



MERGER DECISION NO 10: 2017

DECISION ON THE MERGER BETWEEN MMEGI INVESTMENT HOLDINGS (PTY) LTD AND UNIVERSAL HOUSE (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 acquisition of 28.73% shares in Mmegi Investment Holdings (Pty) Ltd by Universal House (Pty) Ltd.

The Authority determined through the analysis of the facts of the merger that the transaction, which had already been implemented without prior notification to the Authority, is likely to result in the prevention or substantial lessening of competition, in the market under consideration. The market structure in the provision of commercial radio broadcasting services will be altered, and as such raises competition and public interest concerns.

Pursuant to the provisions of section 60 of the Competition Act, the Authority has rejected the acquisition of 28.73% shares in Mmegi Investment Holdings (Pty) Ltd by Universal House (Pty) Ltd.

Given the fact that this transaction has already been implemented, and in pursuance of section 63 (2) (b) of the Competition Act, the Authority directs the parties to dispose of the 28.73% shares already acquired in Mmegi Investment Holdings (Pty) Ltd by Universal House (Pty) Ltd, to an entity or person(s) with no business interests affiliated in any way with the acquiring entity, within 3 months from the decision date; which the Authority expects will be notified in the event that the transaction meets the stipulated merger control thresholds.

In order for the Authority to properly enforce the above direction, the merging parties shall adhere to the following procedures:

- i. Within 14 business days from the decision date, the merging parties are required to report to the Authority on how the disposal will be done; and
- ii. Within two months from the decision date, the merging parties are required to provide the Authority with a status update on their progress towards compliance with the decision of the Authority.

Dated at Gaborone this 17th day of February 2017.

Tebelelo Pule, Acting Chief Executive Officer, Competition Authority, P/Bag 00101,
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