

## BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: 134/CR/DEC07

**SOUTH AFRICAN BREWERIES LIMITED**  
and  
**COMPETITION COMMISSION**

Applicant

Respondent

In the matter between:

**COMPETITION COMMISSION**

Applicant

and

**SOUTH AFRICAN BREWERIES LIMITED**1<sup>st</sup> Respondent**AFRICA'S BEER WHOLESALERS (PTY) LTD**2<sup>nd</sup> Respondent**BOLAND BEER DISTRIBUTORS (PTY) LTD**3<sup>rd</sup> Respondent**ERMELO BEER WHOLESALERS (PTY) LTD**4<sup>th</sup> Respondent**GREYTOWN BEER DISTRIBUTORS (PTY) LTD**5<sup>th</sup> Respondent**MAKHADO BEER WHOLESALERS (PTY) LTD**6<sup>th</sup> Respondent**MIDLANDS BEER DISTRIBUTORS (PTY) LTD**7<sup>th</sup> Respondent**MKUZE BEER WHOLESALERS (PTY) LTD**8<sup>th</sup> Respondent**SOUTHERN CAPE BEER DISTRIBUTORS (PTY) LTD**9<sup>th</sup> Respondent**STEFQUO (PTY) LTD**10<sup>th</sup> Respondent**VRYHEID BEER DISTRIBUTORS (PTY) LTD**11<sup>th</sup> Respondent**MADADENI BEER WHOLESALERS (PTY) LTD**12<sup>th</sup> Respondent**WESTONARIA BEER DISTRIBUTORS (PTY) LTD**13<sup>th</sup> Respondent**THOHOYANDOU BEER DISTRIBUTORS (PTY) LTD**14<sup>th</sup> Respondent

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Panel : Norman Manoim (Presiding Member), Yasmin Carrim (Tribunal Member), and Merle Holden (Tribunal Member)

Heard on : 4-5 April 2011

Decided on : 7 April 2011

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**Order: Dismissal Application**

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After having heard the parties in relation to the application by the first respondent the following is ordered:

1. The purported referral of the complaints against the first respondent by the Competition Commission to the Competition Tribunal on or about 20 December 2007 under sections 4(1)(b)(ii), 5(1), 5(2) and 9(1) of the Competition Act 89 of 1998 (which complaints collectively make up the "first separated complaint" as referred to in the Order of the Competition Tribunal dated 13 May 2010) is set aside on the grounds that the Tribunal has no jurisdiction.
2. There is no order as to costs.



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**Norman Manóim**

**Presiding Member**

**Concurring:** Yasmin Carrim and Merle Holden