****

**OUTCOME OF CASES - TRIBUNAL ROLL FOR WEDNESDAY, 9 NOVEMBER 2016**

|  |  |  |
| --- | --- | --- |
| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal |
| Large merger | Abercom (Pty) Ltd And Branch Engineering (Pty) Ltd and Erf 616 Selby (Pty) Ltd | Approval without conditions |
| Large merger | Cubisol Investments 3 (Pty) Ltd And The Retail Letting Enterprise Known As Lonehill Shopping Centre Owned by Lonehill Shopping Centre (Pty) Ltd | Approval without conditions |
| Consent agreement | Competition Commission And BJ Transport Management Services (Pty) Ltd t/a Advance Transport | Confirm consent agreement |
| Large merger | Richards Bay Alloys (Pty) Ltd And The Business of Tata Steel Kwazulu-Natal (Pty) Ltd | Approval without conditions |
| Large merger | Wendel SE And Tsebo Holdings (Pty) Ltd | Approval without conditions |

**Abercom applies for majority shares in water tank sector**

The Tribunal has approved a merger between newly incorporated entity Abercom and target group Branch Engineering and Erf 616. This will give Abercom the majority share.

The merger falls under the sector of manufacture of builder’s plastic ware, namely tanks.

Among functions carried out by the target group is the operation of the broader liquid storage sector through subsidiaries View Tanks and ABECO Tanks and insurance broking solutions.

The merger has been approved without conditions.

**Merger involving Gauteng-based Lonehill Shopping Centre**

The merger between acquiring group in this proposed merger is Cubisol Investments 3, a property investment company with a diversified portfolio of commercial and retail properties, with the target firm being Lonehill Shopping Centre (Pty) Ltd (“Lonehill”) in respect of the retail letting enterprise known as the Lonehill Shopping Centre (“the Target Property”).

The Tribunal has approved the merger. In terms of the transaction, Cubisol 3 will acquire the Target Property from Lonehill. Post-merger Cubisol 3 will control the Target Property.

**Tribunal confirms consent agreement for furniture removal penalty**

The Tribunal confirmed a consent agreement involving BJ Transport Management Services (Pty) Ltd, trading as Advance Transport, and the Competition Commission with regard to prohibited practices relating to collusive tendering in the furniture removal sector.

Advance Trading admits that it has engaged in 198 instances of cover pricing. The company will pay a cumulative administrative penalty of R709 072.12 (Seven hundred and nine thousand and seventy three Rand and twelve cents) based on the 10% limit on fines. The fine is based on the firm’s annual turnover for the financial year ended February 2015.

The Commission said the penalty was based on requirements that the firm pay separately for each transgression, and because the company had not agreed to settle with the Commission initially.

According to the Commission, between 2007 and December 2012 Advance Transport and a number of other companies colluded on a number of tenders, including those issued by government, including the South African National Defence Force, the South African Police Services, as well as Eskom for furniture removal services. Other furniture removal companies allegedly involved -- JH Retief and Cape Express -- have settled with the Commission, while Sifikile is no longer trading, the Commission said.

**Merger between Richards Bay Alloys and Tata Steel approved**

The Tribunal has approved the merger of Richards Bay Alloys and Tata Steel KwaZulu-Natal, presently under liquidation. The deal will exclude the name and its environmental liabilities of the Tata Steel.

Representatives of Richards Bay Alloys told the Tribunal at the hearing on Wednesday, 9 November, that they wanted to restart operations at Tata Steel as soon as possible, and to ensure that as many of the staff members who lost their jobs when Tata ceased operations in July 2015 are reemployed. They described the situation for the Richards Bay former employees as “desperate”.

The acquiring group is a global asset manager which provides financial solutions for the ferroalloy metal mineral, mining and energy industries. Before the Tata Steel business ceased operation the company was producing 150000 tons of ferrochrome per annum.

The merger was approved without conditions.

**Merger between Wendel SE and Tsebo Holdings**

The Tribunal has approved, without conditions, the merger of Wendel SE, a French investment company and Tsebo Holdings, primarily involved in providing facilities management solutions, catering, cleaning, security, as well as hygiene services and energy management solutions.

Post-merger Wendel will have control over the business of Tsebo.

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:\Users\Gilliand\Downloads\chantelleb@comptrib.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](mailto:LeratoM@comptrib.co.za)