

## Merger Review by the Commission

### Why do mergers and acquisitions interest the Competition Commission?

The Competition Act 2007 (the 'Act') provides for the control of merger situations by the Competition Commission. Where a merger situation meets the applicable statutory market share threshold of 30% and is likely to result in substantial lessening of competition in any market in Mauritius, the Competition Commission is empowered to block/remedy the merger.

The Act empowers the Competition Commission to remedy mergers and acquisitions, including the power to block mergers, require divestment of assets and impose behavioural remedies.

### What the law says?

Sections 47 & 48 of the Act provides for the control of merger situations by the Competition Commission. A merger situation shall be subject to review by the Commission where, among others, the Commission has reasonable grounds to believe that the creation of the merger situation has resulted in, or is likely to result in, a substantial lessening of competition (SLC) within any market for goods or services.

Section 61 of the Act provides that where the Commission determines, after investigation that (a) an enterprise is a party to a merger situation; and (b) the creation of the merger situation has resulted, or is likely to result, in a SLC within a market for goods or services, the Commission may give the enterprise such directions as it considers necessary, reasonable and practicable to remedy the SLC or its adverse effects.

### Are parties to a merger situation required to seek the approval of the Competition Commission?

Approval of the Competition Commission is not mandatory but is strongly recommended. The Competition Commission is empowered to impose directions on mergers which have been completed.

### Timeline for review of merger situation

Where a merger has been notified to the Competition Commission, the parties will be provided a first response within 30 days. If the Executive Director has grounds to believe that the transaction will result in SLC, then an in-depth assessment is conducted which can take a maximum of 6 months.



### What is a merger situation?

Merger situation has a broad meaning within the Act and is defined as the bringing together under common ownership and control of 2 or more enterprises of which one at least carries its activities, in Mauritius, or through a company incorporated in Mauritius. It includes acquisitions of minority shareholding which confer material influence.

To seek Merger  
Guidance:  
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