

Notice in terms of Section 60(4)(a)(ii) of the Competition Act

PURSUANT to Section 60(4)(a)(ii) of the Competition Act, (Cap 46:09), notice is hereby given on the decisions made by the Competition Authority in respect of the acquisition of majority shares in Aurecon Africa Ownership Trust (Aurecon Africa) by Aurecon Australia Limited (Aurecon Australia).

The Authority determined to authorise the proposed transaction on the grounds that the analysis of the facts of the merger assessment showed that there were no substantial competition concerns that will arise in the engineering related consultancy services market, on account of the acquisition of majority shares in Aurecon Africa by Aurecon Australia, given the fact that:

1. The proposed transaction is not likely to result in substantial lessening of competition, nor endanger the continuity of the service, due to the absence of geographical overlap in the activities of the merging parties;
2. The merged entity does not possess any market dominance, and consequently no threat of abuse of dominant market power is anticipated, post transaction implementation, as defined under Section 2 of the Competition Act; and
3. No significant negative effect on public interest in Botswana has been identified, in relation to the provisions of Section 59 (2).

Pursuant to the provisions of Section 55 of the Competition Act, the Authority has approved the proposed merger.

However, pursuant to the provisions of 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 this 29th day of July, 2013

Thula Kaira, CEO, Competition Authority, P/Bag 00101, Gaborone, Plot 50664, Fairgrounds, Tel: 3934278 Fax: 3121013