

OUR REF: MT/AD 002

10 August 2026

TO:

The Permanent Secretary
Ministry of Trade, Industry and Cooperatives
Kampala, Uganda



**RE: REQUEST FOR CONSIDERATION OF A COMPETITION APPLICATION
FOR PRESERVATORY ORDERS TOGETHER WITH THE PRIMA FACIE
CASE DETERMINATION**

Reference is made to our competition complaint filed with the Ministry under Ref. MT/AD 001 dated 13 July 2026 concerning the alleged anti-competitive conduct involving Century Cinemax Limited, the Uganda Communications Commission (UCC), and Ms. Mariam Ndagire.

We appreciate the Ministry's attention to and efforts in handling the complaint and the preliminary inquiry arising therefrom.

We respectfully draw the Ministry's attention to the statutory obligation under Regulation 14(4) of the Competition Regulations, 2025, which requires the Ministry to make a determination in writing as to whether a *prima facie* case has been established within thirty (30) days. The complaint was filed with the Ministry on 13 July 2026 and, accordingly, the prescribed period within which the *prima facie* determination is to be made is now imminent.

APPLICATION FOR PRESERVATORY ORDERS:

In addition to the foregoing complaint and in furtherance of the reliefs sought therein, we hereby submit to the Ministry an Application for Preservatory Orders. (*A copy of which is enclosed with this letter*).

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

The application seeks orders restraining Century Cinemax Limited, the Uganda Communications Commission and Ms. Mariam Ndagire from implementing and continuing to enforce the impugned agreement or arrangement pending the conclusion and determination of the Ministry's investigations.

REQUEST FOR CONSOLIDATED CONSIDERATION:

We further request that, to the extent procedurally permissible, the Ministry considers and determines the application concurrently with its determination on the prima facie case, rather than treating the two matters as entirely separate proceedings.

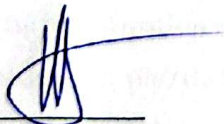
CORE REQUESTS:

We accordingly request that the Ministry:

1. Admits and places on record the enclosed Application for Preservatory Orders;
2. Considers the application in the course of its ongoing preliminary inquiry arising from the complaint dated 13 July 2026;
3. Determines the Application for Preservatory Orders together with its determination on the prima facie case; and
4. Issues its determination(s) in writing, in accordance with Regulation 14(5) of the Competition Regulations, 2025.

We remain grateful for the Ministry's consideration of this matter.

Yours faithfully,



AdLegal International

**APPLICATION FOR PRESERVATORY ORDERS PENDING INVESTIGATION
AND DETERMINATION OF THE COMPLAINT**

**IN THE MATTER OF A COMPLAINT CONCERNING ANTI-COMPETITIVE
CONDUCT IN THE THEATRICAL FILM EXHIBITION MARKET**

: BETWEEN

ADLEGAL INTERNATIONAL

Complainant

AND

CENTURY CINEMAX LIMITED

UGANDA COMMUNICATIONS COMMISSION

MS. MARIAM NDAGIRE

Respondents

APPLICATION FOR PRESERVATORY ORDERS

The Complainant respectfully applies to the Ministry of Trade, Industry and Cooperatives ("the Ministry"), in the exercise of its functions under the Competition Act, 2024 ("the Act") and Competition Regulations, 2025, for temporary preservatory orders pending the investigation and final determination of the complaint concerning the alleged exclusive supply/distribution arrangements and refusal to deal in the theatrical film exhibition market.



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A. NATURE AND PURPOSE OF THIS APPLICATION

1. This application is made to preserve the competitive conditions in the relevant market pending the determination of the substantive complaint.
2. The Complainant does not, at this stage, ask the Ministry to make a final determination that the Respondents have contravened the Act. Rather, the Complainant respectfully seeks a temporary and proportionate measure designed to prevent the continuation or escalation of conduct which, on a prima facie basis, raises serious competition concerns and which may render any eventual remedy ineffective if allowed to continue during the investigation.
3. The relief sought is therefore preservatory rather than punitive. It is intended to preserve effective competition and prevent irreversible market foreclosure while the Ministry establishes the facts and determines the merits of the complaint.

