

FORM 3

APPLICATION FOR AUTHORISATION

*Pursuant to Regulations 39(1) and (2) of the COMESA
Competition and Consumer Protection Regulations, 2025 and
Rule 19 of the COMESA Competition and Consumer
Protection Rules, 2025*

PART ONE

APPLICATION REQUIREMENTS

Under Chapter Three of the COMESA Competition and Consumer Protection Regulations (hereinafter referred to as the “**Regulations**”), Applications for Authorisation shall be made in a form and a manner as shall be determined by the COMESA Competition and Consumer Commission (hereinafter referred to as the “**Commission**”). This Form specifies the information that must be provided by the Applicants when submitting an Application for Authorisation to the Commission.

I. The Requirement for Correct and Complete Application

1. All the information required by this Form shall be accurate and complete and shall be provided in the appropriate sections of this Form. In particular, it should be noted that:
 - a) in accordance with Regulation 39, the time limits of the Application shall not begin to run until all the information that has to be supplied with the Application has been received by the Commission;
 - b) the Applicants shall ensure that particulars including names and contact details submitted to the Commission are accurate and up-to-date;
 - c) incorrect or misleading information in the Application, including missing or incomplete contact details, shall render the Application incomplete;

d) where the Application is incomplete, the Commission shall inform the Applicants or their representatives in writing without delay.

2. The Application shall only be deemed complete upon receipt of complete information as requested in this Form and payment of the applicable fees in full.

II. Caution:

1. Pursuant to Regulation 77(2), the Commission may impose a fine of up to a maximum of ten percent (10%) of the annual turnover of each of the undertakings or association of undertakings concerned in the Common Market¹ where the undertakings:

- i. supply incomplete information;
- ii. supply materially incorrect information; or
- iii. supply misleading information.
- iv. fail to supply information within the time limit specified by the Commission.

2. Where the Commission sends a request for information necessary for its examination of the application, and the parties do not respond within the time limits, the Commission shall stop the clock until the information is provided.

3. The Commission may revoke its decision to authorize the Agreement where the Application is based on incorrect information. -

III. Decisions of the Commission

1. The Commission shall make a decision on the Application for Authorisation **within one hundred and eighty (180) days** from the date a completed Application is received, unless an extension is

¹ Common Market means the Common Market for Eastern and Southern Africa (COMESA) comprising Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Tunisia, Uganda, Zambia, Zimbabwe

approved by the Commission pursuant to Regulation 39(5). Where the Application is incomplete, the examination period shall commence on the day following receipt, by the Commission, of complete information.

2. At any time during the assessment of the Application, the Commission may request additional information from any party to the Agreement.

PART TWO

FORM INSTRUCTIONS

1. Please complete all parts of this Form to the best of your knowledge and attach all required documents.
2. The Application and all supporting documents shall either be in originals or certified copies of the originals.
3. If you consider that your interests would be prejudiced by the publication or disclosure of any information requested in this Form to other parties, you may request confidential treatment of such information by duly completing and submitting the Request for Confidentiality Form (Form 8) together with this Form. You shall clearly identify the information for which confidentiality is sought and provide reasons justifying why such information should not be disclosed or published.
4. COMESA has three official languages: Arabic, English, and French. Parties may complete this form in any of these languages. Where parties complete the form in more than one language, parties should clearly indicate which version shall prevail in the event of any inconsistency.
5. A party who is represented ~~by counsel~~ shall file a Special Power of Attorney (Form 9) with the Commission.

PART THREE
DETAILS OF THE APPLICATION

I. DETAILS OF APPLICANT(S)

Full Names of Applicant:

Name of contact person:

Address:

Phone:

P. O. Box:

Email:

II. APPLICATION FOR AUTHORISATION

Pursuant to Regulation 39(1) and (2) of the COMESA Competition and Consumer Protection Regulations (the “**Regulations**”) and Rule 19 of the COMESA Competition and Consumer Protection Rules (the “**Rules**”), we are hereby submitting to the Commission an Application for Authorisation of an Agreement(s) involving _____ and _____.

III. PREVIOUS APPLICATIONS

Indicate if you have previously submitted an application for authorization to the Commission in respect of the agreement(s) described above. If an application has been previously submitted, please specify Case File Number and any other details regarding the Application.

IV. OTHER PARTY INFORMATION

Full Names of Applicant:

Name of contact person:

Address:

Phone:

P. O. Box:

Email:

V. OTHER APPLICATIONS

List all countries outside the Common Market to which an Application for Authorisation of the Agreement(s) has been submitted to:

VI. EXECUTIVE SUMMARY OF THE APPLICATION FOR AUTHORISATION

Provide an executive summary of the Application for Authorisation specifying the parties to the Agreement, the nature of the Agreement, the areas of activity of the parties, and the Member States in which they operate in the Common Market, the markets on which the Agreement is likely to have an impact and the strategic economic rationale for the Agreement.

N.B: *This summary (up to 1000 words) will be published on the Commission's website. The summary should not contain confidential information or business secrets.*

Competitive Assessment:

Explain how the Agreement affects competition, nature and extent of the restrictions

Justification for Authorisation:

Provide a description and evidence of the benefits arising from the Agreement. Demonstrate that the Agreement satisfies the criteria provided under Regulation 39(7) of the Regulations.

VII. SERVICE OF DOCUMENTS

The name, address and contact information of the person to whom documents pertaining to this Application should be served is:

PART FOUR

INFORMATION ABOUT THE UNDERTAKING(S) SUBMITTING THIS APPLICATION

Describe in detail the undertaking(s) submitting this Application:

1. The parties to the Agreement, including;
 - (a) name and contact details of the undertaking(s) (directly or indirectly) controlling the undertaking(s) making this Application;
 - (b) name and contact details of the undertaking(s) (directly or indirectly) controlled by the Undertaking(s) in 1(a) above; and
 - (c) name and contact details of the undertaking(s) (directly or indirectly) controlled by the undertaking(s) making this Application.
2. The contemplated timing for any major events required to bring the completion of the Agreement;
3. The asset value or turnover derived in each Member State where the parties operate. **Under this paragraph you are required to complete Part Seven (Asset value and turnover derived in each Member State) of this Form without fail;** and
4. The trading name of the parties in each Member State where they operate, including the contact details of the entity. Where the parties do not have a physical presence in a Member State, specify the trading entity through which your goods or services are supplied into the Member State, including its contact details. **Under this paragraph you are required to complete Part Six (Member States where the Agreement is capable of being reviewed) and Part Eight (Trade Names and Contact details of the parties) of this Form without fail.**

I. RELEVANT MARKET INFORMATION

Provide the following information to the best of your knowledge:

1. Identify each good and/or service that you and other parties to the Agreement sell. In addition, please identify all substitute goods and/or services, if any.

Good/Service	Substitute (s)	Geographic Region Sold

2. A list of all relevant markets in which the parties to the Agreement operate;

3. For each market listed in paragraph (2), provide:

- (a) The estimated annual market share of each party to the Agreement for at least five (5) years. Please specify the unit of measure used to calculate the market share (e.g. volume of sales, value of sales, no. of active users, no. of subscriptions or value of assets);
- (b) The contact details and estimated annual market shares of the ' top five (5) competitors of the parties to the Agreement in each identified geographic area for the last five (5) years;
- (c) The contact details of the top five (5) customers of the parties to the Agreement in each identified geographic areas for at least five (5) years:

Good/Service	Customer Name & Info	Geographic Region	Share of Sales to Customer Out of Total Sales

- (d) A description of existing barriers to market entry (e.g., regulatory requirements, capital requirements, sunk costs, etc.);

- (e) An estimate of the time it will take potential competitor(s) to enter the market;
- (f) The name and contact details of each entrant to the market during the last three (3) years;
- (g) An estimate of the value and volume of the COMESA market as a whole (i.e., production less exports and plus imports);
- (h) An estimate of the capital expenditure required to enter the market on a scale necessary to gain a significant market share of five (5) percent or more, both as a new entrant and as an Undertaking which already has the necessary technology and expertise;
- (i) An estimate of the scale of annual expenditure on advertising/promotion relative to sales required to enter the market on a scale equivalent to your main competitor(s);
- (j) An assessment of the ease of exit from the market. Please indicate any trends in both market entry and exit over the last three (3) years;
- (k) An assessment of any effects the Agreement may have on competition. Describe the nature of national and regional competition and give details of any localities where competition may be reduced as a result of the Agreement; and
- (l) An assessment of any effects the Agreement may have on public interest; and
- (m) A brief assessment of any other features of the market that the Commission should take into account in considering the effect of the Agreement.

II. BUSINESS RELATIONSHIPS AMONG PARTIES TO THE AGREEMENT

State the name if any of the other party to the Agreement that sells to you; identify each good and/or service sold and the value of that good/service during your preceding financial year.

