



competitiontribunal
SOUTH AFRICA

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR125Nov14/DSC005Apr19

In the application for further and better discovery
between:

THE COMPETITION COMMISSION	Applicant
and	
TULISA CABLES (PTY) LIMITED	Respondent

In re: the matter between

THE COMPETITION COMMISSION	Applicant
and	
ALVERN CABLES (PTY) LTD	First Respondent
SOUTH OCEAN ELECTRIC WIRE COMPANY (PTY) LTD	Second Respondent
TULISA CABLES (PTY) LTD	Third Respondent
ALCON MAREPHA (PTY) LTD	Fourth Respondent
CBI-ELECTRIC: AFRICAN CABLES (PTY) LTD	Fifth Respondent
PHOENIX POWER CABLES (PTY) LTD	Sixth Respondent
CABCON TECHNOLOGIES (PTY) LTD	Seventh Respondent
SILCOM (PTY) LTD	Eighth Respondent
MALESELA TAIHAN ELECTRIC CABLE (PTY) LTD	Ninth Respondent
NORCO CABLES (PTY) LTD	Tenth Respondent
KEWBERG CABLES AND BRAIDS (PTY) LTD	Eleventh Respondent
ABERDARE CABLES (PTY) LTD	Twelfth Respondent
ASSOCIATION OF ELECTRIC CABLE MANUFACTURERS SOUTH AFRICA	Thirteenth Respondent

Panel : AW Wessels (Presiding Member)
: F Tregenna (Tribunal Panel Member)
: M Mokuena (Tribunal Panel Member)
Heard on : 22 May 2019
Decided on : 22 May 2019

ORDER

Having considered the Commission's application for further and better discovery, the Tribunal orders that:

1. The Respondent is to make further and better discovery of all documents on oath and produce within 10 days of the granting of this order, all documents requested by the Commission contained in their founding affidavit to this application, attached hereto as Annexure A, and to make copies of all the documents so discovered available to the Commission; and
2. If the Respondent fails to make further and better discovery on oath and produce within 10 days of the granting of this order, the Commission may approach the Tribunal to apply for an order that the Respondent's defence be dismissed.



**Presiding Member
Mr AW Wessels**

22 May 2019

Date

Concurring: Mrs M Mokuena and Prof. F Tregenna

"A"

Document
1. All minutes and documents considered by the Third Respondent's Management Meetings, Board Meetings and Board Committee Meetings, including but not limited to Sales Meetings, held between 2001 to 2012 related to the pricing of power cables by the Third Respondent and the real cost to the Third Respondent in respect of power cables when sold in terms of long-term and short-term or tender contracts issued by various tender customers;
2. All documents or data relating to communication, including but not limited to letters, emails, fax, etc. between the Third Respondent and the other respondents, relating to the pricing of power cables between 2001 and 2012;
3. All documents or data, including but not limited to letters, emails, fax, etc. exchanged between the Third Respondent and the other respondents, relating to the cost of power cables, including but not limited to the cost of purchasing the raw input materials to manufacture the power cables between 2001 and 2012;
4. All documents or data exchanged between the Third Respondent and the Association of Electric Cable Manufacturers South Africa, relating to the pricing and cost (including the cost of input materials) of power cables between 2001 and 2012;
5. All documents, including but not limited to notes or diary entries taken by employees or representatives of the Third Respondent at the Association

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of Electric Cable Manufacturers Commercial sub-committee meetings, relating to the pricing and cost (including the cost of input materials) of power cables between 2001 and 2012;

6. All underlying documents or data submitted to the Commercial sub-committee of the Association of Electric Cable Manufacturers South Africa in respect of the basis for quotation of the raw material inputs as reflected in the minutes and circulars of the Association meetings, such as copper, lead, aluminium, SIMAG Redraw Rod, XLPE, steel tape, polyethylene and non-halogenated compound, fully galvanised wire, SPVC cable compound, rubber, neoprene CR sheath, CM sheath, EPM insulation and silicone between 2001 and 2012;

7. All documents relating to or reflecting the cost of purchasing, per metric ton, raw material inputs, such as copper, lead, aluminium, SIMAG Redraw Rod, XLPE, steel tape, polyethylene and non-halogenated compound, fully galvanised wire, SPVC cable compound, rubber, neoprene CR sheath, CM sheath, EPM insulation and silicone incurred by the Third Respondent between 2001 and 2012.

8. The Commission requests the following in relation to the Third Respondent's answering affidavit:

8.1 Evidence and documents relied upon for the averment in paragraph 12-14.

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