



**competition commission**  
*south africa*

## **Weekly Media Statement**

### **For Immediate Release**

**18 December 2020**

The Competition Commission of South Africa (CCSA) held its ordinary weekly meeting on Tuesday 15 December 2020, to review and take decisions on matters brought before the Commission by members of the public and corporate applicants, in terms of the Competition Act (89 of 1998). These matters include but are not limited to complaints, mergers and acquisitions.

## **LATEST DECISIONS BY THE COMPETITION COMMISSION**

### **1.1 ENGIE Global Development BV (ENGIE)/ Xina CSP South Africa (Pty) Ltd (Xina CSP) and Xina CSP Operations and maintenance (Pty) Ltd (Xina CSP O&M)**

The Commission has recommended that the Competition Tribunal (Tribunal) approve the proposed transaction whereby ENGIE intends to acquire Xina CSP and Xina CSP O&M, without conditions.

In South Africa, the ENGIE Group supplies a mix of renewable energies. Its energy projects in South Africa include the Aurora Wind Power Project (Aurora Wind). Aurora Wind is a supplier of renewable energy in terms of the Renewable Energy Independent Power Producer Procurement Programme.

The Xina Solar One Project, controlled by Xina CSP, is a concentrated solar power plant in the Northern Cape. The Xina Solar One Project is involved in the production of renewable energy (electricity) using Solar PV.

Xina CSP O&M operates and maintains the Xina Solar One plant.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.2 Greenstreet 1 (Pty) Ltd (Stanlib Fund II SPV)/ Solar Capital De Aar 3 (RF) (Pty) Ltd (SCDA 3)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Stanlib Fund II SPV intends to acquire SCDA 3, without conditions.

Stanlib Fund II SPV is involved in the provision of financial services. Of relevance to this merger assessment, is the fact that the Stanlib Fund II SPV holds interests in various wind and solar photo-voltaic (PV) independent power producers (“IPP”) which are operating under the Renewable Energy Independent Power Producer Procurement Programme (“REIPPPP”).

SCDA 3, is a solar PV IPP located in the Northern Cape.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.3 Orviscene (Pty) Ltd (Orviscene) / Makrogate Limited (Makrogate)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Orviscene intends to acquire Makrogate, without conditions.

Orviscene is ultimately controlled by the Government Employee Pension Fund (GEPF) and Emerging African Property Holdings Proprietary Limited. Orviscene and the firms controlling it are active in the property sector.

The target firm is Makrogate in respect of a light industrial property located in Brackenfell, Western Cape.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

#### **1.4 Fleming Capital Securities, Inc., a wholly - owned indirect subsidiary company of Garda World Security Corporation (Garda)/ G4S plc (G4S)**

The Commission has conditionally approved the proposed merger whereby Garda intends to acquire G4S.

Garda is active in the security industry globally with no activities in South Africa.

G4S is active globally in the security industry with business operations in South Africa.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets.

The Commission found that the proposed merger is likely to raise significant public interest concerns. The Commission therefore approved the merger subject to conditions to address the public interest concerns identified.

#### **1.5 London Stock Exchange Group plc (LSEG)/ The whole business of Refinitiv Parent Limited (Refinitiv)**

The Commission has conditionally approved the proposed merger whereby LSEG intends to acquire Refinitiv.

LSEG is a financial markets infrastructure business headquartered in London. LSEG's global business focuses on capital formation, post-trade and information and technology services. LSEG

is a public limited company incorporated under the laws of England and Wales. Its shares are traded on the LSE's Main Market for listed securities.

Refinitiv provides data and insights, trading platforms, and open data and technology platforms that connect the global financial community to transact and manage risk in a safe, effective, and efficient way. Refinitiv's services are generally available globally including throughout South Africa. Refinitiv offers a range of solutions that can broadly be divided into three primary business segments namely (i) data and analytics; (ii) capital markets and workflow solutions; and (iii) risk management services.

The Commission found that the proposed transaction may raise competition concerns. In particular, the Commission noted that the merged entity may, post-merger, have the ability and incentive to restrict access to WM/R FX Benchmarks to index licensing firms that compete with it in South Africa.

