



competition commission
south africa

Weekly Media Statement

For Immediate Release

16 April 2021

The Competition Commission of South Africa (CCSA) held its ordinary weekly meeting on Tuesday 13 April 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 Epiroc Canada Holding Inc. (Epiroc) / MineRP Holdings Inc. (MineRP)

The Commission has unconditionally approved the proposed merger whereby Epiroc intends to acquire the MineRP.

Epiroc is a company incorporated in accordance with the laws of Canada. Epiroc is wholly owned by Epiroc Rock Drills, which in turn is wholly owned by Epiroc AB. Epiroc AB is a public company with its securities widely traded and listed on the Nasdaq Stockholm Stock Exchange. As such, Epiroc AB is not controlled by any one firm. Epiroc AB controls several firms including Fordia South Africa (Pty) Ltd and Epiroc Holdings South Africa (Pty) Ltd. Epiroc AB and all the firms that directly or indirectly, control it, hereafter, collectively referred to as the “Acquiring Group.”

The Acquiring Group is a leading supplier of rock excavation equipment and mining machinery and provides solutions that increase utilization and productivity in the mining, natural resources, and infrastructure industries. The Acquiring Group develops and produces innovative equipment, consumables, and services for use in surface and underground mining, infrastructure, civil works,

well-drilling, and geotechnical applications. In South Africa, the Acquiring Group through Epiroc SA Holdings and Epiroc SA, is active in the development, manufacturing, marketing, and distribution of various equipment for use in several applications, namely: (i) mining (ii) construction (iii) water, and (iv) demolition and recycling.

MineRP is a company incorporated in accordance with the laws of Canada. MineRP is controlled by Dundee Precious Metals Inc., (“Dundee”), Dundee is a public company with its securities listed on the Toronto Stock Exchange. As a result, Dundee is not controlled by any one firm. MineRP controls a number of firms including MineRP Canada Limited, MineRP Technologies Inc. MineRP Distrco Inc. and MineRP South Africa (“MineRP SA”). MineRP and MineRP SA and all the firms that directly or indirectly control it are, hereafter, collectively referred to as the “Target Group.”

The Target Group is a mining software and consulting company which comprises a set of mining technical software products and solutions. The Target Group, through MineRP SA, develops and supplies mining software that enable the user to manage mining data, understand and interpret data, determine the asset potential of the mine and to assist such mine to operate efficiently.

The Commission found that the proposed transaction is unlikely to result in a substantial prevention or lessening of competition in any relevant markets. Furthermore, the Commission requested an employment undertaking from the merging parties in order to safeguard the employees of the merging parties in South Africa and the merging parties agreed to a moratorium of 2 years on retrenchments.

1.2 KPS Capital Partners, L.P. (KPS) / The Aluminium flat rolled products business of Norsk Hydro ASA (the Target Business)

The Commission has unconditionally approved the proposed merger whereby KPS intends to acquire the Target Business.

The Acquiring Group is invested in manufacturing and industrial companies across a diverse array of industries, including basic materials, branded consumer, healthcare and luxury products,

automotive components, capital equipment and general manufacturing. In South Africa, the Acquiring Group's activities include industrial batteries and electronics, automotive running gear and chassis assembly, air and gas handling products such as turbines, fans compressors and heat exchangers.

The Target Business is a global manufacturer of flat rolled aluminium products ("FRPs"). FRPs are used as inputs in the manufacture of various products such as (i) lithographic sheets for printing plates, (ii) body panels and components; (iii) foil for the packaging industry; (iv) beverage cans, and (v) general engineering (e.g., in the building and construction, transportation, industrial and electrical industries).

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 Partridge Building Supplies (Pty) Ltd (Partridge) / Famlee Trading Close Corporation (Famlee) and certain assets of the trustees of the Falls Trust (Target Business)

Partridge Building Supplies (Pty) Ltd (Partridge) / Famlee Trading Close Corporation (Famlee) and certain assets of the trustees of the Falls Trust (Target Business)

The Commission has unconditionally approved the proposed merger whereby Partridge intends to acquire Target Business.

Partridge is ultimately controlled by Kaap Agri Ltd. Kaap Agri Ltd (and its subsidiaries) is a retail services group that supplies a variety of products and services mainly to customers operating in the agricultural sector, but also to the general public. Of relevance to the proposed transaction is its subsidiary Partridge Building which operates in KwaZulu-Natal Province. Partridge operates under the three divisions, namely: "Forge Agri", "Forge Build" and "Forge Trans".

Forge Agri – services all core farmer requirements. The business caters for retail and bulk trade of - (i) farming requisites (e.g., fertiliser, pesticides, feeds, and tools), (ii) animal health and

handling products, (iii) dairy consumables, (iv) packaging materials (e.g., carton boxes, box linings, labels), (v) steel and fencing products, (vi) lubricants, (vii) gardening products, and (viii) seeds.

Forge Build – supplies a full range of hardware products and building materials. Forge Build supplies and delivers bulk wet and dry building materials (e.g., river sand, building plaster, stone products, cement, and concrete blocks) to sites within 100km of Underberg.

Forge Trans – is the logistics division, which owns and operates trucks which deliver varied load sizes to customers of Forge Agri and Forge Build, mostly within a 100km radius.

The Target Business mainly caters for retail and bulk trade of – (i) farming requisites (e.g., fertiliser, pesticides, chemicals, feeds, and tools), (ii) animal health and handling products, (iii) dairy consumables, (iv) packaging materials, (v) steel and fencing products, (vi) lubricants, (vii) protective clothing, (viii) nursery and garden products, seeds, poultry farming products (equipment, feed, live chicks, point of lay hens), pet food, maize meal, and water tanks amongst others.

The Target Business also offers limited building and hardware products such as small bags of cement (i.e., cement bags of 50kg) and basic tools such as plastic underlays (3m x 30m x 250 mic) which are typically only supplied on special request, and bricks (150mm x 2.8mm x 20MT).

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.

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

[ENDS]

Issued by:

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