



PUBLIC NOTICE

2nd May, 2024

NOTICE OF INQUIRY INTO THE EFFECT OF THE PROPOSED ACQUISITION OF PART OF ASSETS OF GLENAE POULTRY FARM BY GO FRESH LIMITED

The Competition and Fair Trading Commission (“the Commission”) is a Government agency established under the Competition and Fair Trading Act, Cap 48:09 of the Laws of Malawi. The Commission is mandated to regulate, monitor, control and prevent acts or conducts which are likely to adversely affect competition and fair trading in Malawi.

In pursuance of this mandate, the Commission, among other functions, is charged with the responsibility of regulating mergers and acquisitions. Accordingly, the Commission assesses merger transactions upon application by parties to establish the impact of the same on competition in the relevant markets and the economy of Malawi. The Commission may approve, disapprove or approve with conditions depending on the findings made during its assessments.

Pursuant to Section 36 of the Competition and Fair Trading Act (CFTA), the Secretariat of the Commission has received a notification regarding the proposed acquisition of part of assets of Glenae Poultry Farm (the “Target” or “Glenae”) by Go Fresh Limited (the “Acquirer” or “Go Fresh”), and together referred to as the “Parties”. In accordance with Section 37 of the Competition and Fair Trading Act (CFTA), the Secretariat of the Commission has launched investigations to assess the likely effect of the transaction on competition in the relevant markets.

According to the information submitted by the Parties, the Acquirer, Go Fresh, is a Malawian company whose registered office is P.O. Box 407 Lilongwe. It is involved mainly in the supply of meat and meat products including chicken and sausages.

Similarly, Glenae is also a Malawian company involved in the poultry farming business. It is involved in the production and distribution of meat and meat products. Its registered offices have been given as Conforzi Plantation Limited, P.O. Box 1, Thyolo (with offices in Limbe).

The Parties have also submitted that the proposed transaction will involve acquisition of part of assets of Glenae Poultry farm by Go Fresh Limited, extending the latter’s

operations into the production of meat and meat products. The proposed transaction is notifiable under the Competition and Fair Trading Act (CFTA) and is, therefore, subject to review by the Commission to establish the likely impact on competition in the relevant market.

In view of the foregoing, we kindly request the general public to provide information regarding the proposed transaction. Specifically, the Commission will be grateful to receive information on the following:

- Players in the relevant market; Number, names and addresses;
- Market share estimates of the Parties to the transaction as compared to their competitors;
- Ease of entry/exit from into the market in which the target undertaking operates;
- Levels of imports in the relevant markets in which the target undertaking operates;
- The likelihood that the transaction would result in the parties' having dominant market power in this market;
- Likelihood of countervailing power by either competitors or consumers;
- Probable public interest concerns;
- Probable efficiencies that the transaction will generate on the markets and the economy for the benefit of consumers;
- Level of vertical linkages and agreements in the sector;
- Growth trends of the sector and the impact of the proposed transaction on industry growth;
- Whether the transaction should be approved or not approved by the Commission, and your reasons for the same;
- Any other relevant information regarding the transaction.

The foregoing information will assist the Commission in establishing the impact of the proposed transaction on competition and the economy of Malawi. Please, be assured that all the information submitted shall be treated with the strictest confidentiality and will be used solely for the purpose of this inquiry.

The Secretariat of the Commission will be grateful to receive your feedback by **Friday, 31st May, 2024**. If you need clarifications or further details concerning any aspect of this request, please, contact our Public Relations Officer Mr. Innocent Helema on phone number **+265 880 725 075** or call our Toll-free Line 2489 or email innocent.helema@cftc.mw or competitioncommission@cftc.mw.



Lloyds Vincent Nkhoma
EXECUTIVE DIRECTOR