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Common Market for Eastern  
and Southern Africa

## **CCC Merger Inquiry Notice No. 21 of 2020 (Amended)**

### **Notice of Inquiry into the Proposed Joint Venture Involving Bolloré Africa Logistics, Nippon Yusen Kabushiki Kaisha, and Toyota Tsusho Corporation**

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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 formation of a joint venture between Bolloré Africa Logistics (“**BAL**”), Nippon Yusen Kabushiki Kaisha (“**NYK**”), and Toyota Tsusho Corporation (“**TTC**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that BAL is a multimodal logistics company offering sea, air, and land freight forwarding, and port operations in Africa. BAL’s headquarters are located in Paris, France. In the Common Market, BAL is active in the following Member States: Burundi, Comoros, the Democratic Republic of Congo, Djibouti, Kenya, Madagascar, Malawi, Rwanda, Sudan, Tunisia, Uganda, Zambia, and Zimbabwe.

The parties have submitted that NYK, a company duly organized and existing under the laws of Japan was established in 1885 through the merger of Japan’s two leading shipping companies. The company operates 710 various kinds of vessels. NYK employs about 36,000 people worldwide and is based in Tokyo. NYK has regional headquarters in London, New Jersey, Singapore, and Shanghai. NYK is active in Ethiopia and Kenya in the Common Market.

The parties have submitted that TTC, a company duly organized and existing under the laws of Japan is a general trading company with a leading presence in East African countries in the field of automotive logistics, projects & industrial equipment, agricultural equipment, chemical and fertilizer industry, having global automotive business network, experience in vehicle logistics, and focus on developing new business designs including energy and infrastructure, agriculture, and ICT.

BAL, NYK, and TCC are collectively referred to as the Acquiring Firms.

It has been submitted that Suez Canal Automotive Terminal (the “**Joint Venture**”) is going to be implemented in Egypt following the signing of a concession agreement between the Acquirers and the General Authority of Suez Canal Economic Zones on 19 December 2019 and subsequently a Shareholders Agreement dated 19<sup>th</sup> December 2019. Under the

Shareholders Agreement, the parties agreed to jointly form the Joint Venture whose objective is to operate a Ro-Ro Terminal and the most advanced value-added services (pre-delivery inspection, maintenance, accessory fitment, painting, washing, etc.) and the customs clearance services for any car dealers in Egypt in relation to any vehicles arriving from East Port Said in Egypt and any vehicles manufactured and/or assembled in Egypt (the “Proposed Transaction”).

The Commission will, in accordance with the provisions of the Regulations, determine, among other things, whether or not the Proposed Transaction is likely to substantially prevent or lessen competition within the Common Market and whether the Proposed Transaction 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 parties to the proposed transaction to submit written representations to the Commission with regard to the subject matter of the proposed inquiry by emailing them to: [sbooluck@comesa.int](mailto:sbooluck@comesa.int). All written representations should be sent to the Commission not later than **17<sup>th</sup> August 2020**.

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, Senior Analyst, Mergers and Acquisitions** on Tel: +265 (0) 1 772 466 or [sbooluck@comesa.int](mailto: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.