



THE NEW LEADERSHIP OF THE ACF

CHANGE IN CONTINUITY

**THE 25TH ANNIVERSARY OF THE
SOUTH AFRICAN COMPETITION COMMISSION**

Editorial Note

The ACF Newsletter is one of the major projects of the African Competition Forum (ACF) with regard to Advocacy, which works as an important tool for the dissemination and promotion of ACF and its member countries, in what concerns their development, their achievements, as well as the dissemination of news and initiatives related to the development of Competition Policy and Law in Africa.

Therefore, we consider that this newsletter also enables ACF member countries to identify the best practices for the promotion and safeguarding of competition on the continent.

The ACF has previously published two editions of the ACF Newsletter; in the past, the first one in 2018 and the second one in 2020.

This third edition of the ACF Newsletter consists of two parts, namely :

- (i) The dissemination of the ACF, which primarily focuses on the forum, in general, and
- (ii) The part that refers to the contributions from member agencies, designed as a call-to-action through the sharing of valuable testimonies, from Angola, Mauritius, Kenya, South Africa, Egypt and Burundi.



Table of Content

Message from the Chairperson	3-6
Profile of the Competition Commission of Mauritius	7-8
25 Years of Competition in South Africa	9-12
ACF Cartel Working Group Achievements 2024-2025	13-15
Egypt Peer Review of the New Egyptian Competition Law	16-18
ACF Members Highlights	19-22





Message from the ACF Chairperson – Mauritius



Esteemed ACF Members and Readers

I am pleased to invite you to discover the accomplishments of the ACF community as you sift through the pages of the 3rd edition of our ACF Newsletter. Two years have already gone by since the Competition Commission (Mauritius) received the news of its nomination at the helm of the ACF Steering Committee during the ACF Biennial Conference held in Gambia in 2023. Considering ACF's impressive record under the chairmanship of the Competition Commission of South Africa (CCSA), I must say stepping into the shoes of my predecessor has not been a meagre task, but it has also been a welcome challenge.

The work and priorities of the ACF over the last two years have been guided by its Workplan, which was approved by the Steering Committee during ACF's annual workshop hosted in March 2024 in Mauritius. In developing the ACF workplan, our members have shown interest in undertaking research in the agricultural and digital sectors, tailored capacity building programmes and furthering ACF's engagement with the AfCFTA.

I am pleased to invite you to discover the accomplishments of the ACF community as you sift through the pages of the 3rd edition of our ACF Newsletter. Two years have already gone by since the Competition Commission (Mauritius) received the news of its nomination at the helm of the ACF Steering Committee during the ACF biennial conference held in Gambia in 2023. Considering ACF's impressive record under the chairmanship of the Competition Commission of South Africa (CCSA).

The work and priorities of the ACF over the last two years have been guided by its Workplan, which was approved by the Steering Committee during ACF's annual workshop hosted in March 2024 in Mauritius. In developing the ACF workplan, our members have shown interest in undertaking research in the agricultural and digital sectors, tailored capacity building programmes and furthering ACF's engagement with the AfCFTA.

Our first Workplan milestone was achieved when the ACF went "live" in March 2024 with its own website (<https://african-competition-forum.org/>) to shine the spotlight on our network and ACF events and publications. Greater visibility is in itself a powerful form of advocacy and I invite the competition community at large to follow ACF's achievements through our website.

While the ACF Steering Committee develops and follows progress on the ACF work programme, actual implementation rests much on the goodwill of members. This is why we chose to structure four Working Groups: 'Cartels', 'Mergers', 'Unilateral Conduct' and 'Advocacy & Research' to lead and coordinate relevant aspects of the ACF Workplan. Our second milestone was reached with the constitution of the 4 different working groups being led by peers from Burundi, Kenya, Mauritius, Nigeria, South Africa, Tanzania, Zambia, and COMESA Competition Commission ('COMESA CCC').

