



## COMPETITION TRIBUNAL OF SOUTH AFRICA

**Case No.: CR212Feb17/Sep133Jul17**

*In the separation application between:*

Competition Commission of South Africa

**Applicant**

and

Bank of America Merrill Lynch International Limited

**First Respondent**

BNP Paribas

**Second Respondent**

JP Morgan Chase & Co

**Third Respondent**

JP Morgan Chase Bank N.A

**Fourth Respondent**

Australia and New Zealand Banking Group Limited

**Fifth Respondent**

Standard New York Securities Inc

**Sixth Respondent**

Investec Limited

**Seventh Respondent**

Standard Bank of South Africa Limited

**Eighth Respondent**

Nomura International Plc

**Ninth Respondent**

Standard Chartered Bank

**Tenth Respondent**

Credit Suisse Group

**Eleventh Respondent**

Commerzbank AG

**Twelfth Respondent**

Macquarie Bank Limited

**Thirteenth Respondent**

HSBC Bank Plc

**Fourteenth Respondent**

**Case No.: CR212Feb17/DSC027Apr17**

*Also in the matter between:*

Standard Bank of South Africa Limited

**Applicant**

and

Competition Commission of South Africa

**Respondent**

---

Panel : N Manoim (Presiding Member)  
Y Carrim (Tribunal Member)  
M Mokuena (Tribunal Member)

Heard on : 28 August 2017

Decided on : 05 September 2017

---

## **ORDER**

---

The Tribunal orders the following-

1. All exceptions to the Competition Commission's ("Commission") complaint referral ('the referral') will be heard-

- 1.1. At the same time and thematically. This would include a contemplated exception brought by HSBC Bank Plc provided it has been filed by no later than 04 September 2017; and
- 1.2. Subject to paragraph 2 (two) below irrespective of the form of the exception i.e. whether taken by way of affidavit, notice, or correspondence to the Commission.

2. The hearing of the exception applications will be-

- 2.1. Set-down for three days of hearing on 24 to 26 January 2018;
- 2.2. Confined to hearing of so called "pure" exceptions i.e. those based on the referral as supplemented and which do not require consideration of facts outside of those contained in the referral. No exceptions in the form of so called "special pleas" or in the nature of a defence to the referral will be heard provided that parties whose objections included special pleas shall not be precluded from arguing their pure exceptions; and
- 2.3. Otherwise conducted in accordance with the directions attached as "Annexure A".

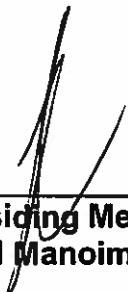
3. The Standard Bank application for access to the record will be set-down for 18 September 2017 and in respect of that application the following directions for further filings are given-

- 3.1. The Commission's answering affidavit, if any, is to be filed by no later than 1 September 2017; and
- 3.2. Standard Bank's replying affidavit, if any, is to be filed by no later than 8 September 2017.

4. No order is made in respect of the following-

- 4.1. Further joinder of respondents by the Commission;
- 4.2. Any supplementation of the complaint referral by the Commission;

- 4.3. Whether any party which filed a special plea included in its objections should have them struck out;
- 4.4. Any separation of the objections filed by the respondents beyond that contemplated in paragraph 2 above; and
- 4.5. Costs or any censure order in lieu of a costs order.



---

**Presiding Member  
Mr N Manoim**

**05 September 2017**  
**Date**

**Concurring: Ms Y Carrim and Ms M Mokuena**