

## COMPETITION TRIBUNAL OF SOUTH AFRICA Case no: LM191Feb21

SPE Mid-Market Fund I Partnership (represented by the general partner, SPE Mid-Market Fund I General Partner Proprietary Limited) (Primary Acquiring Firm) and Absolute Pets Proprietary Limited (Primary Target Firm)

Heard on:24 February 2021Order Issued on:24 February 2021

## **REASONS FOR DECISION**

- [1] On 24 February 2021, the Competition Tribunal unconditionally approved a large merger between SPE Mid-Market Fund I Partnership (represented by the general partner, SPE Mid-Market Fund I General Partner (Pty) Ltd) ("SPE Fund") and Absolute Pets (Pty) Ltd ("Absolute Pets").
- [2] The transaction involves an acquisition by SPE Fund of **Sector** of the entire issued share capital of Absolute Pets, such that SPE Fund will solely control Absolute Pets post-merger.
- [3] The SPE Fund controls the Cavalier Group of Companies (Pty) Ltd ("Cavalier Group") and is ultimately controlled by Sanlam Limited ("Sanlam" or "the Sanlam Group"). The Sanlam Group is a leading South African financial services group, specialising in long-term insurance, financial planning, retirement planning, trusts, wills and short-term insurance, among others.
- [4] Absolute Pets<sup>1</sup> is a specialist retailer in the South African pet care industry. Absolute Pets controls Hay North Pets (Pty) Ltd ("Hay North Pets")
- [5] The Competition Commission found no horizontal or vertical overlaps in the activities of the merger parties.
- [6] The merger also raises no public interest concerns.
- [7] No third party raised any concern.

<sup>&</sup>lt;sup>1</sup> Controlled by Infinitus Holdings (Pty) Ltd ("Infinitus")

[8] We concluded that the proposed transaction is unlikely to substantially prevent or lessen competition in any relevant market, or to have a negative impact on the public interest.

Ener Daniels

Mr Enver Daniels Ms Mondo Mazwai and Mr Halton Cheadle concurring

Tribunal Case Manager: For the Merging Parties: For the Commission: C Mathonsi T Theron and R van Rensburg R Molotsi and G Mutizwa 08 March 2021

Date