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Common Market for Eastern
and Southern Africa

CCC Merger Inquiry Notice No. 35 of 2018

Notice of Inquiry into the Proposed acquisition of 100% of the issued share capital in KenolKobil Plc by Rubis Énergie SAS

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 by Rubis Énergie SAS (“**Rubis**”) of KenolKobil Plc (“**KenolKobil**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that the acquiring undertaking, Rubis, is a corporation organised and existing under the Laws of France (registered as number 552 048 811) and whose address is Tour Franklin – 100, terrasse Boieldieu – 92800 Puteaux, France. Rubis is active in the distribution of petroleum products, liquid petroleum gas (“**LPG**”) and bitumen across 3 geographic areas: Europe, the Caribbean and Africa. In the Common Market for Eastern and Southern Africa (the “**Common Market**”), Rubis distributes petroleum products, including through a network of services stations, in Madagascar and Djibouti, and LPG (cylinders and bulk) in Madagascar, Eswatini and Comoros.

The parties have submitted that the target undertaking, KenolKobil, is a company incorporated in Kenya with registration number C.6/59. The KenolKobil Group is an indigenous Kenyan oil marketing conglomerate that markets petroleum products in the downstream market and trades in refined petroleum products which include motor fuels, industrial oils, LPG, aviation fuels, lubricants and various other specialist oils. In the Common Market, the KenolKobil Group subsidiaries operate in Burundi, Ethiopia, Kenya, Rwanda, Uganda and Zambia.

In terms of the notified transaction, Rubis has issued a notice of its intention to acquire one hundred percent (100%) of the ordinary shares in the share capital of KenolKobil (the “**Proposed Transaction**”). Rubis already holds 24.99% of KenolKobil’s issued share capital.

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 **12th 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 **Ms. Sandya Booluck, Economist, 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.