



COMESA Case Study: How Competition Cases Are Processed and How RECs Align with the Continental Framework

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Agenda

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2. Implementation of the YD by COMESA
3. RECs alignment with the Continental Framework
4. Continental Vs RECs Framework
5. Competition Regulation
6. Competition Concerns
7. Cooperation

About COMESA

- The Common Market for Eastern and Southern African (COMESA) was established pursuant to the COMESA Treaty in 1994 to replace the Preferential Trade Area (PTA).
- It has 21 Member States, Burundi, Comoros, DRC, Djibouti, Egypt, Eswatini, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Mauritius, Malawi, Rwanda, Seychelles, Sudan, Somalia, Tunisia, Zambia and Zimbabwe.
- The combined population of COMESA is around 640 million people and GDP of about USD 1 trillion. Covers 2/3 of the African continent in terms of land size.



Objectives of COMESA

- To achieve sustainable growth and development of Member States by promoting a more balanced and harmonious development of its production and marketing structures;
- To promote joint development in all fields of economic activity and the joint adoption of macro-economic policies
- To co-operate in the creation of an enabling environment for foreign, cross border and domestic investments.
- To co-operate in the promotion of peace, security and stability among the Member States in order to enhance economic development in the region;
- To co-operate in strengthening the relations between the Common Market and the rest of the world and the adoption of common positions in international fora; and
- To contribute towards the establishment, progress and the realisation of the objectives of the African Economic Community.



Objectives of COMESA

- Member States agreed to pursue initiatives that would enable them to achieve such objectives including:
 - Cooperation in Trade Liberalisation and Development
 - Co-operation in the Development of Transport and Communications
- ***Co-operation in the Development of Transport and Communications***
- *Air Transport*
 - Member States to adopt common policies for the development of air transport in the Common Market in collaboration with other relevant international organisations including the AFCAC, AFRAA, IATA and ICAO.
 - Harmonise civil aviation rules and regulations (Chicago Convention on International Civil Aviation)





RECs Alignment with the Continental Framework

- The objectives of COMESA in air transport is to promote a better and efficient air transport through:
- Common policies
- Efficient and profitable air transport services
- Granting of air traffic rights for passengers and cargo operations
- Harmonise civil aviation rules and regulations



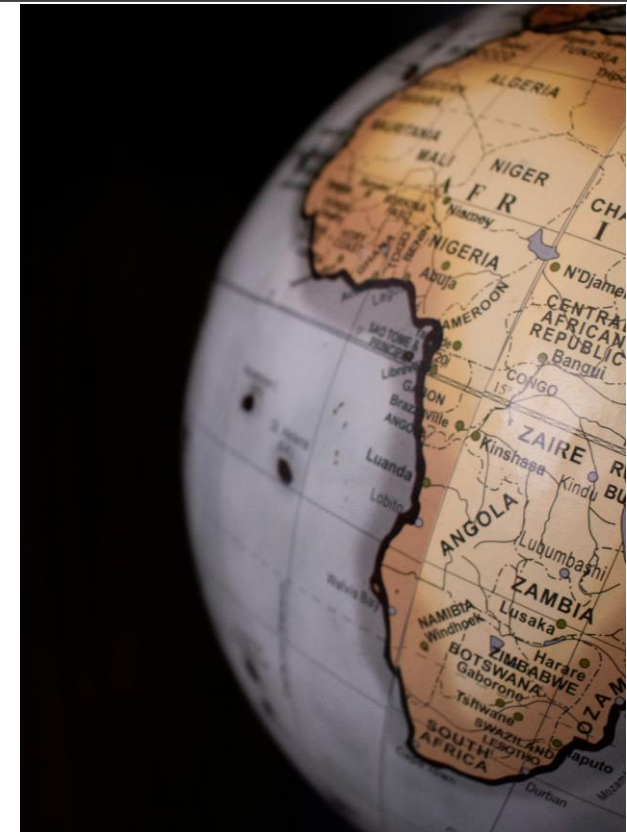
RECs Alignment with the Continental Framework

- Take measures directed towards aircraft standardization
- Coordinate measures and cooperate in the maintenance of the high security of air services operations and safety of the air space
- Regulating competition and consumer protection laws through the Regional Competition and Consumer Protection Authority.

