



Kang'ombe House, 5th Floor-West Wing
P.O.Box30742
Lilongwe3, Malawi
Tel: +265 (01) 772466
Email- compcom@comesa.int



Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 22 of 2019

Notice of Inquiry into the Merger Involving the Acquisition 100% Shareholding in Eaton Towers Holdings Limited by ATC Heston B.V.

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 acquisition of 100% Shareholding in Eaton Towers Holdings Limited (“**ETHL**”) by ATC Heston B.V. (“**the acquirer**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the acquiring undertaking, ATC Heston B.V. is incorporated under the Laws of Netherlands with its registered office at Het Ruyterhuis, De Ruijterkade 6, 1013AA, Amsterdam, the Netherlands. It is a wholly owned , indirectly held subsidiary of the ultimate parent company of the American Tower Group, America Tower Corporation (ATC), which is publicly listed on the New York Stock Exchange (**ATC, together with its subsidiaries, ATC Group**). In the Common Market, ATC indirectly controls ATC Operations Kenya Limited and ATC Uganda Limited. The ATC Group owns, operates and develops wireless telecommunications and broadcasting infrastructure that facilitate wireless connectivity. ATC Group’s core business comprises the leasing of antenna space on its towers to mobile network operators (MNOs), radio and television broadcast companies, wireless data providers, government agencies, municipalities and tenants in other industries. Aside from towers, ATC Group provides in-building and outdoor distributed antenna systems, small cell and wifi networks, and managed rooftops services that enable network deployment. The ATC Group also offers site-related services, which include site acquisition, zoning and permitting services, structural analysis service and equipment services. It has been submitted that the acquiring group has operations in two COMESA Member States namely: Kenya and Uganda.

The parties have submitted that the target undertaking, ETHL, is a private limited liability company established in Jersey with its registered business address at 12 Castle Street, St Helier, Jersey JE2 3RT. In the Common Market, ETHL indirectly controls Eaton Towers Kenya Limited and Eaton Towers Uganda Limited. ETHL and its subsidiaries are a telecommunication infrastructure group and are primarily engaged in the management and construction of telecom towers for mobile telecommunications operators. It has been submitted that the acquiring undertaking has operations in two COMESA Member States namely: Kenya and Uganda.

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 **2nd August, 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 **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.