



Annual Report 2023



OUR VISION, MISSION AND VALUES

Vision

To be a centre of excellence for competition regulation and consumer protection by 2030.

Mission

To promote competitive markets and enhance consumer welfare within the Common Market by preventing and prohibiting anti-competitive business practices and protecting consumers, thereby deepening regional integration.

Core Values

In carrying out this mission, the Board of Commissioners, management, and staff of the Commission are guided by the following values:

Integrity: We shall uphold integrity through operating in a manner that is fair, transparent, ethical, honest, and incorruptible.

Efficiency: We shall deliver services in a timely and cost-effective manner ensuring that every function that is executed contributes to the achievement of competitive markets, enhancement of consumer welfare, and ultimately regional integration within the Common Market.

Effectiveness: We shall exhibit the highest level of ability and willingness to do work. This shall be accompanied by a learning



attitude and recognition that we are all stewards of public trust and as such have a higher calling to deliver public service.

Accountability: We shall ensure accountability to stakeholders in our operations and decision-making process.

Independence: We are independent in carrying out our mandate and reaching our decisions without undue influence.

Continuous improvement: We shall embrace and sustain a culture of innovation, responsiveness to change and best practices.

Cooperation: We shall work in close collaboration and mutual assistance with Member States and Stakeholders.

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ACRONYMS

ABA	America Bar Association
ACF	Africa Competition Forum
AFCAC	African Civil Aviation Commission
AfCFTA	African Continental Free Trade Area
AU	African Union
CAK	Competition Authority of Kenya
CARICOM	Caribbean Community
CBC	COMESA Business Council
CC	Competition Commission of Mauritius
CCJ	COMESA Court of Justice

CCPC	Competition and Consumer Protection Commission
CCRED	Centre for Competition Regulation and Economic Development
CFTC	Competition and Fair Trading Commission
COMESA	Common Market for Eastern and Southern Africa
COMFWB	COMESA Federation of Women in Business
CTC	Competition and Tariff Commission
CBE	Central Bank of Egypt
CID	Committee Responsible for Initial Determinations



EAC	East African Community
ECA	Egyptian Competition Authority
EC	European Commission
ESCC	Eswatini Competition Commission
EAEU	Eurasia Economic Union
EEC	Eurasian Economic Commission
EU	European Union
FTC	Fair Trading Commission
ICN	International Competition Network
ICPEN	International Consumer Protection and Enforcement Network

LAZ	Law Association of Zambia
OECD	Organisation for Economic Cooperation and Development
RICA	Rwanda Inspectorate of Competition and Consumer Protection Authority
SADC	Southern Africa Development Community
TFTA	Tripartite Free Trade Area
UNCTAD	United Nations Conference for Trade and Development



CHAIRPERSON'S MESSAGE

I am honoured to present the COMESA Competition Commission's (the "CCC") 2023 Annual Report. The report highlights challenges and achievements recorded by the CCC in line with its strategic objectives, as contained in its 2021-2025 Strategic Plan. The year 2023 was particularly important as it marked midway since the CCC started implementing its current Strategic Plan and ten (10)

years since it started operating and enforcing competition and consumer protection laws in the Common Market.

In the year under review, the global economy experienced poly crises which contributed to stunted growth. The global economic growth rate was at 3.0% as projected by the International Monetary Fund (IMF), a reduction from 3.5% in 2022. Emerging



markets and developing economies had a much lower decline from 4.1% in 2022 to 4.0% in 2023. In sub-Sahara Africa, the inflationary shock that followed the political tensions between Russia and Ukraine resulted in higher interest rates in response to volatile exchange rates. The COMESA region was not spared from the world macroeconomic instability. According to IMF, COMESA's real

GDP growth declined from 5.9% in 2022 to 5.2% in 2023. Average annual inflation was 20.8%, an increase from 19.5% recorded in 2022. The macro-economic challenges generally impacted the CCC's operations, particularly competition and consumer law enforcement.

Despite challenges encountered during the year, notable achievements were made by the CCC in undertaking its functions. In the year under review, CCC continued to advance its quest to investigate and prohibit anti-competitive behavior in the Common market. One application for authorisation of an agreement in the aviation sector was received by CCC while investigations into

anti-competitive practices from 2022 in the alcoholic beverages sector, transport and logistics and the health sector continued.

Some long outstanding investigations in the Confederation Africaine de Football (CAF) competitions TV broadcasting rights were concluded and the CCC imposed fines on the parties for violating the COMESA Competition Regulations ('the Regulations'). On the mergers front, most transactions were approved unconditionally while a few were approved with conditions.

The CCC prohibited one transaction where it was concluded that it was likely to result in substantial lessening of competition in the Common Market. In respect of consumer protection issues, the CCC investigated and concluded

consumer cases in the aviation sector and dairy based beverage industries. It also issued consumer alerts, as well as product recalls to safeguard the welfare of consumers in the Common market.

The CCC Board operated with all 13 members during the period under review. Board and Committee meetings were held physically and virtually to fulfil the CCC's mandate. The Board also amended its Board Charter to become more efficient in undertaking its functions.

To ensure effectiveness in its operations, the CCC reviewed and amended some of the enforcement tools, administrative guidelines, and rules. Internally, CCC finalised the proposed amendments to the Regulations which will be subjected to stakeholder consultations in the second quarter of 2024. This is an important milestone as the

Regulations have been in force since 2004 without any significant amendment.

The Guidelines for Determination of Administrative Fines and Penalties were finalised to provide guidance and transparency to businesses on the procedures to be followed by the CCC when imposing fines and penalties. Rules to support its administrative functions, that is the Procurement Rules, Financial Rules and Board Appointment Rules were also developed and adopted by the COMESA Council of Ministers.

The CCC continued to support the Member States through the provision of technical assistance and capacity building. This is aimed at ensuring that the Member States become effective in the enforcement of competition and consumer protection law at

national level and also in support of the implementation of the Regulations in their jurisdictions. In 2023, the CCC continued to assist Member States in the development and amendments of the laws, development and amendments of guidelines, supporting the institutional setup for those that do not yet have institutions as well as training case handlers, management and Boards of National Competition Authorities (NCAs).

The achievements of the CCC would not have been possible without the support of cooperating partners. I therefore wish to thank our cooperating partners that have been supporting some of CCC's activities especially relating to technical assistance and capacity building. These include the Commonwealth Secretariat, the European Union (EU), United States Federal Trade Commission (USFTC), United States Department

of Justice (USDoJ) and the United Nations Conference on Trade and Development (UNCTAD).

I also recognise the continued collaboration with various institutions like the African Continental Free Trade Area (AfCFTA) Secretariat, African Union Southern Africa Regional Office (AU-SARO), International Competition Network (ICN), American Bar Association (ABA) and the International Bar Association (IBA), African Civil Aviation Commission (AFCAC), Organisation for Economic Co-operation and Development (OECD), University of Johannesburg, Centre for Competition Regulations and Economic Development (CCRED), International Consumer Protection Enforcement Network (ICPEN), Eurasia Economic Commission (EEC), CARICOM Competition Commission (CARICOM), and the African Competition Forum (ACF).

Finally, I want to thank the Board of Commissioners, Management, and staff of the CCC for their dedication and commitment to the service of the CCC.

Commissioners have lived up to the enormous task of adjudicating cases and providing policy guidance on the activities of the CCC. This of course could not have been possible without the exceptional contribution of the CCC's Management and staff. I can confidently report that all parties have adequately lived up to the task.



**Commissioner Ellen
Ruparanganda
Chairperson of the Commission**

FOREWORD OF THE CHIEF EXECUTIVE OFFICER



The CCC implemented its 2023 workplan which was developed in line with the 2021-2025 Strategic Plan focusing on four strategic objectives. These are (i) the Determination of conduct harmful to competition and consumer welfare in the Common Market; (ii) Strengthening Enforcement; Advocacy and Strategic Collaboration; (iii) Strengthening Research and (iv) Institutional Strengthening.

These strategic objectives are in line with Article 55 of the Treaty

establishing COMESA and the Regulations.

2023 was a landmark year for the CCC as it marked 10 years since it commenced its operations and the enforcement of competition and consumer protection laws in the Common Market. To celebrate this milestone, the CCC undertook various activities leading to the main event which was its Ten-Year Anniversary Conference for its stakeholders. Among the activities undertaken leading to the conference were tree planting and



donations to the cyclone hit victims in Malawi. The conference which was held in May was well attended by stakeholders and partners of the CCC from all around the world and enhanced the visibility of the CCC as one of the most advanced Regional Competition Authority (RCA) in Africa and definitely among the most advanced the world over only second to the European Commission.

In the year under review, a total of thirty-six (36) merger transactions were notified, representing 40.9

percent decrease from 2022. Of the notified mergers 26 were unconditionally approved, 2 were approved with conditions while one was rejected as the remedies provided by the parties were insufficient to avert the identified anti-competitive effects.

The remainder of the mergers were carried over to 2024. Suffice to mention that the number of mergers assessed in 2023 was lower than 2022 because in 2022 the CCC exceptionally received the highest number of mergers

over the 10-year period due to the post COVID recovery by businesses that opted for mergers and acquisitions to sustain their operations. By 2023 businesses had stabilised and the number of mergers assessed was within the yearly averages for the previous years except for 2022.

In 2023, most of the mergers occurred in the energy and petroleum, banking and financial services and agriculture sectors. In the same year, the CCC continued investigations into restrictive



business practices with seven (7) cases most of which affected transport, storage & logistics. Nine (9) cases on consumer protection were handled, most of the cases were in the ICT, manufacturing, and pharmaceutical sectors. In the year under review, the CCC prohibited an anti-competitive merger between Akzo Nobel N.V, Kansai Plascon East Africa Proprietary Limited and Kansai Plascon African Limited.

The decision was important to maintain competition in the decorative paint market for the benefit of consumers. The CCC also approved the merger between Heineken International B.V, Namibia Breweries Limited and Distell Group Holdings subject to the divestiture of Heineken's Strongbow brand. This was the first time the CCC prohibited a merger and the second time it approved a merger subject to divestitures.

The CCC also imposed fines on the Confédération Africaine de Football and BeIN Media Group LLC of USD 300,000 each for violating Article 16 of the Regulations. The decisions reflect the CCC's efforts in promoting competition and enhancing the welfare of consumers in the Common Market.

Further, having established the Research, Policy, and Advocacy Unit (RPA), the CCC undertook research in the agriculture and food markets to identify any possible, competition and consumer concerns in the sector and the measures that should be undertaken to promote competition in the sector.

The research which was undertaken in collaboration with the Centre for Competition Regulation and Economic Development (CCRED) focusing on fertiliser and vegetable oil in seven of the Member States

namely Democratic Republic of Congo (DRC), Kenya, Malawi, Rwanda, Uganda, Zambia and Zimbabwe. Research revealed that the markets were dominated by a few large players and were highly concentrated.

Prices for the commodities were relatively high compared to other developed countries markets and very high price margins were recorded. Research further revealed that there are policy issues implemented by some Member States' Governments that have an impact on the development of the markets and on cross-border trade that need to be addressed. The CCC would strive to address these issues and engage stakeholders during 2024.

To promote transparency and accountability to the public, the CCC held its first ever press conference where it provided information to the media on some

of the competition and consumer cases it has been handling, decisions made on some of the cases and the importance of its mandate in fostering regional integration. The CCC has since made this event a permanent feature on its annual calendar.

In line with its functions of promoting national competition laws and institutions as provided in the Regulations, the CCC provided technical assistance and capacity building to several Member States. The technical assistance, capacity building focused on development and amendments of laws for countries such as Ethiopia, Malawi and Djibouti.

The CCC also provided specialised trainings to case handlers and Board Members for Burundi, Ethiopia, Madagascar, Mauritius, Rwanda, Uganda and Zimbabwe while the annual case handlers workshop trained case officers

from eighteen (18) Member States. For the very first time, Libya was brought on board to benefit from the trainings and other activities of the CCC. In addition, Memorandum of Understandings (MoUs) were signed with Burundi and Libya to enhance cooperation and collaboration between the two institutions.

The CCC continued to build its network and forging lasting relationships with different stakeholders. In this regard, MoUs were also signed with Africa Civil Aviation Commission (AFCAC) and United Nations Economic and Social Commission for Western Asia (UN-ESCWA).

Further, the CCC partnered with Consumers International (CI) and Competition Authority of Kenya (CAK) to successfully host the Consumers International Global Congress for the first time in Africa in over 50 years which was attended

by more than 350 delegates from all around the world and officiated by the Deputy President of the Republic of Kenya.

With the adoption of the African Continental Free Trade Area (AfCFTA) Protocol on Competition Policy and the need for more effective cooperation among the RCAs to support the implementation of the Protocol, the CCC organised the first ever meeting of RCAs to discuss the implications of competition enforcement at continental level. The meeting was aimed at building working cooperation arrangements among the RCAs to effectively enforce competition and consumer protection law on the continent.

The CCC also worked well with the AfCFTA Secretariat in capacity

building activities for the COMESA region as well as other regions.

The achievements of the CCC would not have been possible without the support and guidance of the Board of Commissioners and hardworking staff who have been exceptionally committed to executing the mandate of the CCC. The CCC is also grateful to the COMESA Secretariat through the Secretary General Ms. Chileshe Mpundu Kapwepwe which has continued to provide support to the CCC.

Finally, the CCC would not have been able to achieve what is being reported without the indispensable support that all our stakeholders.

May I take this opportunity to profoundly appreciate all

our stakeholders for the unwavering support.

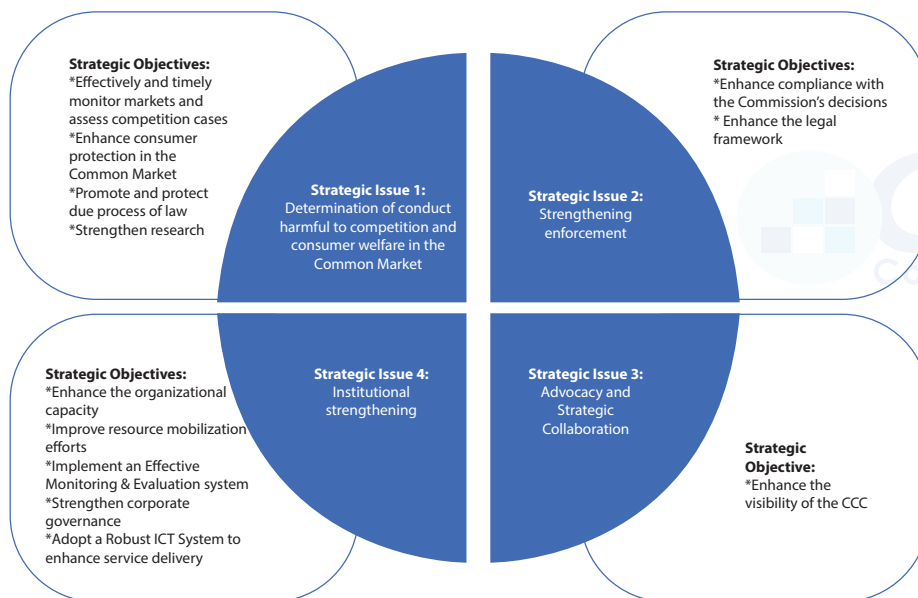
The CCC remains committed to promoting fair markets and contributing to the regional integration agenda for the benefit of all consumers in the Common Market and beyond.



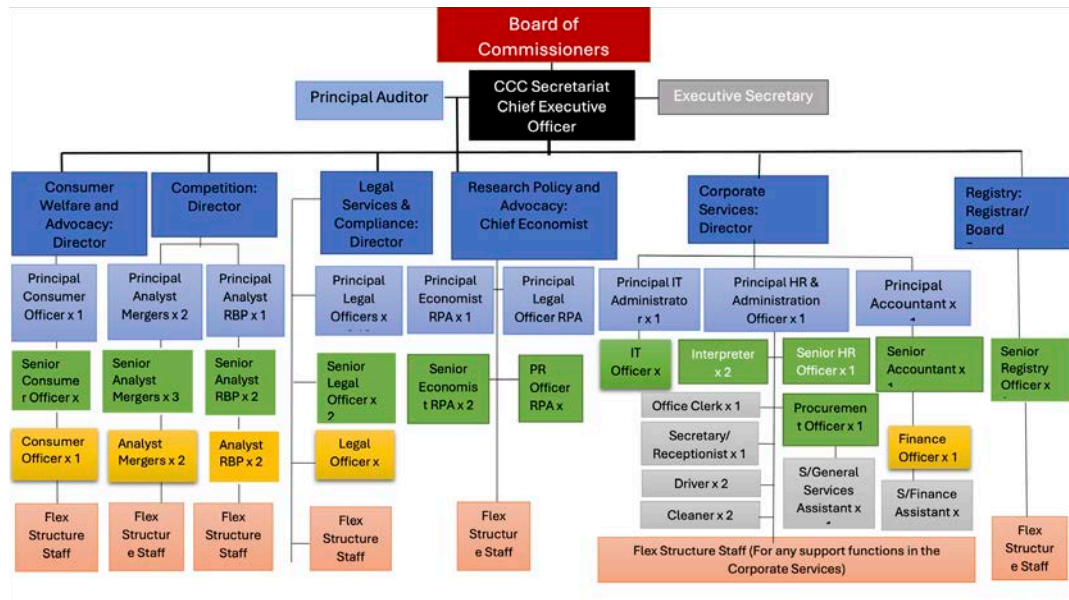
Dr. Willard Mwemba
Chief Executive Officer



AREA OF FOCUS



ORGANISATIONAL STRUCTURE





BOARD OF COMMISSIONERS

The Board is the supreme policy and adjudicative body of the CCC with the remit to make decisions on cases referred to it by the CCC Secretariat. It determines the appropriate remedies to address any identified anti-competitive practices or consumer matters. The Board consists of a maximum of thirteen (13) members appointed by the Council of Ministers from the COMESA Member States. Three of the Commissioners pursuant to Article 13(4) of the Regulations,

are assigned as members of the Committee Responsible for Initial Determinations (CID). The role of the CID is to adjudicate and make determinations on competition and consumer cases before the CCC. Decisions by CID may be appealed to the Appeals Board pursuant to the Appeals Board Procedure Rules, 2017. To ensure independence and impartiality between the two adjudicative bodies, the three (3) CID members are not part of the Appeals Board

Members who sit to hear appeals. The Appeals Board is constituted from the Board of Commissioners. To secure accountability and due process, the decisions of the Appeals Board are appealable to the COMESA Court of Justice (CCJ).



COMMISSIONER ELLEN RUPARANGANDA

Commissioner Ellen Ruparanganda is the current Chairperson of the CCC effective from September 2021. She holds a Bachelor of Honours Degree in Economics and a Master's Degree in Business Administration both from the University of Zimbabwe. She has vast experience in macro-economic analysis, public procurement, trade tariff analysis and competition policy and law.

As a trade and competition practitioner, she currently heads the Competition and Tariff Commission (CTC) in Zimbabwe. During her tenure, she has successfully enhanced the CTC's visibility and reviewed the Competition Act aligning it to international best practices. Prior to joining the CTC, she worked in the Ministry of Finance and Economic Development and the State Procurement Board.



