****

**UPCOMING TRIBUNAL HEARING - WEDNESDAY, 20 SEPTEMBER 2017**

The hearing starts at 10h00 and will be held at the following address:

The dti Campus

77 Meintjies Street

Mulayo Building, (Block C)

Sunnyside, Pretoria

Tel: +27 (0) 12 394 3300

Fax: 27 (0) 12 394 0169

Twitter: @comptrib

Website: <http://www.comptrib.co.za>

|  |  |  |
| --- | --- | --- |
| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal |
| Large merger | Gemgrow Properties Ltd And ERF 266 In Respect of the Property Letting Enterprise Known As Checkers Centre, the Solly Noor Trust In Respect of the Property Letting Enterprises Known As Legal Air Board Building, Hawana Noor Centre, Foschini Building, Total Sports Building, PEP Stores Building and ABSA Building and Solly Noor Properties In Respect of the Property Letting Enterprises Known As the Shoprite Centre and the Noor Centre | Approve without conditions |
| Large merger | The Spar Group Limited And Fifth Season Investments 126 (Pty) Ltd | Approve without conditions |
| Large merger | K2017136283 (South Africa) (Pty) Ltd And Crabtree Electrical Accessories SA (A Division of Powertech Industries) (Pty) Ltd | Approve without conditions |
| Large merger | ERPE BIDCO Limited And Betafence Holdings NV | Approve without conditions |
| Large merger | Izimbiwa Associated Companies (Pty) Ltd And Moxitorque Investments (Pty) Ltd | Approve without conditions |

**Gemgrow Properties merger Erf 266 Louis Trichardt in respect of the property letting enterprise Checkers Centre and others**

The Tribunal is to consider a merger whereby Gemgrow Properties Limited (Gemgrow) intends to acquire nine property letting enterprises situated in Louis Trichardt, Limpopo Province currently owned by Erf 266 Louis Trichardt (Pty) Ltd, the Solly Noor Trust and Solly Noor Properties (Pty) Ltd (Solly Noor Properties).

Gemgrow (formerly known as Synergy Income Fund Limited) is a Real Estate Investment Trust listed on the JSE and is controlled by Arrowhead Properties Limited.

The primary target firms are situated in Louis Trichardt, Limpopo and are classified as retail and Grade B office properties. They are:

* The Solly Noor Trust in respect of the property letting enterprises known as the Legal Aid Board Building, Hawana Noor Centre, Foschini Building, Total Sports Building, Pep Stores Building and the Absa Building;
* Solly Noor Properties in respect of the property letting enterprises known as the Shoprite Centre and the Noor Centre; and
* Erf 266 in respect of the property enterprise known as the Checkers Centre.

**The Spar Group Ltd merger with Fifth Season Investments 126**

SPAR Group intends to acquire Fifth Season Investments 126 (Pty) Ltd (Fifth Season), which conducts business in the wholesaling of pharmaceutical products. The Commission proposes it be unconditionally approved.

The SPAR Group operates the SPAR Distribution Centres and conducts a wholesaling operation throughout South Africa. It acquires fast moving consumer goods and sells those goods to SPAR franchisees that include SPAR Supermarkets, (SUPERSPAR and KWIKSPAR), SPAR liquor bottle stores (TOPS AT SPAR) and Pharmacy at SPAR.

Fifth Season is a wholly-owned subsidiary of Avoriaz (Pty) Ltd. Fifth Season controls S Buys (Pty) Ltd .The S Buys Group conducts business in the healthcare sector including the wholesaling of pharmaceutical products.

**K2017136283 (SA) merger with Crabtree Electrical Accessories SA, a division of Powertech Industries**

The proposed merger in which K2017136283 (South Africa) (Pty) Limited (K2017) intends to acquire Crabtree Electrical Accessories SA, a division of Powertech Industries (Pty) Limited is to be heard by the Tribunal.

This merger is relevant to the market for manufacturing and supply of low voltage equipment.

K2017 is a wholly-owned subsidiary of Siemens (Pty) Ltd (Siemens), which is ultimately controlled by Siemens AG, which is listed on the Frankfurt Stock Exchange. Siemens AG is a global powerhouse in diversified engineering products, systems and solutions across the electrification, automation and digitalization value chain. In South Africa, Siemens AG operates through Siemens.

Siemens has various divisions such as power and gas, energy management, digital factory, process industries and financial services amongst others. K2017 is a newly established entity for the purposes of the proposed transaction and as such does not currently have any activities. Of relevance to the proposed transaction is Siemens’ activities with respect to the manufacture and supply of low-voltage equipment.

Crabtree Electrical Accessories SA is a division of Powertech Industries (Pty) Ltd (Powertech Industries). Powertech Industries is ultimately controlled by Allied Electronics Corporation Limited (Altron). Crabtree Electrical Accessories SA manufactures and sells innovative branded products to developers, maintainers and users of low voltage electrical infrastructure in Southern Africa. The products sold by the company include sockets and switches (wall plugs), cable management systems (trunking, conduit, junction boxes etc) and domestic leads and adapters (extension cords, multi-plugs, adapters etc).

**Erpe Bidco looks to merge with Betafence Holdings NV**

Erpe Bidco Limited (Erpe Bidco) intends to acquire Betafence Holding NV (Praesidiad). The target company provides perimeter security systems and solutions protection solutions.

Erpe Bidco is a newly established entity and does not have any activities. Its controlling entity, Carlyle, is a global alternative asset manager which manages funds that invest globally.

Praesidiad is a provider of force protection solutions, integrated perimeter security systems, industrial mesh, wire products and fencing products. The company’s products protect industrial buildings, public infrastructure and sites as well as private gardens and agricultural properties.

**Merger of Izimbiwa Association Companies and Moxitorque Investments**

The primary acquiring firm is Izimbiwa Association Companies (Pty) Ltd (Izimbiwa) and intends to acquire Moxitorque Investments (Pty) Ltd (Moxitorque).

Izimbiwa is a wholly-owned subsidiary of Phembani Group (Pty) Ltd Izimbiwa is an investment holding company with an emphasis on investments in (and the operating of) businesses and interests which fall within the oil, gas, mineral resources, metal and infrastructure related industries.

Moxitorque is a shelf company and currently does not conduct any business activities other than holding the non-controlling interests in Lexshell 826 and Lexshell 827. Lexshell 826 and Lexshell 827 do not conduct any business activities.

The Commission recommends that the merger be approved without conditions.

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)