

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM118Sep20

In the matter between:

Kagiso Capital (RF) (Pty) Ltd

Primary Acquiring Firm

And

EMSS Consulting (Pty) Ltd T/A Alphawave Holdings

Primary Target Firm

Panel : M Mazwai (Presiding Member)
: Y Carrim (Tribunal Panel Member)
: F Tregenna (Tribunal Panel Member)
Heard on : 05 November 2020
Decided on : 05 November 2020

ORDER

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).



Presiding Member
Ms Mondo Mazwai

05 November 2020
Date

Concurring: Ms Yasmin Carrim and Prof. Fiona Tregenna



competitiontribunal
SOUTH AFRICA

Merger Clearance Certificate

Date : 05 November 2020

To : Webber Wentzel Attorneys

Case Number: LM118Sep20

Kagiso Capital (RF) (Pty) Ltd And EMSS Consulting (Pty) Ltd T/A
Alphawave Holdings

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 **27 August 2020** 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
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The Registrar, Competition Tribunal