

14 September 2026

CCCC-PN-2-of-2026

**PRACTICE NOTE NUMBER 2 OF 2026 ON THE REQUIREMENTS FOR PERSONS
REPRESENTING PARTIES BEFORE THE PANEL RESPONSIBLE FOR
DETERMINATION**

1. The COMESA Competition and Consumer Commission, (the “Commission”), has observed the need to provide guidance on the qualifications and proof of authority of representation required for persons appearing before the Panel Responsible for Determinations, (“the Panel”), on behalf of parties in proceedings before the Commission.
2. Regulation 17 of the COMESA Competition and Consumer Protection Regulations, 2025, (the “Regulations”), provides that the Board, upon recommendation of the Chief Executive Officer, may approve policies, forms, procedures, guidelines, notices or any other such instruments, as may be necessary, for the better carrying out of the purposes of the Regulations.
3. Regulation 73 of the Regulations provides that a party may elect to be represented in proceedings before the Commission by a person of their choice.
4. In order to facilitate and ensure the orderly administration of proceedings before the Panel, preserve the integrity of proceedings before the Panel, and ensure that persons appearing on behalf of parties are duly authorized and accountable, the Board has directed that every person representing a party before the Panel shall complete a Special Power of Attorney evidencing his or her authority to act on behalf of the party and where the person representing a party appears in a professional legal capacity, that person shall additionally file proof that he or she is admitted and authorised to practise law in a Member State of the Common Market for Eastern and Southern Africa (COMESA).
5. Accordingly, pursuant to Regulation 17 of the Regulations, the Commission issues this Practice Note Number 2 of 2026 to prescribe and set out the requirements applicable to persons who appear, or seek to appear, before the Panel on behalf of a party.

REQUIREMENT FOR A SPECIAL POWER OF ATTORNEY

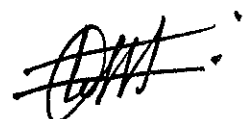
6. A person intending to represent a party before the Panel shall, before filing any document or making any appearance on behalf of that party, file with the Registrar of the Commission a Special Power of Attorney in Form 9 authorising that person to act on the party's behalf in the proceedings.

REQUIREMENT FOR PROOF OF AUTHORISATION TO PRACTICE LAW

7. Where a person intends to represent a party before the Panel in a professional legal capacity, including as a legal practitioner, counsel, advocate, attorney or lawyer, that person shall, before making any appearance or participating in the proceedings in that capacity, file with the Registrar proof of a valid practising licence, practising certificate, or other equivalent current authorisation issued by a competent authority confirming that he or she is duly authorised to practice law in a COMESA Member State.
8. The requirement under this Practice Note applies to any person who seeks to represent a party before the Panel in a professional legal capacity including, as a legal practitioner, counsel, advocate, attorney or lawyer by addressing the Panel, making oral or written submissions, examining witnesses, or otherwise acting on behalf of a party in proceedings before the Panel.
9. Where a party is represented by more than one person, each person who intends to participate in the proceedings in any of the capacities referred to in paragraph 7 shall separately produce proof of a valid practising licence or equivalent current authority to practise law in a COMESA Member State.

TIME LIMITS FOR FILING REPRESENTATION DOCUMENTS

10. A person intending to appear before the Panel on behalf of a party shall at least 10 (ten) calendar days before the commencement of the representation and in any event before filing any document or making any appearance on behalf of the party, file with the Registrar a Special Power of Attorney (Form 9).
11. Where a person intends to appear before the Panel on behalf of a party in a professional legal capacity, that person shall, simultaneously with the filing of the Special Power of Attorney in Form 9, file with the Registrar a valid practising licence, practising certificate, or other equivalent proof issued by a competent authority confirming that he or she is duly authorised to practise law in a COMESA Member State.



12. Where a party intends to change its representative, the party shall notify the Registrar of the change in writing as soon as practicable and in any event before the new representative files any document or appears before the Panel on the party's behalf.
13. Where a representative is appointed after the commencement of proceedings, that representative shall file the Special Power of Attorney in Form 9 as soon as practicable and, in any event, within seven (7) working days from the date of appointment. Where the representative appears in a professional legal capacity, the requirements relating to proof of a valid practising licence, practising certificate, or equivalent authority to practise law shall also apply.
14. The Registrar shall maintain a record of counsel, advocates, attorneys, lawyers, or other persons appearing in a professional legal capacity who have produced proof of valid authority to practice law for purposes of proceedings before the Panel.

EQUIVALENT CURRENT PROOF OF AUTHORITY TO PRACTICE

15. For purposes of this Practice Note, equivalent current proof of authority to practice law in a COMESA Member State may include any of the following:
 - a) a current practising certificate or licence issued by a competent authority such as a law society, bar association, court, ministry of justice or other competent authority in the relevant jurisdiction;
 - b) a current certificate of good standing issued by the relevant professional body or competent authority. A certificate of current good standing shall not, by itself, constitute sufficient proof of authority to practice law unless it confirms that the person is currently authorised to practice law in the relevant jurisdiction;
 - c) an official letter or confirmation from a competent authority such as a law society, bar association, registrar, court or other competent authority confirming that the person is currently authorised to practice law in the relevant jurisdiction; or
 - d) any other document issued by a competent authority, which, in the opinion of the Registrar, sufficiently establishes that the person holds current authority to practice law in the relevant jurisdiction.
16. Every document produced pursuant to this Practice Note shall be translated into all the official languages of COMESA, and the costs of such translation shall be borne by the person producing the document. However, in some circumstances, the



Registrar may use her/his discretion to permit submission in any one of the COMESA languages if doing so shall not prejudice the proceedings in any way whatsoever...

17. Where the Panel or Registrar has reasonable doubt regarding the authenticity, validity or sufficiency of any document produced, the person may be required to provide additional information or confirmation from the issuing authority.
18. A person who is not authorised to practice law in a COMESA Member State shall not represent a party before the Panel.

FAILURE TO FILE REQUIRED REPRESENTATION DOCUMENTS

19. While failure to comply with any aspect of this Practice Note may render invalid proceedings before the Panel, the Panel may use its discretion to determine any appropriate direction to issue in each case, having regard to fairness, the need to avoid unnecessary delay, and the proper administration of proceedings before the Commission.

CONTINUING OBLIGATION TO MAINTAIN VALID AUTHORISATION

20. A person who has filed the relevant representation documents under this Practice Note shall promptly notify the Registrar of any suspension, withdrawal, expiry, cancellation, or other change affecting his or her authority to represent the party before the Panel or, where applicable, his or her authority to practice law during the pendency of the proceedings.
21. The Panel may, at any stage of the proceedings, require any person representing a party to file updated proof of his or her authority to practice law where the Panel considers such proof necessary.

EFFECTIVE DATE AND TRANSITIONAL ARRANGEMENTS

22. This Practice Note shall take effect on the date of its issuance.
23. For the avoidance of doubt, this Practice Note applies to all proceedings before the Panel commenced after the date of its issuance.



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CHIEF EXECUTIVE OFFICER
COMESA COMPETITION AND CONSUMER COMMISSION