



MERGER DECISION NO 31: 2016

DECISION ON THE PROPOSED ACQUISITION OF ASSETS OF MESSINA COPPER (BOTSWANA) (PTY) LTD (IN LIQUIDATION) BY LEOAM HOLDINGS (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 the assets of Messina Copper (Botswana) (Pty) Ltd (In Liquidation) (MCB) by Leboam Holdings (Pty) Ltd from the liquidator of MCB.

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 market structure in the mining of copper and production of copper concentrate will not be altered and as such does not raise any competition concerns.

Pursuant to the provisions of section 55 of the Competition Act, the Authority has unconditionally approved the proposed acquisition of the assets of MCB (In Liquidation) by Leboam from the liquidator of MCB.

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 6th day of December 2016

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