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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 36 of 2018

Notice of Inquiry into the Proposed Merger Involving Brenntag (Holding) B.V., Desbro (Kenya) Limited and Desbro (U) 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 regarding the proposed merger involving Brenntag (Holding) B.V. (“**BHBV**”) (the “**Acquiring Undertaking**”) and Desbro (Kenya) Limited (“**Desbro Kenya**”) and Desbro (U) Limited (“**Desbro Uganda**”), (the “**Target Businesses**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The Parties have submitted that the transaction entails the acquisition of sole control of Desbro Kenya and Desbro Uganda by BHBV.

The parties have submitted that the acquiring undertaking, BHBV, is a private limited liability company incorporated in the Netherlands. BHBV is an indirect subsidiary of Brenntag AG, a publicly listed German chemical distribution company founded in 1874 in Berlin and headquartered in Essen, Germany. Brenntag AG’s address is Messeallee 11, 45131 Essen, Germany. The parties have submitted that Brenntag AG has various subsidiaries around the world which form the Brenntag Group. The Brenntag Group has been operating in the global market for the over 140 years. Further, the Brenntag Group is a world leader in the distribution of chemical raw materials, additives, and food additives and has operations in more than 74 countries. The parties have submitted that the Brenntag Group has operations in the following COMESA Member States: Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Tunisia, Uganda, Zambia, and Zimbabwe.

The parties have submitted that the target undertaking, Desbro Kenya, is a private limited liability company incorporated on 13th November, 1967. Desbro Kenya has its registered office at L.R. 209/5022 Kampala Road, Industrial Area, Nairobi, Kenya. It undertakes the business of distributing industrial and raw materials in Kenya and also exports products to Uganda, Rwanda, Burundi and Ethiopia. The parties have submitted that Desbro Kenya has operations in the following COMESA Member States: Burundi, Ethiopia, Kenya, Rwanda, and Uganda.

The parties have submitted that the other target undertaking, Desbro Uganda, is a private limited liability company incorporated in Uganda on 8th July, 1983 with its registered office

at 6th Street Industrial Area, Kampala Uganda. Desbro Uganda also undertakes the business of distributing industrial chemicals and raw materials in Uganda and also exports to Kenya, Rwanda, Burundi, and the Democratic Republic Congo. The parties have submitted that Desbro Uganda has operations in the following COMESA Member States: Burundi, Democratic Republic of Congo, Kenya, Rwanda 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 **19th December, 2018**.

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, Economist - 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.