



## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM059Jul14

In the matter between:

Vodacom Proprietary Limited  
Neotel Proprietary Limited

First Applicant  
Second Applicant

and

The Competition Commission of South Africa  
Vox Telecom Limited  
DRS Proprietary Limited  
Hetzner Proprietary Limited  
BT Communications Services South Africa  
Proprietary Limited  
Rewards Co. Proprietary Limited  
First Technology Proprietary Limited  
Harmony Gold Mining Company Limited  
Newwave Communications Proprietary Limited  
SITA SOC Limited  
T-Systems International GMBH  
Echotel Proprietary Limited  
T/A Echo Service Provider  
The Road Accident Fund  
Eastern Africa Submarine Cable System (EASSY)

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
  
Fifth Respondent  
Sixth Respondent  
Seventh Respondent  
Eighth Respondent  
Ninth Respondent  
Tenth Respondent  
Eleventh Respondent  
  
Twelfth Respondent  
Thirteenth Respondent  
Fourteenth Respondent

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Panel : Norman Manoim (Presiding Member)  
Imraan Valodia (Tribunal Member)  
Anton R Roskam (Tribunal Member)

Heard on : 22 July 2015

Decided on : 22 July 2015

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**ORDER**

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The Competition Tribunal orders as follows:

1. The First Respondent should grant access in terms of section 45(1) of the Competition Act No. 89 of 1998 (as amended), to all information submitted to the First Respondent by the Second to Fourteenth Respondents under claims of confidentiality in relation to the proposed transaction between the applicants to the following parties:

1.1 The Applicants external legal representatives and independent economists.

1.2 The external legal representatives and independent economists of the following interveners

1.2.1. MTN (Pty) Ltd;

1.2.2. Cell C (Pty) Ltd;

1.2.3. Dimension Data (Pty) Ltd (Internet Solutions);

1.2.4. Telkom SA SOC;

1.2.5. The Minister of Posts, Telecommunications and Broadcasting;

1.2.6. The Minister of Economic Development

2. Access granted will be subject to the provisions of the confidentiality undertakings signed by the Applicants' and the Interveners' external legal representatives and independent economists.



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Presiding Member  
Mr N Manoim

**Concurring:** Prof I Valodia and Mr A Roskam concurring