



PRESS RELEASE

THE EAST AFRICAN COMMUNITY COMPETITION AUTHORITY AND COMPETITION AUTHORITY OF KENYA SIGN BILATERAL AGREEMENT

FOR IMMEDIATE RELEASE

TUESDAY, 16th MAY, 2023

The Competition Authority of Kenya (CAK) and the East African Community Competition Authority (EACCA) have entered into a Memorandum of Understanding (MoU) to ensure execution of their respective mandates enhances regional integration and cross-border trade and investment.

The MoU lays out modalities through which the agencies will mitigate competition infringements with cross-border effects, as well as **foster transparency and predictability** with regard to multijurisdictional merger notifications in order to **reduce transaction costs for businesses**.

Further, the agreement facilitates information sharing particularly during joint investigations, market inquiries and studies, which shall be prioritized so as to safeguard the competition process and protect consumers in the region, **while respecting our respective laws and policies**.

During the MoU signing ceremony, Dr. Adano Wario, the CAK's Acting Director-General, noted that competition regulation is a powerful and important tool which, if effectively deployed, can enhance integration of Partner States and foster inclusive and sustainable economic growth.

"It is incumbent on competition regulators within the Community to cooperate and collaborate with the aim of implementing a coherent regulatory framework that is supportive of investments, while purposely extinguishing harmful anti-competitive conduct," said Dr. Wario.

The two agencies have set up a working group tasked with implementing several prioritized activities through annual work plans.

By the end of December 2024, the two agencies have committed to, among others, review and streamline their merger notification guidelines, develop and implement an information sharing framework for cross-border infractions, and review various complementary regulations and guidelines to ensure they are fit for purpose.

In addition, the two agencies will hold joint capacity building sessions to ensure that case officers are upskilled to adequately attend to **emerging issues, especially those presented by the digital economy** which transcend borders. The CAK and the EACCA will also collaborate in sensitizing stakeholders about their respective laws and exchange best practices.

With regard to **merger notification and analysis, the two agencies will endeavour to adopt a single notification and harmonized regime** to ensure that the process is predictable and efficient, in terms of time and cost, for businesses. This model will also be informed by the applicable notification system in the Common Market.

Ms. Lilian Mukoronia, the EACCA Registrar, noted that the MoU is aligned to the aspirations of the EAC Treaty, Customs Union, and Common Market Protocols through, among others, removing barriers to trade, providing Partner States' consumers with competitively priced products of good quality, and protecting market participants from anti-competitive practices.

"The MoU is a palpable effort to enhance cooperation between the CAK and the EACC in order to boost enforcement efforts in the region and ensure that our markets work efficiently and competitively, thereby progressing the economic integration agenda," said Ms. Mukoronia.

"It is instructive that our maiden collaboration is with the CAK, a notable national competition enforcer in the region. Learnings drawn from this initiative will serve as a benchmark for future collaborations with national agencies in the Community."

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For more information, contact:

Mugambi Mutegi, Manager – Communications and External Relations, CAK.

Direct Line: +254 - 202779107

E-mail: mmutegi@cak.go.ke

Twitter: @CAK_Kenya

E-Filing Portal: <https://competition.cak.go.ke:444/>