

REPUBLIC
OF
SOUTH AFRICA



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GENERAL NOTICE

NOTICE 1939 OF 1999

DEPARTMENT OF TRADE AND INDUSTRY

COMPETITION COMMISSION RULES

These forms apply to the rules of The Competition Commission and are published in terms of section 21 (4) and section 78 of the Competition Act, 1998 (Act No. 89 of 1998).

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 1

About this Form

- This Form is issued in terms of section 44 of the Competition Act.
- This Form must be completed to the best of your ability, and submitted to the Competition Commission for consideration of your complaint.
- If this complaint is lodged by a company, please provide contact details of the person authorised to discuss the complaint.
- Generally, information relating to this complaint is not part of the public record unless the Commission refers the complaint to the Competition Tribunal. You have a right to identify information that you believe is confidential by completing Form CC7 and submitting it with this Form.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Complaint

To: The Competition Commission

From:

(Name of person or firm lodging complaint:)

Concerning:

(Name of person or firm whose conduct is the subject of this complaint:)

The nature of the complaint:

(Provide a concise statement of the conduct that is the subject of this complaint:)

Is the conduct still continuing?

Yes

☐

No

☐

If not, when did the conduct end? _____

Please attach to this form a typed document setting out a description of conduct that is the subject of this complaint.

(Please include the names of each party involved the conduct, dates on which the conduct occurred, when and how you became aware of the conduct, and any other information you consider relevant. Include copies of documents if possible.)

Name and Title of person authorised to sign:

Authorised Signature:

Date:

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 2

About this Form

- This Form is issued in terms of Competition Commission Rule 18.
- Attach to this Form a statement explaining the nature of your material interest affected by the respondent's practice.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Declaration of Material Interest

Date: _____

To: The Competition Commission and
Competition Tribunal

From: _____

(Name of person or firm declaring an interest:)

Concerning:

(Name and file number of complaint:)

Declaration:

I, _____,
declare that the respondent's practice that forms the subject matter of this complaint has affected or is affecting a material interest of myself, or the firm named above, if different. Particulars of this claim are set out on the attached sheet.

Name and Title of person authorised to sign: _____

Authorised Signature: _____

Date: _____

For Office
Use Only:

Commission file number: _____

Date filed: _____

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC3(1)

About this Form

- This form is issued in terms of section 10 of the Competition Act.
- If this application is on behalf of a firm, insert the name of the firm in the box to the right.
- This application must be accompanied by a typed statement of particulars listed in points 1 - 6, and a certified copy of the agreement if applicable, and must be signed by a person authorised by the applicant.
- Generally, information relating to this application is part of the public record. You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this application.
- An exemption or conditional exemption may be revoked if it is subsequently discovered that information provided by the applicant is incorrect. Please refer to s. 10(5) of the Act.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Application for Exemption (Chapter 2)

To: The Competition Commission

From:

(Name of Applicant:)

We apply in terms of section 10(1) of the Competition Act for an exemption from the application of Chapter 2 of the Act for:

☐ a single agreement ☐ a category of agreements

☐ a single practice ☐ a category of practices

as described in the attached document, which sets out the following particulars:

1. Our address in South Africa for service of documents.
2. A short description of our business.
3. A brief description of the agreement or practice and, if an agreement has already been made, its date.
4. The names and addresses of other parties to the proposed agreement or practice.
5. The basis in terms of s.10(3) of the Act on which we rely.
6. The facts and contentions on which we rely.

Has a previous exemption been granted in this matter?

☐ yes

☐ no

Name and Title of person authorised to sign:

Authorised Signature:

Date:

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 3 (2)

About this Form

- This Form is issued in terms of Schedule 1 of the Competition Act.
- Generally, information relating to this application is part of the public record. You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this application.
- Please check the appropriate boxes.

Application for Exemption (Schedule 1)

To: The Competition Commission

From:

(Name of Applicant Association:)

We apply in terms of Schedule 1 of the Competition Act to exempt the professional rules of the applicant association from the provisions of Part A of Chapter 2 of the Act because:

☐ the rules do not contain any restriction that has the effect of substantially preventing, or lessening, competition in a market

☐ the rules contain a restriction which, in terms of internationally applied norms, is reasonably required to maintain either the professional standards or the ordinary function of the profession.

