
THE EAST AFRICAN COMMUNITY
STATUTORY INSTRUMENTS SUPPLEMENT

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**THE EAST AFRICAN COMMUNITY COMPETITION
(COMPLAINTS, INVESTIGATIONS AND HEARINGS)
RULES, 2025**

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THE EAST AFRICAN COMMUNITY COMPETITION
(COMPLAINTS, INVESTIGATIONS AND HEARINGS)
RULES, 2025

IN EXERCISE of the powers conferred on the Authority by section 40 of the East African Community Competition Act, 2006, the Authority makes these Rules this 25th day of April, 2025.

PART I – PRELIMINARY

1. These Rules may be cited as the East African ^{Citation} Community Competition Authority (complaints, investigations and hearings) Rules, 2025.

2. (1) In these Rules unless the context otherwise ^{Interpretation} requires –

“**Act**” means the East African Community Competition Act, 2006;

“**Authority**” means the East African Community Competition Authority established by section 37 of the Act;

“**competent authority**” means any authority of a Partner State that is empowered to enforce competition matters;

“**complainant**” means any person who makes a complaint to the Authority;

“**confidential information**” includes –

- (a) commercial information whose disclosure may significantly harm the legitimate business interests of the undertaking to which it relates;
- (b) information relating to the private affairs of an individual whose disclosure may significantly harm the individual’s interests; or

- (c) information whose disclosure is contrary to the public interest;

“Partner State” means the Democratic Republic of Congo, the Federal Republic of Somalia, the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan, the Republic of Uganda, the United Republic of Tanzania and any other country granted membership to the Community under Article 3 of the Treaty;

“Registrar” means the Registrar of the East African Community Competition Authority provided for by section 41 of the Act;

“undertaking” means any private or public entity, including natural and legal persons and affiliated groups of companies under joint control, irrespective of their legal form carrying on any business.

- (2) Expressions used in the Act or Regulations which are also used in these Rules, shall have the same meaning as they have in the Act or the Regulations.

Application **3.** These Rules apply to –

- (a) complaints under section 24 of the Act;
- (b) investigations conducted by the Authority under the Act; and
- (c) hearings conducted by the Authority under the Act.

Address of the Authority **4.** All communications to the Authority shall be addressed to the Registrar at the address and electronic mail published on the Authority’s website.

- 5.** (1) A document issued by the Authority may be delivered or transmitted – Delivery,
filing and
transmission
of documents
- (a) physically;
 - (b) by registered mail;
 - (c) by electronic mail; or
 - (d) in any other manner authorised by the Authority.
- (2) Where a document is delivered or transmitted outside the office hours of the Authority, the document shall be deemed to have been delivered on the next working day.
- (3) Where the Act or these Rules require the Authority to issue a document, the document will be deemed to have been issued by the Authority when it has been transmitted or delivered to the person to whom it is addressed.
- (4) Every document filed with the Authority under the Act or these Rules shall state the name, address and contact details of the person filing the document.
- (5) The Registrar may reject a document if it is not delivered or filed in accordance with this rule.
- (6) Where a document is rejected by the Registrar under this rule, the Registrar shall notify the person accordingly.
- 6.** The Registrar shall assign a reference to each document filed with the Authority, in accordance with the filing system of the Authority. Marking of
documents

PART II – COMPLAINTS

- 7.** (1) A complaint to the Authority relating to breach of the provisions of the Act or an alleged prohibited practice shall be made in writing. Submission of
complaint

- (2) Every complaint shall specify –
 - (a) the name and contact address of the complainant;
 - (b) where applicable, the name and contact address of the undertaking whose conduct is the subject of the complaint;
 - (c) nature and description of the complaint;
 - (d) whether the conduct complained about is continuing; and
 - (e) where applicable, the provisions of the Act or Regulations complained about.
- (3) Where practicable, a complaint shall be accompanied with supporting evidence.

Preliminary
examination of
complaint

- 8.** (1) The Authority shall examine a complaint in order to determine whether –
 - (a) the complaint is within the scope of the Act;
 - (b) the complaint is not vexatious or frivolous; and
 - (c) there are reasonable grounds to believe that a breach of the provisions of the Act or an alleged prohibited practice has occurred or is occurring.
- (2) For the purposes of subrule (1), the Authority may study the market or require the complainant or any person to provide information or attend an interview with the Authority.
- (3) Upon conclusion of the preliminary examination, the Authority shall notify the complainant whether the Authority has decided –
 - (a) to initiate an investigation into the complaint; or
 - (b) not to initiate any investigation, since the complaint–

- (i) is not within the scope of the Act;
- (ii) has no material effect on competition;
- (iii) does not merit an investigation; or
- (iv) in whole or in part is before any court, tribunal, arbitration, judicial or quasi-judicial body or was previously determined by any court, tribunal, arbitration, judicial or quasi-judicial body.

