



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case no: LM184Jan21

IVY 2 Investments VCC (Primary Acquiring Firm)
and

New Holdco, a new company formed for the purposes of this transaction (Primary Target Firm)

Heard on: 24 February 2021

Order Issued on: 24 February 2021

REASONS FOR DECISION

- [1] On 24 February 2021, the Competition Tribunal unconditionally approved a large merger between IVY 2 Investments VCC (“IVY” or “the Acquiring Group”) and New Holdco, a newly formed company for the purposes of this transaction (“NewCo” or “the Target Group”).
- [2] The transaction involves the Acquiring Group’s acquisition of the convertible preference shares in NewCo, such that the Acquiring Group will have sole control over NewCo post-merger.
- [3] IVY is not active in South Africa, however, the Acquiring Group has a global portfolio in financial services; telecommunications, media and technology; transportation and industrials; consumer and real estate; life sciences and agribusiness, as well as energy and resources.
- [4] NewCo operates as a holding company and does not conduct any business activities. However, NewCo’s controlling entity, PIL Holdings Pte. Ltd¹ (“PIL Holdings”) is engaged in ship-owning and operating activities, shipping agency services and container sales.
- [5] There are no horizontal or vertical overlaps in the activities of the merger parties. The Competition Commission, however, noted that PIL SA is currently a respondent in an on-going cartel investigation in the shipping and container market. It concluded that the merger was unlikely to change the existing market structure nor strengthen existing coordination in the shipping and container market, where the alleged collusive conduct is taking place.

¹ Incorporated according to the laws of Singapore.

- [6] The proposed merger raises no public interest concerns.
- [7] No third party raised any concern.
- [8] We concluded that the proposed transaction is unlikely to substantially prevent or lessen competition in any relevant market, or to have a negative impact on the public interest.

Mr Enver Daniels
Ms Mondo Mazwai and Mr Halton Cheadle concurring

08 March 2021

Date

Tribunal Case Manager: C Mathonsi
For the Merging Parties: P Gounden and S Meyer
For the Commission: G Mutizwa, Z Hadebe and N Msiza