

BEFORE THE COMPETITION APPEAL OF SOUTH AFRICA

CT CASE NO: 73/LM/Nov10
CAC CASE NO: 110/CAC/June11

In the large merger between:

WAL-MART STORES INC

Primary Acquiring Firm

and

MASSMART HOLDINGS LIMITED

Primary Target Firm

On appeal by

SOUTH AFRICAN COMMERCIAL, CATERING

AND ALLIED WORKERS' UNION

Appellant

NOTICE OF APPEAL

BE PLEASED TO TAKE NOTICE that the appellant, the South African Commercial, Catering and Allied Workers' Union ("SACCAWU"), which is a registered trade union at the primary target firm and a person required to be given notice of the proposed merger in terms of section 13A(2) of the Competition Act 89 of 1998 ("the Act") and which participated in the proceedings of the Competition Tribunal ("the Tribunal") hereby notes an appeal to this honourable Court against the whole of the decision and order of the Tribunal in case number 73/LM/Nov10, dated 31 May 2011.

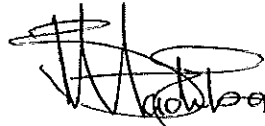
TAKE NOTICE FURTHER that this notice of appeal is filed in terms of section 17(1) read with section 37(1)(b) of the Act and rule 16 of the Rules of this honourable Court.

TAKE NOTICE FURTHER that the appeal is noted against all of the findings of fact and/or rulings of law by the Tribunal which form the basis for its 31 May 2011 order, including the approval of the proposed merger and the imposition of the conditions set out therein.

TAKE NOTICE FURTHER that the appellant seeks the following relief from this honourable Court pursuant to section 17(2) and/or (3): setting aside the decision of the Tribunal, *alternatively*, amending the decision of the Tribunal by ordering or removing restrictions, or by including or deleting conditions, *alternatively*, approving the merger subject to any conditions that are appropriate, effective, detailed and enforceable and to be determined by this honourable Court pursuant to its consideration of the proposed merger in terms of section 12A, *alternatively*, prohibiting implementation of the merger.

TAKE NOTICE FURTHER that this notice of appeal will be supplemented to accord with rule 16 (3) upon receipt of the reasons for the decision and order from the Tribunal.

DATED AT JOHANNESBURG THIS 27th DAY OF JUNE 2011



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