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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 20 of 2018

Notice of Inquiry into the Proposed Merger Involving the Weir Group Plc and ESCO Corporation

It is hereby notified in terms of Article 26(6) of the COMESA Competition Regulations (the “**Regulations**”) that the COMESA Competition Commission (the “**Commission**”), after receiving a notification in terms of Article 24 of the Regulations regarding the proposed merger involving the Weir Group Plc (“Weir”) and ESCO Corporation (“ESCO”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the acquirer, Weir, is a public company listed on the London Stock Exchange whose address is at 1 West Regent Street, Glasgow, G2 1RW, United Kingdom. Weir primarily designs and manufactures highly-engineered products and services for minerals, oil and gas and power industries. The parties have submitted that Weir products and services are sold in the following COMESA Member States: Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Mauritius Swaziland, Uganda Zambia and Zimbabwe

The parties have submitted that the target, ESCO, is a private US company with its principal executive office located in Portland, Oregon, USA. ESCO is company with global operations that engineer, manufactures and services mission critical equipment used by companies in the mining and construction industries including: mining machinery ground engaging tools, mining machinery universal wear solutions, construction machinery blades products, construction machinery attachments, construction machinery ground engaging tools, underground mining machinery ground engaging tools. It has been submitted that ESCO products and services are sold in the following COMESA Member States: Democratic Republic of Congo, Egypt, Eritrea, Madagascar Mauritius and Zambia.

The parties have submitted that the proposed transaction is a global transaction in terms of which Weir will acquire sole control over ESCO.

The Commission will, in accordance with the provisions of the Regulations, determine among other things whether or not the merger is likely to substantially prevent or lessen competition within the Common Market and whether the merger is or would be contrary to the public interest as provided for under Article 26 of the Regulations. In view of this, 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: mdisasa@comesa.int. All written representations should be sent to the Commission not later than **31st July, 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 **Ms. Meti Demissie Disasa, Registrar** on Tel: +265 (0) 1 772 466 or E-mail mdisasa@comesa.int.

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.