

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case no.:CRP225Nov17/EXC247Dec17

In the Exception Application between:

INVENSYS LIMITED
SCHNEIDER ELECTRIC SYSTEMS (UK) LIMITED

EUROTHERM LIMITED

First Applicant Second Applicant

Third Applicant

and

PROTEA AUTOMATION SOLUTIONS (PTY) LTD EOH HOLDINGS LIMITED EOH MTHOMBO (PTY) LTD First Respondent
Second Respondent
Third Respondent

Case no.:CRP225Nov17

In re: the matter between:

PROTEA AUTOMATION SOLUTIONS (PTY) LTD

Complainant/Applicant

and

INVENSYS PLC
INVENSYS SYSTEMS (UK) LIMITED
EUROTHERM LIMITED
EOH HOLDINGS LIMITED
EOH MTHOMBO (PTY) LTD

First Respondent

Second Respondent
Third Respondent

Fourth Respondent

Fifth Respondent

Panel

: Norman Manoim (Presiding Member)

: Enver Daniels (Tribunal Member)

: Mondo Mazwai (Tribunal Member)

Heard on

: 21 September 2018

Order issued on

: 26 September 2018

ORDER

By consent the Competition Tribunal makes an order in the following terms:

- 1. Protea Automation Systems (Pty) Ltd ("PAS") will within 20 business days of the date of this order amend its complaint referral by replacing where appropriate its complaint referral form and affidavit ("the amendment");
- 2. Invensys PLC, Schneider Electric Systems (UK) Ltd and Eurotherm Limited ("Invensys"):
 - 2.1. will within 20 business days after having been served with the amendment serve and file their answer to the amendment;
 - 2.2. reserve their right to raise a defence in terms of section 67(2) of the Competition Act 89 of 1998 by way of a special plea;
- 3. PAS will pay Invensys' taxed or agreed costs of the exception proceedings.

Mr Norman Manoim

26 September 2018

Date

Concurring: Mr Enver Daniels and Ms Mondo Mazwai

Tribunal case manager

: Ms Hlumelo Vazi

For the first to third applicant

: Adv A Gotz instructed by Assheton-Smith

Incorporated.

For the first respondent

: Adv M Brassey SC and Adv S Georgiou

instructed by Duncan Okes Incorporated.