Continental Vs RECs Framework



- The objectives of COMESA to promote a better and efficient air transport market align with the continental framework.
- RECs serve as building blocs to continental integration and play a role in:
 - Coordinating Member States in the implementation of the continental framework
- COMESA is supporting the implementation of the Single African Air Transport Market
- Programmes aimed Infrastructure development (Support to Air Transport Sector Development –SATSD in Eastern Africa, Southern Africa and Indian Ocean Region).
- Overall Objective of the programme
 - to contribute to the development of the air transport sector in the EA-SA-IO region.



Implementation of YD

- Specific objectives of the programme are:
 - Operationalize the Single African Air Transport Market;
 - Strengthen regulatory and institutional capacity of civil aviation institutions in EA-SA-IO region;
 - Improve air navigation efficiency in the EA-SA-IO region

To achieve the objectives, the programme is:

- Supporting the signing of the solemn commitment by Member States
- Supporting the operationalisation of joint competition rules and regulations
- Capacity building



Competition Regulation

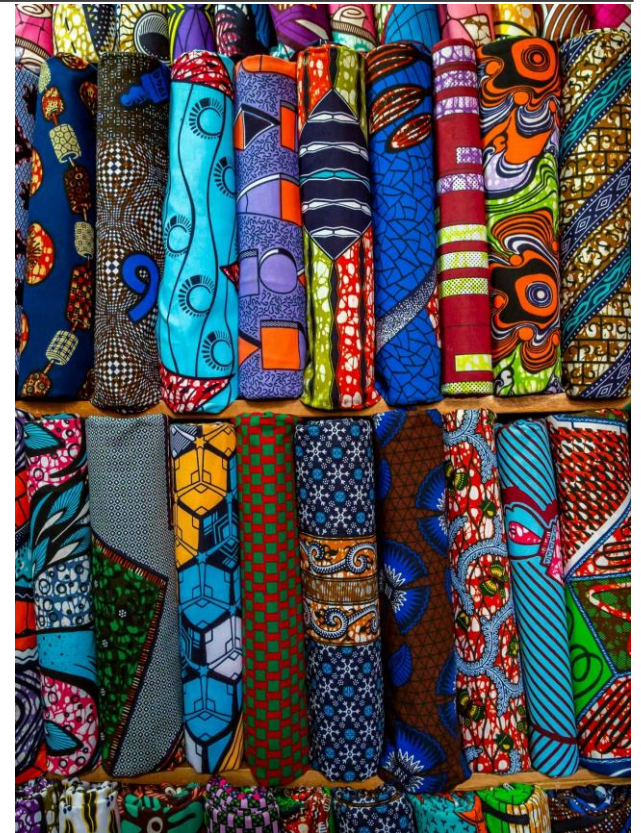
- The COMESA Competition and Consumer Commission (CCCC) is the specialised agency responsible for promoting competitive markets in COMESA
- The CCCC is a Regional Competition and Consumer Protection Agency established under Regulation 8 of the COMESA Competition and Consumer Protection Regulations 2025.
- The Regulations were promulgated pursuant to Article 55 of the Treaty Establishing the Common Market for Eastern and Southern Africa ("COMESA").
- The CCCC is mandated to:
- promote competition by preventing and prohibiting anti-competitive business practices, anti-competitive mergers and other restrictions that deter the efficient operation of markets, thereby enhancing consumer welfare in the Common Market;
- enhance consumer welfare by preventing and prohibiting unfair trade practices thereby protecting consumers against offensive conduct by market actors in the Common Market.





