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Common Market for Eastern  
and Southern Africa

10 September 2024

CCC Merger Inquiry Notice No. 32 of 2024

## **Notice of Inquiry into the Proposed Acquisition by Amsons Industries (K) Limited of Bamburi Cement Plc and its subsidiaries**

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 Amsons Industries (K) Limited (“**Amsons**” or the “**acquiring firm**”) of Bamburi Cement Plc (“**Bamburi**” or the “**target firm**”) and its subsidiaries (the “**target group**”), intends to embark on an inquiry in terms of Article 26 of the Regulations.

The parties have submitted that Amsons is a company incorporated in Kenya. It is an investment vehicle incorporated by Amsons Industries (T) limited (or “**Amsons Tanzania**”) for purposes of the proposed transaction. Amsons Tanzania is involved in the production and sale of grey cement through its one cement plant in Tanzania. The parties further submitted that Amsons Tanzania indirectly owns 65% of Mbeya Cement Company Limited (“**Mbeya Cement**”), a company incorporated in Tanzania, which has one cement plant and sells and distributes grey cement. Amsons, Amsons Tanzania, and Mbeya Cement (the “**acquiring group**”) produces and sells concrete products in Tanzania through Camel Concrete (T) Ltd. In the Common Market, the acquiring group operates in Burundi, the Democratic Republic of Congo (“**DRC**”), Malawi, and Zambia.

The parties have submitted that Bamburi is a public company incorporated in Kenya and listed on the Nairobi Security Exchange. It is active in the production and sale of grey cement, concrete and concrete products through its two integrated cement plants, three ready mix plants, and two precast plants located in Kenya. In the Common Market, the target group operates in Burundi, DRC, Ethiopia, Kenya, Rwanda, and Uganda.

The proposed transaction involves Amsons' acquisition of Bamburi and its subsidiaries, following their notice of intent to purchase up to 100% of Bamburi's ordinary shares at a price of KES 65.00 per share through a public bid.

The parties have submitted that the Proposed Transaction will enable the acquirer to enter the Kenyan grey cement and concrete market.

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 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](mailto:mdebessay@comesacompetition.org). All written representations should be sent to the Commission not later than **30 September 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 (0) 111 772 466 or [mdebessay@comesacompetition.org](mailto: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.