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Common Market for Eastern and Southern Africa

17 May 2024

CCC Merger Inquiry Notice No. 19 of 2024

Notice of Inquiry into the Proposed Merger involving SAMS Investment Holding Co. SRL/BV and Ariozo GroupHolding SA/NV

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 merger involving SAMS Investment Holding Co. SRL/BV ("**SAMS**") as the acquirer and Ariozo GroupHolding SA/NV ("**Ariozo**", which trades as the "**BIA Group**") as the target, intends to embark on an inquiry in terms of Article 26 of the Regulations.

SAMS is a private limited liability company (société à responsabilité limitée/besloten vennootschap) registered with the Crossroads Bank of Enterprises and with its head office located in Belgium. SAMS is a newly-formed subsidiary of Sumitomo Corporation, established for the purposes of the Proposed Transaction. Sumitomo Corporation is a Japanese trading company listed on the Tokyo stock exchange which is engaged globally in several industries, including metal products, transportation and construction systems, infrastructure, mineral resources, energy, chemicals and electronics, media and digital media, energy innovation, construction and real estate, and retail- and healthcare-related businesses. In the Common Market, the acquiring group is present in Egypt, Ethiopia, Kenya, Libya, Madagascar, and Tunisia.

Ariozo is a limited liability company (société anonyme / naamloze vennootschap) located in Belgium and registered with the Crossroads Bank of Enterprises. Ariozo, together with its subsidiaries ("**BIA Group**"), is primarily engaged in the distribution, rental and leasing of earthmoving and construction equipment, including trucks, in various sectors such as mining and energy. This includes the provision of equipment repair and maintenance services. BIA Group also distributes second-hand earthmoving and construction equipment. In the Common Market, Ariozo is present in Burundi, the Democratic Republic of Congo, Mauritius, Rwanda, and Zambia.

The parties submitted that SAMS, Ariozo, Sumitomo Corporation and JBI Partners Société Simple/Maatschap ("**JBI**") entered into an agreement in terms of which SAMS will acquire shares in Ariozo from JBI, as well as subscribe for additional shares in Ariozo, such that upon completion of the Proposed Transaction, SAMS will hold 25% of the issued and outstanding shares in Ariozo.

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: sbooluck@comesacompetition.org. All written representations should be sent to the Commission not later than **7 June 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 **Ms. Sandya Booluck, Principal Analyst, Competition Division** on Tel: +265 (0) 111 772 466/529/530 or sbooluck@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.