



**competition commission**  
*south africa*

## **Weekly Media Statement**

### **For Immediate Release**

**16 July 2020**

The Competition Commission of South Africa (CCSA) held its ordinary weekly meeting on Tuesday 14 July 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 Capitalworks Atlanta GP (Pty) Ltd, (“Capitalworks”) acting in its capacity as the general partner of Project Atlanta Investment Partnership III (collectively the “Acquiring Group”)/ Peregrine Holdings Limited (PGR)**

The Commission has recommended that the Competition Tribunal (Tribunal) conditionally approve the proposed transaction whereby Capitalworks intends to acquire PGR.

Capitalworks is an investment Special Purpose Vehicle that forms part of the Acquiring Group. The Acquiring Group is involved in the provision of private equity services in South Africa and other jurisdictions.

PGR is a financial services group involved in wealth management, asset management and advisory services.

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

However, the Commission found that the merger raises employment concerns and has recommended that the Competition Tribunal approves the merger subject to a condition placing

a moratorium on merger related retrenchments for a period of two years post the merger approval date.

### **1.2 KLK Landbou Limited (KLK)/ Carpe Diem Raisins (Pty) Ltd (Carpe Diem Raisins)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby KLK intends to acquire Carpe Diem Raisins without conditions.

KLK is controlled by Senwes Limited (Senwes). KLK and Senwes and all the firms directly and indirectly controlled by it will be referred to as the Acquiring Group. The Acquiring Group is involved in the supply of agricultural produce (agricultural trade sites), building supplies (Built It franchises), petroleum (BP fuel, gas and lubricants), meat trade and abattoirs (slaughter sheep and beef carcasses), wet blue processing of hides and skin tanning (processing and export of dorper skins and the processing of hide), vehicle sales (consisting of a Nissan, Datsun, Renault and Isuzu dealership), management of financial services, livestock auctions (livestock and moveable goods) and the processing and packaging of raisins through joint control of Carpe Diem Raisins.

Carpe Diem Raisins is involved in the procurement, processing, packaging, sale and export of raisins in the Orange River region. Approximately 5% of Carpe Diem's raisins are sold in the local market and approximately 95% are exported.

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 Star Property Group, Southern Star Motor 1, Southern Star Motors 2, Southern Star Motors 3 and Southern Star Motors 4/ The rental enterprise conducted by Codrington Investments, the rental enterprise conducted by Azuraan Investments (Target Properties), the motor dealership business conducted by Randwest Motors and the motor dealership business Westonaria Bande Sentrum (Target Dealerships)**

The Commission has unconditionally approved the proposed merger whereby Star Property Group, Southern Star Motors 1, Southern Star Motors 2, Southern Star Motors 3 and Southern Star Motors 4 intends to acquire the Target Properties and the Target Dealerships.

The Star Property Group, through its various subsidiaries, is primarily a property investment group used for purposes of property development and investments. The Star Motor Group (Pty) Ltd operates 3 (three) Nissan & Datsun dealerships and five pre-owned dealerships located in Gauteng and Western Cape Provinces.

The Target Properties comprise of premises from which the Target Dealerships operate as well as a rental enterprise or property known as the Toyota Building located at 19 Codrington Ave, Westonaria, Gauteng Province.

The Target Dealerships comprise of four motor dealerships which will be housed and ring-fenced through Southern Star Motors 1 to 4. The Target Dealerships are all located in Gauteng Province, namely, (i) Hyundai Westonaria, (ii) Renault Randwest, (iii) Isuzu Randwest, and (iv) Nissan & Datsun Westonaria. The Target Dealerships conduct the sale of new passenger and light commercial vehicles, sale of second-hand vehicles, sale of spare parts, workshop servicing, and the sale of motor vehicle value added products (insurance & related products).

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 Petredec SA Holdings (Pty) Ltd (Petredec SA)/ Jubane Petroleum (Pty) Ltd (Jubane), Seamorck (Pty) Ltd (Seamorck) and Atelier KZN (Pty) Ltd (Atelier)**

The Commission has unconditionally approved the proposed merger whereby Petredec SA intends to acquire Jubane, Seamorck and Atelier.

In South Africa, the Petredec Group is involved in, inter alia, the wholesale supply of diesel and lubricants to commercial and retail customers in Kwa-Zulu Natal (KZN). Petredec Group is also involved in the bulk and wholesale supply of LPG.

Jubane is involved in the wholesale supply of diesel, petrol, and lubricants to commercial and retail customers in KZN. Jubane operates two depots in Empangeni. Seamorck rents its immovable property to Jubane. Atelier owns the trucks used by Jubane in transporting diesel and petrol.

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.

### **1.5 Motus Group Limited (Motus)/ Lynn Schroeder BMW George (BMW George)**

The Commission has unconditionally approved the proposed merger whereby Motus intends to acquire BMW George.

Motus Group is involved in vehicle importation, vehicle distribution and dealerships, vehicle rentals, after-market and vehicle related financial services. In George, Western Cape Province, Motus owns and controls two multi-franchise dealerships which sell new and used passenger vehicles including Ford, Mazda, Jaguar and Land Rover in the first dealership; and Kia, Hyundai and Mitsubishi in the second. Motus does not sell any new BMW vehicles or parts in George or surrounding areas.

BMW George does not control any firm. BMW George supplies the following products and/or services from its premises in George: (a) the sale of new BMW light passenger vehicles and motorcycles; (b) the sale of demo BMW light passenger vehicles; (c) the sale of used BMW light passenger vehicles, motorcycles, and various other vehicle makes, excluding Kia, Hyundai and Renault vehicles; and (d) the provision of after-sales services on BMW vehicles and motorcycles.

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 Paresh Maharah v Mason Arbour View**

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

**2.2H. Leaf-Wright v Air BNB South Africa Short Term Property Rentals (Holiday Stays)**

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

**2.3 Sello Moses (Owner of Sello's Gutters) Senyatsi v Elmer Barnett (Owner of Swift Gutters)**

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

**2.4 Darren Thebus v Vodacom (Pty) Ltd**

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

**2.5 Mark Holing v Dr Peter Biden of Scottburgh Veterinary Clinic**

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

**2.6 Muniamma Moodley v Mercedes-Benz South Africa**

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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