



COMESA Competition Commission

Kang'ombe House, 5th Floor

P.O. Box 30742

Lilongwe 3, Malawi

Tel: +265(0)1 772466

+265 (0) 999 970 269

Email- compcom@comesa.int



Common Market for Eastern
and Southern Africa

ACBP NOTICE OF INVESTIGATION 2 OF 2022

1 April 2022

NOTICE OF COMMENCEMENT OF INVESTIGATIONS INTO THE PRICING OF COVID-19 PCR TESTS

Notice is hereby given to interested stakeholders and the general public that pursuant to Article 22 of the COMESA Competition Regulations (**"the Regulations"**), the COMESA Competition Commission (the **"Commission"**) has commenced investigations into potential violations of Articles 16 and 18 of the Regulations by Medical Laboratories operating in the Common Market, namely: Drs Dietrich, Voigt, Mia & Partners and Dr WJH Vermaak Incorporated (**"PathCare"**) and Drs Mauff AC & Partners t/a Lancet Laboratories (**"Lancet"**).

Article 16 of the Regulations prohibits all agreements which may affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition in the Common Market and Article 18 of the Regulations prohibits any abuse by one or more undertakings of a dominant position within the Common Market in so far as it may affect trade between Member States.

The Commission has become aware that leading pathology laboratories in South Africa have submitted consent agreements to the South African Competition Tribunal following an investigation by the South African Competition Commission to reduce their prices for Covid-19 PCR tests and Covid-19 rapid antigen tests for two years. The Commission is further aware that two of these laboratories, PathCare and Lancet have operations in the Common Market and that the prices of Covid-19 PCR tests remain high in the Common Market. The Commission has preliminary concerns that travelers in the Common Market may be paying excessive prices for the Covid-19 PCR tests. As such, the Commission will assess the conduct of the laboratories to determine their effect in the Common Market and apply appropriate measures as per the Regulations.

It should be noted that the commencement of investigations neither presupposes that the conduct being investigated is anti-competitive nor that any of the mentioned laboratories have violated the Regulations. The Commission will, in accordance with the provisions of Part 3 of the Regulations, conduct an inquiry to determine whether the alleged conduct has as its object or effect the prevention, restriction or distortion of competition in the Common Market or in a substantial part of it.

The Commission hereby invites all interested stakeholders to submit representations by 2nd May 2022. If you wish to make any representations or seek further details and/or clarifications, you may contact Mrs. Stella Onyancha, Manager Enforcement and Exemptions on Tel: +265 (0) 1 772 466 or E-mail: sonyancha@comesa.int.

All representations submitted to the Commission will be treated with the strictest confidentiality and will only be used for the purposes of this investigation.



Dr. Willard Mwemba
Director & Chief Executive Officer