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**OUTCOME OF TRIBUNAL HEARINGS - WEDNESDAY, 19 JULY**

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| --- | --- | --- | --- |
| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal | Tribunal decision |
| Large merger | Main Street 1514 (Pty) Ltd And Mancosa (Pty) Ltd and Regent Business School (Pty) Ltd | Approve merger without conditions | Approved merger without conditions |
| Settlement agreement | Competition Commission And Afrion Property Service CC | Confirm settlement agreement | Settlement agreement confirmed |

**Merger impacting on tertiary education services approved**

The Tribunal has approved without conditions the merger whereby Main Street 1514 (Pty) Ltd (Main Street) will acquire Mancosa (Pty) Ltd (Mancosa) and Regent Business School (Pty) Ltd (Regent) from Mangro Holdings (Pty) Ltd. The merger impacts on the market of tertiary education services.

The acquiring firm Main Street has been established solely for purposes of this transaction. Main Street is a wholly-owned subsidiary of Actis Investment Holdings No.1 190 Limited (EMK SA (Mauritius)), which in turn is wholly-owned by Merging Markets Knowledge Holdings Limited (EMKH). EMKH is a company incorporated in Mauritius and controlled by Actis Africa 4 LP (Actis Africa 4) and Actis Global 4 LP (Actis Global 4) which are private equity investment funds. Actis Africa 4 and Actis Global 4 are both controlled by Actis GP LLP. All these firms will be referred to as the “Actis Group”.

The Actis Group generally invests in buy-outs of companies or non-core divisions of large corporations and in private companies, with the aim of achieving rapid growth in a given sector. The Actis Group specifically targets the consumer, healthcare, financial services, industrial, energy and real estate sectors. Of relevance to the proposed transaction is EMHK’s tertiary education buy-and-build platform that serves students in Morocco and Tunisia. EMKH’s anchor asset is the Universite Central Group (“UCG”), Tunisia’s largest private tertiary education provider. EMKH has no educational interests in South Africa.

Mancosa and Regent provide tertiary education and offer long distance programmes for undergraduate and postgraduate students not only in South Africa but in the SADC region as well.

Mancosa’s head offices are based in Durban, with various support centres used for sessions with students located in Johannesburg, Durban, East London and Pretoria amongst others. Regent offers courses supported by a wide range of facilities such as telephone support, face to face lectures, online and web support and virtual classrooms.

Regent offers undergraduate and postgraduate programmes together with short courses and Sector Education and Training Authority (“SETA”) programmes. The acquiring firm has no educational interests in South Africa.

**Firefighting firm admits to cartel conduct and pays R327000 settlement**

The Tribunal has confirmed a settlement agreement in which Afrion Property Services CC (Afrion), specialising in supplying, installing and maintaining fire control and protection systems in South Africa and the continent, will pay R327 201.85 for collusion.

On 13 March 2015, the Commission initiated an investigation against a number of firms, including Afrion, for fixing prices, dividing markets and tendering collusively in the relevant market. The Commission amended the complaint to include more firms on 26 June 2015 and 8 March 2017.

During or about the period of 2007 and 2012, Afrion together with Independent Fire Protection Services entered into agreements to fix prices, divide markets and tendered collusively in the relevant market. The agreements to fix prices, divide markets and tender collusively were through bilateral and multilateral agreements by providing each other with cover prices. Independent Fire Protection Services has since ceased operating.

Afrion agrees to pay a cumulative administrative penalty, circulate a statement summarising the contents of the consent agreement to its employees, managers and directors, within 14 days of the date of confirmation of the consent agreement as an order of the Tribunal. It also agrees to refrain from the conduct and to develop and implement and monitor a competition law compliance programme as part of its corporate governance policy.

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\AlistairV\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\HMBET88G\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)