



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

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## **CCC Merger Inquiry Notice No. 9 of 2018**

### **Notice of Inquiry into the Proposed Acquisition by Elf Aquitaine SAS (Elf) of the Entire Share Capital of Marathon Oil Libya Limited (MOLL)**

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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 acquisition of the entire share capital by Elf Aquitaine SAS (“**Elf**”) of Marathon Oil Libya Limited (“**MOLL**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

We are informed by the parties that the acquiring undertaking, Elf, is a fully integrated oil and gas company and is a wholly owned subsidiary of Total. Total is a publicly listed company with listings on the Paris, New York, London, and Brussels Stock Exchanges. The parties have further submitted that Total, together with its subsidiaries, is an international integrated energy producer which has operations in more than 130 countries worldwide. Total is engaged in every sector of the oil and gas industry, including in the upstream (hydrocarbon exploration, development and production) and the downstream (refining, petro-chemicals, specialty chemicals, trading and shipping of crude oil and petroleum products and marketing). The parties have also submitted that Total is involved in the renewable energy and power generation sectors. The parties have submitted that Total has operations in the following COMESA Member States: the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

The Parties have submitted that the target undertaking, MOLL, is a Cayman Islands registered exempted limited liability company with a company branch in Libya. MOLL is a 100% indirect subsidiary of Marathon Oil Corporation, an American petroleum and natural gas exploration and production company based in Houston, Texas. MOLL is involved in the production and sale of natural gas; the sale of crude oil transportation services or capacities; and the sale of crude oil processing services or capacities. The parties have submitted that MOLL has operations in one COMESA Member State namely, Libya.

The Parties have submitted that the proposed transaction involves the acquisition by Elf of the entire share capital of MOLL.

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](mailto:akamanga@comesa.int). All written representations should be sent to the Commission not later than **12<sup>th</sup> April, 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](mailto: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.