

Statement on the decisions of the Competition Commission

To: All Media

Date: 15 July 2015

1. Key decisions on Mergers and Acquisitions

1.1 Intermediate Mergers

Proposed merger between Compaigne de Saint-Gobain (Saint-Gobain) and Schenker-Winkler Holding AG (SWH)

The Commission has approved without conditions, the intermediate merger whereby Saint-Gobain, through its capacity as Société de Participations et industrielles (SPAFI), intends to acquire SWH. Post-merger, Saint-Gobain, through SPAFI, will have sole control over SWH. The Commission found that the merged entity is unlikely to exercise market power in any of the affected markets.

The Saint-Gobain group operates through four business sectors, namely: innovative materials, construction products (including industrial mortars), building materials distribution, and packaging.

SWH is the holding company of Sika, which manufactures and distributes speciality chemicals for adhesives and sealants, wall and floor products used in the local construction industry.

Proposed merger between Caxal Enterprises (Pty) Ltd (Caxal) and Metal Concentrators (Pty) Ltd (Metcon)

The Commission has approved without conditions, the intermediate merger whereby Caxal intends to acquire Metcon. Post-merger, Caxal will control Metcon.

Caxal is an investment holding company owning non-controlling interests in various investments funds such as Investec Fund & Cash, Cash PSG & RMB, Investec Equity Investments and others.

The Metcon Group is engaged in sourcing, refining and marketing of precious metals such as gold, silver and platinum.

Proposed merger between Ought to Invest 15 Proprietary Limited (OTI) and Mathulusi Service Station CC, trading as Eagle Distributors (Eagle)

The Commission has approved without conditions, the intermediate merger whereby OTI intends to acquire a portion of the petroleum fuel supply business of Eagle. Post-merger, OTI will control the portion of the petroleum fuel supply business of Eagle.

OTI is a global provider of fuel (petrol, diesel, bunker and aviation) lubricants and other oil products. The target business is the retailer supply business of Eagle involved in the wholesale and retail of petroleum and diesel.

1.2 Small Mergers

Proposed merger between Golden Peanut and Tree Nut SA (Pty) Ltd (Golden Peanut) and Razorbill Properties (Pty) Ltd (Razorbill Properties)

The Commission has approved without conditions, the small merger whereby Golden Peanut intends to acquire the business of SAGM and Razorbill Properties. Post-merger, Golden Peanut will have control over Razorbill Properties and SAGM.

Golden Peanut and SAGM are handlers, processors and resellers of peanut and peanut related products in South Africa. Razorbill Properties was not engaged in any business activities and merely held the property on which SAGM conducted the business. The Commission found that there are alternatives processors and marketers available in the affected markets.

2. Non Referrals – The Commission has taken a decision to non-refer the following cases for the following reasons:

- a) Sisonke Gauteng Shuttle Services v Airports Company of South Africa at OR Tambo International Airport – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- b) Douglas F Murdoc-Blazecor 48 CC T/A Trussco v Mitek SA Midrand - *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- c) David Wayne Tedder v NMI DSM Mercedes Benz - *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- d) Zaahid Ismaie v all recruitment agencies – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- e) Burgan Cape Terminals (Pty) Ltd v Chevron South Africa - *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*

Ends

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