



COMESA COMPETITION AND CONSUMER PROTECTION REGULATIONS 2025: OFFICIAL LAUNCH IN LIVINGSTONE, ZAMBIA

On 24 February 2026, the COMESA Competition and Consumer Commission (CCCC) officially launched the [COMESA Competition and Consumer Protection Regulations, 2025](#) and the [COMESA Competition and Consumer Protection Rules, 2025](#) (together, the "2025 Framework") at a landmark event held in Livingstone, Zambia. The launch event featured high-level discussions on global trends in competition law and policy, bringing together regulators, businesses, legal practitioners, and policymakers from across the COMESA region.

In our earlier alert (which can be accessed [here](#)) we shared a regulatory update on the enactment of the 2025 Framework, which was adopted by the COMESA Council of Ministers on 4 December 2025 and came into force on 5 December 2025.

With the formal public launch now concluded, the 2025 Framework enters full public effect across all 21 COMESA Member States, including Kenya. Businesses operating in the COMESA common market must now take immediate steps to ensure compliance.

Background: From Enactment to Official Launch

As we reported in our previous alert, the 2025 Framework represents the most comprehensive overhaul of the COMESA competition regime since the original 2004 Regulations. The Council of Ministers approved the new framework at the 43rd COMESA Summit in December 2025, simultaneously rebranding the COMESA Competition Commission to the COMESA Competition and Consumer Commission (CCCC) to reflect its expanded mandate covering both competition enforcement and consumer protection.

The Livingstone launch marks the transition from enactment to active implementation, signalling to market participants across the region that enforcement is now fully underway.

The formal event is intended to sensitise businesses, investors, legal practitioners, and Member State authorities about the practical implications of the new framework.

Key Changes Under the 2025 Framework — A Recap

For the benefit of readers who may not have seen our earlier alert, we set out below the principal changes introduced by the 2025 Framework:

a) Fully Suspensory Merger Control Regime

The 2025 Framework introduces a fully suspensory merger regime, replacing the previous "notify and implement" approach. Parties to a notifiable transaction are now prohibited from implementing the merger until they have received clearance from the CCCC or been granted a derogation in exceptional circumstances.

Failure to comply attracts fines of up to 10% of the parties' combined COMESA annual turnover.

b) Updated Notification Thresholds

The combined COMESA turnover or assets threshold for a notifiable merger has been raised from USD 50 million to USD 60 million, with at least two parties each required to meet a USD 10 million individual threshold. The familiar two-thirds single-state exception is retained.

c) New Digital Transaction Value Test

For the first time, the framework introduces a digital transaction value test. Parties to mergers in digital markets must notify the CCCC where the transaction value reaches USD 250 million and at least one party operates in two or more COMESA Member States.

This development is particularly significant for technology companies, e-commerce platforms, and digital financial service providers operating across the region.

d) Express Inclusion of Joint Ventures

Full-function joint ventures that perform, on a lasting basis, all the functions of an autonomous economic entity are now expressly included within the definition of a notifiable merger.

Parties structuring joint venture arrangements should carefully assess whether COMESA notification obligations are triggered.

e) Expanded Consumer Protection Mandate

The CCCC now has an express and prominent consumer protection mandate, with enforceable consumer rights codified in the regulations. The 2025 Framework prohibits false or misleading representations, unconscionable conduct, unfair contract terms, dark patterns, and harmful digital content. Prohibited digital practices include those that cause distress, harm, or adverse effects on consumers.

f) New Enforcement Tools

The CCCC has been empowered with significantly enhanced enforcement tools including the power to conduct market inquiries and dawn raids, issue interim cease and desist orders, establish a formal settlement process, and impose fines for gun-jumping and non-compliance. Fines imposed by the CCCC must be paid within 45 days, failing which a daily penalty of 2% of the fine amount accrues.

g) Increased Merger Filing Fees

Filing fees have been increased ten-fold to 0.1% of the higher of combined COMESA-area turnover or assets, subject to a maximum cap of COM\$300,000 (approximately USD 300,000). For digital market transactions, the fee is 0.05% of the transaction value, also subject to the same cap. This represents a material cost consideration for parties to large or complex transactions.

h) One-Stop-Shop Reinforced

The CCCC's status as the one-stop shop for cross-border mergers within the COMESA region has been expressly reinforced. Where there is a conflict between national competition laws and the 2025 Regulations, the 2025 Regulations prevail. Member States that do not respect the one-stop-shop principle risk forfeiting their entitlement to a share of merger filing fees.

