

MERGER DECISION NO 17: 2020

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

**DECISION ON THE ASSESSMENT OF THE PROPOSED AMALGAMATION BETWEEN
KOMATSU BOTSWANA (PTY) LTD AND JOY GLOBAL BOTSWANA (PTY) LTD**

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 respect to the proposed amalgamation between Komatsu Botswana (Pty) Ltd and Joy Global Botswana (Pty) Ltd.

The Authority determined through the analysis of the facts of the merger that the proposed transaction is not likely to result in substantial lessening of competition, nor endanger the continuity of services offered in the market for the supply and servicing of surface mining equipment (mining wheel loaders) in Botswana.

However, it is noted that the proposed transaction gives rise to public interest concerns under section 52(2)(e) of the Act, whereby possible retrenchments/ redundancies may arise as a result of implementation of the proposed amalgamation.

Taking the public interest concerns and pursuant to the provision of section 53 of the Act, the Authority has approved the proposed amalgamation between Komatsu Botswana (Pty) Ltd and Joy Global Botswana (Pty) Ltd with the condition that:

There shall be no merger specific retrenchments that may affect the employees of the merged enterprises.

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 August 2020.

Tebelelo Pule, Chief Executive Officer, Competition and Consumer Authority,
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