



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: SM104Aug15/CNF126Sep15

RAUMIX AGGREGATES PROPRIETARY LIMITED

First Applicant

OMV KIMBERLEY PROPRIETARY LIMITED

Second Applicant

OMV KIMBERLEY MINING PROPRIETARY LIMITED

Third Applicant

And

THE COMPETITION COMMISSION OF SOUTH AFRICA

First Respondent

ACTOPHAMBILI PROPRIETARY LIMITED

Second Respondent

AFRI-DEVO PROPRIETARY LIMITED

Third Respondent

CROWN ASPHALT CLOSE CORPORATION

Fourth Respondent

DE AAR STONE CRUSHERS CLOSE CORPORATION

Fifth Respondent

KIMCRUSH PROPRIETARY LIMITED

Sixth Respondent

LAFARGE SOUTH AFRICA HOLDINGS

Seventh Respondent

PROPRIETARY LIMITED

MOTA-ENGIL SOUTH AFRICA PROPRIETARY LIMITED	Eighth Respondent
MURRAY AND DICKSON CONSTRUCTION	Ninth Respondent
PROPRIETARY LIMITED	
THE DIRECTORATE OF ROADS: NORTHERN CAPE	Tenth Respondent
DEPARTMENT OF ROADS AND PUBLIC WORKS	
RAIL TO RAIL PROPRIETARY LIMITED	Eleventh Respondent
ROADLAB PROPRIETARY LIMITED	Twelfth Respondent
ROBURN CONSTRUCTION II TRUST	Thirteenth Respondent
SIMLAB PROPRIETARY LIMITED	Fourteenth Respondent
SP SURFACING CLOSE CORPORATION	Fifteenth Respondent
TAU PELE CONSTRUCTION PROPRIETARY LIMITED	Sixteenth Respondent
In re the Small Merger between	
RAUMIX AGGREGATES PROPRIETARY LIMITED	Primary Acquiring Firm
And	
OMV KIMBERLY PROPRIETARY LIMITED	Primary Target Firms
OMV KIMBERLEY MINING PROPRIETARY LIMITED	

Panel : Mondo Mazwai (Presiding Member)
Anton A Roskam (Tribunal Member)
Andiswa Ndoni (Tribunal Member)

Heard on : 16 September 2015

Decided on : 16 September 2015

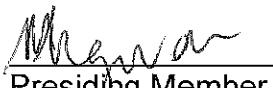
ORDER

The Competition Tribunal orders as follows:

1. The First Respondent should grant access in terms of section 45(1) of the Competition Act No. 89 of 1998 (as amended), to all information submitted to the First Respondent by the Second to Sixteenth Respondents under claims of confidentiality in relation to the proposed transaction between the applicants to the following parties:

1.1 The Applicants external legal representatives and independent economists.

2. Access granted will be subject to the provisions of the confidentiality undertakings signed by the Applicants' external legal representatives and independent economists.



Presiding Member
Ms Mondo Mazwai

Concurring: Mr Anton Roskam and Ms Andiswa Ndoni