



COMESA Competition Commission

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**Common Market for Eastern
and Southern Africa**

CALL FOR APPLICATIONS FOR TWO (2) PROFESSIONAL POSTS AT THE COMESA COMPETITION COMMISSION

The COMESA Competition Commission ("the Commission") is a regional body corporate established under Article 6 of the COMESA Competition Regulations ("the Regulations") promulgated under Article 55 of the COMESA Treaty. The Commission is responsible for promoting competition and enhancing the welfare of consumers in the Common Market. The main functions of the Commission are to monitor markets and investigate anticompetitive business practices, control mergers and other forms of acquisitions in the Common Market and mediate disputes between the Member States concerning anticompetitive conduct. The Commission commenced its operations on 14th January, 2013 and is located in Lilongwe, Malawi. More information can be obtained from the Commission's website <http://www.comesacompetition.org/>.

The Commission is looking to recruit suitably qualified nationals of the COMESA Member States to fill two professional posts tenable at the Commission in Lilongwe, Malawi as follows:

S/N	NAME OF VACANT POSTS	GRADE	NO. OF POSTS
1.	Manager, Competition Enforcement	P4	1
2.	Legal Officer (Readvertised)	P2	1

1. POST ONE- MANAGER COMPETITION ENFORCEMENT

JOB TITLE: Manager Competition Enforcement
GRADE: Professional Level 4 (P4)
SALARY SCALE: COM\$58,731– COM\$ 70,654 per annum

TENURE: A fixed term of Four (4) years subject to renewal. Extension of contract is subject to availability of funds, performance of the contract holder and approval of successive annual Work Plans by the COMESA Competition Commission.

NUMBER OF POSTS: One (1) **DUTY STATION:** Lilongwe

REPORTS TO: Director & Chief Executive Officer

TYPE OF CONTRACT: Commission's fixed term employee under professional service category

1.1. Responsibilities

Under the supervision of the Director & Chief Executive Officer, the Manager Competition Enforcement shall be responsible for the investigation, review and assessment of Mergers and Acquisitions and Restrictive Business Practices in the Common Market for Eastern and Southern Africa (the Common Market). Under the direct supervision of the Director & Chief Executive Officer of the Commission, the incumbent shall perform the following duties:

Investigations and Enforcement

a) Investigate, assess, monitor/detect:

- i. Anti-competitive practices and conduct or restrictive business practices that have the effect of prevention, restriction and distortion of competition in the Common Market including management of
 - o Investigations relating to abuse of dominant position and market power;
 - o Evaluation of applications for exemptions and non-applications of the COMESA Competition Regulations and justification claims given under the COMESA Competition Regulations;
 - o Prohibitions, monitoring and detection of cartel behaviours:
 - o Awareness and educating the public on the harmful effects of cartels and other restrictive business practices;
 - o Assessment of notified and identified agreements or arrangements in the Common Market as provided under the COMESA Competition Regulations and in line with the best international practices as would be applicable to the Common Market and under the COMESA Competition Regulations;
 - o Regularly review regional competition policy so as to advise and make representations to the Director & Chief Executive Officer with a view to improving on the effectiveness of the COMESA Competition Regulations;
 - o Help Member States promote national competition laws and institutions, with the objective of the harmonization of those national laws with the regional Regulations to achieve uniformity of interpretation of law and policy within the Common Market;

