



## **MERGER DECISION NO 15: 2022**

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

#### **DECISION ON THE ASSESSMENT OF THE PROPOSED SALE OF SHARES, ASSETS AND ACQUISITION OF THE BUSINESS OF DAY STAR (PTY) LTD BY JOYLAND (PTY) LTD**

##### **Introduction of the Merging Parties**

Pursuant to section 53(4)(a)(ii) of the Competition Act of 2018 ("the Act"), notice is hereby given on the decision made by the Competition and Consumer Authority ("the Authority") in relation to the proposed sale of shares, assets and the business of Day Star (Pty) Ltd ("Day Star") by Joyland (Pty) Ltd ("Joyland"). The transaction was notified to the Authority on 7<sup>th</sup> April 2022, and the merger assessment was completed on 29<sup>th</sup> April 2022.

The Acquiring Enterprise, Joyland, is a company incorporated in accordance with the Laws of the Republic of Botswana. Joyland provides private primary school education services in Metsimotlhabe. The Target Enterprise, Day Star, is also a company incorporated in accordance with the Laws of the Republic of Botswana. Daystar is a private school which provides pre, and primary school education services, and it is located in Flowertown, Mahalapye.

##### **Relevant Markets**

In terms of the relevant markets, the assessment of the proposed transaction has revealed that both the Acquirer and the Target Firm offer private primary school education services from Reception to Standard 7 levels in Metsimotlhabe and Mahalapye, respectively. Based on the above description of the activities of the Merging Parties, it is clear that there is horizontal overlap in the proposed transaction. However, the identified overlap lacks geographic presence.

##### **Competitive Analysis and Public Interest**

The Authority does not expect the transaction to give rise to any substantial lessening of competition or restrict trade or the provision of services or to endanger the continuity of supplies or service in the relevant market in Botswana. The transaction at hand lacks geographic overlap; and as such, the proposed transaction is not expected to alter the market structure post implementation.

## **The Determination**

The Authority determined through the analysis of the facts of the merger, that the proposed transaction is not likely to result in a substantial lessening of competition, nor endanger the continuity of service, in the relevant market in Botswana.

Furthermore, there is no acquisition of market dominance or public interest concerns post-merger in relation to the provisions of the section 52 of the Competition Act, 2018.

Pursuant to the provision of section 53 of the Act, the Authority has decided to *unconditionally approve* the proposed sale of shares, assets and the business of Day Star (Pty) Ltd by Joyland (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 29<sup>th</sup> day of April 2022.

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