



Kang'ombe House, 5th Floor-West Wing
P.O.Box30742
Lilongwe3, Malawi
Tel: +265 (01) 772466
Email- compcom@comesa.int



Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 13 of 2017

Notice of Inquiry into the Merger between The Coca-Cola Company and Coca-Cola Beverages Africa Proprietary Limited

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 merger between The Coca-Cola Company (“**TCCC**”) and Coca-Cola Beverages Africa Proprietary Limited (“**CCBA**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the acquiring undertaking, **TCCC**, is a US-registered publicly listed company whose headquarters is in Atlanta - Georgia in the United States of America. The parties have also submitted that TCCC is a brand owner and supplier of concentrates for non-alcoholic beverages which it sells to bottling companies. The parties have further submitted that throughout the world, TCCC owns the trademark and other related intellectual property rights in the brand for Coca-Cola and in over four hundred other non-alcoholic beverage brands. TCCC is operational in the Common Market through Coca-Cola Africa (Proprietary) Limited, a wholly owned marketing services company for TCCC brands in Africa.

The parties have submitted that the target undertaking, **CCBA**, is a company controlled by SABMiller through its subsidiaries, the South Africa Breweries Proprietary Limited and SABMiller Africa Holdings II Limited. It has further been submitted that SABMiller is ultimately controlled by AB InBev, a public company listed on the Euronext Brussels Stock Exchange, the New York Exchange and Johannesburg Stock Exchange. The parties have submitted that that CCBA has operations in the following COMESA Member States: Ethiopia, Uganda, Kenya and Comoros.

The parties have submitted that the proposed transaction involves the acquisition of control of CCBA by TCCC.

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 **22nd May, 2017**.

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.