

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 152 OF 2017****COMPETITION COMMISSION****NOTIFICATION OF CLOSED CONDITIONAL MERGER APPROVALS****1 APRIL 2016 – 30 SEPTEMBER 2016****1. CASE NO. 2013SEP0446 SIBANYE GOLD LIMITED AND NEWSHELF 1114 (PTY) LTD**

The Competition Tribunal imposed a condition which required the merging parties to not retrench any employee as a result of the merger for a period of 2 years from the implementation date of the merger. After evaluating the information submitted by the merging parties, the Commission was satisfied that the conditions had been complied with as no employees were retrenched during the 2 year period as a result of the merger.

2. CASE NO. 2015APR0151 TRANSPACO PLASTICS (PTY) LTD AND EAST RAND PLASTICS, A DIVISION OF ASTRAPAK MANUFACTURING HOLDINGS (PTY) LTD

The Commission had imposed a condition that required the merged entity to conclude a binding agreement between it and a third party, confirming that it will supply the third party with plastic refuse for a period of not less 3 years from the merger approval date. In addition, the Commission had imposed a condition that required the merged entity to put in place measures to prevent the merged entity and the third party from exchanging competitively sensitive non-public information regarding their business activities. After evaluating the information submitted by the merged entity, the Commission was satisfied that the conditions had been complied with as the merged entity submitted a binding supply agreement between it and the third party, and the merged entity developed a policy to ensure that there is no exchange of competitively sensitive non-public information between it and the third party.

3. CASE NO. 2014FEB0051 UNIPRINT LABELS, A DIVISION OF TIMES MEDIA (PTY) LTD AND THE FERROPRINT BUSINESS AND THE CAST ARENA ASSETS

The Commission had imposed a condition that capped the number of retrenchments the merging parties can make as a result of the merger to 33 employees, for a period of 2 years from the Effective Date of the merger. The merging parties submitted compliance reports

which confirmed that the number of retrenchments did not exceed 33. The Commission was thus satisfied that the merging parties complied with the conditions.

4. CASE NO. 2014OCT0543 TAKEALOT ONLINE (PTY) LTD AND KALAHARI.COM, BEING A DIVISION OF MIH INTERNET AFRICA (PTY) LTD

The Commission had imposed a condition that capped the number of retrenchments the merging parties can make as a result of the merger to 200, for a period of 12 months from the approval date. In addition, the Commission had imposed a condition that required the merging parties to provide the necessary support to the employees who get retrenched, to ensure that they are able to cope with the retrenchment and are able to secure employment in the future. After evaluating the information submitted by the merging parties, the Commission was satisfied that the conditions had been complied with as the merging parties did not exceed the 200 cap on retrenchments and the merging parties provided the necessary support required by the Conditions to the employees who were retrenched.

5. CASE NO. 2014SEP0517 DIMENSION DATA (PTY) LTD AND MWEB CONNECT (PTY) LTD ON BEHALF OF ITS MWEB BUSINESS/VOIP DIVISION AND OPTINET NETWORK DIVISION AND OPTINET SERVICES DIVISION

The Competition Tribunal imposed a condition that capped the number of retrenchments the merging parties can make as a result of the merger to 35 employees, for a period of 18 months from the Effective Date of the merger. After evaluating the information submitted by the merging parties, the Commission was satisfied that the conditions had been complied with and the Commission did not receive any complaints from the employees on any breach of the Conditions.

6. CASE NO. 2013NOV0580 BUCKET FULL (PTY) LTD AND THE CARTONS AND LABELS BUSINESS OF NAMPAK PRODUCTS LIMITED

The Competition Tribunal imposed a condition that required the merging parties to not retrench any Non-Management employees as a result of the merger for a period of 2 years from the implementation date of the merger. The merging parties submitted a compliance report that confirmed that they did not retrench any employees during the 2 year moratorium period. The Commission was thus satisfied that the merging parties complied with the conditions.

7. CASE NO. 2014 NEW LASER CORPORATION AND THE KO ENERGY ASSETS OF THE KO ENERGY BUSINESS OF THE COCA-COLA COMPANY

The Commission had imposed a condition that required the merged entity to not terminate an Exclusive Distribution Agreement with a third party for a period of 1 year from the implementation date. After evaluating the information submitted by the merged entity, the

Commission was satisfied that the conditions had been complied with as the merged entity did not terminate the Exclusive Distribution Agreement it had with the third party during the 1 year moratorium.

8. CASE NO. 2015APR0226 SBV SERVICES (PTY) LTD (“SBV”) AND CERTAIN MOVABLE AND IMMOVABLE ASSETS OF ABSA BANK LIMITED

The Commission had imposed a condition that required SBV to not retrench any employees as a result of the merger. In addition, the Commission imposed a condition that required SBV to offer employment to guards who were employed at the cash processing centres being taken over by SBV should they be retrenched by a third party guarding company that provided those guarding services prior to the merger. After evaluating the information submitted by SBV, the Commission was satisfied that the conditions had been complied with as SBV invited all existing third party employees at the cash processing centres to apply for employment at these centres.

9. CASE NO. 2012MAR0148 GLENCORE INTERNATIONAL PLC AND XSTRATA PLC

The Competition Tribunal imposed a condition that required the merged entity to cap the number of potential retrenchments within the merged entity to (i) 80 skilled employees; and (ii) 100 unskilled and semi-skilled employees, for a period of 2 years from the implementation date of the merger. In addition, the Competition Tribunal imposed a condition that required the merged entity to provide a training amount to any unskilled or semi-skilled employee who has been retrenched for re-training purposes. The merged entity submitted compliance reports indicating that the merged entity retrenched less than 10 skilled employees during the moratorium period and no semi-skilled or unskilled employees were retrenched. The Commission was thus satisfied that the merged entity complied with the conditions.