



## **MERGER NOTICE NO 05: 2022**

### **THE PROPOSED AMALGAMATION OF KOMATSU BOTSWANA (PTY) LTD AND JOY GLOBAL BOTSWANA (PTY) LTD.**

Pursuant to section 49 (1) of the Competition Act of 2018, the Competition and Consumer Authority ("the Authority") has received a merger notification for the proposed amalgamation of Komatsu Botswana (Pty) Ltd ("Komatsu Botswana") and Joy Global Botswana (Pty) Ltd ("Joy Global Botswana").

The primary acquiring enterprise, Komatsu Botswana, is a limited liability company incorporated in accordance with the Laws of Botswana. Komatsu Botswana is wholly owned by Komatsu Africa Holdings (Pty) Ltd ("KafH"), a company registered in accordance with the Laws of South Africa. Komatsu Africa is a subsidiary of Komatsu Limited ("Komatsu Ltd"). Komatsu Ltd is a limited liability company incorporated in accordance with the Laws of Japan. Komatsu Ltd is the ultimate parent company of the Komatsu group of companies. Komatsu Ltd is publicly listed on the Tokyo Stock Exchange ("*Kabushiki Kaisha*") and its shares are widely traded, and as such, it is not controlled by any single shareholder or firm.

Komatsu Botswana is a supplier of mining equipment that is used in surface mining for the extraction of metals and minerals. Komatsu Botswana imports, sells and provides after sales support for Komatsu mining and construction equipment. Komatsu Botswana supplies and services the following mining products: dozers, dump trucks, motor graders, mining hydraulic excavators and mechanical drive mining wheel loaders. In addition, Komatsu Botswana does not undertake any manufacturing activities in Botswana.

The Directors of Komatsu Botswana are: Martin John Cowley; Lebang Mogaetsho Mpotokwane (both Botswana); Michael Anthony Blom; Ehsaan Moosa (both South Africans); and Kazuya Noburu (Japanese).

The primary target enterprise, Joy Global Botswana, is a company incorporated under the Laws of Botswana and is a subsidiary of HCHC Inc. ("HCHC"), a company incorporated in Delaware, United States of America. The shareholders of HCHC are Joy Global Surface Mining Inc; Joy Global Conveyors Inc; Joy Global Underground Mining LLC; and Joy Global Longview Operations LLC. The shareholders of HCHC are ultimately controlled by Komatsu Ltd.

Joy Global Botswana is a supplier of mining equipment that is used in surface mining and underground mining for the extraction of metals and minerals.

Additionally, Joy Global Botswana sells and provides after sales support in respect of the following categories of surface mining equipment: electric rope shovels, draglines, blasthole drills, conveying equipment and related systems, crushing equipment (such as feeder breakers, hydraulic hammers (Montabert, and related equipment, and electric drive mining wheel loaders). Furthermore, Joy Global Botswana does not undertake any manufacturing activities in Botswana.

The Director of Joy Global Botswana is Vincent Moatlhodi Molokwe.

According to section 50 (3), of the Competition Act of 2018, “any person, including a third party not a party to the proposed merger, may voluntarily submit to the inspector or the Authority any document, affidavit, statement or other relevant information in respect of a proposed merger.”

The Competition and Consumer Authority therefore seeks any stakeholder views for or against the proposed merger, which may be sent within 10 days from date of this publication to the following address:

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