

IN THE COMPETITION TRIBUNAL

THE REPUBLIC OF SOUTH AFRICA

CASE NO: 92/CR/Oct11

In the matter between:

The Competition Commission of South Africa

Applicant

And

Media 24 Limited

Respondent

Panel : Norman Manoim (Presiding Member)
Yasmin Carrim (Tribunal Member)
Merle Holden (Tribunal Member)
Heard on : 05 December 2012
Order issued : 13 December 2012

**ORDER: APPLICATION BY THE COMPETITION COMMISSION FOR FURTHER
AND BETTER DISCOVERY**

After having heard the parties in this application the Competition Tribunal ("Tribunal") orders as follows:

1. Items subject to time period limitation

1.1. Re items 2.18; 2.22; 2.22.3: The Respondent is ordered to furnish all documents listed in these items, for the period 2001 to date.

1.2. Re item 2.13.3; 2.15: The Respondent is ordered to furnish all documents listed in these items, for the period 2001 to the end of 2010.

2. Items with limitations

2.1. **Re item 2.4:** The Respondent is ordered to furnish all documents listed in this item, but limited to the impact of the global recession from 2008 onwards on newspapers in the Volksblad group.

3. Items tendered by Respondent but time period disputed

3.1. **Re items 2.27; 2.28; 2.28.1 to 2.28.22 inclusive and 2.31; 2.31.1 to 2.31.5 inclusive:** The Respondent is ordered to produce all management accounts contemplated in these items for the period January 2001 to date.

4. Re Item 3.4 (Item RD174 in the Discovery Affidavit):

4.1. The Respondent is ordered to furnish all minimum tariffs for Media24 titles in the Central region, as well as the methodology that was used to calculate these tariffs for the period 2001 to date.

5. Re items 3.5 – 3.11; 3.12; 3.13 and 3.14 (respectively items RD210 – RD217; RD237; RD238; RD239 in the Discovery Affidavit):

5.1. In respect of all these items, where redacted documents have already been provided by the Respondent, such documents must be provided on an un-redacted basis, subject to the following conditions –

5.1.1. The documents must be handed over only to the Commission's counsel, attorneys, economists at Compass Lexecon, independent translators and any other independent advisors on the furnishing of appropriate confidentiality undertakings; and

5.1.2. The Commission may apply to the Tribunal in the normal course should it require access to these documents to be extended to its employees.

6. Re items 3.12; 3.13; 3.14 and 3.15 (respectively items RD237; RD238; RD239 and RD240 in the Discovery Affidavit):

6.1. In respect of all these items, the Respondent is ordered to produce all documents similar to those already provided for the period 2001 to date.

7. Documents not in possession

7.1. If the Respondent does not have any documents required to be produced in terms of this Order, the Respondent must furnish an affidavit from the relevant person with the requisite knowledge and authority confirming this and providing an explanation as to why the document cannot be furnished.

8. Dates

8.1. The Respondent must deliver the following by 31 January 2013:

8.1.1. All documents as ordered by the Tribunal in this Order, including the un-redacted copies;

8.1.2. Any documents whose production has not been contested but not yet produced; and

8.1.3. If required, the affidavit referred to in paragraph 8.1.



Norman Manoim
Presiding Member

Concurring: Yasmin Carrim and Merle Holden