

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM168Nov20

In the matter between:

Engie Global Development B.V.

Primary Acquiring Firm

And

Xina CSP South Africa (Pty) Ltd and Xina CSP
Operation and Maintenance (Pty) Ltd

Primary Target Firm

Panel : M Mazwai (Presiding Member)
: E Daniels (Tribunal Panel Member)
: T Vilakazi (Tribunal Panel Member)
Heard on : 21 January 2021
Decided on : 21 January 2021

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

21 January 2021

Date

Concurring: Mr Enver Daniels and Dr. Thando Vilakazi



competitiontribunal
SOUTH AFRICA

Merger Clearance Certificate

Date : 21 January 2021

To : Bowmanslaw Attorneys

Case Number: LM168Nov20

Engie Global Development BV And Xina CSP South Africa (Pty) Ltd and Xina CSP OPeration and Maintanance (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 **06 November 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