

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM183Sep18

In the matter between:

MIH eCommerce Holdings Pty Ltd

Primary Acquiring Firm

And

We Buy Cars Pty Ltd

Primary Target Firm

Panel	: AW Wessels (Presiding Member)
	: M Mazwai (Tribunal Panel Member)
	: I Valodia (Tribunal Panel Member)
Heard on	: 14-18; 21; 23-25; 28 October 2019;
	5; 15 November 2019;
	2; 3; 13 March 2020
Decided on	: 27 March 2020

ORDER

Further to the recommendation of the Competition Commission in terms of section 14A(1)(b) of the Competition Act 89 of 1998, as amended ("the Act") the Competition Tribunal orders that -

1. the merger between the abovementioned parties be prohibited in terms of section 16(2)(c) of the Act.
2. a certificate to prohibit the merger be issued in terms of Competition Tribunal rule 35(5)(a).



Mr. AW Wessels
Presiding Member

27 March 2020

Date

Concurring: Ms. M Mazwai and Prof. I Valodia



competitiontribunal

SOUTH AFRICA

Notice CT 11

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.

A firm that proceeds to implement a merger that has been prohibited is subject to an administrative fine in terms of Section 59 of the Competition Act, or order for divestiture in terms of section 60.

Contacting the Tribunal

The Competition Tribunal
Private Bag X24
Sunnyside
Pretoria 0132
Republic of South Africa
tel: 27 12 394 3300
e-mail: ctsa@comptrib.co.za

Prohibition of Merger

Date: 27 March 2020

To: Herbert Smith Freehills

(Name and file number of merger:)

MIH eCommerce Holdings (Pty) Ltd And We Buy Cars (Pty) Ltd
Case Number: LM183Sep18

You applied to the Competition Commission on 19 September 2018 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 prohibits the implementation of this merger in terms of section 16 (2) of the Act, for the reasons set out in the Reasons for Decision.

The registrar, Competition Tribunal: