

BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: 23/AM/MAY10

In the matter between

**BEDROCK MINING SUPPORT (PTY) LTD
MONDI LTD**

**FIRST APPLICANT
SECOND APPLICANT**

And

**COMPETITION COMMISSION
REATILE TIMRITE (PTY) LTD
SAPPI MANUFACTURING (PTY) LTD
SOUTH AFRICAN FORESTRY COMPANY LTD
STROCAM MINING (PTY) LTD
MERENSKY LTD**

**FIRST RESPONDENT
SECOND RESPONDENT
THIRD RESPONDENT
FOURTH RESPONDENT
FIFTH RESPONDENT
SIXTH RESPONDENT**

In consideration of the intermediate merger between

BEDROCK MINING SUPPORT (PTY) LTD

Acquiring firm

And

MONDI LIMITED

Target firm

Panel : Norman Manoim (Presiding Member), Yasmin Carrim (Tribunal
Member) and Andreas Wessels (Tribunal Member)

Heard on : 29 June 2010

Decided on : 30 June 2010

**Order: Confidentiality and Access Application
(Non-Confidential Version)**

After having heard the parties the Tribunal orders as follows:

1. In this order we refer to the items listed in Annexure A to the applicants' founding affidavit.
2. The following items are provisionally determined as confidential and access thereto is granted to the applicants in accordance with prayer 2 of their Notice of Motion:
 - 2.1. Items 1, 2, 5, 6, 7, 9, 10, 14, 15 and 16.
3. The following items are provisionally determined to be confidential and access thereto is granted to the applicants in accordance with prayer 2 of their Notice of Motion and as follows:
 - 3.1. Item 3: Bedrock's market share figure(s) within a 5% range, for example [0 – 5]%, [5 – 10]%, etc, of the actual figure(s) in the third paragraph of B 7.2.2 of the Commission's report;
 - 3.2. Item 4: Bedrock's post merger market share within a 5% range, for example [0 – 5]%, [5 – 10]%, etc, of the actual figure contained in table 7 at B 7.2.2 of the Commission's report;
 - 3.3. Item 8: In regard to the following figures contained in the first paragraph at page 762 of the record:
 - 3.3.1 Reatile's supply per annum of the total market in the range [...] tons per annum;
 - 3.3.2 Reatile's estimated market share within a 5% range of the actual figure, i.e. [...]%; and
 - 3.3.3 Other small suppliers' annual volume of supply in the range [...] tons per annum.
 - 3.4. Item 11: Percentages within a 5% range, for example [0 – 5]%, [5 – 10]%, etc, of the actual percentages contained in the last paragraph on page 795 of the record.
 - 3.5. Regarding the applicants' request for access to all market share figures contained in the Commission's report, access is granted in accordance with prayer 2 of applicants' Notice of Motion within a 5% range of the actual market share figures, for example [0 – 5]%, [5 – 10]%, etc.
4. The following items are determined to be confidential and access thereto is denied:
 - 4.1. Items 12 and 13.

5. Item 17 is determined to be not confidential and unrestricted access thereto is granted.

Direction

6. We refer to the email sent by Genesis to the Commission on 24 June 2010 requesting further information on the Commission's calculation of market shares.

The Tribunal hereby directs, on the basis of undertakings given to it that the Commission respond to this request/letter by close of business on 02 July 2010.



Norman Manoim

Presiding Member

Concurring: Yasmin Carrim and Andreas Wessels