



## **Media Statement**

### **For Immediate Release**

**24 January 2023**

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

The Competition Commission of South Africa (CCSA) held its ordinary meeting on Thursday, 19 January 2023, 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 Great Westerford Holdings (Pty) Ltd (“Great Westerford”)/ rental enterprise including the property known as “Great Westerford” (Target Property)**

The Commission has recommended that the Competition Tribunal (“Tribunal”) approve the proposed transaction whereby Great Westerford intends to acquire the Target Property from Ingenuity Property Investments (Pty) Ltd, without conditions.

The primary acquiring firm is Great Westerford. Great Westerford is controlled by Spring Investco 2014 (RF) (Pty) Ltd (“Spring Investco”). Spring Investco is 100% controlled by TDE Investments (Pty) Ltd (“TDE Investments”). TDE Investments is in turn 100% controlled by Digital Titan (Pty) Ltd (“Digital Titan”). Digital Titan is, in turn, ultimately controlled by Digital Realty Trust Inc., a company incorporated in the United States of America. Digital Titan, Great Westerford, Spring Investco, TDE Investments and all the firms that they control will collectively be referred to as the “Acquiring Group”.

In South Africa, the Acquiring Group provides vendor-neutral data centres, which entails the secure housing of information systems and networking equipment within the premises of the Acquiring Group. The data centre solutions rendered by the Acquiring Group are targeted at cloud providers, network and telecoms providers, managed services providers, enterprises, financial services and content providers.

The primary target firm is the Target Property. The Target Property is owned and controlled by Ingenuity Property Investments (Pty) Ltd (“Ingenuity Property”).

The Target Property is a mixed-use property located at 240-221, M4, Rondebosch, Cape Town.

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 substantial public interest concerns.

### **1.2 Capital Propfund Proprietary Limited (“Capital Propfund”)/ Flamwood Walk, Flamwood Value Centre, Brother’s Vacant Land (collectively the “Target Properties”)/ Diggers Development (Pty) Ltd (“Diggers Development”)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Capital Propfund intends to acquire the Target Properties from Diggers Development, without conditions.

The primary acquiring firm is Capital Propfund. Capital Propfund is ultimately controlled by Fortress REIT Limited (“Fortress”). Capital Propfund, Fortress and its subsidiaries will collectively be referred to as the “Fortress Group”.

The Fortress Group is a property investment company. Of relevance to the proposed transaction are the Fortress Group’s activities relating to the provision of rentable retail properties in the North West Province.

The primary target firms are the Target Properties. The Target Properties are jointly controlled and owned by Capital Propfund and Diggers Development.

The Target Properties comprise vacant land and two retail centres located in the North West Province. The retail centres are Flamwood Walk which is a small regional shopping centre measuring 20 159m<sup>2</sup> and Flamwood Value Centre which is a neighbourhood centre measuring 5 111m<sup>2</sup>.

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 RMB Ventures Eight (Pty) Limited (“RMBV”)/ Mafika Engineering (Pty) Limited (“Mafika Engineering”), Mafika SA (Pty) Limited (“Mafika SA”) and Balcova Trading CC (“Balcova”) (collectively referred to as the “Mafika Engineering Group of Companies”)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby RMBV intends to acquire the Mafika Engineering Group of Companies, without conditions.

The primary acquiring firm is RMBV. RMBV is a private equity investor that predominantly invests in established African businesses with demonstrated track records. RMBV uses FirstRand Limited’s extensive network of skills and experience within South Africa and across the continent to unlock opportunities for its investee companies.

The primary target firms are Mafika Engineering, Mafika SA and Balcova.

Mafika Engineering and Mafika SA are independent rebuilders and remanufacturers of high horsepower (HHP) diesel engines which are utilised in front-line mining equipment, such as haul-trucks, dozers, and excavators. Mafika Engineering further provides field support to its customers through a team of qualified mechanical technicians. Balcova houses the properties that are Mafika Engineering and Mafika SA's workshop and head office.

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 Gogobala Investment Proprietary Limited (“Gogobala”) and K2012165362 (South Africa) Proprietary Limited (“K2012”)/ Rainprop (RF) Proprietary Limited (“Rainprop”)**

The Commission has approved the proposed transaction whereby Gogobala and K2012 intend to acquire joint control of Rainprop, without conditions.

The first primary acquiring firm is Gogobala. Gogobala is jointly controlled by two individuals.

Gogobala is an investment holding company which holds minority interests in various industries. Gogobala currently has investment holdings in energy, facilities management, consulting and manufacturing.

The second primary acquiring firm is K2012. K2012 is controlled by the Lonwabo Trust.

K2012 is an investment holding company set up for the sole purpose of holding the proposed shareholding in the Target Firm post-merger.

The primary target firm is Rainprop. Rainprop is controlled by Old Mutual Life Assurance Company (South Africa) Limited (“OMLACSA”). OMLACSA is controlled by Old Mutual Limited (“Old Mutual”).

Rainprop is a concessionaire company responsible for the day-to-day facilities management of the Department of Trade, Industry and Competition campus (DTIC campus) in Sunnyside, Pretoria. This includes property management, asset management and support in sourcing new space requirement.

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 Jewelside Investments Proprietary Limited (“Jewelside Investments”)/ Ekapa Mining Proprietary Limited (“Ekapa Mining”) (“Target Firm”)**

The Commission has approved the proposed transaction whereby Jewelside Investments, through Happy Feet Trade and Invest Proprietary Limited (“Happy Feet Trade”) intends to acquire Ekapa Mining from Barkley West Black Small Miners' Association (“BWB”) and Di Dintle Mining CC, without conditions.

The primary acquiring firm is Jewelside Investments. Jewelside is controlled by Geomer Investments Proprietary Limited (“Geomer”). Jewelside Investments controls Happy Feet Trade.

Jewelside Investments is an investment holding company.

The primary target firm is Ekapa Mining. Ekapa Mining is not controlled by any single shareholder. Ekapa Mining’s largest shareholder is Jewelside Investments. Ekapa Mining controls several firms.

Ekapa Mining is involved in the production and sale of rough diamonds.

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. COMPLAINTS (NON-REFERRALS)**

### **2.1 Peter Collin Elliott on behalf of CEPPWAWU Shop Stewards and Kansai Plascon employees v Kansai Plascon (Pty) Ltd**

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

### **2.2 Ugesh Govender, a financial consultant to various petroleum companies v Magda van Zanten, National Sales Manager Engen South Africa**

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

### **2.3 Chris van Niekerk v Takealot.com**

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

### **2.4 Amanda Dorothy Cairns v Wesbank and Hollard Insurance**

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

### **2.5 Matthews Hay v FKN Army (NPO), Malcolm Wentzel and Karlien Wentzel (Kiki La Coco)**

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

### **2.6 Jason Modlinne v The Courier Guy (Stephen Gleisner)**

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

### **2.7 Gary Wilson v Rentoza**

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

### **2.8 Vuyani PT Makatini v Meat to Oceans Pretoria West, next to Tshwane Market**

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

## **2.9 Cape Route 44 Market Pty Ltd t/a Root44 under Daxcon Development Trust v Mooiberg Farm (Dennis Zetler)**

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

## **2.10 Guy Regnard v Sealy (Bravo Brands)**

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

## **2.11 Ramudingane Avhasei Edward Four Corner Tours v Webmail Team**

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

**[ENDS]**

### **Issued by:**

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