

ACF STEERING COMMITTEE MEETING

Sideline of UNCTAD IGE Meeting on Competition Law & Policy, 03 –
05 July 2024

05 July 2024, Geneva

The present document summarizes the key points from the discussions held in the context of the ACF Steering Committee Meeting held on 05 July 2024 in Geneva.

Attendees:

- **Competition Commission (Mauritius) (ACF Chair):** Mr Deshmuk Kowlessur (Executive Director), Mr Bocus (Chairperson), Mr Lennon (Commissioner), H.E. Ms Usha Dwarka-Canabady Ambassador Extraordinary and Plenipotentiary, Permanent Mission of the Republic of Mauritius to the United Nations Office and other international organizations in Geneva, Ms Dabidin-Mathur, Permanent Secretary of Ministry of Commerce and Consumer Protection & Ms Noor Eydatoulah (NE);
- **Angolan Competition Authority (ACF Vice-Chair):** Ms Eugenia Pereira, (Vice-Chairperson) & Ms Lukanda;
- **Competition Commission of South Africa (SC):** Mr Hardin Ratshisusu, Deputy Commissioner;
- **Egyptian Competition Authority:** Mr Mahmoud Momtaz (Chairman) & Ms Sarah Abdel Hamid;

In presence of:

- **UNCTAD Secretariat:** Ms Elizabeth Gachuiri & Mr Yves Kenfack;
- **Office of ICN Chair:** Ms Barbara Schulze

WELCOME REMARKS BY ACF CHAIR

- **Mr Deshmuk Kowlessur, ACF Chairperson,** welcomed all present and acknowledged the presence of H.E. Mrs Dwarka-Canabady, Ambassador and Permanent Rep. of Mauritius to UN, and Ms Dabidin-Mathur, Permanent Secretary of Ministry of Commerce & Consumer Protection (Mauritius) who honoured the Chairperson's invitation to attend the meeting.
- A roundtable presentation followed. The attendance of ICN at the meeting was also acknowledged and the Chairperson expressed his hope that such networking will help build stronger ties and assist the ACF in any manner possible in advancing its workplan and its mandate for Africa.
- Noted that the meeting has gathered a small group this time which may be explained per CCSA by the difficulties met by delegates from Africa for obtaining visas this time around to

get to Geneva. This issue will be raised with their respective Permanent Missions for resolving the matter. It was noted that the UNCTAD Secretariat (Mrs Gachuiri) has been much helpful in trying to facilitate this process.

- Objective of meeting is to report on progress made across the different ACF projects since the last SC meeting held in Mauritius in March 2024, per the agenda circulated and not necessarily to take major decisions.
- Minutes of last ACF SCM circulated to all SC members – to be validated in presence of quorum.
- A highlight of last ACF SC Meeting held in Mauritius was given.

REPORTING ON ONGOING ACF PROJECTS



Key take-aways

- **ACF Website**
 - Past ACF documents published on CCSA's ACF webpage have also been moved to the new website and new documents being posted as and when available
 - AHCAD webpage also featuring on the ACF website with relevant documents posted
- **ACF Contact points**
 - Building a database of dedicated ACF contact points, responsible for liaising with ACF Secretariat and dealing with ACF matters & facilitate networking among ACF members
 - 24 members have responded to ACF questionnaire on contact points
 - Reiterated an invitation to all ACF members to send through their nominated ACF contact points as well as express interest for co-chairing the different ACF Working Groups
- **ACF Newsletter (Angola volunteering to lead this project)**

CONSTITUTION OF ACF WORKING GROUPS



Key take-aways

- Invitations were sent to all ACF members to express interest to become co-chair of the four ACF WGs with reminders.
- Nominations received as follows –
 - **Cartel WG:** Nomination received from Mauritius. It was clarified that CCSA, as previous Chair of the SADC/ACF Cartel WG, is willing to continue the work as co-chair of the ACF Cartel WG.
 - **Unilateral Conduct WG:** No nominations received yet. Need to go back to members and solicit some of them to be onboarded and if there's no interest, Mauritius will be willing to step in as co-chair until any other ACF member is willing to take up this role.

- **Mergers WG:** Burundi expressed interest but second co-chair not yet nominated. Once again, need to reach out to members and ask them to express interest.
 - **Advocacy & Research WG:** CCSA & COMESA CC expressed interest to co-chair the WG.
- In all, two WGs have been fully constituted.

