

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM262Jan18/CNF166Aug18

In the application for access to confidential information between:

BRITISH AMERICAN TOBACCO HOLDINGS SOUTH AFRICA PTY LTD **First Applicant**

TWISP PTY LTD **Second Applicant**

And

THE COMPETITION COMMISSION OF SOUTH AFRICA **First Respondent**

EVOLUTION VAPE PROPRIETARY LIMITED **Second Respondent**

PHILIP MORRIS SOUTH AFRICA PROPRIETARY LIMITED **Third Respondent**

VAPINGMAD PROPRIETARY LIMITED **Fourth Respondent**

DIS-CHEM PHARMACIES LIMITED **Fifth Respondent**

NICO E PROPRIETARY LIMITED **Sixth Respondent**

SCHWAYNE TECH CC (T/A JUICY JOES) **Seventh Respondent**

TOTAL SOUTH AFRICA PROPRIETARY LIMITED **Eight Respondent**

VAPE AWAY PROPRIETARY LIMITED **Ninth Respondent**

In re the large merger between: **LM262Jan18**

BRITISH AMERICAN TOBACCO HOLDINGS SOUTH AFRICA PTY LTD **Primary Acquiring Firm**

And

TWISP PTY LTD **Primary Target Firm**

Panel : AW Wessels (Presiding Member)
N Manoim (Tribunal Member)
I Valodia (Tribunal Member)

Decided in chambers : 28 September 2018

ORDER

Pursuant to the Application for Access to confidential information brought by the merging parties in terms of s45(1) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that-

1. The Competition Commission ("Commission") is to provide the legal representatives and economic experts of the merging parties with access to the full submissions made by the **Fifth Respondent** to the Commission in its investigation of the proposed merger between British American Tobacco Holdings South Africa Pty Ltd and Twisp Pty Ltd (CT case no. LM262Jan18), and which form part of the Commission's record, subject to the confidentiality undertakings furnished by the representatives of the merging parties.



Presiding Member
Mr AW Wessels

28 September 2018
Date

Concurring: Mr Norman Manoim and Prof I Valodia