



UNITED REPUBLIC OF TANZANIA
MINISTRY OF INDUSTRY AND TRADE
FAIR COMPETITION COMMISSION



NOTIFICATION INVOLVING THE ACQUISITION BY COCA-COLA HBC AG AND
COCA-COLA HBC HOLDINGS B.V. OF INDIRECT CONTROL OF COCA-COLA
KWANZA COMPANY LIMITED
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 Fair Competition Commission Procedure 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 Fair Competition Commission Procedure Rules, 2018, FCC is mandated to investigate, inter alia, entry into and exit from markets. Pursuant to Rule 33 of the Competition (Amendment) Rules, 2019, FCC has **RECEIVED** a merger notification by Coca-Cola HBC AG and Coca-Cola HBC Holdings B.V. (**Acquiring Firms**) to acquire shares in Coca-Cola Beverages Africa Proprietary Limited (the **Target Firm**) and hence gain indirect control of Coca-Cola Kwanza Company Limited.

Coca-Cola HBC AG is a public company listed on the London Stock Exchange and the Athens Exchange. It operates as an authorised bottler for The Coca-Cola Company (TCCC) brands and other beverages across 29 countries in Europe, Eurasia and Africa. Coca-Cola HBC Holdings B.V. is a wholly owned subsidiary of Coca-Cola HBC AG. Currently, the Acquiring Firms have no operational activities within Tanzania.

Coca-Cola Beverages Africa Proprietary Limited is a company incorporated under the laws of the Republic of South Africa. It operates as an investment holding company with interests in bottling subsidiaries authorised to prepare, package, distribute and sell TCCC branded beverages in specific regions across the African continent. Its operations span 14 territories in Africa, including Tanzania, where it indirectly holds shares in Coca-Cola Kwanza Company Limited.

Coca-Cola Kwanza Company Limited is a company incorporated in Tanzania. It currently operates two bottling plants located in Dar es Salaam and Mbeya.

Coca-Cola HBC AG, Coca-Cola HBC Holdings B.V. and Coca-Cola Beverages Africa Proprietary Limited shall herein be referred to as the **Merging Firms**.

Pursuant to the Sale and Purchase Agreement between the Merging Firms, the Acquiring Firms intend to acquire shares in the Target Firm and hence gain indirect control of Coca-Cola Kwanza Company Limited.

Pursuant to Rules 35, 36, 37, 38, 39, 40 and 42 of the Fair Competition Commission Procedure Rules, 2018, the FCC has **BEGUN THE REVIEW AND INVESTIGATION** of the intended acquisition with a view to examining whether it is likely to have the effect of substantially lessening competition in a relevant market.

Pursuant to Rule 49 read together with Rule 41(6) of the Fair Competition Commission Procedure Rules, 2018, third 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 assisting the FCC in reaching a just and reasonable decision about the intended merger.

All such Petitioners shall NOTIFY by way of written submissions to the 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 Fair Competition Commission Procedure Rules, 2018. Failure to fill in Form FCC. 10 will deny such Petitioner the right to make any oral submissions before the 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 Fair Competition Commission Procedure 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,
Fair Competition Commission,
PSSSF Building, 6th Floor, Makole Road,
P. O. Box 2351
DODOMA.
Tel: +255 262329086/87/88
E-mail: info@fcc.go.tz