

# Smart Alert

**Regulatory changes  
on competition and  
consumer protection  
in the Common  
Market for Eastern  
and Southern Africa**

12 January 2026



# Context

On 4 December 2025, the Council of Ministers of the Common Market for Eastern and Southern Africa (hereinafter “**COMESA**”) approved the new Competition and Consumer Protection Regulations (hereinafter the “**Regulation**”) and the new Competition and Consumer Protection Rules (hereinafter the “**Rules**”).

This new set of rules entered into force on 5 December 2025, revoking the previous legislation dating from 2004.

This new legislation introduces several major changes for businesses in terms of understanding their compliance with competition law in COMESA.



# A suspensive merger control system and new thresholds have been put in place.

The COMESA Competition and Consumer Commission (hereinafter the “CCCC”) remains the single point of contact for the review of mergers within COMESA, preserving the integrity of the one stop shop.

Mergers must be notified to the CCCC prior to implementation in accordance with Article 42(1) of the Regulations if the following thresholds are met under Article 23(1) of the Rules:

1. The combined annual turnover or combined value of assets of all parties in the Common Market equals or exceeds **COMESA Dollar 60 million**; and
2. The turnover or value of assets of at least two of the parties to a merger in the Common Market equals or exceeds **COMESA Dollar 10 million**, unless they achieve at least two-thirds of its aggregate turnover or assets within one and the same COMESA Member State.



The transaction notification fee is increased to 0.1% of the combined annual turnover or combined value of assets of the parties in COMESA, up to a limit of COMESA Dollar 300 000.

Undertakings exceeding the new thresholds must **refrain from carrying out the transaction pending a decision** by the CCCC and, in particular,

- (i) integrate all or part of the infrastructure, information systems, brand image or marketing efforts of the parties,
- (ii) carry out any movements, termination or hirings of employees related with the merger,
- (iii) exert any influence on any competitive aspect of the target undertaking's business, or
- (iv) exchange strategic information.

Undertakings that do not comply with these rules are liable to a **penalty of up to 10% of their annual turnover** in COMESA.



# The digital market is in the Commission's sights.

This sector is subject to different merger control thresholds and notification fees.

Mergers in the digital market shall be notified if the transaction value reaches **COMESA Dollar 250 000**.

Notification fees are 0.05% of the transaction value, up to a limit of COMESA Dollar 300 000.

In addition, anti-competitive practices specific to the digital market are apprehended for **gatekeepers**.

Article 38 of the Rules prohibits them from engaging in a number of behaviors, including imposing price parity clauses on professional users, tie-in sales, using business users' data to compete with them, self-preferencing their products on a core platform, or restricting data portability.



# New *per se* anti-competitive practices are introduced.

**Vertical agreements** involving absolute territorial protection, passive sales restrictions and minimum resale price maintenance are prohibited *per se*, pursuant to Article 34(4) of the Regulation.

In addition, a new infringement of **abuse of economic dependence** is created. It is therefore prohibited for any undertaking to abuse its superior bargaining position in such a way that there are insufficient and unreasonable possibilities for its contracting partner to switch to third parties and there is a significant imbalance between the power of such undertakings or group of undertakings and the countervailing power of other competing undertakings.



We can assist you with all your operations in COMESA and more broadly across Africa.



**Marco Plankensteiner**  
Partner  
mplankensteiner@lpalaw.com



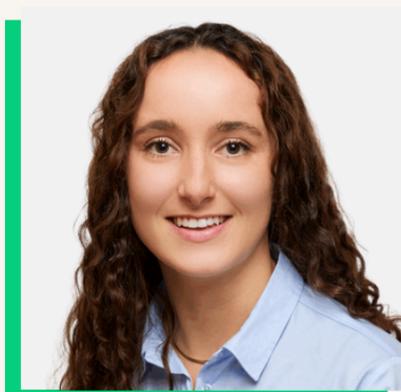
**Pauline Dessevre**  
Counsel  
pdessevre@lpalaw.com



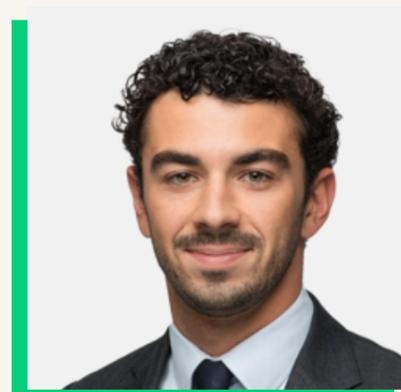
**Alice Mollot**  
Associate  
amollot@lpalaw.com



**Louise Durand**  
Associate  
ldurand@lpalaw.com



**Alexandra Houlière**  
Associate  
ahouliere@lpalaw.com



**Oscar Le Moine-Durand**  
Associate  
olemoine-durand@lpalaw.com