



competitiontribunal
south africa

Case Number: 48/CR/Aug10 [011502]

10 June 2014

Knowles Husain Lindsay Inc.

Per email: NDT@khl.co.za

Nortons Inc.

Per email: Warwick@nortonsinc.com

Dear Nicholas and Warwick,

RE: THE COMPETITION COMMISSION AND SASOL CHEMICAL INDUSTRIES LIMITED – CONFIDENTIALITY CLAIMS.

We refer to the email from Nortons dated 06 June 2014 regarding SCI's confidentiality requests as well the email from the Commission dated 10 June 2014 regarding Usabco's confidentiality requests.

As you are very well aware the Tribunal does not easily grant claims made by parties which in the view of the Tribunal do not contain confidential information contemplated as in the Act.

The Tribunal has considered both SCI and Usabco's requests and its decision is as follows:

SCI's requests

1. Figures contained in Tables 1a, 1b, 2a and 2b and the figures that inform the information summarised in those tables, as well as the figures of "41%" and "47%" in paragraph 416:
 - We do not regard any of the claimed figures as confidential since they all relate to historic information. In any event most of these are derived figures based on assumptions made by different expert witnesses.
2. Other figures in square brackets in the Reasons for Decision (not specified in your email):
 - These figures are also historic in nature and, furthermore, the figures are already reflected as a range and therefore any potential confidentiality has already been taken into account when drafting the Reasons for Decision.
3. The Reasons for Decision, therefore, will be made public with only one redaction namely the rate at which Sasol borrows as contained in paragraph 262.

Usabco's requests

4. Paragraph 446
 - The fact that imports are surging into the market is common knowledge. This information has no economic value to Usabco. Furthermore, SCI's views/testimony cannot be claimed as confidential by Usabco.
5. Paragraph 451
 - It is also common knowledge that the plastic converters also compete on product development. This information has no economic value to Usabco. Furthermore, SCI's views/testimony cannot be claimed as confidential by Usabco.

6. Footnotes

- These do not contain any confidential information.

7. The Reasons for Decision, therefore, will be made public with the redaction of only the percentage figures in paragraph 450.

Kind Regards,



Ipeleng Selaledi

Case Manager

On behalf of the Tribunal

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(transmitted electronically without signature)