

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: IM139Dec21

In the matter between:

Draslovka Holdings A.S. First Applicant

Sasol South Africa Limited Second Applicant

And

The Competition Commission of South Africa Respondent

Harmony Gold Mining Company Limited First Intervenor

Sibanye Stillwater Limited Second Intervenor

Pan African Resources PLC Third Intervenor

In re the intermediate merger between:

Draslovka Holdings A.S. Primary Acquiring Firm

And

The Sodium Cyanide Business of Sasol South Africa Limited Primary Target Firm

Panel: J Wilson (Presiding Member)
L Mncube (Tribunal Member)
AW Wessels (Tribunal Member)

Heard on: 24, 25, 26 April 2023;
4, 23, 25, 26 May 2023; and
20 July 2023

Last submission on: 02 October 2023

Decided on: 11 October 2023

ORDER

Further to the merging parties' consideration application in terms of section 16(1)(a) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that–

1. the merger between the abovementioned parties be prohibited in terms of section 16(2)(c) of the Act; and
2. a certificate to prohibit the merger be issued in terms of Competition Tribunal Rule 34(a).

Signed by: Jerome Wilson
Signed at: 2023-10-11 07:00:31 +02:00
Reason: Witnessing Jerome Wilson



Presiding Member
Adv Jerome Wilson SC

11 October 2023

Date

Concurring: Prof Liberty Mncube and Mr AW Wessels



Notice CT 11

About this Notice

Prohibition of Merger

Date: 11 October 2023

To: Dentons South Africa and Bowmans

Case Number: IM139Dec21

Draslovka Holdings A.S. and The Sodium Cyanide
Business of Sasol South Africa Limited

You applied to the Competition Commission on 02 September 2021 for merger approval in accordance with Chapter 3 of the Competition Act.

Your merger was referred to the Competition Tribunal in terms of section 14A of the Act, or was the subject of a Request for Consideration by the Tribunal in terms of section 16(1) of the Act.

After reviewing all relevant information, and the recommendation or decision of the Competition Commission, the Competition Tribunal prohibits the implementation of this merger in terms of section 16 (2) of the Act, for the reasons set out in the Reasons for Decision.

Contacting the Tribunal

The Competition Tribunal
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The registrar, Competition Tribunal: