

# AFRICA COMPETITION LAW QUARTERLY ROUND-UP

(ISSUE NO.1 OF 2026 | JANUARY – MARCH 2026)

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## AFRICA

### 2028 deadline set for Africa Competition Commission

The Africa Continental Competition Commission must be established by 2028, Malick Diallo, Head of Competition at the AfCFTA Secretariat, announced at the launch of the new COMESA Regulations in Livingstone in February 2026. The entire framework, including merger thresholds and digital gatekeeper rules still awaiting approval, is expected to be finalised by end of 2027. Crucially, the continental body will only handle matters involving more than one regional economic community, avoiding overlaps with existing regional competition bodies.

## COMESA

### Quick Out of the Blocks: CCCC Delivers on expedited process promise

On 4 February 2026, we hosted a webinar unpacking the COMESA's transformative new competition framework, featuring Dr Willard Mwemba, CEO of the newly rebranded COMESA Competition and Consumer Commission ("CCCC") and Jocelyn Katz, our global head of competition and antitrust. During the webinar, we broke the news about the CCCC's intention to introduce an expedited merger review process to deliver on its promise. Per the [Schedule of Fees](#), the expedited process comes at a premium of USD 120,000, with a decision expected between 30 to 45 days after notification, affording the CCCC sufficient time to consult its Member States on the transaction.

### Parallel filings, digital thresholds and emerging assessment factors

On the vexed question of parallel filings, Dr Mwemba was pragmatic: Member States demanding dual notification should be engaged through correspondence referencing COMESA's position, with the CCCC copied in to facilitate resolution. According to Dr Mwemba, current tensions with certain national authorities are "teething problems" and cooperation across the region has exceeded expectations. The webinar also covered the new digital merger thresholds, the secondary role of public interest considerations and environmental factors as an emerging ground for assessment. **Watch the full webinar here** → [YouTube: Pop-Up Webinar | Revised COMESA Competition Regulations](#).

### CCCC outlines firm stance on gun-jumping

Speaking at the launch of the Regulations in Livingstone, the CCCC confirmed it is "very serious" about gun-jumping and will fine companies under the new suspensory merger regime; whilst interim orders will be issued sparingly.

### AI for me, not for thee: CCCC takes aim at Meta's WhatsApp tactics

Meta is under investigation for allegedly amending its WhatsApp Business Solution terms to block rival AI providers from WhatsApp's Business Application Programme Interface ("API") while preserving preferential integration for its own competing service, Meta AI. The CCCC suspects the tech giant holds a dominant position in the Common Market and is foreclosing competitors through self-preferencing, a potential breach of Regulation 36 of the COMESA Regulations. **Read more** → [CCCC Notice of Commencement of Investigation Against Meta](#).

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## ERC

### • EACCA receives maiden merger filing

The East African Community Competition Authority (“EACCA”) merger control regime is officially in action, receiving its first formal merger notification in January 2026. The transaction involves Vodafone Kenya Limited's proposed acquisition of an additional shareholding in Safaricom PLC, together with associated intra-group restructuring by Vodafone International Holdings B.V., a deal that would leave Vodacom with effective control over Safaricom. Notably, the transaction was also notified to the CCCC, highlighting ongoing coordination challenges between regional regulators. ENS played advisory role to Safaricom on this landmark filing, the first real-world test of the EACCA's new merger control regime.

## ECOWAS

### • Fee relief on the horizon? ECOWAS may reform uncapped merger costs

ERCA's Executive Director, Dr Siméon Koffi, has signalled that ECOWAS lawmakers may reconsider the current uncapped merger notification fee which has resulted in unexpectedly high filing costs since the suspensory regime commenced in 2021. The uncapped fee was introduced during significant regional economic challenges, based on the principle that merger review should be funded by companies rather than consumers, without anticipating the high combined turnover figures that would result.

