

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No: 124/LM/Nov08

In the matter between:

Rustenburg Platinum Mines Limited

Acquiring Firm

And

Changing Tides 166 (Pty) Ltd

And

**Group Five Housing and Projects Development
Services (Pty) Ltd**

Target Firms

Panel : D Lewis (Presiding Member), N Manoim (Tribunal Member),
and Y Carrim (Tribunal Member)

Heard on : 10 December 2008

Order Issued : 10 December 2008

Reasons Issued: 12 January 2009

Reasons for Decision

Approval

[1] On 10 December 2008, the Tribunal unconditionally approved the merger between Rustenburg Platinum Mines Limited and Changing Tides 166 (Pty) Ltd and Group Five Housing and Projects Development Services (Pty) Ltd. The reasons for approving the transaction follow.

The parties

[2] The primary acquiring firm is Rustenburg Platinum Mines Limited ("RPM"), a company incorporated under the laws of the Republic of South Africa. RPM is controlled by Anglo Platinum Limited, which is in turn controlled by Anglo American plc ("Anglo American"). Anglo Platinum has in excess of 30 subsidiaries.

- [3] The primary target firms are Changing Tides 166 (Pty) Ltd (“Changing Tides”), in respect of its 721 residential housing units situated in Rustenburg, and Group Five Housing and Projects Development Services (Pty) Ltd (“GFH”), in respect of its 4 vacant stands situated in Rustenburg (“the target properties”).
- [4] Changing Tides and GFH are wholly owned subsidiaries of Group Five Limited.

Description of the transaction

- [5] In terms of this transaction, RPM will acquire 721 residential housing units from Changing Tides and 4 vacant stands from GFH.

Rationale for the transaction

- [6] The acquiring firm views this proposed transaction as a means to ensure that its employees continue to have access to the residential accommodation without having to lease the properties from Changing Tides.
- [7] The parties submitted that residential accommodation is not the core business of Group Five and therefore the proposed transaction presents an opportunity to dispose of the housing units.

The parties’ activities

Primary acquiring group

- [8] The acquiring group is a diversified group of mining companies with interests in platinum, diamonds, base metals, ferrous metals, coal and industrial minerals worldwide.

The target properties

- [9] The target properties are 721 residential housing units and vacant stands, situated in Rustenburg, North West.

Competition analysis

- [10] There is no overlap in the activities of the merging firms, as the acquiring group is not active in the residential property market where the target properties are active. The proposed transaction is therefore unlikely to substantially prevent or lessen competition in any market.

Public Interest

[11] There are no public interest issues.

Conclusion

[12] The merger is approved unconditionally.

N Manoim
Tribunal Member

12 January 2009

DATE

D Lewis and Y Carrim concurring

Tribunal Researcher : R Kariga

For the merging parties: Deneys Reitz Attorneys

For the Commission : T Ravhugoni (Mergers and Acquisitions)