

## **COMPETITION TRIBUNAL OF SOUTH AFRICA**

Case No.: LM196Mar23/INT136Nov23

In the intervention application of:

NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA (NUMSA)

**Applicant** 

And

VITOL EMERALD BIDCO (PTY) LTD

First Respondent

**ENGEN LIMITED (PTY) LTD** 

**Second Respondent** 

COMPETITION COMMISSION OF SOUTH AFRICA

Third Respondent

THE DEPARTMENT OF TRADE, INDUSTRY AND

**Fourth Respondent** 

COMPETITION

**ASTRON ENERGY (PTY) LTD** 

Fifth Respondent

**SASOL LIMITED** 

Sixth Respondent

CHEMICAL, ENERGY, PAPER PRINTING, WOOD AND

**ALLIED WORKERS UNION** 

Seventh Respondent

In re the large merger between:

VITOL EMERALD BIDCO (PTY) LTD

**Primary Acquiring Firm** 

And

**ENGEN LIMITED (PTY) LTD** 

**Primary Target Firm** 

Panel:

M Mazwai (Presiding Member)

AW Wessels (Tribunal Member)

L Mncube (Tribunal Member)

Heard on:

11 January 2024

Order Issued on:

15 January 2024

**ORDER** 

Having read the papers of record and heard counsel for the parties, the Competition Tribunal ("Tribunal") orders as follows:

- 1. NUMSA is granted leave to intervene in the merger proceedings between the First and Second Respondents under case number LM196Mar23, to make oral and written submissions on the following two considerations:
  - 1.1. Employment; and
  - 1.2. Employment Equity Ownership.
- 2. The merging parties are ordered to pay the costs of NUMSA's application.

Presiding Member Ms Mondo Mazwai 15 January 2024

Date

Concurring: Prof. Liberty Mncube and Mr Andreas Wessels