PRESS RELEASE

COMESA COMPETITION CCC PRESS CONFERENCE

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A. PRESS BRIEFING ON KEY ENFORCEMENT CASES HANDLED BY THE COMESA COMPETITION COMMISSION ("CCC") AND LANDMARK DECISIONS DELIVERED

Background

The COMESA Competition Commission (the 'CCC') is a regional body corporate that enjoys international legal personality. Its mandate is to promote and encourage competition by preventing restrictive business practices that deter the efficient operation of markets, thereby enhancing the welfare of consumers in the Common Market and to protect and safeguard the welfare of consumers against businesses undertakings that act in disregard of the rights of consumer. The CCC has jurisdiction on matters that affect or are likely to affect two or more COMESA Member States. COMESA has 21 Member States[1].

Cases involving the Confederation Africaine de Football ("CAF"), Sportfive, Total, Orange, Canal+, beIN Sport and Super Sport

CAF is a non-governmental international organisation with its own legal persona and is the governing body of African football, founded in 1957 with a membership of 54 Member Associations. It has a secretariat based in Egypt. CAF is also one of the confederations of FIFA, representing FIFA in the Africa continent. It is important to appreciate that in Africa CAF has exclusive rights to organize 11 football championships, including the Africa Cup of Nations, African Nations Championship, Under-20 Africa Cup of Nations, Under-17 Africa Cup of Nations, U-23 Africa Cup of Nations, Women's Africa Cup of Nations, Futsal Africa Cup of Nation, Beach Soccer Africa Cup of Nations for national teams; and the CAF Champions League, CAF Confederation Cup, and CAF Super Cup for individual clubs.

In 2017, the CCC became aware of exclusive agreements entered into between CAF and Sportfive for the commercialization of marketing and media rights for African football tournaments. This led the CCC to issue a Notice of Investigation into possible violation of Article 16 of the COMESA Competition Regulations which prohibits such conduct to investigate these allegations. The COMESA Competition Regulations are established by the Treaty Establishing the Common Market for Eastern and Southern Africa ("COMESA Treaty") and these Regulations empower the CCC to regulate competition within the COMESA Region. CAF and Sportfive were alleged to have entered into various commercialization agreements for marketing and media rights for various CAF tournaments over the period of 2007 to 2028 with a first right of refusal for the commercial rights relating to competitions from 2029 to 2036. Consecutively and cumulatively, the length of the exclusive agreements was over twenty years. The two agreements between CAF and Sportfive lacked an open and competitive tender process; the CCC was of the view that the long-term duration of the exclusive contract was locking out other prospective bidders.

[1] The following are the Member States of COMESA: Burundi, Comoros, Congo, Dem Rep., Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Swaziland, Tunisia, Uganda, Zambia, and Zimbabwe.

Due to the revelations of the investigations, the CCC expanded the scope of the investigation to include events sponsors (Total, Orange) and Broadcasters (Canal+, beIN Sport and Super Sport). The case against the events sponsors was closed on 10 March 2021 as the CCC was satisfied, after investigations, that the conduct by the respondents did not have the effect of restricting competition and unreasonably foreclose other players from participating in the market for the commercialization of CAF marketing rights. The case against the Broadcasters as it relates to the media and broadcasting rights of CAF is however still on-going. The CCC's expectation is that the broadcasters will continue cooperating throughout the investigation of the case and come up with solutions that will address the concerns raised by the CCC.

The CCC secretariat after conducting investigations into these two agreements which contained the above issues, was of the view that there was no fair competition in the issuance of football commercial rights by CAF in Africa, and as part of fair trial procedures required of a body vested with administrative action mandate such as the CCC, it shared with the parties to the agreement ("CAF and Sportfive EMEA") the findings of the investigation ("competition concerns") and requested that the agreements be terminated as they violated the fundamental principles of competition law, that of the need to preserve open and transparent markets where all enterprises are free to enter and establish themselves. Following receipt of the findings of the investigation from the CCC, CAF issued a press statement on 8 November 2019 announcing the immediate termination of the agreements with Sportfive EMEA. It is worth noting that this intervention by the CCC led to the termination of an agreement worth over **1 billion United States Dollars** and potentially opened the way for the participation of other businesses especially African businesses who were locked out of the opportunity to participate in the intermediation market for CAF competitions.

