



competitiontribunal
south africa

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR210Feb17/DSC208Oct17

In the Application to Compel:

Enviroserv Waste Management

Applicant

And

The Competition Commission

First respondent

Wasteman Holdings (Pty) Ltd

Second respondent

In re: the Complaint Referral between:

The Competition Commission

Applicant

And

Wasteman Holding (Pty) Ltd

First Respondent

Enviroserv Waste Management

Second Respondent

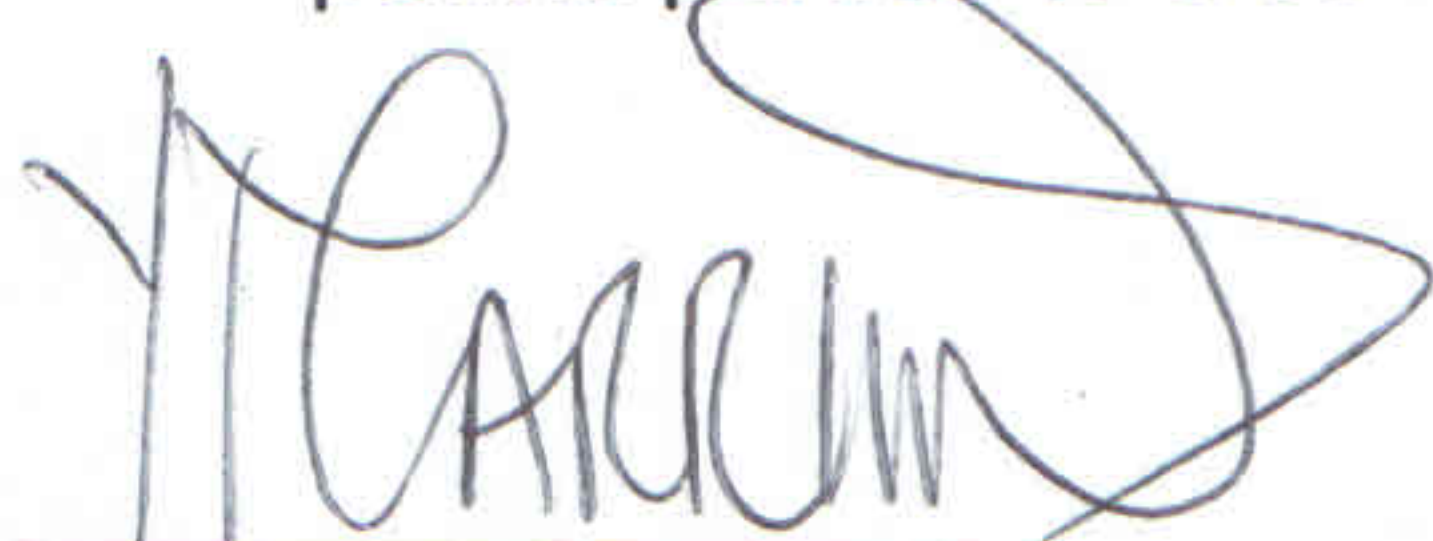
Panel : Y Carrim (Presiding Member)
M Mokuena (Tribunal Member)
A Wessels (Tribunal Member)
Heard on : 27 November 2017
Decided on : 28 November 2017

ORDER

KINDLY TAKE NOTICE that after having heard the parties in the above matter the Competition Tribunal orders as follows:

1. In relation to item 1 set out in Annexure A ("annexure A") of the applicant's founding affidavit, the Commission will, by no later than close of business on 01 December 2017 on affidavit, provide the applicant with a list of the documents it has in its possession together with a brief description of the document, together with an indication whether or not it claims litigation privilege or confidentiality therein and the basis for such claim.

2. In relation to item 2 referred to in annexure A, the Commission will deliver by close of business on 27 November 2017 a copy of the initiation statement with an un-redacted paragraph 3.2.
3. In relation to items 3 to 6 of annexure A the Commission will, by no later than close of business on 01 December 2017 on affidavit, provide the applicant with a list setting out a brief description of the documents it has in its possession, whether or not it claims litigation privilege or confidentiality therein and the basis for such claim.
4. The parties shall meet on 05 December 2017 in an endeavour to limit the extent of the dispute between them.
5. In the event that any disputes on the nature of the Commission's claim or delivery of documents still remain, the Tribunal shall hear the parties at 10:00 on 07 December 2017. The parties are to advise the Tribunal by no later than 10:00 on 06 December 2017 whether the hearing of 07 December 2017 is required.
6. The Commission has tendered that the Tribunal be afforded a "judicial peak" into documents that may still be the subject of dispute between the parties. The Tribunal will permit parties to also make submissions on this issue on 07 December 2017.



**Presiding Member
Ms Yasmin Carrim**

28 November 2017
Date

Concurring: Ms Medi Mokuena and Andreas Wessels