



COMPETITION TRIBUNAL OF SOUTH AFRICA

**Case No:
LM021Apr17/VAR010Apr20**

In the matter between:

COCA-COLA BEVERAGES SOUTH AFRICA (PTY) LTD	First Applicant
COCA-COLA BEVERAGES AFRICA (PTY) LTD	Second Applicant
And	
COMPETITION COMMISSION OF SOUTH AFRICA	First Respondent
MINISTER OF TRADE AND INDUSTRY	Second Respondent
FOOD AND ALLIED WORKERS UNION	Third Respondent
NATIONAL UNION OF FOOD BEVERAGE WINE SPIRITS AND ALLIED WORKERS	Fourth Respondent

Panel:	Y Carrim (Presiding Member) A Ndoni (Tribunal Member) I Valodia (Tribunal Member)
Heard on:	6 May 2020
Order Issued on:	8 May 2020

ORDER: APPLICATION FOR VARIATION OF MERGER CONDITIONS

On application by Coca-Cola Beverages South Africa (Pty) Ltd and Coca-Cola Beverages Africa (Pty) Ltd, the Tribunal orders the following:

1. The conditions attached to the Tribunal's orders issued on 10 May 2016 under case number LM243Mar15 are varied as follows:
 - 1.1. The second sentence of Clause 11.1 of the confidential conditions is varied by the insertion of the following at the end of the sentence:

“save that the employee share ownership scheme (ESOP) referred to in clause 4.2 of the Union Agreements shall only be required to be implemented on or before 24 July 2020.”

2. The conditions attached to the Tribunal’s orders issued on 27 September 2017 under case number LM021Apr17 are varied as follows:

2.1. The first sentence of clause 4.5 of the conditions is varied to read as follows:

“The commitment to implement the ESOP as part of the B-BBEE Transaction by 24 July 2020 remains binding and will be honoured by the Merging Parties.”

3. There is no order as to costs.

Ms Yasmin Carrim

8 May 2020
Date

Ms Andiswa Ndoni and Prof. Imraan Valodia concurring.