

Competition Commission could not fulfil its duties for fear of paying legal costs

Independent Online reports that the Competition Commission, which launched an application last week to appeal against the approval of the takeover of Pannar Seed by DuPont-owned Pioneer Hi-Bred, may have to pay millions in legal costs if it fails to win at the Supreme Court of Appeal (SCA).

The Competition Appeal Court's ruling allowed US agribusiness conglomerate DuPont to take an 80 percent stake in local firm Pannar Seed and awarded costs to the merging parties for fees incurred during the tribunal and appeal court review of the merger.

Commission advocacy and stakeholder relations manager Trudi Makhaya said the organisation disagreed with the ruling that it would have to pay for DuPont's legal fees, which she said were in the millions, according to *Independent Online*. The commission could not be kept from fulfilling its duties for fear of paying legal costs, she said.

Costs for the case include advocates' fees totalling about R4.8 million. This excluded expenses for expert opinions and reports. Since 2010 the commission's case costs have totalled about R25m, *Independent Online* says.

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