

*General Notice No. 1249 of 2018*

CCM/DS/0027



**Decision of the Competition  
Commission**

**CCM/DS/0027**

**Request from Gamma-Civic Ltd for release  
from cement sourcing undertaking**

02<sup>nd</sup> August 2018

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**Decision of the Commissioners of the Competition Commission  
of 02<sup>nd</sup> August 2018**

**relating to a proceeding under section 64 of the Competition Act 2007 further  
to a request by Gamma-Civic Ltd**

**(CCM/DS/0027 – Request from Gamma-Civic Ltd for release from cement  
sourcing undertaking)**

THE COMMISSION	-	
Mr. D. P. A. Mariette	-	Chairperson,
Mr. C. Seebaluck	-	Commissioner,
Mrs. M. B. Rajabally	-	Commissioner,
Mrs. V. Bikhoo	-	Commissioner,

Having regard to the Competition Act 2007,

Having regard to the Competition Commission Rules of Procedure 2009,

Having regard to earlier decisions of the Commission codenamed 'DS0016' and 'DS0017' dated 27<sup>th</sup> May and 8<sup>th</sup> December 2015 respectively,

Having regard to the request made by Gamma-Civic Ltd on 21<sup>st</sup> March and restated on 7<sup>th</sup> May 2018,

Having regard to a report of the Executive Director dated 29<sup>th</sup> May 2018,

**WHEREAS:**

**I. Request for release from undertaking**

- 1.1 This Decision relates to a request made by Gamma-Civic Ltd on 21<sup>st</sup> March 2018. In a letter addressed to the Commission dated 21<sup>st</sup> March 2018, Gamma-Civic Ltd referred to the undertakings it had previously offered to the Commission and which had been accepted in the form of a decision codenamed CCM/DS/0017 dated 8<sup>th</sup> December 2015.
- 1.2 In particular, Gamma-Civic Ltd requested that it be released from a commitment to source its supply of cement through Kolos Cement Ltd through a competitive process.
- 1.3 Gamma-Civic Ltd explained that the release was necessary to facilitate a strategic partnership, the terms of which would require that it procures cement exclusively from the strategic partner in question.

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- 1.4 After finalizing the said partnership, Gamma-Civic Ltd restated its request to be released from the referred undertaking.
- 1.5 The Executive Director reviewed the request of Gamma-Civic Ltd in light of any anti-competitive effects which could stem from it. Following assessment, the Executive Director reported his findings to the Commissioners on 29<sup>th</sup> May 2018, recommending that the request be accepted.

**II. Determination**

- 1.6 Having regard to the request of Gamma-Civic Ltd and the assessment of the Executive Director in his report, the Commission is satisfied, as per section 64(2)(b) of the Act, that there has been a material change in circumstances which warrants that it accepts to release Gamma-Civic Ltd from the referred undertaking.

**III. Decision**

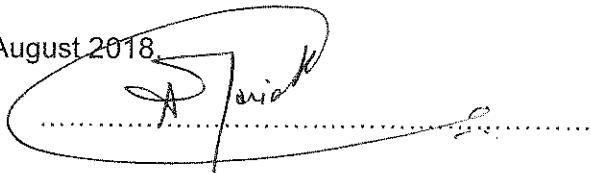
**NOW THEREFORE,**

For the reasons set out in this Decision, the Commission decides as follows:

- 1) We accept to release Gamma-Civic Ltd, as per section 64(2)(b) of the Act, from the undertaking it offered regarding the sourcing of cement and which was accepted and published in the Commission decision codenamed 'DS0017' on 8<sup>th</sup> December 2015.
- 2) The release will apply only within the scope and duration of the strategic partnership between Gamma-Civic Ltd/Kolos Cement Ltd and WH Investment Pte Ltd, and as long as the former remains independent from LafargeHolcim Ltd.

Done at Port-Louis this <sup>2<sup>nd</sup></sup> August 2018.

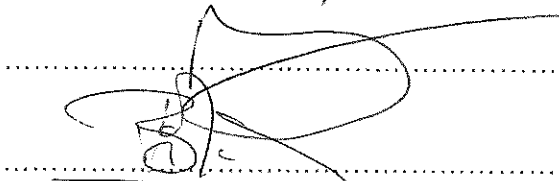
Mr. D. P. A. Mariette  
(Chairperson)



Mr. C. Seebaluck  
(Commissioner)



Mrs. M. B. Rajabally  
(Commissioner)



Mrs. V. Bikhoo  
(Commissioner)