



**COMESA Competition Commission**

Kang'ombe House - 5<sup>th</sup> Floor

P.O. Box 30742

Lilongwe 3, Malawi

Tel: +265 (0)111 772 466/529/530

+265 (0) 999 970 269

Email: [compcom@comesacompetition.org](mailto:compcom@comesacompetition.org)



**Common Market for Eastern  
and Southern Africa**

## ACBP NOTICE OF INVESTIGATION 1 OF 2024

14 February 2023

### **NOTICE OF COMMENCEMENT OF INVESTIGATIONS INTO ALLEGED ANTI-COMPETITIVE CONDUCT BY AMERICAN TOWER CORPORATION AND AIRTEL AFRICA**

Notice is hereby given to interested stakeholders and the general public that pursuant to Article 21 of the COMESA Competition Regulations (the "**Regulations**"), the COMESA Competition Commission (the "**Commission**") has commenced investigations into potential violation of Article 16 of the Regulations by American Tower Corporation ("**ATC**") and Airtel Africa ("**Airtel**") operating in the Common Market.

Article 16 of the Regulations prohibits all agreements which may affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition in the Common Market.

The Commission received a complaint alleging the existence of anti-competitive agreements between American Tower Corporation and Airtel Africa, which agreements require Airtel to take up a certain amount of ATC sites annually and in return, ATC provides Airtel with a financial rebate. The Commission will thus assess the conduct of ATC and Airtel to determine its effect in the Common Market and apply appropriate measures as provided in the Regulations.

However, it should be noted that the commencement of investigations neither presupposes that the conduct being investigated is anti-competitive nor that ATC and/or Airtel have violated the Regulations. The Commission will, in accordance with the provisions of Part 3 of the Regulations, conduct an inquiry to determine whether the alleged conduct has as its object or effect the prevention, restriction or distortion of competition in the Common Market or in a substantial part of it.

A handwritten signature in black ink, appearing to be a stylized 'A' followed by a flourish.

The Commission hereby invites all interested stakeholders to submit representations by **14 March 2024**. If you wish to make any representations or seek further details and/or clarifications, you may contact our **Mr. Boniface Makongo, Director Competition Division** on Tel: +265 (0) 111 772 466 or E-mail: [bmakongo@comesacompetition.org](mailto:bmakongo@comesacompetition.org).

All representations submitted to the Commission will be treated with the strictest confidentiality.

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