- Cooperate with competition authorities in the Member States; ○ Be responsible for developing and disseminating information about competition policy
 - Cooperate with other agencies that may be established by COMESA to monitor and regulate any specific sector;
 - Perform any duty connected or incidental to the foregoing
- ii. Mergers and Acquisitions in the Common Market through undertaking the following:
- Manage effective assessment of notified and identified mergers as provided for under the COMESA Treaty, COMESA Competition Regulations and Rules, and giving due regard to the best international practices
 - Review of reports on such investigations and assessment and submission of the recommendation to the Director & Chief Executive Officer; ○ Ensure compliance by enterprises with the merger control provisions in COMESA Competition Regulations and Rules;
 - Regularly develop Guidelines and Practice Notes to facilitate the effective and efficient implementation of the COMESA Competition Regulations; ○ Develop and manage a network of merger experts from national competition authorities and beyond to ensure that merger review in the Common Market is up to date with the current efficient and effective tools of merger analysis;
 - Cooperate with national competition authorities and beyond during the review of mergers in order to arrive at sound and optimal outcomes;
 - Ensure that merger assessments are concluded within the time stipulated under the COMESA Competition Regulations;
 - Conduct regular market intelligence to detect gun jumping and advise the Director & Chief Executive Officer on the appropriate action to take;
 - Undertake regular monitoring of markets to ensure that post-merger approval. undertakings are adhering to the requirements of the law and conditions of approval; ○ Perform any duty connected or incidental to the foregoing
- b) Ensure compliance by enforcing the Regulations and Rules pertaining to the prevention of anticompetitive business practices;
- c) Advise the Director & Chief Executive Officer of the Commission on possible courses of action after a market study is concluded;

Advocacy and Technical Assistance

- d) Coordinate the COMESA National Competition Authorities Network (COMESA Competition Network and Merger Case Handlers Network) to facilitate information exchange, consultation, enforcement and general application of the Regulations;
- e) Assist the Member States in establishing effective regimes for merger control and restrictive business practices at domestic level which is harmonised with the Regulations and further conduct capacity building initiatives in the Member States aimed at enhancing the enforcement of the regional and the national competition laws;
- f) Manage effective development and implementation of information, education, advocacy, outreach and communication programmes in Member States in order to enhance a competition culture and further raise awareness of the public under the COMESA Competition Regulations and prepare relevant publications for public dissemination;
- g) Fostering continental and multilateral cooperation in enforcement of cross-border competition law ;
- h) Network with regional and international competition enforcement officials and keep an update on latest developments and facilitate the Commission's participation in key regional and international conferences;

Strengthening Enforcement and Development of Systems

- i) Develop a 'user friendly' notification procedures and filing system at the Commission;
- j) Periodically develop, review and implement the statutory legal framework of the COMESA competition law including the Regulations, Rules, procedures, Guidelines on assessment/operational manuals, office practices and Notices;

Research and Studies

- k) Proactively, carry out market research, screening, studies, assessments and analysis in identified sectors to assist the Commission to understand market structures, phenomena, etc for policy or enforcement purposes as provided for under the Regulations and further develop empirical market analysis, and research techniques,
- l) Undertake research in the field of mergers and acquisitions and competition law enforcement in conjunction with the Research, Policy and Advocacy Unit of the Commission and recommend improvements to the regional competition law regime;
- m) Write intellectually stimulating papers in the field of mergers and acquisitions for public consumption;

Other Roles

- n) Preparation of departmental budgets, programs and a prioritization system/or process in implementation;
- o) Develop a pragmatic department strategic vision, objectives and strategies to feed into the corporate strategic plan;
- p) Management and supervision of staff in the Competition Enforcement Division

- q) Generally and under the supervision of the Director & Chief Executive Officer be responsible for the administration of Parts 3 & 4 of the COMESA Competition Regulations
- r) Submit performance reports to the Director & Chief Executive Officer of the Commission as required; and
- s) Perform all such things as are incidental to the foregoing and/or as may be delegated by the Director & Chief Executive Officer.

1.2. Requirements for the Post

Academic Qualifications

A minimum of a Master's degree in a relevant social science such as Law, Economics, Marketing, Business/Public Administration/Management or an equivalent qualification from a recognized institution. PhD from a reputable institution in an appropriate discipline will be an added advantage. Qualifications in competition law or competition economics will be an added advantage.

Experience

A minimum of ten (10) years relevant experience at senior level in competition law enforcement, industry or economic analysis. Working experience at a national/regional competition authority will be an added advantage.

