



**competition commission**  
*south africa*

**Media Statement**

**For Immediate Release**

**17 March 2023**

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

The Competition Commission of South Africa (CCSA) held its ordinary meeting on Tuesday, 14 March 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 Clicks Retailers (Proprietary) Limited (“Clicks Retailers”)/H Mallach & Associates (Pty) Ltd t/a as M-Kem Pharmacy**

The Commission has recommended that the Competition Tribunal (Tribunal) approve the proposed transaction whereby Clicks Retailers intends to acquire H Mallach & Associates (Pty) Ltd, trading as M-Kem Pharmacy (“M-Kem”), without conditions.

The primary acquiring firm is Clicks Retailers. Clicks Retailers is ultimately owned and controlled by Clicks Group Limited (“CGL”). CGL is not controlled by any of its shareholders. CGL and all the firms that it controls shall be referred to as the “Acquiring Group”.

Of relevance to the proposed transaction is the Acquiring Group’s activities as (i) the owner of Clicks branded pharmacy retail outlets dispensing pharmaceuticals (scheduled and unscheduled) as well as front-shop products, and (ii) as a pharmaceutical wholesaler and distributor, through United Pharmaceutical Distributors (“UPD”).

The primary target firm is M-Kem. M-Kem is a retailer of pharmaceutical products (scheduled and unscheduled) provided through a 24-hour dispensary, as well as front-shop products. M-Kem is located in Bellville, Cape Town. M-Kem also provides an in-store clinic (providing amongst others, wound care; immunisations; and health screening) and all-around beauty therapy services (providing body, face, and nail treatments).

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 Greenstreet 1 (Pty) Ltd (“Greenstreet”)/ Scatec Solar South Africa B.V. (Scatec SSA)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Greenstreet intends to acquire Scatec SSA, without conditions.

The primary acquiring firm is Greenstreet, a renewable energy investment platform ultimately controlled by Standard Bank Group Ltd.

Greenstreet’s renewable energy investments relate to solar photovoltaic (solar PV) projects for the supply of renewable solar energy to Eskom in terms of the Department of Mineral Resources and Energy’s Renewable Energy Independent Power Producer Procurement Programme (“REIPPPP”).

The primary target firm is Scatec SSA, an investment holding company that holds a controlling majority interest in three Independent Power Projects (IPPs) operating in terms of the REIPPPP (Target Project Companies). These projects are Dyason’s Klip 1 (RF) (Pty) Ltd, Dyason’s Klip 2 (RF) (Pty) Ltd, and Sirius Solar PV Project One (RF) (Pty) Ltd. Scatec SSA is controlled by Scatec Solar Netherlands B.V. and the Norwegian Investment Fund for Developing Countries (Norfund). Scatec Solar Netherlands B.V. is controlled by Scatec ASA which is listed on the Oslo Stock Exchange and is not controlled by any firm. Norfund is a state-owned company with limited liability, established by a special Act of the Norwegian Parliament.

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 Hyundai Automotive South Africa (Pty) Ltd (“Hyundai”)/ Tangawizi Motors (Pty) Ltd (“Tangawizi”)**

The Commission has recommended that the Tribunal approve the proposed transaction whereby Hyundai intends to acquire Tangawizi, without conditions.

The primary acquiring firm is Hyundai. Hyundai is controlled by Motus Corporation (Pty) Ltd (“Motus Corporation”). Motus Corporation is ultimately controlled by Motus Holdings Limited (“Motus Holdings”). Hyundai and all the firms, directly and indirectly controlling it, will hereinafter collectively be referred to as the “Motus Group”.

The Motus Group, through its subsidiary Hyundai, specializes in the retail of new and pre-owned passenger vehicles, Light Commercial Vehicles (“LCVs”), and Medium and Heavy Commercial Vehicles (collectively referred to as “CVs”) and is also involved in the repair of Hyundai motor vehicles, the sale of

genuine Hyundai parts and accessories, as well as the provision of various other aftermarket and financial products and services. Hyundai is the only importer and distributor of Hyundai motor vehicles, parts, and accessories in South Africa.

The Motus Group is involved in vehicle importation, vehicle distribution, operation of dealerships, vehicle rental, as well as vehicle-related financial services predominantly through its network of dealerships across South Africa for brands such as new KIA, Renault, and Mitsubishi vehicles and parts.

The primary target firm is Tangawizi. Tangawizi is currently jointly controlled by two individuals. Tangawizi does not control any firms in South Africa.

Tangawizi is a multi-franchised dealer of new and used Hyundai, Renault, and Honda passenger vehicles, as well as new and used Hyundai LCVs and CVs, through a single dealership located in Richards Bay, KwaZulu-Natal. Tangawizi is also involved in related aftersales of parts, services, and vehicle financing.

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 Alchemy Promotions Holdings Limited (“Alchemy”)/ Amrod Investments (Pty) Ltd (“Amrod”)**

The Commission has approved the proposed transaction whereby Alchemy intends to acquire Amrod, with conditions.

The primary acquiring firm is Alchemy, a company incorporated in terms of the laws of Mauritius. Alchemy is wholly controlled by OP Holdings Limited (“OP Holdings”). OP Holdings is in turn wholly controlled by Oppenheimer Partners Limited (“OP”).

Alchemy was established for purposes of the proposed transaction and as such, it does not have any business activities.

OP is an investment holding company with a focus on the fast-moving consumer goods, industrial and service sectors. OP has the following two investments that have operations in South Africa - ICON, which provides oncology-related services to aligned oncology practices in South Africa and across Africa, and GZI SA, which manufactures premium quality, aluminium beverage cans that can be used to package carbonated soft drinks, certain alcoholic beverages, fruit – and vegetable juices, energy drinks, iced teas, etc.

