



## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM242Mar15/DSC005Apr16

In the matter between:

FOOD AND ALLIED WORKERS UNION

**First Applicant**

And

THE COCA-COLA COMPANY

**First Respondent**

COCA-COLA CANNERS  
OF SOUTHERN AFRICA (PTY) LTD

**Second Respondent**

COCA-COLA SHANDUKA BEVRAGES SA (PTY) LTD

**Third Respondent**

AMALGAMATED BEVRAGE INDUSTRIES (PTY) LTD

**Fourth Respondent**

APPLETISER SOUTH AFRICA (PTY) LTD

**Fifth Respondent**

COCA-COLA SABCO (PTY) LTD

**Sixth Respondent**

COCA-COLA FORTUNE (PTY) LTD

**Seventh Respondent**

COCA-COLA BEVRAGES AFRICA LIMITED

**Eighth Respondent**

*In re:* the large merger between:

COCA- COLA BEVRAGES AFRICA LIMITED

**Acquiring Firm**

And

VARIOUS COCA-COLA  
BOTTLING AND RELATED OPERATIONS

**Target Firm**

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Panel : N Manoim (Presiding Member)  
Y Carrim (Tribunal Member)  
I Valodia (Tribunal Member)  
Heard on : 13 April 2016  
Decided on : 14 April 2016

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**ORDER**

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In the request to compel discovery, dated 12 April 2016, brought by the Applicant against the First to the Eighth Respondents of the aforementioned large merger, the Tribunal makes the following order–

1. The respondents must provide information on the following -

- 1.1.1 The nature of the 250 positions earmarked for retrenchment;
- 1.1.2 Detailed job descriptions, job functions and responsibilities for each of these positions or categories of positions, as well as the merged entity's plans for retrenchment of these posts and
- 1.1.3 All documents relied upon by the Respondents/Merging Parties in order to reduce the number of likely retrenchments post-merger from 387, as initially contemplated, to 250.

2. The respondents must deliver the documents and/or information contemplated in paragraph 1 of this order, together with the documents undertaken to be provided by the Respondents, within 5 business days of the date of this order.

3. Where the respondents allege that no such documents exist in relation to paragraph 1 of this order the respondents must provide an affidavit confirming such.

4. The request for discovery of the remaining items is dismissed.

  
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**Presiding Member**  
**Mr N Mandoim**

**14 April 2016**  
**Date**

**Concurring: Ms Y Carrim and Prof I Valodia**