



MERGER DECISION NO 11: 2016

DECISION ON THE PROPOSED ACQUISITION OF SHARES IN MORUPULE COAL MINE LIMITED BY THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA AND TRANSFER OF THE ACQUIRED SHARES TO MINERAL DEVELOPMENT COMPANY BOTSWANA (PTY) LTD

PURSUANT to section 60(4)(a)(ii) of the Competition Act (Cap 46:09), notice is hereby given on the decision made by the Competition Authority in respect of the proposed acquisition of shares in Morupule Coal Mine Limited by the Government of the Republic of Botswana and transfer of shares to Mineral Development Company Botswana.

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 services offered in the market under consideration. The market structure in the mining and supplying of coal in Botswana, will not be altered, and as such does not raise any competition concerns.

Pursuant to the provision of section 55 of the Competition Act, the Authority has unconditionally approved the acquisition of shares in Morupule Coal Mine Limited by the Government of the Republic of Botswana and transfer of the acquired shares to Mineral Development Company Botswana (Pty) Ltd.

However, as stated under section 66 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, this 22nd day of June, 2016

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