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Common Market for Eastern
and Southern Africa

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COMESA Competition Commission Concludes Investigation into allegations of anti-competitive conduct by Shoprite Holdings Limited and GS1 Kenya Limited

The COMESA Competition Commission (the “Commission”) wishes to inform interested stakeholders and the general public that on 10th June, 2020, it concluded its investigation into alleged competitive conduct by Shoprite Holdings Limited (“Shoprite”) and GS1 Kenya Limited (“GS1 Kenya”).

The investigations were carried out in accordance with Article 21 of the Regulations. It was alleged that Shoprite and GS1 Kenya had engaged in anti-competitive business practices, as reported on the Commission’s [website](#).

The Commission’s investigation sought to determine whether Shoprite and GS1 Kenya had concluded an agreement which may affect trade between Member States, and have as their object or effect the prevention, restriction or distortion of competition within the Common Market hence in violation of Article 16 of the Regulations. The Commission also sought to determine whether Shoprite was in a dominant position and had acted unilaterally in the market in violation of Article 18 of the Regulations.

The Commission determined that the conduct by Shoprite did not have the effect of preventing, restricting or distorting of competition within the Common Market. Furthermore, the Commission determined that the conduct by Shoprite is unlikely to lead to abuse of its dominant position. The Commission further determined the conduct is unlikely to negatively affect trade between the Member States and is not inimical to the single market imperative of the COMESA Treaty.

The Commission therefore closed the matter in accordance to Rule 23 of the COMESA Competition Rules.

For any queries, please contact the Registrar, Ms Meti Disasa on tel: +265 1 772 466 or email mdisasa@comesa.int.