



**the dtic**

Department:  
Trade, Industry and Competition  
REPUBLIC OF SOUTH AFRICA

## **THE NATIONAL ASSEMBLY**

### **QUESTION FOR WRITTEN REPLY**

#### **QUESTION NO. 1222**

**Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:**

- (1) What are the full details (a) of all mergers that were approved and declined by the Competition Commission since 2019 and (b) for each transaction with regard to the (i) name of the potential acquirer, (ii) name of the target company, (iii) date on which the Commission was notified of the transaction, (iv) date of the Commission's final decision and (v) public interest commitments made as part of the approval process;
- (2) whether any merger was declined due to an inability to meet public interest commitments; if not, what is the position in this regard; if so, what (a) was the monetary value of the transaction and (b) were the public interest commitments associated with the merger? NW1365E

#### **REPLY:**

I have been advised by the Competition Commission (CC) as follows.

- (1) The Commission's merger filing data and turnaround times are contained in the Annual Reports of the Commission for the relevant periods.

The decisions of each Merger case are contained in the media statements that the Commission issued between FY 2014/15 – FY 2024/25, which can be found on the Commission's website <https://www.compcom.co.za/media-releases/>.

Regarding conditional approvals, the Commission notes - (a) that decisions (including conditions) for Large Mergers are publicly available on the Competition Tribunal's website <https://www.comptrib.co.za>; and (b) that non-confidential versions of the Reasons for Decision for Intermediate Mergers approved conditionally or prohibited are published in the Government Gazette.

The Commission has also published a Merger Database with detailed data on all mergers finalised from January 2011 to March 2021 (available here: <https://www.compcom.co.za/wp-content/uploads/2022/12/Merger-Database-January-2011-to-March-2021.xlsx>).

(2) (a)&(b)

In the 26 years since the Commission's establishment, it has prohibited one merger on public interest grounds, namely the acquisition by [ECP Africa Fund of Burger King SA and the Grand Foods Meat Plant](#). At the time that the decision was made, the merger parties had not made any substantial commitments to remedy the substantial negative effect of the merger on the public interest. However, the Commission and the parties subsequently agreed a suite of remedies, including a divestiture of the Grand Foods Meat Plant and the establishment of an ESOP for Burger King workers, that rendered the merger justifiable on public interest grounds. The Tribunal approved the matter on conditions agreed between the Commission and the merger parties.

**-END-**