



**competitiontribunal**  
SOUTH AFRICA

**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 AGENTSKAPPE (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**

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

Heard on: 11 January 2024

Order Issued on: 15 January 2024

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**ORDER**

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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**