



COMESA Competition Commission

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Common Market for Eastern
and Southern Africa

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Notice of Request for Referral of the Proposed Merger involving Vitol Emerald Bidco Proprietary Limited (“VEB”) as the acquiring firm and Engen Limited (“Engen”) as the target firm

The COMESA Competition Commission (the “**Commission**”) hereby informs the public and relevant stakeholders that on 2 June 2023, it 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**”).

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 CC has requested that the matter be referred to Mauritius in order for the transaction to be assessed as a local notification. In particular, the CC has submitted that the merger is a complex transaction involving potentially several markets in Mauritius, which may include supply of storage facilities for jet fuel, uploading of jet fuel, storage and distribution logistics of marine fuel, franchising of fuel station, supply of lubricants and services related to supply of petroleum products among others. In most of those markets the post-merger market share of the parties would be significant. Further, it seems that the merger will result in 3 players from 4 in most sectors and may result in significant concentration, and various players at the national level have expressed concerns with the transaction.

The CC has also noted that petroleum products and liquid petroleum gas are products of strategic importance to the country, affecting several other sectors and the economy at large.

Interested parties are hereby invited to make reasoned submissions to the Commission **by 12 June 2023** on whether the Commission should refer the whole or any part of the merger to the CC.

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.