



<b>MARCO FRESH PRODUCE AGENCY</b>	<b>9th Respondent</b>
<b>WENPRO MARKET AGENTS CC</b>	<b>10th Respondent</b>
<b>WENPRO MARKET AGENTS (KZN)</b>	<b>11th Respondent</b>
<b>PRINSLOO &amp; VENTER MARKET AGENTS</b>	<b>12th Respondent</b>
<b>FINE FOODS (PTY) LTD</b>	<b>13th Respondent</b>
<b>DELTA MARKET AGENTS (PTY) LTD</b>	<b>14th Respondent</b>
<b>INSTITUTE FOR MARKET AGENTS</b>	<b>15th Respondent</b>

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Panel : Enver Daniels (Presiding Member)  
Fiona Tregenna (Tribunal Member)  
Andreas Wessels (Tribunal Member)

Heard on : 31 October 2019

Decided on : 27 November 2019

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### **ORDER**

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**KINDLY TAKE NOTICE** that after having heard the parties in the above matter the Competition Tribunal makes the order set out below:

1. The Commission must amend its complaint referral under case number CR191Oct17 by filing a (an amended) Supplementary Founding Affidavit within 10 business days of the date of this order;
2. The Supplementary Founding Affidavit must set out clear and concise statements of the material facts upon which the Commission relies for its claims with sufficient particularity to enable the other parties to reply thereto;
3. For the avoidance of doubt, the new amended Supplementary Founding Affidavit must set out the following:
  - 3.1. the manner in which section 4(1)(b)(i) of the Competition Act 89 of 1998 has been contravened;
  - 3.2. the relevant product market(s);
  - 3.3. the geographical market(s) in which this contravention took place;

- 3.4. full details of the agreement and how it was enforced;
- 3.5. the manner and extent that this alleged contravention has on competition in any relevant market;
4. Interaction Market Services Holdings (Pty) Ltd and any other respondent must file its Supplementary Answering Affidavit, if any, within 10 business days of the Commission having filed its Supplementary Founding Affidavit.
5. The Commission must file its Supplementary Replying Affidavit, if any, within five business days of receiving any Supplementary Answering Affidavit.



**Presiding Member  
Mr Enver Daniels**

**27 November 2019**  
**Date**

**Concurring: Prof Fiona Tregenna and Mr Andreas Wessels**