
AFRICAN EQUITY EMPOWERMENT INVESTMENTS LIMITED

(Incorporated in the Republic of South Africa)

(Registration number 1996/006093/06)

Share Code: AEE

ISIN ZAE000195731

(“AEEI” or “the Company”)

COMPETITION TRIBUNAL UPDATE

Shareholders are referred to the “Events after reporting date” paragraph set out in AEEI’s unaudited condensed consolidated interim financial results for the six months ended 28 February 2023 (“**Interim Results**”) as published on SENS on 13 June 2023, and are hereby provided with an update to the application instituted with the Competition Tribunal referred to therein.

Shareholders are advised that, AEEI, together with 35 others, including Sekunjalo Investment Holdings Proprietary Limited (“**Sekunjalo**”) (“**Applicants**”), filed a complaint on 15 December 2021 with the Competition Commission for investigation on the conduct by certain banks in relation to possible contraventions of sections 4, 5 and 8 of the Competition Act (Act 89 of 1998) (“**Competition Act**”). Additionally, on 22 December 2021, the Applicants submitted an application in terms of section 49C of the Competition Act requesting the Competition Tribunal to provide interim relief pending the investigation of the aforementioned complaint with the Competition Commission.

On 16 September 2022, interim relief was granted by the Competition Tribunal in favour of the Applicants (“**Order**”). The Order was granted for the earlier of a six month period from such date or the finalisation of the investigation by the Competition Commission, with an extension having been granted by the Competition Tribunal to the Applicants for a further period of six months to mid-September 2023.

Following the granting of the Order, three of the banks, namely Standard Bank of South Africa Limited, Access Bank Limited and Mercantile Bank, a division of Capitec Bank Limited, filed an appeal to the Competition Appeal Court to set aside the Order, as it pertained to them. The matter was heard on 31 March 2023 and judgement was reserved (“**Judgement**”).

During July 2023, the Competition Appeal Court ruled in favour of the aforementioned banks, setting aside the Competition Tribunal’s Order. The Judgement reflects that the Applicants had not made out a case that the refusals to provide banking and payment services were anticompetitive. Therefore, no *prima facie* case was made out in the Applicants’ case in terms of a prohibited practice by the banks, either in terms of section 4(1)(a) or sections 8(1)(c) or 8(1)(d)(ii) of the Competition Act.

Shareholders are advised that the impact of the Judgement on AEEI and its subsidiaries is not material as alternative banking facilities and third-party solutions have already been put in place to ensure continuity of these businesses.

The investigation in relation to the complaint with the Competition Commission is pending and shareholders will be provided with an update thereto in due course.

Cape Town
3 August 2023

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