9. (1) A complainant may withdraw a complaint at any time by writing to the Authority. Withdrawal of
complaint

(2) Notwithstanding the withdrawal, the Authority may use any information contained in the complaint to conduct an investigation or for other appropriate purposes.

PART III – INVESTIGATIONS

10. (1) Where upon a preliminary examination the Authority establishes that there is an alleged breach of the provisions of the Act or a prohibited practice, the Authority shall conduct an investigation. Initiation of
investigation

(2) The Authority may conduct an investigation on its own initiative where –

- (a) the Authority believes that a breach of the provisions of the Act or a prohibited practice may have occurred or may be occurring;
- (b) it has come to the knowledge of the Authority that a breach of the provisions of the Act or a prohibited practice may have occurred or may be occurring.

(3) The Authority shall notify the parties involved and the relevant competent authorities of its decision to commence investigations.

Request to
competent
authority
to conduct
investigation

11. The Authority may request a relevant competent authority to conduct the investigation and report to the Authority.

Conduct of
investigation

12. When conducting an investigation, the Authority may –

- (a) gather information from any person, competent authority or relevant market;
- (b) verify any information gathered, submitted to, or received by the Authority;
- (c) request and obtain economic data in writing from the relevant parties or third parties;
- (d) search and seize documents in accordance with section 42 of the Act;
- (e) conduct interviews or hearings;
- (f) where applicable, visit any site relevant to the investigation.

Conducting
an interview

13. In conducting an interview, the Authority shall –

- (a) interview the most appropriate person with information to assist the Authority on the matter;
- (b) explain to the person being interviewed, the purpose of the interview;
- (c) seek to establish the facts or knowledge of the person in relation to matter in issue;

- (d) explain to the person being interviewed the consequences of providing misleading or false information to the Authority;
- (e) collect copies of any documents or evidence referred to by the person being interviewed;
- (f) establish whether there is any other person having information or evidence relevant to the matter in issue.

14. (1) In accordance with section 42 (2) (a) of the Act, the Authority may require any person to provide specified information to the Authority. Requirement for information

(2) Where the Authority believes that a person has information that is relevant to the investigation, the Authority shall, using Form 1 in the Schedule, require that person to-

- (a) make a statement;
- (b) furnish information in writing signed by the person;
- (c) produce any relevant document to the Authority; or
- (d) appear before the Authority to give oral evidence.

(3) The requirement by the Authority to provide information shall –

- (a) specify the legal basis for requesting the information;
- (b) specify the information required and the time within which it is required to be provided;
- (c) specify whether a person should appear before the Authority to provide the information or produce specified documents;
- (d) specify the prescribed penalty for any person who willfully fails to comply with an order of the Authority with respect to availing any information or production

of any document or appearing before the Authority proceedings in accordance with Section 42 (2).

Entry and
search of
premises

15. (1) The Authority shall identify the physical or virtual premises or property to be entered or searched.

(2) A warrant for the purposes of entering and conducting a search shall be obtained in accordance with the national procedures for obtaining search warrants.

(3) For purposes of sub rule (2), the Authority shall in cooperation with the competent authorities request the assistance of the respective national authorities responsible for obtaining and issuing search warrants.

(4) The entry and search of premises shall be conducted in accordance with the terms and conditions of the search warrant, the procedures of the respective Partner State and the provisions of the Act and Regulations made under the Act.

PART IV — HEARINGS

Findings from
merger or
acquisition
assessment

16. Notification of the decision to conduct a hearing where –

- (a) the Authority decides to hold a hearing; or
- (b) a party requests the Authority in writing for a hearing, the Authority shall notify the relevant parties, including third parties, of the decision or request and require the parties to submit written representations to the Authority within thirty (30) days.

Submission
of represen-
tations

17. The representation of the parties shall be submitted to the Authority within the time specified in rule 16 and shall set out all the facts known to them which are relevant to their case and supporting evidence.