I am happy to report that since our nomination as ACF Chairperson in October 2013, the ACF SC meeting has met on 8 occasions including on the sideline of regional/international events. I take this opportunity to thank all our collaborators, in particular the Competition Commission of South Africa (CCSA), the ICN Secretariat, the OECD Competition Division, and UNCTAD (Competition and Consumer Policies Branch), for supporting ACF meetings. In 2024, the ACF also released two important research projects thanks to the assiduity and coordinating efforts from CCSA and COMESA CCC.

Our research project into “AfCFTA Thresholds for M&As and Dominance” culminated into the submission of an ‘ACF Technical Note’ to the AfCFTA Secretariat having the objective of informing and facilitating negotiations on the AfCFTA Competition Regulations on these two aspects. The Technical Note was presented at the 8th meeting of the AfCFTA Competition Committee which was held virtually from 18th to 22nd November 2024.

The ACF also unveiled a new publication entitled “Regional Trade Flows Study” at its Steering Committee meeting on the sidelines of the OECD GFC (Global Forum on Competition Paris) held on 02nd December 2024. The study identifies key regional value chains in the agricultural and agro-processing sectors based on the current trade flows and seeks to understand factors which limit the potential for larger economic activity between African countries and across regional economic communities.



Last but not least, I also wish to acknowledge the synergy and close collaboration established with the ACF Vice-Chair, the Angola Competition Authority, during my tenure. It is thanks to their efforts and contributions from our members that the 3rd edition of the ACF Newsletter saw the day. Our Newsletter showcases the milestones achieved over the past years while also witnessing some significant achievements on the part of its ACF members.

Much ground is intended to be covered over the coming years as we embark on new research topics, fulfill the capacity-building needs of our members, and build more long-lasting partnerships. The ACF has built a name and a place for our network within the larger competition community and will continue expanding its horizons to serve the competition cause for our people and the Continent .

May the ACF continue to conquer through consistency, dedication and perseverance!

Vipin Naugah
Chairperson of ACF




Profile of the Mauritius Competition Commission

The Competition Commission is a statutory body established in 2009 to enforce competition law in Mauritius. The enabling legislation, the Competition Act 2007, empowers the Commission to investigate and take actions against anti-competitive practices and harmful mergers. To this effect, the law establishes an investigative as well as an adjudicative arm within the Competition Commission's institutional set up.

The powers of investigation are conferred upon the Executive Director of the Commission. The latter is also responsible for conducting market studies, advising government on competition policy matters and promoting competition law and activities of the Commission amongst the various stakeholders. The adjudicative arm is composed of five Commissioners (including a Chairperson) who hear parties, determine cases brought before them and issue remedies/penalties.

Since its establishment, the Competition Commission has intervened, by way of enforcement or policy recommendations, across various sectors of the economy such as cement, banking and financial services, telecommunications, construction, agro-industry, freight and logistics, pharmaceuticals, and wholesale and retail distribution. The Competition Commission consistently engages relevant stakeholders in its advocacy efforts in view of building a resilient competition culture in Mauritius.





The Competition Commission also works closely with the COMESA Competition Commission (COMESA CCC) to promote competition among member states. These include merger reviews within the common market and other regional competition enforcement and advocacy initiatives.

At continental level, the Competition Commission is also actively contributing to the formulation and implementation of the AfCFTA Competition Protocol. The protocol is intended to regulate competition in Africa and shaping its competitive landscape for the promotion of investment, growth and development. At international level, the Competition Commission is currently serving as the Co-Chair of the International Competition Network (ICN) Merger Working Group.

It has been 16 years since the Competition Commission has been enforcing the Competition Act, and the need is felt for a stronger and more resilient legislation that is in line with international best practices. A law reform process has been ongoing for some years now, which needs to be given finality. It is hoped that this exercise will be completed by mid-2026. Notwithstanding this and through a recent legislative amendment, the Competition Commission has been vested with the power to conduct market inquiries.

