



COMESA Competition Commission  
Kang'ombe House, 5th Floor  
P.O Box 30742  
Lilongwe3, Malawi  
Tel: +26501 772466  
Email- compcom@comesa.int



Common Market for Eastern  
and Southern Africa

NOTICE OF INVESTIGATION  
CASE NUMBER: CCC/CP/2/01/2023  
DATE: 24 MARCH 2023

**NOTICE OF COMMENCEMENT OF INVESTIGATIONS**

**THE COMESA COMPETITION COMMISSION HEREBY COMMENCES AN INVESTIGATION REGARDING SUSPECTED VIOLATION OF THE COMESA COMPETITION REGULATIONS BY PAY TV COMPANIES.**

Notice is hereby given that pursuant to Article 8 of the COMESA Competition Regulations (“**the Regulations**”), the COMESA Competition Commission (“**the Commission**”) has commenced investigations into possible violations of Articles 27 and 28 of the Regulations by various Pay TV service providers.

Article 27 of the Regulations prohibits persons in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services from giving false or misleading representations to the consumer. Furthermore, Article 28 prohibits persons in trade or commerce, in connection with the supply or possible supply of goods or services to a consumer from engaging in conduct that is, in all the circumstances, unconscionable.

The Commission became aware that Pay TV service providers: **Multichoice Africa Holdings; Azam Media Limited; and StarTimes Group**, through their subsidiaries blocked certain regional television channels from airing during the World Cup period 2022, in Kenya, Uganda and Rwanda, however, no compensation was provided to affected consumers for the inconvenience caused.

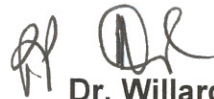
The Commission observed that consumers may have subscribed for the bouquets in the interest to have access to the list of all the TV channels listed in the bouquet, including regional programs and news. It is also possible that some consumers may have purchased the bouquets specifically to watch World Cup through the affected channels. In this case, the consumers may have been misled by the Pay TV service providers in terms of composition of the bouquet, and this may be in breach of Article 27 (1)(a) of the Regulations.

Further, when the Pay TV providers blocked certain TV channels, consumers may have been inconvenienced and denied access to content that they had pre-paid for. Switching off the channels which are already paid for may have disenfranchised the consumers especially where they were not compensated for the loss. This may be considered as an unfair and unconscionable conduct towards the consumers and a possible breach of the Regulations under Article 28(1). The Commission's concern is that the Pay TV service providers, to whom consumers had paid their subscriptions, did not offer redress or compensation to the affected customers.

It should be noted that the commencement of investigations neither presupposes that the conduct being investigated is an unfair business practice nor that the Pay TV companies have violated the Regulations. The Commission will in accordance with the provisions of Part 5 of the Regulations, conduct an investigation to determine whether the alleged conduct has violated the Regulations.

In view of the foregoing the Commission hereby invites interested stakeholders, including affected consumers to make representations by 15 April 2023. If you wish to make representations or seek further details and/or clarification, you may contact the Commission on Email: [compcom@comesa.int](mailto:compcom@comesa.int) or our **Mr. Steven Kamukama, Manager Consumer Welfare and Advocacy Division** on Tel: +265 (1) 772466 or Email: [skamukama@comesa.int](mailto:skamukama@comesa.int).

All representations submitted to the Commission will be treated with the strictest confidentiality and will only be used for the purposes of this investigation.



**Dr. Willard Mwemba**  
**Director and Chief Executive Officer**