



MERGER DECISION NO 39 OF 2022

DECISION ON THE ASSESSMENT OF THE PROPOSED ACQUISITION OF PORTION 105-JO, A PORTION OF PORTION 11) A PORTION OF PORTION 2 OF THE FARM PUMULA 20-JO), SITUATED IN THE SOUTH EAST (CADASTRE 13) ADMINISTRATIVE DISTRICT FROM SPEEDLITE (PTY) LTD BY TSWANAFUEL (PTY) LTD.

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 relation to the proposed acquisition of Portion 105-JO, a portion of portion 11 (a portion of portion 2 of the farm Pumula 20-JO), situate in the South East (cadastre 13) Administrative District from Speedlite (Pty) Ltd ("Speedlite") by Tswanafuel (Pty) Ltd ("Tswanafuel"). The transaction was notified to the Authority on 12th October 2022 and the merger assessment was completed on 24th October 2022.

Tswanafuel, the Acquiring Enterprise, is a company incorporated in accordance with the Laws of the Republic of Botswana. The Acquiring Enterprise offers fueling station services, petroleum and lubricants in Botswana.

The property which is the subject of this merger, is owned by Speedlite. It is located along the Pioneer border road that runs from Lobatse town centre towards Pioneer Border. The plot has a fuel service station (including a convenience store) which is leased by the Acquiring Enterprise. Speedlight, is a company incorporated in accordance with the Laws of the Republic of Botswana. It is in the business of property investment.

Relevant Markets

Based on the activities of the Merging Parties, the Authority defined the relevant market as the market for provision of property investment.

Competitive Analysis and Public Interest

The Authority has not established any substantial lessening of competition concerns arising from the merger. Furthermore, there is no acquisition of market dominance post-merger; nor any negative effect on public interest that was identified.

The Determination

Pursuant to the provision of Section 53 of the Competition Act, the Authority has decided to unconditionally approve the proposed acquisition of Portion 105-JO, a portion of portion 11 (a portion of portion 2 of the farm Pumula 20-JO), situate in the South East (cadastre 13) Administrative District from Speedlite (Pty) Ltd by Tswanafuel (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 24th day of October 2022.

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