



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.:
LM183Sep18/INT113Sep19

In the intervention application between:

WEELEE PROPRIETARY LTD

Applicant

and

MIH eCOMMERCE HOLDINGS PROPRIETARY LIMITED

First Respondent

WE BUY CARS PROPRIETARY LIMITED

Second Respondent

THE COMPETITION COMMISSION

Third Respondent

In the large merger between:

Case no.: LM183Sep18

MIH eCOMMERCE HOLDINGS PROPRIETARY LIMITED

Primary Acquiring Firm

and

WE BUY CARS PROPRIETARY LIMITED

Primary Target Firm

Panel : M Mazwai (Presiding Member)
: I Valodia (Tribunal Member)
: AW Wessels (Tribunal Member)

Heard on : 04 October 2019

Decided on : 04 October 2019

ORDER

Having heard Counsel for the parties, the Competition Tribunal ("Tribunal") makes the following order:

1. The applicant, Weelee Pty (Ltd) ("Weelee"), is recognised as a participant in the large merger proceedings before the Tribunal under the above case number:
2. Weelee's participation in the merger hearing before the Tribunal shall include the right:
 - 2.1. to have access to the Commission's record and any additional documents filed by the merger parties in the merger proceedings on the standard confidentiality arrangement whereby Weelee's lawyers and economists (if any) are given access to the confidential record on receipt of signed confidentiality undertakings.
 - 2.2. To lead the evidence of Weelee's Chief Executive Officer, Mr Marc Friedman limited to:
 - 2.2.1. the evidence contained in his witness statement; and
 - 2.2.2. to the extent that the evidence has not been led by the Commission in chief.
 - 2.3. To cross-examine the merging parties' witnesses, to the extent that such does not result in a duplication of the Commission's cross examination.
3. Weelee's rights granted in paragraph 2 above will be subject to:
 - 3.1. there being no disruption to the Tribunals' existing timetable for the hearing;
 - 3.2. adherence by Weelee to any timetable or time allocation set by the Tribunal for the proceedings before it; and
 - 3.3. limitations imposed by the Tribunal from time to time during the course of proceedings.



Presiding Member
Ms Mondo Mazwai

04 October 2019

Date

Concurring: Prof. Imraan Valodia and Mr AW Wessels