

Primerio International

A Year in Review

Introduction

Primerio has had an exciting and busy few months since opening its South African Practice in May 2021. Despite lockdown, remote working and travel restrictions, we are immensely proud of our team and grateful for the continued support we receive from our clients. We thought we would share a few of Primerio's key matters, initiatives, recognitions as well as what one can expect from Primerio in 2022.

African Merger Control

We have successfully advised various clients in relation to a number of merger filings in various jurisdictions, including South Africa, Ethiopia, Eswatini, Namibia, Botswana, Cameroon, Nigeria, Kenya CEMAC and COMESA. It is noteworthy to mention that we successfully advised merging parties in obtaining merger clearance in one of the first mergers to be notified under Nigeria's new merger control regime. One of our most notable merger filings was Premier FMCG's acquisition of Mister Sweet from Lodestone.

Competition Law Enforcement

- *Interim relief application:* Primerio successfully obtained interim relief before the Competition Tribunal in the *Makareng Electrical Industries and Allbro* case which related to a case involving the interplay between competition law and copyrights in the bushing market.
- *Cartel investigations:* Successfully counselled a FMCG client in obtaining formal immunity following one of the longest investigations in South African history to be finalized. Primerio continues to advise a firm in the LPG sector in defending a cartel complaint before the Competition Tribunal in relation to the cylinder deposit investigation following dawn raids conducted in 2016. Hearings commenced in March 2022. Primerio has also been involved in advising a beer manufacturer in the COMESA Competition Commission's first cartel investigation in the COMESA market.
- *Abuse of dominance cases:* Primerio successfully opposed an abuse of dominance complaint on behalf of a significant player in the telecom infrastructure sector.
- *Market Inquiries/ Codes of Conduct/ Guidelines:* Primerio continues to be intimately involved in counselling several clients across multiple sectors in relation to several formal and informal sector specific initiatives by the South African Competition Commission including the LPG and grocery retail market inquiries as well as in relation to the South African Competition Commission's Code of Conduct in the automotive aftermarkets sector.

Commercial Litigation

Primerio successfully represented Conservatorium/Centrebridge in what was among the largest civil claims instituted in South African history (c. €1.6 billion) in connection with the Steinhoff share price collapse. The matter was settled as part of the s155 proceedings finalized by the Cape High Court in February 2022.

Primerio also successfully advised a large automotive company in relation to a R15 million damages claim against PRASA.

Administrative Review Litigation

We successfully represented a large firm in the FMCG sector in an internal appeal against the determination of fees of an assignee in terms of the Agricultural Products Standards Act.

Accolades

Our South African directors, John Oxenham and Michael-James Currie were, once again, recognised by Best Lawyers in South Africa for Competition / Antitrust Law. John has further received various accolades, including being recognised by Who's Who Legal for Competition Law: 2022; a Global Law Expert in Competition Law in South Africa; the Who's Who GIR Thought Leader in Asset Recovery for 2021; Chambers and Partners for Competition / Antitrust – South Africa; and has been recommended as Who's Who Legal Global Leader in Asset Recovery 2021 and Competition 2021. Michael has been recognised as a Future Leader for Competition: 2022; a Global Law Expert for Competition Law in Nigeria in 2021 as well as the Competition Law Expert of the Year in South Africa.

Primerio and several of the team members have been recognized by a variety of leading publications and our recent awards include the following:

- Winner of the 2022 Legal Powerlist Global Law Awards as the Competition Law Firm of the Year in South Africa and Nigeria;
- Corporate America Today Annual Awards 2021 as the Law Firm of the Year for Asset Recovery in South Africa;
- Worldwide Financial Advisor Awards Magazine Continent Awards 2022 as the Competition Law Firm of the Year in Mauritius;
- Corporate INTL Global Awards as the Competition Law Firm of the Year in South Africa for 2022; and
- Global Law Experts Competition Law Firm of the Year in South Africa – 2022.

Events and Advocacy Initiatives

Primerio International is proud to have hosted an event in conjunction with the IBA's Anti-Corruption Committee surrounding the implementation of the Organisation for Economic Co-operation and Development ("OECD") 2021 Anti-Bribery Recommendations in South Africa. We hosted a panel of highly esteemed keynote speakers, including Minister of Justice Ronald Lamola, Judge Dennis Davis, Willie Hofmeyr, John Dluclu, Professor Sope Williams-Elegbe, Drago Kos, Jennifer Arlen and Peter Solmssen. The session was moderated by Primerio director, Michael-James Currie, who serves as the African Regional Representative for the IBA's Anti-Corruption Committee. The key topics of the event surrounded the use of non-trial resolutions in combatting cases of bribery and corruption as well as the development of an effective whistleblower regime.

