****

**OUTCOME OF CASES ON - TRIBUNAL ROLL FOR WEDNESDAY, 13 APRIL 2016**

|  |  |  |
| --- | --- | --- |
| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal |
| Large merger  | Vukile Property Fund Limited And SA Retail Properties (Pty) Ltd, in Respect of an Undivided Share of the Enterprise Known as Pinecrest Centre | Approved without conditions |
| Large merger  | PPC Limited and 3Q Mahuma Concrete Proprietary Limited | Approved without conditions |
| Consent agreement  | Competition Commission and Sime Darby Hudson Knight (Pty) Ltd | Consent agreement be confirmed |
|  |  |  |

The Competition Tribunal has approved the merger of **Vukile Property Fund** and SA Retail Properties in terms of an Undivided Share of **Pinecrest Centre**. Pinecrest was jointly controlled by SA Retail Properties and Vukile, and post-merger Vukile will exercise sole control.

Vukile is a listed property fund with a portfolio comprising: retail space; office space; land under development; property relating to motor retail outlets, hotels and leisure properties.

SA Retail Properties, which has joint control of Pinecrest, is a wholly-owned subsidiary of SA Corporate Real Estate Limited.

The Tribunal also approved the merger of **PPC Limited** and **3Q Mahuma Concrete Proprietary Ltd**. Post-merger PPC will acquire all of the issued share capital of 3Q Mahuma.

PPC is a supplier of cement, as well as other products like fly-ash, aggregates and metallurgical-grade lime. It also supplies concrete through its wholly-owned subsidiary Pronto.

3Q Mahuma is ultimately controlled by Wilson Bayly Holmes-Ovcon Ltd (WBHO) and Brait Societas Europaea. 3Q Mahuma supplies ready-mix concrete.

The last matter on the roll involved edible fats and oil company Sime Darby Hudson Knight (SDHK), which has agreed to pay an administrative penalty of R35 million for its contravention of Section 4(1)(b)(ii) of the Competition Act by agreeing with Unilever South Africa to divide certain markets.

The Tribunal has raised a few issues regarding the consent agreement entered into between the Competition Commission and SDHK and has requested them to consider appropriate monitoring mechanisms, which would allow the Commission to monitor certain behavioural remedies contained in the agreement.

One of the undertakings by SDHK was to enter the retail market for margarine and other oils, this entails investing funds to build and commission a new packaging and wholesale facility that will have the ability to package smaller size edible fats and oils to be supplied to retail customers.

The company has also undertaken to utilise the services of a Black Economic Empowerment distributor, which SDHK will assist in becoming a viable business. The Tribunal suggested in this case that the Commission and the company consider changing the BEE distribution remedy to a measurable commitment that can also be monitored.

SDHK was found by the Competition Commission to have entered into an agreement in which it was precluded from supplying certain pack sizes of edible fats and oils to a number of customer channels. The agreement meant that it could not supply retail outlets where Unilever was active.

Issued by:

Chantelle Benjamin

Communications: Competition Tribunal

Tel (012)394 1383

Cell: +27 (0) 73 007 5603

Twitter: @comptrib

E-Mail: [chantelleb@comptrib.co.za](file:///C%3A%5CUsers%5CGilliand%5CDownloads%5Cchantelleb%40comptrib.co.za)

On Behalf Of:

Lerato Motaung

Registrar: Competition Tribunal

Tel: (012) 394 3355

Cell: +27 (0) 82 556 3221

E-Mail: LeratoM@comptrib.co.za