

MERGER DECISION NO 28: 2025

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

DECISION ON THE ASSESSMENT OF THE PROPOSED ACQUISITION OF ADDITIONAL 45% SHARES IN LIQUOR AND WINE MERCHANTS BOTSWANA (PTY) LTD BY MICHELE MARY HASKINS FROM PAUL TIMOTHY JUDD, RESULTING IN 80% SHAREHOLDING

Introduction of the Merging Parties

Pursuant to section 53(4)(a)(ii) of the Competition Act 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 an additional 45% shares in Liquor and Wine Merchants Botswana (Pty) Ltd ("Liquor and Wine Merchants" or the "Target Enterprise") by Michele Mary Haskins ("Michele Haskins" or "Acquiring Enterprise"), from Paul Timothy Judd ("Paul Judd").

The Acquiring Enterprise, Michele Haskins, is a Motswana individual, who is also a shareholder of the Target, Liquor and Wine Merchants. The Acquiring Enterprise has other interests in certain businesses in Botswana.

The Target Enterprise, Liquor and Wine Merchants, is a company incorporated in accordance with the Laws of Botswana. It is controlled by Paul Timothy Judd (55%), Michele Mary Haskins (35%) and David Paul Judd (10%). These individuals have other business interests in Botswana. The Target Enterprise does not directly or indirectly control any firm in Botswana.

Relevant Markets

In terms of the activities of the Merging Parties, the Acquiring Enterprise is an individual with other business interests in Botswana that are not related to the Proposed Transaction. On the other hand, the Target Enterprise is a distributor of Spirits, wines and related products, catering to wholesale, retail, hotel, restaurant and catering sectors in Botswana.

The description of the activities of the Merging Parties reveals the absence of a product overlap in their operations. To this effect, the merger is not expected to alter the relevant market structure post-implementation, as the status quo will be maintained. Therefore, no competition concerns are expected to arise as result of the merger post implementation.

Competitive Analysis and Public Interest

The Authority has established that the Proposed Transaction is not likely to result in a substantial lessening of competition, nor endanger the continuity of service in the market relevant in Botswana. Furthermore, the proposed merger will not have any negative effect on public interest matters in Botswana as per the provisions of section 52(2) of the Competition Act 2018.

The Determination

Pursuant to the provision of section 53 of the Competition Act, the Authority has decided to unconditionally approve the proposed acquisition of additional 45% shares in Liquor and Wine Merchants Botswana (Pty) Ltd by Michele Mary Haskins, from Paul Timothy Judd, resulting in 80% shareholding.

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 July 2025.

Gideon G. Nkala, Chief Executive Officer, Competition and Consumer Authority,
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