



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case no.:CRP225Nov17/EXC247Dec17

In the *Exception Application* between:

INVENSYS LIMITED	First Applicant
SCHNEIDER ELECTRIC SYSTEMS (UK) LIMITED	Second Applicant
EUROTHERM LIMITED	Third Applicant

and

PROTEA AUTOMATION SOLUTIONS (PTY) LTD	First Respondent
EOH HOLDINGS LIMITED	Second Respondent
EOH MTHOMBO (PTY) LTD	Third Respondent

Case no.:CRP225Nov17

In re: the matter between:

PROTEA AUTOMATION SOLUTIONS (PTY) LTD	Complainant/Applicant
--	-----------------------

and

INVENSYS PLC	First Respondent
INVENSYS SYSTEMS (UK) LIMITED	Second Respondent
EUROTHERM LIMITED	Third Respondent
EOH HOLDINGS LIMITED	Fourth Respondent
EOH MTHOMBO (PTY) LTD	Fifth Respondent

Panel	: Norman Manoim (Presiding Member)
	: Enver Daniels (Tribunal Member)

: Mondo Mazwai (Tribunal Member)
Heard on : 21 September 2018
Order issued on : 26 September 2018

ORDER

By consent the Competition Tribunal makes an order in the following terms:

1. Protea Automation Systems (Pty) Ltd ("PAS") will within 20 business days of the date of this order amend its complaint referral by replacing where appropriate its complaint referral form and affidavit ("the amendment");
2. Invensys PLC, Schneider Electric Systems (UK) Ltd and Eurotherm Limited ("Invensys"):
 - 2.1. will within 20 business days after having been served with the amendment serve and file their answer to the amendment;
 - 2.2. reserve their right to raise a defence in terms of section 67(2) of the Competition Act 89 of 1998 by way of a special plea;
3. PAS will pay Invensys' taxed or agreed costs of the exception proceedings.



Mr Norman Manoim

26 September 2018
Date

Concurring: Mr Enver Daniels and Ms Mondo Mazwai

Tribunal case manager : Ms Hlumelo Vazi
For the first to third applicant : Adv A Gotz instructed by Assheton-Smith Incorporated.
For the first respondent : Adv M Brassey SC and Adv S Georgiou instructed by Duncan Okes Incorporated.