

## COMPETITION TRIBUNAL OF SOUTH AFRICA

**Case No.: LM171Mar20**

In the matter between:

Harmony Gold Mining Company Ltd, Harmony Moab  
Khotsong Operations (Pty) Ltd and Golden Core  
Trade and Invest (Pty) Ltd

**Primary Acquiring Firm**

And

The remaining gold mining South African operations  
of AngloGold Ashanti Ltd

**Primary Target Firm**

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Panel : Y Carrim (Presiding Member)  
: A Ndoni (Tribunal Panel Member)  
: F Tregenna (Tribunal Panel Member)  
Heard on : 29 April 2020  
Decided on : 29 April 2020

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### ORDER

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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).

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**Presiding Member**  
**Ms Yasmin Carrim**

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**29 April 2020**  
**Date**

**Concurring: Ms Andiswa Ndoni and Prof. Fiona Tregenna**



**competitiontribunal**  
SOUTH AFRICA

# Merger Clearance Certificate

**Date** : 29 April 2020

**To** : Bowmans Gilfillan Attorneys

## 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.

### Contacting the Tribunal

The Competition Tribunal  
Private Bag X24  
Sunnyside  
Pretoria 0132  
Republic of South Africa  
tel: 27 12 394 3300  
fax: 27 12 394 0169  
e-mail: [ctsa@comptrib.co.za](mailto:ctsa@comptrib.co.za)

Case Number: LM171Mar20

Harmony Gold Mining Company Ltd, Harmony Moab Khotsong Operations (Pty) Ltd and Golden Core Trade and Invest (Pty) Ltd  
AND The remaining gold mining South African operations of AngloGold Ashanti Ltd

You applied to the Competition Commission on **09 March 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

- it was granted on the basis of incorrect information for which a party to the merger was responsible.
- the approval was obtained by deceit.
- a firm concerned has breached an obligation attached to this approval.

**The Registrar, Competition Tribunal**