In order to address this concern, the Commission has imposed a condition that LSEG, as well as the Refinitiv, for the period between the approval date and implementation date and for 5 years after the implementation date, commits to make WM/R FX Benchmarks available to index licensing customers in South Africa.

### **1.6 Siemens Healthineers AG (SHS)/ Varian Medical Systems, Inc (Varian)**

The Commission has conditionally approved the proposed merger whereby SHS intends to acquire Varian.

SHS is a global provider of healthcare solutions and services, active in over 70 countries worldwide. Its business is divided into three business segments, namely: imaging, laboratory diagnostics, and advanced therapies. Imaging provides imaging products and services, including equipment such as magnetic resonance imaging, X-ray systems, nuclear imaging, and ultrasound. Laboratory Diagnostics comprises in-vitro diagnostic products and services. Advanced Therapies consists of integrated products, solutions, and services that facilitate image-guided minimally invasive treatments, in areas such as cardiology, interventional radiology, surgery, and radiation oncology.

Varian is a global manufacturer of medical devices and software solutions for treating cancer with radiotherapy and other advanced treatments. VMSA provides interventional oncology solutions; radiation therapy solutions; and oncology software solutions in South Africa.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets.

The Commission however identified public interest concerns regarding the effect of the proposed transaction on employment. The Commission therefore approved the proposed transaction with conditions to address employment concerns.

### **1.7 Exemplar REITail Limited (Exemplar)/ Mall of Thembisa (Pty) Ltd (Thembisa Mall)**

The Commission has unconditionally approved the proposed merger whereby Exemplar intends to acquire Thembisa Mall.

Exemplar's business is a fund specialising in owning, internally managing and growing a portfolio of shopping malls typically in under-serviced, peri-urban township and rural areas of South Africa.

Thembisa Mall is a non-specialised retail property which is located at 2175 Antimony Road, Clayville, Olifantsfontein, Tembisa.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.8 Maybe Maxine Proprietary Limited (Maybe Maxine) / SOLA Group Proprietary Limited (SOLA)**

The Commission has unconditionally approved the proposed merger whereby Maybe Maxine intends to acquire SOLA.

Maybe Maxine, and the firms controlling it (the “Acquiring Group”) are hold non-controlling investments in nine (9) renewable energy projects in South Africa across wind, solar photovoltaic and biomass technologies. The Acquiring Group is owned and controlled by historically disadvantaged individuals (“HDIs”) as defined in the Competition Act No. 89 of 1998 (as amended).

SOLA is involved in, *inter alia*, the design, construction, maintenance and funding of solar installations.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.9 Zet-Zet-Twee Bestuursmaatskappy (Pty) Ltd (ZZ2) / Mphome (Pty) Ltd (Mphome)**

The Commission has unconditionally approved the proposed merger whereby ZZ2 intends to acquire Mphome.

The ZZ2 Group of companies is involved in the farming and sale of agricultural products including tomatoes, avocados, blueberries, onions, apples, pears, stone fruit, nursery fruit trees, almonds, cherries, bananas, litchis, kiwis, macadamias, dates, and cattle. ZZ2 Group of companies is also involved in the farming and sale of citrus products (namely lemons, valencias, grapefruit, naartjies, clementines and tangos). ZZ2 Group of companies has a small forestry holding and it is involved in the sale of timber from its eucalyptus and pine plantations in the Limpopo province.

Mphome is wholly owned and controlled by Criterion Africa Forestry Limited. Mphome is involved in the sale of timber from its eucalyptus and pine plantations in the Limpopo province.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

#### **1.10 Temo Capital 2 (Pty) Ltd (Temo 2) / Akacia Medical and Healthcare Group Pty) Ltd (Akacia), Spartan Truck Hire Pty) Ltd (Spartan), CicumQ IP (RF) Pty) Ltd (CircumQ IP) and CicumQ Trading (RF) Pty) Ltd (CicumQ Trading)**

The Commission has unconditionally approved the proposed merger whereby Temo 2 intends to acquire Akacia, Spartan, CicumQ IP and CicumQ Trading

Temo 2 and Temo Capital Proprietary Limited (Temo 1), is controlled by the Bunang Trust (Bunang). The Bunang Group holds diversified private equity investments, which are primarily held through Temo 2 and Temo 1.

