



competitiontribunal
SOUTH AFRICA

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No: CO015Apr19

In the matter between:

The Competition Commission

Applicant

And

Crown Relocations (Pty) Ltd

Respondent

Panel : E Daniels (Presiding Member)
: M Mazwai (Tribunal Member)
: F Tregenna (Tribunal Member)

Heard on : 15 May 2019

Decided on : 15 May 2019

CONSENT AGREEMENT

The Tribunal hereby confirms the consent agreement as agreed to and proposed by the Competition Commission and Crown Relocations (Pty) Ltd annexed hereto marked "A".

**Presiding Member
Mr Enver Daniels**

15 May 2019

Date

Concurring: Ms Mondo Mazwai and Prof. Fiona Tregenna

C0015Apr19



competitiontribunal south africa

Form CT1(1)

About this Form

This form is issued in terms of section 50 of the Competition Act and Rules.

This form is to be used only for a referral by the Competition Commission.

Unless this is a consent proceeding, the respondent may answer this referral within 20 business days after being served with this referral.

If the answer raises only a point of law, it must set out the question of law to be resolved. Any other answer must be in affidavit form, setting out in numbered paragraphs:

- (a) a concise statement of the grounds on which the Complaint is opposed;
- (b) the material facts or points on which the respondent relies;
- (c) an admission or denial of each ground and of each material fact relevant to each ground set out in the Complaint Referral.

An allegation of fact set out in the Complaint Referral that is not specifically denied or admitted in an answer will be deemed to have been admitted.

Please see Competition Tribunal Rules 14 through 19.

Form continues on Page 2.

Contacting the Tribunal

The Competition Tribunal
Private Bag X24
Sunnyside
0132
Republic of South Africa
tel: 27 12 394 3300
fax: 27 12 394 0169
e-mail: ctsa@comptrib.co.za

Referral of Complaint by Commission

Date: 23 April 2019

To: the Registrar of the Competition Tribunal, and:

(Name of respondent and [if applicable] other participants :)

Crown Relocations (Pty) Ltd

Concerning:

(Complaint name and Commission file number:)

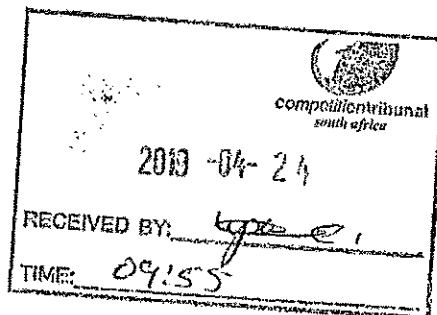
CC v Crown Relocations (Pty) Ltd & Others Case No: 2017MAR0021

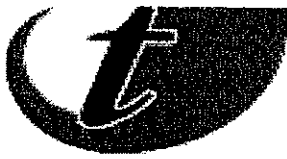
From: the Competition Commission

The Competition Commission alleges that the Respondent contravened the provisions of the Competition Act, section 4(1)(b)(i) by engaging in the following prohibited conduct:

(Concise statement of the alleged prohibited practice:)

Confirmation of the attached consent agreement between the Applicant and the Respondent, as an order of the Competition Tribunal in terms of section 49D, read with section 58(1)(a)(iii) and section 58(1)(b) of the Competition Act 1998 (Act 89 of 1998) as amended ("the Act") in respect of a contravention of section 4(1)(b)(i) of the Act.





competitiontribunal south africa

Form CT1(1) Page 2 About this Form

This form is issued in terms of section 50 of the Competition Act.

This form is to be used only for a referral by the Competition Commission.

Unless this is a consent proceeding, the respondent may answer this referral within 20 business days after being served with this referral.

If the answer raises only a point of law, it must set out the question of law to be resolved. Any other answer must be in affidavit form, setting out in numbered paragraphs:

- (a) a concise statement of the grounds on which the Complaint is opposed;
- (b) the material facts or points on which the respondent relies;
- (c) an admission or denial of each ground and of each material fact relevant to each ground set out in the Complaint Referral.

An allegation of fact set out in the Complaint Referral that is not specifically denied or admitted in an answer will be deemed to have been admitted.

