

# COMPETITION LAW

## ALERT

9 MARCH 2022



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Collaboration by African competition regulators with respect to the regulation of digital markets in Africa

The competition authorities of five major African economies have announced their plan for co-operation in the regulation of competition and consumer protection in African digital markets.



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## Collaboration by African competition regulators with respect to the regulation of digital markets in Africa

The competition authorities of five major African economies have announced their plan for co-operation in the regulation of competition and consumer protection in African digital markets.

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In a joint statement issued by the heads of the competition authorities from Egypt, Kenya, Mauritius, Nigeria and South Africa on 18 February 2022, the regulators appreciated the role that digital markets and services have played in transforming the global economy and acknowledged that these markets present *"considerable challenges for competition law enforcement and policy in terms of the unique competition issues that arise"*.

Furthermore, the statement noted that it is the regulators' role to consider how digital markets affect domestic participation in the local and global economy and that it is necessary for the regulators to work more closely to share knowledge, develop capacity and mutual strategies and provide a stronger and collaborative approach with respect to the regulation of digital markets.

In this regard, the five regulators agreed to collaborate in the regulation of digital markets by:

- scoping the conduct in digital markets that has been the subject of investigation in other jurisdictions, on African

consumers, businesses, and economies with the purpose of fair regulation and enforcement in Africa (where applicable);

- researching the barriers to the emergence and expansion of African digital platforms and firms that may contribute to enhanced competition and inclusion in these markets for the benefit of African consumers and economies;
- co-operating in the assessment of global, continental, and regional mergers and acquisitions in digital markets, including harmonising the notification framework; without prejudice to confidentiality commitments;
- to share information in accordance with existing laws and applicable protocols; and
- sharing knowledge and building capacity to deal with digital markets.

The importance of co-operation amongst competition regulators in tackling novel issues is an ongoing trend in Africa. For example, the Competition Authority of Kenya and the Competition Commission

of South Africa have entered memoranda of understanding with various regulators in their respective jurisdictions and this has allowed the regulators to answer key emerging issues in competition law enforcement. We believe that co-operation between the five regulators should allow for the development of harmonised and nuanced strategies to ensure the protection of consumers and businesses in digital markets. We are of the view that these collaborative efforts would be greatly aided if more competition regulators, such as the East African Community Competition Authority, were involved as this will offer protection to a greater number of customers and business in African digital markets.

It will be interesting to see the outcome of the collaboration between the five regulators and the impact that any policies and enforcement strategies have on the digital market in Africa.

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Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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