### • Consumer Protection takes centre stage at ERCA

ERCA convened in Dakar from 9 to 13 February 2026 to review a draft Regional Regulation and Manual of Procedures on Consumer Protection. Dr Koffi emphasised consumer protection as the “second pillar” of the Authority's mandate. Participants agreed on a roadmap for institutional validation and adoption, noting the initiative comes at a crucial time given the rapid evolution of markets, particularly digital markets. **Read more** → [ERCA Develops a Regional Regulation and Procedures Manual on Consumer Protection](#)

### • ERCA plans inaugural Regional Competition Conference for September 2026

The Authority's first Annual Conference on Competition is scheduled for mid-September 2026 under the theme “Competition Policy and Market Integration in ECOWAS: Issues and Challenges”, and will address market integration, inter-agency cooperation, strategic sectors and consumer protection. Dr Koffi noted the initiative marks a milestone after five years of ERCA's existence, while Council Chair Dr Twumasi-Anokye emphasised the event will enhance ERCA's visibility and highlight its role in West African market integration. **Read more** → [The ERCA Council Prepares for the First Annual ERCA Conference on Competition in the ECOWAS Region](#)

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## EGYPT

### • ECA clocks impressive approval timelines

The Egyptian Competition Authority (“**ECA**”) has released its merger statistics for January to June 2025, and the numbers are striking. Of 38 notifications received (23 regular, 15 simplified), the ECA achieved average review times of just 15 days for regular filings and 14 days for simplified procedures, turnarounds that would make many developed-market regulators envious. However, these headline figures measure only the formal review period; the pre-acceptance phase during which the ECA satisfies itself that a filing is complete can add several months to overall transaction timelines. Deal teams should factor in realistic end-to-end timelines when planning Egypt filings.

**Read more** → [ECA: Statistics of Economic Concentrations Jan - Jun 2025](#)

## GHANA

- Finally? Ghana signals imminent Competition Law  
Ghana's Minister of Industries, Agribusiness and Trade has announced the government's intention to promulgate competition and consumer protection laws "soon". Despite branding itself "The Gateway to Africa," Ghana remains one of the few major African economies without comprehensive competition legislation, even as consolidation accelerates across sectors. **Read more** → [B&FT: Finally, a competition \(anti-trust\) law?](#)

## KENYA

### • CAK approves FinTech acquisition with data firewalls

The Competition Authority of Kenya (“**CAK**”) has approved KCB Group PLC's acquisition of control over Riverbank Solutions Limited, a technology provider for financial transactions. The deal, involving 75% of Riverbank's issued share capital, forms part of KCB's strategy to enhance its digital capabilities for MSMEs. The CAK approved the transaction subject to data-related conditions that will be of interest to acquirers in the fintech space: third-party transactional, customer and merchant data collected through Riverbank's infrastructure must remain ring-fenced and may not be used by KCB for purposes beyond operating Riverbank's business. Additionally, the merging parties must honour existing contracts with Riverbank's customers. **Read more** → [Hivileo: CAK Approves KCB Riverbank Acquisition With Conditions](#)

### • Kenya moves to tighten competition rules

Kenya's Competition (Amendment) Bill, 2026 (National Assembly Bill No. 4 of 2026) was gazetted on 19 February 2026 and is now awaiting introduction in the National Assembly. The Bill builds on, and in several respects refines, the earlier Competition (Amendment) Bill, 2024. Among the headline changes, the Bill significantly expands the framework for regulating digital markets, introducing a suite of new definitions including "digital activity", "digital market", and "strategic market position" and refining the criteria for assessing dominance in digital contexts. Critically, dominance in a digital market may now be established even where an undertaking holds less than 40% market share, provided it possesses market power. The Bill also introduces a new prohibition on abuse of superior bargaining position, a concept which, notably, does not require a finding of dominance or market power.

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A firm need only be shown to create an imbalance of rights and obligations from which its counterparty cannot practically escape. On enforcement, the Bill arms the CAK with direct administrative enforcement powers, allowing it to issue warnings, impose remedial directions, and levy administrative penalties of up to 10% of annual turnover in Kenya recoverable as civil debt, without necessarily resorting to criminal prosecution. For good measure, the Bill also broadens the merger control perimeter to capture privatisations of government agencies and state corporations engaged in trade. **Read more** → [The Competition \(Amendment\) Bill, 2026 \(Kenya\)](#)

## MAURITIUS

### • Competition Commission publishes its guidelines on Market Inquiries

The Competition Commission (the “CC”) has issued its Guidelines on Market Inquiries (CC 8 Guidelines) following the recent amendment to the Competition Act 2007 (the Act) to include a new Section 51B – Market Inquiries. As highlighted by Mr Naugah, the Executive Director of the CC, “the Guidelines on Market Inquiries sets out the framework to be adopted by the CC in conducting market inquiries... the Guidelines clearly outlines the initiation threshold, information gathering and assessment framework, and engagement procedure with stakeholders, including mandatory consultation on findings and recommendations”. **Read more:** <https://competitioncommission.mu/wp-content/uploads/2026/03/CC8-Guidelines-market-inquiries.pdf>

