



COMESA Competition Commission  
Kang'ombe House, 5th Floor-West Wing  
P.O.Box30742  
Lilongwe 3, Malawi  
Tel: +265 (0)1 772 466  
+265 (0) 999 970 269  
Email- compcom@comesa.int

---



Common Market for Eastern  
and Southern Africa

## **NOTICE OF COMMENCEMENT OF INVESTIGATIONS**

### **IN THE MATTER OF ARTICLE 22 OF THE COMESA COMPETITION REGULATIONS, 2004.**

#### **COMESA Competition Commission Commences Investigation into Distribution Agreements between The Coca-Cola Company and its Distributors in Ethiopia and Comoros**

Notice is hereby given to interested stakeholders and the general public that pursuant to Article 22 of the COMESA Competition Regulations (the “Regulations”), the COMESA Competition Commission (the “Commission”) has commenced an investigation into an alleged violation of Part 3 of the Regulations by subsidiaries of The Coca-Cola Company (“TCCC”) in relation to distribution agreements with third party distributors in Ethiopia and Comoros.

In accordance with Article 16 of the Regulations, all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States, and have as their object or effect the prevention, restriction or distortion of competition within the Common Market are prohibited as incompatible with the Common Market. It is hereby notified that the Commission has reason to believe that business conduct that restrains competition in the Common Market has been committed by the parties and hence it has commenced investigations under Article 22 of the Regulations.

#### ***About TCCC***

TCCC is a publicly-listed company incorporated under the Laws of Delaware in the United States with its registered office in Atlanta, Georgia. TCCC owns the trademarks and other intellectual property rights in the Coca-Cola brand and in the brands associated with other TCCC brands (like Coke Zero, Fanta, Sprite, Minute Maid and Powerade). TCCC is

operational in the Common Market through Coca-Cola Africa (Proprietary) Limited, a wholly owned marketing services company for TCCC brands in Africa. TCCC supplies Coca-Cola concentrates and offers associated services to its authorised bottling and canning companies in the COMESA Member States

### *The Agreements*

It is alleged that TCCC, through its subsidiaries, has entered into agreements with various third party distributors in Ethiopia and Comoros to distribute different sizes and brands of non-alcoholic beverages falling under the TCCC brands. TCCC and the distributors are alleged to have agreed on the price at which the products must be sold in the various markets.

It should be noted that the commencement of investigations does not entail that the Commission has established that the parties' conduct has the effect of substantially lessening competition. The investigation is aimed at determining whether the agreements concluded between TCCC and distributors have as their object or effect the prevention, restriction or distortion of competition in the Common Market or in a substantial part of it.

In view of the foregoing, the Commission hereby gives notice to all interested stakeholders and the general public to submit their representations to the Commission by emailing them to: [smaseko@comesa.int](mailto:smaseko@comesa.int). **All representations should be submitted to the Commission no later than 28<sup>th</sup> February 2018.**

If you wish to seek further details and/or clarifications on any aspect of the Commission's investigation, you may contact **Ms Siboniselizulu Maseko, Economist**, on Tel: +265 (0) 1 772 466 or E-mail: [smaseko@comesa.int](mailto:smaseko@comesa.int).

All representations submitted to the Commission will be treated with the strictest confidentiality and will only be used for the purposes of this investigation.

**CCC Notice of Commencement of Investigations No. 1 of 2018**