



## **MERGER DECISION NO 34: 2016**

### **DECISION ON THE PROPOSED ACQUISITION OF ALL THE OUTSTANDING SHARES IN, AND SOLE CONTROL OF, JOY GLOBAL INCORPORATION BY KOMATSU AMERICA CORPORATION.**

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 all the outstanding shares in, and sole control of, Joy Global Incorporation by Komatsu America Corporation.

The Competition Authority determined through the analysis of the facts of the merger, that the acquisition of Joy Global is not expected to result in a reduction in the number of players in any of the markets that the merging parties are active in due to absence of overlap in the activities of the parties, hence it will not affect the structure of the market. Therefore, the merger will not give rise to any substantial lessening of competition or to restrict trade or the provision of service or to endanger the continuity of supplies or service in the relevant market of Botswana.

Pursuant to the provisions of section 55 of the Competition Act, the Authority has unconditionally approved the proposed acquisition of all the outstanding shares in and sole control of, Joy Global by Komatsu America.

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 14<sup>th</sup> day of December 2016

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