Undertaking Name	Good/Service	Value

PART FIVE

SUPPORTING DOCUMENTS

DOCUMENTS TO BE SUBMITTED BY THE PARTIES TO THE AGREEMENT

Attach certified copies of the following documents and submit them with this Application:

1. Annual reports of your undertaking(s) for the last five (5) years;
2. Financial statements of your undertaking(s) for the last five (5) financial years;
3. Current list of shareholders of the parties to the Agreement and their nationality;
4. Current list of directors of the parties to the Agreement;
5. Copy of the Agreement;
6. Internal memoranda analysing the Agreement;
7. Board resolutions appointing undertaking representatives for the purposes of this Application and the letter appointing legal representatives for the purposes of this Application;
8. Copies of all the documents prepared by or for or received by any member(s) of the board of management, the board of directors, or the supervisory board, as applicable in the light of the corporate governance structure, or the other person(s) exercising similar functions (or to whom such functions have been delegated or entrusted), or the shareholders' meeting, in particular:
 - (a) Analyses, reports, studies, surveys and any comparable documents for the purpose of assessing or analysing the Agreement with respect to its rationale, market shares, competitive conditions, competitors (actual and potential), potential for sales growth or expansion into other product or geographic markets; and

(b) Any other document which may assist the Commission in making a decision on the Application.

9. Undertakings' Business Plan (approved or draft)

Note: Provide a list of the above documents, indicating for each document the date of preparation and the name and title of the addressee(s).

PART SIX

MEMBER STATES WHERE THE AGREEMENT IS CAPABLE OF BEING REVIEWED

For each Member State, specify whether the Agreement is or is not capable of being reviewed under its national competition law.

You must tick one box ('Yes' or 'No') for each and every Member State. Failure to indicate 'Yes' or 'No' for any Member State shall be deemed to constitute an indication of 'Yes' for that Member State.

Country	Yes	No
Burundi		
Comoros		
Democratic Republic of Congo		
Djibouti		
Egypt		
Eritrea		
Eswatini		
Ethiopia		
Kenya		
Libya		
Madagascar		
Malawi		

Mauritius		
Rwanda		
Seychelles		
Sudan		
Tunisia		
Uganda		
Zambia		
Zimbabwe		

Note: *The list of Member States in this Form shall be subject to change on accession or withdrawal of a State from the Treaty.*

PART SEVEN

ASSET VALUE AND TURNOVER DERIVED IN EACH MEMBER STATE

Specify the Asset Value and Turnover derived in each Member State where the parties operate. If there are more than two parties to the Agreement, please add a column for each additional undertaking.

Country	Turnover Value (US\$) Undertaking 1	Asset Value (US\$) Undertaking 1	Turnover Value (US\$) Undertaking 2	Asset Value (US\$) Undertaking 2
Burundi				
Comoros				
Democratic Republic of Congo				
Djibouti				
Egypt				
Eritrea				
Eswatini				
Ethiopia				

Kenya				
Libya				
Madagascar				
Malawi				
Mauritius				
Rwanda				
Seychelles				
Sudan				
Tunisia				
Uganda				
Zambia				
Zimbabwe				
Total				

Note: *The list of Member States in this Form shall be subject to change on accession or withdrawal of a State from the Treaty.*

PART EIGHT

TRADE NAMES AND CONTACT DETAILS OF THE PARTIES

Specify the trade name and contact details for each of the parties to the Agreement in each Member State. If there are more than two parties to the Agreement, please add a column for each additional undertaking.

Country	Undertaking 1	Undertaking 2
Burundi		
Comoros		
Democratic Republic of Congo		
Djibouti		
Egypt		

Eritrea		
Eswatini		
Ethiopia		
Kenya		
Libya		
Madagascar		
Malawi		
Mauritius		
Rwanda		
Seychelles		
Sudan		
Tunisia		
Uganda		
Zambia		
Zimbabwe		
Total		

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Advancing Regional Integration
through Competitive Markets
and Empowered Consumers

PART NINE DECLARATION

I/ We _____ being the authorised representative of _____ (*insert the names of the Applicant(s)*) declare that to the best of my/our knowledge, the information given/supplied by me/us to the Commission in this Application is true, correct and complete, that true and complete copies of documents required by this Application Form 3 have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all opinions expressed are sincere.

Official Use Only

Received By

Name:

Signature:

Date Received:

Case File Number:

Head of Division

Name:

Signature:

Date Received:

Division:

The Form Should be Submitted to:

The COMESA Competition and Consumer Commission

Kang'ombe House

P.O Box 30742

Lilongwe 3 – Malawi

Email to: registrar@comesacompetition.org

With a copy to: compcom@comesacompetition.org and
enforcement@comesacompetition.org