



COMESA Competition Commission

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Common Market for Eastern
and Southern Africa

20 February 2023
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REVISED GUIDANCE ON ENGAGEMENT WITH THE COMESA COMPETITION COMMISSION ON MERGER FILINGS

It is hereby notified that the COMESA Competition Commission (the “**CCC**”) has decided to withdraw with immediate effect its ‘**Notice of Interim Measures in Merger Review of the COMESA Competition Commission due to the COVID-19 Pandemic** ([CCC Notice 4 2020 \(comesacompetition.org\)](https://www.comesacompetition.org/ccc-notice-4-2020))’.

The Notice was issued during the COVID-19 outbreak to facilitate parties’ compliance with the COMESA Competition Regulations (the “**Regulations**”) in relation to notification requirements and to allow the CCC to remain effective whilst adapting to new conditions. The CCC is pleased to observe the significant economic recovery within the Common Market and abroad, which has contributed to removal of strict lockdowns and other restrictions.

The CCC therefore wishes to inform stakeholders that it has resumed onsite investigations and face-to-face meetings with regard to merger investigations.

The CCC has noted that the amended approach to the application of Article 24(1) of the Regulations pursuant to the 2020 Notice has been widely utilized by merging parties. Article 24 (1) of the Regulations require parties to a notifiable merger to notify the CCC within 30 days of a decision to merge. Pursuant to the 2020 Notice, this obligation was relaxed, with the CCC treating the initial engagement with the parties as the beginning of the notification process. Parties were therefore not penalized for failure to submit a notification within 30 days of the parties’ decision to merge if the initial engagement with the CCC was effected within the 30-day period. The CCC has observed that this approach has been beneficial both for merging parties, and for the CCC in monitoring non-compliance with Article 24(1) of the Regulations.

In view of the foregoing, the CCC has decided to maintain this pragmatic approach, until further notice and any amendment to the Regulations. Parties are therefore informed that **the CCC shall continue to consider the initial engagement with the parties as the beginning of the notification process, and notification shall be considered**

complete once all the required information is submitted. As long as the parties have engaged the CCC on the notification process within the 30-day period, they shall not be penalized for failure to submit a notification within 30 days of the parties' decision to merge. The above shall not apply where there are unreasonable and unexplained delays in the parties' submission of a complete notification. [emphasis]

The CCC has also decided to maintain the use of electronic notifications and filing of mergers and acquisitions, until further notice. Parties will therefore not be penalised for non-submission of hard copies. The CCC reserves the right to request for hard copy of the notifications, where the circumstances so require.

If you wish to seek further details and/or clarifications on any aspect of this Notice, you may get in touch with **the Registrar**, on +265 (0) 1 772 466 or via email at [**compcom@comesa.int**](mailto:compcom@comesa.int).

This Notice is effective from the date of publication on the CCC's website. The CCC may withdraw or update this Notice as required but in no case shall it do so without notifying the stakeholders of the withdrawal.



**Meti Demissie Disasa
Registrar**

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