

SOUTH AFRICA / JUDGMENT

Corruseal Group (Pty) Ltd and Another v Competition Commission of South Africa and Others (IM196Mar22) [2023] ZACT 13 (22 February 2023)

[2023] ZACT 13

COURT

Competition Tribunal

BEFORE

AW Wessels, M Mazwai, L Mncube

CASE / FILE NUMBER

IM196Mar22

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COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: IM196Mar22

In the matter between:

Corruseal Group (Pty) Ltd First

Applicant

Neopak Holdings (Pty) Ltd Second Applicant

And

The Competition Commission of South Africa Respondent

Mpact Operations (Pty) Ltd First

Intervenor

APL Cartons (Pty) Ltd Second

Intervenor

In re the intermediate merger between:

Corruseal Group (Pty) Ltd Primary

Acquiring Firm

Neopak Holdings (Pty) Ltd Primary

Target Firm

Panel: AW Wessels (Presiding Member)

M Mazwai (Tribunal Member)

L Mncube (Tribunal Member)

Heard on: 07-11, 14, 16-18, 30 November 2022; 13-14 December 2022; and 02 February 2023

Last submission on: 08 February 2023

Decided on:

22 February 2023

ORDER

Further to the merging parties' consideration application in terms of section 16(1)(a) of the Competition Act, 1998 ("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; and
2. a certificate to prohibit the merger be issued in terms of Competition Tribunal Rule 34(a).

Presiding Member Mr Andreas Wessels

Concurring: Ms Mondo Mazwai and Prof Liberty Mncube

22 February 2023 Date

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