

**COMPETITION TRIBUNAL  
REPUBLIC OF SOUTH AFRICA**

**Case No: 81/LM/Aug00**

**In the large merger between:**

**Telkom SA Ltd**

**and**

**TPI Investments**

**and**

**Praysa Trade 1062 (Pty) Ltd**

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**Order**

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**Further to** the recommendations of the Competition Commission in terms of section 14(3) of Act 89 of 1998 and having heard the parties the Competition Tribunal approves the large merger between Telkom SA Ltd, TPI Investments and Praysa Trade 1062 (Pty) Ltd [the name of which is to be changed to Telecommunications Facilities Management Company (Pty) Ltd] subject to the following conditions:

1. Praysa Trade 1062 (Pty) Ltd must not retrench any employee transferred to its employ from Telkom SA Ltd as part of this transaction (“transferred employees”) for a period of twenty (20) months to commence from the effective date of the merger.
2. During the period referred to in clause 1, the obligation contemplated in relation to the transferred employees must be enforceable by each such employee -
  - (a) against Praysa 1062 (Pty) Ltd or any other person contemplated in clause 20.1.2 of the Exclusive Facilities Management Services Agreement; and
  - (b) against the shareholders of Praysa Trade 1062 (Pty) Ltd, namely, Reberve Ltd and WS Atkins International Ltd, in the event that it cannot be enforced against Praysa 1062 (Pty) Ltd, subject to clause 20.1.2 of the Exclusive Facilities Management Services Agreement.

3. Telkom SA Ltd must not retrench any employee as a consequence of this merger for a period of twenty (20) months from the effective date of the merger.

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**N.M. Manóim**

**02 October 2000**  
**Date**

**Concurring: D. H. Lewis, P. Maponya**