

**COMPETITION TRIBUNAL OF SOUTH AFRICA  
(HELD IN PRETORIA)**

**Case No: CR025May15**

**DEF098Aug15 / EXC099Jul15**

In the strike out and exception applications between:

**AGS FRASERS INTERNATIONAL (PTY) LTD**

**APPLICANT**

and

**THE COMPETITION COMMISSION**

**FIRST RESPONDENT**

and

In the default judgment application between:

**THE COMPETITION COMMISSION**

**APPLICANT**

and

**AGS FRASERS INTERNATIONAL (PTY) LTD**

**FIRST RESPONDENT**

In re the complaint referral between:

**THE COMPETITION COMMISSION**

**APPLICANT**

and

**AGS FRASERS INTERNATIONAL (PTY) LTD**

**FIRST RESPONDENT**

**JH RETIEF TRANSPORT CC**

**SECOND RESPONDENT**

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Panel : Norman Manoim (Presiding Member),  
Yasmin Carrim (Tribunal Member) and  
Mondo Mazwai (Tribunal Member)

Heard on : 04 March 2016

Order issued on : 04 March 2016

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### **ORDER**

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In relation to the first respondent's applications for striking out and exception and the Competition Commission's ("Commission") application for default judgement the Tribunal makes the following composite order and set of directions.

#### **PART A: ORDER**

1. Paragraph 17 of the Complaint Referral is struck out.
2. Further particulars must be provided in respect of paragraph 18 read with paragraphs 20 and 21 of the Complaint Referral. These are -
  - 2.1. The Commission must indicate:
    - 2.1.1. Which date it relies on for the date of the initiation of the complaint against the first respondent;
    - 2.1.2. What conduct by the first respondent is relied upon to establish that it was party to the alleged agreement/s alleged in these paragraphs; and
    - 2.1.3. What practice by the first respondent still subsisted at date of initiation.
3. The remaining exceptions and applications to strike out are dismissed.
4. The application for default judgment is dismissed.

## **PART B: DIRECTIONS**

5. The Commission must provide the particulars referred to in clause 2 of the Order within 10 (ten) business days of date of the Order.
6. The first respondent must file an answer within 20 (twenty) business days of receipt of the further particulars.
7. In the event the answer raises further exceptions or applications to strike out, the first respondent must still plead over.
8. If the first respondent does not file its answer in accordance with clause 7 of these Directions, then the Commission may apply to the Registrar of the Competition Tribunal for a pre-hearing to obtain further directions to set this matter down for trial.
9. Subject to clause 8, the remaining time periods will be those set out in terms of the Rules of the Tribunal.



**Mr. Norman Manoim**

**04 March 2016**

Date

**Concurring: Ms Yasmin Carrim and Ms Mondo Mazwai**