



MERGER DECISION NO 07: 2020

Notice in Terms of Section 53(4) (a) (ii) of the Competition Act of 2018

DECISION ON THE PROPOSED TRANSFER SALE AND PURCHASE OF A LETTING ENTERPRISE WITH UNDERLYING IMMOVABLE PROPERTY SITUATED ON LOT 64266, GABORONE TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS COMPRISING OF *INTER ALIA*, A FULLY DEVELOPED WAREHOUSE AND OFFICE BUILDING- ALL AS A GOING CONCERN FROM MONUMENTAL INVESTMENTS (PTY) LTD TO LINEO (PTY) LTD.

Pursuant to section 53(4)(a)(ii) of the Competition Act of 2018 ("the Act"), notice is hereby given on the decision made by the Competition and Consumer Authority ("the Authority") in respect of the proposed sale and purchase of a letting enterprise with underlying immovable property situated on Lot 17881, Gaborone together with all buildings and improvements comprising of, *inter alia*, a fully developed shopping complex - all as a going concern from Harbour Investments (Pty) Ltd to Bhenami Holdings (Pty) Ltd.

The Authority determined through the analysis of the facts of the merger that the proposed transaction is not likely to result in the prevention or substantial lessening of competition, or endanger the continuity of the commercial property market in Botswana. Furthermore, the merged entity would not attain any dominant position, and no public interest concerns have been identified.

Pursuant to the provisions of section 53 of the Act, the Authority has unconditionally approved the proposed sale and purchase of a letting enterprise with underlying immovable property situated on Lot 17881, Gaborone together with all buildings and improvements comprising of, *inter alia*, a fully developed shopping complex - all as a going concern from Harbour Investments (Pty) Ltd to Bhenami Holdings (Pty) Ltd.

However, as stated under section 61 of the Act, this approval does not override or negate any other mandatory statutory approvals or processes that any of the parties to this merger must comply with under the Laws of Botswana.

Dated at Gaborone on this 23rd day of March 2020.

Gideon Gobusamang Nkala, Acting Chief Executive Officer, Competition and Consumer Authority, P/Bag 00101, Gaborone, Plot 28, Matsitama Road, Tel: 3934278 Fax: 3121013