This is a welcome addition to the enforcement toolkit at the Competition Commission's disposal. Market inquiries serve as an important instrument to identify and address broader competition issues arising from market features, including market structure, regulatory environment and general conduct of operators.

25 Years of Competition in South Africa



**Competition Commissioner of South Africa,
Ms. Doris Tsepe**

1. Over the last 25 years, what would you say are the most significant achievements of the Competition Commission South Africa, and how have these impacted the competition landscape in South Africa?

The Competition Commission of South Africa (CCSA) has built strong institutions and developed competition jurisprudence that is uniquely suited to South Africa's socio-economic context. Unlike competition authorities in more mature jurisdictions, the CCSA had to innovate from the outset, as the Competition Act's purpose was not just consumer welfare but also worker welfare and economic inclusion.

Key achievements include

•High-quality investigations and legal precedents: The Commission has established a reputation for rigorous investigations, economic evidence, and litigation, with notable victories that have shaped South African competition law.

- Merger control: The CCSA has prevented market concentration from worsening while protecting workers from retrenchments and advancing economic transformation.
- Cartel enforcement: The corporate leniency programme and aggressive cartel investigations have dismantled a culture of state-sponsored cartelisation across industries.
- Market conduct enforcement: The Commission has consistently challenged dominant firms to secure market access for new entrants and prevent exclusionary practices.
- Market inquiries: These have proven to be an effective tool in addressing sectorwide competition issues in a highly concentrated economy.

- **Advocacy:** The CCSA has influenced regulatory and legislative frameworks, ensuring they are more pro-competitive and fostering voluntary compliance by businesses.

On a global scale, South Africa has been instrumental in advancing competition law, co-founding the International Competition Network (ICN) and serving as the secretariat for the African Competition Forum (ACF). The CCSA has also championed the integration of public interest considerations into competition law, a stance that is gaining wider acceptance internationally.

2. What would you consider to be the current and emerging challenges the CCSA faces in enforcing competition law, and how does the CCSA address such issues?

The CCSA operates in a rapidly evolving economic, environmental, and geopolitical landscape. Emerging challenges include:

- Digital markets and AI dominance
- Environmental and socio-economic sustainability
- Structural economic shifts
- Geopolitical instability and protectionism

Domestic economic constraints

To address these challenges, the CCSA is:

- Enhancing collaboration across government
- Engaging in global cooperation
- Prioritising high-impact interventions using technology

3. What role does public awareness and stakeholder engagement play in the Commission's work, and what approach does the CCSA use to actively involve citizens and businesses in competition law enforcement?

Public awareness and stakeholder engagement are central to the Commission's strategy. The CCSA has meaningfully influenced business conduct through advocacy, without needing to resort to enforcement in many cases.

- Business engagement: legislative feedback and whistleblowing
- Trade union involvement in public interest enforcement
- Academic/legal contribution through research and litigation
- International collaboration to exchange ideas and improve enforcement

4. Considering the Media and Digital Platforms Market Inquiry (MDPMI), what were the main findings, and what are the CCSA's main priorities in ensuring fair competition, especially in light of rapid technological advancements and new market dynamics?

Priorities:

- Strengthen global cooperation
- Ensure access for smaller players
- Adapt enforcement strategies for AI/digital dominance

The MDPMI found:

- Network effects and first-mover advantage entrench dominance
- Data monopolisation
- Restricted access for local players

The CCSA is implementing remedies to foster contestable markets and prevent exclusionary practices – e.g., the recommendation to prohibit the Vodacom/Maziv merger.

5. How has the increase in regional and cross-border business influenced your approach to competition law enforcement over the years?

The CCSA played a key role in:

- Founding the African Competition Forum
- Capacity-building across Africa
- Supporting the AfCFTA Competition Protocol to harmonise policy and regulate multinationals

6. Regarding the African Competition Forum, what is your take on the relationship between regional and national authorities, and what are the main challenges and opportunities in competition integration?