CAF and CCC engaged in negotiations to address the competition concerns identified in the investigation report and agreed on undertakings which were geared towards addressing the competition concerns. It is important to highlight, before delving into the various undertakings, that CAF did not admit liability for having contravened the COMESA Competition Regulations having been party to these agreements. Following the conclusions of the CCC's investigations, the parties were willing to address the CCC's concern but without admitting liability. CAF therefore provided the following undertakings;

a. CAF undertook to eliminate all rights of first refusal clauses or similar preferential renewal clauses from its existing and future exclusive agreements relating to the intermediation of commercial rights of CAF competition within the COMESA Region;

b. CAF undertook to award all future exclusive agreements relating to the intermediation of commercial rights of CAF competitions within the COMESA Region on the basis of an open, transparent and non-discriminatory tender process based on a set of objective criteria which shall be shared with the CCC prior to launching the tender and that CAF shall continue to publish the results of all tender exercises conducted, on its website, subject to redaction of confidential information;

c. CAF shall not enter into new exclusive agreements for the intermediation of commercial rights of CAF competitions within the COMESA Region for a duration that exceeds four years. Where CAF has justifiable grounds to enter into a future exclusive agreement for the intermediation of commercial rights of CAF competitions within the COMESA Region for a duration which exceeds four years, CAF shall notify the CCC for authorization of such agreements pursuant to Article 20 of the Regulations; and

d. CAF shall, within thirty days of each anniversary of the coming into force of the undertakings, for a period of three years, submit to the CCC an affidavit from senior officials from CAF confirming compliance by CAF with these undertakings.

The CCC as a regional regulator has a responsibility to ensuring that there are no barriers to entry into any market created by a competitor and further, that competitors are able to compete fairly in any given market. In an effort to create a level playing field for prospective bidders in relation to issuance of CAF football rights, the above undertakings were agreed upon. The CCC was satisfied with the undertakings as they addressed all its concerns. The CCC also averred that the consequences on the contracting parties such as the termination of over **1 billion United States Dollars** agreement and other related costs that the parties would incur as a result of this termination were high. The CCC considered that the outcome of this investigation would deter the parties from engaging in similar conduct in the future. More importantly, the CCC was satisfied that if competition was restored in the market, more players would have equal access to the market leading to the growth of this industry and better outcomes for the football fans in terms of reduced costs to watch the beautiful game.

Investigations into the Beer Markets

The CCC commenced investigations into market conduct likely to be in breach of competition rules by the main beer manufacturing companies operating in the COMESA Region, namely: AB InBev, Castel, Diageo and Heineken on its own motion. The COMESA Competition Law proscribes companies from engaging in any agreements, decisions by their associations or concerted practices which have as their object or effect the prevention, restriction and distortion of competition and that would or are likely to have an effect on trade on Member States. Other conducts such as price fixing, market/customer allocation among competitors and absolute territorial restrictions are egregious competition law infractions which are so detrimental on the efficient functioning of markets, growth of industries, creation of jobs, expansion of government revenue base and are an affront to consumer welfare.

The investigations have reached an advanced level and some of the companies are cooperating very well with the CCC. The CCC urges the other parties to the investigations to fully cooperate as the intention of investigations is not to penalize parties but remediation and restoration of competition in the market for the benefit of the consumers, other businesses and indeed our governments in the COMESA Region. Penalisation becomes an option for those who do not cooperate even where there is manifestly evidence of an infringement.

Covid 19 PCR tests pricing

The CCC commenced investigations into potential violations of competition rules by Medical Laboratories operating in the COMESA Region, namely: PathCare South Africa and Cerba Lancet Africa.

