



IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA

Case Number: SM148Jul18/INT170Sep18

In the matter between:

VANCHEM VANADIUM PRODUCTS (PTY) LTD (IN BUSINESS RESCUE) **APPLICANT**

and

IRL (SOUTH AFRICA) RESOURCES INVESTMENTS (PTY) LTD **FIRST RESPONDENT**

MAPOCHS MINE (PTY) LTD (IN PROVISIONAL LIQUIDATION) **SECOND RESPONDENT**

THE COMPETITION COMMISSION OF SOUTH AFRICA **THIRD RESPONDENT**

In re the small merger arising from the purchase by

IRL (SOUTH AFRICA) RESOURCES INVESTMENTS (PTY) LTD **ACQUIRING FIRM**

of the immovable and moveable assets owned by

MAPOCHS MINE (PTY) LTD (IN PROVISIONAL LIQUIDATION) **TARGET FIRM**

ORDER (INTERVENTION)

With regard to the intervention application of Vanchem Vanadium Products (Pty) Ltd ("Vanchem"), the Tribunal orders as follows:

1. The Applicant is granted leave to intervene as a respondent in the proceedings before the Tribunal in relation to the Request For Consideration following the prohibition by the Competition Commission of the acquisition by IRL (South Africa) Resources Investments

(Pty) Ltd of the immovable and moveable assets owned by Mapochs Mine (Pty) Ltd (In Provisional Liquidation) in terms of Section 53(c)(v) of the Competition Act 89 of 1998;

2. The Applicant is permitted to participate in the hearing in relation to the following matters insofar as they are relevant to the effects of the proposed merger on Vanchem:
 - (i) the factors that the Competition Tribunal must take into account in respect of section 12A(2) of the Competition Act, read with section 12A(1)(a)(i) of the Competition Act;
 - (ii) the factors that the Competition Tribunal must take into account in respect of section 12A(3) of the Competition Act; and
 - (iii) the factors that the Competition Tribunal must take into account in determining possible remedies, and the possible terms of those remedies.
3. All documents and information filed under case number SM148Jul18 and which are being claimed to constitute confidential information, as defined in section 1(1)(b) of the Act, be made available to the Applicant's legal advisors and experts subject to the provision of appropriate confidentiality undertakings;
4. The Third Respondent will ensure that the Applicant is provided with a non-confidential version of the Competition Commission's record on or before 19 October 2018;
5. The Applicant is permitted to adduce oral and documentary evidence in relation to this matter in the course of making its representations to the Competition Tribunal, including the right to request and obtain discovery from any other party, and rights of cross-examination;
6. No order is made as to costs.



Presiding Member
Norman Manoim

18 October 2018
Date

Concurring: Ms Yasmin Carrim and Mr Halton Cheadle