

MOU signing - first step to regional competition authority for SADC?

By [Pieter Steyn](#)

5 Jul 2016

The competition authorities of Botswana, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania and Zambia have signed a memorandum of understanding (MOU), an important step in the direction of more effective cross border enforcement of competition laws in SADC.



© Edhar Yuralaits – [123RF.com](#)

It took effect once the 10 authorities signed it and it remains in force for three years. An authority may terminate its participation on three months' notice. SADC authorities that have not yet signed the MOU are from Angola, the Democratic Republic of Congo, Lesotho, Madagascar and Zimbabwe.

The MOU aims to strengthen relationships between SADC competition authorities by facilitating co-operation including through:

1. the exchange of information on significant developments in competition law and policies, and on investigations of mergers and complaints
2. participation in conferences, seminars, etc on competition law and policies
3. participating in joint studies and research of common interests
4. co-operating and co-ordinating with one another in the investigation of mergers and complaints
5. harmonising the rules and procedures for filing of mergers and applying for leniency or immunity

The MOU also makes provision for SADC competition authorities to develop an annual work plan of activities and establish a joint working committee. However, an authority is not obliged to participate in any such activities. A Joint Working Committee of authorities is also established.

The MOU contains protections for third party information including confidential information submitted as part of a merger investigation or cartel leniency process. An authority is however obliged to use “best endeavours” to obtain a waiver from the relevant third party. A recipient authority is obliged to maintain confidentiality of information received from another authority.

Could this be the first step towards the establishment of a regional competition authority for SADC, similar to that of COMESA?

ABOUT PIETER STEYN

Pieter Steyn is a director at Werksmans Attorneys.

- MOU signing - first step to regional competition authority for SADC? - 5 Jul 2016
- New generic codes in BBBEE clash with sector codes - 30 Oct 2015

[View my profile and articles...](#)

For more, visit: <https://www.bizcommunity.com>