

BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: 23/AM/MAY10

In the matter between

COMPETITION COMMISSION

APPLICANT

And

BEDROCK MINING SUPPORT (PTY) LTD

RESPONDENT

In consideration of the intermediate merger between

BEDROCK MINING SUPPORT (PTY) LTD

Acquiring firm

And

MONDI LIMITED

Target firm

Panel : Norman Manoim (Presiding Member), Yasmin Carrim (Tribunal Member), and Andreas Wessels (Tribunal Member)

Heard on : 29 June 2010

Decided on : 30 June 2010

Order: Discovery Application

After having heard the parties the Tribunal orders as follows:

1. The respondent, Bedrock Mining Support (Pty) Ltd ("Bedrock") is ordered to discover the following documents to the applicant, the Competition Commission ("the Commission"):

1.1. Internal memos, emails and any other documentation that show the rationale for the proposed transaction;

- 1.2. Respondent's business plan(s) and other strategic documents relating to the proposed transaction;
 - 1.3. Respondent's financial plans and projections after the proposed transaction;
 - 1.4. Respondent's marketing documentation relating to the products that it produces and the market studies that have been conducted showing respondent's products and its competitors from 2008 to 2010.
2. Bedrock must by no later than 02 July 2010, deliver the documents listed in paragraph 1 above to the Commission, alternatively, furnish the Commission, under oath by the relevant persons with the requisite knowledge and authority, an explanation as to why it is unable to so deliver and the efforts made to locate same.
 3. Bedrock must endeavour to provide the Commission with copies of its agreements with Goldfields, Anglo, Lonmin and Northam, alternatively an explanation under oath as to the reasons for not being able to so obtain, by no later than 02 July 2010.



Norman Manoim

Presiding Member

Concurring: Yasmin Carrim and Andreas Wessels