

SOUTH AFRICA / JUDGMENT

Impala Platinum Holdings Limited v Royal Bafokeng Platinum Limited (LM156Dec21) [2022] ZACT 49 (16 November 2022)

[2022] ZACT 49

COURT
Competition Tribunal

BEFORE
Y Carrim, A Ndoni, I Valodia

CASE / FILE NUMBER
LM156Dec21

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COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM156Dec21

In the matter between:

Impala Platinum Holdings Limited

Primary Acquiring Firm

And

Royal Bafokeng Platinum Limited

Primary Target Firm

Panel: Y

Carrim (Presiding Member)

A Ndoni (Tribunal Member)

I Valodia (Tribunal Member)

Heard on: 04

August, 31 October, 01, 02 and 04 November 2022

Last submission date: 9 November 2022

Order Issued on: 16

November 2022

ORDER

Further to the recommendation of the Competition Commission in terms of section that:

1. the merger between the abovementioned parties be approved in terms of section 16(2)(b) 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

Concurring: Ms Andiswa Ndoni and Prof Imraan I. Valodia

Merger Clearance Certificate

Date : 16 November 2022

To : Nortons Inc

You applied to the Competition Commission on 17 December 2021 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

This form is prescribed by the Minister of Trade and Industry in terms of section 27 (2) of the Competition Act 1998 (Act No. 89 of 1998).

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Prepared on 12 October 2026 · Esheria