Please see Competition Tribunal Rules 14 through 19.

Contacting the Tribunal

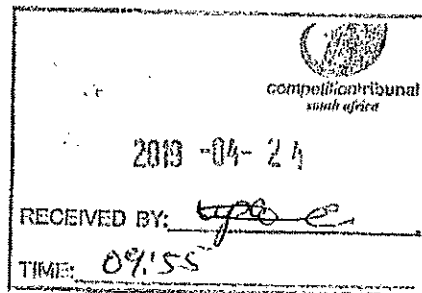
The Competition Tribunal
Private Bag X24
Sunnyside
0132
Republic of South Africa
tel: 27 012 3943300
fax: 27 012 3940169
e-mail: ctsa@comptrib.co.za

Referral of Complaint by Commission

The Competition Commission seeks an order granting the following relief:

(Concise statement of the order or relief sought:)

Confirmation of the attached consent agreement between the Applicant and the Respondent, as an order of the Competition Tribunal in terms of section 49D, read with section 58(1)(a)(iii) and section 58(1)(b) of the Competition Act 1998 (Act 89 of 1998) as amended ("the Act") in respect of a contravention of section 4 (1)(b)(i) of the Act.



- This referral is to proceed as a consent proceeding.
- This referral is to proceed as a contested proceeding. Attached is an affidavit setting out the grounds of this complaint, and a statement of the material facts and the points of law relevant to it, as required by Competition Tribunal Rule 15(2).

Name and Title of person authorised to sign on behalf of the Competition Commission:

Bukhosibakhe Majenge: Chief Legal Counsel

Authorised Signature:

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA

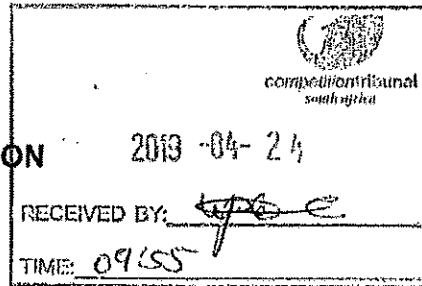
(HELD IN PRETORIA)

CT CASE NO: C0015Apr19

CC CASE NO: 2017Mar0021

In the matter between

THE COMPETITION COMMISSION



Applicant

And

CROWN RELOCATIONS (PTY) LTD

Respondent

FILING SHEET

BE PLEASED TO TAKE NOTICE that the applicant hereby files the settlement agreement concluded between the Competition Commission and Crown Relocations (Pty) Ltd.

Signed at PRETORIA on the 24th day of APRIL 2019

Competition Commission

The Dti Campus, Building C, Mulayo

77 Meintjies Street

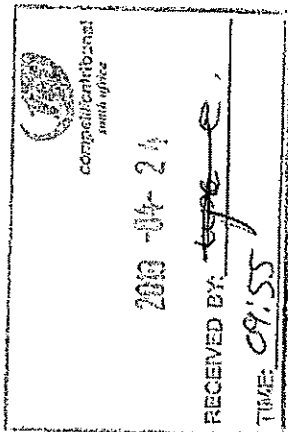
Tel: 012 762 6949

Fax: 012 394 4526

Email: OfentseM@compcom.co.za

Ref: **Ofentse Motshudi/2017Mar0021**

TO:



THE REGISTRAR

Competition Tribunal of South Africa

The Dti Campus, 77 Meintjies Street,

1st Floor, Block C, Mulayo Building

Sunnyside, Pretoria

Tel: 012 394 3300/55

Fax: 012 394 0169

E-mail: TebogoM@comptrib.co.za

AND TO:

Crown Relocations (Pty) Ltd

C/O ALLAN KISSON ATTORNEYS

Alan Kisson Attorneys

1002 Pretorius Street

Hatfield

Ref: Mr. Alan Kisson

Tel.012 3427383

E-mail - alankisson@aklaw.co.za

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: COD15 Apr 19

CC CASE NO: 2017MAR0021

In the matter between:

COMPETITION COMMISSION OF SA



Applicant

And

2019 -04- 24

RECEIVED BY: *[Signature]*

TIME: 09:55

CROWN RELOCATIONS (PTY) LTD

Respondent

CONSENT AGREEMENT IN TERMS OF SECTION 49D READ WITH SECTION 58(1) (b) OF THE COMPETITION ACT, NO. 89 OF 1998, AS AMENDED, BETWEEN THE COMPETITION COMMISSION AND CROWN RELOCATIONS (PTY) LTD IN RESPECT OF A CONTRAVENTION OF SECTION 4(1)(b)(i) OF THE COMPETITION ACT 89 OF 1998

Preamble

The Competition Commission ("Commission") and Crown Relocations (Pty) Ltd ("Crown Relocations") hereby agree that an application be made to the Competition Tribunal for the confirmation of this Consent Agreement as an order of the Tribunal in terms of section 49D read with section 58(1)(b) of the Competition Act no. 89 of

[Handwritten signature]

1998, as amended, in respect of a contravention of section 4(1)(b)(i) of the Act.

1. DEFINITIONS

For the purposes of this consent agreement the following definitions shall apply

- 1.1 "Act" means the Competition Act No. 89 of 1998, as amended;
- 1.2 "Crown Relocations" means Crown Relocations (Pty) Ltd, a private company duly incorporated in accordance with the Company Laws of the Republic of South Africa with its principal place of business at No 1 Drakensburg Dr, West Modderfontein, Lethabong;
- 1.3 "Commission" means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Act, with its principal place of business at 1st Floor, Mulayo Building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng;
- 1.4 "Commissioner" means the Commissioner of the Competition Commission (the Commissioner) in terms of section 24(1) of the Act;
- 1.5 "Consent Agreement" means this agreement duly signed and concluded between the Commission and Crown Relocations;
- 1.6 "Parties" means the Commission and Crown Relocations;
- 1.7 "Respondents" means Northern Professional Movers Association of South Africa ("NPPMA"), Stuttaford Van Lines Gauteng Hub (Pty) Ltd ("Stuttaford"), Pickfords Removals SA (Pty) Ltd ("Pickfords"), A & B Movers (Pty) Ltd ("A&B Movers"), Brytons Removals (Pty) Ltd ("Brytons

Removals"); Amazing Transport (Pty) Ltd ("Amazing Transport"), Key Moves CC ("Key Moves"), Bayley Worldwide CC ("Bayley Worldwide"), Selection Cartage (Pty) Ltd ("Selection Cartage"), Elliot Mobility (Pty) Ltd ("Elliot Mobility"), Crown Relocations (Pty) Ltd ("Crown Relocation") & Magna Thomson (Pty) Ltd ("Magna Thomson");

1.8 "Tribunal" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Act, with its principal place of business at the 1st Floor, Mulayo building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng.

2. INVESTIGATION AND FINDINGS OF THE COMMISSION

2.1 On 08 February 2017, the Commissioner initiated a complaint in terms of section 49B(1) of the Act, whereby it is alleged that the Respondents entered into an agreement and / or engaged in a concerted practice to fix the e-toll levy to be levied to customers that transport furniture using e-tolled Gauteng highways in contravention of section 4(1)(b)(i) of the Act.

2.2 The Commission's investigation under Case No. 2017Mar0021 revealed the following:

2.2.1 On 22 January 2014, Stuttaford, Pickfords, A & B Movers, Brytons Removals, Amazing Transport, Key Moves, Bayley Worldwide, Selection Cartage, Elliot Mobility, Crown Relocations and Magna Thomson held a meeting under the auspices of the NPPMA. The meeting was attended by the representatives of

the Respondents.

2.2.2 In this meeting the respondents agreed to pass on to customers the additional costs that they incur when they transport goods along the Gauteng e-toll roads.

2.2.3 To achieve this, the respondents agreed to impose a R350 levy to be charged to customers when they transport goods along the Gauteng e-toll roads.

2.2.4 This agreement amounts to price fixing in contravention of section 4(1)(b)(i) of the Act.

3. ADMISSION

3.1. Crown Relocations admits that it has acted in contravention section 4(1)(b)(i) of the Act as described in paragraph 2 above.