Cerba Lancet Africa is a network of pathology and biomedical laboratories with wholly owned subsidiaries in the following Member States; Eswatini, Kenya, Rwanda, Uganda, Zambia and Zimbabwe. Pathcare Kenya Limited is a private Kenyan owned professional laboratory with affiliation to PathCare South Africa.

At the height of the Covid-19 pandemic, the CCC observed with concern that the cost of accessing COVID-19 tests, which was a prerequisite for cross border travel, was very steep. The CCC therefore raised a *prima facie* view that the prices were excessive. The CCC was concerned that the consumers in the COMESA Region and indeed governments could have been spending more than they should have done. The CCC was further aware that some of these companies even had contracts with governments to provide these services.

The intervention by the South African Competition Authority which led to some laboratories reducing their prices by 50% in South Africa and in some of our Member States like Eswatini pointed towards a likelihood of excessive pricing. At this stage, these remain allegations and the CCC is still investigating. Suffice to mention that the parties are cooperating well with the investigation.

Shipping

It is in the public domain that the CCC is investigating shipping liner companies operating in the COMESA Region for allegedly engaging in anti-competitive practices. The subject of this investigation is the alleged price announcements by Maersk, CMA-CGM and United Africa Feeder Line which signal price fixing conduct and is contrary to competition rules. Similar conduct has been punished in other jurisdictions. The CCC published on its website a notice of commencement of investigations on 23 March 2022.

The CCC was concerned that price announcements could have increased freight prices and negatively impacted trade between Member States in the COMESA Region. The investigations are on-going and the parties to the investigations are cooperating well with the CCC.

Toyota Tsusho Corporation

As you may be aware, the CCC is currently investigating Toyota Tsusho Corporation for allegedly engaging in anti-competitive conduct in the COMESA Region. The subject of this investigation are the distribution agreements that Toyota Tsusho Corporation has entered into with distributors for the sale of brand-new vehicles and spare parts, which agreements are alleged to contain territorial restrictions and price guidelines contrary to Article 16 of the COMESA Competition Regulations.

This matter first came to the attention of the CCC in November 2021 and the CCC issued a Notice of Investigation to Toyota Tsusho Corporation on 13 June 2022. The CCC also published on its website a notice of commencement of investigations on 16 June 2022 detailing the scope of the investigation. The CCC was concerned that Toyota Tsusho Corporation may be prohibiting out-of-territory passive sales to the detriment of consumers and may also be maintaining high prices of brand-new vehicles and spare parts in the COMESA Region.

The investigations are on-going, and Toyota Tsusho Corporation has thus far cooperated very well with the CCC. The CCC would like to encourage interested stakeholders and members of the general public, who may still want to submit any information related to the investigation to do so to inform the ongoing investigations.

As I conclude on this section concerning investigations of anti-competitive business practices by companies operating in COMESA, I reiterate that the focus of the CCC is not to punish companies but to maintain competitive and open markets. Therefore, I encourage all those companies who may know that they are dominant and are not sure whether the agreements they have entered into with various commercial partners are anti-competitive to apply for the review of these agreements by the CCC. Other companies have used this approach before and where anti-competitive clauses are found in the agreement, the CCC advises companies to address those but does not impose fines. However, where the CCC initiates an investigation, imposition of fines remains on the table among other remedies.

B. BRIEFING ON RECENT KEY MERGER CASES HANDLED BY THE COMESA COMPETITION COMMISSION

Merger involving the proposed acquisition of 49% shares by SABIC Agri-Nutrients Company in ETG Inputs Holdco Limited

