



MERGER NOTICE NO 5: 2017

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 56(1) of the Competition Act [CAP 46:09], the Competition Authority has received a notification for 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 acquiring enterprise, Vitol Africa, is a private company incorporated in accordance with the Laws of The Netherlands. The objective of Vitol Africa is primarily to administer, finance, conduct management and render advice and services to other companies and enterprises. Vitol Africa through its shareholding in HV Investments B.V. (one of the shareholders in Vivo Energy) has indirect shareholding in Vivo Energy, thus, has indirect presence in Botswana.

The target enterprise, Vivo Energy, is a company incorporated in accordance with the Laws of the Republic of The Netherlands. Vivo Energy is owned by HV Investments B.V., Shell Overseas Investments B.V. and Stichting Administratiekantoor Vivo Energy Holding (all incorporated in The Netherlands). Vivo Energy, through its subsidiaries, markets and distributes petroleum products. Vivo Energy is present in Botswana through its indirectly wholly-owned subsidiary, Vivo Energy Botswana. The main activity of Vivo Energy Botswana is to distribute Shell branded fuels and lubricants to retail and commercial customers.

According to section 57(3) of the Competition Act, "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 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:

Director, Mergers and Monopolies
Competition Authority
Private Bag 00101
Plot 28, Matsitama Road, Main Mall
Gaborone
Tel: +267 3934278 Fax: +267 3121013
Email: CA@competitionauthority.co.bw