

## **RULES ON COMESA REVENUE SHARING OF MERGER FILING FEES (AMENDMENT), 2017 (No.1)**

The COMESA Competition Commission Board of Commissioners with the approval of the Council has, in terms of Article 15(2) and 39 of the COMESA Competition Regulations, made the following Rules:-

### **Rule 1 Citation**

These Rules may be cited as the “Rules on COMESA Revenue Sharing of Merger Filing Fees (Amendment), 2017 (No.1)”.

### **Rule 2 Amendment of Rule 6 of the Rules on COMESA Revenue Sharing of Merger Filing Fees, 2012**

Rule 6 of the Rules on COMESA Revenue Sharing of Merger Filing Fees, 2012 is hereby amended by the insertion of the following paragraphs after paragraph (a) to sub rule 3:

“(aa) ensure that the books of accounts relating to all transactions involving the Common Market merger filing fees are audited by the internal auditors of the COMESA Secretariat.

(ab) ensure that the audit report is submitted annually to the COMESA Sub-Committee on Audit and Budgetary Matters.”

### **Rule 3 Amendment of Rule 7 of the Rules on COMESA Revenue Sharing of Merger Filing Fees, 2012**

Rule 7 of the Rules on COMESA Revenue Sharing of Merger Filing Fees is hereby amended by the insertion of the following sub rule after sub rule 2:

“3. The Relevant Competition Authority of a designated Member State which requires undertakings to notify with it a cross border merger which, should ordinarily be notified to the Commission in terms of the COMESA Competition Regulations and receives merger filing fees in respect of such double notification, shall not be entitled to receive its share of the merger filing fees accruing to it under the same merger in accordance with the revenue sharing formula provided for under sub-rule 2 of this Rule.”

### **Rule 4 Amendment of Rule 8 of the Rules on COMESA Revenue Sharing of Merger Filing Fees, 2012**

Rule 8 of the Rules on COMESA Revenue Sharing of Merger Filing Fees is hereby amended by the insertion of the following sub-rules after sub-rule 2:

“3.The Commission shall annually submit to the COMESA Sub-Committee on Audit and Budgetary Matters a detailed report on the utilization of its fifty percent share of the merger filing fees.

“4. The Member States shall ensure that the fifty percent share of the merger filing revenue distributed to the designated Member States is utilized for the development and strengthening of their national competition laws and capacity building in their national competition authorities .”