On 7 September 2022, the CCC received a notification of a merger involving ***SABIC Agri-Nutrients Company*** and ***ETG Inputs Holdco Limited***. The two companies have operations in 17 out of the 21 Member States (the non-affected Member States being Comoros, Eritrea, Eswatini, and Somalia). The transaction was notified following the CCC's instructions. The CCC observed that the merging parties had violated the Competition Regulations by not notifying the merger within the time period allowed in the Regulations. The CCC therefore recommended the imposition of a fine to the COMESA Competition Committee Responsible for Initial Determination (CID). On 10th Feb 2023, the CID imposed a fine of **USD 314,913.56** on SABIC Agri-Nutrients and ETG Inputs Holdco for failure to notify the merger within the period provided for in the COMESA Competition Regulations. The CCC wishes to guide that companies should take the law seriously especially now that the CCC has made it very flexible to ensure that companies comply with this particular provision and the flexible process has been on the CCC's website for some time now (over two years). It is important for companies not to disregard the Competition Regulations or neglect to abide by them as such conduct would then have to be deterred to deal with would be offenders. The COMESA Competition Regulations provide that merging parties have 30 days within which to challenge a decision made by the CCC if they are aggrieved. The right to appeal is embedded in the merger regulation system of COMESA and it is that process that enhances integrity and credibility of the mandate of the CCC. It should be added here that with regard to the substantive merger consideration, the CCC did not raise any competition concerns and the merger was approved unconditionally.

Proposed Merger involving the acquisition by Heineken International B.V. of a further interest in Namibia Breweries Limited and the combination (within a newly created entity, Newco) of Heineken's current South African business (along with its increased interest in Namibia Breweries) and Distell Group Holdings Limited's flavoured alcoholic beverages, spirits and wine businesses (excluding certain of Distell's Scotch whiskey and local spirits businesses)

The CCC reviewed Heineken's proposed acquisition of Distell and Namibia Breweries Limited, which was notified to the Commission on 8 July 2022 and involved the combination of significant players in the alcoholic beverages market. The transaction was going to result in the monopolisation of the ciders market in Eswatini, Zambia, and Zimbabwe, and thus the complete elimination of any competitive restraint on the merging parties, and choice for the consumers. The CCC wishes to point out that even where a transaction may involve the purchase of a smaller player in a particular market segment, where the market is heavily concentrated or dominated by few players, it is of critical importance to prevent any further concentrations/domination as these would inevitably lead to substantial lessening of competition and deprive consumers of choice. The CCC was concerned that the merging parties were the only two suppliers of ciders in Eswatini, Zambia and Zimbabwe pre-merger, and thus, after the merger, ciders in these mentioned countries would have been supplied by one company. Such a development in the market is not good as it has the potential of resulting in price increases and other potential violations that may erode consumer welfare. Heineken supplies Strongbow brands while Distell supplies Hunters and Savanna in the 3 countries mentioned.

In Zimbabwe, the CCC was also concerned that the merger would result in potential anti-competitive conduct with Delta Corporation, its competitor in the beer market, with whom it would have joint shareholding in an enterprise called Afdis which is involved in the supply of ciders in Zimbabwe. Further, in Zimbabwe, the CCC identified a number of public interest concerns like the need to maintain the local distribution system and that no distributorship agreements should be terminated as a result of the merger.

In this particular matter, the CCC and the parties had extensive discussions on remedies and the parties agreed to divest of Heineken's Strongbow brand in Eswatini, Zambia, and Zimbabwe, which would allow competition to return to the level prevailing before the merger. In addition, the merger clearance by the CCC is subject to the parties' compliance with a number of behavioural obligations which have to be observed by the parties to the merger, including restriction on sharing of information by Heineken directors who would be sitting on the Afdis Board, restriction from tying the purchase of Heineken beer brands with Distell cider brands. The CCC in reviewing the merger proposal also considered the potential public interest concerns which could arise from the transaction, and the parties committed not to terminate existing distribution agreements in one of the affected Member State, namely Zimbabwe, and further shall be required to submit a list of objective criteria considered for the renewal or appointment of new distributors. Failure to comply with any of the merger orders can lead to fines, and the revocation of the merger approval.

C. BRIEFING ON RECENT KEY CONSUMER CASES HANDLED BY THE COMESA COMPETITION COMMISSION

The CCC is vested with a mandate for regulating consumer welfare in the COMESA region. This mandate includes ensuring consumers are protected against misleading representations, unconscionable conduct, supply of defective and unsuitable goods by businesses etc.