COMMISSIONER BRIAN MULETAMBO LINGELA

Commissioner Brian Muletambo Lingela serves as the Executive Director of the Zambia's Competition and Consumer Protection Commission (CCPC). He has previously served as Director of Mergers and Monopolies, Director Cartels and Restrictive Business Practices and Director Consumer Protection at the same institution.

As the Director of Consumer Protection, he was responsible for protecting Zambia's consumers from unfair trading practices during which he served as Zambia's alternate designate for Consumer Protection for UNCTAD. He has spoken widely both locally, regionally, and

globally on Competition and Consumer Protection issues under the auspices of the ICN, ICPEN, the CCC and the African Dialogue on Consumer Protection. In 2015, he served as International Visiting Fellow at the USFTC. Since 2018, he has served as Commissioner on the CCC's Board of Commissioners.

Between 2018 and 2021 Commissioner Lingela served as a Member of the Technical and Strategy Committee and the CID.

He is currently the Vice Chairperson of the CCC Board of Commissioners, Chair of the Building Committee and Member of the Technical and Strategy Committee of the Board.



COMMISSIONER AMBASSADOR MESGANU ARGAMOACH

Commissioner Ambassador Mesganu Arga Moach is the State Minister of the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia. He has previously served as Director General of the Ethio Engineering Group of Ethiopia from December 2021 to December 2022, State Minister of the Ministry of Trade and Industry from October 2018 to November 2021 and State Minister of the Ministry of Labor and Social Affairs of Ethiopia from May – October 2018.

He has served as the Chief of Staff of the Prime Minister of Ethiopia, H.E. Hailemariam Desalegn and H.E. Abiy Ahmed. From December 2011 to November 2017, he served as Ambassador Extraordinary Plenipotentiary and Special Envoy for Qatar and

United Arab Emirates. From July 2010 to September 2013, he was the Consul General of the Federal Democratic Republic of Ethiopia to Dubai and Northern Emirates.

He led the National Security Border and Trans Boundary Resource Affairs Directorate, Regional Good Governance, Justice and Human Rights Affairs and Policy, Information and Analysis Directorate. Ambassador Mesganu has also served as Deputy Mayor and Bureau Head of the Addis Ababa City Information and Culture City Cabinet Member and Addis Ababa Millennium Council Vice Chairperson from 2006 to May 2008.

Commissioner Moach is currently the member of the Audit and Risk Committee of the Board.



COMMISSIONER SENATOR DANSON BUYA MUNGATANA

Commissioner Danson Buya Mungatana is a Senator for Tana River County in Kenya and a senior consultant and founder of Mungatana & Co Advocates. He has served as parliamentarian of the Republic of Kenya (MP) representing the Garsen constituency. From 2013-2014, he served as Chairman of Kenya Ports Authority.

He served as special assistant to the senior political advisor of the Office of the President in 2013. He has gained experience in different disciplines as parliamentarian while serving as Assistant Minister of the Government of Kenya on

medical services, Justice, National Cohesion & Constitutional Affairs, Foreign Affairs, Lands, Provincial Admin. & Internal Security, and Regional Development Authorities. He holds an LLB Degree and Masters of Trade and Investment law from the University of Nairobi.

Commissioner Mungatana is the Chairperson of the Technical and Strategy Committee of the Board and member of the Finance and Administration Committee. He has further served as member of various Ad hoc Committees of the Board.



COMMISSIONER LLOYDS VINCENT NKHOMA

Commissioner Lloyds Vincent Nkhoma is the Executive Director of the CFTC of Malawi. Prior to that he was a professional expert in competition policy formulation, enforcement and application at national and regional level. He previously worked for both the CFTC and the CCC.

He has vast experience working on trade, investment and industrial development programmes having worked at the Ministry of Trade and Industry as well as at the Malawi Consulate General in Johannesburg as Trade and Investment Attaché. He holds a Master's Degree and a Postgraduate Diploma in

Economics for Competition Law from Kings College London. He also holds a Bachelor's Degree in Social Sciences majoring in Economics from the University of Malawi.

Commissioner Nkhoma is member of the Committee Responsible for Initial Determinations, Building Committee and Finance and Administration Committee of the CCC



COMMISSIONER THEMBELIHLE DLAMINI

Commissioner Thembelihle Dlamini is a member of the Board and is an astute legal professional whose legal career has spanned over 14 years, 10 of which have been with the Eswatini Competition Commission (ESCC) where she has transcended into different positions.

She is currently the Legal Adviser and Company Secretary at the ESCC and holds inter alia, an LLB degree (University of Swaziland), MA in EU Competition Law and a Postgraduate diploma in EU Competition Law from Kings College in London. She was admitted as an Attorney of the High

Court of Swaziland in February 2012 and has vast experience on competition and consumer law as well as other fields of law. She has worked in private practice and public service where she worked at the Attorney General's office.

At the ESCC, Commissioner Dlamini has for the last 10 years been analysing various legal documents lodged by parties and drafting legal opinions on broader competition and consumer law. This ultimately facilitates informed and sound decision making by case teams conducting various investigations. In addition, Commissioner Dlamini has also been drafting pleadings,

representing the ESCC during hearing of cases, assisting case teams in various investigations and the ESCC in various legal challenges arising from their work. As Company Secretary, she provides legal support and guidance to the Board of the ESCC and its Committees on Governance, Ethics, Conflicts, and duties.

She is currently the Chairperson of the Finance and Administration Committee and a member of the Committee Responsible for Initial Determinations at the CCC.





COMMISSIONER FRANCIS LEBON

Commissioner Francis Lebon is currently the Principal Secretary of Trade in the Ministry of Finance, National Planning and Trade in Seychelles. Prior to this, he was the Chief Executive Officer of the Fair Trading Commission (FTC) of Seychelles. He started his career at the Central Bank of Seychelles and held the post of Senior Domestic Debt Officer in the Public Debt Unit.

He was the Trade and Sales Manager at Barclays Bank of Seychelles before joining the Fair-Trading Commission in December 2010 as Senior Competition Analyst and promoted to Director of competition in January 2012,

to Deputy CEO in 2015 and was appointed as the Chief Executive Officer in 2017.

He also serves as a member of the Financial Services Authority Appeal Board.

Commissioner Lebon holds a BSc (Hons) in Economics, Finance & Banking, Postgraduate Diploma in Economics for Competition Law, Diploma in Accounting and MBA with the University of West Scotland through the University of Seychelles.

He is a member of the Building Committee and Vice-chairperson of the Technical and Strategy Committee of the Board.



COMMISSIONER ISLAM TAGELSIR AHMED ALHASAN

Commissioner Islam Tagelsir Alhasan is a Lawyer, legal advisor, and former public prosecutor with more than 15 years of experience, including 9 years of extensive work in trade remedies, regional integration, competition regulation and consumer protection.

He obtained a Bachelor's degree in Law and a Diploma in Legal Translation. He served (in Sudan) in the Ministry of Justice, Public Prosecution and Humanitarian Aid Commission as a Registrar General for voluntary and humanitarian aid organizations.

Commissioner Islam Tagelsir Alhasan is member of the Committee Responsible for Initial Determinations, Building Committee and Technical and Strategy Committee of the Board. He has also served the Board in various ad-hoc Committee.



COMMISSIONER BEATRICE UWUMUKIZA

Commissioner Uwumukiza is currently the Director General of Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA). Prior to that post, she was the Director General of the Rwanda Agriculture and Livestock Inspection and certification Services (RALIS) under the Ministry of Agriculture and Animal Resources (MINAGRI) where she coordinated the Sanitary and Phytosanitary (SPS) activities as well as the functions of the National Plant Protection Organization (NPPO).

She is the Focal Point for International Plant Protection Convention (IPPC) for Rwanda. She also served as a Board Member of

the National Agricultural Export Development Board (NAEB) 2012-2015 and the Vice Chairperson in the Board of Directors for Rwanda Agriculture and Animal Resources Development Board (RAB) 2015-2018. She has vast experience in quality control as well as standards and regulations enforcement and actively participates in the development of several policies, regulations and standards. She holds a Master's Degree in Plant Sciences with specialization in Plant Pathology and Entomology obtained from Wageningen University, the Netherlands.

Commissioner Uwumukiza is the Chairperson of the Risk and Audit Committee of the CCC.



COMMISSIONER MAHMOUD MOMTAZ (PHD)

Commissioner Mahmoud Momtaz (PhD) is currently the Chairman of the Egyptian Competition Authority (ECA) since January 2021. He serves as a board member of the Gas Regulatory Authority, the Supreme Council for Media Regulation, Egyptian Electric Utility and Consumer Protection Agency. Further he is a member of the Advisory Committee of Anti-Dumping, Subsidy and Safeguard. Prior to assuming his position at ECA, He served as a Private Sector Development Specialist at the World Bank's headquarters in Washington D.C. where he was mainly responsible for several competition policy projects as well as private sector development in the MENA region and Southeast Asia. Additionally, he has actively participated in the reformulation

of the competition laws and enforcement regimes in a number of Middle Eastern countries and conducted several trainings to numerous stakeholders. He has also lectured Competition Law & Economics at both Hamburg University, Germany and Cairo University, Egypt.

Dr Momtaz holds a PhD in Competition Law and Economics from the University of Hamburg, Germany and a Master's Degree in International Business from the German University in Cairo.

Dr Momtaz is the Chairperson of the Committee Responsible for Initial Determinations and a member of the Technical and Strategy Committee.



COMMISSIONER VIPIN KAMAL NAUGAH

Commissioner Vipin Naugah is the Head of Legal and Cartels at the Competition Commission of Mauritius (CC). He is a Barrister-at-Law, called to the Bar of England and Wales at the Honorable Society of Middle Temple, London, in 2006 and was called to the Mauritian Bar in January 2008. He joined the CC since its inception in 2009. He obtained his LLB (Hons) at London South Bank University, and went on to do an LLM in International Commercial

Law at the University of Kent, UK and did his Bar Vocational Course (BVC) at the University of West of England, Bristol, UK. He also holds a Post-Graduate Diploma in Economics for Competition Law and a Post-Graduate Diploma in EU Competition Law, both from King's College, London."

Commissioner Naugah is a member of the Technical and Strategy Committee and the Risk and Audit Committee of the Board.



COMMISSIONER ADELBERT EMMANUEL BOOTO NKAIMANA

Commissioner Adelbert Nkaimana is currently the Advisor to the Minister of Regional Integration and Francophonie in Charge of the East African Community (EAC). He was previously Provincial Minister of Mai-Ndombe in Democratic Republic of Congo (DRC) from 2018. Prior to this, he was the Commercial Manager in Charge of Key Accounts at Standard Telecom where he rose through the ranks from Sales Supervisor in 2007 until he left as the Commercial Manager in 2018. He holds a bachelor's degree in law

from the University of Kinshasa and was admitted to the Bar in 2012. He also holds a State Diploma from the Bomoyi College.

Commissioner Nkaimana is a member of the Risk and Audit Committee of the Board.



COMMISSIONER SAM KULOBA WATASA

Commission Sam Watasa is the Executive Director of the Uganda Consumer Protection Association (UCPA). He is also the Chairperson of the Technical Petroleum Committee under the Ministry of Energy and Mineral Development in Uganda and Commissioner of the East African Community Competition Authority. He holds a Master of Business Administration from the Makerere University and is a member of the Chartered Institute of Marketing, United Kingdom.

Commissioner Watasa is a member of the Finance and Administration Committee.





DR WILLARD MWEMBA, CHIEF EXECUTIVE OFFICER AND EX-OFFICIO MEMBER OF THE BOARD

Dr Willard Mwemba has over 19 years of experience in competition and consumer law enforcement, with wide experience in enforcing competition law at regional and national level as well as in the development of competition and consumer protection laws, guidelines and operational manuals in COMESA Member States and beyond.

Dr Mwemba has also held the position of Head of the Mergers and Acquisitions Division at the CCC and prior to that he was Director of Mergers and Monopolies at the CCPC in Zambia. He serves

as a member of the United Nations Conference on Trade and Development Competition Training Centre for Middle East and Africa Advisory Board.

He has been actively involved in the development of competition laws in the middle eastern countries. Dr Mwemba holds several qualifications inter alia, Bachelor's Degrees with specialisation in Law and Economics from the University of Zambia, a Master's Degree in European Union Competition Law, from Kings College-London and a PhD in Competition Law from the University of Cape Town.

MEET THE MANAGEMENT TEAM



Dr. Willard Mwemba
Chief Executive Officer





Ms Mary Gurure Director
Legal Services and
Compliance



Mr. Steven Kamukama
Director Consumer Welfare



Mr Isaac Tausha
Chief Economist



Ms. Meti Demissie Disasa
Registrar



Mr. Roland Mhango
Principal Accountant



Mr. Boniface Makongo
Director Competition

CORPORATE GOVERNANCE

The success of the CCC is dictated by its corporate governance and practices. The CCC's corporate governance involves various practices and policies that are critical in ensuring efficient decision-making and management. At the helm of this corporate governance system is the Board of Commissioners (the Board) which is non-executive. The Board ensures that there is accountability, transparency, and due process in the CCC's decisions and other activities.

The CCC's Board meets regularly to provide regulatory and administrative oversight on the CCC's Management. The Board is governed by the Regulations, the Rules and Board Charter, and the CCC's Registrar is its secretary. The Registrar has the responsibility of ensuring that Board procedures and rules are complied with. To provide effective and efficient oversight on the CCC, the Board may establish committees and delegate to any such committee its functions as it considers necessary. To this end, the Board has five

Committees to ensure effective oversight of the affairs of the CCC. These committees are:

1. Committee Responsible for Initial Determinations
2. The Audit and Risk Committee
3. The Finance and Administration Committee
4. The Technical and Strategy Committee.
5. Building Committee



The CID is responsible for adjudicating and making determinations on competition and consumer cases and is established pursuant to Article 13(4) of the Regulations. The CID is composed of three members. The Audit and Risk Committee ensures that it identifies all the risks to which the CCC is exposed and recommends measures to prevent these risks or remedy the effects of the risks if they have already materialized. Further, the Audit and Risk Committee is responsible

for the maintenance of sound internal control and monitors the risk management framework. The Audit and Risk Committee is composed of four members. The Finance and Administration Committee's is responsible for ensuring that the CCC has effective and efficient internal financial controls, Human Resource Management and administration policies, system and procedures; (b) Reviewing and recommending the CCC's long, medium and short term financial, human resource and

management plans and ensure their consistency with the Strategic Plan; (c) Ensuring that the CCC has optimal liquidity for efficient and effective realization of its mandate; (d) Reviewing financial reports and making appropriate recommendations to the Board; and (e) Assisting the Board in providing policy guidance, oversight, and advice on financial, human resource management, administration and corporate governance issues at the CCC. The Finance and Administration Committee comprises of four

members.

The Technical and Strategy Committee oversees the development of processes and systems that relate to all technical functions of the Commission. It develops and recommends to the Board, Rules that relate to the effective implementation of the Regulations. It also recommends to the Board, various instruments like the Regulations and Rules to ensure effective and efficient promotion of competition in the Common Market through the prevention, detection, and prohibition of anti-competitive practices.

In 2022, the Building Committee was established to oversee the project for the construction of the Commission's Headquarters and a competition and consumer law training centre in Lilongwe, Malawi.

In the period under review, the following number of meetings were held by the Board.

The Technical and Strategy Committee oversees the development of processes and systems that relate to all technical functions of the CCC including legal review. It develops and recommends to the Board, Rules that relate to the effective implementation of the Regulations. It also recommends to the Board, various instruments like the Regulations and Rules to ensure effective and efficient promotion of competition in the Common Market through the prevention, detection, and prohibition of anti-competitive practices. Technical and Strategy Committee comprises of four members.

The Building Committee oversees the project for the construction of the CCC's Headquarters and establishment of the competition and consumer law training centre in Lilongwe, Malawi. The construction project is expected to conclude in 2026.

In the period under review, the following meetings were held by the Board and its Committees.



Table 1: Board Meetings Held in 2023

Meeting Type	Number of Meetings	Period
Board Meeting	Five (5)	February, May, August, September and December
Committee Responsible for Initial Determination	Fourteen (14)	Between February and December
Finance and Administration Committee	Two (2)	February and May
Technical and Strategy Committee	Two (2)	September and December
Building Committee	Two (2)	July and December
Audit and Risk Committee	One (1)	November

Board Training

In September 2023, the Board Members were trained in corporate governance and adjudication of cases. Training of Board Members is key in ensuring the effective enforcement of competition and consumer protection laws in the Common Market as well as supporting the operations of the CCC by providing policy



Board Members after the training in competition law and economics as well as case adjudication in Cairo, Egypt

guidance. In addition, some Board Members undertook a training visit to the Competition Tribunal of South Africa in May 2023. This was done for purposes of enhancing their capacity in adjudicating competition matters.

THE SECRETARIAT



*Staff members
of the CCC in
2023*

The management and staff are responsible for the day-to-day operations of the CCC and make recommendations to the Board on investigations conducted and on other policy matters. The Director and Chief Executive Officer who is appointed by the COMESA Council of Ministers is the head of

the institution. Further, the CCC has four core Divisions and Units namely: Competition Division (which is responsible for examining mergers and acquisitions and investigating and remedying restrictive business practices), Consumer Protection, Legal Services and Compliance and

Research, Policy and Advocacy. The Divisions are composed of lawyers and economists who are experts in competition and consumer protection. In addition, the Secretariat has units overseeing, finance, administration and IT matters.

2023 HIGHLIGHTS OF THE CCC'S INTERVENTION IN THE MARKET

The CCC's activities for the Year 2023 were implemented pursuant to the 2023 approved Annual Work Programme that was developed in line with the CCC's Strategic Plan. This section summarises the key achievements of the CCC under the four (4) Strategic Issues of the CCC.

The core mandate of the CCC is to detect, prevent and prohibit anti-competitive business practices including anti-competitive mergers and to protect consumers against offensive conduct by market players having operations in the Common Market.



DETERMINATION OF CONDUCT HARMFUL TO COMPETITION AND CONSUMER WELFARE IN THE COMMON MARKET

This strategic issue entails the detection and elimination of anti-competitive conduct and consumer welfare violations in the Common Market to prevent any likely competition harm and degradation of the welfare of consumers in the Common Market.

REGULATING MERGERS AND ACQUISITIONS

The CCC reviews mergers and acquisitions that meet the regional dimension requirement, that is where the merging parties have operations in at least two Member States. Significant importance is attached to effective and timely assessment of mergers in order not to frustrate businesses. Pursuant to the Regulations, it is mandatory

for all notifiable mergers to be notified to the CCC for review and determination on whether they are anti-competitive, pro-competitive or competitive-neutral. Parties to any notifiable merger are required to notify the CCC within thirty (30) days of the parties' decision to merge failing which sanctions may be imposed on the parties.



A notifiable merger means a merger or proposed merger with a regional dimension and whose combined annual turnover or value of assets whichever is higher is at or above the thresholds prescribed in Rule 4 of the Rules on the Determination of Merger Notification Thresholds and Method of Calculation (the “Rules on Merger Notification Thresholds”).