B. STATUTORY BASIS

4. Significantly, Section 27(2)(g) of the Act expressly contemplates the making of regulations providing for the award of interim relief during an inquiry under the Act. The Complainant respectfully submits that this provision is important evidence of Parliament's intention that the competition enforcement framework should be capable of protecting the market during the period between commencement of an inquiry and its final determination.
5. The Complainant recognises that the current Competition Regulations do not establish a detailed standalone procedure for the issuance of "interim measures" much as Section 27(2)(g) of the Act required for such process to be included in the current competition regulations. The Complainant nevertheless respectfully



submits that the statutory framework (other empowering provisions), read as a whole, permits the Ministry to take appropriate temporary measures necessary to preserve the effectiveness of its competition-enforcement functions.

6. In particular, the Act confers upon the Ministry responsibility for the administration and enforcement of competition law, including the investigation and determination of complaints concerning anti-competitive conduct.
7. Section 8 of the Act further empowers the Ministry, in the discharge of its statutory functions, to direct an enterprise to cease and desist from an anti-competitive practice and to take such reasonable action as may be necessary in furtherance of its functions.
8. Section 5(a) expressly provides that one of the functions of the Ministry in the administration of the Act is: "to promote and sustain fair competition in the market." The statutory obligation is therefore not confined to responding to completed anti-competitive conduct after harm has occurred. It requires the Ministry to take an active role in maintaining competitive conditions in the market.
9. Further, Section 5(c) expressly assigns to the Ministry the function: "to monitor the market for anti-competitive practices, anticompetitive agreements and unfair practices." The Complainant submits that where the Ministry is actively investigating an alleged anti-competitive agreement or practice, the power and duty to monitor the market must, at a minimum, enable the Ministry to preserve the conditions necessary for meaningful monitoring and assessment of the conduct under investigation.
10. The absence of a detailed procedural mechanism in the Regulations should therefore not be interpreted as an intention that potentially anti-competitive conduct must be permitted to continue unchecked throughout an investigation where doing so could defeat the very purpose of the investigation and any eventual remedy.



11. The Complainant accordingly invites the Ministry to exercise its existing statutory functions in a manner that preserves the competitive process pending determination of the complaint and, insofar as necessary, to adopt such temporary and proportionate directions as are reasonably necessary to prevent further market foreclosure.

C. PRIMA FACIE COMPETITION CONCERNS

10. The substantive complaint we filed on 13 July 2026 concerns conduct involving alleged exclusive supply and/or distribution arrangements and refusal to deal in the theatrical film exhibition market.
11. These matters raise questions concerning access to the market, exclusion of actual or potential competitors, barriers to entry, foreclosure and the availability of commercial opportunities to competing distributors and exhibitors.
12. The alleged conduct therefore raises a sufficiently serious and substantial competition issue to justify preservation of the market pending investigation.
13. The Complainant respectfully submits that the Ministry need not, at this stage, make a final finding of infringement in order to preserve the market. The appropriate question at this stage is whether there is a sufficiently serious competition concern and a sufficient risk of continuing harm to justify temporary protection pending determination.



D. CONTINUING AND POTENTIALLY IRREVERSIBLE HARM

15. Of particular concern is the possibility that by the time the Ministry completes its investigation, the relevant commercial opportunities may have passed and competitors may have been excluded from the market for a period that cannot realistically be restored through a subsequent final order.
16. The alleged conduct is capable of causing harm which cannot adequately be remedied after the conclusion of an investigation.

E. RISK OF RENDERING THE INVESTIGATION AND FINAL REMEDY INEFFECTIVE

19. The purpose of an investigation under competition law is not merely to establish whether unlawful conduct occurred in the past. It is also to protect and restore competitive conditions where anti-competitive conduct is continuing.
20. If the impugned arrangements remain fully operative throughout the investigation period, the market may be materially altered before the Ministry reaches its final determination.
21. A final order made after such foreclosure has occurred may therefore come too late to restore the competitive opportunities lost during the investigation.
22. The Complainant respectfully submits that competition enforcement would be substantially weakened if an enterprise could continue conduct alleged to be anti-competitive throughout an investigation and thereby obtain, through the passage of time, the very market position whose legality is under examination.
23. The requested orders would accordingly ensure that the Ministry's eventual determination remains capable of producing a meaningful competitive remedy.



F. PRESERVATION OF THE STATUS QUO

24. The Complainant submits that as a principle of regulatory competition enforcement, preservation and interim orders are imposed by competition regulators around the world to ensure temporary suspension of anti-competitive agreements aimed at preventing serious and irreparable harm to markets during ongoing antitrust investigations.
25. The purpose of the requested orders is to preserve the competitive status quo and prevent the Respondents from taking further steps that would deepen or extend the alleged foreclosure pending the Ministry's determination.
26. The proposed measure is therefore temporary and subject to review by the Ministry as the investigation develops.
27. The Complainant further submits that such an approach is consistent with the precautionary function of interim measures in competition enforcement: where there is a serious competition concern and a demonstrable risk of irreversible market harm, temporary intervention may be necessary to ensure that the final decision is not rendered ineffective by the passage of time.

