

**The purpose of competition law is to protect and promote the competitive process, so as to promote economic efficiency, thereby generating lower prices, better products, increased choice and economic growth; thus enhancing the welfare of the consumers and contributing towards poverty alleviation.**

# FACT SHEET

*Centre of excellence for competition regulation and consumer protection.*



Common Market for Eastern  
and Southern Africa



The COMESA Competition law is contained in Chapter Six, Article 55 of the Treaty Establishing the Common Market for Eastern and Southern Africa.

The COMESA Competition Commission (CCC) is an autonomous body corporate with international legal personality established by Article 6 of the COMESA Competition Regulations.

The Commission is headed by a Director who reports directly to thirteen (13) Commissioners nominated by the Member States and appointed by the Council of Ministers for a renewable term of three (3) to five (5) years

The mission of the CCC is:

*"To promote competition and protect consumer welfare within the Common Market thereby facilitating regional economic integration."*

The Vision of the CCC is:

*"To be a centre of excellence for competition regulation and consumer protection."*

#### CONTACTS

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# COMESA

## THE COMESA COMPETITION COMMISSION (CCC)

### MISSION:

The CCC is the only institution in the Common Market which is mandated to enforce and apply the provisions of the Regulations. The objectives of the Regulations are twofold:

- ✓ to promote and encourage competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets;
- ✓ to enhance the welfare of the consumers in the Common Market, and to protect consumers against offensive conduct by market actors.

The Commission is composed of two institutions, namely the COMESA Competition Commission and the Board of Commissioners.

### WHAT WE DO

- ✓ **Monitor** market activity to **identify** offending conduct and market structures that enable anti-competitive behaviour
- ✓ **Investigate** conduct that affects or could affect directly or indirectly, actual or potential competition and trade between Member States
- ✓ **Stop** and **take action** against anti-competitive practices through law enforcement
- ✓ **Protect Consumers** from deceptive and misleading practices
- ✓ **Enhance consumer welfare** by **protecting** the competitive environment to increase efficiencies and create consumer choice
- ✓ **Promote competition** by engaging stakeholders, creating awareness and educating them about competition issues

### KEY FIGURES

- ✓ Over **165** Mergers and acquisitions assessed since 2013 worth over **US\$72 billion** in turnover in the Common Market
- ✓ Over **US\$36million** in merger notification fees received
- ✓ Over **US\$18 million** merger notification fees shared with Member States affected by Mergers under review
- ✓ Around **21** Restrictive Business Practices cases assessed since 2013
- ✓ 4 consumer protection cases assessed since 2016
- ✓ Several Advisory opinions submitted to Member States since 2013

### OVERVIEW OF STRATEGIC PERFORMANCE OF THE CCC

The CCC is the first operational supranational competition authority on the African continent and only the second in the world after the European Union's DG Competition. The strategic plan establishes the strategic priorities on what and how the CCC will deliver for the period 2016-2020. The Commission has outlined 4 strategic issues, each of which has its own objectives and deliverables.

Strategic Issue	Strategic objectives
1. Determination of conduct harmful to competition in the Common Market	Effective and timely assessment of competition cases
	Enhance consumer protection in the Common Market
	Promote and protect due process of the law
	Strengthening research
2. Strengthening enforcement	Enhance compliance with the Commission's decisions
	Enhancing the legal framework
3. Advocacy and strategic collaboration	Enhance the visibility of the Commission
	Enhance policy formulation to aid the creation of competitive markets
	Enhance information exchange
4. Institutional strengthening	Enhance the organisational capacity
	Improve resource mobilization efforts
	Implement monitoring and evaluation system
	Strengthen corporate governance
	Improve the Commission record-keeping system

The Commission implements these strategic issues with the regional integration agenda in mind and in conformity with the fundamental governance principles of due process, accountability and transparency. To this end, the Commission **has signed Cooperation Agreements with eight (8) Member States** in order to facilitate and harmonise the implementation of the Regulations within the Common Market. The key features of the Agreements are:

- ✓ Cooperation between institutions in investigating competition matters
- ✓ Information sharing to facilitate enforcement of the Competition Regulations
- ✓ Technical assistance and capacity building for professionals in the Common Market

#### MISSION CHALLENGES

The Commission stands prepared to face the challenges of today's marketplace as a champion for consumers and competition. Many of the Commission's challenges are defined by the conditions of the marketplace, and thus are ever changing. Some of the mission challenges faced by the Commission include:

- Non-domestication of the COMESA Treaty and Competition Regulations by Member States which impedes their effective enforcement at Member States level
- Weak national competition enforcement regimes in Member States
- Inadequate human and financial resources to effectively implement the competition mandate at both national and regional level
- Lack of a competition culture in the Common Market
- Lack of a culture of compliance by both the Member States and firms doing business in the Common Market