



**competition commission**  
*south africa*

## **Weekly Media Statement**

### **For Immediate Release**

**01 July 2020**

The Competition Commission of South Africa (CCSA) held its ordinary weekly meeting on Tuesday, 30 June 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 Investec Bank Limited (Investec Bank)/ Omwico (Pty) Ltd (Omwico)**

The Commission has recommended that the Competition Tribunal approve the proposed transaction whereby Investec Bank intends to acquire Omwico without conditions.

Investec Bank is part of an international specialist banking group that provides a diverse range of financial products and services to a niche client base in South Africa. Investec Bank focuses on investment banking, treasury and specialised finance, private client activities and asset management.

Omwico is a property development company engaged in the development of freehold and sectional title unit residential properties in the Somerset Lakes Lifestyle Estate in Somerset Lakes, Somerset West 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.

## **1.2 Petre Dawn (Pty) Ltd (Petre Dawn)/ Petregaz SA (Pty) Ltd (the Target Firm)**

The Commission has unconditionally approved the proposed merger whereby the Petre Dawn intends to acquire the Target Firm.

Petre Dawn is part of an acquiring group that is globally active in the (i) supply of bulk liquid petroleum gas (LPG), (ii) shipping of LPG through its own fleet of vessels and chartered vessels, (iii) storage of LPG through its terminals; (iv) wholesale supply of fuel products which include diesel, ULP petrol and paraffin; and (v) transportation of petroleum products in-land (which includes diesel, ULP petrol and paraffin) (the “Acquiring Group”). The Acquiring Group’s activities in South Africa, include the bulk import and supply of LPG to its only customer, the Target Firm. The Target Firm supplies LPG to various South African customers on a wholesale basis.

The Target Firm is active in the supply of crude and refined petroleum products in South Africa. Of relevance to this merger assessment is the Target Firm’s wholesaling of LPG in South Africa. The Target Firm is jointly controlled by the Acquiring Group and this merger will result in the Target Firm being solely controlled by the Acquiring Group.

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 Black Royalty Minerals Koornfontein (Pty) Ltd (BRM KFN)/ The (i) Koornfontein Coal Mine (KFN Mine) (ii) entire issued share capital of Koornfontein Mine (Pty) Ltd (in business rescue) (KFN); (iii) entire issued share capital of a newly incorporated wholly-owned subsidiary of KFN (KFN 1)**

The Commission has unconditionally approved the proposed merger whereby BRM KFN intends to acquire KFN Mine, KFN and KFN 1.

BRM KFN is a newly incorporated entity and does not have any activities. BRM, being BRM KFN's holding company, conducts thermal coal mining operations from its Chilwavhusiku Colliery in Bronkhorstspuit. The Chilwavhusiku Colliery supplies thermal coal to Eskom's Kusile Power Station. BRM KFN is part of the Makole Group which is a South African 100% black owned infrastructure, property development and mining group.

KFN is owned by Tegeta Exploration and Resources (Pty) Ltd (in business rescue) (Tegeta), however control currently rests with the business rescue practitioners. The Koornfontein Mine which is currently not operational and under care and maintenance is a thermal coal mine with the ability to develop, mine and transport thermal coal. The Koornfontein Mine's assets include an open pit strip mine, and two underground areas (Gloria and Blinkpan), a processing plant and a railway siding with rapid loading. Its operations can extend well beyond 2040.

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 FPG Holdings (Pty) Ltd (FPG Holdings)/ Redefine Properties Limited (Redefine) in respect of the property letting enterprise known as Ottery Centre (the Target Property)**

The Commission has unconditionally approved the proposed merger whereby FPG Holdings intends to acquire the Target Property from Redefine.

FPG Group conducts business as a private property fund and is involved in the purchasing, investing and construction of commercial and residential property in South Africa. FPG Group invests in a selected portfolio of property in the rentable office, retail, and industrial sectors around South Africa.

The Target Property is classified as a hyper centre (a shopping centre comprised of one hyper store occupying 70% of the total GLA and convenience line stores or services) as outlined by the Independent Property Databank of South Africa Proprietary Limited (IPD).

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.

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

**2.1 Lindiwe Dube v Alexandra Taxi Association and ARMSTA**

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

**2.2 Dumisane Shabangu v Telkom SA, Vodacom and MTN**

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

**2.3 Seikgothlo Ndhluli director of Blue Quanta Risk Management (Pty) Ltd v Generic Insurance Company**

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

**2.4 Carl Knight San Lameer Homeowners Association**

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

**2.5 Themba Buthelezi v Taxi industry - Diepkloof Soweto**

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

**2.6 Lesley Croskery v Clicks South Africa**

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

**2.7 Samuel Modise v Clientele Life**

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

**2.8 Samuel Modise v Hollard Insurance (PEP Funeral Policy)**

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

**2.9 Wholesome Bread v Pioneer Foods**

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

**2.10 Elizabeth Moyo v Brackenhurst Primary School**

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

**2.11 Monn Carpets (Pty) Ltd v Crossley Holdings (Pty) Ltd**

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

**2.12 Mr Tebogo Jonker v Siyavuya Power Projects (SPP), Zinnith Installation and Bob Brandfield**

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

**2.13 Mr. Jacques Van Brackel on behalf of Sunninghill Coffee Bean v Business Connection and JHI Property Rentals**

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

**2.14 Mr Soundrajen Veramoothea on behalf of Buffalo Traffic Services v Orafol Safety Systems (Pty) Ltd**

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

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

**[ENDS]**

**Issued by:**

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