



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

NON-CONFIDENTIAL 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 [REDACTED] 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.

Ms Yasmin Carrim

30 March 2020
Date

Ms Mondo Mazwai and Ms Andiswa Ndoni concurring.