



MERGER DECISION NO 9: 2017

DECISION ON THE PROPOSED ACQUISITION OF 19.91% OF THE SHARES IN VIVO ENERGY HOLDING B.V. FROM SHELL OVERSEAS INVESTMENTS B.V. BY VITOL AFRICA B.V.

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 19.91% of the shares in Vivo Energy Holding B.V. from Shell Overseas Investments B.V. by Vitol Africa B.V.

The Authority determined through the analysis of the facts of the merger, that the proposed transaction is not likely to result in the prevention or substantial lessening of competition, or endanger the continuity of the services offered in the market under consideration. The structure of the market for the distribution of Shell branded fuels and lubricants to retail and commercial customers in Botswana will not be altered, and as such this transaction does not raise any competition concerns. In addition there are no public interest concerns that arise as a result of the proposed transaction.

Pursuant to the provisions of section 60 of the Competition Act, the Authority has unconditionally approved the proposed acquisition of 19.91% of the shares in Vivo Energy Holding B.V. from Shell Overseas Investments B.V. by Vitol Africa B.V.

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 these mergers must comply with under the Laws of Botswana.

Dated at Gaborone this 17th day of February 2017.

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