Ethiopian Airlines case

The CCC received a complaint in connection with passengers travelling on Ethiopian Airlines to Sudan whose bags were received damaged with property missing from their baggage. The complaint indicated that the Airline had compensated other affected passengers for the loss except four passenger, whose baggage contained phones which the Airline indicated are treated as fragile and valuable and therefore not allowed in checked in baggage. The CCC was concerned that the failure of the Airline to compensate the four passengers was based on rules that are not consistent with international conventions and the conduct may be unconscionable and a possible violation of the consumer provisions of the COMESA Competition Regulations. Following the investigation and a series of engagements, the parties cooperated with the CCC in December 2022 and agreed to compensate the 4 passengers.

The interest of the CCC as a regional regulator is in remediation and not penalization. This notwithstanding, the CCC is cognizant that consumers are very vulnerable and thus the CCC strives to ensure that the rights and interests of consumers are always safeguarded and where companies blatantly violate consumer rights and are not cooperative, the CCC may fine them. The CCC will be following up on the compensation of consumers by the Airline.

Investigation against Jumia Group

Online selling and purchase have become widespread and its rise was unprecedented at the height of the pandemic. While such innovations have undoubtedly improved the way consumers do shopping with a number of other associated benefits like convenience, some businesses have also taken advantage to defraud consumers, engage in offensive conduct that erode consumer welfare like embedding unfair terms and conditions through unconscionable conduct. Therefore, the CCC has been pro-active and out of own volition and market intelligence observed there was need to intervene with respect Terms and Conditions of online platforms.

An example of an intervention in this sector by the CCC was with respect to the Jumia Online purchase platform. This is a platform popular in some COMESA Member States. The platform also has presence in various countries in Africa ranging from North Africa, West Africa, East Africa and to South Africa. The CCC launched investigations in June 2021 against Jumia Group following a review by the CCC of Jumia's Terms and Conditions on its ecommerce platform to determine if they were in compliance with the Regulations. The investigations indicated that in the COMESA Region, Jumia operates the online marketplace, logistics and payments platforms in Kenya, Uganda, Tunisia and Egypt. Further, that it has classified operations in Rwanda, Malawi, Kenya, Uganda, Tunisia, Ethiopia, Zambia, Burundi, Djibouti, Eritrea, Eswatini, Madagascar, Seychelles and Comoros.

The CCC observed that some of the Terms and Conditions of Jumia could be termed as disadvantageous to consumers. Some of these included: no guaranteeing the continuation of the platform in case there is a disruption in its availability, no comprehensive redress mechanism for aggrieved consumers, non-disclosure of the details of the seller on the platform, failure to disclose the legal names of the parties involved on the platform and a clause on denying liability for goods bought by the consumer on the platform, in case of a dispute and it did not provide an online dispute resolution mechanism. In Jumia's Terms and Conditions, Jumia also excluded itself from being party to the contract for sale or purchase, claiming that it was not involved in the transaction, was not an agent of any buyer or seller and therefore did not have liability in connection with a transaction under the contract. Jumia's return policy only allowed consumers 15 days for Jumia Mall, and 7 days for Jumia Express and Global to return defective goods.

The CCC engaged Jumia on the incompatibility of their Terms and Conditions to the COMESA Competition Regulations. We are happy to report today that Jumia complied fully with the review process, they were cooperative throughout the review process and complied to the CCC's recommendations. Jumia made relevant amendments, including inclusion of a Dispute Resolution Policy in their terms and conditions. The Terms and Conditions were subsequently reviewed wholesomely by Jumia, and the CCC is now satisfied with their compatibility with the Regulations. The matter was then closed.

Malawi Airlines case

In 2022 the CCC received a complaint on social media from passengers who complained that they were aboard a Malawian Airlines flight flying from Johannesburg to Blantyre when they were rerouted to Lilongwe, Kamuzu International Airport, allegedly due to bad weather and were left to find their way to the final destination, Blantyre.

