



COMESA Competition Commission

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**Common Market for Eastern
and Southern Africa**

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COMESA Competition Commission Grants Referral of the Part of the Proposed Merger involving Vitol Emerald Bidco Proprietary Limited and Engen Limited relating to Mauritius to the Competition Commission of Mauritius

On 2 June 2023, the COMESA Competition Commission (the “**Commission**”) received a request for referral of the abovementioned transaction from the Competition Commission (Mauritius) (**CC**), pursuant to Article 24(8) of the COMESA Competition Regulations (the “**Regulations**”). The Referral can be accessed [here](#).

Article 24(8) of the Regulations provides that a Member State may request the Commission to refer a merger to a competent authority of the Member State for consideration under the Member State’s national competition law if such Member State is satisfied that the merger, if carried out, is likely to disproportionately reduce competition to a material extent in such Member State or any part of such Member State.

The Commission has reviewed the request made by the CC as well as the submissions by the merging parties and has resolved that the referral request is justifiable having regard to the significant operations of the merging parties in Mauritius, and the national character of several potentially affected markets. The Commission is aware that ‘petroleum products’ are listed among the products excluded from the Competition Act 2007 of Mauritius. The Commission is, however, also mindful that such exclusions need to be interpreted narrowly, in order for competition laws to remain relevant and in line with international best practices. The Commission further noted that the case law and General Guidelines of the CC support the narrow interpretation of the exclusions and as such, is satisfied that the CC has jurisdiction over the potential markets that are the subject of the proposed merger.

The referral does not exclude collaboration with the CC as the Commission will continue to review the transaction in relation to the rest of the Common Market, and the two authorities shall ensure there are no significant divergences in their respective approach to the competitive assessment.

In view of the foregoing, the Commission is satisfied that the CC is the most appropriate authority for dealing with aspects of the transaction relating to the Mauritian markets.

The Commission thus hereby informs the public that, pursuant to Article 24(9)(b) of the Regulations, the part of the transaction relating to the Mauritian markets is hereby referred to the CC. The Commission shall retain jurisdiction over the parts of the transaction relating to markets outside Mauritius.

More information is available on the Commission's [Merger Cases](#) webpage, under the case number [MER/03/06/2023](#).

If you wish to seek further details and/or clarifications on any aspect of this transaction, you may get in touch with **Ms. Sandya Booluck, Senior Analyst, Mergers and Acquisitions**, on +265 (0) 1 772 466 or via email at sbooluck@comesa.int.