



MERGER DECISION NO 08: 2020

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

DECISION ON THE PROPOSED ACQUISITION OF THE ENTIRE ISSUED SHARES IN COIRECHAN (PTY) LTD T/A MEGA MINING EQUIPMENT SALES (“MEGA MINING”) AND ALL ITS ASSETS FROM MR. THEUNIS HERMANUS WESSELS TO MS. TSHEPISO T. MOPIPI (“TSHEPISO MOPIPI”)

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 acquisition of the entire issued shares in Coirechan (Pty) Ltd t/a Mega Mining Equipment Sales and all its assets from Mr. Theunis Hermanus Wessels to Ms. Tshepiso T. Mopipi.

The Authority has determined to unconditionally authorise the proposed transaction.

Firstly, the analysis of the facts of the merger assessment show that there are no substantive competition concerns that will arise in the market for sale of personal protective equipment and consumables in Botswana, given the fact that:

- i. The proposed transaction is not likely to result in a substantial lessening of competition, nor endanger the continuity of service, due to the fact that it is a management buy-out; and
- ii. The implementation of the proposed merger is not expected to result in the merged entity attaining a dominant position.

Secondly, the Authority took cognisance of the fact that the proposed transaction gives rise to citizen economic empowerment in that post-merger, Mega Mining will now be owned by a female Motswana.

Pursuant to the provisions of section 53 of the Act, the Authority has unconditionally approved the proposed acquisition of the entire issued shares in Coirechan (Pty) Ltd t/a Mega Mining Equipment Sales and all its assets from Mr. Theunis Hermanus Wessels to Ms. Tshepiso T. Mopipi.

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 27th day of March 2020.

Tebelelo Pule, Chief Executive Officer, Competition and Consumer Authority, P/Bag 00101, Gaborone, Plot 28, Matsitama Road, Tel: 3934278 Fax: 3121013