

# COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: 31/CR/May05

*In re:*

Nutri-Flo CC  
Nutri-Fertilizer CC

First Applicant  
Second Applicant

and

The Competition Commission  
Sasol Chemical Industries (Pty) Ltd  
Yara (South Africa) (Pty) Ltd  
Omina Fertilizer Limited

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent

*In the matter between:*

Competition Commission

Applicant

and

Sasol Chemical Industries (Pty) Ltd  
Yara (South Africa) (Pty) Ltd  
Omina Fertilizer Limited

First Respondent  
Second Respondent  
Third Respondent

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Panel : N Manoim (Presiding Member), U Bhoola (Tribunal Member) and M Mokuena (Tribunal Member)

Heard on : 04 July 2007

Decided on : 04 July 2007

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## Order in application to intervene

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Further to the First and Second Applicants' ('Applicants') submissions to intervene, the Tribunal makes the following order:

1. The Applicants are granted leave to intervene in the complaint proceedings before the Tribunal in relation to the complaint by the

Competition Commission against Sasol Chemical Industries Ltd, Yara SA (Pty) Ltd and Omnia Fertilizer Ltd under Case No: 31/CR/May05, in terms of section 53(a)(ii)(bb) of the Competition Act, 1998, such intervention to include without limitation, the right to:

- 1.1. attend all pre-hearing conferences;
  - 1.2. adduce evidence and make argument in support of the relief they seek;
  - 1.3. request the Tribunal to direct, summon and/or order any person to appear at the hearing or to produce any book, document or item for the purposes of such hearing;
  - 1.4. cross-examine witnesses;
  - 1.5. inspect any books, documents and other items presented at the hearing; and
  - 1.6. participate in any proceedings concerning objections to the Commission's complaint referral and in any other interlocutory proceedings which may affect the relief sought by the applicant.
2. That within thirty (30) business days from the date of this Order, the applicants are directed to file a Statement of Particulars of Complaint with the Registrar and serve a copy thereof on the first, second, third and fourth respondents.
  3. That within twenty (20) business days after being served with such particulars of Complaint, the second, third, and fourth respondents are directed to file and serve an answer thereto, in the event that any or all of them wish to oppose the complaint referral.
  4. That within fifteen (15) business days after being served with an Answer that raises issues not addressed in the complaint referral, other than a point of law alone, the applicants are directed to file and serve a Reply.
  5. That Tribunal Rules 15-17 inclusive will apply mutatis mutandis to the applicant's particulars, the second, third and fourth respondents' answer and to the applicant's reply.
  6. That the Registrar is directed to:
    - 6.1. to send to the applicants a list of all documents filed in the proceedings prior to the date of the grant of this order;

6.2. to afford to the applicants access to all documents filed or received in evidence (subject to the provision by the applicants, their legal representatives and experts of acceptable confidentiality undertakings, where appropriate).

7. That the costs of this application will be costs in the cause of the complaint referral.

04 July 2007

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**N Manoim**

Concurring: U Bhoola and M Mokuena