

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No. 44/CR/Apr00

In the matter between:

The Competition Commission of South Africa

Applicant

and

**Acrylic Products (Pty) Ltd
Plexicor (Pty) Ltd**

**First Respondent
Second Respondent**

Order

Further to the Competition Commission's application for a consent order in terms of Rule 26 of the Competition Tribunal's Rules, the Competition Tribunal –

1. Finds that the First Respondent has contravened sections 5(1) and 9(1) of the Competition Act, Act 89, of 1998 (the Act) in providing the Second Respondent with preferential discounts in terms of a supply agreement dated 8th December 1994.
2. Confirms the attached agreement between the Competition Commission, the Complainant and the First and Second Respondents, dated April 12th as a consent order of the Competition Tribunal in terms of sections 60 and 63(2) of the Act.



N.M. Manoim

20/4/2000
Date

Concurring: D.H Lewis, D.R. Terblanche

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA
HELD AT PRETORIA

IN THE MATTER BETWEEN

THE COMPETITION COMMISSION

APPLICANT

AND

ACRYLIC PRODUCTS (PTY) LTD

FIRST RESPONDENT

PLEXICOR (PTY) LTD

SECOND RESPONDENT

CASE NO: 1999OCT16

CONSENT ORDER, IN REGARD TO VIOLATIONS OF SECTIONS 5 AND 9 OF
THE COMPETITION ACT 89 OF 1998.

APRIL 12, 2000

DEFINITIONS

I.

For the purposes of this Order the following definitions shall apply:

1. The *First Respondent* means Acrylic Products (Pty) Ltd, Company Registration No.64/01765/07 a firm based in the Gauteng Province, existing and doing business under the laws of South Africa, with its principal offices at 100 Dekema Road, Wadeville, Germiston, as well as any party acting on its behalf.
2. The *Second Respondent* means Plexicor (Pty) Ltd, Company Registration No. 60/12120/07, a firm based in the Kwazulu Natal Province, existing and doing business under the laws of South Africa, with its principal offices in Ladysmith, as well as any party acting on its behalf.

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M.A.
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3. The *Complainant* means Sphinx Acrylic Bathroom ware (Pty) Ltd, Company Registration No. 90/01988/07, a firm based in the Guateng Province, existing and doing business under the laws of South Africa, with its principal offices at 5 Cadmium Road, Daggafontein. They have lodged the complaint with the Competition Commission.
4. The *Complaint* means the complaint lodged with the Commission by the Complainant.
5. The *Act* means the Competition Act 89, of 1998 (South Africa).
6. The *Commission* means the Competition Commission of South Africa established in terms of section 19 of *the Act*.
7. The term *supply agreement* means an agreement entered into by the First and Second Respondents on or about the 8th of December 1994.
8. The term *cast acrylic sheeting* means sanitary ware grade acrylic sheeting which is used to produce baths for sale to both local and export markets and is made in various thicknesses, sizes, colours and surface finishes.
9. The term *agreement* includes a contract, arrangement or understanding, whether or not legally enforceable.
10. The term *relevant market* means the market for cast acrylic sheeting in South Africa.

AGREEMENT

II.

The following is agreed between the Commission, First Respondent, Second Respondent and the Complainant:

1. The conduct by the First Respondent in terms of which it has provided the Second Respondent with preferential discounts is a prohibited practice in terms of *the Act*.
2. The supply agreement between the First Respondent and the Second Respondent is declared null and void with effect from close of business 12 April 2000.
3. The complainant be awarded damages to be paid by the First Respondent in the amount of **R25 000** as agreed between the parties, in full and final settlement.

MS M.Q. Q

PARTIES



ACRYLIC PRODUCTS (PTY) LTD
FIRST RESPONDENT



PLEXICOR (PTY) LTD
SECOND RESPONDENT



SPHINX ACRYLIC BATHROOMWARE (PTY) LTD



COMPETITION COMMISSION OF SOUTH AFRICA

DATED and signed on this -----day -----, 2000 before the Competition Tribunal of South Africa

- 1. Chairperson:
- 2.
- 3.

REGISTRAR
COMPETITION TRIBUNAL OF SOUTH AFRICA