G. PRECEDENTS FROM OTHER COMPETITION AUTHORITIES

i. South Africa

In *Survé and Others v Nedbank Ltd and Others* (IR153Dec21), the Competition Tribunal granted interim relief against several banks pending investigation of allegations of collusion and abuse of dominance. The Tribunal ordered some banks to reopen accounts and restrained others from closing the applicants' accounts.

ii. Egypt

In *ECA v FIFA, 2018*, The Egyptian Competition Authority issued interim measures against FIFA concerning the broadcasting rights for the 2018 World Cup. The ECA stated that it had made a **prima facie finding of infringement** and that the conduct threatened **serious and irreparable damage to competition and consumers**. It therefore ordered FIFA to make 22 World Cup matches available to the Egyptian National Media Authority on reasonable financial terms.

iii. Kenya

Competition Authority's COVID-19 exclusivity orders, 2020. In March 2020, the Competition Authority of Kenya before concluding its investigations against manufacturers and distributors of essential commodities found exclusive agreements allocating distributorship territories and preventing competing manufacturers from accessing distributors. The Authority pending conclusion of the investigations issued an order requiring manufacturers and distributors to expunge exclusivity clauses parties to cease and desist from entering exclusive agreements unless authorised; and distributors operating their own retail outlets to supply other retailers on non-discriminatory terms. (*Attached in a press release on this*)

H. PRESERVATORY ORDERS SOUGHT PENDING FINALISATION OF THE INVESTIGATION

Pending the finalisation of the investigation, inquiry and determination of the Competition Complaint, the Complainant RESPECTFULLY PRAYS that the Ministry of Trade, Industry and Cooperatives issue the following interim/preservatory orders:

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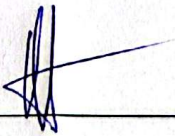
1. THAT Century Cinemax Limited, pending final determination of the Complaint, immediately cease and desist from requiring, directing or otherwise compelling independent Ugandan film producers, distributors or exhibitors to channel, license, aggregate or otherwise deal with their films through Ms. Mariam Ndagire as a precondition to obtaining access to Century Cinemax's theatrical exhibition services.
2. THAT Century Cinemax Limited, pending final determination of the Complaint, maintain and make available a direct channel through which independent Ugandan film producers and distributors may approach and negotiate directly with Century Cinemax for theatrical exhibition of their films.
3. THAT Century Cinemax Limited refrain from enforcing or giving effect, pending the investigation, to any provision, arrangement, understanding or practice between itself and Ms. Mariam Ndagire which has the effect of conferring upon her exclusive or preferential control over access by Ugandan film producers or distributors to Century Cinemax's cinema screens or exhibition services.
4. THAT Century Cinemax Limited refrain from entering into, extending, renewing or implementing any further exclusive, preferential or substantially similar arrangement with Ms. Mariam Ndagire, or any other intermediary, which has the effect of restricting direct access by independent Ugandan film producers or distributors to Century Cinemax's exhibition services, pending finalisation of the investigation.
5. THAT the foregoing directions remain in force until the finalisation of the Ministry's investigation and determination of the Complaint, or until varied, discharged or replaced by a subsequent direction of the Ministry.



**I. A NECESSARY STEP IN STRENGTHENING COMPETITION ENFORCEMENT
IN UGANDA:**

41. This is an exceptional case in which the grant of the requested preservatory orders would establish an important precedent for the development and strengthening of competition enforcement in Uganda. It would demonstrate that, even in circumstances where the Competition Regulations do not prescribe a specific procedure for the grant of interim measures, the Ministry may, in an appropriate case, rely upon its statutory powers under section 8 of the Competition Act to issue proportionate preservatory directions necessary to prevent the continuation or escalation of an anti-competitive practice pending the conclusion of an investigation.
42. The Complainant respectfully submits that the purpose of competition enforcement would be frustrated if the Ministry were required to wait until the conclusion of the investigation before taking any measure capable of preserving the competitive conditions under examination.
43. The Complainant accordingly urges the Ministry to adopt a proportionate, temporary and preservatory approach that protects the competitive process without prejudging the substantive complaint.

DATED at Kampala this 10 day of Aug 2026.


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