Competencies

- Excellent oral and written communication skills and ability to influence multi stakeholder processes;
- Excellent analytical skills particularly in interpreting, using, analyzing and presenting data and evidence;
- Accurate or intelligent demonstrable knowledge in advocacy, competition law, industrial organization or industry structures in any of the countries in the Common Market;
- Excellent Computer Skills;
- Demonstrated relationship management skills, including proven listening skills and sound business judgment;
- Ability to empower and inspire others to translate vision into results; identifies proactively strategic issues, opportunities and risks; establishes and maintains relationships with a broad range of people to understand needs and gain support for organizational direction; anticipates and resolves conflicts by pursuing mutually agreeable solutions; drives for change and improvement; does not accept the status quo; shows the courage to take unpopular stands;
- Ability to provide leadership and resolve conflicts professionally;

- Takes responsibility for incorporating gender perspectives and ensuring the equal participation of women and men in all areas of work; demonstrates knowledge of strategies and commitment to the goal of gender balance in staffing;
- Knowledge and understanding of the purpose and objectives of the COMESA Treaty and the COMESA Competition Regulations and Rules; and
- Knowledge of the operations of the COMESA Competition Commission and the COMESA regional integration agenda is highly recommended.

1.3. Working Language Requirement

Must be fluent in English and/or French and/or Arabic (speaking and writing). A combination of any two or all of these languages will be an added advantage.

2. POST TWO- LEGAL OFFICER

JOB TITLE:	Legal Officer
GRADE:	Professional Level 2(P2)
SALARY SCALE:	COM\$ 39,743- COM\$ 50,076 per annum
DIVISION:	Legal Services and Compliance
TENURE:	A fixed term of Four (4) years. Extension of contract is subject to availability of funds, performance of the contract holder and approval of successive annual Work Plans by the Commission.
NUMBER OF POSTS:	One (1)
DUTY STATION:	Lilongwe
REPORTS TO:	The Manager Legal Services and Compliance
TYPE OF CONTRACT:	Commission's fixed term employee under professional service category.

2.1. Responsibilities

Under the overall supervision of the Director & Chief Executive Officer of the Commission and the direct supervision of the Manager Legal Services and Compliance, the Legal Officer will be responsible for providing legal services and advice to the Commission and ensuring compliance with all relevant COMESA legal instruments and the protection of the interests of the Commission.

In addition to the above generality, the incumbent shall provide the following specific duties and responsibilities in support of the Manager, Legal Services and Compliance:

- Prepare legal advice on diverse substantive and procedural issues, which may include those related to administration, procurement, contracts and other operational matters;

- Perform extensive legal research and analysis and prepare legal opinions, studies, briefs and reports;
- Assist in developing, interpreting and implementing internal legislation, decisions, directives etc;
- Ensure that the rights and the defences are respected in proceedings under Part 3, 4, and 5 of the Regulations;
- Ensure that draft decisions of the Commission take due account of the relevant facts;
- Assist in negotiating and drafting undertakings, and ensure the accuracy of undertakings given by enterprises to the Commission;
- Develop and implement relevant guidelines/procedures/manual such as those pertaining to investigations procedures and ethics, search of premises, confidentiality issues, exemptions, etc under the Competition Regulations and Rules;
- Assess/review all exemptions possible under the Regulations pertaining to professional bodies and other economic actors in the Common Market and develop guidelines thereto;
- Ensure compliance by enterprises to the letter and spirit of the law and provide guidance to business on matters of compliance under the COMESA Competition Regulations and assist firms or other persons to draft competition compliance programs;
- Keep an update on all key developments or best practices at regional and international levels in competition and consumer law and recommend appropriate policy and legal review;
- Draft legal documents and general notices for publication in the COMESA Gazette;
- Submit performance reports to the Manager Legal Services and Compliance as required; and
- Undertake any other tasks consistent with this job description as may be requested or delegated by the Manager Legal Services and Compliance and the Director & Chief Executive Officer.