The primary target firm is Amrod.

Amrod is a wholesaler of branded promotional products, including gifting, apparel, display, and workwear ranges. Amrod is a trade-only supplier (i.e., it sells to companies only) and does not sell directly to the public.

The Commission is of the view that the proposed transaction is unlikely to substantially lessen or prevent competition in any market in South Africa.

To promote a greater spread of ownership, Amrod has agreed to implement an employee share ownership plan for the benefit of its workers. Amrod further undertakes to establish an initiative to increase the number of black female resellers in its value chain. Additionally, Amrod undertakes to establish a program that will provide financial and non-financial support to small- and medium-sized enterprises which are owned by HDPs.

### **1.5 GMB Liquidity Corporation Proprietary Limited (“GMB”)/ Grand Parade Investments Limited (“GPI”)**

The Commission has approved the proposed transaction whereby GMB intends to acquire GPI, with conditions.

The primary acquiring firm is GMB. GMB is ultimately controlled by Clifton Road LLC (“Clifton Road”), a company incorporated in accordance with the laws of Arizona, United States of America. Clifton Road is controlled by the Clifton Road Dynasty Trust and its trustee. GMB, its subsidiaries, the firms controlling it, and their subsidiaries will collectively be referred to as the “Acquiring Group”.

GMB is a private investment company. GMB currently has investments in the beauty, insurance, and residential real estate industries.

The primary target firm is GPI. GPI is not controlled by any single entity. The largest shareholders in GPI are GMB; Sun International (South Africa) Limited (“Sun International”); and GPI Women’s B-BBEE Empowerment Trust (“Empowerment Trust”). The vested beneficiary in the Empowerment Trust is Rilapath Proprietary Limited and the discretionary beneficiaries are black women as selected and determined by the trustees and the GPI board from time to time.

GPI is a gaming and hospitality investment holding company and owns two commercial properties in Cape Town. GPI’s current interests in the gaming and hospitality industry consist of a non-controlling minority interest held in SunWest International Proprietary Limited.

To mitigate concerns around the greater spread of ownership, the merging parties agreed to implement an HDP and to appoint an HDP individual at board or management level. They have also agreed to establish a two-year training and mentorship programme and set aside additional funds for training for

GPI's employees. Finally, the merged entity commits to increasing the target firm's B-BBEE rating level and to increase procurement from third-party suppliers with a minimum B-BBEE Level 3 score.

The Commission is of the view that the proposed transaction is unlikely to substantially lessen or prevent competition in any market in South Africa. The Commission further found that the proposed transaction does not raise any other public interest concerns.

### **1.6 Bridgeham Proprietary Limited ("Bridgeham")/ Midrand Mall Proprietary Limited ("Midrand Mall") in respect of the remaining extent of ERF 28 Randjespark Ext 8 and ERF 496 Randjespark Ext 97**

The Commission has approved the proposed transaction whereby Bridgeham Property Limited intends to acquire Midrand Mall Proprietary Limited in respect of the remaining extent of ERF 28 Randjespark Ext 8 and ERF 496 Randjespark Ext 97, without conditions.

The primary acquiring firm is Bridgeham. Bridgeham is directly controlled by Investicore Holdings Proprietary Limited ("Investicore").

Bridgeham is a newly established investment holding company and has no subsidiaries. Investicore is a real estate investment firm that specialises in growing investor capital by diversifying investments in various property asset classes, including but not limited to, industrial, commercial, residential, and retail across South Africa and in the United States of America. Investicore, Bridgeham, and their subsidiaries shall be referred to as the "Acquiring Group".

The primary target firm is Midrand Mall in respect of the remaining extent of ERF 28 Randjespark Ext 8 (3,11338 hectares) and ERF 496 Randjespark Ext 97 (1,4009 hectares), collectively referred to as "the Property". Midrand Mall is owned by several individuals.

Midrand Mall (which is classified as a community shopping centre) comprises two adjacently situated erven that are operated as a single entity, with a combined extent of 67 589m<sup>2</sup>. The stands are zoned Business 1 (ERF 496) and Special (ERF 28) for a retail centre. The stands are Business and Special zoned (the Property), with the latter being larger in terms of size at 53 580m<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.

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

### **2.1 Thabo P. Makou Representing Pro Learner Kirknet NPC v Oupa Nkosi, Operations Manager, Acudeo College Kirkney**

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

**2.2 Zirk Kay for ZKA Architecture v various estates including Boogertman Partners, Clara Anna Fontein Homeowners Association, Val De Vie Homeowners Association, and Winelands Estate**

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

**2.3 Hermias Cornelius Strauss v The Brink / Breakwater Bay Eco Estate, George, Western Cape**

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

**2.4 Nico Kock v The Hills Game and Lifestyle Estate, Trafalgar, and CVD Architects**

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

**2.5 Phaniel Oswald Japhter Baloyi v Luxottica/ ESSILOR SA**

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

**2.6 Mr. Philip Lombard v Loot Online (Pty) Ltd**

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

**2.7 Jacobus Schalk van der Walt on behalf of Windy Corner Racing Pigeon Primary co-op t/a Odra and Royalyard Traders 52 (Pty) Ltd t/a ZA Pigeon League v South African National Pigeon Organisation (SANPO)**

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

**2.8 Barend Johannes (Rohan) van Eeden & Nicoline (Nicci) Vila Pouca v Comrades Marathon Association**

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

**2.9 Antje van der Koppel v Pick 'n Pay**

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

**2.10 Jeppessen Production cc, Managing Member: Troy Oakley v Shoprite Supermarkets proprietary limited & Mass Holdings**

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

**2.11 Kammy Sooriah-Pillay v Flight Club South Africa**

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

**[ENDS]**

**Issued by:**

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