

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No: 02/X/Jan00

In the application of:

**American Soda Ash Corporation
CHC Global (Pty) Ltd**

**First Applicant
Second Applicant**

and

**Botswana Ash (Pty) Ltd
Chemserve Technical Products (Pty) Ltd
Competition Commission**

**First Respondent
Second Respondent
Third Respondent**

Order

The Tribunal orders that -

1. the information claimed by the first and second respondents to be confidential information in terms of form CC 7 dated 22 December 1999, as subsequently amended by the order of this Tribunal dated 19 December 1999, constitutes confidential information, hereafter referred to as the “confidential information”;
2. the applicants are entitled to access the confidential information on a restricted basis on the following terms:
 - 2.1 The first and second respondents must provide the confidential information to the applicants’ attorneys by no later than close of business on the 21st of January 2000 provided they have received the undertaking contemplated in 2.2;
 - 2.2 Subject to 2.3, only those of the applicants’ attorneys and counsel who have provided a written undertaking to the first and second respondents’ attorneys that they will abide by this order shall be entitled to access to the confidential information;
 - 2.3 The applicants’ attorneys and counsel may, if they consider it necessary, allow an independent expert access to the confidential information, in which event they must give prior

notification to the first and second respondents' attorneys of the name of the expert and the expert must provide the undertaking contemplated in 2.2;

2.4 The applicants' attorneys and counsel may utilize the confidential information for the purpose of the applicants' replying affidavit in the main application provided that they file a confidential version of their affidavits;

3. the confidential information may not be disclosed except in accordance with this order or with the prior written consent of the first and second respondents;
4. the costs of this application be costs in the cause in the main application.

N.M. Manoim
Presiding Member

Date

Concurring: D.H. Lewis, P.E. Maponya