



FAIR COMPETITION COMMISSION



NOTIFICATION REGARDING THE INTENTION OF SAS SHIPPING AGENCIES SERVICES SÀRL TO ACQUIRE 100% SHARES IN BOLLORE AFRICA LOGISTICS SAS

PUBLIC NOTICE

**(Made under Section 65 (2) (g) of the Fair Competition Act No. 8 of 2003 and
Rules 41 (6), 42 (5) and 49 of the Competition Rules, 2018)**

The Fair Competition Commission (FCC) is an independent statutory body established under section 62 of the Fair Competition Act No. 8 of 2003 (FCA) with the object of enhancing the welfare of the people of Tanzania by promoting and protecting effective competition in markets and preventing unfair and misleading market conducts throughout Mainland Tanzania.

Pursuant to Section 65 (2) (g) of FCA read together with Rules 41 (6), 42 (5) and 49 of the Competition Rules, FCC is mandated to investigate, inter alia, entry into and exit from markets. Pursuant to Rule 33 of the Competition Rules, 2018; FCC has **RECEIVED** a merger application by SAS Shipping Agencies Services Sàrl (**Acquiring Firm**) to acquire entire issued shares in Bolloré Africa Logistics SAS (**Target Firm**), hence gaining indirect control of East Africa Logistics Services Limited; East Africa Commercial and Shipping Company Limited; Bolloré Transport and Logistics Tanzania Limited; Cambi Tanzania Limited; Agence Maritime Internationale (AMI) Tanzania Limited; and AMI Port Operations Tanzania Limited.

SAS Shipping Agencies Services Sàrl is a company incorporated under the laws of the Grand Duchy of Luxembourg. It is a wholly owned subsidiary of Mediterranean Shipping Company (MSC) Group. In Tanzania, it operates through

its subsidiaries (Kentan Logistics Limited, Ignazio Messina & C. S.p.A and RORO Italia S.r.l) which offers the following services: deep-sea container liner shipping services; sea freight forwarding services; maritime transport of containerized and Ro-Ro cargo and calls at Dar es Salaam port; and storage and warehousing services for export cargo.

Bolloré Africa Logistics SAS is a company incorporated under the laws of Republic of France. It offers various transport and logistics services including: terminal services, sea and air freight services; contract logistics services; and inland transport services. It operates in Tanzania through its subsidiaries namely: East Africa Logistics Services Limited; East Africa Commercial and Shipping Company Limited; Bolloré Transport and Logistics Tanzania Limited; Cambi Tanzania Limited; Agence Maritime Internationale (AMI) Tanzania Limited; and AMI Port Operations Tanzania Limited.

East Africa Logistics Services Limited is a company incorporated under the laws of United Republic of Tanzania. It was established for the purpose of handling the EACOP pipeline project between Uganda and Tanzania.

East Africa Commercial and Shipping Company Limited is a company incorporated under the laws of United Republic of Tanzania. It provides shipping agency services for Ro-Ro carrier.

Bolloré Transport and Logistics Tanzania Limited is a company incorporated under the laws of United Republic of Tanzania. It offers air and sea freight forwarding services and contract logistics services in Tanzania. It has offices at border points with neighbouring countries at Tunduma, Kasumulu, Rusumo, Kabanga, Mutukula, Namanga, Horo Horo and Sirari.

Cambi Tanzania Limited is a company incorporated under the laws of United Republic of Tanzania. It was established to own properties (land and buildings) of the Target Firm in Tanzania.

Agence Maritime Internationale Tanzania Limited (AMI) is a company incorporated under the laws of United Republic of Tanzania. It is a dry port operator holding two

licences; ICD and Port Extension for import and Container Freight Station for export.

AMI Port Operations Tanzania Limited is a company incorporated under the laws of United Republic of Tanzania. Its activities relate to port concession. However, it has been dormant since 2007 when it lost the Kigoma port concession.

SAS Shipping Agencies Services Sàrl and Bolloré Africa Logistics SAS together with Targer Firm local nexuses (**East Africa Logistics Services Limited, East Africa Commercial and Shipping Company Limited, Bolloré Transport and Logistics Tanzania Limited, Cambi Tanzania Limited and AMI Port Operations Tanzania Limited**) will hereinafter be referred to as the **Merging Firms**.

Pursuant to the Share Purchase Agreement (SPA) submitted by the Merging Firms, the Acquiring Firm have expressed its intention to acquire entire issued shares in the Target Firm and hence gaining indirect control of East Africa Logistics Services Limited; East Africa Commercial and Shipping Company Limited; Bolloré Transport and Logistics Tanzania Limited; Cambi Tanzania Limited; Agence Maritime Internationale (AMI) Tanzania Limited; and AMI Port Operations Tanzania Limited.

Pursuant to Rules 35, 36, 37, 38, 39, 40 and 42 of the Competition Rules, 2018; FCC has **BEGUN THE REVIEW AND INVESTIGATION** of the intended acquisition with a view to examine whether it is likely to harm competition.

Pursuant to Rule 49 read together with Rule 41(6) of the Competition Rules, 2018, parties, both legal and natural (Petitioners) who deem themselves as having sufficient interest in this merger, or, if the merger is not objected to, it will have or is likely to have a material effect on their interests, are invited to submit their interests, objections or information (Petition).

The Petitioners are hereby NOTIFIED to submit their Petitions with a view to assist FCC in reaching just and reasonable decision with regard to the intended merger.

All such Petitioners, shall NOTIFY by way of written submissions to FCC within **FOURTEEN (14)** days from the first day of publication of this Public Notice. Submissions filed after the said deadline shall not be accepted.

Submission of the said Petition should be accompanied by a duly filled-in Form FCC. 10 (Notice of Intention to Participate found in the First Schedule of the Competition Rules, 2018). Failure to fill-in Form FCC. 10 will deny such Petitioner the right to make any oral submissions before FCC and their status in the proceedings shall be deemed to be that of an observer only.

Petitioners should take note that pursuant to Rule 10 (5) of the Competition Rules, 2018 as applied to this Public Notice, FCC shall not entertain a subject of the petition where: (a) it does not fall under FCA (b) it has no material effect on competition; and (c) the same in whole or in part is before any court, tribunal, arbitration, judicial or quasi-judicial body.

Submissions must be submitted to FCC at the address below.

Director General,
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