

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CASE NO: 19/AM/FEB12

SUNSET BAY TRADING 368 (PTY) LTD

Primary Acquiring Firm

And

JOBLING INVESTMENTS (PTY) LTD

Primary Target Firm

ORDER

Having heard the parties and considered the documentation in the Competition Commission's application for further and better discovery, it is ordered that:

1. Ad item 8 of the Commission's discovery request

The merging parties are directed to grant the Commission access to their premises from **23 April 2012** for the inspection of data/documents relating to item 8 of the Commission's application to compel further and better discovery. The merging parties must further make available an employee to assist the Commission with accessing the relevant data/documents.

This access is in relation to the narrowed parameters as agreed to by the Commission at the hearing i.e. it relates, for the sake of clarity, to documents/data for the year 2011.

2. Ad items 12 and 13 of the Commission's discovery request

The merging parties provide the Commission with financial statements; and

management accounts for (i) Copalcor; (ii) Sunset Bay 368 (Pty) Ltd; and (iii) Maksal Tubes (Pty) Ltd not later than 25 April 2012.

The merging parties must submit an affidavit under oath confirming any such document (s) are not in its possession or that such is non existent.

3. Ad items 17, 18 , 19, 21 and 23 of the Commission's discovery request

The merging parties must submit affidavits under oath confirming that all relevant documents/data have been discovered and/or that no (further) documents/data exist in relation to all the above-mentioned discovery items by no later than 25 April 2012.

4. Ad costs

No order is made as to costs.



Andreas Wessels
Presiding Member

Date
23 April 2012

Concurring: Medi Mokuena and Takalani Madima