



**IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA**

Case Number: SM148Jul18

In the matter between:

**THE MINISTER OF ECONOMIC DEVELOPMENT**

**APPLICANT**

and

**IRL (SOUTH AFRICA) RESOURCES INVESTMENTS (PTY) LTD**

**FIRST RESPONDENT**

**MAPOCHS MINE (PTY) LTD (IN PROVISIONAL LIQUIDATION)**

**SECOND RESPONDENT**

**THE COMPETITION COMMISSION OF SOUTH AFRICA**

**THIRD RESPONDENT**

In re the small merger arising from the purchase by

**IRL (SOUTH AFRICA) RESOURCES INVESTMENTS (PTY) LTD**

**ACQUIRING FIRM**

of the immovable and moveable assets owned by

**MAPOCHS MINE (PTY) LTD (IN PROVISIONAL LIQUIDATION)**

**TARGET FIRM**

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**ORDER (INTERVENTION)**

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By consent of the parties, the following is made an order of the Tribunal:

1. The Minister (without him conceding it is necessary to seek such leave) is granted leave to intervene as a respondent and participant in the consideration proceedings pending before the Tribunal under the above case number and relating to the acquisition by IRL (South Africa) Resources Investments (Pty) Ltd of the immovable and moveable assets previously owned by Mapochs Mine (Pty) Ltd (In Provisional Liquidation) (the "merger").

2. The Minister's participation in the proceedings shall extend to the public interest considerations arising from the merger, including in respect of any potential remedy which the Tribunal may impose in respect of the merger.
3. The Minister's participation in the merger hearing shall include the right to:
  - 3.1 attend pre-hearing conferences;
  - 3.2 have access to, and to inspect, any documents filed by any of the merger parties in the merger proceedings and consideration proceedings, provided that any confidential information, as defined in section 1(1)(v) of the Competition Act, shall, unless otherwise agreed or directed, be limited to the Minister and his officials, the Minister's legal representatives and experts on the further condition that they provide appropriate undertakings to respect and protect confidentiality;
  - 3.3 have access to, and to inspect, any documents filed by any other participants and respondents and third parties subject to their agreement or the direction of the Tribunal as may be required in respect of any documents which are claimed to constitute confidential information, as defined in section 1(1)(v) of the Competition Act;
  - 3.4 call for the discovery of further documents from the merger parties and other participants and respondents in the merger proceedings to the extent that they are relevant;
  - 3.5 request the Tribunal to direct, summon and/or order any person to appear at the merger hearing and/or to produce documents relevant to the merger hearing;
  - 3.6 participate in any interlocutory proceedings in respect of the merger hearing;
  - 3.7 adduce oral and documentary evidence at the merger hearing;
  - 3.8 cross-examine any of the witnesses of the merger parties and any other participants and respondents of the merger hearing; and
  - 3.9 present argument at the merger hearing.
4. The Minister's rights of participation granted in paragraph 3 above will be subject to:
  - 4.1 limitations on their exercise as may be imposed by the Tribunal from time to time during the course of the proceedings to ensure the expeditious and efficient hearing of the consideration proceedings; and
  - 4.2 adherence by the Minister to any timetable set by the Tribunal for attending to any prehearing procedures and filing of any processes in this matter.

5. All documents and information filed under case numbers SM148Jul18 and 2018APR0050 as aforesaid, and subject to paragraph 3.3 above, shall be made available to the Minister and his officials, the Minister's legal advisors and experts on or before 19 October 2018.



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**Presiding Member**  
**Norman Manoim**

**17 October 2018**  
**Date**

**Concurring: Ms Yasmin Carrim and Mr Halton Cheadle**