



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No: CR050Jul21/SA039Jun25

In the matter between:

The Competition Commission

Applicant

And

Niterra CO Ltd (F.K.A NGK Spark Plugs
CO Ltd)

First Respondent

Niterra South Africa (Pty) Ltd (F.K.A
NGK Spark Plugs SA (Pty) Ltd)

Second Respondent

Panel	:	M Mazwai (Presiding Member)
	:	A Wessels (Tribunal Member)
	:	A Ndoni (Tribunal Member)
Heard on	:	14 August 2025
Last date of submission	:	25 August 2025
Decided on	:	16 September 2025

Order - Settlement Agreement

The Competition Tribunal hereby confirms the Settlement Agreement, annexed hereto, between the Competition Commission and Niterra CO Ltd (F.K.A NGK Spark Plugs CO Ltd); Niterra South Africa (Pty) Ltd (F.K.A NGK Spark Plugs SA (Pty) Ltd), as an Order in terms of section 49D read with section 58(1)(a)(iii) and 58(1)(b) of the Competition Act, No.89 of 1998, as amended.

Presiding Member
Ms Mondo Mazwai

16 September 2025

Date

Concurring: Mr Andreas Wessels and Ms Andiswa Ndoni

**IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA
(HELD IN PRETORIA)**

CT Case No: CR050JUL21

**CC Case No: 2014Oct0568, 2014Dec0771,
2014Dec0773 & 2017Mar0041**

In the matter between:

THE COMPETITION COMMISSION

Applicant

And

**NITERRA CO., LTD. (F.K.A. NGK SPARK PLUG CO.
LTD.)**

First Respondent

**NITERRA SOUTH AFRICA (PROPRIETARY) LIMITED
(F.K.A. NGK SPARK PLUGS SA PROPRIETARY
LIMITED)**

Second Respondent

CONSENT AGREEMENT IN TERMS OF SECTION 49D AS READ WITH SECTIONS 58(1)(a)(iii) and 58(1)(b) OF THE COMPETITION ACT, 89 OF 1998, AS AMENDED, BETWEEN THE COMPETITION COMMISSION, NITERRA CO., LTD. (F.K.A. NGK SPARK PLUG CO. LTD.) AND NITERRA SOUTH AFRICA (PROPRIETARY) LIMITED (F.K.A. NGK SPARK PLUGS SA PROPRIETARY LIMITED), IN RESPECT OF ALLEGED CONTRAVENTIONS OF SECTION 4(1)(b) OF THE COMPETITION ACT, 1998.


K.S.

Preamble

The Competition Commission, Niterra Co., Ltd. (formerly known as NGK Spark Plug Co. Ltd. ("NGK Limited")) and Niterra South Africa (Proprietary) Limited (formerly known as NGK Spark Plugs SA Proprietary Limited ("NGK SA")) hereby agree that application be made to the Competition Tribunal for the confirmation of this Consent Agreement as an order of the Tribunal in terms of section 49D read with section 58(1)(a)(iii) and 58(1)(b) of the Competition Act, No. 89 of 1998, as amended, on the terms set out below.

1. Definitions

For the purposes of this Consent Agreement, the following definitions shall apply:

- 1.1. **"Act"** means the Competition Act, No. 89 of 1998, as amended;
- 1.2. **"business day"** means any day other than Saturday, Sunday or public holiday recognised in South Africa and only business days shall be included in the computation of any time expressed in days prescribed by this Consent Agreement;
- 1.3. **"Commission"** means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Act, with its principal place of business at Mulayo Building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng;
- 1.4. **"Commissioner"** means the Commissioner of the Commission, appointed in terms of section 22 of the Act;
- 1.5. **"Complaint"** means the complaint initiated by the Commissioner in terms of section 49B(1) of the Act under case numbers **2014Oct0568, 2014Dec0771, 2014Dec0773, and 2017Mar0041**

2. COMMISSION'S INVESTIGATION AND FINDINGS

2.1. The Commission has received information that suggests that NGK Limited and Denso concluded a general agreement and/or were party to concerted practices to fix prices that they would quote to OEMs, divide markets and tender collusively in respect of RFQs in the market for the manufacture and supply of automotive components to OEMs outside of South Africa in contravention of sections 4(1)(b)(i), (ii) and (iii) of the Act. The Commissioner initiated complaints against Denso and NGK Limited between 2 October 2014 and 10 March 2017.

