



Kang'ombe House, 5th Floor-West Wing
P.O. Box 30742
Lilongwe 3, Malawi
Tel: +265 (01) 772466
Email- compcom@comesa.int



Common Market for Eastern
and Southern Africa

Date: 18th February 2021

CCC Merger Inquiry Notice No. 33c of 2020

Approval of Merger Referral to Kenya Concerning the Proposed Merger between Fleming Capital Securities, Inc. and G4S PLC

It is hereby notified in terms of Article 24(9)(b) of the COMESA Competition Regulations (the “**Regulations**”) that the COMESA Competition Commission (the “**Commission**”) has decided to refer the Kenyan part of the transaction to Kenya to be reviewed by the Competition Authority of Kenya (“**CAK**”) under the Competition General Rules, 2019 of Kenya.

The determination to refer part of the merger to Kenya has been based on careful consideration of submissions made by affected parties to the Commission.

Based on the submissions received and assessment thereof, the transaction is likely to have a disproportionate effect in Kenya relative to the rest of the Common Market. Therefore, in line with the principal of subsidiarity, the Commission considered that the specific likely competition and public interest concerns would be more effectively addressed by the CAK. Nevertheless, for the avoidance of doubt, the parties shall not be required to pay additional notification fees to CAK.

The Commission shall, in accordance with the provisions of the Regulations, continue to review and shall issue a decision on the effects of the merger in relation to the rest of the Common Market except in Kenya.

More details on the transaction and the parties’ activities in the Common Market are available on Commission’s Merger Cases webpage under [Case Number MER/11/27/2020](#).

If you wish to seek further details and/or clarifications on any aspect of this merger referral 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.