The CCC offers free advisory opinions to parties who are not sure whether their transactions are notifiable or not. This facilitates commerce and ensures that the parties to a merger are properly guided to avoid potential litigation for failure to notify a notifiable transaction. In instances where the CCC concludes that the transaction is not notifiable, it issues a comfort letter to the concerned parties.

Comfort letters are granted

based on, inter alia, a transaction not satisfying the definition of a merger as provided under Article 23(1) of the Regulations or a transaction not meeting the merger notification thresholds under Rule 4 of the Rules on Merger Notification Thresholds. Where the CCC rejects a request for a comfort letter, the parties are required to complete merger notification procedures as provided for under Article 24(3) of the Regulations which includes payment of the related applicable merger notification fees.

During the period under review, a total of thirty-nine (39) cases were received, three (3) were granted comfort letters, four (4) were construed as non-notifiable and one (1) was referred to the Member States. Therefore, the CID cleared thirty-one (31) cases within the stipulated timeframe provided in the Regulations.

The figure below show the breakdown of cases handled by the CCC in 2023 in comparison to 2022.

Figure 1: Merger Cases handled by outcome/determination in 2023 in comparison to 2022

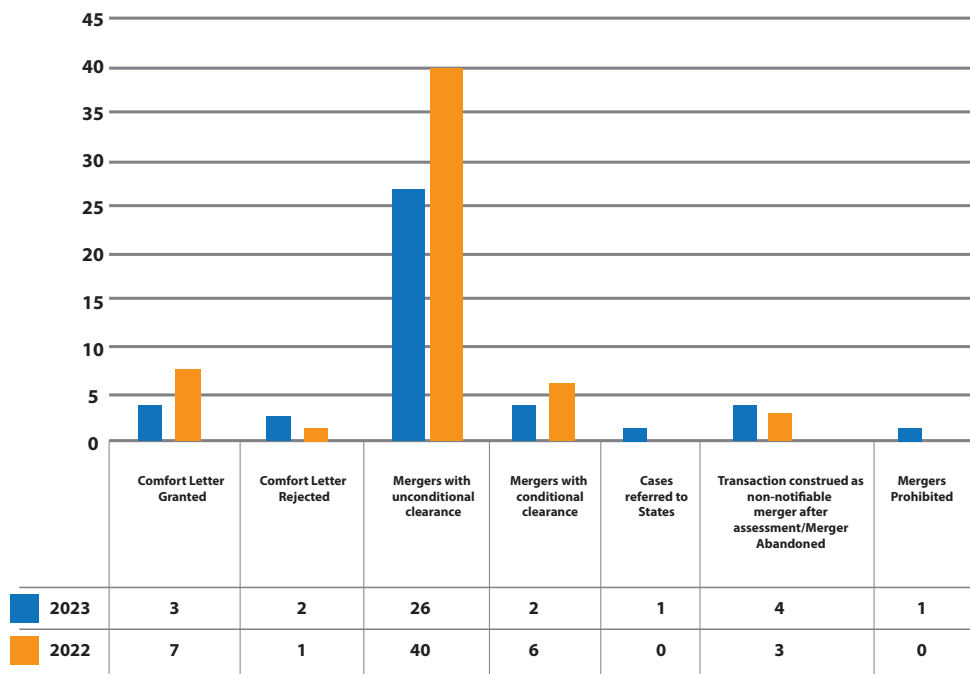
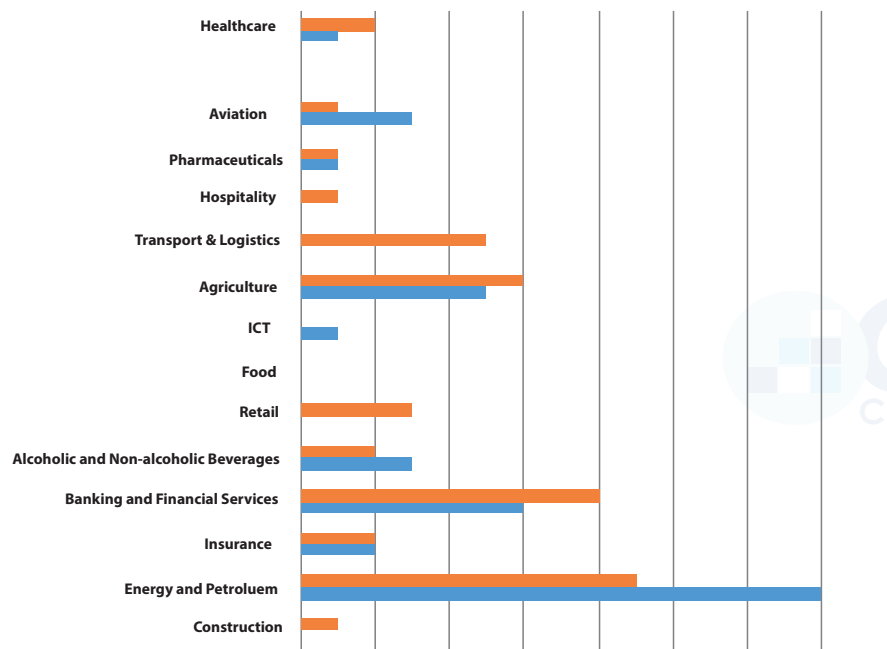


Figure 1 above shows the merger cases handled by the CCC by outcome/determination. It shows that 1 merger case was prohibited and 1 was referred to the Member States. The Figure shows that in 2023 the CCC approved 26 transactions without conditions a significant reduction from the 40 recorded in 2022. Transactions approved with conditions equally reduced from 6 to 2 while the number of transactions that were construed as non-notifiable increased from 3 to 4 from 2022 and 2023 respectively.

Figure 2 shows the cases by economic sector in 2023 in comparison with 2022. The figure shows that most cases handled in 2023 were in the energy and petroleum sector with 14 cases, followed by banking and financial services with 6 cases and agriculture sector with 5, aviation and alcoholic and non-alcoholic beverages with 3 each, insurance

Figure 2: Merger Cases by Economic Sector 2023 in comparison with 2022

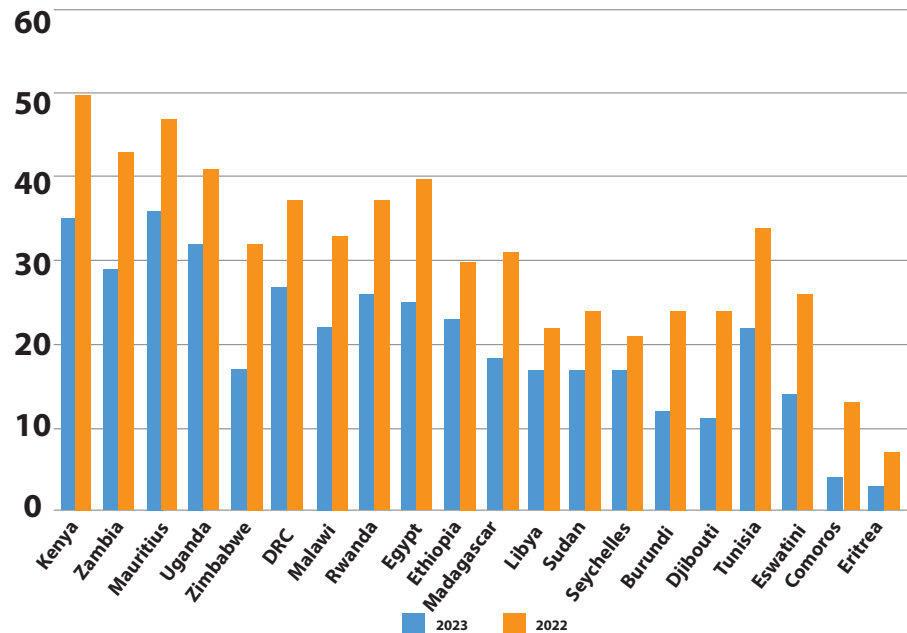


with 2 cases, while healthcare, pharmaceuticals and ICT had 1 case each. There was an increase in the number of cases in the energy and petroleum sector in 2023 compared to 2022 and this was the case for the aviation as well

as the alcoholic and non-alcoholic beverages sectors. The number of cases handled in the other sectors were higher in 2022 compared to 2023

Figure 3 shows the Member States affected by the merger cases assessed by the CCC. The countries most affected by the cases assessed in 2023 were Kenya, followed by Mauritius and Uganda, then Egypt and Zambia similar to 2022 where most of the cases affected Kenya, Mauritius, Zambia, Uganda and Egypt. The Member States with the least number of cases affecting them were Comoros and Eritrea for both 2023 and 2022.

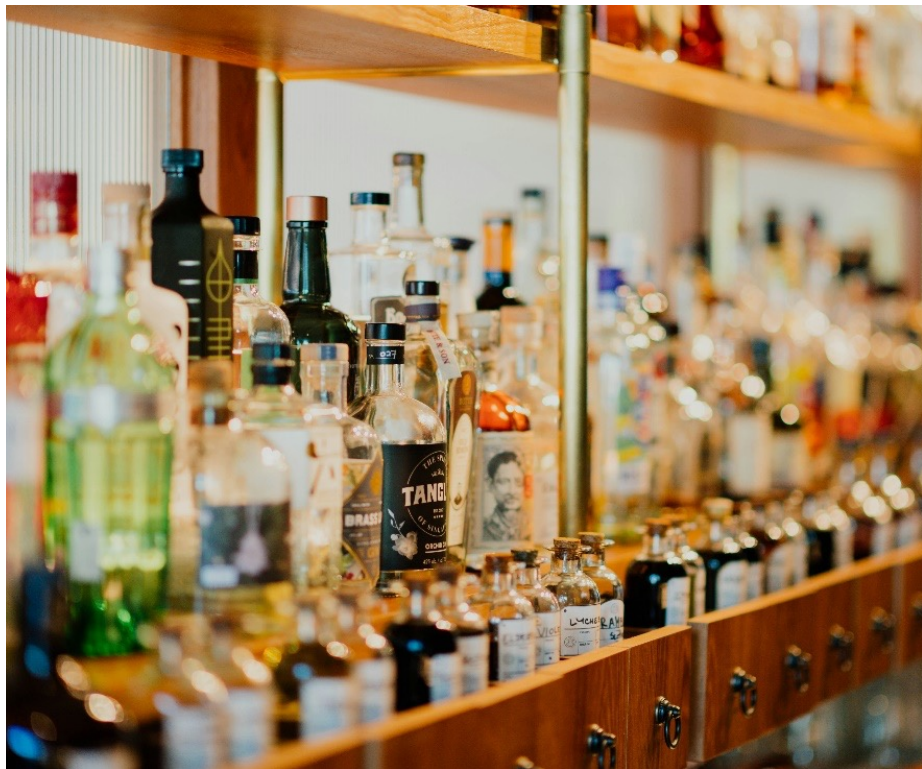
Figure 3: Member States Affected by the Merger Cases



Highlights of Merger Cases Assessed by the Commission in 2023

Merger involving Heineken International B.V, Namibia Breweries Limited (NBL) and Distel Group Holdings

In February 2023, the CCC approved the merger involving Heineken International B.V (Heineken), Namibia Breweries Limited (NBL) and Distell Group Holdings (Distel) subject to a divestiture. This was the second merger where the CCC imposed a divestiture remedy. The transaction involved the acquisition by Heineken of a further interest in NBL and the combination of Heineken's



South Africa business (including its increased interest in NBL) with Distell's Flavoured Alcoholic Beverages (FABs), spirits and wines. The parties to the merger were all active in the production and distribution of various types of alcoholic beverages and some non-alcoholic beverages within the Common Market. The relevant markets were defined as clear beer (including the narrower premium and ultra-premium clear beer markets) in Burundi, DRC, Eswatini, Kenya, Malawi, Mauritius, Zambia and Zimbabwe; Carbonated Soft Drinks (CSDs) in DRC; and Ciders in Eswatini, Mauritius, Zambia and Zimbabwe.

The merger would have resulted in the monopolisation and a substantial lessening of competition in the ciders market in Eswatini, Zambia and Zimbabwe where Heineken and Distell were the only two suppliers pre-merger. In Eswatini, the merging parties were effective rivals in the ciders

markets and the transaction would thus eliminate all effective competition; whereas, in Zambia and Zimbabwe, Heineken's brand accounted for a relatively small share of the market, however its presence on the market offered an alternative choice to consumers to the Distell brands.

The CCC recognized the need to prevent any further concentration or complete elimination of competition in markets which were heavily concentrated. In this regard, in February 2023, the CCC ordered the divestiture of Heineken's Strongbow brand within a period of 6 months. The divestiture of the Strongbow brand would return competition in the market to the level prevailing pre-merger in the ciders market. In December 2023, the CCC granted its approval to the appointment of Cider House as the buyer of the divested business, and approved the divestiture license subject to amendments, including the

removal of restrictions on passive sales within the Common Market.

Other behavioural conditions were also imposed, notably in the clear beer market. In Zimbabwe, the target jointly controlled a distributor, with the other shareholder being an entity controlled by a key competitor of Heineken on the clear beer segment.

The CCC observed that distributor was not involved in the distribution of beer, and there was high market share asymmetry and significant differences in the production/distribution model between Heineken and its competitor in Zimbabwe that would have made coordination unlikely as a result of the merger.

However, Heineken and the competitor also competed across a number of other beverage categories in other territories, which could have increased

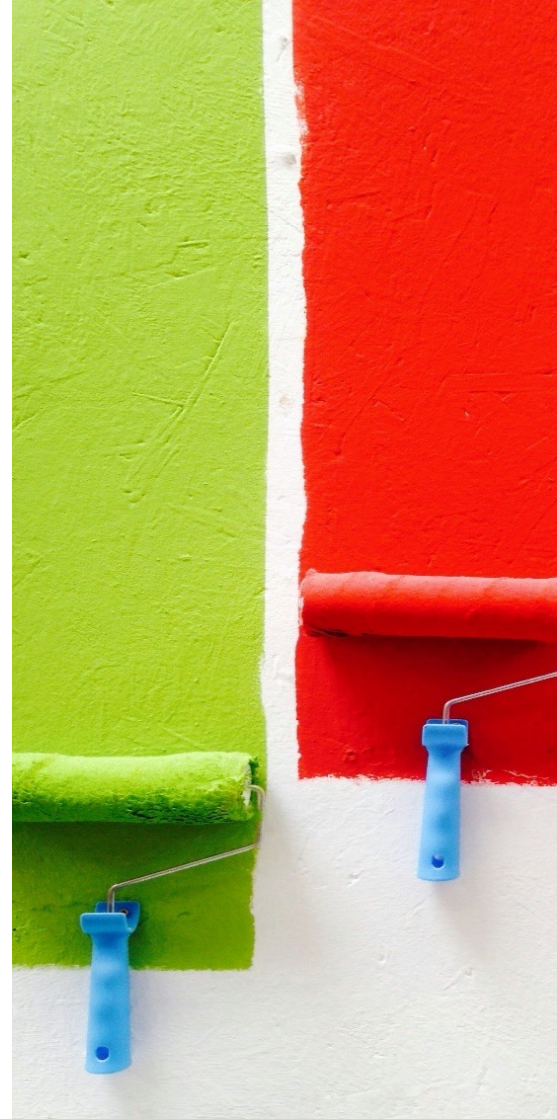
incentives for these parties to agree on their competitive strategies in Zimbabwe to avoid retaliation in other markets. To alleviate this risk, the parties committed that (a) the Heineken director who serves on the board of the distributor would have no involvement in the beer business affairs of Heineken, and (b) Heineken's beer brands would not be supplied through the distributor for as long as Heineken shall hold minority shares in the said distributor.

Having regard to the popularity of Distell's cider brands in the Common Market, the merging parties were also prohibited from conditioning the purchase by distributors of Distell's best-selling ciders upon the purchase of Heineken's beers in Eswatini, Zambia and Zimbabwe for a period of five years post-merger. The merging parties also provided commitments in relation to their obligations under the existing distribution agreements

and maintenance of in-country distributors in Zimbabwe, to address public interest concerns in Zimbabwe.

Merger involving AkzoNobel N.V, Kansai Plascon East Africa Proprietary Limited and Kansai Plascon Africa Limited

In September 2023, the CCC prohibited the merger involving Akzo Nobel N.V (AkzoNobel) as the acquiring firm and Kansai Plascon East Africa Proprietary Limited (KPEA) and Kansai Plascon African Limited (KPAL) as target firms. The transaction involved the acquisition by AkzoNobel of 83.31 percent of the issued share capital of KPAL and all the issued share capital of KPEA from Kansai Paint. The relevant markets were defined as premium decorative coatings





(segmented into water-based and solvent based) in different geographic clusters which were: Eswatini and South Africa; Malawi and South Africa; Zambia and South Africa; Burundi, Kenya, Rwanda, Tanzania and Uganda; and Zimbabwe and South Africa. The other relevant market was the supply of each of coil coatings, powder coatings, wood finishes, protective and marine coatings, and automotive refinishes in a broader than national geographic market, which was at least COMESA-Wide.

The transaction did not raise significant concerns in the industrial coatings segment. However, the merging parties were each other's closest competitors in terms of price and quality in the decorative coatings market. The transaction would have resulted in significant market share accretion across several geographic regions which included several Member States, namely Eswatini, Uganda, Zambia,

and Zimbabwe. Post-merger, the merged entity would have benefitted from the combination of two of the strongest paint brands in the Common Market, in addition to the combination of significant balance sheets. As a result of popularity of their brands and perceived higher quality level, there were no effective substitutes to whom customers and/or retailers could reasonably turn if the merged entity were to engage in exploitative or abusive conduct.

Therefore, the CCC prohibited the merger in the decorative coatings sector in Eswatini, Zambia, and Zimbabwe. No effective remedy was put forward by the merging parties for these three (3) Member States. The divestiture of one of the parties' brands was offered in only one (1) of the three (3) Member States. Whilst a divestiture would have restored competition to the level prevailing pre-merger in the Member State, a partial divestiture would have affected the viability

of the divestiture remedy. Its implementation would have required territorial restrictions which are not compatible with the Regulations. Further, the continuation of operations of the brand in neighbouring countries would have provided a platform for collusion.

**Joint Venture involving
Hutchison Ports Sokhna Limited,
CMA Terminals SAS, and Golden
Chance Investment Enterprise
Limited**

In December 2023, the CCC approved with conditions the joint venture involving Hutchison Ports Sokhna Limited (HSPL), CMA Terminals SAS (CMAT) and indirect subsidiary of CMA CGM, and Golden Chance Investment Enterprise Limited (Golden Chance) which is a wholly owned subsidiary of COSCO Shipping Corporation Limited (COSCO. The relevant markets for the transaction were defined as container



terminal services (with potential segmentation for reefer container shipping services) on the routes (Egypt-Middle East, Middle East-Egypt, Egypt-Far East, Far East-Egypt); Sea-freight forwarding services in a geographic market which is at least national in scope, with focus on the following intra-COMESA country pair involving Kenya and Egypt; and Logistics services in a geographic market which is at least national in scope.