Akacia is a holding company for subsidiaries that provide products and services to the medical and healthcare sector. Spartan provides a range of commercial vehicle rental and related services. CicumQ IP and CicumQ Trading own the intellectual property to a male circumcision device for application in the healthcare sector.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

#### **1.11 Identity Property Fund (Identity Property Fund) / TSU Group Holdings (Pty) Ltd (TSU Group Holdings)**

The Commission has unconditionally approved the proposed mergers whereby Identity Property Fund intend to acquire TSU Group Holdings.

Identity Property Fund is a company being established to invest in high-calibre South African property companies with equivalent underlying rental assets in attractive locations with strong rental cash flow profiles.

TSU Group specialises in executive protection, executive support, security guards, armed escorts, security consulting, tactical response offsite monitoring (both alarm and camera), armed response, 24/7 control centre, strike and riot, polygraph testing, specialised training, static guarding, retail guarding, security panic button app, journey management, security risk analysis and risk management, operational intelligence, solutions maritime security services, kidnapping and extortion and security investigation services on a global front to individuals and companies.

The Commission found that the proposed transactions are unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

#### **1.12 Brenthurst Retirement Proprietary Limited (Brenthurst)/ The Retirement Village known as Woodside Village (Woodside Village)**

The Commission has unconditionally approved the proposed merger whereby Brenthurst intends to acquire Woodside Village.

Brenthurst and the firms controlling it are involved in, *inter alia*, the development, ownership and management of retirement residential accommodation.

Woodside Village is a residential retirement village located in the Western Cape.



The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.13 UXi Private Education (Pty) Ltd (UXi)/ The Professional Learning Group (Pty) Ltd (PLG)**

The Commission has unconditionally approved the proposed merger whereby UXi intends to acquire PLG.

UXi is controlled by Benaret Proprietary Limited (Benaret) and ANRO Trust, as well as all the firms they directly and indirectly control are referred to as the Acquiring Group. The Acquiring Group provides private education in the higher education, vocational education, professional education and schools sectors in South Africa, certain other African jurisdictions and the United Kingdom. UXi offers certificate, higher education, undergraduate and post graduate qualifications covering a wide range of qualifications and fields.

PLG offers a wide range of educational qualifications in a wide range of fields utilising online courses, higher certificate, diplomas, masters and post graduate qualifications.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.14 D2E Properties (Pty) Ltd (D2E)/ K2013204008 (Pty) Ltd (K2013)**

The Commission has unconditionally approved the proposed merger whereby D2E intends to acquire K2013.

D2E is a property investment and management company.

K2013 is a special purpose vehicle which owns a land measuring 3 024m<sup>2</sup> in the City of Cape Town (the Development Land), situated at 15 Kloof Road, Sea Point. The Development Land is held for the development and sale of a residential complex.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

### **1.15 The Davidson Family Trust (Davidson Family Trust)/ KayDav Group Ltd (KayDav)**

The Commission has unconditionally approved the proposed merger whereby Davidson Family Trust intends to acquire KayDav.

The Davidson Family Trust does not conduct business, save that it owns three properties situated in Brackenfell Strand and Ottery (this property is rented to the target firm) in the Western Cape.

KayDav is a trading and distribution company operating in the (i) wood-based panel and (ii) packaging industries. It produces wood-based panels that are manufactured through the compression of wood waste into solid panels. These panels have a variety of applications in the construction, furniture manufacturing and shopfitting industries. It also produces packaging consumables and machinery that are used in the industrial, agricultural and commercial sectors.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. The Commission further found that the proposed transaction does not raise any public interest concerns.

**Members of the public can now lodge their complaints by SMS/WhatsApp @084 743 0000**

**[ENDS]**

**Issued by:**

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