This profession ☐ is registered ☐ is not registered in terms of a particular Act. (Insert name of Act:)

In an attached document, we set out the following particulars:

1. Our address in South Africa for service of documents.
2. The facts and contentions on which we rely.

Name of Minister or MEC referred to in item 2(c) of Schedule 1:

Authorised Signature:

Date:

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
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fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 4(1)

About this Form

- This Form is issued in terms of section 13 of the Competition Act.
- Two copies of this form, and a completed Statement of Merger Information in Form CC4(2), must be filed by either the primary acquiring firm, or the primary target firm, within seven days after the earlier of: (i) the conclusion of the merger agreement; (ii) the public announcement of a proposed merger bid; or (iii) the acquisition by any one of the parties to that merger, of a controlling interest of another.
- Within five days after filing this Notice, you must pay the prescribed filing fee.
- Complete and sign the Statement of Accuracy on page 2.

(Instructions continued on page 2.)

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
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tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Merger Notice

To: the Competition Commission

From:

(Name and address of firm reporting the merger:)

Please take notice of a merger, as defined in section 12 of the Competition Act, involving the reporting firm as :

☐ the primary
acquiring firm

☐ the primary
target firm

and involving _____ as

☐ the primary
acquiring firm

☐ the primary
target firm

The earliest of the relevant events listed in section 13(1) of the Act occurred on _____.

The names and principal address of all other acquiring or target firms as defined in Competition Commission Rule 25(1), and of all trade unions of the primary acquiring and primary target firms, are listed on an attached sheet.

Particulars of the merger are set out in the attached Statement of Merger Information, which forms part of this Notice.

Notices and other documents concerning this merger may be served on the following person at the address and contact number shown:

For Office
Use Only:

Commission file number:

Date filed:

Instructions Continued:

- After receiving a case number from the Commission, you must deliver a copy of this Notice and the attached Statement of Information, to: (a) every other party to the merger; and (b) the applicable persons referred to in section 13 (2) of the Competition Act, with respect to your own firm.
- You must file proof of delivery of the Merger Notice and Statement of Information as required with the Commission within ten days after filing this form.
- Parties to a merger must not implement that merger until they have received a certificate of approval, or condition approval, in terms of the Competition Act.
- A party to a merger who does not file a notice of that merger as required by the Competition Act may be fined an administrative penalty of up to 10% of the party's annual turnover in the Republic.
- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Notice does not provide correct and complete information.

Form CC4(1) - Page 2

(Name and file number of merger:)

Certification of Accuracy:

I, _____, have prepared, or supervised those who prepared, this Notice of Merger.

To the best of my knowledge, the information contained in this document is true, correct and complete in terms of the Competition Act and Competition Commission Rules, except to the extent that I have indicated -

- (a) that requested data is not available in books or records, and reasonable estimates have been used instead; or
- (b) complete information has not been provided because it is unavailable, in which case I have provided an explanation for the information being unavailable.

I understand -

- (a) that it is an offence in terms of the Competition Act to provide false information to the Competition Commission in any manner, including in these documents; and
- (b) that sections 73 and 74 of the Competition Act provide for a penalty of a fine, or imprisonment, or both, if I am found guilty of knowingly providing false information to the Competition Commission.

Name and Title of person authorised to sign:

Authorised Signature:

Date:

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 4(2)

About this Form

- This Form is issued in terms of section 13 of the Competition Act, and must be filed by the Primary Acquiring Firm, and the Primary Target firm involved in a merger.
- Attach to this Form the following items:
 - a) the most recent version of all documents constituting the merger agreement;
 - b) each report assessing the transaction with respect to competitive conditions;
 - c) your most recent annual report;
 - d) your most recent business plan for each product or service identified in this statement;
 - e) each report you provided the Securities Regulation Panel
- You may include any other relevant information that you want the Commission to

Contacting the Commission

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Private Bag X23
Lynnwood Ridge
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tel: 27 012 482 9000
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e-mail: ccsa@compcom.co.za

Statement of Merger Information

To: the Competition Commission

From:

(Name of firm filing this Statement:)

If you did not file the Merger Notice, please check one of the following:

☐

we consent to being represented in this merger proceeding by the firm that filed the Merger Notice.

☐

we will participate in this merger proceeding.

On a separate sheet of paper, provide the following information in the order listed.

Identification:

1. State the name and principal business address of the party filing this Notice.
2. State the name and principal business address of all firms directly or indirectly controlling you.
3. List the name and principal business address of each firm directly or indirectly controlling you.
4. List the name and principal business address of each firm you directly or indirectly control.
5. If you are an acquiring party, and you or any of the firms controlling you are owned or controlled by a member of a historically disadvantaged group as defined in Section 3(2) of the Competition Act, state the name(s) of the person(s) and the nature and extent of their ownership or control.

For Office
Use Only:

Commission file number:

Date filed:

Form CC 4(2) Page 2

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.

- Generally, information relating to this merger is not part of the public record while the Commission is considering the merger. However, if the merger is referred to the Tribunal, information relating to it becomes a public record.

You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

- When describing the merger, please indicate any relevant facts concerning the impact of the merger on employment, or other public interest issues set out in section 16 (3) of the Act.

6. State your annual turnover in South Africa for your preceding financial year and the range of months covered by your financial year.
7. State the value of your assets in South Africa as of the date of the Merger Notice.
8. State your annual turnover in South Africa as of the date of the Merger Notice.

Transaction Information:

9. Indicate whether you (the party filing this Notice) are:

- ☐ acquiring assets, shares, or other interests.
- ☐ selling assets, shares, or other interests.
- ☐ both acquiring and selling assets, shares, or other interests.

10. Describe the merger, including: the parties to the transaction; the assets, shares, or other interests being acquired; whether the assets, shares, or other interests are being purchased, leased, combined or otherwise transferred; the consideration; the contemplated timing for any major events required to bring about the completion of the transaction; and the intended structure of ownership and control of the completion of the merger.

Products and Services:

11. Identify each product that you or another acquiring firm (or target firm, if applicable) sell, and each service you or that other firm provide in South Africa. Identify only products and services that you believe are considered by buyers as reasonably interchangeable with, or a substitute for, a product or service provided in South Africa by another party to the merger. Use Standard Industrial Codes to identify products, if possible.
12. For each identified product or service, state the geographic area(s) in the Republic in which you sell and in which there are other sellers whom buyers may consider to be reasonably interchangeable or substitutable.
13. For each identified product or service, identify the five producers or providers in each of the identified geographic areas with the largest estimated turnover in value and their estimated share of the total turnover during the last full 12 months.
14. For each identified product or service, state your turnover in each of the identified geographic areas for the last full 12 months.

Contacting the Commission

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e-mail: ccsa@compcom.co.za

Form CC 4(2)
Page 3

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.
- Generally, information relating to this merger is not part of the public record while the Commission is considering the merger. However, if the merger is referred to the Tribunal, information relating to it becomes a public record.

You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

Contacting the Commission

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15. For each identified product or service, identify your five customers in each of the geographic areas with the largest purchases in value for the last full 12 months.

Business Relationships Among Parties:

State the name of any other Acquiring firm(or Target firm, if applicable) that sells to you, identify the product or service sold, and show the value of each product or service during your preceding financial year.

<i>Supplier</i>	<i>Product or Service</i>	<i>Value</i>

Form CC 4(2)

Page 4

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.
- Generally, information relating to this merger is not part of the public record while the Commission is considering the merger. However, if the merger is referred to the Tribunal, information relating to it becomes a public record.

You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

Certification of Accuracy:

I, _____, have prepared, or supervised those who prepared, this Notice of Merger.

To the best of my knowledge, the information contained in this document is true, correct and complete in terms of the Competition Act and Competition Commission Rules, except to the extent that I have indicated -

- (a) that requested data is not available in books or records, and reasonable estimates have been used instead; or
- (b) complete information has not been provided because it is unavailable, in which case I have provided an explanation for the information being unavailable.

I understand -

- (a) that it is an offence in terms of the Competition Act to provide false information to the Competition Commission in any manner, including in these documents; and
- (b) that sections 73 and 74 of the Competition Act provide for a penalty of a fine, or imprisonment, or both, if I am found guilty of knowingly providing false information to the Competition Commission.

Name and Title of person authorised to sign:

Authorised Signature:

Date:

Contacting the Commission

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Private Bag X23
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e-mail: ccsa@compcom.co.za

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 4(3)

About this Form

- This Form is issued in terms of section 13 of the Competition Act, and must be filed by each party to a merger that is not either the Primary Acquiring Firm or the Primary Target Firm.
- Attach to this Form the following items:
 - a) annual report;
 - b) your most recent business plan for each product or service identified in this statement;
 - c) each report you provided the Securities Regulation Panel within the past 12 months.
- You may include any other relevant information that you want the Commission to consider.

(Continued on next page)

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Statement of Merger Information

To: the Competition Commission

From:

(Name of firm filing this Statement:)

The above named firm:

☐ consents to being represented in this merger proceeding by the firm that filed the Merger Notice.

☐ will participate in this merger proceeding.

On a separate sheet of paper, provide the following information in the order listed.

Identification:

1. State the name and principal business address of the party filing this Notice.
2. State the name and principal business address of each firm directly or indirectly controlling you.
3. List the name and principal business address of each firm directly or indirectly controlling you.
4. List the name and principal business address of each firm you directly or indirectly control.
5. If you are an acquiring party, and you or any of the firms controlling you are owned or controlled by a member of a historically disadvantaged group as defined in Section 3(2) of the Competition Act, state the name(s) of the person(s) and the nature and extent of their ownership or control.

For Office
Use Only:

Commission file number:

Date filed:

Form CC 4 (3) Page 2

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.
- Generally, information relating to this merger is not part of the public record while the Commission is considering the merger. However, if the merger is referred to the Tribunal, information relating to it becomes a public record.

You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

8. State your annual turnover in South Africa for your preceding financial year and the range of months covered by your financial year.
9. State the value of your assets in South Africa as at the date of the Merger Notice
10. State your annual turnover in South Africa as at the date of the Merger Notice

Products and Services:

11. Identify each product that you or another acquiring firm (or target firm, if applicable) sell, and each service you or that other firm provide in South Africa. Identify only products and services that you believe are considered by buyers as reasonably interchangeable with, or a substitute for, a product or service provided in South Africa by another party to the merger. Use Standard Industrial Codes to identify products, if possible.
12. For each identified product or service, state the geographic area(s) in the Republic in which you sell and in which there are other sellers whom buyers may consider to be reasonably interchangeable or substitutable.
13. For each identified product or service, state the estimated total turnover of all suppliers in each of the identified geographical areas for the last full 12 months.
14. For each identified product or service, identify the five producers or providers in each of the identified geographic areas with the largest estimated turnover in value and their estimated share of the total turnover during the last full 12 months.
15. For each identified product or service, identify your five customers in each of the geographic areas with the largest purchases in value for the last full 12 months.

(Continued on next page)

Contacting the Commission

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fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Form CC 4 (3)
Page 3

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.
- Generally, information relating to this merger is not part of the public record while the Commission is considering the merger. However, if the merger is referred to the Tribunal, information relating to it becomes a public record.

You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

Contacting the Commission

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Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Business Relationships with Other Parties to the Merger:

State the name of any other Acquiring firm(or Target firm, if applicable) that sells to you, identify the product or service sold, and show the value of each product or service during your preceding financial year.

<i>Supplier</i>	<i>Product or Service</i>	<i>Value</i>

Form CC 4 (3)**Page 4**

- Approval, or conditional approval of a merger may be revoked if it is subsequently discovered that this Statement of Information is not accurate.
- Generally, information relating to this merger is part of the public record. You have a right to identify information that you believe is confidential, by completing Form CC7 and submitting it with this Statement.

Certification of Accuracy:

I, _____, have prepared, or supervised those who prepared, this Statement of Information.

To the best of my knowledge, the information contained in this document is true, correct and complete in terms of the Competition Act and Competition Commission Rules, except to the extent that I have indicated -

- (a) that requested data is not available in books or records, and reasonable estimates have been used instead; or
- (b) complete information has not been provided because it is unavailable, in which case I have provided an explanation for the information being unavailable.

I understand -

- (a) that it is an offence in terms of the Competition Act to provide false information to the Competition Commission in any manner, including in these documents; and
- (b) that sections 73 and 74 of the Competition Act provide for a penalty of a fine, or imprisonment, or both, if I am found guilty of knowingly providing false information to the Competition Commission.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Name and Title of person authorised to sign:

Authorised Signature:

Date:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 5 (1)

About this Form

- This Form is issued in terms of Competition Commission Rule 25(2)(c).
- Please name in the space provided the firm or firms involved in this merger in which you represent workers.

Notice of Intention to Participate [13(2)]

To: The Competition Commission

From:

(Name of Trade Union or employee's representative:)

We represent workers in the following firm:

and we intend to participate in the following merger proceeding, which concern that firm:

(Name and number of merger file:)

Name and Title of person authorised to sign:

Authorised Signature:

Date:

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 5 (2)

About this Form

- This Notice is issued in terms of Competition Commission Rule 30.

Notice of Minister's Intention to Participate

To: The Competition Commission, the Competition Tribunal and the Competition Appeal Court.

From: The Minister of Trade and Industry

(Name and file number of merger:)

Take notice that the Minister of Trade and Industry intends to participate in proceedings concerning the above named merger, as provided for in Chapter 3 of the Competition Act, the Competition Commission Rules, Competition Tribunal Rules and the Rules of the Competition Appeal Court.

Name and Title of person authorised to sign:

Authorised Signature:

Date:

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 6

About this Form

- This Form is issued in terms of Competition Commission Rule 28.
- Within 3 days after filing this document, you may file a substitute notice or statement, without paying an additional fee.
- You must deliver a copy of a substitute document to any person who was entitled to the original document, in terms of section 13 of the Act, or in terms of the Competition Commission Rules.
- Please refer to Competition Commission Rules 28 and 29.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Withdrawal Notice

To: The Competition Commission

From:

(Name of participant:)

(Name and file number of merger:)

Take Notice that the above named participant withdraws the document indicated below, which was filed by the participant on _____.

☐ Merger Notice

☐ Statement of Merger Information

Name and Title of person authorised to sign:

Authorised Signature:

Date:

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Form CC 7

About this Form

- This Form is issued in terms of Competition Commission Rule 13.
- The Commission must treat confidentially any information identified by you this form, but may refer it to the Competition Tribunal to determine whether the information is confidential in terms of the Act. You will be notified if your claim is referred to the Tribunal.
- Until the Tribunal makes a decision about your information, it will be treated as confidential by the Commission, subject to any public notice requirements set out in the Act or Rules. Please see Competition Commission Rule 13.
- Confidential information means trade, business or industrial information that belongs to a firm, has a particular economic value, and is not generally available to or known by others.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsc@compcom.co.za

Claim that Information is Confidential

To: the Competition Commission and
the Competition Tribunal

Concerning:

(Name and file number:)

On a separate sheet of paper, list the following information, and set out the facts and contentions supporting your claim that the identified information is confidential.

Column 1 - name of the document that contains the confidential information.

Column 2 - the page and line number at which the confidential information begins and ends.

Column 3 - the name of the firm that owns the particular information.

Column 4 - the nature of the economic value of the information.

Column 5 - the existing restrictions on access to the information.

Statement of confidentiality:

I, _____,
compiled, or supervised the persons who compiled, the attached list. I
believe that the information identified in that list is confidential information
as defined in section 1(1)(iii) of the Competition Act.
Name and Title of person authorised to sign:

Authorised Signature:

Date:

For Office
Use Only:

Commission file number:

Date filed:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 8

About this Notice

- This notice is issued in terms of section 50 of the Competition Act.
- Any person whose Declaration of Material Interest in connection with this complaint was accepted by the Commission may refer the complaint directly to the Competition Tribunal in Form CT 1(2), within 20 business days after the date of this notice. Please refer to Competition Tribunal Rules 15 to 17.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Notice of Non-referral of Complaint

Date: _____

Concerning:

(Name and file number of complaint:)

The Competition Commission initiated or accepted a complaint against the above named respondent on: _____

Having completed its investigation, or the time having expired for referring the complaint to the Tribunal in terms of Competition Commission Rule 19(2), the Competition Commission gives notice that it will not refer this complaint to the Competition Tribunal in terms of section 50 of the Competition Act.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 9 (1)

About this Notice

- This notice is issued in terms of section 10(2)(a) of the Competition Act and Competition Commission Rule 21(4)(b).
- Competition Commission Rule 21(5), (6) and (7) apply in respect of withdrawal or revocation of this notice
- In terms of Competition Commission Rule 21(5)(c) the Commission may not initiate or accept a complaint against the applicant in respect of the practice referred to in this advice -
 - (a) without first withdrawing or revoking this advice, or
 - (b) for anything done by the applicant between the date of this advice and the date it is withdrawn or revoked.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Advice Concerning a Prohibited Practice

Date: _____

To: _____

(Name and file number of application:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act.

After reviewing the information you provided, the Competition Commission advises as follows:

- The Commission does not consider the agreement or practice described by the applicant to be a prohibited practice in terms of Chapter 2 of the Competition Act, 1998.
- The Competition Commission has the authority to:
 - (a) reconsider its view of the subject practice or agreement at any time;
 - (b) withdraw this notice and advice upon 90 days notice, at any time and for any reason; or
 - (c) revoke this notice upon 5 business days notice, if the commission determines that the advice was given on the basis of false or incorrect information.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 9 (2)

About this Notice

- This notice is issued in terms of Competition Commission Rule 21(5).
- Please see Competition Commission Rule 21(5) and (6) concerning this notice.
- In terms of Competition Commission Rule 21(5)(c), the Commission may not initiate or accept a complaint against you in respect of the practice referred to in this matter for anything done between the date of the advice that is being withdrawn and the date of this notice.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Withdrawal of Advice (Rule 21(5))

Date: _____

To:

(Name of Applicant:)

(Name and file number of merger:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act.