## NAMIBIA

### • Bitter pill: Supreme Court Rules NCC unlawfully delegated price fixing probe

The Namibian Supreme Court has dismissed the Namibian Competition Commission’s (“NCC”)’s appeal in its long-running investigation into alleged price-fixing by the Pharmaceutical Society of Namibia (“PSN”), holding that the NCC unlawfully delegated its statutory power to “start an investigation” to its Secretary, rather than exercising the function itself, a delegation found to be ultra vires as the Act only permits delegation to a committee, not to an individual official. The matter has been referred back to the NCC. The ruling exposes an awkward feature of the Namibian Competition Act where the power to initiate investigations vests in the NCC board rather than its executive head, raising the question of whether legislative reform may follow. **Read more** → [Judgement: NCC v Pharmaceutical Society of Namibia](#)

## RWANDA

### • Rwanda overhauls Competition and Consumer Protection Framework

Rwanda has enacted a new Competition and Consumer Protection Act (Law No. 011/2026 of 26 February 2026), repealing and replacing the 2012 law. The new legislation introduces a modernised merger control regime, a clear distinction between horizontal and vertical anti-competitive agreements with express prohibitions on minimum resale price maintenance and restrictions on internet use and an entirely new chapter dedicated to e-commerce regulation. Notably, the law also establishes a formal leniency programme, power to conduct market investigations, a state subsidies notification mechanism and a revamped appeals framework featuring a new Independent Appeal Committee. Businesses operating in the Rwandan market should review their compliance arrangements promptly, with e-commerce operators benefiting from a six-month transitional period to align with the new requirements. **Read more** → [Law n° 011/2026 of 26/02/2026 relating to competition and consumer protection](#)

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## SEYCHELLES

### • Behind bars: FTC executes first civil imprisonment for non-compliance

The Seychelles Fair Trading Commission (“**FTC**”) has executed its first-ever civil imprisonment, detaining Mr. Faddy Francourt for continued failure to comply with a Tribunal judgment in favour of Vision Care (Seychelles) Pty Ltd. Despite repeated notices, reminders, and opportunities to enter into a payment arrangement, Mr. Francourt failed to settle the outstanding sum. Civil imprisonment, a last-resort enforcement tool under Seychelles law, was pursued after all other remedies were exhausted. **Read more** → [FTC Orders First Civil Imprisonment for Non-Compliance with Tribunal Judgment](#)

### • FTC cracks down on RRP displays, gives six-month grace period

The FTC has put manufacturers, distributors and wholesalers on notice: Recommended Resale Prices (“**RRPs**”) may only appear on products themselves, not on posters, shelf displays or chiller stickers. The FTC has warned that displaying RRP on promotional materials risks being perceived as price fixing and undermines retailer pricing autonomy. Businesses have until 24 August 2026 to comply with the strict interpretation of section 127(5) of the Fair Trading Act, 2022, with enforcement action to follow. **Read more** → [FTC clarifies and strengthens enforcement of Recommended Resale Price \(RRP\) provisions](#)

### • Seychelles caps margins on essential goods

The Government of Seychelles has introduced wholesale and retail mark-up controls on essential items under the Control of Supplies and Services (Maximum Wholesale and Retail Mark-up) Order, 2026, effective immediately for one year. Wholesale and retail mark-ups are capped at 18% for perishables (potatoes, onions, milk, yogurt, etc.) and 15% for dry goods (rice, sugar, flour, cooking oil, etc.). An enforcement unit comprising Customs, the FTC, and the Licensing Authority may be established to police compliance, with contraventions punishable by criminal fine. **Read more** → [Control of Supplies and Services \(Maximum Wholesale and Retail Mark-up\) Order, 2026](#)

## • SOUTH AFRICA

### DTIC tables higher merger thresholds and fees

Deal-makers in South Africa may soon face fewer filing obligations, but steeper fees when they do. On 27 January 2026, the Department of Trade, Industry and Competition (“**DTIC**”) proposed significant increases to both thresholds and filing fees. The lower combined threshold would rise from ZAR 600 million to ZAR 1 billion; the higher combined threshold from ZAR 6.6 billion to ZAR 9.5 billion. Target thresholds would increase from ZAR 100 million to ZAR 175 million (lower) and ZAR 190 million to ZAR 280 million (higher). Filing fees are also set to rise: intermediate mergers from ZAR 165,000 to ZAR 220,000, large mergers from ZAR 550,000 to ZAR 735,000. The comment period closed on 10 March 2026 and final amendments are expected later this year. **Read more** → [Draft Amendment Of The Determination Of Merger Thresholds | Draft Amendment To Merger Filing Fees](#)

