



competitiontribunal
south africa

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR191Oct17/ EXC248Jan19

In the Exception Application:

Interaction Market Services Holdings (Pty) Ltd

Applicant

And

Competition Commission

Respondent

In re: the Complaint Referral between:

The Competition Commission

Applicant

And

BOTHA ROODT(JOHANNESBURG)

1st Respondent

BOTHA ROODT (PRETORIA)

2nd Respondent

SUBTROPICO (PTY) LTD

3rd Respondent

INTERACTION MARKET SERVICES HOLDING (PTY)LTD

4th Respondent

DAPPER MARKET AGENTS (PTY) LTD

5th Respondent

DW FRESH PRODUCE CC

6th Respondent

FARMERS TRUST CC

7th Respondent

NOORDVAAL MARKET AGENTS (PTY) LTD

8th Respondent

MARCO FRESH PRODUCE AGENCY	9th Respondent
WENPRO MARKET AGENTS CC	10th Respondent
WENPRO MARKET AGENTS (KZN)	11th Respondent
PRINSLOO & VENTER MARKET AGENTS	12th Respondent
FINE FOODS (PTY) LTD	13th Respondent
DELTA MARKET AGENTS (PTY) LTD	14th Respondent
INSTITUTE FOR MARKET AGENTS	15th Respondent

Panel : Enver Daniels (Presiding Member)
 Fiona Tregenna (Tribunal Member)
 Andreas Wessels (Tribunal Member)
 Heard on : 31 October 2019
 Decided on : 27 November 2019

ORDER

KINDLY TAKE NOTICE that after having heard the parties in the above matter the Competition Tribunal makes the order set out below:

1. The Commission must amend its complaint referral under case number CR191Oct17 by filing a (an amended) Supplementary Founding Affidavit within 10 business days of the date of this order;
2. The Supplementary Founding Affidavit must set out clear and concise statements of the material facts upon which the Commission relies for its claims with sufficient particularity to enable the other parties to reply thereto;
3. For the avoidance of doubt, the new amended Supplementary Founding Affidavit must set out the following:
 - 3.1. the manner in which section 4(1)(b)(i) of the Competition Act 89 of 1998 has been contravened;
 - 3.2. the relevant product market(s);
 - 3.3. the geographical market(s) in which this contravention took place;

- 3.4. full details of the agreement and how it was enforced;
- 3.5. the manner and extent that this alleged contravention has on competition in any relevant market;
- 4. Interaction Market Services Holdings (Pty) Ltd and any other respondent must file its Supplementary Answering Affidavit, if any, within 10 business days of the Commission having filed its Supplementary Founding Affidavit.
- 5. The Commission must file its Supplementary Replying Affidavit, if any, within five business days of receiving any Supplementary Answering Affidavit.



Presiding Member
Mr Enver Daniels

27 November 2019
Date

Concurring: Prof Fiona Tregenna and Mr Andreas Wessels