



# COMESA consumer protection enforcement

The Common Market for Eastern and Southern Africa (COMESA), with 21 member states, is the largest regional economic organization in Africa. Furthermore, COMESA comprises a comparatively far integrated regulatory regime. While the COMESA merger control and antitrust regimes are most widely known, other COMESA regulatory regimes such as the COMESA consumer protection regime has increased in relevance over recent year. With rising cross-border trade, protecting consumers from unfair business practices has emerged as priority. This client briefs looks at the COMESA consumer protection regime and its application.

### *Consumer protection regulation in COMESA*

The COMESA competition regime does not operate under a standalone consumer protection regulation. Instead, consumer protection provisions are embedded within the COMESA Competition Regulations. The regime aims to prevent deceptive practices, ensure product safety, promote fair contract terms, and uphold the right to accurate information and transparent pricing. Consumers are entitled to redress and compensation, reinforcing trust and accountability in regional trade.

### *Enforcement*

Oversight and enforcement of the COMESA consumer protection regime are vested in the COMESA Competition Commission (CCC). In particular, the CCC is charged with addressing cross-border matters affecting consumers in the Common Market. To this end the CCC's Consumer Welfare and Advocacy Division has authority to investigate and take enforcement action against conduct that (potentially) impacts consumer rights and safety in several COMESA Member States. It may issue binding orders and

impose penalties and is held to cooperate with domestic authorities to enforce compliance.

Investigations may be initiated by the CCC or through consumer complaints lodged by individuals, or consumer protection organizations, or referred to the CCC by national consumer protection authorities of COMESA Member States.

Where the CCC identifies violations of the COMESA consumer protection regime, the CCC may impose fines and remedial measures. Fines are capped at 10 percent of the violating undertaking's COMESA wide annual turnover. In addition, the CCC may order the undertakings to compensate affected consumers. Moreover, they may order the undertakings to cease and mitigate the effects of the offending conduct, direct the responsible party to cease and desist from certain practices, and compel them to implement measures to mitigate the impact of their conduct.

### *Urgent product recall: Heartland Foods' cereal range withdrawn over health risks*

On 9 April 2025, the CCC issued a warning notice for a voluntary recall of Heartland Foods' cereal products sold across major supermarket chains. This recall follows reports from South Africa's National Consumer Commission highlighting that these cereals contain higher sugar levels than declared and fail to deliver the claimed nutritional benefits—posing serious health risks, especially for diabetics. The CCC suggested that consumers should be allowed to return affected products for a full refund, no proof of purchase required, and a dedicated support helpline should be established to assist throughout the recall process. The Commission is coordinating closely with retailers and regional authorities in Malawi, Eswatini, and Zambia to manage the situation effectively.

### *Preventative measures*

The COMESA Competition Commission (CCC) is empowered to initiate recalls under its consumer protection mandate, particularly when goods sold in the COMESA Member States pose safety risks, provide misleading information, or fail to meet declared standards. The CCC can issue warning notices, coordinate with national consumer protection agencies, and compel manufacturers or distributors to take corrective action, including product recalls. These measures are taken to safeguard public health and uphold consumer rights across the region.

Most recently the CCC made use their authorities to initiate recalls on 9 April 2025, when the CCC issued a warning notice for a voluntary recall of Heartland Foods' cereal products sold across major supermarket chains in the COMESA Member States. This recall follows reports from South Africa's National Consumer Commission highlighting that the concerned cereals contain higher sugar levels than declared and fail to deliver the claimed nutritional benefits—posing serious health risks, especially for diabetics. In their warning notice the CCC instructed that consumers be entitled to return the concerned products for a full refund, without proof of purchase being required. Furthermore, the CCC held that a dedicated support helpline shall be established to assist throughout the recall process. In their affords the CCC is coordinating closely with retailers and regional authorities in Malawi, Eswatini, and Zambia to manage the situation effectively.

### *Monitoring and capacity building*

The CCC is authorized to monitor market practices to mitigate risk of consumer rights violations. The Regulations stress that the CCC shall make use of such monitoring authorities specifically in sectors that pose a high risk for

consumer rights infringements including e-commerce, healthcare, and finance.

Aside from oversight and enforcement the CCC is charged with capacity building. The CCC provides training and technical support to national agencies and promotes legal harmonization across COMESA Member States, ensuring a consistent and effective consumer protection regime. Moreover, the CCC may conduct awareness campaigns and issue materials to educate consumers on their rights encourage businesses to comply voluntarily with consumer welfare standards.

### *Way forward*

Businesses operating within or seeking to invest in the COMESA Common Market should take note of the CCC's increasing vigilance in consumer protection matters, which signals a shift toward more active and coordinated enforcement across the region. This development carries significant implications, particularly for sectors such as e-commerce, healthcare, and finance, which are considered high risk for consumer rights infringements. In light of this, companies are advised to review their compliance frameworks to ensure alignment with the COMESA Competition Regulations, especially in relation to product safety, advertising practices, and customer redress mechanisms. It is also important for businesses to remain informed about regulatory developments and to engage with national authorities or the CCC where appropriate, to seek guidance or participate in training opportunities. Establishing transparent consumer protection practices and voluntarily adhering to regional standards will not only reduce the risk of enforcement actions but also contribute to building consumer trust and securing long-term commercial success in the Common Market.

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