Challenges:

- Divergent national policies
- Capacity gaps
- Jurisdictional complexity

Challenges:

- Stronger regional cooperation
- Knowledge-sharing
- Unified frameworks under AfCFTA

7. What are your views on a probable Competition Law for all of Africa contained in the African Free Trade Agreement? What is the current status and main constraints? What role can South Africa play?

The AfCFTA Competition Protocol (adopted in 2023) provides a framework to reduce trade barriers and promote fair competition across Africa. Still in progress:

- Establishing AfCFTA Competition Network
- Defining merger/dominance thresholds
- Creating the AfCFTA Tribunal

Constraints:

Legal, enforcement, and economic diversity

South Africa's role:

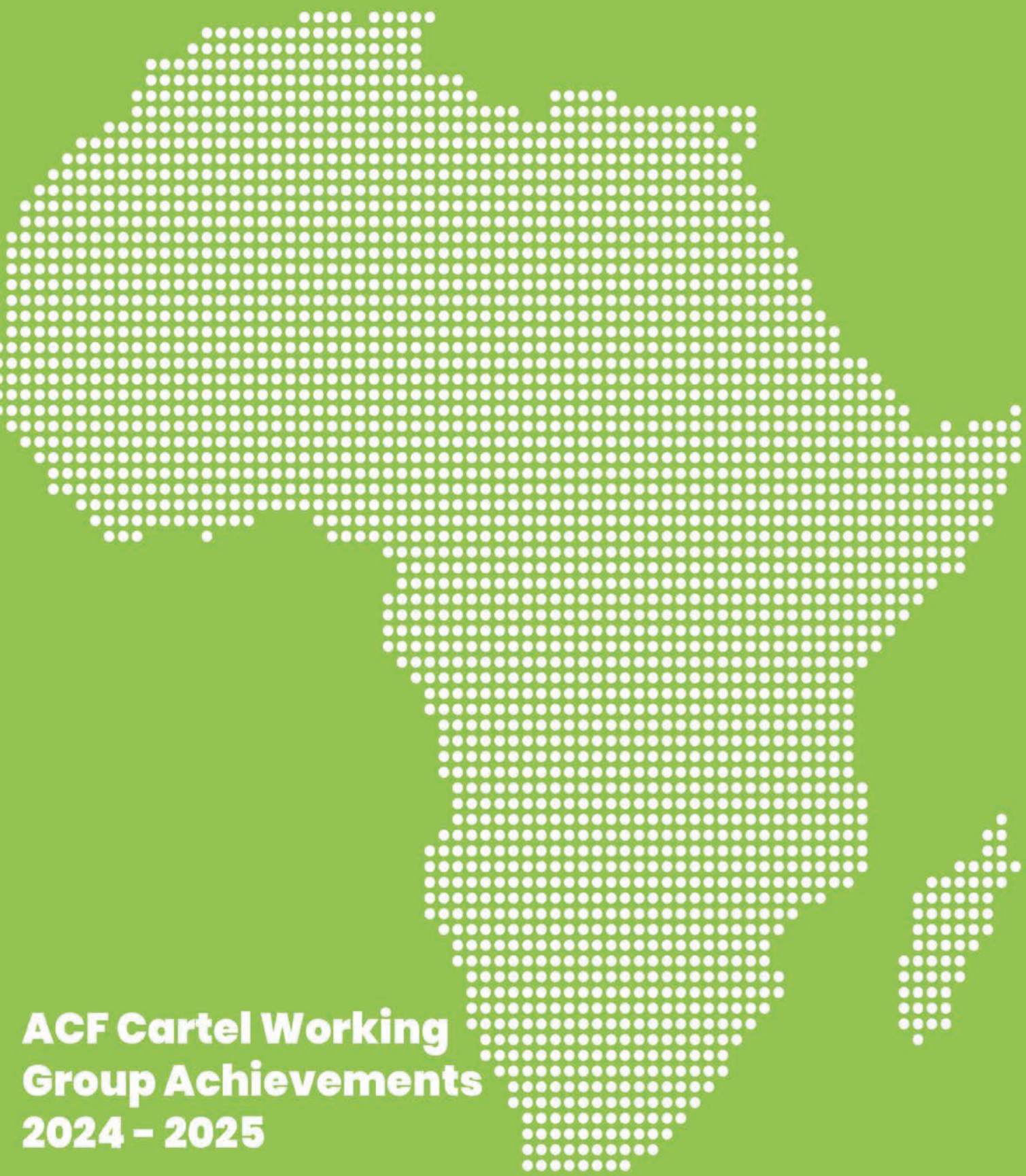
South Africa provides support through expertise, capacity-building, and strategic guidance, while emerging agencies contribute fresh innovation and new perspectives that drive growth and adaptability.

