

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: IM147Nov22

In the matter between:

Akzo Nobel N.V.	First Applicant
Kansai Plascon Africa Ltd	Second Applicant
Kansai Plascon East Africa (Pty) Ltd	Third Applicant
And	
The Competition Commission of South Africa	Respondent

In re the intermediate merger between:

Akzo Nobel N.V.	Primary Acquiring Firm
And	
Kansai Plascon Africa Ltd	Primary Target Firms
Kansai Plascon East Africa (Pty) Ltd	

Panel:	M Mazwai (Presiding Member) L Mncube (Tribunal Member) J Wilson (Tribunal Member)
Heard on:	04-08, 11-12, 14-15 September 2023; and 07 November 2023
Decided on:	21 November 2023

ORDER

Further to the merging parties' consideration application in terms of section 16(1)(a) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that—

1. the merger between the abovementioned parties be prohibited in terms of section 16(2)(c) of the Act; and
2. a certificate to prohibit the merger be issued in terms of Competition Tribunal Rule 34(a).



Presiding Member
Ms Mondo Mazwai

21 November 2023

Date

Concurring: Prof Liberty Mncube and Adv Jerome Wilson SC



Notice CT 11

About this Notice

Prohibition of Merger

Date: 21 November 2023

To: Webber Wentzel

Case Number: IM147Nov22

Akzo Nobel N.V and Kansai Plascon Africa Ltd; Kansai Plascon East Africa (Pty) Ltd

You applied to the Competition Commission on 15 November 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 prohibits the implementation of this merger in terms of section 16 (2) of the Act, for the reasons set out in the Reasons for Decision.

Contacting the Tribunal

The Competition Tribunal
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The registrar, Competition Tribunal: