



2018 ICN MERGER WORKSHOP
TOKYO, JAPAN
7TH & 8TH NOV. 2018

Mburu Raphael
COMPETITION AUTHORITY OF KENYA

"A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared prosperity"

The Authority's Collaboration Initiatives



Competition Agency	Nature of Cooperation
CCSA (South Africa)	<ul style="list-style-type: none"> - MoU, - Annual trainings of CAK's Merger analysts. - Direct consultations in competition analysis on cross cutting merger cases such as Coca Cola, GMEA and Isuzu.
CCC	<ul style="list-style-type: none"> - MoU - Most Frequent - Request for competition analysis and stakeholder views on all the cross-border merger cases. - Holding joint sensitization workshops.
Competition and Consumer Protection Commission of Zambia	<ul style="list-style-type: none"> - Market definition and competition analysis on merger cases. - Discussions on ICN content such the ongoing regional discussions on mergers in the retail sector. (Regional call scheduled for 14th November, 2018).
Competition Authority - Botswana	<ul style="list-style-type: none"> - Market definition and competition analysis on merger cases. Such include the sharing of non-confidential information on the merger involving Fairfax Africa Holdings Limited and Consolidated Infrastructure Group Limited.
JFTC	<ul style="list-style-type: none"> - MoU- - Annual trainings of the Authority's staff by the JFTC
Others, including the EU, ICN, ACF,	<ul style="list-style-type: none"> - Workshops, - Training forums

Vision: "A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared prosperity"



ISO 9001:2015 CERTIFIED

Channels of Communication

- Emails
- Teleconferencing and phone calls
- Joint trainings/sensitization
- Workshops and Conferences
- Formal letters such as COMESA Communications

Basis for Cooperation

- Common understanding, such MoUs
- Deliberation on mergers cross-cutting borders;
 - market definition,
 - competition analysis
 - cross-border public interests concerns
 - Remedies
- Developing/reviewing rules and guidelines relevant to mergers and acquisitions,
- Designing the structure of merger reporting documents such as reports, board papers and letters, and
- Trust and waiver of confidentiality.

Challenges

- Time factors
 - Mergers are time bound
 - World time zones
- Confidentiality
- Differences in competition Law
- Agencies internal procedures and bottlenecks,
- Incentives to engage.

Conclusion

- Cooperation can either take the formal or informal route.
- **Key Attributes;**
 - The timeliness of the response
 - Applicability
 - Follow up