



**competition commission**  
*south africa*

**Media Statement**

**For Immediate Release**

**09 June 2022**

**STATEMENT ON THE LATEST DECISIONS BY THE COMPETITION COMMISSION**

The Competition Commission of South Africa (CCSA) held its ordinary meeting on Tuesday 07 June 2022, 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) as amended. These matters include but are not limited to complaints, mergers, and acquisitions.

**1. MERGERS AND ACQUISITIONS**

**1.1 Woolworths (Pty) Ltd (Woolworths / Micawber 463 (Pty) Ltd (Micawber 463)**

The Commission has recommended that the Competition Tribunal approve the proposed transaction whereby Woolworths intends to acquire a rentable industrial property from Micawber 463, without conditions.

Woolworths is controlled by Woolworths Holdings Limited (WHL) and forms part of the Woolworths Group. The Woolworths Group operates a chain of retail stores offering a range of quality clothing, food, homeware, beauty, and financial services. The Acquiring Group also owns various retail, industrial, and office properties across South Africa. In this regard, the Acquiring Group owns Maxmead Distribution Centre ("Maxmead DC"), which is in the Pinetown area.

Micawber 463, hereafter referred to as the Target Firm, owns and controls Erf 31564 Pinetown, classified as rentable light industrial property located at 20 Surprise Road Pinetown (Target Property). The Target Property is currently being leased by Masstores (Pty) Ltd.

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 Growthpoint Healthcare Property Holdings (Pty) Ltd (GHPH), Bidvest Properties (Pty) Ltd/  
Growthpoint Securitisation Warehouse Trust (GSWT)**

The Commission has recommended that the Competition Tribunal approve the proposed transaction whereby GPHH and Bidvest Properties will each acquire a 50% share in a GSWT target property, known as Adcock Ingram Midrand, with conditions.

GPHH (first Acquiring Firm) is an unlisted real estate investment trust which invests exclusively in healthcare property assets. GPHH owns healthcare properties in the Western Cape, KwaZulu-Natal, and Gauteng; it currently has seven healthcare assets, comprising six hospitals and one medical chambers building. Growthpoint invests in a diversified portfolio of commercial, industrial, and retail assets both in South Africa as well as internationally.

Bidvest Properties (second Acquiring Firm) is a wholly owned subsidiary of Bidvest Property Holdings (Pty) Ltd which is a wholly owned subsidiary of Bidvest Group Ltd. Bidvest Properties is a property investment company that manages properties owned by the Bidvest Group.

The Primary Target Firm is the immovable property and letting enterprise described as Erf 587 Erand Gardens Extension 78 Township, Registration Division J.R., The Province of Gauteng. It is situated at 1 New Road, Midrand and is commonly known as Adcock Ingram Midrand ("Target Property"). The Target Property is a single user pharmaceutical, temperature-controlled, warehouse with office facilities, which is currently leased in its entirety to Adcock Ingram Holdings Ltd, which is controlled by the Bidvest Group.

The Commission found that the proposed transaction is likely to raise information exchange concerns. Further, the Commission was also concerned that the proposed transaction could result in an exclusive arrangement in relation to the management of the target property. In order to ameliorate these concerns, the Commission recommended that the proposed transaction be approved subject to information exchange and non-exclusivity conditions.

The Commission further found that the proposed transaction does not raise any further public interest concerns.

### **1.3 Solution Global Holdings Ltd (SGH) / Access World Holdings B. V. (Access World)**

The Commission has approved the transaction whereby SGH intends to acquire Access World from Finges Investments B. V. (Finges), without conditions.

The Acquiring Firm is SGH, a company incorporated in accordance with the British Virgin Islands. SGH is wholly owned by Infinity Logistics and Transport Ventures Limited (Infinity Logistics). SGH and Infinity Logistics will be referred to as the Acquiring Group.

The Acquiring Firm is a new company incorporated for the purposes of the proposed transaction. Infinity Logistics is a Malaysia-based logistics service provider. It is mainly active in South-East Asia. The main logistics services offered by Infinity Logistics provides are: (i) Freight forwarding services, (ii) Warehousing and depot services (Malaysia only), (iii) Land and railroad transportation services (South-East Asia only) and (iv) Flexitank solutions.

Infinity Logistics has had limited activities in South Africa, only offering a flexitank and related freight services.

Access World is the Target Firm and was established in the Netherlands. The Target Firm is wholly owned by Finges who in turn is controlled by Glencore International AG, a public company incorporated in Switzerland. Glencore International AG is wholly owned by Glencore plc, a public company incorporated in Jersey. The Target Firm operates a global network of port and warehouse facilities and offers logistics services to customers for different commodities.

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 Vista Equity Partners Management, LLC (Vista)/ Elliott Investment Management, L.P. (Elliott)/ Citrix Systems, Inc. (Citrix) /TIBCO Software, Inc. (TIBCO)**

The Commission has unconditionally approved the proposed merger whereby Vista and Elliot intend to acquire the combined businesses of Citrix and TIBCO.

