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Common Market for Eastern
and Southern Africa

25th November 2020

CCC Merger Inquiry Notice No. 30 of 2020

Notice of Inquiry into the Proposed Merger Involving Tana Protein Foods Ltd and African Protein Holdings Ltd

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 proposed merger involving Tana Protein Foods Ltd (“**Tana Protein or the Acquiring Firm**”) and African Protein Holdings Ltd (“**African Protein or the Target Firm**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted Tana Protein Foods Ltd intends to acquire a minority stake in and direct control over African Protein Holdings Limited and indirect control over Quality Meat Packers Limited and Anirita Poultry Farm PLC.

The Parties

Tana Protein

The parties have submitted that the acquiring undertaking, Tana Protein, is a special purpose vehicle and subsidiary of Tana Africa Capital II Limited (Tana Africa), a pan-African private equity fund. Tana Africa also holds a minority stake in and directly controls AHI Mauritius, which controls a group of companies that provide medical services in Egypt. The parties have submitted that the acquiring undertaking and its affiliated companies operate in the following COMESA Member States: Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Mauritius, Rwanda, Sudan, Tunisia, Uganda, Zambia and Zimbabwe.

African Protein

The parties have submitted that the target undertaking, African Protein, is an investment holding company that indirectly owns Quality Meat Packers Limited (“QMPL”) and Anirita Poultry Farm Plc (“APFL”), which are companies registered in Kenya engaged in the procuring, farming, hatching, breeding, processing, packaging, distributing, marketing and retailing of animal-sourced meats and related products and in producing animal feeds. Specifically, QMPL is a privately owned slaughterhouse and meat processing plant. It is a family owned business founded in 1986 and is well known for delivering values to its customers through the provision of beef, lamb, goat, poultry, and processed meat products. On the other hand, APFL is owned by the same family and it is an integrated poultry producer in

Kenya. The parties have submitted that the target undertaking primarily operates in Kenya with limited exports into Democratic Republic of Congo, Rwanda, Somalia, and Sudan.

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 **18th December 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.