COMESA Authority Investigates Meta Over WhatsApp Business API Restrictions

Client briefing | Antitrust & Merger Control
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The COMESA Competition and Consumer Commission (**CCCC**) recently announced that they commenced an investigation into Meta Platforms Ireland Limited following changes to the terms governing access to the WhatsApp Business Application Programming Interface (**API**). The investigation reflects the increasing scrutiny that the CCCC is directing at large corporations in general and digital platforms in particular and highlights CCCC's evolving role as a regional antitrust enforcer in Africa.

Background to the investigation

On 15 October 2025, Meta amended the terms and conditions governing access to the WhatsApp Business API. The amendment reportedly introduced restrictions affecting providers of general-purpose artificial intelligence (**AI**) services. As a result of these changes, third-party AI providers were no longer able to access or use the WhatsApp Business API as before. Meta's own AI service, Meta AI, continued to be allowed on and was integrated within the platform.

The WhatsApp Business API is widely used by businesses and technology providers to enable automated customer engagement through WhatsApp, including AI-driven chatbots, virtual assistants, and other digital communication tools. Given the scale of WhatsApp's adoption across many COMESA Member Countries, the API represents an important technical interface through which businesses interact with customers in the Common Market and deploy digital services. Restrictions affecting access to this interface may therefore have significant implications for third-party technology providers seeking to offer AI-enabled services through the platform.

The CCCC's concerns

In its notice, the CCCC indicated that it has reasonable grounds to suspect that Meta—through WhatsApp—holds a dominant position in the COMESA Region in the markets for the supply of API services as well as downstream AI services. The CCCC considers WhatsApp to play a central role in business-to-consumer communications across the region and that its widespread adoption confers significant market power on Meta. Against this backdrop, the Commission is examining whether the restrictions imposed on third-party AI providers could constitute an abuse of dominance. In particular, the investigation focuses on whether limiting access to the WhatsApp Business API for competing AI services, while continuing to allow integration of Meta's own AI offering, may amount to exclusionary conduct or self-preferencing. Such conduct may raise concerns where a dominant undertaking restricts competitors' access to a key platform or input while favouring its own downstream services, potentially foreclosing competition in related markets.

As part of the investigation, the CCCC invited interested stakeholders to submit written comments regarding the matter. The CCCC encouraged Businesses, technology providers, and other market participants to provide evidence on how the changes to the WhatsApp Business API terms affect their activities and whether they hindered their engagement of customers. The deadline for submissions is 16 March 2026. This step is consistent with the Commission's investigative practice and allows the CCCC to gather market feedback to assess the potential competitive effects of the conduct under review.

A broader shift in COMESA competition enforcement

The investigation into Meta must also be viewed in the context of a broader shift in COMESA's competition enforcement strategy. In recent

years, the CCCC adopted a more active and interventionist approach in both merger control and antitrust enforcement. Among the most significant developments in this regard has been the reform of the COMESA merger control regime effective end of 2025. Historically, the COMESA merger control regime operated on a largely non-suspensory basis, enabling parties to notify transactions after implementation while benefiting from a regional "one-stop-shop" mechanism that reduced the need for multiple national filings within the COMESA Region. Recent regulatory amendments have fundamentally altered this framework. The revised regime introduced a mandatory and suspensory notification system, requiring parties to obtain clearance from the CCCC before implementing notifiable transactions. The reforms also introduced significant penalties for gun-jumping, thereby strengthening the Commission's oversight of cross-border mergers within the Common Market. See our client update on Mandatory COMESA Merger Control Regime.

In parallel to these merger control reforms, the CCCC also increased its enforcement activity of behavioural antitrust regulations. The updated regulations introduced express *per se* prohibitions covering certain anti-competitive agreements, reinforcing the Commission's ability to address restrictive practices without requiring extensive effects analysis in specific circumstances. These amendments provided the CCCC with a more robust basis to pursue violations, including by foreign businesses; an authority the CCCC willingly embrassed. Cases involving entities such as CAF and beIN Media in connection with exclusive media rights arrangements, Coca-Cola in relation to distribution and pricing practices, and Heineken for territorial restrictions and resale price maintenance demonstrate the Commission's willingness to pursue conduct investigations against globally active companies. For a discussion of these cases see our client update on Antitrust Enforcement by the CCCC.

Implications for digital platforms and AI service providers in the COMESA Region

The investigation into Meta's conduct raises broader questions regarding access to digital platforms and the competitive implications of platform governance decisions. Messaging platforms such as WhatsApp increasingly function as key digital infrastructure for businesses seeking to interact with customers, particularly in regions where mobile messaging plays a central role in commercial communications; in particular, in developing economies across Africa.

Restriction of access to such infrastructure can limit the ability of third-party providers to compete in adjacent markets, including emerging sectors such as AI-enabled services. The CCCC's investigation reflects a growing willingness of the Commission to scrutinize platform conduct that may affect interoperability, access to digital interfaces, and the competitive dynamics of downstream technology markets.

The CCCC's investigation into Meta's changes to the WhatsApp Business API represents a significant development in COMESA's evolving competition enforcement landscape. The case highlights the Commission's increasing engagement with issues relating to digital platforms and technological ecosystems, as well as its readiness to investigate conduct by major global technology firms operating within the region.

More broadly, the investigation underscores the need for companies operating across the COMESA Common Market to maintain robust

competition law compliance frameworks. As the CCCC continues to expand its enforcement activity, businesses should expect increased scrutiny of practices that may affect market access, platform interoperability, and competition in rapidly developing digital sectors.

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