The joint venture concerned the construction, development and operation of a container terminal in the Port of Ain Sokhna in Egypt. The activities of the parent companies and the JV overlapped in relation to the provision of container terminal services and further complemented each other along the supply chain in relation to deep sea container liner shipping services, sea freight forwarding services, and logistics services. There were therefore both vertical links and horizontal

overlaps between the activities of the merging parties.

Given that the container terminals at the Port of Ain Sokhna provide access to and from the Egyptian market for particular routes, anti-competitive conduct which restricts or distorts access to the port could affect the pattern of trade within the Common Market. CCC observed that the transaction could enhance competition at the Port of Ain Sokhna by introducing a new provider of container terminal services when presently there was only one such provider, which would ultimately benefit the port's customers and consumers in the absence of any anti-competitive conduct. CCC therefore considered that there was a need to regulate the merging parties' behaviour post-merger to ensure the potential benefits of the transaction to Egypt and the Common Market are not offset by the potential anti-competitive effects.

CCC was concerned that the JV may provide a platform to COSCO and CMA CGM, two major international players for container liner shipping services, to align their competitive strategies or share confidential information. The JV was further likely to have access to information of competing shipping liner companies in terms of the movement of their cargo and potentially their clients. There was also concern that the JV could act as a platform where COSCO and CMA CGM could obtain commercially confidential information about their competitors.

To curtail any incentives to engage in such coordinated action and supplement the restrictions on the sharing of confidential information contained in the Shareholders' Agreement SHA, COSCO and CMA CGM were required to put in place information barriers to prevent the flow of information between their container terminal

operations and their container liner shipping services in Egypt, other than for purposes of normal reporting requirements as shareholders.

CCC also had concerns in relation to right of first refusal and right to match provisions in respect of future development projects at the terminal contained in the Concession Agreement entered into between the merging parties and the relevant authorities in Egypt, which could distort competition in the container terminal market. It was observed that the legal framework governing alterations to the Concession Agreement was irregular and overly burdensome, such that any proposed amendments would not have occurred in a timely or proportionate manner to address the concerns of CCC. CCC resolved to grant conditional approval of the transaction subject to monitoring of any any potential anti-competitive effects arising

from the implementation of these provisions.

Acquisition of Viterra Limited by Bunge Limited

The CCC unconditionally approved the merger between Bunge Limited (Bunge) and Viterra Limited (Viterra). The transaction involved the acquisition of 100 percent of the issued and outstanding share capital of Viterra. The relevant markets were defined as the marketing of grains; marketing of oilseeds, marketing of vegetable oils (and narrower market for the supply of sunflower and palm oils), and the marketing of Non-Grain Feed Ingredients (NGFI) with potential segmentation of soybean meal. In the Common Market, the merging parties were active only through import sales of grains, oilseeds, vegetable oils and NGFI. Neither party had any milling or processing capability in any COMESA Member State. The merging parties were smaller





players in all four markets in the Common Market. Further, in the Member States of overlap (Egypt and Tunisia), the parties remained small players and there appeared to be a number of rivals operating which would have continued to exert competitive pressures on the merging parties post-merger.

CCC observed that while the products being sold did not require specific know-how, intellectual property, advertising/promotion, at the level of the supply chain where the merging parties operated, sufficient capital was required to secure future supplies, warehousing, shipping, and logistics issues. It was also noted that the industry was generally characterized by some degree of vertical integration and scale economies which would make it more difficult for new entrants to compete effectively. However, considering the relatively insignificant market position of the merging parties

within the Common Market, CCC concluded that the merger is not likely to substantially prevent or lessen competition in the Common Market. The merger was thus cleared unconditionally.

The above notwithstanding, CCC was mindful that the agricultural sector represented a sensitive and critical sector for the sustainable development of the Common Market, in particular having regard to recent spikes in global food prices which has affected the Common Market and Africa disproportionately. CCC was concerned that there have been gradual consolidations in the recent past along the value chain at global level which may in the future create unfavourable or unfair trading conditions that may negatively impact consumers within the Common Market. CCC's decision thus recorded its intention to conduct thorough and regular market monitoring of mergers and other market practices that may result in

anti-competitive effects along the different levels of the supply chain within the agricultural sector.

Acquisition of 49% shares by SABIC Agri-Nutrients Company in ETG Inputs Holdco Limited

In February 2023, the CCC unconditionally approved the merger involving SABIC Agri-Nutrients Company (SABIC AN) and ETG Inputs Holdco Limited (EIHL). The transaction involved the acquisition of 29 percent shared in EIHL from ETG World together with certain governance rights which would confer joint control by SABIC AN. The transaction was notified following an order issued by CCC having noted that the parties did not notify the transaction within 30 days of having made the decision to merge pursuant to Article 24(1) of the Regulations. In this case, the CCC investigated the announcement made by SABIC AN in relation to the signing of a

share purchase agreement with ETG World on 24 January 2022 to acquire a 49% stake in EIHL, having regard to the presence of both merging parties in the Common Market and noting that the 30-day period for notification had elapsed. The merging parties argued that the signing of the proposed transaction did not constitute a “decision to merge”, as the proposed transaction was wholly dependent and conditional upon a preliminary step involving a related transaction (the Preliminary Step) which required ETG World to purchase Public Investment Corporation SOC Ltd (PIC’s 49% shareholding in EIHL for immediate on-sale to SABIC AN.

In its assessment, CCC considered whether the Preliminary Step implied that the decision to merge would only come into force once the step was completed, or whether it related to the implementation steps as part of the transaction. CCC observed

that the only decision that took place was the first decision which was signed on 24 January 2022, which would be conditioned on the sale of the PIC shares to ETG and other regulatory approvals. Article 24(1) of the Regulations clearly identified the triggering event for a notification to be made to the CCC, being a ‘decision to merge’, which is clearly defined in the Guidelines as the “conclusion of a definitive legally binding agreement to carry out the merger which may or may not be subject to conditions precedent”. CCC considered that the signing of a binding agreement between the merging parties, i.e. SABIC AN and ETG, for the acquisition of shares in EIHL on 24 January 2022 satisfied the definition of a ‘decision to merge’ as set out in the Guidelines.

CCC also noted that if the parties were in doubt of when the ‘decision to merge’ date would be triggered under the Regulations,



they had the option to engage the CCC pursuant to the Notice No. 4 of 2020 - 'Notice of Interim Measures in Merger Review of the Commission due to the Covid-19 Pandemic' which provided an avenue for parties to engage with the CCC on prospective mergers without incurring any costs.

CCC thus determined that the merging parties breached Article 24(1) of the Regulations by failing to notify the transaction within the prescribed 30-days period. In the determination of the relevant fine, CCC had regard to the parties' collaborative behaviour during the assessment, and the fact that there was no harm identified on the market as a result of the contravention. The merging parties were therefore fined 0.05% of their combined turnover in the Common Market, amounting to USD 314,913.56. It should be noted that upon CCC's instructions, the parties notified the transaction to CCC and the merger was approved unconditionally.

RESTRICTIVE BUSINESS PRACTICES

The Regulations prohibit all agreements between undertakings, decisions by associations of undertakings and concerted practices 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. The CCC's initiatives under this area entail investigating anti-competitive business practices which are prohibited under Articles 16, 18 and 19 of the Regulations which include, inter alia, price fixing, collusive tendering, vertical and horizontal restraints, market allocation and abuse of dominance.

Under Article 20 of the Regulations, the CCC is empowered to authorize agreements following

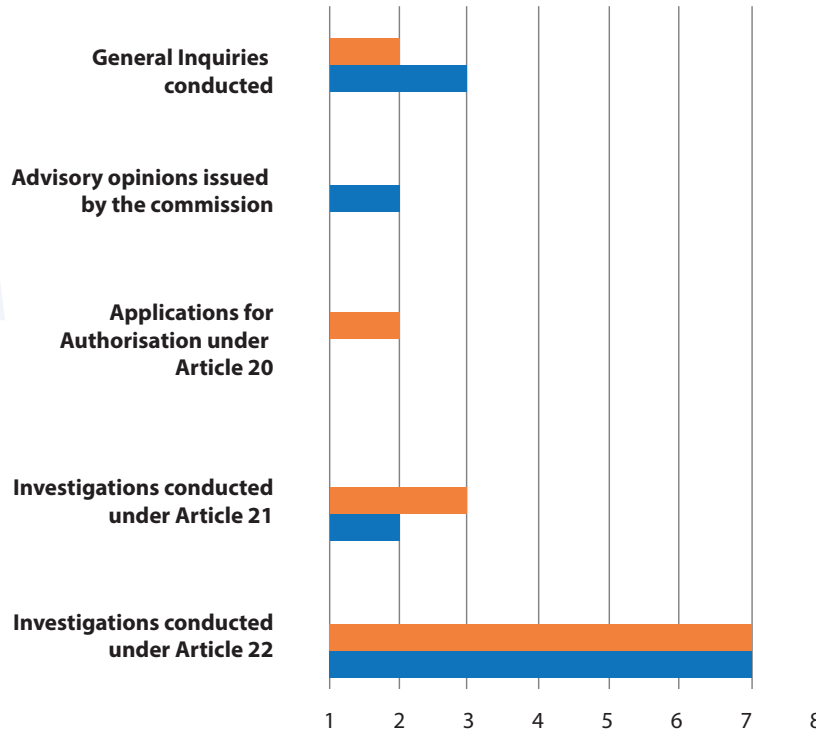
an application for authorisation by parties who wish to enter into or give effect to contracts, arrangements or understandings even if they are anti-competitive if the CCC determines that there are public benefits outweighing the anti-competitive effects. The CCC may also commence investigations upon request by any persons pursuant to Article 21 of the Regulations, or initiate investigations on its own volition pursuant to Article 22 of the Regulations.

The number of cases handled by the CCC in the period under review are highlighted in the figure across:

Figure 4 across shows that the CCC continued with its investigations of cases under Article 22 from 2022 into 2023. The investigations of seven (7) cases have been concluded and awaiting consideration by the CID.

The CCC also received two (2) complaints under Article 21 and one (1) application for authorisation in the aviation sector under Article 20.

Figure 4: Restrictive Business Practices by type



2023



2022

Figure 5 shows the economic sectors for cases being investigated by the CCC. It shows that the CCC received two cases in the ICT sector in 2023 while none was considered in 2022.

Figure 5: Restrictive Business Practices by Sector

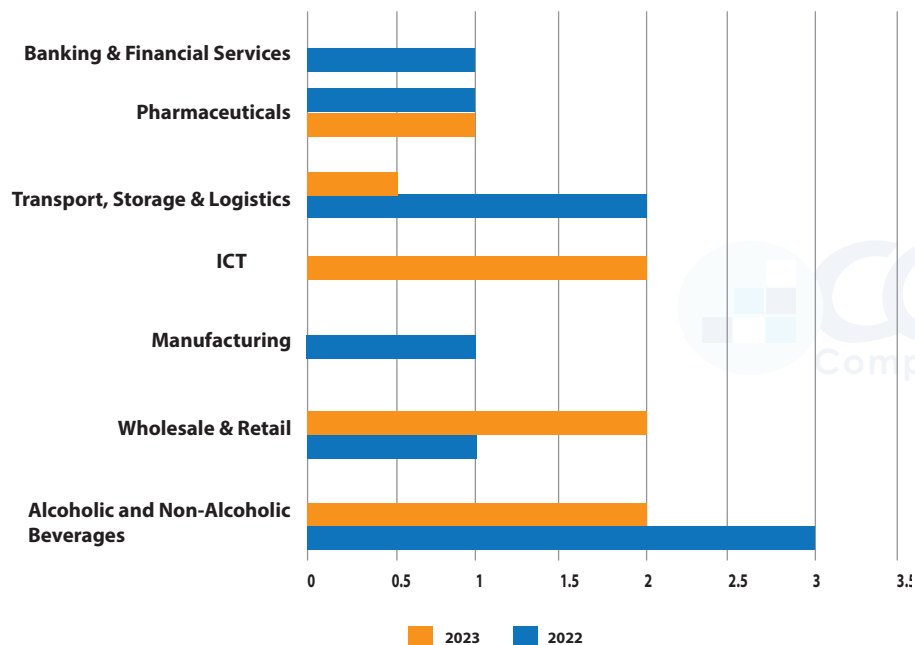
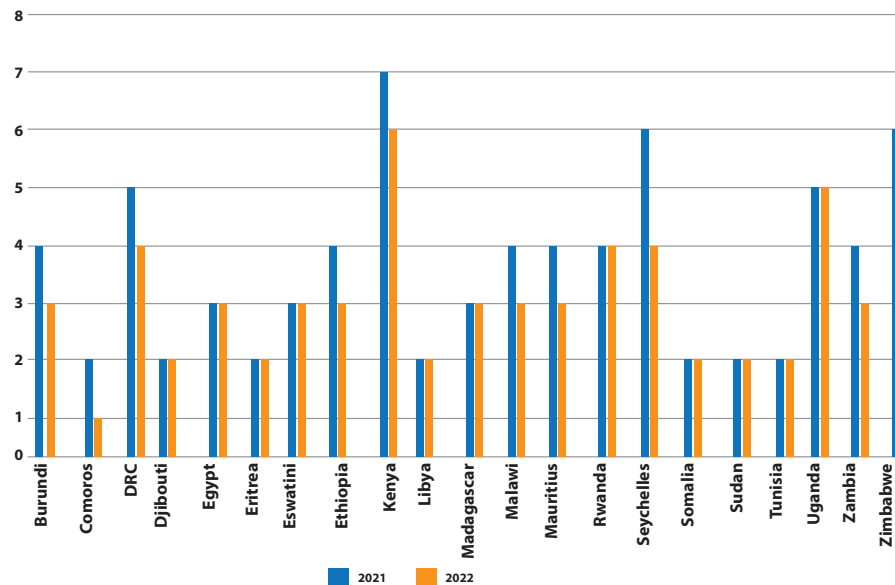


Figure 6 shows the Member States affected by the cases handled by the CCC. It can be noted that the majority of cases affected Kenya, followed by Uganda. Other countries such as Seychelles, Rwanda, DRC, Seychelles and Zimbabwe also received a higher number of cases compared to Comoros which received the least number of cases.

Figure 6: Member States Affected by the Cases



Highlights of Restrictive Business Practices

Application for Authorisation of the Proposed Expansion of the Joint Business Agreement Between British Airways Plc, Iberia Lae S.A. And Qatar Airways Group Q.C.S.C

In August 2023, the CCC received an application for authorisation of the agreement from British Airways Plc (BA), Qatar Airways Group Q.C.S.C (Qatar) and Iberia Líneas Aéreas de España (Iberia).

The Applicants are global airline companies with BA being the flag carrier for the United Kingdom; Qatar being the national carrier of the State of Qatar; and Iberia being the flag carrier for Spain. The Applicants' application requested the CCC to authorise their agreement in line with Article 20 of the Regulations, to facilitate cooperation on: scheduling;





selling and dealing; fares, pricing and inventory management; coordination of frequent flyer programmes, and joint handling and/or joint procurement of services.

The assessment of the application is ongoing and will affect the following Member States; Democratic Republic of Congo, Djibouti, Ethiopia, Kenya, Mauritius, Seychelles, Somalia, Sudan, Uganda, Zambia and Zimbabwe.

Memorandum of Understanding between Lagardere Sports SAS and beIN Media Group LLC in relation to Media Rights of Competitions Organised by the Confederation of African Football

In 2017, the CCC initiated an investigation against the Confederation of African Football ("CAF") in relation to agreements concluded with third parties for the commercialisation of rights

pertaining to the CAF football competitions. In 2019, the CCC issued notices of investigation against Lagardère Sports S.A.S ("Lagardère Sports") and beIN, in connection with two Memoranda of Understanding entered into between Lagardère Sports and beIN in 2014 and 2016 respectively for the commercialisation of media rights of football competitions organized by CAF (the "beIN Agreements").

On 22 December 2023, the CCC's Committee Responsible for Initial Determinations (the "CID") found that certain provisions of the beIN Agreements were in violation of Article 16 of the Regulations. In particular, the CID held that:

a. The lack of an open tender process for the award of the pay-TV broadcast rights for CAF competitions resulted in a significant prevention, restriction or distortion of competition within the Common Market.



b. Having regard to the fact that the CAF competitions were held annually or every two years, the duration of the exclusive beIN Agreements were disproportionately long and increased the likelihood of market foreclosure.

c. The scope of the media rights under the beIN Agreements, taken in conjunction with the lack of a tender process and the duration of the agreements, was excessive and was likely to have resulted in a significant prevention and distortion of competition in the relevant markets.

Therefore, the CID issued the following orders:

a. CAF and beIN were fined USD 300,000 each for breaching Article 16(1) of the Regulations.

b.

c. All media rights awarded to beIN pursuant to the Agreements,

with regard to its operationalisation within the Common Market, shall cease on 31 December 2024.

d. CAF shall award all future exclusive media rights of CAF competitions within the Common Market on the basis of an open, transparent, and non-discriminatory tender process, based on a set of objective criteria, as outlined below:

e. i. CAF shall, within 60 calendar days of the date from the CID's decision, submit the set of objective criteria to the CCC for its consideration and determination.

ii. Upon approval by the CCC, CAF shall widely publicise the set of objective criteria on different platforms including CAF's website.

iii. Where any material departure from the approved objective criteria is necessary due to prevailing market circumstances, CAF shall submit an amended set

of objective criteria to the CCC for approval before launching any tender.

iv. CAF shall publish the results of the winning bidders on its website.

f. CAF shall not enter into new exclusive agreements for the exploitation of media rights of CAF competitions within the Common Market for a duration longer than four years. Where CAF has justifiable grounds to enter into a future exclusive agreement for the exploitation of media rights of CAF competitions within the Common Market for a duration exceeding four years, before implementation, CAF shall notify the agreement to the CCC for its consideration and determination within 60 calendar days from the date of notification, i.e., after submission of complete information as determined by the CCC; and

g. CAF shall offer the various media rights as separate,

commercially viable packages on a platform neutral basis, as outlined below:

i. No single Undertaking shall be allowed to purchase all the media packages.

ii. Where CAF has justifiable grounds to grant all the media packages to a single Undertaking, CAF shall, before implementation, notify the CCC for its consideration and determination.

Investigation into Possible Market Allocation by Beer Manufacturers Operating in the Common Market

In June 2021, the CCC commenced investigations, pursuant to Article 22 of the Regulations, into potential violations of Articles 16 and 19 of the Regulations by various beer manufacturing companies operating in the Common Market, namely: AB InBev, Castel, Diageo and Heineken.

Specifically, the CCC had observed that the manufacturers have market allocation arrangements among themselves and/or territorial restrictions in their distribution agreements with third party independent distributors. The CCC was concerned that the market allocation and territorial restrictions reinforced national borders thus affecting trade between Member States and restricting competition in the Common Market.

The CCC's investigation is at an advanced stage following interactions with stakeholders in several Member States, including National Competition Authorities, the respondents and their respective distributors. The respondents have also had the opportunity to submit representations to the CCC over the course of the investigation. It is expected that the CCC will finalise the investigations by the end of 2024.