4. CO-OPERATION

4.1 Crown Relocations undertakes to provide the Commission with its full, timeous and expeditious cooperation in its prosecution of the remaining Respondents in the Commission's complaint referral. This cooperation includes, but is not limited to:

4.1.1 Providing evidence and testifying at the hearing of the complaint referral in respect of the prohibited practice set out in this Consent Agreement;

4.1.2 To the extent that it is in existence, the provision of evidence, written or otherwise, which is in the possession of Crown Relocations or under the control of Crown Relocations concerning the alleged contravention of section 4(1)(b) as set out in this Consent Agreement.

5. ADMINISTRATIVE PENALTY

- 5.1. Crown Relocations agrees that it is liable to pay an administrative penalty of R 240 647.05 (**Two Hundred and Forty Thousand, Six Hundred and Forty-Seven Rand and Five Cent**). This amount does not exceed 10% of Crown Relocations' annual turnover for the financial year ended December 2017.
- 5.2. Crown Relocations agrees to pay the administrative penalty as stipulated in paragraph 5.1 above over a period of 6 months in 6 equal monthly instalments of R40 107, 84 (**Forty Thousand One Hundred and Seven Rand and Eighty Four cents**) over a period of six (6) months.
- 5.3. The first instalment of R40 107, 84 is payable on or before **31 May 2019**. The remaining 5 instalments of R40 107, 84 are payable on or before the last day of every subsequent month for the next five (5) months ending **31 October 2019**.
- 5.4. The payment shall be made into the Commission's bank account, details of which are as follows:

Bank name:	Absa Bank
Branch name:	Pretoria
Account holder:	Competition Commission Fees Account

Account number: 4087641778
Account type: Current Account
Branch Code: 632005
Reference: 2017Mar0021/CrownRelo

5.5. The penalty will be paid over by the Commission to the National Revenue Fund in accordance with section 59(4) of the Act.

6. AGREEMENT REGARDING FUTURE CONDUCT

- 6.1. Crown Relocations undertakes to refrain from engaging in any anti-competitive conduct in contravention of the Act in future.
- 6.2. Crown Relocations will develop, implement and monitor a competition law compliance programme as part of its corporate governance policy, which designed to ensure that all employees, members and management do not engage in future contraventions of the Act. In particular, such compliance programme will include mechanisms for the identification, prevention, detection and monitoring and detection of any contraventions of the Act.
- 6.3. Crown Relocations shall circulate a statement summarising the contents of this Consent Agreement to all management and operational staff employed by Crown Relocations within 60 (sixty) business days from the date of confirmation of this Consent Agreement by the Tribunal.
- 6.4. Crown Relocations undertakes to submit a copy of such compliance

programme to the Commission within 60 days of the date of confirmation of this Consent Agreement as an order to the Tribunal.

6.5. Crown Relocations undertakes henceforth to engage in competitive practices.

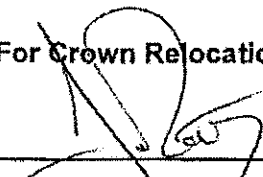
7. MONITORING

7.1. All reports in relation to conditions set out in this agreement, including but not limited to Compliance programmes, Proof of payment(s) etc. shall be submitted to the Commission at CartelSettlements@compcom.co.za.

8. FULL AND FINAL SETTLEMENT

8.1. This Consent Agreement is entered into in full and final settlement of the Commission's investigation under Case No. 2017Mar0021 and upon confirmation as an order of the Tribunal, concludes all proceedings between the Commission and Crown Relocations relating to the conduct that is the subject of the Commission's investigation under Case No. 2017Mar0021.

For Crown Relocations



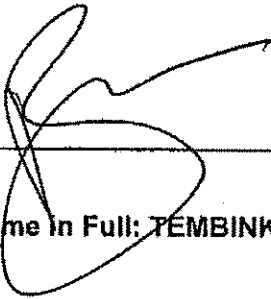
Signed and Dated at Johannesburg on the 3rd day of April 2019.

Name in Full: IAN MALCOLM PETTEY

Designation: MANAGING DIRECTOR

For the Competition Commission

Signed and Dated at PRETORIA on the 17th day of April
2019.



Name in Full: **TEMBINKOSI BONAKELE**

Designation: **COMMISSIONER OF THE COMPETITION COMMISSION**