



COMESA Competition Commission

Kang'ombe House - 5th 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



**Common Market for Eastern
and Southern Africa**

ACBP NOTICE OF INVESTIGATION 3 OF 2024

14 October 2024

NOTICE OF COMMENCEMENT OF INVESTIGATIONS INTO ALLEGED ANTI-COMPETITIVE CONDUCT BY THE COCA-COLA COMPANY

Notice is hereby given to interested stakeholders and the general public that pursuant to Article 22 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 The Coca-Cola Company operating in the Common Market.

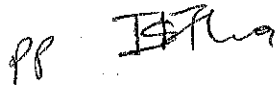
Article 16 of the Regulations prohibits all agreements which may affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition in the Common Market.

The Commission has reason to believe that The Coca-Cola Company has concluded restrictive bottler's and restrictive distribution agreements or arrangements with affiliates in Africa which affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition within the Common Market. The Commission will thus assess the conduct of The Coca-Cola Company to determine its effects 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 has been determined as anti-competitive nor The Coca-Cola Company has 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.

The Commission hereby invites all interested stakeholders to submit representations by **14 November 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.

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

A handwritten signature in black ink, appearing to read 'Dr Willard Mwemba', with a stylized initial 'W'.

Dr Willard Mwemba
Director and Chief Executive Officer