REPORTING ON ACF COLLABORATION WITH STAKEHOLDERS



Key take-aways

- Purpose of this project is to explore areas / sponsors from whom ACF can benefit in terms of technical assistance, capacity building funding, etc
- EU Delegation team in MRU (and Addis Ababa) – Grant programme for development of consumer protection & competition law and policies for African Region, including in SSA region which is under aegis of COMESA CC. Dr Mwemba was very supportive of any collaboration open to ACF participation while noting that our request came in late as the project's Terms of reference and scope had already been agreed upon. A consultant will be appointed for project implementation and ACF will continue following up on this matter.
- COMESA CC support to ACF incl. non-COMESA ACF members by opening up participation in its Case Handlers Workshop (June 24), which included full funding for some 5-6 ACF members
- COMESA CC accepted ACF invitation to host an Advocacy & Research Workshop sometime next year and more details to follow in due course after the Advocacy & Research WG co-chairs would have discussed the matter.
- Exploring cooperation opportunities with the EC (DG COMP) and with the ECA (through the “UNCTAD Regional Training Center on Competition Law & Policy” situated in Egypt)
 - ACF to liaise with DG COMP on training programmes available for African CAs, to be shared with ACF members. Further to this, ACF members can engage on bilateral basis regarding secondment to DG COMP.
 - ACF to put the proposal from ECA on agenda for next ACF SCM.

CONSTITUTION OF ACF SUB-COMMITTEE ON AfCFTA



Key take-aways

- Constituting members of the Sub-committee: CCSA, CAK, ECA, Nigerian FCCPC, CC(Mauritius)
- AfCFTA secretariat has been informed of this sub-committee
- CCSA draft Terms of Reference circulated to CC(Mauritius) which is reviewing same
- Proposed next steps: Draft ToR in a quasi-final format to be circulated to sub-committee members for validation before being circulated to ACF members
- This sub-committee to coordinate the finalization of ongoing ACF research study on AfCFTA Thresholds for M&As and Dominance

- CCSA Proposal: To disseminate the finalized report within entire ACF network for any further comment and outline the way forward in the report and the best manner to disseminate same
 - Can consider arranging an ACF webinar to disseminate the report within the ACF network

REPORTING ON ACF RESEARCH PROJECTS



Key take-aways

- Two (2) research projects in addition to ACF Thresholds study, that are coming to final stage
 - **ACF Regional Trade Flows (TF) Study**
 - **ACF Digital Landscaping survey**
 - (a) ACF Digital Landscaping survey earmarked to be presented in Sept 24
 - (b) ACF Regional TF: Virtual workshop planned for July 24 & aiming for a presentation in Sept 24 or Dec 24
 - (c) Need to embark on new research projects/themes for the period 24-26 under the responsibility of the ACF Advocacy & Research WG

ACF CAPACITY BUILDING PLAN 24-25



Key take-aways

- Presentation of the ACF Capacity Building Plan 24-25
 - ACF Cartel Workshop due on the sideline of CCSA 18th Annual Conference, Sept 24
 - (a) CCSA welcomes the idea since it has been doing so in the past – hosting sideline meetings on the occasion of its annual conference (leverage on venue/conferencing facilities). Can consider hosting an ACF SCM as well on the sideline of this event
 - ACF Advocacy & Research Workshop by COMESA CC (2025)
 - ACF Unilateral Workshop (likely 2025) pending constitution of WG - to be hosted by a volunteering ACF member
 - ACF Mergers Workshop pending constitution of WG - to be hosted by a volunteering ACF member
 - Annual ACF SCM & AHCAD Meeting to be hosted by Tanzanian FCC, upon their invitation (March 2025)

HIGHLIGHT OF MAIN OUTCOMES & DECISIONS TAKEN

- Constitution of all ACF WGs by next ACF SCM
 - Prioritizing constitution of 4 ACF WGs before constituting AHCAD WG
- Office of ACF Chair to share ACF Contact points database with ACF members (ACF website)
- Liaise with ECA & DG COMP on training programmes/facilities for ACF members
- To finalize the Terms of Reference of AfCFTA Sub-committee
- To disseminate the ACF Study on M&A and Dominance thresholds within ACF network, through webinar
- Upcoming ACF SCM -
 - ACF SCM on the sideline of CCSA 18th Annual Conference, JNB
 - ACF SCM on the sideline of OECD GFC, Paris (Dec 24)
 - ACF SCM, Tanzania (March 25)

20th August 2024