The facts revealed that the passengers had been booked into a hotel in Lilongwe by Malawi Airlines were left stranded. The CCC carried out investigations into the conduct of Malawi Airlines of leaving passengers stranded at a hotel in Lilongwe and making the passengers to incur additional expenses to reach their final destination, which may be considered as unfair to the passengers. Further, the CCC was cognizant that for the passengers who had fully paid for their air tickets and were already enroute into their journey, the actions of Malawi Airlines placed them at a weaker bargaining position compared to the Airline to enable them to be taken to their final destination as required. The CCC was of the opinion that the conduct by the Airline may have been unconscionable as these actions by Malawi Airlines were contrary to the provisions of Article 28 of the COMESA Competition Regulations, also taking into account international principles and law on consumer protection, as guided by the International Civil Aviation Organisation (ICAO) and International Air Transport Association (IATA).

Following the conclusion of investigations, the CCC engaged Malawi Airlines which agreed to resolve the matter by compensating the affected passengers for the disruption of their journey to Blantyre, who it had rerouted to Lilongwe. Subsequent follow ups with the passengers revealed that they were accordingly compensated by Malawi Airlines.

Airlink

The CCC launched investigations into a complaint against Airlink South Africa where it was alleged that the Airline failed to reschedule a passenger on a delayed connecting flight from Eswatini to Zambia through Johannesburg allegedly due to bad weather in Eswatini. According to the complaint, the passenger incurred an additional cost to rebook through the agent to secure a new booking due to the delay caused by the connecting flight. The passenger was informed that it is the practice of the Airline to refer passengers to their agents to reschedule their ticket especially for flights involving multisector itineraries, that is, those that are booked through travel agents or third-party websites. Further, that the Airline would not have access to the agent's systems in such situations which require rebooking after a delay.

The CCC upon conducting investigations, was of the opinion that the Airline's conduct was possibly unconscionable and a violation of Article 28 of the COMESA Competition Regulations which prohibits unconscionable conduct. This is because it was noted that the conditions on rebooking indicated above, were not included in the conditions of carriage of the Airlines thus the passengers did not have sight of this information. This forced the consumer to comply with conditions which were not made available before hand and the consumer did not have opportunity to consent to such conditions. This had the overall effect of denying the passengers the opportunity to make informed decisions on whether to proceed with the agent booking or to choose the option of booking directly with the Airline. Further, the CCC after assessing the facts of the case and conducting investigations, was of the view that the passenger was in a weak position to negotiate with Airlink having found themselves in a position where they were required to rebook after the delayed flight; Airlink at the time enjoyed a stronger bargaining position.

The CCC engaged Airlink to amend its Terms and Conditions accordingly to ensure that in future passengers are made aware of the conditions associated with making bookings through travel agents and third-party websites. The CCC is glad to report today that Airlink complied fully with the recommendations of the CCC, without admission of guilt, and amended its Terms and Conditions.

The CCC has observed that there are rampant consumer violations in the airline industry and I wish to take this opportunity to advise airlines to strive to respect the rights of consumers. The CCC shall not hesitate to impose remedies guided by the COMESA Competition Regulations, where consumer rights are proven to have been breached. In order to achieve enhanced enforcement and to ensure that competition and consumer matters in the airline industry are addressed effectively, the CCC is working closely with various regulators in the airline industry such as the Africa Civil Aviation Commission ("AFCAC"). The CCC and AFCAC are working towards the signing of a Memorandum of Understanding ("MOU") in March 2023 as the first one of the many steps to achieve this enhanced enforcement.

Product recalls

The CCC investigated, undertook recalls and published alerts in all COMESA Member States with respect to certain batches of the unsafe products supplied in the COMESA Region. In response, the suppliers recalled the products and the CCC advised consumers to take caution and where necessary, to return the products to the point of purchase for a full refund. The CCC also requested Member States to assess their respective markets and to publish the CCC's notices in their respective jurisdictions on the following recalls:

Edible Oils by the Kenya Bureau of Standards (KEBS): A variety of brands for edible cooking oils and cooking fats by various oil refineries in Kenya were suspended and ordered off the shelves on 21 September 2022 for failing to meet the requirements of the Standards Act, and the respective product standard KS EAS 769: KS 2019 Fortified Edible Oils & Fats. The CCC established that some of the affected companies have operations in Uganda, Rwanda, Democratic Republic of Congo (DRC) and Burundi.