Throughout the course of 2021 and early 2022, Primerio participated in various webinars and presentations in conjunction with:

- ***The OECD Competition Committee:***

John Oxenham presented BIAC contributions surrounding economic analysis and evidence in abuse cases as well as the concept of potential competition in June and December 2021.

- ***Competition Policy and Law Africa Network (CPLAN):***

Andreas Stargard organised and moderated the inaugural CPLAN panel on "Prospects and Challenges of Cross-Border Competition Law Enforcement in Africa: What Role for the AfCFTA Protocol on Competition Policy?", showcasing distinguished antitrust speakers such as the COMESA Competition Commission's CEO and Director Dr. Willard Mwemba as well as NYU Law's Professor Eleanor Fox.

- ***Franklin société d'avocats:***

John Oxenham spoke at a webinar on risk investment and management in Africa in October 2021.

- ***COMESA/TRALACS/SACU/Primerio/Crowell & Moring:***

Michael-James Currie, Peter O'Brein and Andreas Stargard participated as speakers in a joint conference hosted by Primerio International with various African organisations on "Trade Law Remedies in Africa" in October 2021.

- ***Fordham University:***

John Oxenham spoke on the panel titled 'Merger Efficiencies and the Road Ahead: Where do Labour, Dynamic Efficiencies and the Public Interest Fit In?' at the 48th Annual Conference on International Antitrust Law and Policy.

- **Concurrences and Baker Botts:**

John Oxenham participated as a panellist in the 9th Global Antitrust Hot Topics Conference discussing developments in emerging markets and the standards used in light of public interest factors in regional competition law in September 2021.

- **The American Chamber of Commerce:**

John Oxenham participated as a panellist in 'Unpacking the Competition Act' in July 2021.

- **Constantine Cannon:**

John Oxenham participated as a panellist in 'Calling out COVID Corruption: Why the pandemic requires robust whistle-blower regimes' in March 2021.

- **Trade Conferences International:**

John Oxenham moderated at the 'Anti-Money Laundering' event in September 2021.

- **The Nigerian Federal Competition and Consumer Protection Commission:**

Michael-James Currie hosted and moderated a Fireside chat with the Commission surrounding Nigerian competition enforcement policy and trends in November 2021.

- **Stellenbosch University's Centre of Competition and Policy:**

Michael-James Currie participated as a guest speaker discussing digital markets in June 2021.

- **South African Institute for Business Accountants**

Michael-James Currie presented on the key developments in South African competition law to the South African Institute for Business Accountants. This presentation highlighted the new landscape of competition law, the importance of compliance and essentials for the executive.

- **Nota Bene (Sheppard Mullin):**

Andreas Stargard was the designated Africa rapporteur for Shepard Mullin's globally renowned podcast *Nota Bene*, devised and hosted by Michael P.A. Cohen on four quarterly episodes during the course of 2021.

The Primerio team has also extended its reach beyond litigation to advocacy initiatives. John Oxenham serves as the only African representative for Business at OECD on the OECD Competition Committee; the South African representative as the regional lead on the merger control subgroup at the International Chamber of Commerce's competition group; the African lead of the American Bar Association's Task Force Team; and a representative of the International Competition Network. Michael-James Currie is a member of the American Bar Association and has recently been appointed as the African Regional Representative of the International Bar Association's Anti-Corruption Committee.

Members of the Primerio team are regional contributors to our blogs: <https://africanantitrust.com/> and <https://africanantifraud.com/> providing the latest news and developments on Antitrust and Fraud issues from an African perspective. Our team has also been published in the Concurrences e-Competition Bulletin; Competition Policy International's blog; CompetitionFeed's 'Your Weekly Digest'; the Global Law Experts newsletter; and ICC Fraudnet's Global Annual Report.

What's Coming Next?

Throughout the course of 2022, Primerio has a lot in store. We are continuing to broaden our practice across several African jurisdiction. We will also continue to pursue the advocacy initiatives in which are involved.

Please visit our [website](#) and follow our [Linked In page](#) to keep up to date with our practice areas, publications and events.



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