

The COMESA Competition Commission declares the commencement of investigation into the Confédération Africaine de Football (CAF) anti-competitive practices

On behalf of the COMESA Competition Commission (“CCC”), the ECA invites all the interested parties and stakeholders to submit their representations concerning the alleged violation of Part 3 of the COMESA Competition Regulations (“Regulation”) by the Confédération Africaine de Football (“CAF”) in relation to the commercialization of media and marketing rights for African football tournaments.

It is alleged that on 12th June 2015, CAF entered into an agreement with Lagardère Sports S.A.S. for the exclusive commercialization of marketing and media rights of main regional football competitions in Africa, including the Africa Cup of Nations, African Nations Championship and African Champions League, for the period 2017 to 2028. CAF and Lagardère Sports S.A.S. are alleged to have previously entered into a similar commercialization agreement for marketing and media rights of CAF tournaments for the period 2009 to 2016. Consecutively and cumulatively, the length of the alleged exclusive agreement is twenty years.

The CCC has reason to believe that business conduct that restrains competition in the Common Market has been committed by the parties and hence it has commenced investigations under Article 22 of the Regulations. The Commission will, in accordance with the provisions of Part 3 of the Regulations, conduct an inquiry into the agreements concluded between CAF and Lagardère Sports S.A.S. 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.

The Egyptian Competition Authority welcomes such decision from the COMESA. It is worth mentioning that the ECA in January 2017 issued a decision against CAF declaring the aforementioned agreement illegal within the Egyptian territories because it was the result of a process, and has been concluded, in contravention to article 8 paragraphs (a, b, d, e,). The ECA imposed on CAF several remedies aiming to address the competitive harm caused as a result of CAF conduct in the Egyptian market.

In addition, the ECA decided to press criminal charges against Mr. Issa Hayatou and Mr. Hisham el Amrani on their capacities as CAF legal representatives.

The CCC inquiry highlights the importance of regional cooperation among African nations in addressing the anticompetitive behaviors that affect the freedom of trade within the COMESA Common Market. Egypt is a Member State in the COMESA, and the ECA is pleased that it has been given the opportunity to coordinate competition enforcement efforts in the COMESA region. Moreover, in accordance to the CCC – ECA cooperation agreement, the ECA is committed to offer its full support and assistance to the CCC investigation.

For submission and enquiries regarding the COMESA investigation please email the COMESA on the following email address: sbooluck@comesa.int