Purity Powder recall by Tiger Brand: The CCC acted on a voluntary recall by Tiger Brands Limited, a South African Company of certain batches of its PURITY Essentials Baby Powder product on 9 September 2022, after it detected trace levels of asbestos in the samples of certain batches of the powder. The CCC established that the talc-based Baby Powder is widely distributed in the COMESA Region especially in Zambia, Malawi, Zimbabwe and Eswatini.

Substandard/contaminated paediatric medicines by Maiden Pharmaceuticals limited (Haryana, India): The CCC intervened on the matter of substandard/contaminated pediatric medicines by Maiden Pharmaceuticals limited (Haryana, India) after it became aware that on 5th October 2022, the World Health Organization ("WHO") had issued a Medical Product Alert that the samples of the four products which contained unacceptable amounts of diethylene glycol and ethylene glycol, which are toxic to humans and can prove fatal when consumed. The affected products were identified in Gambia, but the CCC acted out of abundance of caution and basing on the WHO alert that the medicines could have been distributed to other countries such as in the COMESA Region. The abundant caution approach was also informed by the reported fatalities in Gambia and therefore there was a pressing and urgent need to ensure that the same did not take place in the COMESA Member States.

Recall of Ceres: The CCC acted on a matter regarding the recall of Ceres 100% Apple Juice by Pioneer Foods as it contained patulin above the recommended limit of 50ppb. The CCC issued a warning notice on 11 October 2021 to consumers in the COMESA Region and engaged Pioneer Foods to recall the products from all the affected Member States. The CCC established that the products were indeed recalled and that the situation was contained and issued an update on the recall process in 2 March 2022, to that effect.

Recall of Indomie in Egypt: In May 2022, the CCC issued a public alert in all Member States on Indomie chili packets, chicken and vegetable flavor packets following the recall by the Food Safety Agency of Egypt for containing "aflatoxins and pesticide residues in quantities that exceeded safe limits.

Recall of Kinder Chocolates: In April 2022, the CCC issued a warning notice to Member States on the recall of certain batches of kinder chocolates that were recalled in Europe for containing Salmonella that causes diarrhoea and vomiting.

D. FUTURE OUTLOOK

In the year 2023, the CCC shall be commemorating its 10th Anniversary on 4 – 5 May 2023 in Malawi. You are all welcome to be part of the celebrations. There are a number of activities outlined for the anniversary.

This year the CCC intends on focusing on investigating restrictive business practices that make it difficult for new companies to enter and establish themselves in a market. This kind of behaviour robs governments of revenues and it is important for governments understand this. The CCC is cognizant that competition authorities are not and should not be a danger to commerce. To the contrary, they ensure a conducive and optimal playing environment for all business resulting in increased commerce, increased economic activity, increased employment opportunities due to increased number of market participants, better choices and reduced prices for consumers, higher revenue in terms of taxes for the government and generally improved conditions of living.

The CCC also intends on focusing on investigating the causes of the rising food prices and recommendations on some actions to be undertaken to mitigate the situation. We are in discussions with Consumer International who are very active in investigating these kinds of issues and the CCC is partnering with this organization in achieving this.

Further the CCC's focus will also be on understanding business conduct and models that frustrate trade between the COMESA Region Member States. It is indisputable that trade between countries in the COMESA Region is shockingly low and yet trade delivers important benefits for businesses, consumers and governments. The CCC wants to make its own contribution to ensure that trade between the Member States of COMESA is enhanced. You the media should be an important partner in disseminating such information, raising awareness and demystifying the narrative that competition authorities are enemies of business. To the contrary, competition authorities are friends of businesses as our mandate is to ensure the participation of as many players as possible in the market, which naturally is threatening to those who wish to monopolise the benefits of the market alone and ultimately dwarf economic development.