
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ECONOMIC DEVELOPMENT**NO. 423****13 APRIL 2018****COMPETITION COMMISSION**

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED):

REFUSAL TO GRANT THE WESTERN CAPE CITRUS PRODUCERS FORUM EXEMPTION: CASE NUMBER 2015OCT0555

1. On 8 October 2015, the Western Cape Citrus Producers Forum, which is currently known as "Summer Citrus" applied to the Competition Commission of South Africa ("the Commission") in terms of section 10(1) of the Competition Act, No. 89 of 1998, as amended ("the Act") to be exempted from certain provisions of Chapter 2 of the Act.
2. The exemption application by Summer Citrus relates to the category of agreement and /or practices concluded by its member growers to continue with their coordination of export activities to the United States of America ("the USA"). The Commission had previously granted Summer Citrus two exemptions in terms of section 10(3)(b)(i) of the Act for the same conduct. Summer Citrus was in essence applying for another exemption to allow its member growers to continue with their coordination of export activities of citrus fruit for another period of five (5) years, commencing on 16 June 2016 and ending in June 2021.
3. However, during the evaluation of the exemption application, in considering appropriate conditions for the exemption, the Commission raised its concerns regarding lack of transformation within Summer Citrus membership. In particular, the Commission is concerned that Summer Citrus has not been adequately extending some of the benefits of the previous exemptions granted to it to previously disadvantaged individuals ("PDIs") through transformation programmes.
4. Summer Citrus has since taken a decision to abandon its exemption application.

5. Notice is hereby given in terms of section 10(7) of the Act that the Commission has, decided to refuse to grant Summer Citrus an exemption.
6. It should however be noted that in terms of section 10(8) of the Act, Summer Citrus or any other person with substantial financial interest affected by the Commission's decision may appeal it to the Competition Tribunal in the prescribed manner.

Further queries in this regard should be directed to either:

Mrs. Mamontshi Keleme

The Competition Commission of SA
Enforcement and Exemptions Division,
Private Bag X23,
Lynnwood Ridge, 0040

Or by facsimile: (012) 394 2829

Or by e-mail: mamontshik@compcom.co.za

In correspondence, kindly refer to the following case number: **2015Oct0555**