



FAIR COMPETITION COMMISSION



**IN THE MATTER OF THE FAIR COMPETITION ACT NO. 8 OF
2003**

IN THE MATTER OF A FAIR COMPETITION - COMPLAINT

DOCKET NO. FCC/Comp/5 of 2014

BETWEEN

FAIR COMPETITION COMMISSION (FCC) - COMPLAINANT

AND

SIMON GROUP LIMITED - RESPONDENT

PUBLIC NOTICE

(Provisional Findings Issued Pursuant to Rules 10(9) and 19(7) of the Fair Competition Procedure Rules, 2013 in respect of the infringement of the Provisions of the Fair Competition Act, 2003)

The Fair Competition Commission (FCC) is an independent Government body established under the Fair Competition Act No. 8 of 2003 (FCA). The object of the FCA is to enhance the welfare of the people of Tanzania as a whole by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout Tanzania Mainland.

Around 2013, Simon Group Limited (the Respondent) and Dar es Salaam City Council (DCC) entered into a Share Purchase Agreement. Subsequently, the Respondent acquired a total of 3,631,046 allotted shares held by DCC in UDA. To that effect, the Respondent became a majority shareholding controlling 51% of allotted shares in UDA, hence, running the Management and controlling the Board of Directors of UDA. The whole transaction was executed in disregard of the requirement to notify it in accordance with section 11 (2) of the FCA Fair Competition Act, 2003.

Through investigation of the said transaction, the Commission has issued a Provisional Findings to the effect that the transaction constituted a notifiable merger and was concluded contrary to section 11 (2) of the FCA. Provisional Findings were thus served upon the Respondent on 4th May, 2017.

BY THIS PUBLIC NOTICE, pursuant to Rule 10(9) of the Fair Competition Commission Procedure Rules, 2013, any person (legal or natural) who has reasons to believe that the alleged conduct of the Respondents affected or is affecting that person's material interests, is hereby invited by the Commission to file written submissions. The submissions should reach the Commission within 14 days from the first day of publication of this **NOTICE** and be sent to the following address:

Fair Competition Commission,
2nd Floor, GEPF House,
Regent Estate along Bagamoyo Rd,
P.O. Box 7883,
Dar Es Salaam, Tanzania.
[TEL:+255 22 2926128/29/30/31](tel:+255222926128)
[FAX:+255 22 2926126](tel:+255222926126)
Email: info@competition.or.tz

Issued at Dar es Salaam this 23rd May, 2017.

BY THE ORDER OF THE COMMISSION

The Fair Competition Commission
GEPF House, 2nd Floor,
Regent Estate along Bagamoyo Rd,
P.O. Box 7883,
Dar Es Salaam, Tanzania