



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM196Mar23/CNF134Nov23

In the access application of:

VITOL EMERALD BIDCO (PTY) LTD **First Applicant**

ENGEN LIMITED (PTY) LTD **Second Applicant**

And

THE COMPETITION COMMISSION OF SOUTH AFRICA **First Respondent**

REATILE GAZ (PTY) LTD **Second Respondent**

**NICSHA PETROLEUM GENERAL TRADING CC T/A
NICSHA PETROLEUM** **Third Respondent**

**TOTAL ENERGIES MARKETING SOUTH AFRICA
(PTY) LTD** **Fourth Respondent**

**THE PETROLEUM OIL AND GAS CORPORATION OF
SOUTH AFRICA** **Fifth Respondent**

BP SOUTHERN AFRICA (PTY) LTD **Sixth Respondent**

GULFSTREAM ENERGY (PTY) LTD **Seventh Respondent**

MACK'S PETROLEUM AGENTS KAPPE (PTY) LTD **Eighth Respondent**

SASOL LIMITED **Ninth Respondent**

In re the large merger between:

VITOL EMERALD BIDCO (PTY) LTD **Primary Acquiring Firm**

And

ENGEN LIMITED (PTY) LTD **Primary Target Firm**

Panel: M Mazwai (Presiding Member)
AW Wessels (Tribunal Member)
L Mncube (Tribunal Member)

Heard on: 11 January 2024

Order Issued on: 15 January 2024

ORDER

Having read the papers of record and heard counsel for the parties, the Competition Tribunal ("Tribunal") orders as follows:

1. The Applicants' external legal representatives and experts are, subject to appropriate confidentiality undertakings being provided, granted access, in terms of section 45(1) of the Competition Act No. 89 of 1998 as amended, to all information submitted to the Competition Commission by the Fourth Respondent, Fifth Respondent, and Sixth Respondent under claims of confidentiality in relation to the proposed transaction between the Applicants.
2. The Competition Commission is required to provide the Applicants access to the aforementioned information by 16 January 2024 subject to the Competition Commission being satisfied with the confidentiality undertakings provided.
3. There is no order as to costs.



Presiding Member
Ms Mondo Mazwai

15 January 2024

Date

Concurring: Prof. Liberty Mncube and Mr Andreas Wessels