



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case no: LM191Feb21

SPE Mid-Market Fund I Partnership (represented by the general partner, SPE Mid-Market Fund I General Partner Proprietary Limited) (Primary Acquiring Firm)

and

Absolute Pets Proprietary Limited (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 SPE Mid-Market Fund I Partnership (represented by the general partner, SPE Mid-Market Fund I General Partner (Pty) Ltd) ("SPE Fund") and Absolute Pets (Pty) Ltd ("Absolute Pets").
- [2] The transaction involves an acquisition by SPE Fund of 80.11% of the entire issued share capital of Absolute Pets, such that SPE Fund will solely control Absolute Pets post-merger.
- [3] The SPE Fund controls the Cavalier Group of Companies (Pty) Ltd ("Cavalier Group") and is ultimately controlled by Sanlam Limited ("Sanlam" or "the Sanlam Group"). The Sanlam Group is a leading South African financial services group, specialising in long-term insurance, financial planning, retirement planning, trusts, wills and short-term insurance, among others.
- [4] Absolute Pets¹ is a specialist retailer in the South African pet care industry. Absolute Pets controls Hay North Pets (Pty) Ltd ("Hay North Pets") (51%).
- [5] The Competition Commission found no horizontal or vertical overlaps in the activities of the merger parties.
- [6] The merger also raises no public interest concerns.
- [7] No third party raised any concern.

¹ Controlled by Infinitus Holdings (Pty) Ltd ("Infinitus") (86.25%).

- [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:

T Theron and R van Rensburg

For the Commission:

R Molotsi and G Mutizwa