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Common Market for Eastern  
and Southern Africa

*14<sup>th</sup> October 2020*

### **CCC Merger Inquiry Notice No. 28 of 2020**

#### **Notice of Inquiry into the Proposed Merger involving Siemens Healthineers AG and Varian Medical Systems, Inc.**

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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 merger involving Siemens Healthineers AG (“**Siemens**”) and Varian Medical Systems, Inc. (“**Varian**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the notified transaction involves the acquisition of indirect sole control of Varian by Siemens.

It was submitted that Siemens is a global provider of healthcare solutions and services, developing, manufacturing and selling a diverse range of medical imaging, laboratory diagnostic, and therapies products and services to healthcare providers worldwide. In the Common Market, the acquiring group is active directly or indirectly in Burundi, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Tunisia, Uganda, Zambia, and Zimbabwe

It was submitted that Varian is a global manufacturer of medical devices and software solutions for treating cancer and other medical conditions with radiotherapy and other treatments. In the Common Market, the turnover is active directly or indirectly in the Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Libya, Madagascar, Mauritius, Sudan, Tunisia, Uganda, and Zimbabwe.

The parties have submitted that the notified transaction is expected to close in the first half of the 2021 calendar year, subject to all conditions precedent being met.

The Commission will, in accordance with the provisions of the Regulations, determine, among other things, whether or not the Proposed Transaction is likely to substantially prevent or lessen competition within the Common Market and whether the Proposed Transaction 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 parties to the proposed transaction to submit written representations to the Commission with regard to the subject matter of the proposed inquiry by emailing them to: [sbooluck@comesa.int](mailto:sbooluck@comesa.int). All written representations should be sent to the Commission not later than **3<sup>rd</sup> November 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 **Ms. Sandya Booluck, Senior Analyst, Mergers and Acquisitions** on Tel: +265 (0) 1 772 466 or [sbooluck@comesa.int](mailto:sbooluck@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.