

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM120Oct19

In the matter between:

Ferro South Africa (Pty) Ltd

Primary Acquiring Firm

And

Performance Colour Systems, a Division of Speed
Bird Investment Holdings (Pty) Ltd

Primary Target Firm

Panel : Y Carrim (Presiding Member)
: A Ndoni (Tribunal Panel Member)
: H Cheadle (Tribunal Panel Member)
Heard on : 15 January 2020
Decided on : 15 January 2020

ORDER

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 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).



Presiding Member
Ms Yasmin Carrim

15 January 2020

Date

Concurring: Ms Andiswa Ndoni and Prof. Halton Cheadle



competitiontribunal
SOUTH AFRICA

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

Merger Clearance Certificate

Date : 15 January 2020

To : Werksmans Attorneys

Case Number: LM120Oct19

Ferro South Africa (Pty) Ltd And Performance Colour Systems, a Division of Speed Bird Investment Holdings (Pty) Ltd

You applied to the Competition Commission on **16 October 2019** 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

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

The Registrar, Competition Tribunal