After reviewing the information you provided, the Competition Commission advised on _____ that it did not consider the agreement or practice described by you to be a prohibited practice in terms of Chapter 2 of the Competition Act, 1998.

In terms of Competition Commission Rule 21(5), the Competition Commission now withdraws the advice set out in our notice to you for the reasons set out in the attached Reasons for Decision.

This notice takes effect 90 days after the date it is issued.

The Competition Commission will now evaluate your original application for exemption to determine whether the agreement or practice may be exempted in terms of section 10(a) of the Act, and invites you to submit any new information relevant to your application.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 9 (3)

About this Notice

- This notice is issued in terms of section 10(5)(a) of the Competition Act.
- You may apply to the Competition Tribunal to review this decision within 5 business days. Please see Rule 21(6) of the Competition Rules.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Revocation of Advice (Rule 21(6))

Date: _____

To:

(Name of Applicant:)

(Name and file number of merger:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act.

After reviewing the information you provided, the Competition Commission advised on _____ that it did not consider the agreement or practice described by the applicant to be a prohibited practice in terms of Chapter 2 of the Competition Act, 1998.

In terms of section 10(5)(a) of the Act, the Competition Commission now revokes the advice set out in our notice to you for the reasons set out in the attached Reasons for Decision, and on the grounds that the advice was given on the basis of false or incorrect information provided by you.

This notice takes effect 5 business days after the date of this notice.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 10(1)

About this Notice

- This notice is issued in terms of section 10 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Exemption Certificate (Chapter 2)

Date: _____

To:

(Name of Applicant and file number:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act.

Because the subject practice or agreement contributes to the objective set out in section 10(3)(b) _____ of the Act, the Competition Commission grants an exemption in terms of section 10(3) of the Act for a period of _____ years ending on _____ for:

- ☐ a single agreement ☐ a category of agreements
☐ a single practice ☐ a category of practice

as described in your application. This exemption is subject to:

- ☐ no conditions.
☐ the conditions listed on the attached sheet.

The Competition Commission has the authority in terms of section 10(5) of the Competition Act to revoke this exemption if

- (a) the exemption was granted on the basis of false or incorrect information.
(b) a condition for the exemption is not fulfilled.
(c) the reason for granting the exemption no longer exists.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 10(2)

About this Notice

- This notice is issued in terms of Schedule 1 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Exemption Certificate (Schedule 1)

Date: _____

To:

(Name of Applicant Association:)

You applied to the Competition Commission on _____
for an exemption from Schedule 1 of the Competition Act.

After reviewing the information you provided, the Competition Commission grants an exemption in terms of section 10(2)(b) of the Act for the rules of your professional association. This exemption is subject to:

☐ no conditions.

☐ the conditions listed on the attached sheet.

The Competition Commission has the authority in terms of item 3 of Schedule 1 of the Competition Act to revoke this exemption on good cause shown.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 11(1)

About this Notice

- This notice is issued in terms of section 10 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Refusal to Grant Exemption (Chapter 2)

Date: _____

To:

(Name of Applicant:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act for

☐ a single agreement ☐ a category of agreements

☐ a single practice ☐ a category of practices

as described in your application.

After reviewing the information you provided, the Competition Commission declines an exemption in terms of section 10(2)(b) of the Act for the reasons set out in the attached Reasons for Decision.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 11(2)

About this Notice

- This notice is issued in terms of Schedule 1 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Rejection of Application (Schedule 1)

Date: _____

To:

(Name of Applicant Association:)

You applied to the Competition Commission on _____
for an exemption in terms of Schedule 1 of the Act, for your Association's Professional Rules.

After reviewing the information you provided, and consulting as required by the Act, the Competition Commission has concluded that the rules of your association fail to meet the requirements set out in item 1 of Schedule 1 of the Act, and therefore rejects your application for the reasons set out in the attached Reasons for Decision.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 12(1)

About this Notice

- This notice is issued in terms of section 10 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Revocation of Exemption (Chapter 2)

Date: _____

To:

(Name of Applicant:)

You applied to the Competition Commission on _____
for an exemption from Chapter 2 of the Competition Act.

After reviewing the information you provided, the Competition Commission granted an exemption in terms of section 10(2)(b) of the Act for a period of _____ years ending on _____ for:

☐ a single agreement ☐ a category of agreements
☐ a single practice ☐ a category of practices

as described in your application.

