



competitiontribunal
SOUTH AFRICA

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM274Mar19

In the matter between:

Bachique 746 (Pty) Ltd

Primary Acquiring Firm

And

Afrikelp (Pty) Ltd, Afrikelp Holdings (Pty) Ltd,
Afrikelp Investments (Pty) Ltd, Akusa, Inc., Taurus
Chemicals Namibia (Pty) Ltd, Taurus Chemicals
Cape Kelp (Pty) Ltd, Rotaq Lüderitz (Pty) Ltd, Efekto
Care (Pty) Ltd, Efekto Zambia Ltd, Agro-Serve (Pty)
Ltd, Agro-Serve Namibia (Pty) Ltd and Marltons
Pets & Products (Pty) Ltd

Primary Target Firms

Panel : Y Carrim (Presiding Member)
: AW Wessels (Tribunal Member)
: F Tregenna (Tribunal Member)
Heard on : 17 July 2019
Decided on : 17 July 2019

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

17 July 2019

Date

Concurring: Mr Andreas Wessels and Prof. Fiona Tregenna



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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
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Merger Clearance Certificate

Date : 17 July 2019

To : ENS

Case Number: LM274Mar19

Bachique 746 (Pty) Ltd And Afrikelp (Pty) Ltd, Afrikelp Holdings (Pty) Ltd, Afrikelp Investments (Pty) Ltd, Akusa, Inc., Taurus Chemicals Namibia (Pty) Ltd, Taurus Chemicals Cape Kelp (Pty) Ltd, Rotaq Lüderitz (Pty) Ltd, Efekto Care (Pty) Ltd, Efekto Zambia Ltd, Agro-Serve (Pty) Ltd, Agro-Serve Namibia (Pty) Ltd and Marltons Pets & Products (Pty) Ltd

You applied to the Competition Commission on **15 March 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