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**OUTCOME OF TRIBUNAL MERGER HEARING - WEDNESDAY, 17 MAY 2017**

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| --- | --- | --- | --- |
| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal | Tribunal decision |
| Large merger | K2015356066 (SA) (Pty) Ltd And The Business of ASA Metal (Pty) Ltd | Approve without conditions | Approval without conditions |
| Large merger | SacOil Holdings Ltd And Phembani Oil (PF) (Pty) Ltd | Approve without conditions | Approval without conditions |
| Large merger | Dimension Data (Pty) Ltd And MWEB Connect (Pty) Ltd | Approve with conditions | Approved with conditions |
| Large merger | Eastern Platinum Limited And The Pandora Joint Venture | Approve without conditions | Approval without conditions |

**K2015356066 and the Business of ASA Metal merger approved**

Primary acquiring firm K2015356066, (Newco) a newly created firm, has been given unconditional approval by the Tribunal to acquire the ferrochrome production assets of ASA Metals Pty Ltd.

Newco is jointly controlled by Sinosteel Corporation Ltd, active in the production and supply of chrome ore and ferrochrome, and Samancor Chrome Ltd, engaged in the production of chrome ore, electrode paste and ferrochrome.

ASA Metals indirectly produces chrome ore and directly produces ferrochrome.

The relevant markets in this transaction is the global market for supply and production of ferrochrome, the upstream market for mining and production of chrome ore, the upstream market for production and distribution of electrode paste and the downstream market for the production and supply of ferrochrome.

**Merger between SacOil Holdings and Phembani Oil approved**

Competition Tribunal has approved the large merger between SacOil and Phembani Oil.

SacOil mainly focuses on the exploration of oil and gas. This involves the exploration for and extraction of petroleum crude oil and natural gas. It includes the searching for potential underground or underwater oil and gas fields, drilling of exploratory wells, and subsequently operating the wells that recover and bring the petroleum crude oil and raw natural gas to the surface.

Phembani Oil is a ring-fenced special purpose vehicle which only holds equity interest in Afric Oil. Afric Oil is involved in the marketing and distribution of petrol, diesel, illuminating paraffin, jet fuel and lubricants to a broad client base that comprises of local and national governments, parastatals, the mining industry, the construction industry, the transport sector, the manufacturing sector, resellers and agricultural industries.

SacOil operates in the exploration of oil and gas, while Afric Oil is a wholesale/distributor of petroleum products.

**Tribunal approves Dimension Data’s acquisition the consumer facing internet access and ancillary services business of MWEB Connect known as MWEB ISP**

The Tribunal has approved the large merger of Dimension Data and the remaining business of MWEB subject to public interest conditions relating to employment.

The Tribunal approved a merger in 2014 of Dimension Data and MWEB Business, Optinet Services and Optinet Network Division.

In South Africa, the Dimension Data Group operates through a variety of subsidiaries and divisions that specialise in IT communications services and focuses on Network Integration, converged communication, security, data centre and storage, customer interactive solutions and Microsoft solutions

The target is the Consumer Facing Internet Access and Ancillary Business of MWEB Connect Pty Ltd. MWEB comprises internet access and ancillary services to consumers for internet access of fixed lines, Wi-Fi hotspots and cellular phones.

The Tribunal approved the merger subject to employment conditions that the parties may not retrench any employees other than the 25 reported, as a result of the merger.

For all other retrenchments, Dimension Data shall not accelerate or cause any retrenchments, contemplated by MWEB in its 2017/2018 Business Plan, to occur earlier than what is contemplated in the plan.

**Merger of Eastern Platinum and the Pandora Joint Venture approved**

The large merger between Eastern Platinum and Pandora Joint Venture has been approved by the Tribunal.

Eastern Platinum is a subsidiary of Lonmin plc. Lonmin is engaged in the discovery, extraction, refining and marketing of Platinum Group Metals. It is the third largest primary producer of platinum in the world. It produces ore bearing PGMs (which predominantly contains platinum, palladium and rhodium, but also, to a lesser extent, ruthenium and iridium), that also contains as by-products nickel, copper, chrome as well as a negligible amount of gold.

The Pandora Joint Venture is an unincorporated joint venture currently owned by Eastern Platinum, Rustenburg Platinum Limited and Northam Platinum Limited. Rustenburg Platinum is a wholly owned subsidiary of Anglo American Platinum Limited.

Pandora is jointly controlled by Rustenburg Platinum and Eastern Platinum. Pandora is engaged in the mining of PGM bearing ore.

In terms of the merger, Lonmin will gain full control of Pandora.

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