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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 1 of 2018

Notice of Inquiry into the Proposed Acquisition of Joint Control by Mitsui & Co., Ltd in ETC Group (Mauritius) Limited (and its Subsidiaries)

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 acquisition of joint control by Mitsui & Co. Ltd (“**Mitsui**”) in ETC Group (Mauritius) Limited (and its subsidiaries) (**ETC Group**), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the acquiring undertaking, Mitsui, is a publicly listed company incorporated in accordance with the laws of Japan with its principal business address at 1-3, Marunouchi 1 – Chome, Chiyada-ku, Tokyo, 100-8631, Japan. Mitsui Group comprises a network of 62 subsidiaries in Japan and 206 overseas. Mitsui is engaged in a number of world-wide commodity trading and other businesses which include the sale, distribution, purchase, marketing and supply of products in business areas such as iron and steel, coal and non-ferrous metals, machinery, electronics, chemicals, and energy related commodities. It has also been submitted that Mitsui provides logistics services and invests in infrastructure projects. The parties have submitted that Mitsui has operations in the following COMESA Member States: Egypt, Ethiopia, Kenya, Mauritius, Uganda and Zambia.

The parties have submitted that the target undertaking, ETC Group, is a company incorporated and registered in accordance with the laws of the Republic of Mauritius with its principal business address at C/O Kross Border Corporate Services Limited, St Louis Business Centre, Corner Desroches and St Louis Streets, Port Louis Mauritius. ETC Group conducts a diversified agricultural trading and processing business which has activities in 27 countries in Africa as well as North America, Europe, the Middle East and South East Asian countries. ETC Group produces and supplies agricultural products in the Common Market which include soybeans, sesame seeds, oil seeds other than soy and sesame, soy meal, cashews, sugar, coffee, pulses, wheat, rice, maize, and various types of fertilizers. The parties have submitted that ETC Group has operations in the following COMESA Member States: Burundi, Democratic Republic of Congo, Ethiopia, Kenya, Malawi, Mauritius, Rwanda, Uganda, Zambia and Zimbabwe.

The Parties have submitted that the proposed transaction involves the acquisition of joint control in a full-function joint venture by Mitsui over ETC Group through an acquisition of shares.

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: akamanga@comesa.int. All written representations should be sent to the Commission not later than **31st January, 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. Ali Kamanga, Economist - Mergers and Acquisitions** on Tel: +265 (0) 1 772 466 or E-mail akamanga@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.