18. (1) After the expiry of the time for submitting representations, the Authority shall notify the parties of the date, place and time of hearing. Notice of hearing

(2) The Authority may invite to the hearing, any third party whom the Authority has determined, upon their request, to have sufficient interest in the matter.

19. (1) Parties may appear before the Authority in person or by their legal representative. Appearances of Parties

(2) Parties appearing at hearings, their representatives and other officials shall conduct themselves in a respectful and orderly manner.

(3) Any contemptuous conduct by any person appearing at a hearing shall be a ground for exclusion from the hearing.

20. (1) On the day set for the hearing the Authority shall hear the parties on the matter before the Authority. Conduct of hearing

(2) Where on the day fixed for the hearing, a party to the proceedings does not appear without sufficient cause after service of notice of the hearing, the proceedings shall continue in the absence of such party.

(3) The hearing shall be inquisitorial and the Authority shall seek to establish the facts in relation to the objectives of competition policy, consumer welfare and practice.

(4) The hearing shall cover –

(a) issues relating to the findings, economic and legal arguments of the case and whether there has been a breach of the Act or the likelihood of harm to competition or consumer welfare; and

(b) possible remedial actions.

*East African Community
Competition (complaints, investigations and hearings) Rules, 2025*

Combined or
joint hearings

21. (1) Where two or more matters are pending before the Authority and it appears that they have a common complaint and that it will be more expeditious, economical and just in the determination of such matters, the Authority may order that –

- (a) the matters be consolidated; and
- (b) the matters be heard at the same time.

(2) Notwithstanding subrule (1) –

- (a) evidence adduced in one matter shall be applied in the other matter;
- (b) an order or decision made with respect to one matter shall be applied to the other matter.

(3) Before making the orders under subrule (1), the Authority shall give each party to the hearing a notice in writing –

- (a) specifying what the Authority is planning to do; and
- (b) inviting the party to make a written submission on proposal to the Authority within fourteen days after the notice is given.

(4) Where a party objects to such consolidation, the consolidation shall not occur until after the party has had an opportunity to be heard on the issue.

Opening
statement

22. Unless the Authority otherwise directs, each party shall at the beginning of every hearing give a brief opening statement which includes –

- (a) a description of the facts relating to the matter in issue;

- (b) an outline of the evidence the party intends to rely on;
- (c) a list of witnesses if any; and
- (d) the issues to be covered.

23. (1) The person presiding over the hearing shall give ^{Presentation} directions as to the manner in which evidence is to be presented. ^{of evidence}

(2) The person presiding over the hearing may direct that evidence shall be given under oath administered in accordance with the Oaths Act.

(3) The Authority shall not be bound by the formal rules of evidence.

24. (1) The Registrar shall maintain a record of all ^{Record of} proceedings relating to the hearing. ^{proceedings}

(2) Subject to subrule (1) the record shall include –

- (a) all correspondences regarding the matter;
- (b) any orders or directions made during the course of the proceedings;
- (c) documentary and oral evidence;
- (d) written or recorded submissions or arguments; and
- (e) the decision or order of the Authority and the reasons for the decision.

(3) Upon request, the record of the hearing shall be made available to the persons who attended the hearing, subject to the protection of business secrets and other confidential information.

PART V – FINDINGS AND DECISIONS OF THE AUTHORITY

Report of
provisional
findings

25. (1) The Authority shall compile a report of its provisional findings which shall include the –

- (a) economic arguments including an assessment on whether the relevant behavior harms or is likely to harm competition;
- (b) legal arguments;
- (c) proposed remedial measures, including options for conditions if any; and
- (d) recommendations on the appropriate action by the Authority.

(2) The Authority shall submit the provisional findings to the relevant parties and require the parties to submit representations or comments to the Authority within the time specified by the Authority.

Decision of
the Authority

26. (1) After the expiry of the time specified by the Authority for making representations or comments under rule 25(2), the Authority shall consider any representations or comments made by the parties and decide the matter as appropriate.

(2) Every decision of the Authority shall contain –

- (a) the names of the parties involved;
- (b) the names of the legal representatives of the parties where applicable;

- (c) a concise statement of the facts;
- (d) the issues considered;
- (e) the opinions, arguments, and prayers of the parties;
- (f) the findings based on facts and law;
- (g) any orders or directions made during the course of investigations, hearing or other proceedings;
- (h) the decision or order of the Authority and the reasons for the decision including fines or penalties, remedies or any other directive considered as necessary;
- (i) the date and the place of the decision; and
- (j) signatures of the Commissioners.

