



COMESA Competition Commission

Kang'ombe House, 5th Floor-West Wing

P.O.Box30742

Lilongwe 3, Malawi

Tel: +265 (0)1 772 466

+265 (0) 999 970 269

Email- compcom@comesa.int



**Common Market for Eastern
and Southern Africa**

ACBP NOTICE OF INVESTIGATION 1 OF 2021

DATE: 24 JUNE 2021

NOTICE OF COMMENCEMENT OF INVESTIGATIONS

COMESA COMPETITION COMMISSION COMMENCES INVESTIGATIONS INTO POSSIBLE MARKET ALLOCATION AND/OR TERRITORIAL RESTRICTIONS BY BEER MANUFACTURERS OPERATING IN THE COMMON MARKET

Notice is hereby given to interested stakeholders and the general public that pursuant to Article 22 of the COMESA Competition Regulations (“**the Regulations**”), the COMESA Competition Commission (the “**Commission**”) has commenced investigations into potential violations of Articles 16 and 19 of the Regulations by beer manufacturing companies operating in the Common Market, namely: AB InBev, Castel, Diageo and Heineken.

Article 16 of the Regulations prohibits all agreements which may affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition in the Common Market. Furthermore, Article 19 prohibits agreements or arrangements between competitors which, among others, allocate customers and markets within the Common Market.

The Commission has observed that the manufacturers have market allocation arrangements among themselves and/or territorial restrictions in their distribution agreements with third party independent distributors. The Commission has preliminary concerns that the market allocation and territorial restrictions reinforce national borders thus affecting trade between Member States and restricting competition in the Common Market. As such, the Commission will assess the agreements and existing arrangements to determine their effect in the Common Market and apply appropriate measures as per the Regulations.

It should be noted that the commencement of investigations neither presupposes that the conduct being investigated is anti-competitive nor that any of the mentioned beer manufacturing companies has violated the Regulations. The Commission will, in accordance with the provisions of Part 3 of the Regulations, conduct an inquiry to determine whether the alleged conduct has as its object or effect the prevention,

restriction or distortion of competition in the Common Market or in a substantial part of it.

In view of the foregoing, the Commission hereby gives notice to all interested stakeholders and the general public to submit their representations to the Commission by emailing them to: smaseko@comesa.int.

If you wish to seek further details and/or clarifications on any aspect of the Commission's investigation, you may contact Ms. Siboniselizulu Maseko, Senior Analyst, on Tel: +265 (0) 1 772 466 or E-mail: smaseko@comesa.int.

All representations submitted to the Commission will be treated with the strictest confidentiality and will only be used for the purposes of this investigation.

CCC Notice of Commencement of Investigations No 1 of 2021