In terms of section 10(5) of the Competition Act, the Competition Commission advises that the exemption granted on _____
is revoked with effect from _____
for the reasons set out in the attached Reasons for Decision.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 12(2)

About this Notice

- This notice is issued in terms of Schedule 1 of the Competition Act.
- You, or any other person with a substantial material interest affected by this decision, may appeal this decision to the Competition Tribunal within 30 days after it has been published in the Gazette.
- You must use Form CT7 to lodge an appeal.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Revocation of Exemption (Schedule 1)

Date: _____

To:

(Name of Applicant Association:)

You applied to the Competition Commission on _____
for an exemption in terms of Schedule 1 of the Competition Act.

After reviewing the information you provided, the Competition Commission granted the exemption applied for.

In terms of item 3(1) of Schedule 1 of the Competition Act, the Competition Commission advises that the exemption granted on _____
is revoked with effect from _____
for the reasons set out in the attached Reasons for Decision.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 13

About this Notice

- This notice is issued in terms of Competition Commission Rule 27.
- If you fail to complete or correct your information or file proof of delivery as required by this notice, the Commission may reject your Merger Notice, or Statement of Merger Information, or both. If that happens, for all purposes of the Competition Act you will be deemed to have failed to notify the Commission of the merger as required by the Act.
- You have the right to withdraw your Notice of Merger or Statement of Merger Information and, within 3 days, file a substitute Notice or Statement without additional fee or penalty. Please refer to Commission Rules 28 and 29.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Incomplete Merger Notice

Date: _____

To:

(Name of firm:)

(Name and file number of merger:)

On _____, you submitted the document or documents noted below in connection with the above named merger, as required by the Competition Act and Competition Commission Rules.

☐

Merger Notice

☐

Statement of Merger Information

Please be advised that:

☐

The Merger Notice is materially incomplete or inaccurate for the reasons set out on the attached sheet.

☐

The Statement of Merger Information is materially incomplete or inaccurate for the reasons set out on the attached sheet.

☐

You have failed to file proof of delivery of the documents as required by the Act and Rules.

Within 5 days after receiving this Notice, you must file additional information, correct your previous submissions, or file proof of delivery as applicable.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 14

About this Notice

- This notice is issued in terms of section 14 of the Competition Act.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Extension Certificate

Date: _____

To all participants in:

(Name and file number of merger:)

The merger referred to above was reported to the Competition Commission on _____.

In terms of section 14(1)(a) of the Competition Act, the Competition Commission extends until _____ the period within which it may consider the proposed merger.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 15

About this Notice

- This notice is issued in terms of section 14 of the Competition Act.
- If this merger is subject to any conditions, the primary acquiring firm or primary target firm to the merger may request the Competition Tribunal to consider the merger by filing a Request for Consideration in Form CT4 within 15 days after the date of this certificate. Please see Tribunal Rules 33 through 35.
- If a firm appears to have breached an obligation that is part of this approval, before taking any action to revoke this approval, the Competition Commission must deliver to that firm a Notice of Apparent Breach in Form CC19. Please refer to Commission Rules 34 and 35.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Merger Clearance Certificate

Date: _____

To:

(Name and file number of merger:)

You applied to the Competition Commission on _____ for merger approval in accordance with Chapter 3 of the Competition Act.

After reviewing the information you provided, the Competition Commission approves the merger in terms of section 14(1)(b) of the Act, for the reasons set out in the Reasons for Decision.

This approval is subject to:

- ☐ no conditions.
- ☐ the conditions listed on the attached sheet.

The Competition Commission has the authority in terms of section 14(5) of the Competition Act to revoke this approval if

- it was granted on the basis of incorrect information for which a party to the merger was responsible.
- the approval was obtained by deceit.
- a firm concerned has breached an obligation attached to this approval.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 16

About this Notice

- This notice is issued in terms of section 14 of the Competition Act.
- The primary acquiring firm or primary target firm may request the Competition Tribunal to consider the prohibition of this merger by filing a Request for Consideration in Form CT4 within 14 days after the date of this certificate. Please see Tribunal Rules 33 through 35.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Prohibition of Merger

Date: _____

To:

(Name and file number of merger:)

You applied to the Competition Commission
on _____ for merger approval in accordance
with Chapter 3 of the Competition Act.

After reviewing the information you provided, the Competition Commission prohibits this merger in terms of section 14(1)(b) of the Act for the reasons set out in the Reasons for Decision.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 17

About this Notice

- This notice is issued in terms of section 14 of the Competition Act.

