



**competition commission**  
*south africa*

## **Weekly Media Statement**

### **For Immediate Release**

**17 March 2021**

The Competition Commission of South Africa (CCSA) held its ordinary weekly meeting on Tuesday 16 March 2021, 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 Afrique Pet Food Proprietary Limited (Afrique) / Philafrica Foods Proprietary Limited (Philafrica Target Business)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Afrique intends to acquire the Philafrica Target Business, without conditions.

Afrique and the Philafrica Target Business both form part of AFGRI Holdings (Proprietary) Limited ("AFGRI") pre-merger.

Pre-merger, Afrique is dormant and does not conduct any activities. Afrique is controlled by AFGRI and QSA Holdings Limited ("QSA") pre-merger.

The Philafrica Target Business conducts AFGRI's dry pet food business. The merger will consolidate AFGRI's dry pet food manufacturing business in Afrique.

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 Afrique Pet Food Proprietary Limited (Afrique) / Part of the dry pet food business of Martin & Martin Proprietary Limited (“M&M Target Business”)**

The Commission has recommended that the Competition Tribunal (Tribunal) conditionally approve the proposed transaction whereby Afrique intends to acquire the M&M Target Business.

Afrique is controlled by AFGRI Holdings (Proprietary) Limited ("AFGRI"). AFGRI's activities include the manufacture of animal feed and pet food.

The M&M Target Business comprises the dry pet food manufacturing business and facilities conducted by M&M, as a going concern and certain brands of dry pet food.

The Commission found that the merger is not likely to raise any competition concerns.

The Commission recommends that the merger is approved subject to conditions to address the merger's impact on employment. The merger does not raise any other public interest concerns.

## **1.3 Homeland Property Holdings (Pty) Ltd (Homeland) / Attstein (Pty) Ltd (Attstein)**

The Commission has unconditionally approved the proposed merger whereby Homeland intends to acquire Attstein.

Homeland and all the firms controlling it directly or indirectly are collectively referred to as the Acquiring Group. The Acquiring Group operates property development companies that provide development management, leasing service and invests in commercial property. The Acquiring Group's property investment portfolio consists of retail, office and industrial properties. The Acquiring Group's office property consists of 3 A-Grade office buildings <sup>2</sup> and 1 B-Grade office building, all located in Stellenbosch.

Attstein is an investment property holding company that was established as a joint venture between Atterbury and Steinhoff Africa for the purpose of developing, investing and managing blue chip properties for retail and commercial properties in Stellenbosch.

Attstein manages 1 A-Grade office building and a newly constructed P-Grade office building. This is a specialized P-Grade hospital property located in Stellenbosch.

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 Ampliprox (Pty) Ltd (AP) / Synchrony Logistics (Pty) Ltd (Synchrony)**

The Commission has unconditionally approved the proposed merger whereby AP intends to acquire Synchrony.

The Acquiring Group is involved in diversified sectors which include, amongst others, property development, investment and letting services, investment in telecommunications, education, and fuel supply sectors. Of relevance to the proposed transaction are the fuel supply activities of the Acquiring Group conducted through AP. AP holds a wholesale license in terms of the Petroleum Products Act, 120 of 1977 ("Petroleum Act") for the wholesale supply of the following petroleum products (i) aviation gasoline; (ii) biofuels; (iii) diesel fuel; (iv) jet fuel; (v) liquefied petroleum gas; (vi) paraffin; and (viii) petrol. Notwithstanding the broader scope of its license, AP is currently only involved in the wholesale supply of diesel fuel, which it supplies through its fuel depot located in De Deur, Gauteng. The customers of AP generally comprise motor vehicle dealerships.

Synchrony is controlled by Imperial Logistics South Africa Holdings (Pty) Ltd ("Imperial SA"). Imperial SA is ultimately controlled by Imperial Logistics Ltd ("Imperial"), a listed company which is not controlled by any firm. The shareholders of Imperial include: Public Investment Corporation, M&G Investments (London), Ukhamba Holdings (Pty) Ltd, and PSG Asset

Management. Synchrony does not control any firm. Synchrony shall be referred to as the “Target Firm”.

The Target Firm holds a wholesale license in terms of the Petroleum Act for the wholesale supply of the following licensed petroleum products (i) aviation gasoline; (ii) biofuels; (iii) diesel fuel; (iv) jet fuel; (v) liquefied petroleum gas; (vi) paraffin; and (viii) petrol. The Target Firm is currently active in the wholesale supply of petrol and diesel fuel throughout South Africa. The Target Firm primarily supplies wholesale petrol and diesel fuel for Imperial’s internal operations. However, to a limited extent, the Target Firm also wholesales petrol and diesel fuel to third parties.

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 Andile Nabe on behalf of Commandeer Rail Construction v Transnet Freight Rail and Lennings Rail Services**

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

### **2.2 Andy Haasbroek v Used car trade South Africa**

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

### **2.3 Sylvia Mkhize v N’wako Moremi at Wesbank Collection Department**

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

### **2.4 Alan Wilfred Hall v The Medical Research Council**

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

**2.5 Siphon Dafeti on behalf of Alshafeti Technologies (Pty) Ltd v Mobile Telephone Network MTN**

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

**2.6 Lindani Maphumulo v Ravi Naidoo on behalf of Audi Centre Umhlanga under the Alphine Group**

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

**2.7 Makgane Solomon Sekgota v The Hills Homeowners Association, Century Property Development Ltd and Reticulation Network Management**

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

**2.8 Elizabeth H. Sathekge v Med-Lebo Hospital Barbara (Hospital Management)**

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

**2.9 Anonymous v Samsung South Africa (Pty) Ltd and Iser (Pty) Ltd**

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

**2.10 Sternwood Products (Pty) Ltd v PG Bison (Pty) Ltd**

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

**2.11 Anonymous v HHK, Pontins, LPC, SME and The Lightning Gurus**

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

## 2.12 Thato Letlojane v First National Bank (FNB)

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/WhatsApp @084 743 0000**

**[ENDS]**

### **Issued by:**

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