

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM262Jan18/CNF166Aug18

In the application for access to confidential
information between:

BRITISH AMERICAN TOBACCO HOLDINGS
SOUTH AFRICA PTY LTD

First Applicant

TWISP PTY LTD

Second Applicant

And

THE COMPETITION COMMISSION OF SOUTH
AFRICA

First Respondent

EVOLUTION VAPE PROPRIETARY LIMITED

Second Respondent

PHILIP MORRIS SOUTH AFRICA PROPRIETARY
LIMITED

Third Respondent

VAPINGMAD PROPRIETARY LIMITED

Fourth Respondent

DIS-CHEM PHARMACIES LIMITED

Fifth Respondent

NICO E PROPRIETARY LIMITED

Sixth Respondent

SCHWAYNE TECH CC (T/A JUICY JOES)

Seventh Respondent

TOTAL SOUTH AFRICA PROPRIETARY LIMITED

Eight Respondent

VAPE AWAY PROPRIETARY LIMITED

Ninth Respondent

In re the large merger between:

LM262Jan18

BRITISH AMERICAN TOBACCO HOLDINGS
SOUTH AFRICA PTY LTD

Primary Acquiring Firm

And

TWISP PTY LTD

Primary Target Firm

Panel : AW Wessels (Presiding Member)
N Manoim (Tribunal Member)
I Valodia (Tribunal Member)

Decided in : 28 September 2018
chambers

ORDER

Pursuant to the Application for Access to confidential information brought by the merging parties in terms of s45(1) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that-

1. The Competition Commission ("Commission") is to provide the legal representatives and economic experts of the merging parties with access to the full submissions made by the **Fifth Respondent** to the Commission in its investigation of the proposed merger between British American Tobacco Holdings South Africa Pty Ltd and Twisp Pty Ltd (CT case no. LM262Jan18), and which form part of the Commission's record, subject to the confidentiality undertakings furnished by the representatives of the merging parties.



Presiding Member
Mr AW Wessels

28 September 2018
Date

Concurring: Mr Norman Manoim and Prof I Valodia