



## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case no.:CRP225Nov17/EXC247Dec17

In the *Exception Application* between:

|                                                |                  |
|------------------------------------------------|------------------|
| <b>INVENSYS LIMITED</b>                        | First Applicant  |
| <b>SCHNEIDER ELECTRIC SYSTEMS (UK) LIMITED</b> | Second Applicant |
| <b>EUROTHERM LIMITED</b>                       | Third Applicant  |

and

|                                              |                   |
|----------------------------------------------|-------------------|
| <b>PROTEA AUTOMATION SOLUTIONS (PTY) LTD</b> | First Respondent  |
| <b>EOH HOLDINGS LIMITED</b>                  | Second Respondent |
| <b>EOH MTHOMBO (PTY) LTD</b>                 | Third Respondent  |

Case no.:CRP225Nov17

*In re:* the matter between:

|                                              |                       |
|----------------------------------------------|-----------------------|
| <b>PROTEA AUTOMATION SOLUTIONS (PTY) LTD</b> | Complainant/Applicant |
|----------------------------------------------|-----------------------|

and

|                                      |                   |
|--------------------------------------|-------------------|
| <b>INVENSYS PLC</b>                  | First Respondent  |
| <b>INVENSYS SYSTEMS (UK) LIMITED</b> | Second Respondent |
| <b>EUROTHERM LIMITED</b>             | Third Respondent  |
| <b>EOH HOLDINGS LIMITED</b>          | Fourth Respondent |
| <b>EOH MTHOMBO (PTY) LTD</b>         | Fifth Respondent  |

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|       |                                    |
|-------|------------------------------------|
| Panel | : Norman Manoim (Presiding Member) |
|       | : Enver Daniels (Tribunal Member)  |

: Mondo Mazwai (Tribunal Member)  
Heard on : 21 September 2018  
Order issued on : 26 September 2018

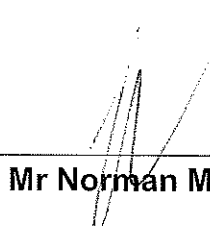
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## **ORDER**

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By consent the Competition Tribunal makes an order in the following terms:

1. Protea Automation Systems (Pty) Ltd ("PAS") will within 20 business days of the date of this order amend its complaint referral by replacing where appropriate its complaint referral form and affidavit ("the amendment");
2. Invensys PLC, Schneider Electric Systems (UK) Ltd and Eurotherm Limited ("Invensys"):
  - 2.1. will within 20 business days after having been served with the amendment serve and file their answer to the amendment;
  - 2.2. reserve their right to raise a defence in terms of section 67(2) of the Competition Act 89 of 1998 by way of a special plea;
3. PAS will pay Invensys' taxed or agreed costs of the exception proceedings.



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**Mr Norman Manoim**

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**26 September 2018**  
**Date**

**Concurring: Mr Enver Daniels and Ms Mondo Mazwai**

Tribunal case manager : Ms Hlumelo Vazi  
For the first to third applicant : Adv A Gotz instructed by Assheton-Smith Incorporated.  
For the first respondent : Adv M Brassey SC and Adv S Georgiou instructed by Duncan Okes Incorporated.