



COMESA Competition Commission
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Common Market for Eastern
and Southern Africa

**NOTICE OF INVESTIGATION
CASE NUMBER: CCC/CP/01/2024
DATE: 24 January 2025**

NOTICE OF COMMENCEMENT OF INVESTIGATIONS

**THE COMESA COMPETITION COMMISSION HEREBY COMMENCES AN
INVESTIGATION REGARDING SUSPECTED VIOLATION OF THE COMESA
COMPETITION REGULATIONS BY ZAMBIA AIRWAYS (2014) LIMITED.**

Notice is hereby given that pursuant to Article 8 of the COMESA Competition Regulations ("the Regulations"), the COMESA Competition Commission ("the Commission") has commenced investigation into suspected violation of Article 28 of the Regulations by Zambia Airways (2014) Limited ("Zambia Airways").

Article 28 of the Regulations 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 became aware through complaints that on 23 August 2024, four passengers missed their connecting flights in Lusaka due to the late departure of Zambia Airways flight No. ZN 418 which was scheduled to depart at 11:25am from Livingstone and arrive in Lusaka at 12:35 but was delayed at Livingstone for six hours causing them to miss their connecting flights on landing in Lusaka. Zambia Airways refused to rebook the passengers to their destination and to provide accommodation and meals in Lusaka following the delayed flight from Livingstone.

The alleged conduct is considered unconscionable as it involves unfair tactics, refusal to handle legitimate complaints and denying consumers their right to redress considering that the delay was occasioned by Zambia Airways. Moreover, this treatment of the passengers is inconsistent with the Yamoussoukro Decision, Montreal convention and other best practices in the aviation industry.

The Commission will, in accordance with the provisions of Part 5 of the Regulations, investigate to determine whether the alleged conduct violates the Regulations.

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It should be noted that the commencement of investigations neither presupposes at this point that the conduct being investigated is an unfair business practice nor that Zambia Airways has violated the Regulations.

In view of the foregoing, the Commission hereby invites interested stakeholders, including other affected consumers, to make representations by 22 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