Competition Regulation

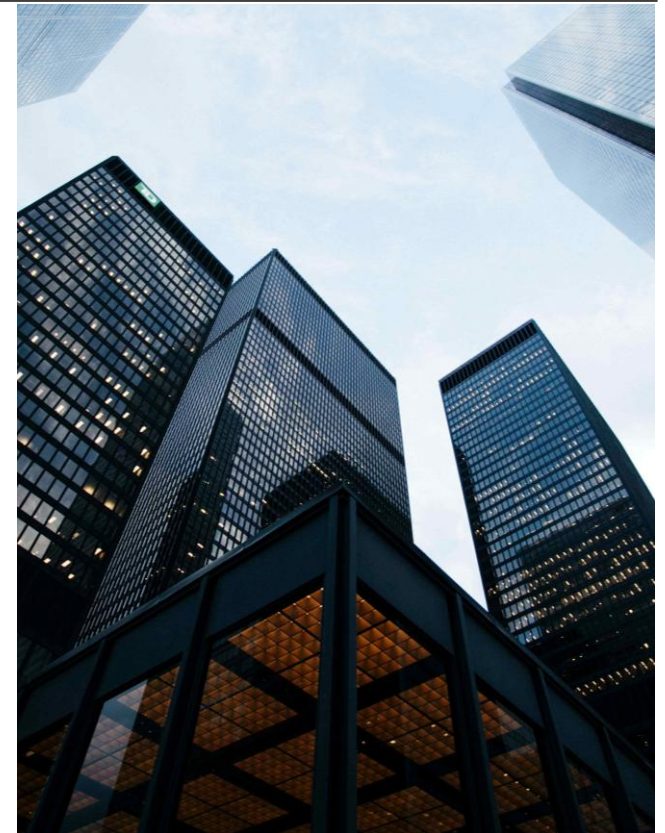
- The CCCC is responsible for investigating and remedying all competition related cases in the region including:
- Anti-competitive business agreements, abuse of dominance, abuse of economic dependence, applications for authorisation and mergers.
- Investigations initiated by way of complaints or own initiative.
- Mergers assessed through applications or own initiative.
- 12 mergers assessed between 2021 and 2025 in aviation sector
- One application for authorisation processed.





Competition Concerns

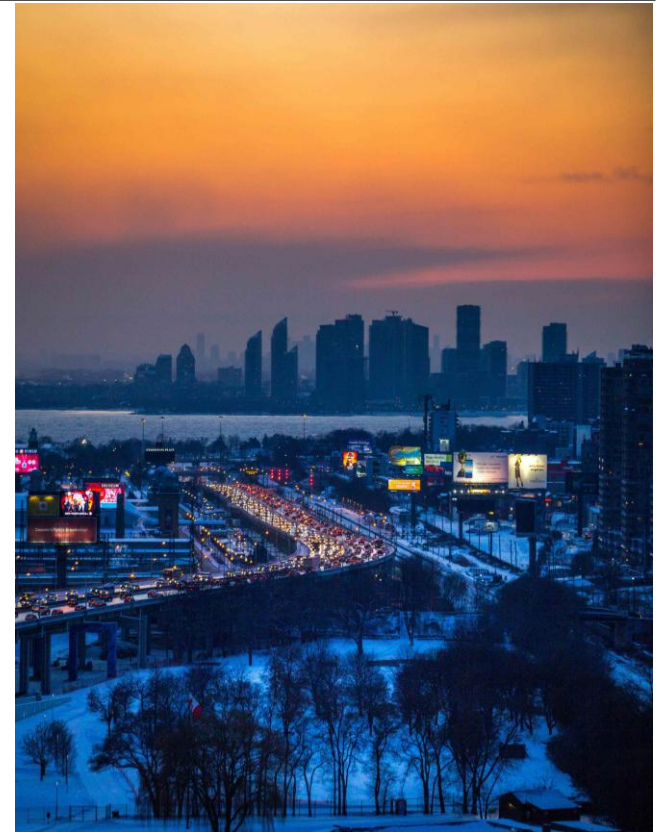
- Mergers in aviation sector involved aircraft financing, aircraft trading, aircraft lease management services and aircraft engine trading, aircraft maintenance, repair and overhaul.
- Merger assessed have not raised competition concerns and approved unconditionally.
- Studies undertaken – ACF Cross country study on Airlines-structure of the air transport market in Africa, price analysis for the different routes in relation to the level of competition in the market.