8. For a final word, would you like to add something about the future of competition law in Africa and how South Africa's role in BRICS could shape it?

The future includes:

- Closer collaboration among African authorities
- Focus on digital, AI, and green technologies
- Emphasis on public interest
- Leverage BRICS to advocate for fair global competition

“The next 25 years of competition law in South Africa and Africa will be shaped by these evolving priorities, ensuring that enforcement remains relevant in a changing world.”



**ACF Cartel Working
Group Achievements
2024 - 2025**



The ACF Cartel WG (CWG) Co-Chairs (Mauritius and South Africa) are pleased to report on key milestones achieved on the capacity-building front for the benefit of our ACF network. In October 2024, the ACF CWG organized its annual Cartel Workshop in Pretoria, welcoming some 35 delegates across several African countries. The Workshop benefitted from the support of the Competition Commission of South Africa (as host agency), the US DoJ/US FTC and the COMESA Competition Commission in terms of funding and provision of facilitators. In addition to helping build meaningful connections among cartel enforcers, the Workshop explored interesting themes cutting across economics evidence in cartel investigations, bid rigging detection mechanisms, wage fixing agreements and sharing experiences on overcoming challenges in dawn raids.

Between May 2025 and September 2025, the CWG Co-chairs also brought together two amazing webinars which allowed our ACF anti-cartel enforcers to interact with experienced colleagues from the Canadian Competition Bureau and the DG COMP (Director General for Competition) on their anti-cartel laws and tools as well as how best to address legal and technical challenges in competition inspections.

The ACF Cartel WG Co-chairs will keep collaborating with Members and partner agencies to ensure that practical and relevant themes remain central to our ongoing capacity building initiatives—feedback from participants clearly show their relevance and impact.

Getinet Ashenafi Metaferiya, Head of Anti-competition Prevention Desk (Under Ministry of Trade and Regional Integration), @ the Federal Democratic Republic of Ethiopia

“The webinar capacity building which was prepared in 2024 and 2025 by ACF was well-structured and highly relevant to our work. It refreshed our knowledge and provided excellent updates on current international changes in anti-cartel enforcement.”

Prince Hamuntili, Investigator, Competition and Consumer Protection Commission, @ Zambia

"The ACF Cartel Workshop held in October 2024 provided highly beneficial in-depth discussions regarding investigation techniques for cartels. The skills acquired have significantly enhanced the quality of my contributions towards cartel investigations."

Ms. Caroline Fine-Seeruttun, Ag. Competition Analyst, @Competition Commission of Mauritius

"The ACF cartel webinars offered valuable insights into dawn raids and how Ai is transforming cartel investigations. I was particularly impressed with how agencies are using Ai in reviewing large volumes of documents and preparing targeted interview questions."

