



Inaugural ECOWAS Competition Conference 2026 Recap

From 15 to 17 September 2026, the ECOWAS Regional Competition Authority (ERCA) held its inaugural competition conference at its seat in Banjul, The Gambia. The conference brought together representatives of regulators and other stakeholders from the ECOWAS region and across greater Africa. Beyond raising awareness, it served to exchange experiences on competition law enforcement and merger control, and to discuss future developments. Contributions from the different regulators provided insight into their views and the level of cooperation on the continent.

A central theme across all contributions was the level of cooperation among regional and domestic regulators. Several ERCA representatives — including Dr. Simeon Konan Koffi, Executive Director of the ERCA — stressed the importance of cooperation with domestic regulators in the ECOWAS region and with other regional regulators in Africa. So far, no formal cooperation procedures have been established. However, the ERCA is actively cooperating with the competition authorities of Nigeria and other ECOWAS Member States and has held discussions with other regional competition regulators on the continent. Boniface Makongo, Director of Competition at the COMESA Competition and Consumer Commission (CCCC), highlighted the benefit of open engagement between regional and domestic regulators. His point drew on CCCC's initial difficulties in convincing COMESA Member States to respect the COMESA one-stop-shop merger control principle, and on the differing interpretations of similar principles in the ECOWAS Competition Regulations by the ERCA and the Nigerian Federal Competition and Consumer Protection Commission (FCCPC).

Stella Onyancha, Acting Registrar of the East African Community Competition Authority (EACCA) and a former CCCC staff member, shed light on the cooperation between the EACCA and the CCCC. Ms. Onyancha confirmed that no formal cooperation mechanism has been implemented yet. In practice, however, the two authorities already exchange information and are generally open to cooperating. She confirmed that they are also engaging on transactions notified to them. Where transaction parties agree to the authorities sharing confidential information between them, the EACCA and the CCCC may consider whether one authority is better equipped to review a transaction, or whether a transaction's potential effects warrant referring the review to one of the two. Still, Ms. Onyancha emphasized that such a referral is not mandatory.

ERCA representatives also addressed filing fees. They acknowledged that the current situation, where filing fees can be very high due to the lack of a cap, may negatively affect compliance. Without providing specifics on the amount or timeline for implementation, the representatives indicated that a cap on the filing fee is being considered. ERCA representatives also indicated that the authority is considering further reforms, including an expedited merger review procedure and clarification on behavioral antitrust review and enforcement. They did not provide details on the relevant procedures, measures or timelines for implementation. It remains to be seen how quickly and how broadly these reforms will take shape. Moreover, ERCA representatives acknowledged the importance of building awareness of the ECOWAS antitrust and merger control regimes to foster compliance.

Speaking on the panel "Effective Control of Market Power: Merger Review and Abuse of Dominance in Practice," Florence Abebe, Manager of Anti-Competitive Practices at the FCCPC, said that the FCCPC faced challenges in distinguishing between genuine competition and exclusionary conduct, and in drawing precise

market definitions in emerging sectors. She clarified that the FCCPC is ready and willing to conduct research and assessments to scrutinize market definitions and the arguments presented by the parties. This may include surveys and engagement with competitors and customers. Ms. Abebe recommended that regulators invest in strengthening institutional competences and foster teamwork to address these challenges.

Inter-agency cooperation, building awareness of and fostering compliance with the emerging antitrust and merger control regimes, and the challenges posed by reviewing transactions and conduct in emerging sectors were the main themes discussed at the conference. These considerations went beyond the ECOWAS region. Contributions from regulators across Africa provided additional insight into their practices and their engagement with ERCA. Still, certain issues remain unresolved. It remains to be seen if and when a cap on the ECOWAS merger control filing fee is introduced, and whether further amendments — such as expedited review procedure — are forthcoming, and if so, when. Conflicting jurisdictions between ERCA and domestic regulators also remain unresolved. It remains to be seen whether the conference provided relevant impulses for reforms.



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