

NOTICE 169 OF 2004**COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35 (5) (b) (ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001, that on 03 December 2003 the merger between Fluxrab Investments No 58 (Pty) Ltd and Seven Eleven Africa (Pty) Ltd subject to the following conditions:

1. Further to the recommendation of the Competition Commission in terms of section 14A(1)(b), the Competition Tribunal orders that the merger between Fluxrab Investments No 58 (Pty) Ltd and Seven Eleven Africa (Pty) Ltd be approved in terms of section 16(2)(b), subject to the following conditions:
 - (i.) Metcash shall within 6 (six) months of the approval by the Tribunal offer new franchise agreements on the same terms to all Seven Eleven and Friendly Shoppe franchisees.
 - (ii.) Metcash shall inform all its present and newly acquired franchisees of the conditions set out above.
 - (iii.) A copy of the new franchise agreements referred to in paragraph (i) above must be supplied to the Commission.
2. For purposes of this order Metcash means Metcash SA Limited, Metcash Trading Limited, Fluxrab Investments No 58 (Pty) Ltd or any other subsidiary within Metro Cash and Carry Limited.
3. a Merger Clearance Certificate be issued in terms of Competition Tribunal rule 35(5)(a).

(Case No. 44/LM/Aug03)

**The Chairperson
Competition Tribunal**