



**COMESA Competition Commission**  
Kang'ombe House, 5th Floor-West Wing  
P.O.Box 30742  
Lilongwe 3, Malawi  
Tel: +265 (0)1 772 466  
+265 (0) 999 970 269  
Email- [compcom@comesa.int](mailto:compcom@comesa.int)



**Common Market for Eastern  
and Southern Africa**

## **CCC Merger Inquiry Notice No. 32 of 2018**

### **Notice of Inquiry into the Merger Transaction involving The Coca-Cola Company and Fairy Bottling Zambia Limited**

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It is hereby notified in terms of Article 26(6) of the COMESA Competition Regulations (hereinafter referred to as the “Regulations”) that the COMESA Competition Commission (the “Commission”), after receiving a notification in terms of Article 24 of the Regulations from The Coca-Cola Company (“TCCC”) and Fairy Bottling Zambia Limited (“Fairy Bottling”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties submitted that TCCC is a US-registered publicly listed company with its headquarters in Atlanta, Georgia, USA. TCCC is a brand owner and supplier of concentrates for non-alcoholic beverages which it sells to bottling companies. TCCC owns the trademark and other related intellectual property rights in the brand Coca-Cola and numerous other non-alcoholic beverage brands. TCCC is operational in the Common Market through Coca-Cola Africa (Proprietary) Limited.

It was submitted that Fairy Bottling’s primary business is the preparation, packaging, distribution, promotion and sale of Non-Alcoholic Ready to Drink (NARTD) beverages under the Royal Cream Soda, Aqua Savanna, Volcano and Thunderlight brands. Fairy Bottling utilizes the Brand Assets being acquired by European Refreshments in the preparation, packaging, distribution, promotion and sale of its NARTD beverages in Zambia. Fairy Bottling discontinued sales to Zimbabwe in January 2018, and has operations in Zambia only.

The proposed transaction involves TCCC's indirect subsidiary SAJV acquiring all the shares in Fairy Bottling from its shareholders, and European Refreshments, an indirect subsidiary of TCCC, simultaneously acquiring the Brand Assets utilized in the preparation, packaging, distribution, promotion and sale of NARTD beverages in Africa from Harvey Limited.

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. 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: [smaseko@comesa.int](mailto:smaseko@comesa.int). All written representations should be sent to the Commission not later than **20<sup>th</sup> November 2018**.

Should you require any clarification or additional information, please do not hesitate to contact our **Ms. Siboniselizulu Maseko** on +265 1 772 466 or via email at [smaseko@comesa.int](mailto:smaseko@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.