
APPEALS BOARD RULING 2022

Reference: CCC/APPEAL/JR/3/01/2022

Applicant: Confédération Africaine de Football (CAF)

Interested Parties: COMESA Competition Commission (the Commission)
Sportfive EMEA (Sportfive)

In the matter: Application for Judicial Review by CAF against the decisions of the Committee Responsible for Initial Determinations (CID) dated 29 June 2021 and 2 September 2021. The decisions concern agreements concluded between CAF and Sportfive EMEA relating to the commercialization of commercial rights of CAF competitions ("the matter").

ON BEHALF OF CAF

Tarek Badawy (Partner, Shahid Law Firm)
Ismael Lamie (Associate, Shahid Law Firm)
Salma Abdelaziz (Senior Associate, Shahid Law Firm)
Felix Majani (Director of Legal Affairs & Compliance, CAF)
Nadim Magdy (Legal Counsel, CAF)

ON BEHALF OF THE COMMISSION

Dr Willard Mwemba (Director & Chief Executive Officer)
Mary Gurure (Manager, Legal Services & Compliance)
Alexia Waweru (Senior Legal Officer)
Siboniselizulu Maseko (Senior Analyst)
Sandya Booluck (Senior Analyst)

ON BEHALF OF SPORTFIVE

Mark Griffiths (Director, Norton Rose Fulbright South Africa)
Reabetsoe Sello (Candidate attorney, Norton Rose Fulbright South Africa)

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1. Pursuant to Article 20 of the COMESA Competition Commission (Appeals Board Procedure) Rules, 2017 (Appeals Rules), the Hearing in the matter was convened on 10 October 2022. Before commencement of proceedings, the parties were requested to confirm if the lawyers representing them were duly accredited to practice in the Common Market in accordance with Article 30 of the Appeals Rules. The lawyers for CAF and the Commission presented evidence of their licenses to practice within the Common Market.
2. However, the lawyer for Sportfive by his own admission stated that he is not qualified to practice in any of the Member States of the Common Market. In his response, the lawyer stated that he was admitted to the bar in England and Wales and that he has also represented clients from the Common Market.
3. The Appeals Board having heard the submission on the issue from the Sportfive Counsel; and having considered the provision of Article 30 of the Appeals Rules which are stated in mandatory terms, the Appeals Board provides the following directions:
 - 3.1. The Counsel for Sportfive cannot appear before the Appeals Board for this Hearing as doing so would be contravening Article 30 of the Appeals Rules;
 - 3.2. In line with the direction on 3.1 above, all the pleadings filed by Counsel stand struck out;
 - 3.3. The Hearing shall proceed as follows:
 - 3.3.1. **THAT** today, CAF, the Applicant, shall highlight for 30 minutes the important points from their written submissions and equally the Commission shall highlight the important points from their written submissions for 30 minutes;
 - 3.3.2. **THAT** Sportfive will be given up to 31 October 2022 to comply with Article 30 of the Appeals Rules, in particular, to file and serve the necessary responses in accordance with Article 18 of the Appeals Rules;
 - 3.3.3. **THAT** in filing and appearing before the Appeals Board, if Sportfive wishes to use a lawyer that lawyer must be qualified under the Appeals Rules;



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3.3.4. **THAT** Sportfive shall be given an opportunity to highlight their submissions on 7 November 2022 when the Appeals Board shall convene for further Hearing on this matter;


3.3.5. **THAT** on the same day, 7 November 2022, if they so wish, the Applicant, CAF, shall highlight any response to the submission of Sportfive and the Commission for 30 minutes and the Hearing shall close; and


3.3.6. **THAT** the Appeals Board shall then retire to write its judgment.

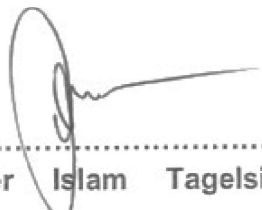
ISSUED THIS 10TH DAY OF OCTOBER 2022 IN LILONGWE, MALAWI


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Commissioner Lloyds Vincent Nkhoma
(Chairperson of the Appeals Board)


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Commissioner Senator Danson
Mungatana
(Appeals Board member)


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Commissioner Beatrice Uwumukiza
(Appeals Board member)


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Commissioner Francis Lebon
(Appeals Board member)


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Commissioner Islam Tagelsir Ahmed
Alhasan
(Appeals Board member)