Referral of Large Merger

Date: _____

To: The registrar, Competition Tribunal, and
The Minister of Trade and Industry

(Name and file number of merger:)

In terms of section 14 of the Competition Act, the Commission recommends that the above referenced merger be:

☐ Approved

☐ Approved on the conditions noted on the attached sheet

☐ Prohibited

for the reasons set out in the attached Reasons for Recommendation.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 18

About this Notice

- This notice is issued in terms of section 14 of the Competition Act.
- Within 10 days after receiving this Notice, the primary acquiring firm may request the Competition Tribunal to review it.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Revocation of Merger Decision

Date: _____

To: _____

(Name and file number of merger:)

You applied to the Competition Commission on _____
for merger approval in terms of Chapter 3 of the Competition Act.

After reviewing the information you provided, the Competition Commission granted approval in terms of section 14(1)(b) of the Act..

In terms of section 14(5) of the Competition Act, the Competition Commission advises that the approval granted on _____
is revoked with effect from _____
for the reasons set out in the attached Reasons for Decision.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 19

About this Notice

- This notice is issued in terms of Competition Commission Rule 34.
- Within 10 days after receiving this notice, you must either submit to the Commission a plan to remedy the breach, or request the Competition Tribunal to review this notice in terms of Commission Rule 34(2).
- If you fail to act within 10 days as required, the Competition Commission may proceed to revoke the approval of your merger, or to seek an administrative fine.
- Please refer to Commission Rules 34 and 35.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Notice of Apparent Breach

Date: _____

To:

(Name of participant:)

(Name and file number of merger:)

You applied to the Competition Commission on _____
for merger approval in terms of Chapter 3 of the Competition Act.

On _____, your merger was approved subject
to certain conditions.

It appears to the Competition Commission that you have breached an
obligation that was part of the approval of your merger, as noted on the
attached sheet.

The Competition Commission is considering revoking the approval of
your merger, in terms of section 14(5) of the Competition Act, or request-
ing the Tribunal to impose an administrative penalty in terms of section
61(1)(c)(iii) of the Act.

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 20

About this Notice

- This notice is issued in terms of section 45 of the Competition Act.

Commission Summons

To:

Concerning:

(Name and file number:)

An investigation concerning this matter has been commenced by the Competition Commission.

You are required to appear at

and give evidence before the Competition Commission
on _____
at _____ o'clock, in the morning/afternoon.

You are also required to bring with you:

(a) the documents or items listed on the attached _____
sheet(s); and

(b) any other documents or items in your possession
or under your control that relate to this matter.

Issued by the Commissioner on _____ in
terms of section 45(4) of the Competition Act.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Name and Title of person authorised to sign on behalf of the
Competition Commission:

Authorised Signature:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 21

About this Notice

- This notice is issued in terms of section 49 of the Competition Act.

- Section 49(4) of the Act reads:

A person who removes anything from a premises being search must -

a) issue a receipt for it to the owner of, or person in control of, the premises; and

b) return it as soon as practicable after achieving the purpose for which it was removed.

- Section 49(5) of the Act reads:

During a search, a person may refuse to permit the inspection or removal of an article or document on the grounds that it contains privileged information.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Receipt for Items Removed

Date: _____ Receipt # _____

To:

(Name of person from whom items were received:)

Concerning:

(Name and file number:)

I, (inspector's name: _____)
on behalf of the Competition Commission, acknowledge receiving from you the items listed below, and on the attached ____ sheet(s), which I removed from the following premises, during a search conducted in terms of section 49 of the Competition Act, on _____.

(Address of premises:)

(Items received:)

Inspector:

COMPETITION COMMISSION

REPUBLIC OF SOUTH AFRICA

Notice CC 22

- This notice is issued in terms of section 24 of the Competition Act.

- Section 24(4) of the Act reads:

When an inspector performs any function in terms of Chapter 5, the inspector must -

a) be in possession of a certificate of appointment issued to that inspector in terms of subsection 3; and

b) show that certificate to any person who is affected by the exercise of the functions of the inspector and requests to see the certificate.

Appointment of Inspector

Date: _____

To:

(Name of Inspector:)

I hereby appoint you as an inspector to perform functions in terms of Chapter 5 of the Competition Act 1998, with effect from _____.

_____, Commissioner.

Contacting the Commission

The Competition Commission
Private Bag X23
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 012 482 9000
fax: 27 012 482 9001
e-mail: ccsa@compcom.co.za

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

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