FOR IMMEDIATE RELEASE
16 FEBRUARY, 2018

TRIBUNAL ROLL FOR FRIDAY, 16 FEBRUARY, 2018

Type of matter	Parties involved	Competition Commission's recommendation to Tribunal	Tribunal decision
Large merger	Coreland Property Investment Company (Pty) Ltd And Vaal River Mining Business, Nuclear Fuels Corporations of South Africa (Pty) Ltd and Margaref Water Company NPC	Approve without conditions	Approved without conditions
Large merger	Mitsui and Co Ltd And ETC Group (Mauritius) Ltd	Approve without conditions	Approved without conditions
Large merger	Community Property Company (Pty) Ltd And Eyethu Orange Farm Mall	Approve without conditions	Approved without conditions
Consent agreement	Competition Commission And Independent Media (Pty) Ltd and Caxton and CTP Publishers and Printers Ltd	Confirm consent agreement	Confirmed consent agreement
Large merger	Barnes Southern Palace Holdings	Approve with conditions	Decision outstanding

	(Pty) Ltd And Scaw South Africa (Pty) Ltd		

1. **Coreland Property Investment merger involving mining assets in the international market for the production and supply of gold and silver was approved**

The Competition Tribunal has approved the merger of Harmony Gold Mining Company Limited (Harmony) through its subsidiary, Coreland Property Investment Company (Pty) Ltd (Coreland), in terms of which Coreland acquires the Vaal River Mining Business (VR Mining Business), equity in Nuclear Fuels Corporation of South Africa (Pty) Ltd (Nufcor) and membership interest in Margaret Water Company NPC (MWC).

Coreland is a dormant subsidiary of Harmony and does not conduct any business activities. Harmony operates in South Africa and Papula New Guinea and produces gold as its primary product.

The VR Mining Business and Nufcor are controlled by JSE listed AngloGold Ashanti Limited (AGA). The VR Mining Business comprises mining, ore processing, gold production and the mining assets.

Nufcor was established to process and market uranium concentrate produced by South Africa gold mining companies to nuclear power generators around the world. Nufcor is involved in the processing and marketing of uranium ore and concentrate.

MWC pumps underground water to manage the flooding of the Kosh (Klerksdorp) basin. The water is sold on to third parties as “raw” water to recover pumping costs. The main consumers of this water are Mine Waste Solutions (Pty) Ltd and AGA. MWC was incorporated as a result of a directive issued by the Department of Water Affairs and Forestry.

The merger has been approved without conditions.

2. **Mitsui merger with agricultural trading and processing business ETC Holdings approved**

The Competition Tribunal has approved the merger of Japanese company Mitsui and agricultural trading and processing business ETC Holdings.

Mitsui is listed on the Tokyo Stock Exchange and has business activities in the sale, distribution, purchase, marketing and supply of products such as iron and steel; construction and mining equipment; agricultural inputs and energy resources.

ETC Group produces and supplies agricultural products such as: soybeans, sesame seeds, oil seeds other than soy and sesame, cashews, coffee, pulses, wheat, maize, nitrogen fertilizer, potassium fertilizer, sulphur fertilizer and other fertilizers.

3. Merger approved in Retail property market

The Competition Tribunal has unconditionally approved the merger property holding company CPC and retail letting business known as Eyethu Orange Farm (Target property) from F&G, Mergence Trust and Stretford.

CPC is a property holding and investment company and its property portfolio consists of shopping centres which are situated in the Gauteng Province.

The Target Property is a 26 818m2 retail property located in Orange Farm, Johannesburg (Gauteng Province). Based on its gross lettable area and the type of the building, the Target Property is classified as a small regional shopping centre and comprises of retail letting and storage space.

4. Independent Media pays R8m and Caxton R23m for price fixing in advertising

The Competition Tribunal has approved two consent agreements in terms of which Independent Media is to pay R8m (R8 020 020) and Caxton & CTP Publishers and Printers Limited (Caxton) R23m (R22 897 370) as part of a package of remedies for price fixing and fixing of trading conditions in contravention of the Competition Act.

The matter relates to a November 2011 investigation which found that, through the Media Credit Co-Ordinators (MCC), various media companies agreed to offer similar discounts and payment terms to advertising agencies that place advertisements with MCC members. MCC accredited agencies were offered a 16,5% discount for payments made within 45 days of the statement date, while non-members were offered 15%. MultiChoice's advertising sales business, DStv Media Sales was fined R180m for this contravention in May 2017.

Independent Media and Caxton on Friday, 16 February, 2018, admitted price fixing at the settlement hearing.

In terms of the settlement to be considered Independent Media would receive an administrative penalty of R2,2m, (R2 220 603) and provide a 25% in bonus advertising airtime for every rand of airtime bought by qualifying small agencies subject to a total annual cap of R5m for a period of three years. (**Subs Note: The total annual cap as it applies to Independent Media is R5m not R50m**.) Independent Media has also agreed to contribute R799 417 over three years from the date of the confirmation of the consent agreement to the Economic Development Fund to allow for the development of black-owned small media or advertising agencies.

Caxton has undertaken to pay a penalty of R5,8m (R5 806 890), provide 25% in bonus airtime for every Rand of airtime bought by qualifying small agencies for three years subject to a total annual cap of R15m (R15 000 000) for a period of three years and to contribute R2m (R2 090 480) to Economic Development Fund.

The Dstv Media Sales settlement included an administrative penalty of R22,3m and R8m to be paid to the Economic Development Fund over three years. The company further agreed to provide 25% in bonus advertising airtime for every rand of airtime bought by qualifying small agencies to a total annual cap of R50m (R50 000 000).

The Economic Development Fund will be managed by the Media Development and Diversity Agency and audited annually.

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