CONSUMER PROTECTION

The Regulations empower the CCC to protect consumers in the Common Market against offensive conduct by market actors. The consumer protection mandate of the CCC includes, inter alia, the prevention of false or misleading representation; unconscionable conduct and the supply of defective and unsafe goods within the Common Market.

In 2023 the CCC investigated a total of eight (8) consumer cases against twenty (20) cases handled in 2022. The cases dealt with in 2023 affected a cross section of economic sectors that included manufacturing, pharmaceutical, Transport and ICT sectors. The figures below show the distribution of cases handled in 2023 in comparison to 2022.

Figure 7 shows the distribution of consumer cases by economic sector for 2023 and 2022, 3 of the cases handled in 2023 were in the ICT sector and 2 each in the manufacturing and pharmaceutical sectors and 1 case handled in the transport sector.

It is noted that the same number of cases were handled in the pharmaceutical sectors in 2022 and 2023.

Figure 7: Consumer Cases handled in 2023 in comparison to 2022

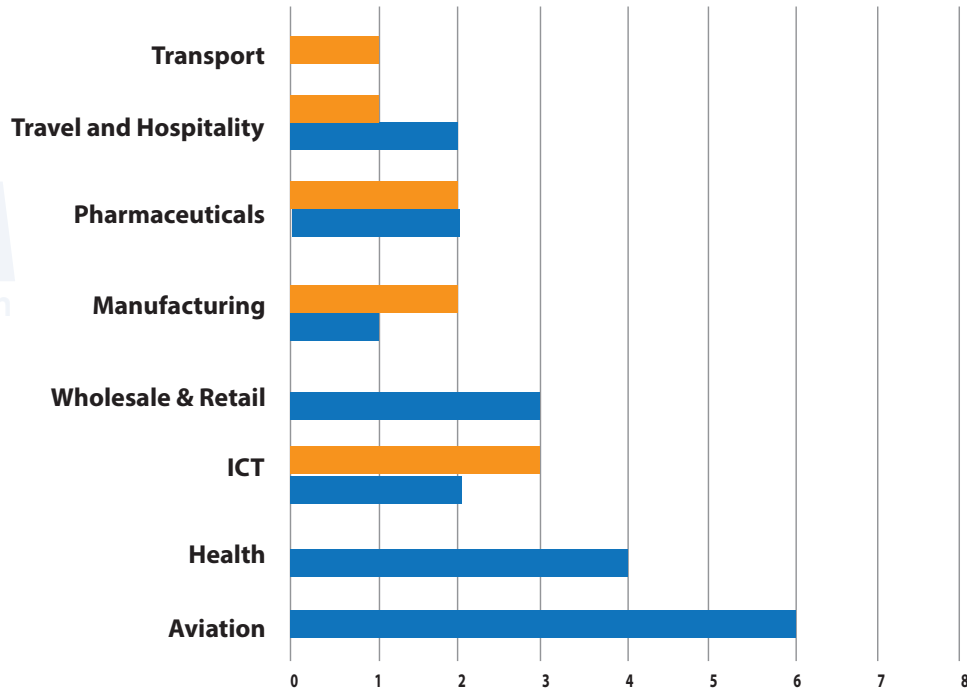
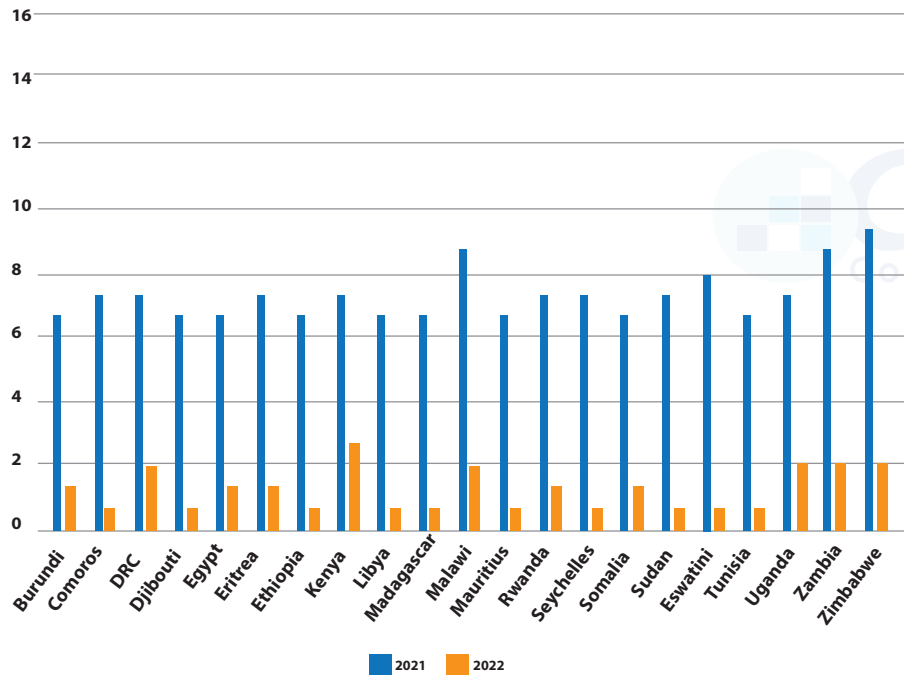


Figure 8 shows the Member States affected by the consumer cases handled by the CCC in 2023 in comparison to 2022.

It can be noted that 4 cases handled in 2023 affected Kenya followed by DRC, Malawi, Uganda, Zambia and Zimbabwe each with 3 cases compared to 2022 where majority of the case affected Zimbabwe, Malawi and Zambia.

Figure 8: Member States Affected by the Cases



Highlights of Consumer Cases

Complaint Against Visa Processing Agents

The CCC received a complaint against TLScontact Kenya Limited, a United Kingdom (UK) visa application centre. The Complainant alleged that the company held his passport during the process of applying for visa for a long time without reasonable justification.

The CCC considered that the conduct potentially violated Article 28 of the Regulations relating to unconscionable conduct took up the matter. However, during the process of establishing a breach against the Regulations, the Complainant withdrew the matter.

The CCC, noting that other consumers in the market could



be subjected to similar treatment, issued a warning letter to the TLScontact Kenya Ltd informing them of the observed conduct, and that action would be taken in future should the conduct recur or be reported. The CCC also observed that this conduct appeared to be wide-spread where embassies and consulates would charge a non-refundable high fee for visa applications and would only issue an appointment date way after the date of travel. The CCC considered this behaviour to be unconscionable and issued a warning against such behaviour.

The Commission also invited people who were subjected to this treatment to bring forward their complaints.

Failure by Ethiopian Airlines to Redress Consumers for damaged bags and lost property

The CCC received a complaint from the National Consumer



Protection Agency of Sudan on behalf of four passengers whose baggage checked in on Ethiopian Airlines, were damaged and properties lost. The affected passengers had lodged in a complaint with Ethiopian Airlines, but no redress or compensation was given to them. The CCC initiated investigations into the complaint and noted that the terms and conditions on liability of the carrier for fragile, irreplaceable, or perishable articles was not elaborate and the consumer was not adequately informed of what items they were not allowed in check in luggage.

The CCC specifically noted that the Airline's terms and conditions on liability of the carrier for fragile, irreplaceable or perishable articles contained on their website that applied for US and Canada were significantly different from those that applied to the rest of jurisdictions in that they provided enough clarity for

consumers to know what would constitute fragile, irreplaceable and perishable articles.

The Airline in their defence submitted that the terms and conditions were erroneously uploaded on their website and agreed to compensate the affected passengers. The CCC was satisfied with the steps taken by the Airline and the matter was closed.

Complaint Against Ethiopian Airlines

The CCC became aware that passengers booked on business class tickets with Ethiopian Airline in December 2022 were denied access to the Business Lounge at Kamuzu Airport in Lilongwe-Malawi. The CCC noted that the conduct was a likely violation of the Regulations under Article 27 (1) on false and misleading representation to consumers on benefits of being on business class that the Airline did not have. The CCC engaged the

Airline who indicated that the issue was attributed to an internal service standards' problem by their service provider, however the issue had been resolved and would not recur. The CCC noted the reassurances by the Airline and cautioned them to always inform consumers beforehand of similar interruptions in service and the matter was closed.

Investigations into unsafe products by Ndola Hydrated Lime

The CCC became aware in May 2023 that Malawi Bureau of Standards (MBS) had received complaints regarding safety effects related to the use of the Ndola Hydrated Lime). Laboratory results indicated that Ndola lime failed to meet the requirements of the standard "Limes for use for building part 1: Hydrated Lime-Specification (MS 85-1:2013)" and a mandatory Malawi Standard for labelling, "Presentation, and



Advertising of Prepacked goods for the ultimate consumer (MS 722:2005)".

The CCC further established that in the Common Market the product was exported to Burundi, DRC, Malawi and Zimbabwe. Pursuant to Article 30(1)(b) of the Regulations, the CCC issued a consumer alert to Member States of the concerns that were arising from the use of this product.

Consumer Alert on Naturcold Cough Syrup

The CCCC become aware that on 19 July 2023, the World Health Organization (WHO) issued a Medical Product Alert, Medical Product Alert N°5/2023, with regard to a batch of substandard (contaminated) NATURCOLD Syrup identified in Cameroon. Laboratory analysis found that the product contained unacceptable amounts of diethylene glycol as contaminants.

Diethylene glycol was detected in samples of NATURCOLD as much as 28.6%, whereas the acceptable limit for Diethylene Glycol is no more than 0.10%. It was believed that the product may have been distributed to other countries or regions through informal markets. The CCC therefore issued an alert to COMESA Member States to be cautious and take note of the possible presence of the harmful product in their countries.



STRENGTHENING RESEARCH

The CCCC recognizes the need for, and importance of robust research to inform its investigations and decisions relating to the enforcement of the Regulations in the Common Market. In furtherance of this, the CCC undertook research in agriculture and food markets the details of which are provided below.

Research in Agriculture and Food Markets.

The CCC working with the University of Johannesburg's Centre for Competition Regulation and Economic Development (CCRED) undertook research in agriculture and food markets focusing on competition issues existing in the fertiliser and vegetable oil markets in DRC, Kenya, Malawi, Rwanda, Uganda, Zambia and Zimbabwe. The research was part

of the ongoing African Market Observatory that was initiated by the CCC in collaboration with CCRED in 2021 which had focused on maize, maize meal, soybean, soybean meal and rice.

The findings of the study reviewed that while fertilizer is a key input for agriculture, most of the participating countries are net importers of the commodity with some countries having blending facilities domestically. The study found that the markets for fertilizer are oligopolistic in nature and highly concentrated.

The markets are dominated by a few regional players with links to global manufactures of the commodity. The study also found that some of the mergers that have occurred in the Common Market have contributed to the

increase in concentration and in some cases resulted into cross-shareholding that could facilitate information exchange and reduced competition.

The study reviewed that the fertilizer prices in the participating countries were high in comparison with the international prices and that even though the international prices have been reducing, the prices in these countries have not followed the same trend. The price-cost analysis conducted reviewed that the margins for the suppliers were high and ranged from 41 percent to 133 percent with efficient costs and from 31 percent to 98 percent with fair prices.

Figure 9: Prices of Urea fertilizer

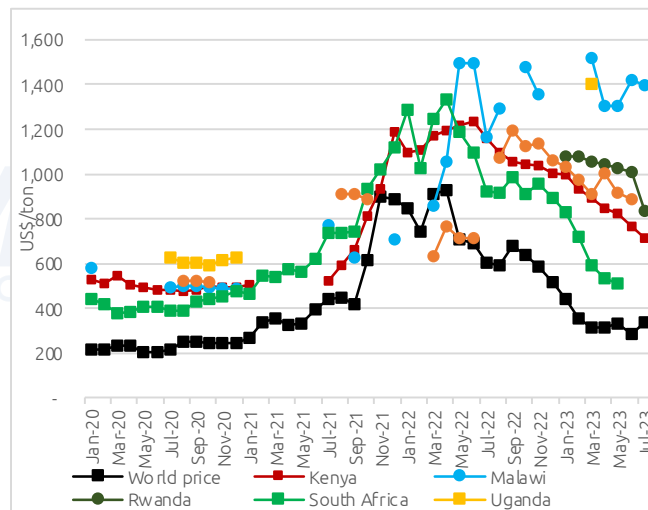
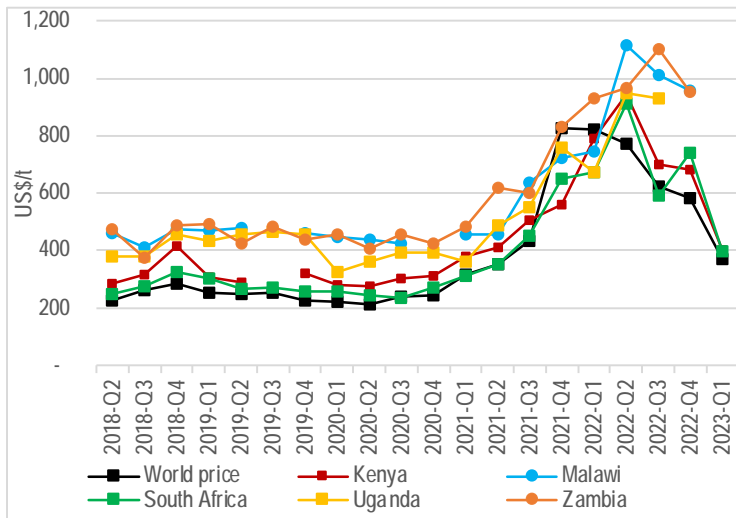



Figure 10: imports prices of Urea fertilizer vs world prices





The vegetable oil market also portrays similar traits in terms of structure as it is also oligopolistic in nature and is dominated by a few regional players that are vertically integrated through the value chain from sourcing of oil seeds to crushing the seeds, refining the oil and distributing the products.

It was noted that trade takes place among the participating countries in both oilseeds and refined products with the main sources of vegetable oil being different for the Southern Region and the Eastern Region. Specifically, the main source of vegetable oil for the Southern Region being soybean while the main source for the Eastern Region including DRC being palm oil.

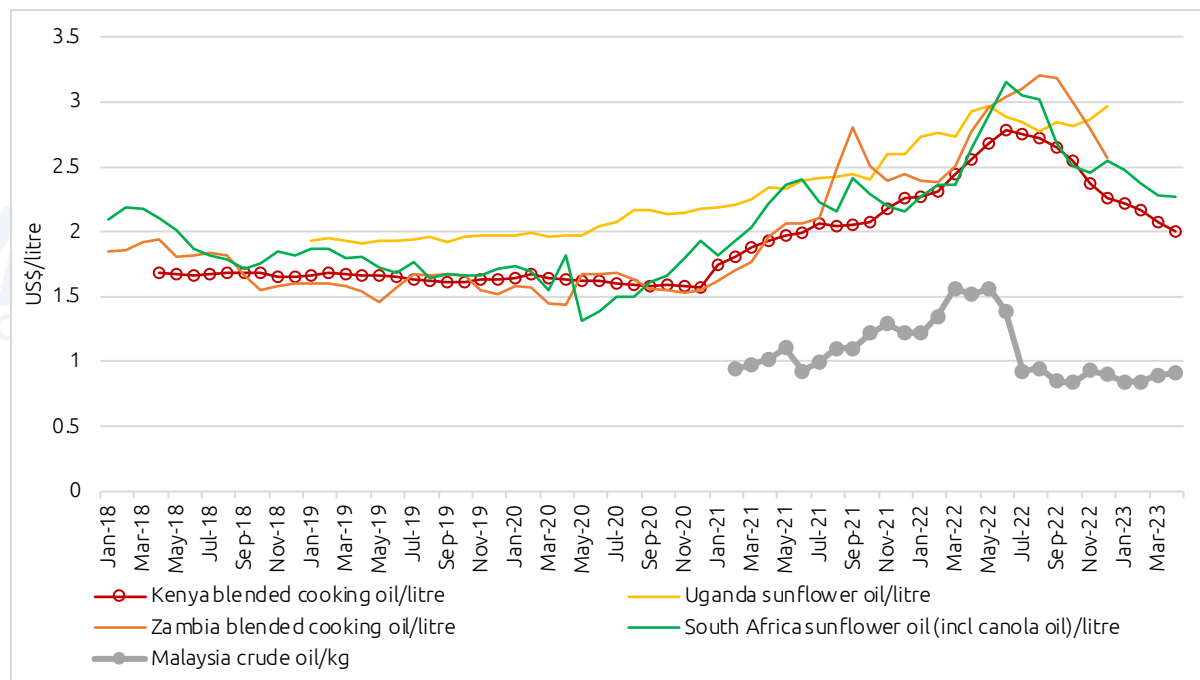
The study also noted that a number of mergers have also taken place both at national and regional level that contributed to the consolidation of companies and the levels of concentration. The

prices of the commodity were also noted to be high in comparison to the international prices even though the global prices of the products have been falling.

The study also noted that there were policy issues implemented by some of the Governments that had an impact on the development of the market that needed to be addressed. Some of the policy issues included the allocation of export permits to crushers for soybean cake one of the by-products from crushing soybeans that could have an impact on the quantities of soybean crushed as well as the quantities of soybean grown.



Figure 11: consumer prices of vegetable oil



STRENGTHENING ENFORCEMENT

The CCC's goal under this strategic issue is to build its capacity and that of the National Competition Authorities in Member States to effectively enforce both the Regulations and the national competition laws. The CCC strengthens enforcement through comprehensive review of its competition legal framework, comprehensive reviews of national competition legislation and encouraging compliance with its decisions by Member States.

Comprehensive Review of the Regulations and Rules

The CCC is in the process of repealing the Regulations and Rules that were promulgated in 2004. The purpose of the amendments is to address some of the practical challenges encountered during the course of enforcing and implementing the Regulations. The amended Regulations will also cover provisions that address the new and emerging issues in competition and consumer

protection law such as digital markets and climate change/environmental concerns. The repealed Regulations and Rules are expected to be enacted in December 2024.

Review of the Executive Management Staff Rules, Staff Rules, Procurement Rules, Financial Rules and Board Appointment Procedures

The CCC made amendments to the Staff Rules, Executive



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Management Staff Rules, Financial Rules, Procurement Rules and the Rules on Board Appointment Procedures. The reviewed Financial Rules, Procurement Rules and the Rules on Board Appointment Procedures were finalised and approved by the Council of Ministers. However, the Staff Rules and Executive Management Staff Rules were deferred to be considered by the Legal Drafting Sub-Committee in 2024.

Enhance Compliance with the decisions of the CCC

To enhance compliance with its decisions, the CCC was deliberate in enhancing its efforts towards the provision of technical assistance and capacity building activities to selected Member States and the conclusion of enforcement cooperation agreements with national competition and competent authorities in Member States. The purpose of this

exercise was to harmonise national competition laws and policies with the regional competition law and to support the setting up and/or operationalisation of national competition authorities and the implementation of national and regional competition laws in Member States. In this respect, the CCC engaged with the following Member States:

Burundi

In January 2023, the CCC held a competition law and consumer protection sensitization workshop for key stakeholders in Burundi and engaged Burundi Government officials on progress with the setting up and operationalization of the National Competition and Consumer Protection Authority.

