

**IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA**

**CT CASE NO: 10/AM/Feb11**

In the matter between:

<b>PG BISON LIMITED</b>	First Applicant
<b>STEINHOFF SOUTHERN CAPE (PTY) LTD</b>	Second Applicant
<b>THESEN SAWMILL (PTY) LTD</b>	Third Applicant
<b>STEINHOFF DOORS &amp; BUILDING MATERIALS (PTY) LTD</b>	Fourth Applicant

and

<b>MTO FORESTRY (PTY) LTD</b>	First Respondent
<b>BOSKOR SAWMILL (PTY) LTD</b>	Second Respondent
<b>BOSKOR RIPPLANT (PTY) LTD</b>	Third Respondent
<b>THE COMPETITION COMMISSION</b>	Fourth Respondent

and

In the matter between:

<b>AC WHITCHER (PTY) LTD</b>	Applicant
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and

<b>MTO FORESTRY (PTY) LTD</b>	First Respondent
<b>BOSKOR SAWMILL (PTY) LTD</b>	Second Respondent
<b>BOSKOR RIPPLANT (PTY) LTD</b>	Third Respondent
<b>THE COMPETITION COMMISSION</b>	Fourth Respondent

In re:

**MTO FORESTRY (PTY) LTD**

First Applicant

**BOSKOR SAWMILL (PTY) LTD**

Second Applicant

**BOSKOR RIPPLANT (PTY) LTD**

Third Applicant

and

**THE COMPETITION COMMISSION**

Respondent

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Panel : N Manoim (Presiding Member), Y Carrim (Tribunal Member), and A Wessels (Tribunal Member)  
Heard on : 28 July 2011  
Order issued : 5 August 2011

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### INTERVENTION ORDER

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Having heard the parties to the applications for intervention, the Tribunal orders the following:

1. The applicants are granted leave to intervene in the merging parties' Application for Suspension and Request for Consideration, such intervention being limited to the likely effect of the merger between the merging parties under section 12A of the Competition Act, 1998 ("the Act"), with specific reference to:

- 1.1 Horizontal effects in the market for sawn timber;
  - 1.2 The duration, quantity and quality of the supply of sawlogs and poles to sawmills and pole manufacturers in the Eastern, Southern and Western Cape ("the Capes");
  - 1.3 The quantity and quality of the downstream supply of sawn timber;
  - 1.4 Vertical foreclosure effects resulting from the merger; and
  - 1.5 To the extent that they wish to make submissions on this, relevant market definition and the appropriateness of remedies imposed by the Commission.
2. Subject to the limitations above, the scope of the applicants' right to intervene extends to the right to:
    - 2.1 Attend all pre-hearing conferences;
    - 2.2 Adduce oral and documentary evidence, including expert evidence;
    - 2.3 Present argument;
    - 2.4 Request the Tribunal to direct, summon and/or order any person to appear at the hearing, or to produce any book, document or item for the purposes of such hearing;
    - 2.5 Cross-examine witnesses led by any of the other participants during the hearing;
    - 2.6 Inspect any books, documents and other items filed by the participants in the merger proceedings, including inspection by the applicants' independent legal representatives and economic experts (subject to the appropriate

confidentiality undertakings) of any information filed by any participant subject to a claim of confidentiality;

2.7 File documents and expert reports;

2.8 Secure discovery from the merging parties;

2.9 Participate in any interlocutory proceedings relating to the issues referred to in paragraph 1 and in this paragraph 2.

3. There is no order as to costs.



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**Norman Manoim**

**Concurring: Yasmin Carrim and Andreas Wessels**