

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM262Jan18/CNF166Aug18

In the application for access to confidential information between:

BRITISH AMERICAN TOBACCO **HOLDINGS** **First Applicant**

SOUTH AFRICA PTY LTD

TWISP PTY LTD Second Applicant

And

THE COMPETITION COMMISSION OF SOUTH

First Respondent

AFRICA

EVOLUTION VAPE PROPRIETARY LIMITED

Second Respondent

PHILIP MORRIS SOUTH AFRICA PROPRIETARY

LIMITED

VAPINGMAD PROPRIETARY LIMITED

Fourth Respondent

Third Respondent

DIS-CHEM PHARMACIES LIMITED

Fifth Respondent

NICO E PROPRIETARY LIMITED

Sixth Respondent

SCHWAYNE TECH CC (T/A JUICY JOES)

VAPE AWAY PROPRIETARY LIMITED

Seventh Respondent

TOTAL SOUTH AFRICA PROPRIETARY LIMITED

Ninth Respondent

Eight Respondent

In re the large merger between:

LM262Jan18

BRITISH AMERICAN TOBACCO HOLDINGS

SOUTH AFRICA PTY LTD

Primary Acquiring Firm

And

TWISP PTY LTD

Primary Target Firm

Panel

AW Wessels (Presiding Member)

N Manoim(Tribunal Member)

I Valodia (Tribunal Member)

Decided in chambers

28 September 2018

ORDER

Pursuant to the Application for Access to confidential information brought by the merging parties in terms of s45(1) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that-

1. The Competition Commission ("Commission") is to provide the legal representatives and economic experts of the merging parties with access to the full submissions made by the Fifth Respondent to the Commission in its investigation of the proposed merger between British American Tobacco Holdings South Africa Pty Ltd and Twisp Pty Ltd (CT case no. LM262Jan18), and which form part of the Commission's record, subject to the confidentiality undertakings furnished by the representatives of the merging parties.

Presiding Member Mr AW Wessels 28 September 2018 Date

Concurring: Mr Norman Manoim and Prof I Valodia