



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No: URG164MAR20

In the matter between:

COCA-COLA BEVERAGES SOUTH AFRICA (PTY) LTD Applicant

And

ANHEUSER-BUSCH INBEV SA/NV First Respondent

THE SOUTH AFRICAN BREWERIES (PTY) LTD Second Respondent

THE CHAIRPERSON OF THE SAB ZENZELE EMPLOYEE TRUST ALLOCATION COMMITTEE Third Respondent

THE COMPETITION COMMISSION OF SOUTH AFRICA Fourth Respondent

Panel:	Yasmin Carrim (Presiding Member) Mondo Mazwai (Tribunal Member) Andiswa Ndoni (Tribunal Member)
Heard on:	20 March 2020
Order Issued on:	30 March 2020

ORDER: INTERIM RELIEF

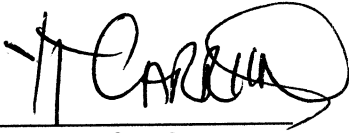
1. DEFINITIONS

For the purpose of this Order, the following expressions will bear the following meanings:

- 1.1. **“2019 top-up benefits”** means the top-up benefits consisting additional participation rights as detailed in the notice sent to employees of the First and Second Respondent by the Third Respondent in late 2019 with effect from 1 October 2019;

- 1.2. “**Commission**” means the Competition Commission of the Republic of South Africa;
 - 1.3. “**Commission Investigation**” means the complaint notified to the Commission by the Applicant on 17 January 2020 regarding alleged breach of Merger conditions;
 - 1.4. “**Final Determination**” means the date of conclusion of all subsequent review or appeal processes in relation to the Commission Investigation;
 - 1.5. “**Former SABMiller Employees**” means those employees who were transferred to the Applicant as a result of the Merger;
 - 1.6. “**Merger**” means the large merger approved by the Competition Tribunal on 27 September 2017 under case number LM021Apr17; and
 - 1.7. “**Zenzele Scheme**” means SAB Zenzele Employment Trust.
2. After having heard the parties in the above matter, the Competition Tribunal orders as follows:
- 2.1. The Second Respondent, as administrator of the Zenzele Scheme, and the Third Respondent, as Chairperson of the Zenzele Scheme Allocation Committee, (collectively the **Scheme Respondents**) are required to hold in abeyance and not distribute ██████████, from the 2019 top-up benefits for the Former SABMiller Employees pending Final Determination of the Commission Investigation.
 - 2.2. In the event that the Final Determination is a finding of breach of Merger condition 4.6, the Scheme Respondents, with the assistance of the Applicant, must compile a list of the Former SABMiller Employees who would qualify for the 2019 top-up benefits.

3. There is no order as to costs.

A handwritten signature in black ink, appearing to read 'Yasmin Carrim', written over a horizontal line.

Ms Yasmin Carrim

30 March 2020

Date

Ms Mondo Mazwai and Ms Andiswa Ndoni concurring.