2.2. Requirements for the Post

Academic Qualifications

- A minimum of a Bachelor of Law degree from a recognized university, with a strong bias towards commercial, contract, competition or consumer law.
- Admitted to practice law in any of the COMESA Member States.
- A Master's Degree in an appropriate discipline will be an added advantage.

Experience

A minimum of six (6) years of progressively relevant experience in law, including litigation, legal analysis, research and report writing.

Working experience at a national competition and/or consumer authority will be an added experience.

Competencies

- Excellent technical competence in handling legal/policy issues.
- Excellent oral and written communication skills and ability to influence multi stakeholder processes.
- Ability to perform multiple tasks and work under pressure with a wide range of individuals and institutions.
- Maintain confidentiality at the highest level at all times.
- Creative thinking and problem-solving skills.
- Excellent interpersonal skills and ability to work in a multi-cultural and multi-national environment.
- Excellent Computer Skills.
- Demonstrated relationship management skills, including proven listening skills and sound business judgment.
- Ability to empower and inspire others to translate vision into results; identifies proactively strategic issues, opportunities and risks; establishes and maintains relationships with a broad range of people to understand needs and gain support for organizational direction; anticipates and resolves conflicts by pursuing mutually agreeable solutions; drives for change and improvement; does not accept the status quo; shows the courage to take unpopular stands.
- Ability to provide leadership and takes responsibility for incorporating gender perspectives and ensuring the equal participation of women and men in all areas of work; demonstrates knowledge of strategies and commitment to the goal of gender balance in staffing.
- Knowledge and understanding of the purpose and objectives of the COMESA Treaty and the COMESA Competition Regulations and Rules.
- Knowledge of the operations of the COMESA Competition Commission and the COMESA regional integration agenda is highly recommended.

2.3. Working Language Requirement

Must be fluent in English and/or French and/or Arabic (speaking and writing). A combination of any two or all of these languages will be an added advantage.

GENERAL REQUIREMENT FOR THE TWO POSTS

3. Eligibility for Application

Applicants must be citizens of a COMESA Member State and must not be more than 55 years of age at the time of submitting the application.

4. Receipt of Applications

Applications MUST be submitted through the Coordinating Ministries of the respective Member States on the prescribed COMESA APPLICATION FORM which can be accessed at the following COMESA website: [COMESA Jobs – Common Market for Eastern and Southern Africa \(COMESA\)](#)

Applications submitted directly to the Commission will not be considered and only shortlisted candidates will be contacted. Only applicants who are staff members of the COMESA Competition Commission can submit their applications directly to the Commission. Further, applications not submitted with the COMESA Application forms shall not be considered.

5. Format and Final Date of Applications

Applications must be submitted to COMESA Coordinating Ministries of the respective Member States. The Coordinating Ministries for each Member States can be accessed on the following link of the Commission's Website: [COMESA-COORDINATING-MINISTRIES-21MS.pdf \(comesacompetition.org\)](#)

Applicants should submit their applications to the COMESA Coordinating Ministries of respective Member States either physically or electronically.

The applications MUST reach the Coordinating Ministries by **Friday, 17 February 2023**. Accordingly, short-listing reports from the Coordinating Ministries attaching all the relevant documents of the successful candidates should reach the address below by **Friday, 3 March 2023**. Submissions from the Coordinating Ministries to the COMESA Competition Commission can be made physically or via email or both. Submissions without short-listing reports from the Coordinating Ministries shall immediately upon receipt be disqualified.

The Director and Chief Executive Officer,
COMESA Competition Commission,
Kangombe House, 5th Floor, P.
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Lilongwe 3,
MALAWI

Email: compcom@comesa.com

The Principal Secretary,
Ministry of Trade and Industry,
Gemini House,
P.O. Box 30366,
Lilongwe 3,
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