



COMESA's Expanded Consumer Protection Mandate of the CCCC

On 4 December 2025, the COMESA Council of Ministers adopted the COMESA Competition and Consumer Protection Regulations, 2025, which repealed the old regime effective 5 December 2025. Aside from the mandatory and suspensory merger control regime (for an overview see our [client brief on the merger control regime](#)) the new Regulations substantially expanded the Commission's consumer protection mandate.

The old regime, embedded within the broader competition regulations, was characterized by a largely discretionary enforcement approach. Consumer protection was a secondary consideration, assumed to follow from competition enforcement rather than being a standalone priority (for a discussion of the old regime see our [client brief on the old regime](#)). In contrast, the 2025 Regulations recognize consumer protection as an explicit, primary mandate of the Commission. The 2025 Regulations substantially increased the Commission's regulatory authority in respect to consumer protection matters with cross border effects. They explicitly empower the Commission to actively enforce consumer protection rights, rather than merely monitoring consumer issues. Furthermore, in line with the amendments to the COMESA merger control and antitrust regimes, the 2025 Regulations identify the digital economy as a key concern in respect to consumer protection. The increased importance of consumer protection within the Commission's mandate is also reflected in the renaming of the COMESA Competition Commission to COMESA Competition and Consumer Commission (CCCC).

Express consumer rights

The 2025 Regulations establish a set of enforceable consumer rights and corresponding

prohibitions. Consumers are entitled to accurate and truthful information, with false, misleading, or deceptive representations expressly prohibited. There is a clear right to safety and product conformity, reinforced by bans on the sale of unsafe, defective, or non-standard goods. The regime further prohibits capturing and exploitative behavior, and conduct that takes advantage of consumers' weaker bargaining positions. Unfair terms in consumer contracts are outlawed, particularly clauses that distort contractual fairness or unduly prejudice consumers. In addition, consumers are guaranteed access to redress, including compensation and corrective orders where harm has been sustained.

Collectively, these rights are embedded within an enforceable legal regime that grants the CCCC direct authority to intervene and act, rather than limiting it to advisory or consultation functions.

Specific focus on consumer protection in consumer protection

The 2025 Regulations prohibit the supply of digital content that causes or is likely to cause consumer harm or distress. Specifically, the 2025 Regulations outlaw designs or practices that:

- mislead or deceptively influence consumer choices;
- manipulate consumer decision-making online; or
- facilitate fraudulent practices.

Expanded investigative tools

The 2025 Regulations grant the CCCC enhanced investigatory powers in consumer protection matters on par with their authorities in respect to competition enforcement, including:

- conducting market inquiries allowing the CCCC to investigate sectors where they find evidence or see risk of systemic violations;
- search and seizure powers aimed to allow for collecting of evidence of unlawful practices;

- issuing interim cease-and-desist orders to prevent serious or irreparable harm to consumers before a full investigation or inquiry can be concluded.

Furthermore, the 2025 Regulations obligate market participants to participate in inquiries or investigations. Non-compliance can be penalized with fine of up to 10% of COMESA-wide annual turnover.

Expanded enforcement powers

The 2025 Regulations also allow the CCCC to settle consumer protection violations. Settlement can be sought for minor violations and requires the parties to pay a fine and commit to cease the practice the CCCC considers to violate consumer protection regulations. However, settlement does not require parties to admit guilt or liability.

Where settlement is declined or not available an official violations procedure will be initiated. Parties found in violation can be penalized with fines of up to 10% of their COMESA-wide annual revenue. Payment must be made within 45 days of the order being issued. Furthermore, the CCCC can impose additional instructions such as orders to cease or amend certain conduct, initiate recalls, or offer compensation to consumers paired with daily penalties for non-compliance.

Cross-border enforcement and cooperation with national regulators

The 2025 Regulations establish formal mechanisms for cooperation between the CCCC and national consumer protection authorities of the COMESA Member States. National authorities must defer to the CCCC's jurisdiction where a matter is already investigated by them. It remains to be seen to which extent the consumer protection authorities of the COMESA Member State will respect this priority of the CCCC. Considering of the difficulties the CCCC had with ensuring compliance of the competition

authorities with the one-stop-shop principle in merger control matters, some conflict should be expected.

Implications for businesses

Consumer protection compliance is now a legal obligation under the COMESA regime, not an ancillary consideration. Hence businesses operating within the Common Market must consider both domestic and regional COMESA consumer protection obligations. Non-compliance carries significant sanctions and crisis-management obligations, including orders to cease or change conduct, issue recalls, and offer compensation to affected parties. Furthermore, digital businesses must abide by the heightened regulatory requirements imposed on them by the 2025 Regulations.

First action has already been taken

The CCCC was quick to make use of their new authorities. In early January 2026, CCCC issued a consumer alert regarding the recall of specific batches of Nestlé's SMA infant formula and follow-on formula due to concerns about potential contamination with ceruleite, a toxin produced by bacillus cereus that can cause nausea and vomiting if ingested. The recall followed Nestlé's voluntary global recall of the affected products, including SMA Advanced First Infant Milk, SMA Little Steps First Infant Milk, SMA Anti-Reflux, SMA Alfamino, and other specialized infant nutrition products available in the COMESA Common Market through online and retail channels. The CCCC's alert provided specific guidance for consumers to verify batch codes and avoid feeding the affected products to infants.



Carmen Aziz

Associate

Carmen.aziz@bremerlf.com

Carmen is an associate of the region law firm BREMER and part of the firms Antitrust & Merger Control team. She advises international corporates and PE firms on antitrust matters and merger control review under Egyptian law as well as the laws of other MENA jurisdictions. She works in English, French and Arabic languages.



NICOLAS BREMER

Partner

nicolas.bremer@bremerlf.com

Nicolas is a partner and attorney with the regional law firm BREMER where he heads the firm's Antitrust & Merger Control team. He oversees the firm's Riyadh and Cairo representations and has extensive experience in advising international and domestic clients on merger control and antitrust matters in Saudi Arabia, Kuwait, Egypt and the wider Near and Middle East. He works in English, Arabic and German language.