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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 36 of 2019

Notice of Inquiry into the Merger Involving the Proposed Acquisition of Mobisol Kenya Limited and Mobisol Rwanda Limited by Engie Afrique S.A.S.

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 Mobisol Kenya Limited (“**Mobisol KE**”) and Mobisol Rwanda Limited (“**Mobisol RW**”) (the “**target undertakings**”) by Engie Afrique S.A.S. (“**Engie**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the proposed transaction relates to the acquisition of the targets by the acquiring firm and consists of a direct acquisition of 100% shares in Mobisol KE and an indirect acquisition of 100% shares in Mobisol RW by the acquiring firm. It has further been submitted that the proposed transaction relates to the solar home systems sector.

The parties have submitted that the acquiring undertaking, Engie Afrique S.A.S., is a private limited company incorporated and existing under commercial register of Nanterre RCS 814 841 748 with its registered office at 1 place Samuel de Champlain 92400 Courbevoie, France. The acquiring firm is a financial holding company of several companies involved in the generation, distribution, transport, use, management and development of energy and provides services related to these activities. It is part of the extensive Engie SA group of companies (the “**Engie Group**”). The acquiring undertaking has operations in the following Member States of COMESA: Ethiopia, Kenya, Madagascar, Rwanda, Uganda and Zambia.

The parties have submitted that one of the target undertaking, Mobisol Kenya, is a private limited liability company incorporated under the laws of Kenya with incorporation number PVT/2016/014765. The other target undertaking, Mobisol RW is a private limited liability company incorporated in Rwanda under company code 103010684. Mobisol KE and Mobisol RW are engaged in the distribution, sale and marketing of solar home systems and related appliances in Kenya and Rwanda, respectively. The target undertakings are wholly owned subsidiaries of Mobisol GmbH of Germany. The target undertakings have operations in the following COMESA Member States: Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia and Zimbabwe.

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 **12th November, 2019**.

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, Senior Analyst - 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.