The CCC also signed an MoU with the Ministry of Trade, Industry, Transport and Tourism to guide future collaboration. It is expected that with the sensitization of the relevant stakeholders on the importance of having a National Competition and Consumer Protection Authority, Burundi will set up a national institution and start enforcing competition and consumer protection laws.

Djibouti

The CCC is assisting the Djibouti Ministry of Trade to review and update the national competition and consumer laws and policy and harmonize with the Regulations. In this regard, the CCC engaged an international and a local consultant and commenced the law review project.

In October 2023, meetings were held with the Ministry and other stakeholders to discuss the draft policy and law taking into account the comments provided. It is expected that the final policy and laws will be concluded in 2024.

Ethiopia

In April 2023, the CCC engaged a consultant who was attached to the Ministry of Trade and Regional Integration (MoTRI) of Ethiopia. The Consultant was engaged to train the members of staff of MoTRI responsible for enforcing competition and consumer protections laws, drafting of amendments to the competition and consumer protections laws as well as assist MoTRI with the development of the Strategic Plan to support the effective enforcement of competition and consumer protection laws.

The training for the members of staff was concluded in July 2023 while the review of the law and development of the strategic plan is expected to be concluded in the first quarter of 2024.

Madagascar

In March 2023, the CCC provided training to the staff of the Conseil de la Concurrence de Madagascar on a dedicated training on mergers and acquisitions. The training was aimed at building the capacity of the authority in conducting merger investigations and covered the definition of a merger, planning a merger investigation, engagement with merging parties, stakeholders and other authorities, elements of market definition, assessment of market structure, theories of harm, and identification of remedies.

Staff of the CCC with staff from Conseil de la Concurrence de Madagascar during their training.



Libya

In September 2023, the CCC and the Libya Council of Competition and Antitrust (CCA) negotiated and signed an MoU. The MoU stipulates how the two institutions would cooperate on investigations of competition and consumer protection matters, research, capacity building and advocacy.

Dr Willard Mwemba, CEO of CCC and Dr Salama Gwil, President of the Libya Competition and Antitrust Council after the signing of the MoU

جهاز حماية المنافسة

LYPTIAN COMPETITION AUTHORITY





Malawi

In August 2023, the CCC financially and technically supported the Competition and Fair Trading Commission in holding a meeting for the Parliamentary Legal Affairs Committee and the Committee on Industry and Trade to sensitize them on the draft Competition and Fair-Trading Bill and Regulations.

The CCC also took part in the stakeholders' validation workshops for the review of the Bill and Regulations. The Bill is progressive as it has addressed the short comings in the old competition law and has incorporated provisions that facilitate collaboration and cooperation with the CCC in the investigation of cases.

Mauritius

In February 2023 the CCC conducted a capacity building workshop for representatives from the Competition Commission of Mauritius, the Ministry of Commerce and Consumer Protection, the Judiciary, the Bar Association and other business and consumer associations of Mauritius on competition and consumer protection laws.

The main objective of the training workshop was to enhance awareness of the participants on the interface of the national laws with the regional laws, scope, coverage and the roles and responsibilities of respective authorities.

Participants including officials from CCC and the Competition Commission of Mauritius during the capacity building workshop.



Uganda

In February 2023, the CCC through the Ministry of Trade, Industry and Cooperatives provided technical assistance to Uganda by sensitizing the Members of Parliament on the importance of the enforcement of competition and consumer protection laws.

The workshop was aimed at sensitizing the Members of Parliament on competition law in preparation for the second reading of Competition Bill in the Ugandan Parliament.

In addition, in August 2023, the CCC held a competition and consumer protection capacity-building workshop for officials from the key Government institutions on the implementation of the National Competition Bill 2022 and the setting up and operationalization of the National Competition and Consumer Protection Authority. This was done in preparation for

the implementation of competition law in Uganda once the Bill is assented to by the President of the Republic of Uganda and becomes law. It should be noted that the CCC has been very instrumental in the development of competition legislation in Uganda and shall continue extending this assistance until the enforcement of the law commences.

Zambia:

In March 2023, the CCC facilitated the training of the newly appointed Board Members for the Competition and Consumer Protection Commission in competition law enforcement and corporate governance.

In addition, the two institutions reviewed progress on the implementation of their MoU Implementation Work Plan in July 2023. The purpose of the review was to monitor progress on the execution of the agreed activities so as to assess future implementation.



Members of Parliament, staff of the CCC and the Ministry of Trade, Industry and Cooperatives during the training for the Members of Parliament on competition law Rwanda

Rwanda

The CCC facilitated a capacity building workshop for officers from Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA) and officials from different government agencies.

The purpose of the capacity building workshop was to build capacity for newly recruited RICA staff and officials from different government agencies involved in the implementation of competition and consumer protection laws. It is expected that the training enhanced understanding by the participants of the enforcement of competition and consumer protection laws at national and regional levels.



Participants during the RICA Capacity building workshop and representatives from the CCC

Zimbabwe

The CCC negotiated and signed an MOU with the Consumer Protection Commission (CPC) of Zimbabwe. The MoU will guide how the two institutions collaborate in the enforcement of consumer protection laws.

Engagement with stakeholders outside the Common Market for Eastern and Southern Africa

African Civil Aviation Commission (AFCAC)

The CCC signed a Cooperation MoU with AFCAC in May 2023 which is aimed at the two institutions cooperating in the enforcement of competition and consumer protection matters in the air transport sector in the Common Market. The MoU includes how the two institutions will cooperate in handling complaints related to competition and consumer matters in the air transport sector,





research, capacity building and advocacy initiatives. The two institutions have already been cooperating and collaborating pursuant the said MoU in handling and addressing competition and consumer concerns in the air transport sector.

Seated in the centre from left to right is Dr Willard Mwemba, CEO of the CCC and Ms Adefunke Adeyemi, the Secretary General of AFCAC during the signing ceremony of the MoU.

United Nations Economic and Social Commission for Western Asia (UN-ESCWA)

The CCC and the United Nations Economic and Social Commission for Western Asia (UN-ESCWA) signed a Cooperation MOU in August 2023. The objectives of the MOU are to enhance cooperation in areas of mutual understanding between the Parties in the field of competition law enforcement

and competition advocacy some of the areas of common interest include information sharing, capacity building, research, and advocacy and awareness. The two institutions have already been cooperating pursuant to the MoU in enhancing competition and consumer law enforcement in the Middle East and North African Countries.

Capacity Building

Regional Case Handlers

Under the Strategic Issue, 'Strengthening Enforcement', the CCC holds an annual regional programme for case handlers from National Competition and Consumer Agencies to enhance and strengthen their capacity to enforce the Regulations and their national competition laws. The programme is crucial to ensuring that the CCC and the NCAs have adequate skills and tools to prevent, detect and prohibit

anti-competitive conduct at both national and regional level thereby contributing to the regional integration imperative. In this respect the CCC held trainings for both competition and consumer protection case handlers in the period under review.

In partnership with the United States Federal Trade Commission (USFTC) the CCC held the case handlers workshops in July 2023 which was attended by 18 Member States. The Competition and consumer protection workshops were held parallel to each other for five days with two of the days dedicated to digital markets facilitated by the USFTC.

The competition training focused on inter alia the assessment of vertical mergers and agreements with emphasis on the legal and economic analysis and the use of economic tools and techniques. The aim of the workshops was to build capacity of case handlers in

Member States to enhance them to effectively investigate vertical restraints and vertical mergers as well as carrying out investigations in digital markets.

On the other hand, the consumer workshop focused on enforcement of consumer protection at national and regional level and included an array of topical discussions such as investigative techniques, misleading conduct, environmental claims and consumer product safety matters. The workshop also allowed participants to share their experiences on consumer protection enforcement in their jurisdictions.



Participants to the CCC Case
Handlers Workshop

Benchmarking workshop on complaint handling at the Consumer Protection Agency of Egypt (CPA)

In September 2023, the CCC facilitated the training of six officers from three Member States namely Eswatini, Malawi and Zimbabwe for a benchmarking workshop on complaint handling with the Consumer Protection Agency (CPA) of Egypt. The exercise was aimed at building the capacity of the case officers in complaint handling through the interaction with the call center at the CPA. This also facilitated the exchange of expertise and sharing of information among Member States in consumer protection.

Representatives from CCC, Eswatini, Malawi and Zimbabwe together with the Chairperson and Vice Person of the Consumer Protection Agency of Egypt during the benchmarking mission.



Attachment of staff from the Egyptian Competition Authority (ECA)

The three officers of ECA that were attached to the CCC in 2022 for four months.

The CCC in 2023 attached three members of staff of the Egyptian Competition Authority, Ms. Mayar Tarek, Ms. Hana Hosny and Ms. Rawan Shaarawy for a period of four months to the Competition Division.

Of the three, Mayar Tarek (*left*) and Rawan Shaarawy (*centre*) were attached to the Mergers Unit while Hana Hosny (*right*) was attached to the enforcement Unit. The purpose of the attachment was to provide practical experience to the officers on handling regional competition cases. This is part of the CCC's ongoing practice of building capacity of the National Competition Authorities.



ADVOCACY AND STRATEGIC COLLABORATION

The strategic issue on advocacy and strategic collaboration, aims to create a competition culture in the Common Market through enhancing the visibility of the CCC and increasing public awareness on the benefits of competition and competition law enforcement within the Common Market. The CCC's approach is to engage various stakeholders within the Common Market which include National Competition Authorities, the business community, consumer groups, business reporters, Judges, the legal fraternity and other stakeholders. The CCC

also engages stakeholders outside the Common Market such as international organization dealing with competition and consumer matters. In 2023, the CCC implemented the following activities under this Strategic Issue:


Press Conference

The CCC in February 2023 held its first Press Conference to inform the public on its enforcement activities in the COMESA Region on both competition and consumer protection matters and other achievements. The Press

Conference highlighted some of the key competition and consumer cases that the CCC has handled in its efforts to promote competition and enhance the welfare of consumers and ultimately support the regional integration agenda. The CCC has since made the press conference an annual event in its quest to spread the benefits arising from the effective implementation of competition and consumer laws.

World Consumer Rights Day

The CCC joined the rest of the



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world in the commemoration of World Consumer Rights Days on 15th March 2023 under the theme, “Empowering Consumers Through Clean Energy Transitions”. Specifically, the CCC:

- Held a virtual meeting where about 15 Member States took part in the discussions on the common consumer issues relating to clean energy and shared experiences on handling such complaints as well as future collaboration.

- Held joint radio

programmes with Competition and Consumer Protection Commission, Zambia

- Joint Radio and Television talk shows with Rwanda Inspectorate, Competition and Consumer Protection Authority of Rwanda.

- Joint panel discussions and radio programmes with the Consumer Protection Commission of Zimbabwe.

- Delivered a speech and took part in joint discussions with

the Competition and Fair-Trading Commission of Malawi.

Zimbabwe International Trade Fair

The CCC participated in the Zimbabwe International Trade Fair (ZITF) in April 2023.

The CCC jointly exhibited with the Competition and Tariff Commission and Consumer Protection Commission. The CCC also made a presentation at the Business Luncheon organized under the auspices of the ZITF and sensitized stakeholders in

Zimbabwe on the Regulations. The luncheon was held under the theme “Continuous Innovation and Global Competitiveness”.

Business Reporters workshop

The CCC held a journalist’s workshop in May 2023 which was attended by journalists from the Member States. The purpose of the workshop was to equip journalists with knowledge on competition and consumer protection. During the workshop the COMESA Business Reporters Forum was launched. In addition, the workshop reviewed the modalities for writing competition in the media in COMESA where the winning journalists will be awarded by the CCC.

By 5 June 2023 the Business reporter’s writing competition on COMESA competition and consumer protection was launched. This is aimed at increasing the visibility of the CCC

and awareness on competition and consumer matters in the Common Market.

Commemoration of the CCC’s 10 Year Anniversary

The CCC commemorated its 10th Anniversary in 2023. The event was attended by over 260 people from all around the world including, Europe, United States of America, and Africa. Among the delegates that attended the event included the Chief Justices of Malawi and Zimbabwe, Secretary General of COMESA, Deputy Ministers from Egypt and Ethiopia, Permanent Secretaries from Burundi, Eswatini and Mauritius, Heads and National and Regional Competition Authorities, Cooperating Partners, and representatives from Member States.

The event was widely published in different local and international news outlets. The Commemoration assisted the CCC in enhancing its visibility around the world.

Seated from left to right is Honourable Chief Justice of Malawi, His Lordship Justice Rizine R. Mzikamanda, SC; His Excellency Mr Yahya Elwathik Bellah Abdelmoneim, Deputy Minister of Industry and Trade, First Under Secretary of the Ministry and Head of Egyptian Commercial Service; Honourable Simplex Chithyola, Minister of Trade and Industry of Malawi; Her Excellency, Ms Chileshe Mpundu Kapwepwe, Secretary General of COMESA; Honourable Teshale Belihu Kefene, State Minister of the Ministry of Trade and Regional Integration from Ethiopia and Honourable Chief Justice, His Lordship Luke Malaba, Chief Justice of Zimbabwe.



COMESA
Competition Commission



10
YEARS

COMESA
The Commission is a specialized institution of the COMESA Regional Authority for promotion of competition in the region's economies to ensure fair trade in COMESA.

Values
Integrity, Honesty, Accountability, Transparency, Efficiency, and Innovation.

Mission
To be a catalyst of the economic growth and development of the region.

Core Vision
To be a catalyst of the economic growth and development of the region.

Core Values
Integrity, Honesty, Accountability, Transparency, Efficiency, and Innovation.

Core Vision
To be a catalyst of the economic growth and development of the region.

Training Lawyers on Merger Notifications under COMESA

The CCC provided on-site training to lawyers at Dentons Zambia/ Eric Silwamba, Jalasi, and Linyama law firm in July 2023.

The CCC shared its experience and expectations in relation to COMESA merger filings, covering both substantive and procedural matters. The training also highlighted the legal implications relating to domestication of the COMESA Treaty and the Regulations, and the upcoming opportunities and challenges presented by the African Continental Free Trade Area Competition Protocol.

CCC achieved its goal of increasing the understanding of one of its main stakeholders on the requirements of the COMESA merger control regime, which in turn is expected to enhance compliance with the Regulations.



Representatives from Dentons Zambia and CCC staff during the training

COMESA Consumer Protection Committee Meeting

In 2021, the CCC operationalized the COMESA Consumer Protection Committee. The Committee comprises Consumer Agencies from all the Member States and some Consumer Associations.

The key focus and deliverables of the Committee is sharing information and experiences on topical consumer issues including those relating to product safety and information standards in the Common Market. The Committee is also expected to set up a regional early warning system and recall network for dangerous goods.

In 2023, the COMESA Consumer Protection Committee Meeting held two meetings which brought together members of the Committee comprising of national consumer protection agencies and consumer associations from

the Member States. A meeting for the Steering Committees on the Education Curriculum and Consumer Product Safety was held in October to discuss the progress on the development of the regional early warning system on unsafe products as well as the development of the education curriculum on consumer protection where members provided input on the CCC's reports. In December 2023, the Annual Conference was held where the comments on the two reports were discussed, and the reports adopted for implementation. The meeting also discussed the work plans and activities for 2024.

Participants during the COMESA Consumer Protection Committee Meeting



Consumers International Global Congress

The CCC partnered with the Consumers International and Competition Authority of Kenya (CAK) in hosting the first Consumers International Global Congress in Africa in more than 50 years.

The Congress was attended by more than 350 delegates from around the world and discussed various topical issues in consumer protection such as digital markets, environmental concerns, product safety and highlighted the importance of cooperation and collaboration by all the different stakeholders to support effective consumer protection. The event was officially opened by the Vice President of the Republic of Kenya, His Excellency Rigathi Gachagua.



From left to right, Helena Leurent, Director General, CI, Dr Adano Roba, Ag. CAK, Mr Shaka Kariuki, Board Chairperson, CAK, His Excellency Rigathi Gachagua, Deputy President of the Republic of Kenya. Dr Willard Mwemba, CEO, CCC and Honourable Teshale Belihu Kefene, State Minister, MoTRI

The CCC also collaborated with the Consumer International in hosting and participating in various virtual webinars to discuss high food prices and their impact on consumers.

World Competition Day

The CCC also joined the rest of the World in commemorating World Competition Day which is held on 5th December every year. The 2023 World Competition Day was commemorated under the theme "Prioritising Socially Sensitive Sectors".

The CCC commemorated the day in collaboration with the Competition and Fair Trading Commission of Malawi and localised the theme to address the local situation. The day was therefore celebrated under the theme "Role of Competition in Enhancing Economic Recovery" where a joint television programme was held to sensitise the public on the importance of competition law in economic development.

Corporate Social Responsibility

Tree Planting

In the run up to the 10-year anniversary celebrations, the CCC undertook a tree planting exercise at Lilongwe Primary School in liaison with the Department of Forestry of Malawi. The exercise was undertaken in recognition of the importance of preserving the environment in light of the effects of climate change. This recognition was also informed by the anticipated expanded scope of the COMESA Competition Regulations to address climate change and other environmental concerns.

