



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR212Feb17/Sep133Jul17

In the separation application between:

Competition Commission of South Africa

Applicant

and

Bank of America Merrill Lynch International Limited

First Respondent

BNP Paribas

Second Respondent

JP Morgan Chase & Co

Third Respondent

JP Morgan Chase Bank N.A

Fourth Respondent

Australia and New Zealand Banking Group Limited

Fifth Respondent

Standard New York Securities Inc

Sixth Respondent

Investec Limited

Seventh Respondent

Standard Bank of South Africa Limited

Eighth Respondent

Nomura International Plc

Ninth Respondent

Standard Chartered Bank

Tenth Respondent

Credit Suisse Group

Eleventh Respondent

Commerzbank AG

Twelfth Respondent

Macquarie Bank Limited

Thirteenth Respondent

HSBC Bank Plc

Fourteenth Respondent

Case No.: CR212Feb17/DSC027Apr17

Also in the matter between:

Standard Bank of South Africa Limited

Applicant

and

Competition Commission of South Africa

Respondent

Panel : N Manoim (Presiding Member)
Y Carrim (Tribunal Member)
M Mokuena (Tribunal Member)

Heard on : 28 August 2017

Decided on : 05 September 2017

ORDER

The Tribunal orders the following-

1. All exceptions to the Competition Commission's ("Commission") complaint referral ('the referral') will be heard-

1.1. At the same time and thematically. This would include a contemplated exception brought by HSBC Bank Plc provided it has been filed by no later than 04 September 2017; and

1.2. Subject to paragraph 2 (two) below irrespective of the form of the exception i.e. whether taken by way of affidavit, notice, or correspondence to the Commission.

2. The hearing of the exception applications will be-

2.1. Set-down for three days of hearing on 24 to 26 January 2018;

2.2. Confined to hearing of so called "pure" exceptions i.e. those based on the referral as supplemented and which do not require consideration of facts outside of those contained in the referral. No exceptions in the form of so called "special pleas" or in the nature of a defence to the referral will be heard provided that parties whose objections included special pleas shall not be precluded from arguing their pure exceptions; and

2.3. Otherwise conducted in accordance with the directions attached as "Annexure A".

3. The Standard Bank application for access to the record will be set-down for 18 September 2017 and in respect of that application the following directions for further filings are given-

3.1. The Commission's answering affidavit, if any, is to be filed by no later than 1 September 2017; and

3.2. Standard Bank's replying affidavit, if any, is to be filed by no later than 8 September 2017.

4. No order is made in respect of the following-

4.1. Further joinder of respondents by the Commission;

4.2. Any supplementation of the complaint referral by the Commission;

- 4.3. Whether any party which filed a special plea included in its objections should have them struck out;
- 4.4. Any separation of the objections filed by the respondents beyond that contemplated in paragraph 2 above; and
- 4.5. Costs or any censure order in lieu of a costs order.



**Presiding Member
Mr N Manoim**

05 September 2017
Date

Concurring: Ms Y Carrim and Ms M Mokuena