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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 15 of 2020

Notice of Inquiry into the Merger Involving Vertical Bidco GmbH and thyssenkrupp Elevator AG

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 on the merger involving Vertical Bidco GmbH. (**“Vertical Bidco – the acquiring undertaking”**) and thyssenkrupp Elevator AG (**“tkE – the target undertaking”**), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the transaction concerns the acquisition of thyssenkrupp Elevator AG by Vertical Bidco GmbH, an acquisition vehicle indirectly controlled by funds managed by affiliates of Advent International Corporation (together with its affiliates, “Advent”) and funds managed by Cinven Capital Management (VII) General Partner Limited (together with its affiliates, “Cinven”), while Luxinva S.A., Raffles Private Holdings Limited, RAG-Stiftung and thyssenkrupp AG (“tk AG”) will be indirectly, minority co-investor in Vertical Bidco.

The parties have submitted that Vertical Bidco, Advent and Cinven are the acquiring undertakings. Vertical Bidco is a newly-incorporated acquisition vehicle which does not currently conduct any business activities. Advent is a private investment business headquartered in Boston, Massachusetts, USA. Advent is focused on the acquisition of equity stakes and the management of investment funds in various sectors, including business and financial services, industrial goods and services; retail operations; branded consumer goods. And leisure services; media, telecommunications and information technology; and healthcare services and pharmaceuticals. It has been submitted that Cinven is a European private equity investment business engaged in the provision of investment management and investment advisory services to a number of investment funds. Cinven has controlling interests in several trading companies which are active in a variety of economic sectors, with investments in six segments: business services, consumer, financial services, healthcare industrials and TMT. The acquiring undertaking is active in the following Member States of the Common Market for Eastern and Southern Africa: Burundi, Democratic Republic of Congo, Djibouti, Egypt, Eswatini, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tunisia, Uganda, Zambia and Zimbabwe.

The parties have submitted that the thyssenkrupp Group (“tk”) is a German diversified industrial group of companies and the target undertaking, tkE, is the holding company of the

tk “business area” Elevator Technology (“BA ET”) whose headquarters is in Germany. It has been submitted that BA ET’s activities are comprised of the installation, and servicing of elevators, escalators, passenger boarding bridges and stairlifts, as well as directly related ancillary activities. The target undertaking is active in the following COMESA Member States: Egypt, Ethiopia, Kenya, Madagascar, Mauritius, Tunisia, 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 **29th April 2020**.

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.