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Common Market for Eastern
and Southern Africa

**NOTICE OF INVESTIGATION
CASE NUMBER: CCC/CP/03/2024
DATE: 30 January 2025**

NOTICE OF COMMENCEMENT OF INVESTIGATIONS

**THE COMESA COMPETITION COMMISSION HAS COMMENCED AN
INVESTIGATION REGARDING SUSPECTED VIOLATION OF THE COMESA
COMPETITION REGULATIONS BY AIRTEL MOBILE COMMERCE B.V.**

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 International Money Transfer (IMT) service provider Airtel Mobile Commerce B.V.

Article 27 of the Regulations prohibits any person 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 any person 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 circumstances, unconscionable.

The Commission, through its surveillance, became aware of possible violations of the Regulations in the course of IMT by Airtel Mobile Commerce B.V., through its subsidiaries in the Common Market. Preliminary findings indicate that, in the case of Airtel Mobile Commerce Limited Malawi, details of the sender, the charges involved, and the intermediary parties may not be disclosed to consumers. Further, the final confirmation message to the sender appears not to disclose details of the amount sent in the recipients’ currency. In the case of Airtel Mobile Money Kenya, the charges displayed to the sender before confirming the transaction is, in some instances, different from the actual charges indicated in the final confirmation message and details of the intermediary parties, as well as the exchange rate used are not disclosed to consumers. In the case of Airtel Uganda, the exchange rate displayed to the sender is, in some instances, different from the actual rate used, and details of the intermediaries and the consumer information shared with these intermediaries may not be disclosed to consumers. Additionally, the final

confirmation message of the transaction appears not to disclose details of the exchange rate used, which is likely to deny the sender evidence of full information of the transaction.

The alleged conduct is considered misleading and unconscionable as it denies consumers the right to material information required to make informed decisions. The Commission will, in accordance with the provisions of Part 5 of the Regulations, investigate the matter to determine whether the alleged conduct has violated the Regulations.

It should however be noted that the commencement of investigations neither presupposes at this point that the conduct being investigated is an unfair business practice nor that the Airtel Mobile Commerce B.V has violated the Regulations.

In view of the foregoing the Commission hereby invites interested stakeholders, including affected consumers, to come forward and make representations by 28 February 2025. If you wish to make representations or seek further details and/or clarification, you may contact our **Mr. Steven Kamukama, Director, Consumer Welfare and Advocacy Division** on Tel: +265 (0)111 772466 or Email: skamukama@comesacompetition.org and copy: compcom@comesacompetition.org.

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