions of movements and lockdowns in most countries as a result of the CoVID-19 Pandemic, some parties may not be able to gather all the information to enable them complete the notification within the 30 days period provided under Article 24(1) of the Regulations. The Commission is cognizant that section 5 of the Guidelines provides for the notification process and gives guidance to what amounts to a complete notification. During this temporal period, the Commission shall consider the initial engagement with the parties as the beginning of the notification process which shall be considered complete once all the information is submitted. It follows therefore that as long as the parties have engaged the Commission on the notification process, they shall not be penalized for failure to submit complete information within 30 days of the parties' decision to merge.

3. Consultations and Meetings

The Commission has suspended onsite investigations and face-to-face meetings with regard to merger investigations. However, consultations and meetings shall continue to be held through teleconferencing facilities until the situation normalises.

4. Investigation Period of 120 Days

The Commission observes that under the current situation, it may not be able to complete its assessment of mergers and acquisitions that has been notified and yet to be notified in accordance with the 120 days stipulated under Article 25 (1) of the Regulations. This is due to travel bans and lockdowns in most Member States. These conditions shall affect the Commission's engagements with various relevant stakeholders who are essential in the consultative process adopted by the Commission pursuant to Article 26 of the Regulations. Therefore, the merging parties should take note that the 120 days investigation period may be extended in some cases pursuant to Article 25 (2) of the Regulations as it may not be practicable to complete the assessment within 120 days under the circumstances.

If you wish to seek further details and/or clarifications on any aspect of this Notice, you may get in touch with **Mr. Willard Mwemba, Manager, Mergers and Acquisitions**, on +265 (0) 1 772 466 or via email at compcom@comesa.int and/or wmwemba@comesa.int.

Further, note that the Commission may update and revise this notice from time to time.

George K Lipimile
Director & Chief Executive Officer