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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 7 of 2019

Notice of Inquiry into the Proposed Merger involving Airtel Networks Kenya Limited and Telkom Kenya Limited

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 involving Airtel Networks Kenya Limited (“**Airtel**”) and Telkom Kenya Limited (“**Telkom**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

In terms of the notified transaction, the parties have submitted that Airtel and Telkom entered into an agreement which will see the shareholders of the two companies integrate their respective Mobile, Enterprise and Carrier Services businesses in Kenya to operate under Airtel (the “**Proposed Transaction**”), which on closing of the Proposed Transaction will be renamed Airtel-Telkom. Under the Proposed Transaction, Telkom Kenya may at closing hold up to 49% shareholding in Airtel-Telkom.

The parties have submitted that the Airtel is a private limited liability company, licensed to provide mobile telecommunications services and other services by the Communications Authority of Kenya in accordance with the Kenya Information and Communications Act 998. In the Common Market, Airtel has operations in the Democratic Republic of Congo, Kenya, Madagascar, Malawi, Rwanda, Seychelles, Uganda, and Zambia.

The parties have submitted that Telkom is a limited liability company licensed to provide mobile telecommunications services and other services by the Communications Authority of Kenya. In the Common Market, Telkom is only active in Kenya.

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: sbooluck@comesa.int. All written representations should be sent to the Commission not later than **9th April 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 **Ms. Sandya Booluck, Senior Analyst, Mergers and Acquisitions** on Tel: +265 (0) 1 772 466 or 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.