Danilo Pedro, Director, Antitrust Investigation Division, @ Mozambique Competition Authority

"A pivotal experience for the Mozambique Competition Authority. The workshop's insights into complex cartel investigations and cross-border cooperation have immediately improved our enforcement capabilities and strategic approach back home."

Pamela Bodlo Junior Investigator, @Competition Commission of South Africa

"The webinar was highly beneficial. The CBC shared valuable insights on their reactive and proactive techniques and methods to detect cartels. The engagements between the attendees was fruitful as they shared their experiences on cartel-related issues"

Laura Mantshidi, Investigator, @Competition Commission of South Africa

"It was encouraging to learn that DG Competition still considers inspections as an important tool for investigation and how they navigate challenges such as legal privilege and individuals' right to privacy. It would be helpful to get more insight and training into the advanced IT tools used for the extraction and analysis of voluminous data"

Maheya Sithole Ophilia, Senior Investigations Officer, @Competition and Tariff Commission.

"Thank you for organizing the informative and engaging DG COMP webinar, which I believe should be held often. The webinar provided valuable insights on addressing digital-era cartel challenges and the need to improve current enforcement practices to match the digital era."

Mr. Christopher Muteti, Senior Analyst, @Competition Authority of Kenya

"Within the cartel enforcement landscape (price fixing, sharing of markets, bids rigging and controlling output) credible evidence and incriminating information gathered during an inspection, or dawn raid is key to the validity of investigations results."



**Egypt's Peer Review
of the New Egyptian
Competition Law at
UNCTAD's International
Group of Experts.**

In 2023, the Egyptian Competition Authority (ECA) took a significant step in strengthening transparency by volunteering to participate in the UNCTAD Voluntary Peer Review on Competition Law and Policy in Egypt. This review underscores ECA's dedication to continuous improvement in fostering a competitive market environment, a cornerstone for stimulating innovation, increasing and enhancing efficiency, and consumer welfare.

The peer review process involved detailed research and fact-finding missions to evaluate Egypt's legislative and institutional competition framework. An esteemed panel of international peer reviewers contributed their expertise to the review, including:

- *Mr. Alexandre Barreto, Superintendent General, Administrative Council for Economic Defense, Brazil*
- *Prof. Frederic Jenny, Chairman, Competition Committee, OECD*
- *Mr. Olivier Guersent, Director-General, DG Competition, European Commission*
- *Prof. William Kovacic, Law Professor, George Washington University*
- *Ms. Camelia Grozea, Acting Head of International Relations Unit, DG Competition, European Commission*

Key areas of focus included Egypt's 2005 Competition Law, its Executive Regulations, prohibitions on anti-competitive behavior, merger controls, and ECA's powers in ensuring competitive neutrality and independence.

The published report, available here, serves as a strategic roadmap for enhancing Egypt's regulatory frameworks and enforcement mechanisms.

This peer review, conducted during the 22nd session of the UNCTAD Intergovernmental Group of Experts on Competition Law and Policy from July 3–5, 2024, offered ECA invaluable insights to benchmark its practices against international standards. The review's findings and recommendations will guide ECA's future efforts to address existing challenges, embrace opportunities, and implement best practices.

Beyond the national scope, ECA views this initiative as a collaborative effort that supports other competition agencies in the Middle East and North Africa, and advancing regional standards in competition enforcement. By sharing experiences and insights, ECA hopes to inspire similar initiatives among neighboring agencies, fostering a stronger and more interconnected network of competition authorities across the region.

A dissemination event for the peer review report took place in Cairo on December 9, 2024, bringing together stakeholders from across Egypt to discuss recommendations and explore actionable steps for implementation, ensuring that ECA's commitment to enhancing competition policy and enforcement is carried forward.

ECA extends its appreciation to UNCTAD, the consultants, peer reviewers, and all participants for their invaluable contributions to this initiative. ECA looks forward to ongoing collaboration with its regional partners to advance competition policy and promote a fair, resilient marketplace that drives economic growth and enhances the quality of life for consumers across the region.



