

12 July 2023

CCC Merger Inquiry Notice No. 15 of 2023

Notice of Inquiry into the Proposed Joint Venture involving Hutchison Ports Sokhna Limited, CMA Terminals SAS, and Golden Chance Investment Enterprise Limited

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 establishment of a full function joint venture, to be jointly controlled by Hutchison Ports Sokhna Limited, CMA Terminals SAS, and Golden Chance Investment Enterprise Limited, intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that Hutchison Ports Sokhna Limited, which is incorporated in England and Wales, is an indirect subsidiary of Hutchison Port Holdings Ltd and a member of Hutchison Ports Group (“**HPG**”), a leading global developer and operator of container terminals and provider of associated logistical services. HPG is an operating division of CK Hutchison Holdings Limited, a Hong Kong headquartered multinational conglomerate incorporated in the Cayman Islands and listed on The Stock Exchange of Hong Kong Limited. It has four core businesses: ports and related services, retail, infrastructure, and telecommunications. In the Common Market, HPG is active in Egypt and Kenya.

The parties have submitted that CMA Terminals SAS, which is incorporated in France, is an indirect subsidiary of CMA CGM. CMA CGM headquartered in France. CMA CGM offers a range of services related to sea transportation, including container liner shipping and port terminal services. CMA CGM is also active within freight forwarding and contract logistics services through its wholly owned subsidiary CEVA Logistics and provides, through its wholly owned subsidiary, CMA CGM Inland Services, a limited range of ancillary supply chain management services. Further, CMA CGM has also recently launched CMA CGM Air Cargo and has started providing air freight transportation services. In the Common Market, CMA CGM in all Member States except in Comoros, Eritrea and Eswatini.

Golden Chance Investment Enterprise Limited, which is incorporated in Hong Kong, is a wholly owned subsidiary of COSCO SHIPPING Ports Limited (“**CSPL**”), a leading ports operator listed on The Stock Exchange of Hong Kong and a member of a group

of companies ultimately controlled by China COSCO Shipping Corporation Limited (“**COSCO**”). COSCO is incorporated in the People's Republic of China and its activities include cargo shipping, logistics, ship building and ship repairing. In the Common Market, the COSCO Group is active in the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Seychelles, Sudan, Tunisia and Uganda.

The parties have further submitted that the joint venture concerns the construction, development and operation of a container terminal in the Ain Sokhna port in Egypt and the joint venture will only be active in Egypt.

The Commission will, in accordance with the provisions of the Regulations, determine, among other things, whether the proposed transaction is likely to substantially prevent or lessen competition within the Common Market and whether the proposed joint venture 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 joint venture to submit written representations to the Commission with regard to the subject matter of the proposed inquiry by emailing them to: sbundhun@comesacompetition.org. All written representations should be sent to the Commission not later than **2 August 2023**.

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 Sunjida Bundhun, Merger Analyst, Mergers and Acquisitions** on Tel: +265 (0) 1 772 466 or sbundhun@comesacompetition.org

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.