Competition Concerns

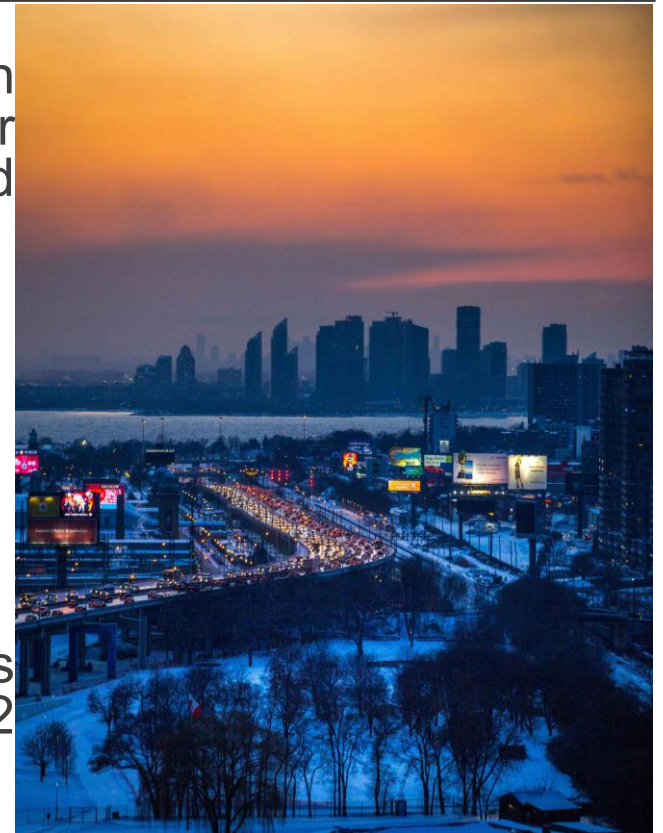
- *Joint Business Agreement between British Airways, Iberia Lineas Aereas de Espania S.A and Qatar Airways Group.*
- Expansion of codesharing agreement and other services, including Iberia and geographical scope.





Competition Concerns

- The CCCC investigations included consultations with stakeholders such as Competent Authorities of Member States, responsible Ministries, Aviation Authorities and AFCAC.
- Competition concerns were noted in the relevant market
- Efficiencies considered
- Agreement approved on condition that applicants demonstrate the benefits accruing to consumers within 2 years





Cooperation Between CCCEA and Stakeholder s

- The CCCEA works with other stakeholders in the enforcement of competition in Aviation Sector including
 - Competent Authorities of Member States
 - Civil Aviation Authorities
 - Market players
 - Industry Experts
 - Airline Associations
 - African Civil Aviation Commission (AFCAC)
 - COMESA



Cooperation between CCCC and AFCAC

- AFCAC and CCCC signed a cooperation framework agreement in 2023 to facilitate cooperation, collaboration and coordination in the implementation of the YD.
 - Providing input into the review of laws to ensure harmonisation
 - Case specific cooperation on competition matters in the aviation sector
 - Capacity building activities for Member States of COMESA
 - Awareness raising activities



Cooperation between CCCC and Member States

- Competent Authorities of Member States work with the CCCC:
- Provide input to investigations.
- Joint research/market inquiries
- The CCCC provides technical assistance including:
 - Support to amendments/development of laws, guidelines and procedure manuals
 - Development of strategic plans
- Capacity building
- Coordination with other institutions



Cooperation between CCCC and COMESA

- COMESA and CCCC work closely on competition, and consumer protection matters in the aviation sector.
 - Consultation in the development of competition rules and regulations of Member States under SAATM
 - Capacity building
 - Development of policies in the aviation sector.



COMESA Competition and
Consumer Commission

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