

## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM163Dec22

In the matter between:

Nedbank Ltd, Acting Through its Nedbank  
Corporate Investment Banking Division, Nedbank  
Property Partners

**Primary Acquiring Firm**

And

Emling Properties (Pty) Ltd

**Primary Target Firm**

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Panel: AW Wessels (Presiding Member)  
T Vilakazi (Tribunal Member)  
A Ndoni (Tribunal Member)

Heard on: 13 March 2023

Decided on: 13 March 2023

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### ORDER

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Further to the recommendation of the Competition Commission in terms of section 14A(1)(b) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that–

1. the merger between the abovementioned parties be approved in terms of section 16(2)(a) of the Act; and
2. a Merger Clearance Certificate be issued in terms of Competition Tribunal Rule 35(5)(a).



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**Presiding Member**  
**Mr Andreas Wessels**

**13 March 2023**

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**Date**

**Concurring: Dr. Thando Vilakazi and Ms Andiswa Ndoni**

# Merger Clearance Certificate

**Date** : 13 March 2023

**To** : Vani Chetty Attorneys

Case Number: LM163Dec22

Nedbank Ltd, Acting Through its Nedbank Corporate Investment Banking Division, Nedbank Property Partners And Emling Properties (Pty) Ltd

## Notice CT 10

### About this Notice

This notice is issued in terms of section 16 of the Competition Act.

You may appeal against this decision to the Competition Appeal Court within 20 business days.

You applied to the Competition Commission on **13 December 2022** for merger approval in accordance with Chapter 3 of the Competition Act.

Your merger was referred to the Competition Tribunal in terms of section 14A of the Act, or was the subject of a Request for consideration by the Tribunal in terms of section 16(1) of the Act.

After reviewing all relevant information, and the recommendation or decision of the Competition Commission, the Competition Tribunal approves the merger in terms of section 16(2) of the Act, for the reasons set out in the Reasons for Decision.

This approval is subject to:

no conditions.

the conditions listed on the attached sheet.

The Competition Tribunal has the authority in terms of section 16(3) of the Competition Act to revoke this approval if

- a) it was granted on the basis of incorrect information for which a party to the merger was responsible.
- b) the approval was obtained by deceit.
- c) a firm concerned has breached an obligation attached to this approval.

### Contacting the Tribunal

The Competition Tribunal  
Private Bag X24  
Sunnyside  
Pretoria 0132  
Republic of South Africa  
tel: 27 12 394 3300  
fax: 27 12 394 0169  
e-mail: ctsa@comptrib.co.za

### The Registrar, Competition Tribunal

*Tebogo M. Mokoena*