



MERGER DECISION NO 23: 2016

DECISION ON THE PROPOSED ACQUISITION 100% OF THE ISSUED SHARES IN AND CLAIMS ON LOAN ACCOUNT AGAINST BRANDCORP HOLDINGS (PTY) LTD BY BIDVEST GROUP 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 proposed acquisition of 100% of the issued shares in and claims on loan account against Brandcorp Holdings (Pty) Ltd by Bidvest Group Ltd.

The Authority determined to authorise the proposed transaction on the grounds that the analysis of the facts of the case have shown that there were no substantive competition concerns that will arise in the market for the distribution of engineering and industrial products to industrial end-users and resellers, given the fact that:

- (a) The proposed transaction is not likely to result in a substantial lessening of competition, nor endanger the continuity of service, due to the competition constraints that will be posed by existing competitors;
- (b) The implementation of the proposed merger is not expected to result in the merged entity attaining a dominant position; and
- (c) No significant negative effect on public interest in Botswana has been identified, in relation to provisions of section 59 (2).

Pursuant to the provisions of section 55 of the Competition Act, the Authority has unconditionally approved the proposed acquisition of 100% of the issued shares in, and claims on loan account against Brandcorp by Bidvest.

However, as stated under 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 at Gaborone, this 26th day of September 2016

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