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## • Constitutional Court restores intervention rights, rejects "Unique Knowledge" hurdle in merger proceedings

Following our coverage [last issue](#) of the Competition Appeal Court's ("CAC")'s decision to block Lewis Stores from intervening in the Pepkor Holdings merger, the Constitutional Court has restored the Competition Tribunal's original participation order. The central dispute concerned the correct legal test for intervention under section 53(c)(v) of the Competition Act, 1998, with Lewis arguing that the CAC had introduced an impermissible novel requirement that interveners demonstrate "unique knowledge" or evidence unobtainable elsewhere. In a unanimous judgment, Majiedt J rejected the CAC's novel "unique knowledge" requirement, holding that the test requires only a reasonable prospect of assisting the Tribunal's statutory analysis and that uniqueness or exclusivity of information is not required. The Court found the Tribunal acted within its discretion in concluding Lewis's evidence could address gaps in the Competition Commission's evaluation, and the CAC wrongly interfered. **Read more** → [Reasons for Decision: Lewis Stores v Pepkor Holdings](#)

## • The early bird catches the approval: New pre-merger filing guidelines

The Commission published its final pre-merger filing consultation guidelines on 13 February 2026, introducing a non-binding formal mechanism for merging parties to engage with it before notifying complex transactions. The process allows parties to identify competition or public interest concerns early, propose upfront remedies, and clarify information requirements. Sellers and business rescue practitioners can also consult when structuring transactions or selecting purchasers. Key limitations: the process is reserved for Phase II/III (complex) mergers only, no hypothetical queries will be entertained, and engagement is generally limited to one consultation per query. **Read our take** → [The early bird catches the approval – South African Competition Commission's new Pre-Merger Filing Guidelines](#)

## WAEMU

### • Smooth sailing: No jurisdictional conflicts between WAEMU and ECOWAS

Abdoulaye Mr. Coulibaly, Head of Investigations and Litigation at the WAEMU Competition Directorate, confirmed at the COMESA Regulations launch in Livingstone that no conflict has arisen between WAEMU and ECOWAS regarding case allocation. Matters involving only WAEMU member states are handled by the WAEMU Directorate, noting all WAEMU members are also ECOWAS members. Both institutions may refer cases to each other where the other is better placed to consider the matter. Mr. Coulibaly emphasised there is proper dialogue between the two authorities, with their respective laws being fairly similar. The legal frameworks are currently being formally aligned to further streamline cooperation.

## ZAMBIA

### • Ride-hailing reckoning: Yango fined 12% of turnover

The Zambia Competition and Consumer Protection Commission ("CCPC") fined Yango 12% of turnover (7% for RPM, 3% for abuse of dominance, 2% for anti-competitive agreements) after finding the platform's fare controls deprived drivers of pricing autonomy. Yango must display prices before drivers accept rides. **Read more here** → [CCPC Board Decision v Yango](#)

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## • Fishy business: Tilapia market cartel fined

Zamfresh and Maxi Beef fined for anti-competitive distribution agreements in the fresh Tilapia market, including market allocation and exclusive dealing that forced competitor exits. The decision is currently under appeal before the Competition and Consumer Protection Tribunal. **Read more here** → [CCPC Board Decision v ZamFresh, Maxi Beef and SeaWorld](#)

## CCPC consults on new regulations

The CCPC commenced nationwide stakeholder consultations on 12 February 2026 to align the revised Competition and Consumer Protection General Regulations, Statutory Instrument No. 97 of 2011, and the Guidelines for the Issuance of Administrative Penalties with the Competition and Consumer Protection (Amendment) Act No. 21 of 2023, introducing market inquiry powers, core asset relocation provisions, and digital investigation tools. **Read more here** → [CCPC Hosts Second Stakeholders Consultative Engagement On Revised Regulations](#)

## ENS IN ACTION

Our competition team hit the ground running in Q1 2026, advising on the EACCA's first-ever merger filing and participating in COMESA's landmark launch of the new Regulations in Livingstone, which was marked by a gathering of national and regional regulators from across the continent. The event provided a valuable opportunity for us to engage directly with regulators and reaffirm our collaborative approach. Building on those conversations and the strong interest in our February webinar with CCCC, we will be hosting a series of events throughout the year to help clients navigate Africa's evolving competition landscape. Watch this space!

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Discover more about ENS' Competition practice