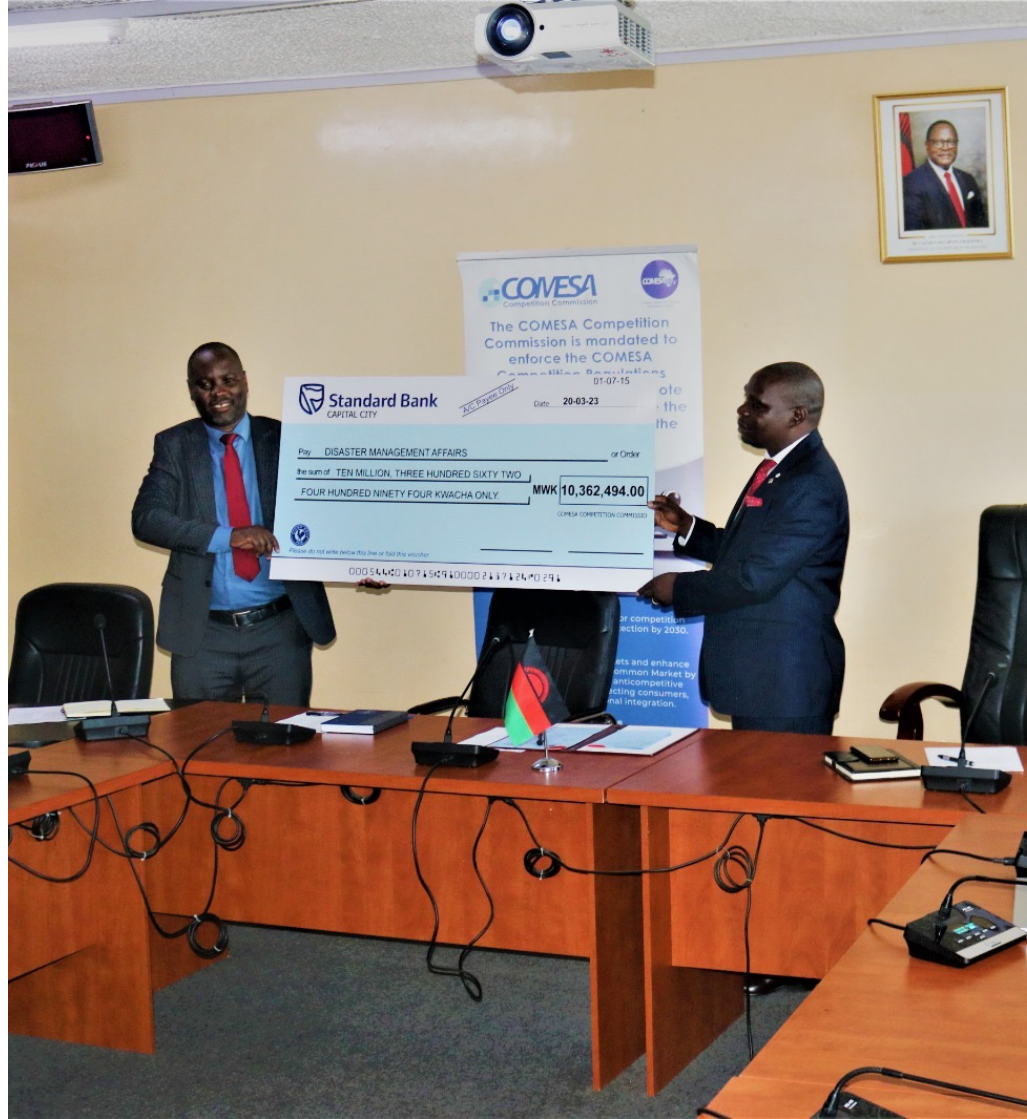
CCC during tree planting in Lilongwe, Malawi



Donation Towards Tropical Cyclone Freddy by the CCC and its Staff

The CCC donated \$10,000 to the Government of Malawi to assist the victims of the Tropical Cyclone Freddy. The CCC staff also made financial contributions in their individual capacity and donated food and non-food items towards the victims of the Cyclone.

Dr Willard Mwemba, CEO of CCC presenting the cheque to then Minister of Trade and Industry, Honourable Simplex Chithyola



International Cooperation, Outreach and Networking

In 2023, the CCC implemented and took part in several international and regional activities for purposes of international cooperation, outreach and networking. These included the following:

Africa Heads of Competition Authority Dialogue

The CCC participated in the Africa Heads of Competition Authority Dialogue in February 2023 under the theme: "Competition Dynamics and Enforcement in Digital Markets in Africa, "Towards a Bright Future of African Digital Competition". The meeting was organised after a Joint Statement by the Heads of the National Competition Authorities of Egypt, Kenya, Mauritius, Nigeria, and South Africa issued on 18 February 2023 in South Africa regarding

competition regulation of digital markets. The authorities agreed on the need to expand and deepen the dialogue amongst competition authorities in Africa aimed at enhancing competition enforcement in digital markets.

Africa -EU Week

The CCC took part in the Africa-EU High Level Conference on enforcement of competition law organised jointly by the College of Europe and the European Commission in February 2023. The Director and Chief Executive Officer took part in the panel discussion on "Working Together for a Continental Competition Regime in Africa-the AfCFTA."

Bowmans 11th African Competition Law Conference

The CCC attended the Bowmans 11th African Competition Law Conference, which was held in

Cape Town, South Africa on 23 - 24 February 2023. The theme for the conference was "Competition Law: Trends, Analysis and Insights". The CCC delivered remarks on 23 February 2023 which included a brief talk on the activities of the Research, Advocacy and Policy Unit; and participated in two panel discussion on "Mergers across Africa – Regulator Objectives and Procedural Fairness"; and "Behavioural investigations – shifting scrutiny from vertical arrangements to cartels".

ABA Antitrust Spring meeting

The CCC participated in the ABA Anti-Trust Meeting in March. The CCC participated in a series of meetings during the Spring meeting to sensitise the international community on its mandate and enforcement activities in the COMESA region. In addition, the CCC also took part in the Annual Enforcers

Summit (organized jointly by the US Department of Justice and US Federal Trade Commission) which was held on the sidelines of the ABA Spring meeting.

Law Association of Zambia Conference (LAZ)

The CCC participated in the LAZ conference in April 2023 in furtherance of the signed MOU and sensitized the legal fraternity in Zambia on the AfCFTA, COMESA and cross-border competition law enforcement.

International Consumer Protection Network (ICPEN)

The CCC participated in the ICPEN Annual Conference in May 2023 and shared its perspectives on newer agencies with a special focus on barriers to knowledge sharing and enforcement in cross-border enforcement. The CCC also took part in various virtual

meetings organised by ICPEN on different consumer related matters.

Meeting to discuss the African Dialogue on Consumer Protection

The CCC organised a meeting for the Regional Consumer Protection Authorities and Member States to discuss the African Dialogue on Consumer Protection. The aim

of the meeting which was also attended by the USFTC was to discuss ways in which the African Consumer Protection Authorities could play a more active role in the activities of the Dialogue. The meeting also discussed the draft framework for setting up cooperation arrangements for the Dialogue.

Participants during the African Consumer Protection Dialogue Meeting



Fourth Arab Competition Forum

The CCC attended and participated at the fourth Arab Competition Forum held in May 2023 Ryad Saudi Arabia. The Director and CEO took part as a panelist to discuss cross border merger control, highlighting the experience of the CCC.

Eurasian Economic Forum

The CCC attended the Eurasian Economic Forum (EEF) held in July in Moscow. The CCC took part in a panel discussion on ex-ante vs ex-post digital markets regulation.

UNCTAD

The CCC participated and presented at the UNCTAD Intergovernmental Group of Experts meeting on competition and consumer protection held in July 2023, During the meetings, the Director and Chief Executive

Officer took part in the sessions on "Clean Energy Transition" and on "Competition and Regional Economic Communities." The CCC also attended the 20th Meeting of the Working Group on Consumer Product Safety held in February 2023 to discuss developments in 2022-23 work plan. Other UNCTAD meetings attended included the UNCTAD

PALOP Webinar Series for Portuguese Speaking Nations on competition and consumer protection held in April 2023 and the EnTech meeting held in April 2023 which discussed a technological approach to consumer law enforcement.

The CCC after taking part in the session on Regional Economic Communities at the UNCTAD IGE Meeting



Meeting of Regional Competition Authorities

The CCC held a meeting with competition authorities from other Regional Economic Communities that is the West African Economic and Monetary Union (WAEMU), ECOWAS Regional Competition Authority (ERCA), the Economic and Monetary Community of Central Africa (CEMAC), and the East African Community Competition and Consumer Protection Authority (EACCA) in July 2023.

The purpose of the meeting was to discuss areas of possible collaboration among the Regional Competition Authorities for the effective enforcement of competition and consumer protection laws in Africa. This collaboration is also expected to support the implementation of the AfCFTA Protocol on Competition Policy.

African Continental Free Trade Area (AfCFTA)

The CCC supported the AfCFTA Secretariat in hosting the capacity building workshop for COMESA Member States which was held in December 2023. In addition, the CCC took part in the AfCFTA regional capacity building workshop on Competition Policy for the ECCAS region in August 2023.

Participants and resource persons during the AfCFTA Regional Training Workshop



CARICOM

The CCC participated in the CARICOM Competition Authority Webinar on Consumer Protection which was held In June 2023. The CCC delivered a presentation on "Enforcement of Consumer Rights in a Digital Environmental-A COMESA Perspective."

The African Union-Southern African Regional Office (AU-SARO)

The CCC joined the rest of the African Embassies, High Commissions and other African International Organizations and communities present in Malawi in September 2023, to commemorate the Africa Union Day.

The commemoration which was held under the theme "Accelerating the implementation of the Africa Continental Free Trade Area Agreement" coincided with the celebrations of 60 years

since the birth of the AU. The CCC exhibited its services to the public at this event.

CCC staff Ms. Sunjida Bundhun speaking to the public about the mandate of the CCC



Competition Commission of South Africa, 17th Annual Conference on Competition Law, Economics and Policy Conference.

The CCC took part in the CCSA 17th Annual Conference on Competition Law, Economics and Policy Conference which was held in September. The CCC took part as panelists in the discussions on exploring the way forward since the adoption of the AfCFTA Protocol on Competition Policy as well as inflation and competition enforcement in food and agro-processing.

International Competition Network Annual General Conference

The CCC attended the ICN Annual General Conference in October where it took part in several meetings including the breakout session on agricultural value chains and food markets in developing

countries, an area where the CCC has keen interest and led the way in its interventions. The CCC also took part in the ACF meeting and held several bilateral meetings with its cooperating partners.

Representatives of the African Competition Authorities after a meeting with the Chairperson Ms. Lina Khan



Southern African Development Community (SADC) Meeting on Consumer Protection

The CCC took part in the SADC regional training and sensitisation workshop on consumer protection law and policy. The CCC shared its experiences on regional enforcement of consumer protection.

African Competition Forum Annual Conference

The CCC took part in various activities organised by the ACF. Some of the activities included undertaking joint studies and attending the Annual Conference in October. During the conference, the CCC took part in the discussions on digital markets as well as roaming charges in the Common Market.

Participation in the 3rd Intra-African Trade Fair

The CCC took part in the Intra-African Trade Fair (IATF) that was held in November 2023. The objective of the CCC's participation in the event was to enhance its visibility and to raise awareness of its activities. Through its attendance, the CCC reached out to a number of stakeholders including, the business community,

consumers, consumer associations and was able to network with other international organisations.

CCC Staff Dr Hend Mostafa speaking to the public about the mandate of the CCC



Joint Institutions and the COMESA Competition Commission's programs

The CCC as one of the COMESA Institutions in accordance with Article 175 (1) of the COMESA Treaty is required to consider the objectives, policies, programmes and activities of the Common Market during implementation of the Regulations. As provided under Article 175 (2) of the COMESA Treaty, the CCC and the COMESA Secretariat are expected to maintain a continuous working relationship which is meant to further the implementation of the COMESA Treaty and make cooperation arrangements to this effect.

Additionally, pursuant to Article 175 (3) of the COMESA Treaty, the CCC is required to submit annual progress reports to the COMESA Council of Ministers on its activities. In view of this, in 2023,

the CCC undertook the following activities under the framework of joint COMESA and COMESA Institutions programs and as part of its Corporate Governance responsibility to report to the Council:

COMESA Summit and COMESA Business Forum

The CCC participated in the 16th COMESA Business Forum held in June 2023 where the Director and Chief Executive Officer also delivered remarks on the important role of competition and consumer protection laws in facilitating regional integration. The CCC also took part in the 22nd COMESA Head of States and Government Summit held in June 2023. The CCC also exhibited its services on the sidelines of the COMESA Business Forum.

CCC staff Ms. Sandya Booluck and Ms. Alexia Waweru sensitizing a client on the mandate of the CCC









COMESA 5th Digital Financial Inclusion Public-Private Dialogue

The CCC participated in the COMESA 5th Digital Financial Inclusion which was organised by the COMESA Business Council on 25 July 2023. The aim of the meeting was to discuss the operation plan for the COMESA Retail Payments Scheme. This is an integrated regional financial services infrastructure that is meant to serve small and medium-sized enterprises and the customers they transact within the Common Market.

COMESA CEO Retreat

The CCC participated in the COMESA CEOs retreat which was attended by CEOs from the COMESA institutions which took place in April 2023 to discuss COMESA programmes and activities.

COMESA Twenty Seventh Meeting of Legal Affairs and 44th Intergovernmental Committee Meeting

The CCC participated at the Twenty Seventh Meeting of The Committee on Legal Affairs and the Twenty Sixth Meeting of COMESA Ministers of Justice and Attorneys General held in August and September respectively and the 44th Intergovernmental Committee meeting held in November 2023. The 44th COMESA Council of Ministers meeting held in November considered and approved:

- The CCC Procurement Rules
- The CCC Financial Rules
- The CCC Board Appointment Rules
- The 2024 Regular Budget of the CCC.
- Appointment of Nine Board members of the CCC for a period of three years whose term would be effective from 15 July 2024 to 14 July 2027

INSTITUTIONAL STRENGTHENING

To strengthen its operations, the CCC builds the capacity of both the Board of Commissioners and its staff. The CCC's ultimate success in implementing its mandate significantly relies on the recruitment, training, and retention of talented and competent staff. As such, in the period under review, the CCC undertook the following activities under institutional strengthening:

Organizational capacity for the CCC

The CCC implemented the following activities aimed at enhancing its capacity:

Review of the Organisational Structure

The CCC engaged a consultant to review its organisational structure. The consultant undertook the review as from November 2022 and the reviewed structure was approved by the Board of Commissioners in 2023 and is now

being implemented. The reviewed organisational structure is intended to enhance the effective and efficient implementation of the CCC's mandate.

Training of Staff

The CCC undertook training for its members of staff as follows:

Africa -EU Week

Two members of staff took part in



the training for the Africa-EU week organised jointly by the College of Europe and the European Commission in Belgium from 13-16 February 2023. The training was funded by the EU.

European Union Directorate General of Competition

Through its cooperation with the European Commission, one of the CCC's staff at P2 level, was attached to the European Commission for

three months from May to July 2023. This gesture was extended by the European Commission to the CCC in line with the working relationship that it has with the European Commission over the years.

Attachment to United States Federal Trade Commission

One of the CCC's staff was attached to the USFTC for three months as part of building the

capacity of investigation officers in competition law. The offer was extended by the USFTC which has continued to offer such capacity building initiatives to the CCC.

ACER Week

Three Members of staff at P2 took part in the Annual Competition and Economic Regulation Week training held in October. The training focused on the assessment of different competition related matters.

CRESSE Summer School and Lawyers Training

Three Economists and four Lawyers from the CCC attended the CRESSE Summer School and Lawyers Course. The Summer School was attended by the Economists and focused on assessment of different competition matters while the Lawyers course focused on economics of competition law. Refresher Administration Courses Three members of staff from the CCC's Corporate Services Division undertook training in line with their work on Procurement for Organization Management, Modern Skills for Executive Secretaries, Advanced Financial Management and Budgeting over the reporting period.

The Toulouse School of Economics An officer of the CCC attended a course on 'Recent Developments in the Economics of Merger Control' organised by The Toulouse School of Economics in December 2023.

The course focussed on the economics of merger control and explored latest advancements in the theoretical and practical analysis of horizontal, vertical, and conglomerate mergers.

Ensuring Robust ICT Infrastructure Redesign of the Website

The CCC finalised the redesigning of the website which was launched on 5 May 2023 during the 10 Year Anniversary Commemoration. Address Group from Kenya was contracted to redesign the website of the CCC and the website is operational.

Electronic Case Management System

The CCC engaged a quality assurance firm, Deloitte Kenya to manage the project for the development of an Electronic Case Management System and e-filing

Portal of the CCC. Deloitte Kenya commenced its work and will assist the CCC in mapping its internal flow of information, analyse the systems, IT infrastructure needs, assist in the engagement of the experts to develop the software/ systems and implementation of the system.

EPILOGUE

The CCC has had a challenging and yet wonderful journey. In the 10 years of its existence, it has defied the odds and demonstrated that it is possible to have an effective regional competition authority in the Global South.

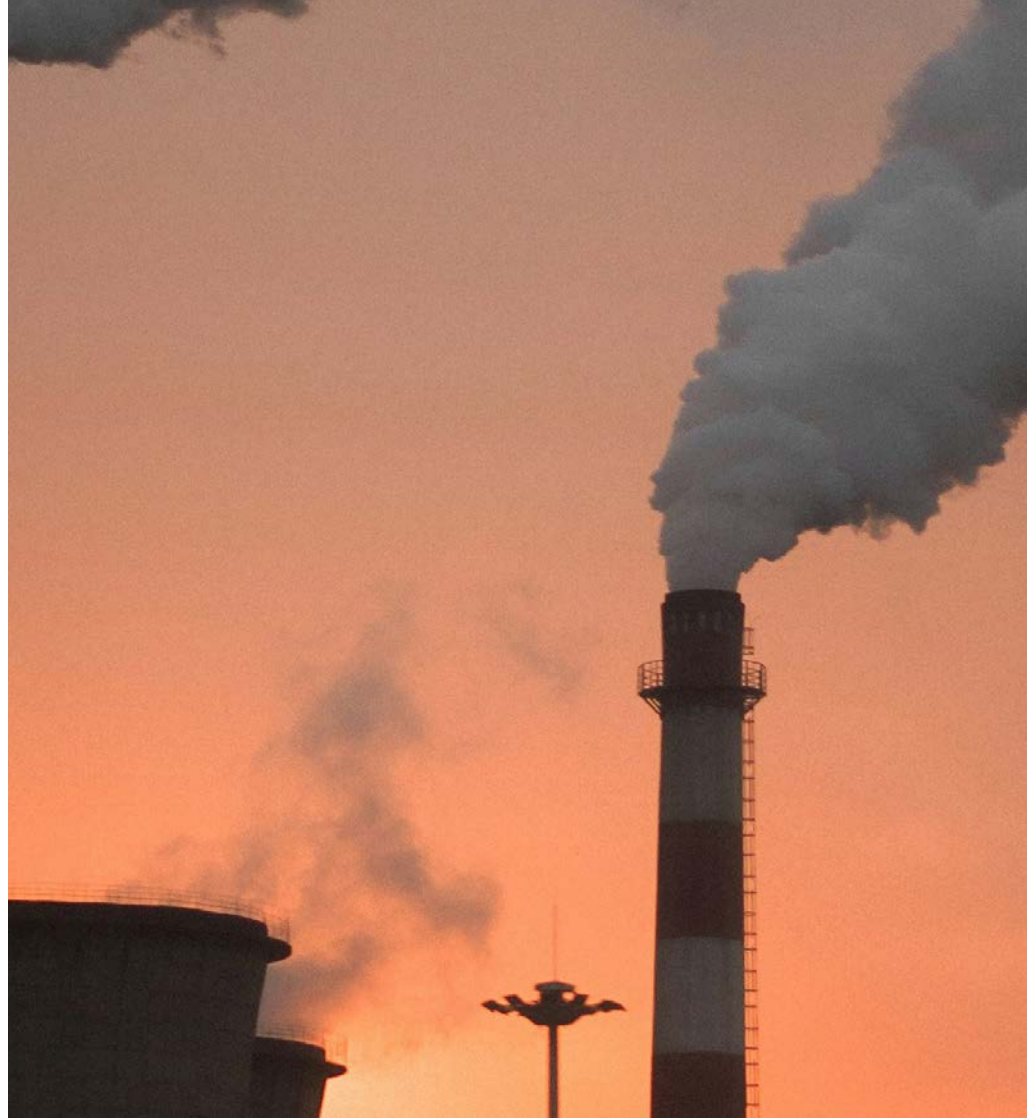
It has demonstrated this by being the second most effective and fully operational regional competition authority the world over, only second to the European Commission.

