

UGANDA COMPETITION ALERT



GET IN TOUCH

Email: kats@kats.co.ug
Website: www.kats.co.ug

Tel: +256 414 233770
Fax: +256 414 257544

facebook.com/kats
twitter.com/@katslaw1

Radiant House, Plot 20 Kampala Road
P.O. Box 2344 Kampala - UGANDA

Ministry of Trade Commences Enforcement of Merger Filing Fees and Publication Requirements under the Competition Act Cap 66

Businesses contemplating mergers, acquisitions, restructurings, or joint ventures in Uganda should take note of a significant shift in the enforcement of the country's merger control regime. The Ministry of Trade, Industry and Cooperatives ("the Ministry") commenced the strict implementation of key procedural requirements under the Competition Act, Cap 66 (the "Act") and the Competition Regulations, 2025 (the "Regulations"), particularly in relation to the payment of merger filing fees and the publication of merger notices.

These developments underscore the importance of incorporating competition law compliance into transaction planning at an early stage.

Strict Enforcement of Merger Filing Fees

Although the Regulations introduced statutory filing fees for merger notifications upon their commencement, the Ministry initially processed notifications submitted between January and April 2026 without requiring payment of the prescribed fees.

However, effective May 2026, following the successful integration of the payment system by the Uganda Revenue Authority (URA), the Ministry commenced the enforcement of the statutory filing fees as a mandatory precondition for processing merger notifications, in line with the Regulations. Accordingly, all parties seeking approval of mergers, acquisitions, or joint ventures are now required to pay the applicable filing fee before their notification will be accepted for review.

The filing fee payable is determined by the combined turnover or asset value of the parties to the transaction, as prescribed under Schedule 4, Part D of the Regulations.

Combined Turnover/Assets (UGX)	Notification Fee (UGX)
UGX 500,000,001 to UGX 1 billion	Nil (Exclusion filing requiring approval from the Ministry)
UGX 1,000,000,001 to UGX 10 billion	UGX 1 million
UGX 10,000,000,001 to UGX 50 billion	UGX 2 million
Above UGX 50 billion	UGX 4 million

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Mandatory Publication of Merger Notices

A further development is that the Ministry is now enforcing the requirement for parties to publish details of proposed mergers, acquisitions, and joint ventures in a newspaper of wide circulation as part of the merger approval process. While recent practice has included publication in the Uganda Gazette (including the notices relating to the proposed acquisitions involving White Showmans Limited and International Hospital Kampala Limited), the Act and the Regulations do not mandate publication in the Gazette. Rather, the Regulations require publication in a newspaper of wide circulation in the community or communities where the parties are located.

Accordingly, parties may satisfy this requirement by publishing the notice in any qualifying daily newspaper, provided the publication is made within the prescribed timeframe.

This requirement is intended to promote transparency and provide interested parties with an opportunity to raise any competition related concerns during the review process.

Confidentiality Exceptions

The legal framework provides avenues for merging parties to protect their proprietary information. Under the Regulations, parties can formally make claims for non-disclosure to request that commercially sensitive terms, trade secrets, or intellectual property be omitted from these public notices.

In practice, this means that the Ministry and the Technical Committee are enjoined to scrutinize each confidentiality request with a view to reconciling two competing imperatives: on the one hand, the transparency that underpins public confidence in the merger review process; on the other hand, the commercial confidentiality that is often vital to the very viability of the transaction itself.

No Technical Committee Yet: Implications for Merging Parties

Parties should also note that the Technical Committee on Competition and Consumer Protection, which is expected to provide technical guidance and support the Ministry in the assessment of merger notifications, has not yet been fully constituted. This may have implications for the manner in which merger reviews are technically assessed during the interim period.

While this does not suspend the Ministry's authority to receive and process merger notifications, it may affect aspects of the technical evaluation of transactions during the interim period. Businesses should therefore anticipate possible procedural developments as Uganda's competition law framework continues to be operationalised.

How We Can Help

The Competition and Antitrust Team at Katende, Ssempebwa & Company Advocates advises clients across a broad range of sectors on merger control and competition law compliance.

We assist clients in:

- ♦ pre-transaction merger notification assessment & advisory opinion requests;
- ♦ preparation and filing of merger notification;
- ♦ regulator engagement and management throughout the review process;
- ♦ advising on competition law risks arising from mergers, acquisitions, and joint ventures; and
- ♦ providing advice on general compliance with competition law, including implementing measures to protect against anti-competitive practices and agreements, as well as the abuse of dominance.

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For further information on Uganda's merger control regime or assistance with a proposed transaction, please contact a member of our Competition and Antitrust Team



SIM KATENDE
Partner
sim@kats.co.ug



SOPHIA S. NAMPIJJA
Partner
snampijja@kats.co.ug



ANGELLA TENDO
NAMUBIRU – MULIRA
Senior Associate
tendo@kats.co.ug



PATRICK MUGALULA
Senior Associate
pmugalula@kats.co.ug



EDWIN BULUMA
WABWIRE
Senior Associate
ebuluma@kats.co.ug



PENELOPE SHAKIRA
NASSOZI
Associate
nassozi@kats.co.ug

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