

Statement on the decisions of the Competition Commission

To: All Media

Date: 27 May 2015

1. Key decisions on Mergers and Acquisitions

1.1 Large Mergers

Proposed merger between Main Street 1306 (Pty) Ltd (Main Street) and the Nampak Recycling Business Division of Nampak products Limited (Nampak Recycling)

The Commission has recommended to the Tribunal that the large merger whereby SPV intends to acquire Nampak Recycling, be approved without conditions. Post-merger, SPV will have sole control over Nampak Recycling.

Ethos Fund VI, which controls SPV, is a private equity investment fund that comprises various local and foreign limited partners. Nampak Recycling is the recyclable waste collection business of Nampak.

Proposed merger between Unemployment Insurance Fund (UIF), and South Point Management Services (Pty) Ltd (SPMS)

The Commission has recommended to the Tribunal that the large merger whereby the UIF acting through its authorised representative, the Public Investment Corporation SOC Limited (PIC), intends to acquire SPMS, be approved without conditions. Post-merger, UIF through the PIC, will have sole control over SPMS.

The UIF is an unemployment insurance fund established in terms of the UIF Act. The fund is responsible for the collection and distribution of contributions by employees, employers and other contributors to the fund. The PIC is a wholly owned South African Government public entity which is a registered financial service provider, investing funds on behalf of public sector entities.

SPMS is engaged in the business of acquiring and refurbishing inner-city buildings primarily for the purposes of providing residential accommodation to students in urban centres.

Proposed merger between Chemical Services Ltd (CSL) and Resinkem (Pty) Ltd (Resinkem)

The Commission has recommended to the Tribunal that the large merger whereby CSL intends to acquire Resinkem, be approved without conditions. Post-merger, CSL will have sole control over Resinkem.

CSL supplies chemical raw materials and related services for industrial use. Resinkem manufactures and supplies formaldehyde solutions, urea formaldehyde resins and phenolic resins (timber and foundry phenolic resins).

Proposed merger between Super Group Dealerships, a division of Super Group Trading (Pty) Ltd (SG Dealerships) and Tommy Martins Krugersdorp (Pty) Ltd (Tommy Martins)

The Commission has recommended to the Tribunal that the large merger whereby SG Dealerships intends to acquire the assets in the automobile business of Tommy Martins, be approved without conditions. Post-merger, SG Dealership will have sole control over Tommy Martins.

SG Dealerships operate as a non-exclusive or multiline automobile dealership distributing automobiles in Gauteng, Mpumalanga and Northwest Provinces. Tommy Martins is a General Motors (GM) and Isuzu franchise automobile dealership situated in Roodepoort, Gauteng Province.

1.2 Intermediate Mergers

Proposed merger between the Rynic Trust and Rappa Holdings (Pty) Ltd (Rappa Holdings)

The Commission has approved without conditions, the intermediate merger whereby the Rynic Trust intends to acquire Rappa Holdings. Post-merger, the Rynic Trust will have sole control over Rappa Holdings.

The Rynic Trust does not provide any services or hold shares in any entity other than its 50% interest in Rappa Holdings. Rappa Holdings, through its subsidiaries is active in mining processing and property.

Proposed merger between K2104 and Emira Property Fund (Emira) and Old Mutual Life Assurance Company (South Africa) Limited (OMLACSA) – (Target Properties)

The Commission has approved without conditions, the intermediate merger whereby K2014 and Emira intend to acquire from OMLACSA the retail letting enterprises known as Mutual Plain, Sonata Lane and OK Bazaars-Mitchells Plain. Post-merger, Emira and K2014 will have joint control over the target properties.

K2014 is a shelf company recently purchased for the sole purpose of housing the target entity. Emira is a property portfolio fund scheme. The target properties are retail properties located in Mitchells Plain in the Western Cape Province.

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

- a) Africa Amanzi Solutions (Pty) Ltd v WAS Chemicals (Pty) Ltd – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- b) Mr. Anton Baartman of Property Authority (Pty) Ltd t/a www.isell.co.za v Property24.com (owned and managed by Korbitec) – *The Commission accepted the withdrawal of this matter by the complainant.*
- c) Phillip Mabona Enterprises v Growthpoint Properties Limited and Primall Media (Pty) Ltd – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- d) Monroville (Pty) Ltd v South African Police Service – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*
- e) Crisis Medical (Pty) Ltd v ER24 EMS (Pty) Ltd and Netcare 911 (Pty) Ltd – *The Commission found that the conduct complained of does not amount to a contravention of the Competition Act.*

Ends

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