



MERGER DECISION NO 9: 2015

DECISION ON THE PROPOSED ACQUISITION OF 74% OF THE ISSUED SHARES IN JINDAL BVI LTD BY GLENDAL TRADING (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 proposed acquisition of 74% of the issued shares in Jindal BVI Ltd by Glendal Trading (Pty) Ltd.

The Authority determined to unconditionally 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 production of energy and coal on account of the proposed acquisition in Botswana, given the fact that:

- a) The proposed transaction is not likely to result in substantial lessening of competition, nor endanger the continuity of service, due to the absence of product overlap between the activities of the merging parties;
- b) Similarly, the implementation of the proposed merger is not expected to result in the merged entity attaining a dominant position, as the transaction is not expected to affect the current market structure; and
- c) No significant negative effect on public interest in Botswana has been identified, in relation to the provisions of section 59(2). Rather, the merger is expected to benefit Botswana through job creation and growth of the energy and coal industries.

Pursuant to the provisions of section 55 of the Competition Act, the Authority has unconditionally approved the proposed merger.

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 2nd day of April, 2015

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