



competitiontribunal
SOUTH AFRICA

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM247Jan19/Jur262Feb19

In the matter between:

Mondi Limited **First Applicant**

Mondi PLC **Second Applicant**

And

Competition Commission **Respondent**

Panel : Enver Daniels (Presiding Member)
: Medi Mokuena (Tribunal Member)
: AW Wessels (Tribunal Member)

Heard on : 03 and 13 May 2019

Decided on : 27 May 2019

ORDER

Having heard the parties, it is ordered that:

The Applicants' application to:

1. set aside the opinion of the Respondent, taken on 21 February 2019, that the restructuring of the Applicants' business ("**the proposed simplification**"), is a merger as defined in section 12 of the Competition Act, 89 of 1998 that falls within the jurisdiction of the Act; and
2. declare that the proposed simplification is not a merger as defined in terms of section 12 of the Act that falls within the jurisdiction of the Act;
3. order the respondent to:
 - (a) refund the filing fee paid in respect of the proposed simplification to the first applicant; and
 - (b) return the Merger Notice in respect of the proposed simplification to the

applicants,

is dismissed with no order as to costs.

The reasons for decision will be issued in due course.



**Presiding Member
Mr. Enver Daniels**

27 May 2019

Date

Concurring: Mrs M Mokuena and Mr AW Wessels