2.2. The Commission's investigation against NGK Limited and Denso found the following specific cartel instances:

2.2.1. On or about 2008, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2008 RFQ issued by Chrysler in respect of the 2010 Dodge Journey, Dodge Caliber and Jeep Patriot vehicle models for the supply of Air Fuel Ratio Sensors;

2.2.2. On or about 2003, through to early 2004, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2003 RFQ issued by Honda in respect of the 2007 Honda Civic vehicle model for the supply of Air Fuel Ratio Sensors;


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- 2.2.3. On or about 2005, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2005 RFQ issued by Honda in respect of the 2008 Honda Accord vehicle model for the supply of Air Fuel Ratio Sensor;
- 2.2.4. On or about 2005, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2005 RFQ issued by Honda in respect of the 2008 Honda Accord vehicle model for the supply of Oxygen Sensors;
- 2.2.5. On or about 2005, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2005 RFQ issued by Honda in respect of the 2008 Honda Fit / Jazz vehicle model for the supply of Air Fuel Ratio Sensors;
- 2.2.6. On or about 2008, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2008 RFQ issued by Honda in respect of the 2012/2013 Honda Fit /Jazz vehicle model for the supply of Air Fuel Ratio Sensors;
- 2.2.7. On or about 2008, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2008 RFQ issued by Honda in respect of the 2012/2013 Honda Fit /Jazz vehicle model for the supply of Oxygen Sensors;

A handwritten signature, possibly 'K.S.', is located in the bottom right corner of the page.

- 1.6. **"Consent Agreement"** means this agreement duly signed and concluded between the Commission and NGK Limited;
- 1.7. **"Denso"** means Denso Corporation, a company incorporated under the company laws of Japan, with its principal place of business situated at 1-1, Showa-cho, Kariya, Aichi 448-8661, Japan;
- 1.8. **"OEM"** means original equipment manufacturer;
- 1.9. **"NGK Limited"** means Niterra Co., Ltd. (formerly known as NGK Spark Plug Co. Ltd.), a company incorporated under the company laws of Japan, with its principal place of business situated at URBANNET NAGOYA NEXTA Bldg., 1-1-1, Higashisakura, Higashi-ku Nagoya, Aichi 461-0005, Japan;
- 1.10. **"NGK SA"** means Niterra South Africa (Proprietary) Limited (formerly known as NGK Spark Plugs SA Proprietary Limited), a company incorporated under the company laws of the Republic of South Africa, with its principal place of business situated in Bantry Park, 41 Jansen Road, Jet Park, Boksburg, Gauteng, 1459, South Africa;
- 1.11. **"Parties"** means the Commission, NGK Limited and NGK SA;
- 1.12. **"Respondents"** means NGK Limited, NGK SA and Denso;
- 1.13. **"RFQ"** means request for quotation; and
- 1.14. **"Tribunal"** means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Act, with its principal place of business at Mulayo building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng.

- 2.2.8. On or about 2009, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2009 RFQ issued by General Motors in respect of the Chevrolet Cruze, Opel Corsa and Chevrolet Sonic vehicle models for the supply of Oxygen Sensors;
- 2.2.9. On or about 2005, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2005 RFQ issued by Honda in respect of the 2008 Honda Accord vehicle model for the supply of spark plugs;
- 2.2.10. On or about 2004, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2004 RFQ issued by Honda in respect of the 2008 Honda CRV vehicle model for the supply of spark plugs;
- 2.2.11. On or about 2007, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2007 RFQ issued by Nissan in respect of the 2009 Nissan Juke, Nissan Livina and Nissan Grand Levina vehicle models for the supply of spark plugs;
- 2.2.12. On or about 2008, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2008 RFQ issued by Fuji Heavy Industries in respect of

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Subaru Impreza, Subaru Forester and Subaru Legacy and XV (MF1)
vehicle models for the supply of spark plugs;

2.2.13. On or about 2002/2003, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2002/2003 RFQ issued by Toyota in respect of the 2007 Toyota Camry and Rav-4 vehicle models for the supply of Oxygen Sensors;

2.2.14. On or about 2003, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2003 RFQ issued by Toyota in respect of the 2005 Toyota Camry and Toyota Corolla vehicle models for the supply of Oxygen Sensors;

2.2.15. On or about 2000, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2000 RFQ issued by Honda in respect of the 2003 Honda Accord vehicle model for the supply of spark plugs;

2.2.16. On or about 2003, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2003 RFQ issued by Honda in respect of the Honda Civic vehicle model for the supply of spark plugs;

2.2.17. On or about 2006, NGK Limited and Denso agreed and/or were party to

a concerted practice to fix prices, divide markets and tender collusively in relation to a 2006 RFQ issued by Honda in respect of the 2008 Honda Fit /Jazz vehicle model for the supply of spark plugs;