27. Where the Authority decides to impose a fine on a party, in determining the fine, the Authority shall consider the following –

- (a) the nature and extent of non-compliance or breach of the Act or Regulations;
- (b) cooperation by the undertaking with the Authority;
- (c) the effect and duration of the conduct;
- (d) whether the conduct has since ceased;
- (e) the gain or unfair advantage derived by the party as result of the non-compliance or breach of the Act;
- (f) the harm to competition or likelihood of harm caused by the non-compliance or breach of the Act;

- (g) the repetitive nature of the non-compliance or breach of the Act;
- (h) any attempts by the party to mitigate the non-compliance or breach of the Act;
- (i) public interest consideration;
- (j) the annual turnover of the undertaking found to be in breach of the Act; and
- (k) any other relevant factors.

Payment of fines **28.** A fine imposed by the Authority shall be paid to the Authority in a manner determined by the Authority.

Notification of decision of the Authority to the relevant parties **29.** The Registrar shall notify the relevant parties of the decision of the Authority within five days of the decision, specifying the reasons for the decision and any action required by the Authority.

Publication of decision **30.** (1) Subject to the provisions of the Act on confidentiality, the Authority shall publish every decision which it makes pursuant to the Act.

(2) The publication under this rule shall contain the date, the names of the parties, the key facts and the decision of the Authority.

Appeals from decision of Authority **31.** Any person or undertaking dissatisfied with a decision or action of the Authority may within thirty days appeal to the Court under section 46 of the Act.

32. (1) For purposes of section 44 (5) of the Act, the Registrar shall submit any order made by the Authority for enforcement to the respective Partner State enforcement authorities. Submission of orders of Authority for enforcement by Partner States

(2) The submission by the Registrar shall –

(a) include a copy of the order; and

(b) specify where the order has been executed in part, the extent to which satisfaction has been obtained and what part of the order remains unsatisfied.

(3) In accordance with section 44 (5) of the Act, the Partner State enforcement authorities shall enforce the order in accordance with the procedures of their respective Partner States.

PART VI – GENERAL PROVISIONS

33. The Authority may at any time issue interim orders for the purpose of preventing serious irreparable damage to any person or breach of the Act. Interim orders

34. (1) An undertaking wishing to settle a matter relating to an alleged breach of the Act shall notify the Authority in Form 2 in the Schedule. Settlement of breach

(2) The Authority shall inform all the relevant parties within seven days after receipt of the notification whether it is agreeable to the request for settlement.

(3) In determining the settlement, the Authority shall consider the appropriate fine for the breach taking into account the factors specified in rule 27.

(4) Where the Authority consents to the request for settlement, the parties shall conclude settlement negotiations and execute a settlement agreement within ninety days.

(5) Where settlement negotiations are not concluded as provided in subrule (4), the Authority will determine the matter as provided for under the Act and these Rules.

Extension of
time

35. The Authority may upon request of a party, in exceptional circumstances, extend the time for any activity under these Rules.

Procedures
not provided
for

36. The Authority shall determine the procedure in circumstances and for matters not expressly provided for by the Act, Regulations or these Rules taking into account the objectives of competition policy, consumer welfare and practice specified in section 3 of the Act and the best practice in competition matters.

Revocation

37. The following provisions of the East African Community Competition Regulations, 2010 are revoked –

(a) Part V- Complaints; and

(b) Part VI – Investigations.

SCHEDULE

FORMS

Rule 14

Form 1

PRODUCTION OF INFORMATION/APPEARANCE BEFORE THE
AUTHORITY

To:

..... File Reference No.
..... Case Title:.....

You are hereby required to:

1. appear before the Authority at(*specify address*) on the day of 20... at (*specify time*) in relation to the following matter.....
2. furnish/produce to the Authority the following information:

.....
.....

The information should be provided by the day of 20..

TAKE NOTE that failure to comply with an order of the Authority is an offence under section 42(2) of the Act.

Dated this day of 20....

REGISTRAR

Received by:

Signature:.....

Name:.....

Title:.....

Form 2

Rule 34

NOTICE OF INTENTION TO SETTLE

To:

The Registrar
East African Community Competition Authority

INTENTION TO SETTLE

This is to notify you that(*insert name
of undertaking*) wishes to settle the matter relating to:

.....
.....
.....
.....
.....

Dated this.....day.....20.....

Signed:.....

Name:.....

Title:.....

HON BEATRICE ASKUL MOE

*Chairperson
Council of Ministers*