



competitiontribunal
south africa

fax form

to	L Verster Roestoff Venter Kruse	fax	012 460 9140
	Legal Services Competition Commission		44283
ref	103/CR/Dec06	date	28 June 2007
from	Tebogo Mputle	pages	4 (including this page)
re	Order		

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Attached please find the default judgement order in the above matter.

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: 103/CR/Dec06

In re:

Competition Commission

Applicant

and

Clover Industries Limited

First Respondent

Clover SA (Pty) Ltd

Second Respondent

In the matter between:

Competition Commission

Applicant

and

Clover Industries Ltd

First Respondent

Clover SA (Pty) Ltd

Second Respondent

Parmalat (Pty) Ltd

Third Respondent

Ladismith Cheese (Pty) Ltd

Fourth Respondent

Woodlands Dairy (Pty) Ltd

Fifth Respondent

Lancewood (Pty) Ltd

Sixth Respondent

Nestle SA (Pty) Ltd

Seventh Respondent

Milkwood Dairy (Pty) Ltd

Eighth Respondent

Panel : D Lewis (Presiding Member), N Manoim (Tribunal Member) and U Bhoola (Tribunal Member)

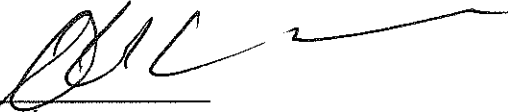
Heard on : 28 June 2007

Decided on : 28 June 2007

ORDER

Further to the Commission's application in terms of rule 53 of the Competition Tribunal Rules and the counter application brought by the first and second respondents ("Clover"), the Competition Tribunal orders that –

1. The Commission must provide all the documents referred to in Clover's Rule 35(12) and 35 (14) Notice, and Annexure HBS 45, excluding the documents referred to in Annexure "A" hereto, to Clover on an unrestricted basis, subject to paragraph 2 below, within 10 business days of this order.
2. If any document referred to in paragraph 1 above is claimed to be confidential then the Commission need not provide the document in question but must instead provide to Clover the relevant CC7 and the address of the person who filed the CC7.
3. If Clover wishes to challenge the confidentiality claim or to claim access on a specified basis to the documents, then it must bring an application in terms of section 45 of the Competition Act, 1998, within 10 business days of being furnished with the Form CC7s. The application must be served on both the Commission and the party claiming confidentiality.
4. The time periods in Tribunal Rule 43 will apply to any answer or reply in regard to the application referred to in paragraph 3.
5. If Clover does not bring the application contemplated in paragraph 3 on or before the specified date then it must file its answer to the complaint referral within 15 business days of being furnished with the Form CC7s.
6. The application and the counter application are dismissed.



D Lewis
Presiding Member

Concurring: N Manoim and U Bhoola

ANNEXURE "A"

ITEMS EXCLUDED FROM THE NOTICE IN TERMS OF RULE 35 (12) and (14)

1.2;

1.4;

2;

4;

6;

7;

48;

49;

50;

51;

53;

54.2; and

55-67.

* * * Memory TX Result Report (29. Jun. 2007 10:00) * * *

1) Competition Tribunal
2)

Date/Time: 29. Jun. 2007 9:45

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7631	Memory TX Tebogo	00124609140 44283	P. 4	OK OK	

Reason for error

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