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Common Market for Eastern  
and Southern Africa

**CCC Restrictive Business Practices (RBP)**  
**Notice No. 2 of 2018.**

**Notice of Inquiry into the Wirtgen Group and UMCL Ltd of Mauritius**

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It is hereby notified in terms of Rule 61(4) of the COMESA Competition Rules (the “Rules”) that the COMESA Competition Commission (the “Commission”) is reviewing an agreement concluded between Wirtgen Group (“Wirtgen Group”) and UMCL Ltd of Mauritius (“UMCL”).

The parties have submitted that under the Agreement, **UMCL** will market and distribute the Wirtgen Group products as an independent distributor in the Mauritius, Comoros and Seychelles.

The Parties have further submitted that **Wirtgen**, is a Germany company with its principal business address at Reinhard Wirtgen Strasse 2, 53578 Windhagen, Germany. Wirtgen is an internationally operating group of companies in the Construction machinery sector incorporating the product brands: Wirtgen, Voge, Hamm, Kleemann, Benninghoven and Ciber. With these six brands, Wirtgen encompasses the entire process chain in road construction, from process, mixing, paving and compacting, to rehabilitation as well as mining and quarrying equipment. Wirtgen also manufactures and supplies milling machines, recyclers as well as slipform pavers for road construction.

The parties have further submitted that UMCL, is a Mauritian company with its business address at 354 Royal Road Bonne Terre Vacoas, Mauritius. UMCL is a regional dealer for Industrial Equipment & Heavy Machinery – Hitachi Heavy Machinery (Excavators, Wheel Loaders, Mining trucks), Cummins Power Generation, Wirtgen Group (Hamm, Wirtgen, Kleemann, Voge, Benninghoven & Ciber), Dressta Bulldozers and MST Backhoe Loaders and distributes for other manufactures such as Hitachi Construction Machinery, Cummins and MST in Mauritius and the Indian Ocean Islands.

The Commission shall assess the Agreement in order to determine whether it is compatible with the Common Market. Pursuant to Article 16 of the COMESA Competition Regulations (the “Regulations”), agreements which are incompatible with Common Market are prohibited if they are likely to have an effect on trade between Member States and have as their object the prevention, restriction or distortion of competition within the Common Market.

The Commission hereby gives notice to all interested stakeholders, including competitors, suppliers and customers of the merging parties to submit written representations to the

Commission with regard to the subject matter of the proposed inquiry by emailing them to: [jmwesige@comesa.int](mailto:jmwesige@comesa.int). All written representations should be sent to the Commission not later than **23<sup>rd</sup> February, 2018**.

If you wish to seek further details and/or clarifications on any aspect of this proposed transaction or need assistance you may get in touch with **Mr. John Mwesige**, on Tel: +265 (0)1772466.

All written representations submitted to the Commission will be treated with the strictest confidentiality and will only be used for the purpose of this inquiry.

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