



COMESA Competition Commission

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Common Market for Eastern
and Southern Africa

3 December 2022

Notice of Request for Referral of the Merger involving Akzo Nobel N.V ("AkzoNobel") as the acquiring firm and Kansai Plascon East Africa Proprietary Limited ("KPEA") and Kansai Plascon Africa Limited ("KPAL") as the target firms

The COMESA Competition Commission (the "**Commission**") hereby informs the public and relevant stakeholders that on 2 December 2022, it received a request for referral of the captioned transaction from the Competition and Consumer Protection Commission of Zambia, pursuant to Article 24(8) of the COMESA Competition Regulations (the "**Regulations**").

Article 24(8) of the Regulations provides that a Member State may request the Commission to refer a merger to a competent authority of the Member State for consideration under the Member State's national competition law if such Member State is satisfied that the merger, if carried out, is likely to disproportionately reduce competition to a material extent in such Member State or any part of such Member State.

CCPC has requested that the matter be referred to Zambia in order for the transaction to be assessed as a local notification. CCPC noted that *prima facie*, the subsidiary of the acquirer in Zambia, Dulux Zambia (2005) Limited, and the subsidiary of the target in Zambia, Kansai Plascon Zambia Limited, are in the same market and are considered to be among the two largest manufacturers and suppliers of decorative and industrial coatings in Zambia. CCPC noted that the proposed transaction is a horizontal merger and, hence, *prima facie* might have the likelihood of substantially lessening competition in the market the merging parties are operating.

Interested parties are hereby invited to make reasoned submissions to the Commission **by 12 December 2022** on whether the Commission should refer the whole or any part of the merger to CCPC.

If you wish to seek further details and/or clarifications on any aspect of this transaction, you may get in touch with **Ms. Sandya Booluck, Senior Analyst, Mergers and Acquisitions**, on +265 (0) 1 772 466 or via email at sbooluck@comesa.int.