Vista and Elliott are the Acquiring Firms and are incorporated under the laws of the United States of America.

Vista is controlled by VEP Group, LLC (VEP Group) through direct and indirect membership/ ownership arrangements. Vista, directly and indirectly, controls a number of firms globally. Vista, the VEP Group and its subsidiaries are collectively referred to as the Vista Group. Vista controls a number of portfolio companies that are broadly active in the provision of IT services such as the provision of business software.

Elliott, directly and indirectly, controls a number of firms globally. The Elliot Group conducts its business as an investment firm which focuses on technology investing. The firms controlled by Elliott which are domiciled in the USA, but have generated turnover in, into or from South Africa, conduct business activities which include the provision of cloud-based remote work system tools for collaboration; customer engagement services; and business to business platforms connecting travel agencies to travel providers.

Citrix and TIBCO, the Target Firms, are both incorporated under the laws of the USA. Citrix operates as an enterprise software company and delivers a digital workspace solution that provides secure access to all work resources and simplifies work execution across work channels, devices and locations. Citrix's offerings include virtual client computing and desktop virtualisation which relate to solutions allowing employees the ability to work anywhere on any device while cutting IT costs and securely delivering full virtual desktops; content sharing and collaboration.

TIBCO provides data integration, management, and analytics software to clean up and synthesize a wide range of data sources that can be used to automate responses based on the occurrence of certain events; and generate alerts and/or insights based on patterns of events.

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 Mpande Simmonds (Pty) Ltd (Mpande Simmonds) / Liberty Group Limited (LGL) / 2 Degrees Properties (Pty) Ltd (2DP)**

The Commission has unconditionally approved the proposed merger whereby Mpande Simmonds intends to acquire a letting enterprise from LGL and 2DP.

The Target Property is Grade B office property located on 5 Simmonds Street in the Johannesburg Central Business District, Erf 558 Selby Township and Erf 1247 Marshalls Town Township.

Mpande Simmonds is wholly controlled by Mpande Property Fund General Partner (Pty) Ltd (MPFGP). MPFGP is ultimately wholly controlled by Mpande Property Fund Manager (Pty) Ltd (MPFM). Mpande Simmonds, MPFGP, MPFM and their subsidiaries are collectively referred to as the Acquiring Group.

Mpande Simmonds was established for the purposes of the proposed transaction and does not currently conduct any business activities. The Acquiring Group is an asset management firm that focuses on investments in unlisted property in South Africa. It has a diversified property investment focus which includes retail; commercial/office; industrial; residential and other (special opportunities in smaller or sub-sectors such as education, storage facilities and/or health care etc.)

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.

### **1.6 HeyCarter (Pty) Ltd (HeyCarter)/ My Private Dealer (My Private Dealer)**

The Commission has approved the transaction whereby HeyCarter intends to acquire My Private Dealer, without conditions.

HeyCarter is wholly owned and controlled by MyMostAwesome (Pty) Ltd (MyMostAwesome). In turn, MyMostAwesome is controlled by PSG Alpha Investments (Pty) Ltd (PSG Alpha) and is ultimately controlled by PSG Group Limited (PSG Group). PSG Group and the firms it directly and indirectly control is herein forth collectively referred to as Acquiring Group.

The Acquiring Group conducts 3 motor dealership businesses, namely (i) a Renault dealership in Durban (ii) a Renault dealership in Johannesburg and (iii) a Mitsubishi dealership in Johannesburg. The motor dealership businesses actively sell new and used light passenger vehicles and light commercial vehicles (LCVs). The Acquiring Group also renders services in respect of the repair and maintenance of Renault and/or Mitsubishi motor vehicles, as the case may be (i.e., aftermarket parts and aftermarket services.)

My Private Dealer, the Target Firm, is a private company incorporated in South Africa. The Target Firm actively sells new and used Suzuki passenger vehicles in Johannesburg as well as LCVs. It is also active in the provision of repair and aftermarket parts and aftermarket services of Suzuki vehicles.

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.

## **COMPLAINTS (NON-REFERRALS)**

### **2.1 Amos Thulare Malapile v The South African Breweries**

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

### **2.2 Johann Ferdinand Gorgens v Manufacturers and Retailers of Mattresses (Sealy, Simmonds and Cloudnine) (Tafelburg Furnishers and The Bed Centre and others)**

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

### **2.3 Anonymous v Investec Limited**

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

### **2.4 Blackie Swart obo Fluid Pumps v Gideon De Villiers, Bigen Group (Consultant)**

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

### **2.5 Mr Cebolozakha B. Ndlovu v Standard Bank of South Africa**

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

### **2.6. Steven Thapelo Khunou on behalf of Marijuana Board of South Africa v DTI, NEDLAC, Provincial and Local Government**

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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