

Find more resources in the ACC Resource Library: www.acc.com/resource-library

African Competition Basics

By the Association of Corporate Counsel

January 5, 2022

Key Takeaways:

- *The last few years have seen strong competition and antitrust enforcement in many African countries, in particular regarding merger control.*
- *International companies that have operations in Africa should make sure any activities by their entities in Africa comply with competition law.*

This list prepared by the [Association of Corporate Counsel](#) is based on the ACC 2021 Annual Meeting presentation, “African Competition and Antitrust Regulation Primer,” by Nicholas Kredel, Partner, Baker McKenzie, Lerisha Naidu, Partner, Baker McKenzie, Keltoum Boudribila, Associate, Baker McKenzie, and Hania Negm, Associate, Baker McKenzie.

Merger control has been the main area for new laws and greater enforcement in several African countries.

Nigeria enacted the [Federal Competition and Consumer Act](#) in 2018, and since March 2021 the [consumer authority](#) has become active. In 2020 the authority published new [merger review regulations](#). A company that is not incorporated in Nigeria but has subsidiaries in Nigeria or produces goods in Nigeria is subject to the merger regulations. The authority in Nigeria has clarified that foreign transactions are notifiable, and public interest is something the authority will be looking at in mergers.

Angola enacted a [competition framework](#) in 2018, with a new competition regulatory authority.

Mozambique has moved forward with establishing the [Competition Regulatory Authority](#) after enacting competition legislation several years earlier. The Authority has started enforcing the new legislation.

Egypt has the [Egyptian Competition Authority](#), which has strict merger and competition enforcement policies. Some companies have been fined for not paying attention to the competition law, and the marketplace has been warned to respect the law.

Morocco has the [Moroccan Competition Council](#), which receives many merger filings each year. Sanctions can be high against multi-national companies that have decided not to file for premerger notification.

In **South Africa**, the government's enforcement of competition laws is driven by its economic policy agenda. The [Competition Commission of South Africa](#) has been very active in enforcing the competition laws, even for conduct that occurs outside of South Africa. The local nexus test is looked at very closely.

The [Common Market for Eastern and Southern Africa \(COMESA\)](#) is an economic organization that includes 21 African nations. COMESA has a framework for trade with other countries. COMESA has a [competition commission](#) that has regulations which bar anticompetitive actions by member states.

Learn More:

Read [“International Comparative Legal Guide to Competition Litigation 2022, 14th Edition”](#), by Global Legal Group

Check out the [ACC Resource Library: www.acc.com/resource-library](#)

Join the ACC [International Legal Affairs Network](#) (ACC members only)

Not an ACC member yet? **Join ACC today** and connect with peers

Disclaimer: The information in this resource (or in any resource collected in ACC's virtual library) should not be construed as legal advice or as a legal opinion on specific facts, and should not be considered as representing the views of its authors, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing practical guidance and references for the busy in-house practitioner and other readers. For legal advice or representation, please engage a legal counsel.

© Association of Corporate Counsel. All rights reserved. Visit www.acc.com