Implications for Businesses in Kenya and the Wider East Africa Region

As a COMESA Member State, Kenya is squarely within the ambit of the 2025 Framework. Kenyan businesses and businesses operating in Kenya that have a cross-border presence in two or more COMESA Member States must assess their exposure to the new notification regime.

The following sectors are particularly affected:

- Financial services and fintech companies — particularly those operating digital credit, payments, and e-commerce platforms across the region, given the new digital transaction value test.
- Telecommunications and technology companies — who must now assess whether their cross-border M&A activity or joint venture arrangements meet the new thresholds.
- Retail, fast-moving consumer goods (FMCG), and manufacturing — where regional distribution arrangements and pricing practices will come under enhanced scrutiny under the consumer protection provisions.
- Private equity and venture capital investors — who must factor COMESA notification timelines into transaction planning and ensure standstill obligations are respected from the outset.

It is important to note that the 2025 Framework does not replace Kenya's domestic merger control regime under the Competition Act (Cap. 504) and the Competition Authority of Kenya (CAK).

Both regimes may apply concurrently where a transaction has both national and regional dimensions.

Parties must therefore assess dual filing obligations at the outset of any transaction.

Conclusion

The official launch of the 2025 Framework in Livingstone, Zambia marks a pivotal moment in the evolution of competition law and consumer protection governance across Eastern and Southern Africa.

With a fully suspensory merger regime, expanded consumer rights, enhanced enforcement tools, and new digital market provisions now firmly in place, businesses operating across the COMESA region must treat compliance with this framework as a board-level priority.

At CM Advocates LLP, will continue to monitor developments arising from the implementation of the 2025 Framework, including any guidance notes, practice notes, or enforcement actions issued by the CCCC, and will provide timely updates.

How Can We Help?

Our Competition, Consumer Protection and Antitrust Practice Group offers comprehensive advisory services on all aspects of the COMESA competition regime, including:

- COMESA merger notification assessments and dual filing strategy (COMESA and CAK).
- Transaction structuring to ensure compliance with standstill and notification obligations.
- Consumer protection compliance audits for businesses operating across the COMESA region.
- Representation before the CCCC and the Competition Authority of Kenya.
- Competition law training for boards, senior management, and commercial teams.
- Ongoing regulatory monitoring and advisory on CCCC enforcement developments.

Should you have any questions on this alert or require assistance with your COMESA compliance obligations, please do not hesitate to reach out to our team:

Commercial & Competition Team: commercial@cmadvocates.com

Call us: +254 716 209 673

Visit us: www.cmadvocates.com

CONTRIBUTOR



Caiphas Chepkwony,
Associate Advocate

Email : cchepkwony@cmadvocates.com
CM Advocates LLP

Head Office - Nairobi, Kenya

I&M Bank House, 7th Floor, 2nd Ngong Avenue
T: +254 20 2210978 / +254 716 209673
P.O. Box 22588 – 00505, Nairobi Kenya
E: law@cmadvocates.com

Mombasa Office - Kenya

Links Plaza, 4th Floor, Links Road, Nyali
T: +254 041 447 0758 / +254 41 447 0548
P.O. Box 90056 – 80100, Mombasa Kenya
E: mombasaoffice@cmadvocates.com

Regional Presence

Uganda | Tanzania | Rwanda | Zambia | Ethiopia | South Sudan

www.cmadvocates.com