

BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: 134/CR/DEC07

SOUTH AFRICAN BREWERIES LIMITED
and
COMPETITION COMMISSION

Applicant

Respondent

In the matter between:

COMPETITION COMMISSION

Applicant

and

SOUTH AFRICAN BREWERIES LIMITED1st Respondent**AFRICA'S BEER WHOLESALERS (PTY) LTD**2nd Respondent**BOLAND BEER DISTRIBUTORS (PTY) LTD**3rd Respondent**ERMELO BEER WHOLESALERS (PTY) LTD**4th Respondent**GREYTOWN BEER DISTRIBUTORS (PTY) LTD**5th Respondent**MAKHADO BEER WHOLESALERS (PTY) LTD**6th Respondent**MIDLANDS BEER DISTRIBUTORS (PTY) LTD**7th Respondent**MKUZE BEER WHOLESALERS (PTY) LTD**8th Respondent**SOUTHERN CAPE BEER DISTRIBUTORS (PTY) LTD**9th Respondent**STEFQUO (PTY) LTD**10th Respondent**VRYHEID BEER DISTRIBUTORS (PTY) LTD**11th Respondent**MADADENI BEER WHOLESALERS (PTY) LTD**12th Respondent**WESTONARIA BEER DISTRIBUTORS (PTY) LTD**13th Respondent**THOHOYANDOU BEER DISTRIBUTORS (PTY) LTD**14th Respondent

Panel : Norman Manoim (Presiding Member), Yasmin Carrim (Tribunal
Member), and Merle Holden (Tribunal Member)

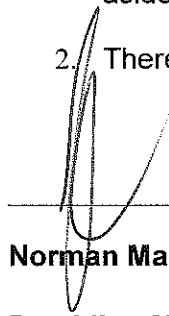
Heard on : 4-5 April 2011

Decided on : 7 April 2011

Order: Dismissal Application

After having heard the parties in relation to the application by the first respondent the following is ordered:

1. The purported referral of the complaints against the first respondent by the Competition Commission to the Competition Tribunal on or about 20 December 2007 under sections 4(1)(b)(ii), 5(1), 5(2) and 9(1) of the Competition Act 89 of 1998 (which complaints collectively make up the "first separated complaint" as referred to in the Order of the Competition Tribunal dated 13 May 2010) is set aside on the grounds that the Tribunal has no jurisdiction.
2. There is no order as to costs.



Norman Manoir

Presiding Member

Concurring: Yasmin Carrim and Merle Holden