جهاز حماية المنافسة Egyptian Competition Authority





ACF Members Highlights



African Competition Forum

Participating agencies in the African Competition Forum Regional Trade Flows into agricultural and agro-processing sector study held a virtual workshop on 26 July 2024. The workshop brought together representatives of competition agencies from Angola, Kenya, Mauritius, South Africa, Zambia and Zimbabwe. The Competition Commission of Angola shared its perspectives and highlighted the importance of competition in the regional agenda integration.



Burundi – 2024 Key Highlights

ACF Regional Trade Flows Study Workshop: Held virtually on 26 July 2024 with participation from Angola, Kenya, Mauritius, etc.

Burundi's Independent Competition Commission: Created by decree in Oct 2023 and fully staffed in April 2024. Participated in regional events and Africa

School on Competition in Belgium. Upcoming Review: Plans to assess and revise the 2010 Competition Law with support from World Bank, EU, and UNDP.



Angola

Angola's Competition Regulatory Authority is undertaking a Competition Impact Assessment of Public Policies, with sectors such as transport, ports, banking and construction covered so far.



Kenya

Competition Authority of Kenya published the Administrative Remedies Guidelines in December 2023. The Guidelines outline CAK's approach to administrative remedies and settlement for specific violations under the Competition Act, including:

- Restrictive trade practices
- Merger control
- Abuse of buyer power
- Consumer welfare



Kenya – Enhancing Competition in Mobile Money Market

Market Inquiry: Investigated USSD pricing and access conditions by Mobile Network Operators, revealing excessive pricing, discrimination, and exclusionary abuse of dominance.

Findings: Dominant MNO's pricing was unfairly high, undermined rivals, and lacked interoperability. **Remedies:** Authority issued orders leading to 90% price reductions and improved interoperability across mobile wallets. **Advocacy vs. Enforcement:** In this case, enforcement ensured faster and more effective remedies than advocacy alone.



Mauritius

In February 2024, a market study on the port sector was launched to identify potential barriers to entry and expansion by public and private operators.

In March 2024, Mauritius hosted two regional events in its capacity as Chair of the African Competition Forum (ACF) and of the African Heads of Competition Authorities Digital Market Dialogue (AHCAD).

In October 2025, the Competition Commission (Mauritius) hosted the ICN Merger Workshop, welcoming some 100 delegates for a packed 3-day conference.

The Workshop explored a plethora of themes including novel theories of harm in merger enforcement, the growing relevance of non-traditional parameters in merger assessments and minority shareholdings, among others.



South Africa

In January 2024, the Commission published Draft Guidelines on the filing of merger notifications for hostile transactions, providing guidance on procedures and the importance of cooperation.

In February 2024, it published Draft Terms of Reference for a market inquiry into the poultry industry value chain, aiming to examine whether features in the market restrict or distort competition.



Tanzania – Amendment of Fair Competition

Amendments (Oct 2024):

- Introduction of a Leniency Program
- Geographic market allocation criminalised
- Consumer protection now under the Commission
- Joint dominance recognised

Improved Provisions:

- Dominance threshold increased from 35% to 40%
- Allow mergers with public benefit despite lessening competition
- Removed requirement to prove intent/negligence in cartel cases



Zambia

In December 2023, the Competition and Consumer Protection (Amendment) Act No. 21 of 2023 was passed, modifying key provisions of the 2010



Zimbabwe – 2024 Key Highlights

Supreme Court Win: CTC won a landmark appeal in a merger case involving Ashram Investments et al. The merger was prohibited and the decision was upheld by the Supreme Court. (October 2024)

ACER and CAK Symposium Participation: CTC presented three papers on cross border mergers, public interest in merger enforcement, and inclusive growth. (October 2024)

Judges Symposium with COMESA & JSC: Raised awareness among the judiciary on competition law and consumer protection. (July 2024)