Our appreciation that we are

stewards of public trust and hence we have a higher calling to deliver public service has assisted us in achieving this milestone.

The support of our cooperating partners and all our stakeholders have been instrumental and indispensable in the last 10 years and we can attest that they have greatly contributed to our success. We continue seeking the support of all our stakeholders as we embark on the second phase of our 10-year journey.

The first 10 years was fundamentally dedicated to the setting and operationalisation of the institution, and capacity building of the national competition authorities. Our focus in the second phase of our 10-year journey will be on heightened enforcement against conduct cases especially cartels and abuse of dominance.





PROSPECTS FOR THE FUTURE

In the coming year, the CCC will continue to enforce the Regulations with regards to mergers, restrictive business practices and consumer protection to ensure a level playing field for all businesses in the Common Market and contribute to the regional integration agenda by facilitating trade in the Common Market. Of particular interest to the CCC are agriculture and food markets where the CCC has been undertaking research to assess the level of competition in the markets.

The CCC will focus on implementing the recommendations of the research which include undertaking post-merger analysis on some of

the mergers that took place in the sector. Further research will also be undertaken focusing on different products and of particular interest is the focus on how competition and consumer laws can effectively contribute to addressing climate change issues especially in the global south. In line with its mandate, the CCC will continue with its focus on addressing anti-competitive behaviour in the Common Market. In this regard, the CCC expects to conclude various investigations on anti-competitive behaviour to promote fair markets to facilitate the entry and growth of businesses in the Common Market. Nevertheless, the CCC shall also continue identifying and

investigating consumer violations to protect consumers. With regards to mergers, the CCC shall continue with its investigation of mergers and ensure transactions that are likely to lead to distortions in the market are addressed with appropriate remedies.

The CCC also notes the need to ensure that the national competition legislation is harmonised with the regional legislation. Efforts to assist National Competition Authorities with the development and amendments of laws will continue in the coming years as the CCC also seeks to obtain support from other cooperating partners in these activities as the



requests from the Member States outstrip the resource envelope of the CCC.

Capacity building will be an ongoing activity as there is need to continuously train case officers at national and regional level to ensure they remain abreast with any new trends in competition and consumer protection law enforcement. The CCC is aware that advocacy is important in enhancing its visibility and as such will continue with its advocacy initiatives as well as forging strategic partnerships with national, regional and international stakeholders for effective enforcement of competition and

consumer protection law. Notably, the CCC intends to cooperate and collaborate with other Regional Competition Authorities and the AfCFTA Secretariat in advancing competition law enforcement in Africa and therefore, support the call for an integrated continent.

In its quest to significantly contribute to the development of knowledge in competition and consumer law on the continent, the CCC shall in 2024 commence the construction of the Competition and Consumer Law Training Centre in Lilongwe, Malawi.

The Training Center is expected to attract learners from academia,

competition and consumer authorities, other government institutions, business community, the legal community and other institutions from all over Africa and beyond. In conclusion, the CCC intends to conclude the review of the Regulations which have been in force since 2004. The amendments to the Regulations are expected to address some of the emerging issues as well as challenges encountered in the enforcement of the current Regulations over the years.

With all these prospects, we expect to have an exciting 2024 annual report which will be a must read!

2023 MANAGEMENT ACCOUNTS

Director and Chief Executive Officer's Commentary

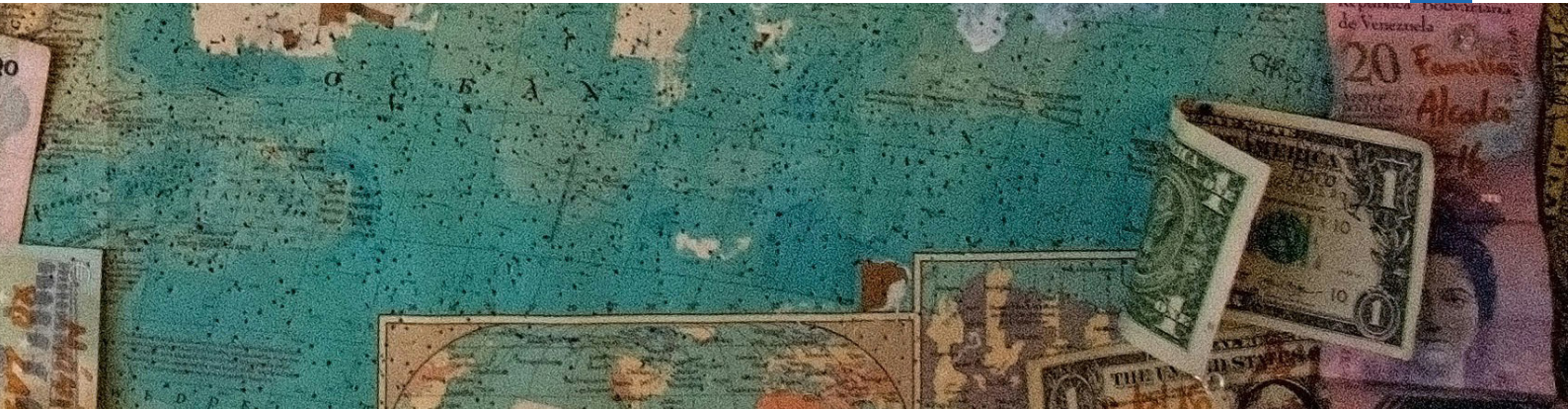
1. The Director and Chief Executive Officer of the COMESA Competition Commission ("the Commission") presents his commentary on the financial performance of the Commission for the year ended 31 December 2023.

2. The COMESA Competition Commission Financial Rules (2023) in Rule 6 (2) designates the Director and Chief Executive Officer as the Chief Accounting Officer of the

Commission responsible to the Council through the Board for the proper administration of the funds of the Commission.

3. I have the pleasure of presenting the Management Accounts of the Commission for the financial year ended 31 December 2023. The Management Accounts comprise the Statement of income and expenditure, Statement of financial position, Statement of changes in accumulated funds, Statement of cash flows, and some explanatory notes to the amounts in the statements mentioned.

4. These Management Accounts combine, the results of activities carried out with funding from both Member States (Regular Budget) and the Commission's extra-budgetary resources (Operating Budget) as provided for in the Regulations and Rules. The Management Accounts provide a complete overview of the finances of the Commission for the financial year 2023. This includes information on the financial position of the Commission, its operations during the year, movements in the accumulated funds and reserves, its cash flows as well as the financial



commitments and obligations of the Commission.

5. One of the key highlights of 2023 management accounts is the strong financial position which is backed by the very liquid asset of cash. The Commission has a strong cash position of USD 23.4 million which is backed by accumulated funds and reserves of USD 19.7 million. It should be noted that the Commission managed to lower its liabilities from USD 5.8 million to USD 3.8 million by disbursing merger filing fees for the quarter to Member States before the

year end for the first time while increasing its cash from USD 23.3 million to USD 23.4 million by collecting its long outstanding debt on CVTFS from COMESA Secretariat.

6. The Commission managed to set up the USD 6m reserve as directed by the Board for the Office Building Project. The Commission utilized USD 25,600 from the reserve during the reporting year to fund activities of the building project, leaving a balance of USD 5,973,500.

7. The operations of the Commission resulted in a minor surplus of United States Dollars 63,539 for the year ended 31 December 2023. Of significant mention are the decrease in merger fees and the increase in interest income from investments. Merger fees decreased from USD 4.4 million in 2022 to USD 2.7 million in 2023. 2022 saw a great number of notifications as business was reopening from the COVID-19 pandemic. Interest income almost doubled from USD 627,382 in 2022 to USD 1,123,237 in 2023. Management moved funds from



low-yielding deposits at Standard Bank and Eco Bank which were at 3% to high-yielding deposits with NBS Bank and CDH Bank.

8. The detailed management accounts are presented in the next section.



COMESA Competition Commission Management Accounts

Statement of Income and Expenditure in United States Dollars *for the year ending 31 December 2023*

		Unaudited 2023	Audited 2022	Audited 2021
	Notes			
Total Income	1	3,821,301	5,509,953	3,984,036
Expenditure				
Programme expenses	2	(2,272,942)	(1,488,622)	(636,396)
Staff costs	3	(2,030,343)	(2,219,887)	(1,596,845)
Administrative expenses	4	(315,998)	(87,462)	(226,191)
Operational expenses	5	(158,104)	(74,174)	(95,397)
Disposal of assets		1,867	288	(1,568)
Depreciation	6	(105,479)	(74,153)	(42,051)
Total Expenditure		(4,881,000)	(3,944,010)	(2,598,448)
Interest received from investments		1,123,237	621,586	474,544
SURPLUS [total income plus interest less expenditure]		63,539	2,187,530	1,860,132

COMESA Competition Commission Management Accounts

Statement of Financial Position in United States Dollars for the year ending 31 December 2023

	Notes	Unaudited 2023	Audited 2022	Audited 2021
ASSETS				
Equipment	6	610,828	621,950	152,385
Amounts due from related parties	7	-	2,173,202	2,184,069
Total non-current assets		610,828	2,795,152	2,336,454
Receivables	8	301,071	4,626	3,639
Cash and cash equivalents	9	23,400,995	23,350,638	21,919,390
Total current assets		23,702,066	23,355,264	21,923,029
TOTAL ASSETS		24,312,894	26,150,416	24,259,483
ACCUMULATED FUNDS				
Accumulated funds		13,740,476	19,647,292	17,457,261
Capital reserves		57,072	47,068	38,204
Building reserve		5,973,500	-	-
Revaluation reserves		-	3,145	5,646
Total funds and reserves		19,771,047	19,697,505	17,501,111
LIABILITIES				
Amounts due to related parties		15,895	5,312	16,385
Payables	10	3,884,698	5,848,787	6,221,068
Deferred income	11	641,254	598,812	520,919
Total liabilities		4,541,847	6,452,911	6,758,372
TOTAL ACCUMULATED FUNDS AND LIABILITIES		24,312,894	26,150,416	24,259,483

COMESA Competition Commission Management Accounts

Statement of Accumulated Funds in United States Dollars

for the year ending 31 December 2023

	Capital reserves	Revaluation reserve	Building Reserve	Accumulated Funds	TOTAL
Balance at 1 January 2022	38,204	5,646	-	17,457,261	17,501,111
Surplus for the year	-	-	-	2,187,530	2,187,530
Amortisation of grant	(7,097)	-	-	-	(7,097)
Amortisation of revaluation reserve	-	(2,501)	-	2,501	-
Capital grant received	15,961	-	-	-	15,961
Revaluation for the year	-	-	-	-	-
Balance at 31 December 2022	47,068	3,145	-	19,647,292	19,697,505
Balance at 1 January 2023	47,068	3,145	-	19,647,292	19,697,505
Profit for the period	-	-	-	63,539	63,539
Transfer to building reserve	-	-	6,000,000	(6,000,000)	-
Amortisation of grant	-	-	-	-	-
Amortisation of revaluation reserve	-	(3,145)	-	3,145	-
Expenditure on the building project	-	-	(26,500)	26,500	-
Capital grant received	10,004	-	-	-	10,004
Balance at 31 December 2023	57,072	-	5,973,500	13,740,476	19,771,047

Accumulated funds

Accumulated funds are the bought forward recognised income, net of expenses of the Commission, plus current period surplus.

Capital reserves

Capital reserves represent the value of assets acquired by the Commission. Capital grants are deferred and credited to the income and expenditure in equal annual instalments over the useful life of the related assets.

Revaluation reserves

The revaluation reserves arises from the revaluation of motor vehicles in March 2020 and represents the excess of the revalued amount over the carrying value of the motor vehicles at the date of revaluation. The revaluation was performed by an independent valuer.

Building reserves

The Commission has commenced the Project for the construction of its Office Building and the Competition Law Learning Center, and the Board of Commissioners, at its 25th Meeting in February 2023, set aside USD 6 million from the Accumulated funds for this building project.



COMESA Competition Commission Management Accounts

Statement of Cash Flows in United States Dollars for the year ending 31December 2023



	Unaudited 2023	Audited 2022	Audited 2021
Surplus for the year	63,539	2,187,530	1,860,132
Adjustments			
Depreciation	105,479	74,156	42,051
Amortisation of capital grants	-	(7,097)	(5,905)
Capital goods received	10,004	(321,525)	23,307
Disposal of assets	(1,867)	(288)	1,568
Interest income	(1,123,237)	(621,586)	(474,544)
	(946,083)	1,311,190	1,446,609
Changes in			
Amounts due from related parties	2,173,202	10,867	(10,867)
Amounts due to related parties	10,583	(11,073)	(6,884)
Receivables	(296,445)	(987)	(495)
Payables	(1,964,090)	(372,281)	658,883
Deferred income	42,442	77,893	35,805
	(34,307)	(295,581)	676,442
Net cash generated from operations	(980,390)	1,015,609	2,123,051
Cashflows from investing activities			
Purchase of equipment	(94,357)	(206,235)	(78,624)
Proceeds from disposal of assets	1,867	288	-
Interest received from banks and other deposits	1,123,237	621,586	474,544
Net cash generated by investing activities	1,030,747	415,639	395,920
Net increase in cash and cash equivalents	50,357	1,431,248	2,518,971
Cash and cash equivalents at the beginning of the year	23,350,638	21,919,390	19,400,420
Cash and cash equivalents at the end of the year	23,400,995	23,350,638	21,919,391

**Notes to the Management
Accounts**
*for the year ending 31
December 2023*

	Unaudited 2023	Audited 2022	Audited 2021
Surplus for the year	63,539	2,187,530	1,860,132
Adjustments			
Depreciation	105,479	74,156	42,051
Amortisation of capital grants	-	(7,097)	(5,905)
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**Notes to the Management
Accounts (continued)**
*for the year ending 31
December 2023*

Note 4 - ADMINISTRATION EXPENSES	2023	2022	2021
Technical meetings	-	1,383	1,547
Recruitment and repatriation expenses	44,429	16,461	140,850
Publication and publicity	31,021	7,923	4,252
Rent and rates	19,274	8,155	5,564
Hospitality	4,591	173	3,359
Other expenses	7,445	575	3,475
Consultancy costs	134,420	-	-
PR and promotional activities	26,935	-	1,401
Travel expenses	-	15,420	24,385
Bank charges	23,079	28,344	18,091
Audit expenses - prior year	4,805	-	2,400
Audit fees provision for the year	20,000	9,028	20,867
	315,998	87,462	226,191

Note 5 - OPERATIONAL EXPENSES	2023	2022	2021
Motor vehicle expenses	26,073	17,147	8,386
Communication	28,445	19,500	34,246
Commissioner's honorarium	61,070	6,171	16,350
Translation and transcription	11,063		5,389
Insurance	5,626	5,645	5,941
Office supplies	9,933	6,843	6,302
Office maintenance and security expenses	15,893	18,867	18,783
	158,104	74,174	95,397

**Notes to the Management
Accounts (continued)**
*for the year ending 31 December
2023*

**Note 6 - PROPERTY PLANT
AND EQUIPMENT**

COST							TOTAL
	Land & Buildings	Office Building Project	Motor vehicles	Furniture	Office Equipment	Computer Equipment	
At 1 January 2022	-	-	33,696	69,525	68,034	154,826	326,081
Additions	337,486	-	146,612	15,647	9,033	34,943	543,720
Disposals	-	-	-	-	-	(6,235)	(6,235)
At 31 December 2022	337,486	-	180,308	85,172	77,067	183,535	863,566
 At 1 January 2023	 337,486	 -	 180,308	 85,172	 77,067	 183,535	 863,566
Additions	-	26,500	-	3,523	24,827	39,507	94,357
Disposals	-	-	-	(8,912)	(2,077)	(2,019)	(13,008)
At 31 December 2023	337,486	26,500	180,308	79,782	99,817	221,023	944,915
DEPRECIATION							
At 1 January 2022	-	-	27,331	41,607	39,735	65,025	173,698
Additions	-	-	29,495	7,855	5,183	31,620	74,153
Disposals	-	-	-	-	-	(6,235)	(6,235)
At 31 December 2022	-	-	56,826	49,462	44,918	90,410	241,616
 At 1 January 2023	 -	 -	 56,826	 49,462	 44,918	 90,410	 241,616
Charge for the period	-	-	39,231	8,499	6,769	50,980	105,479
Disposals	-	-	-	(8,912)	(2,077)	(2,019)	(13,008)
At 31 December 2023	-	-	96,057	49,049	49,610	139,371	334,087
CARRYING VALUE							
At 31 December 2023	337,486	26,500	84,251	30,733	50,207	81,652	610,828
 At 31 December 2022	 337,486	 -	 123,482	 35,710	 32,149	 93,124	 621,950

Notes to the Management Accounts (continued)

for the year ending 31 December 2023

Note 7 - RELATED PARTIES	2023	2022	2021
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Amounts due from related parties

COMESA Secretariat	-	2,173,202	2,184,069
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Amounts due to related parties

COMESA Secretariat	15,895	5,312	16,385
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Note 8 - RECEIVABLES	2023	2022	2021
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Prepayments	12,000	-	3,144
Value Added Tax	8,273	3,626	495
Staff loans and advances	280,797	1,000	
	301,071	4,626	3,639

Note 9 - CASH AND CASH EQUIVALENTS	2023	2022	2021
------------------------------------	------	------	------

Standard Bank Regular (USD)	335,239	279,039	198,872
Standard Bank Operating (USD)	1,050,462	1,810,029	2,179,158
Ecobank revenue (USD)	332,986	1,550,746	485,164
Standard Bank Regular (MWK)	33,309	5,369	2,878
Standard Bank Operating (MWK)	107,890	79,278	42,775
Ecobank short term call deposit	6,033,328	5,706,225	8,458,276
Standard Bank short term call deposit	2,543,044	7,871,637	10,552,267
NBS Bank short term deposit account	7,411,021	3,026,815	
CDH Investment Bank short term deposit	5,334,772	3,021,500	
Staff loans account	218,944	-	
	23,400,995	23,350,638	21,919,390

Note 10 - PAYABLES	2023	2022	2021
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Audit fee provision	20,000	10,000	30,867
Leave pay provision	214,695	208,516	0
Merger filing fees payable to Member States	2,707,790	4,937,605	4,937,088
Unearned revenue - Merger filing fees	934,502	653,475	1,253,113
Accrued expenses	7,711	39,191	-
	3,884,698	5,848,787	6,221,068

Notes to the Management Accounts (continued)

for the year ending 31 December 2023

Note 11 - DEFERRED REVENUE	2023	2022	2021
Balance at 1 January	598,812	520,919	485,114
Deferred income release to income (see note 1)	(722,093)	(719,286)	(777,373)
Deferred income for year	774,539	813,140	836,485
Capital expenditure	(10,004)	(15,961)	(23,307)
Balance at 31 December	641,254	598,812	520,919



A black king chess piece stands upright in the center-right of the frame. In the foreground, a black pawn lies horizontally across the lower-left. To the right, another black piece, possibly a rook or queen, is partially visible and lying down. The pieces are on a chessboard with alternating yellow and red squares. The background is a plain, light-colored wall.

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