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**Common Market for Eastern
and Southern Africa**

CASE FILE No. CCC/MER/11/41/2015

**Decision¹ of the Fifteenth Meeting of the Committee of Initial
Determination Regarding the Proposed Merger between Platform
Specialty Products Corp and Arysta Lifescience Limited**

ECONOMIC SECTOR: Agro-Chemicals

11th March 2015 – Johannesburg, South Africa

¹ In the published version of this decision, some information has been omitted pursuant to Rule 73 of the COMESA Competition Rules concerning non-disclosure of business secrets and other confidential information. Where possible the information omitted has been replaced by ranges of figures or a general description.

Information and Relevant Background

1. On 18th November 2014, the COMESA Competition Commission (hereinafter referred to as "the Commission") received a notification for approval of a merger from Platform Specialty Corp (hereinafter referred to "as Platform") and Arysta Lifescience Limited (hereinafter referred to "as Arysta").
2. The transaction was notified with the Commission under Article 24(1) of the COMESA Competition Regulations (hereinafter referred to as "the Regulations"). Under this provision the Commission is required to assess whether the proposed transaction between the parties would, or is likely to have the effect of substantially preventing or lessening competition; or would be contrary to public interest in the Common Market pursuant to Article 26 of the Regulations.
3. The Committee of Initial Determination (hereinafter referred to as "the CID") noted that the parties operate in two or more COMESA Member States. This, therefore, means that the regional dimension requirements under Articles 23(3) and 23(5) of the Regulations are satisfied and asserts jurisdiction of the Commission to assess the transaction. The parties to the transaction are currently active in the following COMESA Member States:
 - Democratic Republic of Congo
 - Egypt
 - Kenya
 - Malawi
 - Seychelles
 - Sudan
 - Uganda
 - Zambia
 - Zimbabwe

The Parties

Platform

4. Platform, a public listed company incorporated in accordance with the laws of the State of Delaware, United States of America. Platform is a global producer of high-technology specialty chemicals and provider of technical services. The business involves the manufacture of a broad range of specialty chemicals, created by blending raw materials, and the incorporation of these agrochemicals.

Arysta

5. Arysta is a public listed company incorporated in Ireland. Arysta offers insecticides, fungicides, herbicides, bio stimulants and value added nutrients. Its portfolio consists of both agrochemical and bio solutions products, which address the full spectrum of growers' protection and yield enhancement needs. With a "close to the grower" philosophy, Arysta maintains a sales and marketing force of more than 1,300 professionals that possess both technical and local market expertise to create customised, value added solutions.

Nature of the Transaction

6. The transaction involves the acquisition of the entire issued share capital of Arysta by Platform. On completion of the transaction, Arysta will be wholly controlled by Platform.

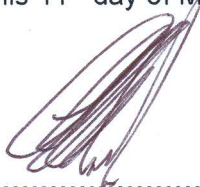
Competition Analysis

7. The CID defined the relevant market as the supply of Fungicides, Herbicides and Insecticides in the Common Market. The CID established that these markets are highly fragmented with several players and shall remain so post-merger. The CID further established that the transaction would not frustrate the single market objective of the Treaty in that it does not have an appreciable effect on trade between Member States.

Determination

8. The CID determined that the merger does not substantially prevent or lessen competition and is compatible with the Treaty Establishing the Common Market. The CID has therefore decided to approve the transaction.
9. This decision is adopted in application of Article 26 of the Regulations.


Dated this 11th day of March, 2015.



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Commissioner Alexander J. Kububa (Chairman)



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Commissioner Thabisile Langa (Member)



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Commissioner Chilufya Sampa (Member)