

SA Comp Commission, Egyptian Competition Authority sign MoU to increase collaboration

The Competition Commission of South Africa announced on 31 August 2022 that it had signed a Memorandum of Understanding (MoU) with the Egyptian Competition Authority "to establish a general framework for bilateral communication and cooperation in the fields of competition law and policy as well as enforcement."



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According to the MoU signed by Commissioner Tembinkosi Bonakele of South Africa and Dr. Mahmoud Ahmed Momtaz, chair of the Egyptian Competition Authority, cooperation may include the following activities in the field of competition law, enforcement, and policy:

- a. Providing technical assistance to enhance each party's competition policy and enforcement capacity;
- b. Exchanging information on and discussing major issues of mutual interest such as specialized studies, experiences in competition law enforcement, recent key developments in competition policy and enforcement or enactment;
- c. Notification and support prior to or after law enforcement against anti-competitive activities, cartelization, mergers, and relevant cases that may have a material effect on the other Party and answer to related questions and share information/data as permitted under law;
- d. Coordination and cooperation in law enforcement, if necessary, within the limit of reasonably available resources so long as such an effort is compatible with the legislation and crucial interests of the parties;
- e. Communication on acts, enforcement decrees, enforcement rules, etc. (laws and regulations) in the pipeline of enactment;
- f. Cooperation to respond to discussions on multilateral economic issues, competition policy, and law enforcement.

Angelo Tzarevski, director designate in the Antitrust & Competition Practice at Baker McKenzie in Johannesburg said, "Competition authorities play an important role as champions, advocates and enforcers of competition policy across African economies and view competition policy as a key driver of economic growth. Although over the past few years African competition regulators have been actively engaged in efforts to address pandemic-related challenges, there has also been an upward trend in competition policy enforcement and cooperation across the continent. Many of the continent's

competition authorities have shown collective enthusiasm in ensuring competition compliance, and determination in working together to promote and protect more effective economies."

Tzarevski noted that cooperation has been high on the agenda of the South African competition authorities. "In addition to the new MoU signed between South African and Egypt, some other recent examples include the South African Competition Commission signing MoUs with the competition agencies of Kenya, eSwatini, Namibia and Mauritius. Further, South Africa has signed the Southern African Development Community (SADC) MoU on inter-agency cooperation in competition policy, law and enforcement. SADC is a regional economic community comprising 16 member states."

Tzarevski explained that cooperation among competition authorities in Africa is also promoted via the African Competition Forum, an association of African competition agencies. The Forum exists to promote competition policy awareness in Africa and the adoption of competition policies and laws. The Forum also facilitates regular contact between authorities, creating a platform for the sharing of best practice and domestic competition trends.

Sphesihle Nxumalo, Senior Associate in the Antitrust & Competition Practice at Baker McKenzie in Johannesburg, added, "Co-operation between competition regulators in Africa has served to foster and promote information sharing, which has the potential to lead to more enhanced analytical approaches. It has also led to the harmonisation of rules and procedures necessary for case handling, and has resulted in joint capacity-building and research activities. This cooperation has also resulted in the achievement of consistent outcomes within the context of national laws, which has increased investigative efficiency. It has also led to a reduction in the duplication of work, delays and resource-burdens for competition regulators and firms. MoUs are also a formal mechanism through which the competition agencies of these countries may cooperate on cross-border cases. The signing of an MoU between these two well-respected competition authorities is therefore good news in terms of the streamlining of competition policy enforcement and compliance across the continent."

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