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Common Market for Eastern
and Southern Africa

16 February 2024

CCC Merger Inquiry Notice No. 6 of 2024

Notice of Inquiry into the Proposed Acquisition by Discovery Energy Holdings, L.P. of Sole Control Over the Energy Business of Kohler CO.

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 Discovery Energy Holdings, L.P. ("**Discovery Energy Holdings**") of sole control of certain entities controlled by Kohler CO. ("**Kohler**"), constituting its energy business ("**Kohler Energy**" or "**target**"), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that Discovery Energy Holdings is a recently established limited partnership within the entities directly or indirectly overseen and/or advised by Platinum Equity Advisors, LLC ("**Platinum Equity Advisors**") and ultimately controlled by Platinum Equity, LLC ("**Platinum Equity**"). Collectively, these entities, managed through intermediaries and funds, constitute the "**Platinum Equity Group**" or the "**acquiring group**".

The Platinum Equity Group, headquartered in the United States of America ("**USA**"), specializes in mergers, acquisitions, and the operation of companies across various industries, including information technology, telecommunications, logistics, metal services, manufacturing, and distribution. Within the Common Market, the acquiring group operates in all Member States, except Burundi, Comoros, and Somalia.

The parties have submitted that Kohler Energy, based in the USA, is a manufacturing company providing industrial energy systems, powertrain technologies, and home energy solutions. Within the Common Market, the target operates in Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Kenya, Libya, Madagascar, Mauritius, Seychelles, Sudan, Tunisia, Zambia, and Zimbabwe.

The parties contend that the proposed acquisition serves as an investment opportunity for Platinum Equity Group, aligning with its strategy of investing in attractive companies to realize long-term growth potential, enhance business processes, and increase overall business value. Additionally, the proposed acquisition is stated to align with Kohler's strategic objectives, enabling a more focused and intensified investment in Kohler's Kitchen & Bath and Hospitality businesses.

The Commission will, under 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 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: mdebessay@comesacompetition.org. All written representations should be sent to the Commission not later than **8 March 2024**.

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 **Mr. Mengistu Debessay, Senior Analyst, Competition Division** on Tel: +265 111 772 466 or mdebessay@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.