Professional Training: Competition Law Compliance Training for Fintech Service Providers in Uganda

By:

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Theme: *Competition Issues Digital Financial Services Market: Towards Effective Compliance*

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Format: Virtual

Organized by: Diamond Advocates in collaboration with the Financial Technology Service Providers Association of Uganda.

Registration link: Competition Law Training

Background and Rationale

Financial technologies (Fintech) are market disruptors that drive competition in the highly concentrated traditional banking and financial sectors by offering technology-driven financial services. In Africa, the fintech market is the fastest-growing digital market and is expected to drive Africa's participation in the global digital economy, enhance financial inclusion, and improve digital lending. The fintech market is classified into banking (deposits and lending), payment systems, digital currencies, personal finance, insurance, enabling technologies, and infrastructure.

As fintech firms scale, competition agencies across the globe are increasingly and aggressively scrutinizing the fintech sector for potential anticompetitive conduct. Key competition concerns include access to and use of data, algorithmic pricing, self-preferencing, tying and bundling, anti-steering provisions, restrictive trade agreements (such as exclusive dealing and restrictive data sharing agreements), and killer acquisitions through mergers, acquisitions, and partnerships.

In December 2007, the European Commission (EC) found that Mastercard and Visa's multilateral interchange fees (MIFs) for cross-border payments had restricted competition between banks and fined Mastercard and Visa €570.6 million. In Africa, the Competition Authority of Kenya (CAK) has taken an active role in investigating the fintech sector, setting the precedent for African competition agencies. In its first fintech investigation, CAK found Safaricom's exclusive agreements with its MPESA agents barring them from engaging with other mobile money providers, such as Equity Bank's Equitel, to be anti-competitive. Following the investigation, Safaricom ended exclusivity, opened agent sharing in the mobile money market, facilitated agent interoperability, and fostered competition.

Competition agencies' investigations into the fintech sector aim to enhance competition and ensure effective competition among banks, big tech companies, and startups offering fintech services. However, competition agencies' scrutiny in the fintech sector poses additional compliance risk for companies offering fintech services. This requires fintech firms to deepen their understanding of competition law and its application in the fintech sector to benefit from competition law and reduce compliance costs. This training program aims to provide practical, compliance-oriented guidance to

stakeholders in Uganda’s fintech sector.

Objectives of the Training

The training aims to enable firms offering fintech services in Uganda and the FITSPA to:

a. Deepen their understanding of the legal foundations of competition law and the specific prohibited conduct.

b. Analyze how specific fintech market characteristics, such as data-driven advantages, network effects, interoperability, and standardizations, make the fintech sector susceptible to anti-competitive conduct.

c. Analyze potential competition concerns in the fintech sector.

d. Assess the benefits and implications of mergers, acquisitions, and partnerships in the fintech industry in compliance with competition law at the national, regional, and continental levels.

e. Understand their rights and obligations under FITSPA as they relate to competition law.

f. Through case studies, learn from competition agencies’ enforcement decisions in the fintech sector.

g. Develop compliance programs.

Focus areas

1. Legal foundations of competition law

• Principles of competition law.

• Prohibited conduct in Ugandan, EAC, COMESA, and the AfCFTA competition regimes (focus on restrictive trade agreements, abuse of dominant position, mergers and acquisitions, and digital markets).

• Merger notification thresholds, review process, remedies, and penalties in Uganda

2. Fintech market characteristics and impact on competition law

• Network effects, data-driven advantages, algorithms, standardization, and interoperability.

• Access to and use of payment infrastructures.

3. Abuse of dominance and restrictive trade practices in the fintech sector

• Algorithmic pricing and collusion, self-preferencing, exploitative pricing, refusal to deal, predatory pricing, data hoarding, refusal to interoperate, and exclusive dealing, among others.

4. Mergers, Acquisitions, Joint Ventures, and strategic partnerships.

● Killer acquisitions

● Competition agencies' enforcement decisions

5. Managing Investigations and Enforcement Risk

● Complaints, procedure, evidence, and engagement strategies

● Appropriate remedies

● Developing a compliance program.

Why you should attend

Participants will be able to:

● Understand the benefits and compliance costs of competition law in Uganda.

● Identify competition issues in the fintech sector and design compliance-conscious pricing and partnership strategies.

● Navigate merger control and cross-border expansion requirements.

● Respond effectively to investigations and regulatory engagement.

● Understand their rights and obligations as members of trade associations such as FITSPA Uganda

● Learn from competition agencies' enforcement decisions in the fintech sector.

Duration

Half a day (6 hours)

Format

This training will include interactive sessions with lectures, case studies, group discussions, individual practical exercises, and active debates between participants and trainers. A keynote speech will be provided by a high-level expert with sound knowledge of fintech and competition law. These interactive exercises and expert guidance will enable the participant to develop practical skills to critically assess competition issues within the fintech sector and translate technical analysis into persuasive legal arguments and compliance programs.

Event will be live at:

Zoom: https://us06web.zoom.us/webinar/register/WN_557fHRSpT8aF-jrzvwDF7Q
LinkedIn: https://www.linkedin.com/feed/update/urn:li:activity:7480170736720986112
X (formerly Twitter): https://x.com/i/broadcasts/1AGRnnqgDWaGl?s=20
YouTube: https://www.youtube.com/live/6wlrKHCiEmI?si=pJ90cY7I4ox6l-Tu

Course experts

This training is curated by Diamonds Advocates, with the support of Dr. Vellah Kedogo Kigwiru, competition law expert. It will be delivered by the following competition and economics experts.

a. Anthea Paelo, competition policy and financial inclusion expert.

b. Ryan Hawthorne, Economist, Acacia Economics.

c. Dr. Vellah Kedogo Kigwiru, post-doctoral research fellow, Technical University of Munich.

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