



**Weekly Media Statement**  
**For immediate release**  
**11 April 2018**

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

### **1. Key decisions on mergers and acquisitions**

#### **1.1 Boardriders Inc v Billabong International Ltd**

The Commission has approved the proposed merger, with conditions, whereby Boardriders Inc. (Boardriders) intends to acquire Billabong International Limited (Billabong).

Boardriders, an Australian company, is a global branded apparel business with operations in over 110 countries. Boardriders designs, produces, distributes and retails branded apparel, footwear, related accessories and technical/hardwear products. It operates through three brands: Quiksilver, Roxy and DC.

Billabong, also an Australian company, is a global business engaged in marketing, distributing, wholesaling and retailing active lifestyle apparel, footwear and accessories. Billabong operates in over 100 countries (including South Africa). Its portfolio of brands includes Billabong, RVCA, Element and Xcel.

The Commission has approved the proposed merger subject to a condition that there be a moratorium on job losses. In addition, a year before the moratorium ends, details of any plans affecting employment or operations must be provided to workers and their union. In the event that jobs losses are unavoidable when the duration of the moratorium lapses, the merged entity must institute a workplace committee to help identify potential alternatives to avoid job losses.

#### **1.2 Mondi Ltd v The Draycott and Greytown Plantations, currently operated by World Hardwood (Pty) Ltd**

The Commission has recommended to the Tribunal that the proposed merger be approved, without conditions, whereby Mondi Ltd (Mondi) intends to acquire the Draycott and Greytown Plantations currently operated by World Hardwood (Pty) Ltd (World Hardwood).

Mondi is a paper and pulp producer. It grows and mills hardwood. Its main hardwood product is bleached hardwood pulp, which is used in paper production activities, sold to tissue producers and exported.

World Hardwood is owned by the Woodworld Trust and forms part of the R&B Group, involved in harvesting, processing and pressure treating wooden poles. These are supplied to transmission, telecommunications, construction, and fencing customers. The R&B Group also owns plantations.

The Commission found the proposed transaction is unlikely to substantially prevent or lessen competition in any market. In addition, the proposed transaction does not raise any public interest concerns.

### **1.3 Pick n Pay Retailers (Pty) Ltd v Pick n Pay Family Supermarket, Pick n Pay Liquor Store and Pick n Pay Daily Supermarket**

The Commission has approved the proposed merger, without conditions, whereby Pick n Pay Retailers (Pty) Ltd (Pick n Pay Retailers) intends to acquire Pick n Pay Franschhoek, Pick n Pay Franschhoek Liquor and Pick n Pay Franschhoek Daily.

Pick n Pay operates supermarkets that supply fast moving consumer goods through wholesale and retail channels. The goods include groceries, clothing, health and beauty goods and liquor.

The Franschhoek Stores form part of the Pick n Pay retail offering to consumers. As franchise stores, many products offered by the Franschhoek Stores are also offered by other Pick n Pay stores.

The Commission found the proposed transaction is unlikely to substantially prevent or lessen competition in any market. In addition, the proposed transaction does not raise any public interest concerns.

### **1.4 Minnovo Global Ltd v DRA Group Holdings (Pty) Ltd**

The Commission has approved the proposed merger, without conditions, whereby Minnovo Global Limited (MergeCo) intends to acquire DRA Group Holdings (Pty) Ltd (DRA Group Holdings).

MergeCo is a special purpose vehicle that does not sell any products or provide any services. MergeCo, its shareholders and activities are based in Australia.

DRA Group Holdings' activities in South Africa include engineering and project management services; and operations services. Engineering and project management services cover a wide range of engineering services. Its focus is on engineering and project management services in the mining industry.

The Commission found the proposed transaction is unlikely to substantially prevent or lessen competition in any market. In addition, the proposed transaction does not raise any public interest concerns.

## **2. Non Referrals: The Commission has taken a decision to non-refer (not to prosecute) the following cases:**

**2.1 Nsiki Katekani Lazarus v Government Employees Medical Scheme (GEMS) and Government**  
The Commission is of the view that the conduct complained of does not contravene the Competition Act.

**2.2 Lejane Gerald Lebane v Summit Electrical Supplies, Bloemfontein**  
The Commission is of the view that the conduct complained of does not contravene the Competition Act.

**2.3 Mphela Lamola v Germiston Retirement Fund and Standard Bank**  
The Commission is of the view that the conduct complained of does not contravene the Competition Act.

**2.4 HOC Tshepo FM v NCRF Secretary Provincial and NCRF National Administration**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.5 Cornelius Bisschoff v Dr Tirhani Mabunda –Tirhani Auctioneers**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.6 VTEQ Roadworthy Centre v Dot Free State, Dot Gauteng and Dot Western Cape**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.7 Anonymous v Val De Vie Developments**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.8 Mulalo Kennedy Matshikiri v Fresinius Medical Care**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.9 Themba Nyamende v Intercape & Unitrans**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.10 Ryan Sowray v Bartinney Wine Cellars**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

### **2.11 Johan Theron v Transnet Freight Rail – Nelson Tapala, Kanak Mistry and Khungela Dubula**

The Commission is of the view that the conduct complained of does not contravene the Competition Act.

## **3. Withdrawal: The Commission has taken a decision to the withdraw the following cases:**

### **3.1 Puregas (Pty) Ltd v Shell Downstream (Pty) Ltd**

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