



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 following proposed acquisition:

THE PROPOSED ACQUISITION OF 85% SHAREHOLDING INTEREST IN TATI NICKEL MINING COMPANY (PTY) LTD BY BCL INVESTMENTS (PTY) LTD

The Authority determined to unconditionally authorise the proposed transaction on the grounds that the analysis of the facts of the case showed that there were no substantive competition concerns that will arise in both markets for copper nickel mining and concentrating as well as copper nickel smelting, with respect to the acquisition of Tati Nickel Mining Company by BCL Investments, given the fact that:

- i) The proposed transaction is not likely to result in substantial lessening of competition, nor endanger the continuity of service, due to the fact that both customers and competitors to the merging parties with regards to the mining of copper nickel are based outside Botswana. Similarly, the merger is not expected to affect the copper nickel smelting market as the transaction itself is not expected to affect the market structure in Botswana; and
- ii) The implementation of the proposed merger is not expected to result in the merged entity attaining a dominant position in the relevant markets in Botswana, as the transaction is expected to only have a competitive effect in the overseas markets, where there are several other significant players across the globe.

However, the Authority is hopeful that the merged entity would intensify their participation in the growth of SMMEs in Botswana by outsourcing some jobs to as well as sourcing from SMMEs in the country. Furthermore, the Authority is hopeful that in the future the Government of Botswana will consider involving citizens into the shareholding of the merged entity.

Pursuant to the provision of section 55 of the Competition Act, the Authority has unconditionally approved the proposed merger.

However, as stated under section 66 of the Act, these approvals do not override or negate any other mandatory statutory approvals or processes that any of the parties to these mergers must comply with under the Laws of Botswana.

Dated at Gaborone this 12th day of December, 2014

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