2.2.18. On or about 2009, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2009 RFQ issued by Honda in respect of the Honda CRV / CRZ vehicle models for the supply of spark plugs;

2.2.19. On or about 2008, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2008 RFQ issued by Volvo in respect of the Volvo S60, Volvo S80, Volvo XC60, Volvo XC70, Volvo XC90 and Land Rover Freelander vehicle models for the supply of spark plugs; and

2.2.20. On or about 2009, NGK Limited and Denso agreed and/or were party to a concerted practice to fix prices, divide markets and tender collusively in relation to a 2009 RFQ issued by Volvo in respect of the Volvo S60 and Volvo XC70 vehicle models for the supply of Spark plugs.

2.3. The Commission has found that the conduct outlined above between NGK Limited and Denso constitutes price fixing, division of markets and collusive tendering in contravention of sections 4(1)(b)(i),(ii) and (ii) of the Act.

3. NO ADMISSION OF LIABILITY

- 3.1. NGK Limited denies that it has contravened the provisions of the Act.
- 3.2. Without detracting from its denial of liability for any alleged contravention of the Act, NGK Limited has decided to enter into this Consent Agreement and agrees to pay the administrative penalty set out below in the interests of resolving the matter,

4. ADMINISTRATIVE PENALTY

- 4.1. NGK Limited agrees and undertakes to pay an administrative penalty in the amount of R 1 078 879.00 (**One Million Seventy Eight Thousand Eight Hundred and Seventy Nine Rand**). This amount does not exceed 10% of NGK Limited's turnover for the 2024 financial year.
- 4.2. NGK Limited shall pay the abovementioned amount to the Commission within 30 (thirty) business days from the date of confirmation of this Consent Agreement as an order of the Tribunal.
- 4.3. The administrative penalty must be paid into the Commission's bank account which is as follows:

Name: The Competition Commission

Bank: Absa Bank, Pretoria

 K.S'

Account Number: 4087641778

Branch Code: 632005

Ref: 2014Oct0568-NGK Limited

- 4.4. The administrative penalty will be paid over by the Commission to the National Revenue Fund in accordance with the provisions of section 59(4) of the Act.

5. FUTURE CONDUCT

NGK Limited agrees to:

- 5.1. prepare and circulate a statement summarising the contents of this Consent Agreement to its employees, managers and directors of NGK SA within 14 (fourteen) business days of the date of confirmation of this Consent Agreement as an order of the Tribunal;
- 5.2. refrain from engaging in conduct in contravention of section 4(1)(b) of the Act in future;
- 5.3. develop, implement and monitor a competition law compliance programme as part of NGK SA's corporate governance policy, which is designed to ensure that its employees, management, directors and agents do not engage in future contraventions of the Act. In particular, such compliance programme should include mechanisms for the identification, prevention, detection and monitoring of any contravention of the Act;
- 5.4. submit a copy of such compliance programme to the Commission within 60 (sixty)

business days of the date of confirmation of this Consent Agreement as an order by the Tribunal; and

5.5. undertakes henceforth to engage in competitive practices.

6. COMPLIANCE

6.1. The compliance report and proof of payment relating to this matter shall be forwarded to the Commission at CartelSettlements@compcom.co.za.

7. FULL AND FINAL SETTLEMENT

7.1. This Consent Agreement, upon confirmation as an order of the Tribunal, is entered into in full and final settlement in respect of the Commission's investigations into the activities of NGK Limited under case numbers 2014Oct0568, 2014Dec0771, 2014Dec0773, and 2017Mar0041.

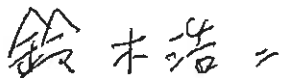
7.2. It is further recorded that the Commission has non-referred the investigations into the activities of NGK Limited under case numbers 2014Oct0556, 2014Oct0567, 2014Dec0777, 2017Mar0039, 2017Mar0120 and 2017Mar0117.

7.3. This Consent Agreement accordingly concludes all proceedings between the Commission and NGK Limited.

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Dated and signed at Nagoya, Japan on the 22nd day of May, 2025

For Niterra Co., Ltd.

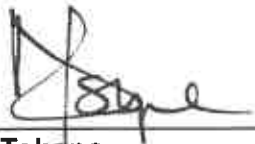


Koji Suzuki

Executive Officer in Charge of Office of the President and Business Management Office

Dated and signed at Pretoria on the 27th day of May 2025

For the Commission



Doris Tshape
Commissioner