



COMPETITION

COMESA publishes important new Competition Regulations

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The Common Market for Eastern and Southern Africa (**COMESA**) has recently issued far reaching new regulations expected to impact the way that business is being conducted in the COMESA member states. The COMESA Competition and Consumer Protection Regulations (**2025 Regulations**) came into effect on 5 December 2025. Importantly, it will affect all mergers and acquisition (**M&A**) transactions as well as full function joint ventures entered into after that date if they meet the COMESA monetary thresholds.

COMESA is one of Africa's larger and more prominent regional economic blocs consisting of 21 member states. Merging parties intending to engage in transactions affecting the COMESA bloc and firms involved in other commercial conduct in the bloc, will need to heed the following notable changes to the COMESA competition regime:

Merger Control

1. The COMESA competition regime is now suspensory in nature. This means any M&A transaction above the COMESA thresholds may not be implemented before having been notified and receiving approval from the COMESA Competition and Consumer Commission (**CCCC**). Merging parties must therefore factor in COMESA's merger review periods into transactional timelines. Implementation of the transaction without approval may lead to heavy fines (up to 10% of the merging parties' COMESA turnover).

2. The CCCC now also have review powers over the public interest effects of a notifiable merger. This includes factors such as employment, the ability of small and medium-sized firms to be competitive, the ability of industries in the COMESA Common Market to compete in international markets, environmental protection or sustainability considerations, and innovation considerations.
3. The COMESA definition of a notifiable merger now expressly includes the creation of a joint venture which performs, on a lasting basis, all the functions of an autonomous economic entity.
4. Mergers in the digital markets which meet a certain prescribed transaction value threshold, and where at least one of the parties to such mergers has operations in two or more Member States, will need to be notified – despite those mergers not meeting the conventional turnover/asset value thresholds usually required.

Anti-competitive Business Practices

5. The CCCC will now have greater enforcement powers and may conduct dawn raids, having regard to the procedures for search and seizure applicable in the relevant member state.
6. A new leniency programme for applicants who wish to voluntarily report their anti-competitive practices to the CCCC has been introduced.
7. Introduction of a new provision listing various prohibited practices by firms designated as "gatekeepers" (digital service providers operating a core platform service that serves as a gateway for business users to reach end-users).
8. Introduction of an "abuse of economic dependence" conduct category, which is expressly prohibited.

Other procedural powers of the CCCC

9. The CCCC will have the power to make interim orders.
10. The CCCC may now conduct market inquiries where it considers it necessary or desirable for the purpose of carrying out its functions.

The 2025 Regulations contain transitional provisions which provide that mergers notified to the CCCC, or investigations, or legal proceedings initiated prior to 5 December 2025 will continue to be assessed under the previous 2004 Regulations until the conclusion of those matters.

Should you require more information regarding the impact of the 2025 Regulations, please feel free to contact any of the members of the [Werksmans Competition Practice Area](#).



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