

NOTICE 597 OF 2011

Date: 17 August 2011

COMPETITION COMMISSION**NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): WCCPF GRANTED UNCONDITIONAL EXEMPTION**

On 20 October 2010, the Western Cape Citrus Producers Forum (herein referred to as "WCCPF"), on behalf of its members, applied to the Competition Commission ("the Commission"), in terms of Section 10(1)(b) of the Act, to be exempted from certain provisions of Section 4 of the Competition Act, No.89 of 1998, as amended ("the Act"). The exemption was sought for a period of five (5) years, ending on 30 June, 2016.

Notice is hereby given in terms of Section 10(7) of the Act, that the Commission has, in response to the above mentioned application, granted the WCCPF unconditional exemption in terms of Section 10(2)(a) of the Act for a period of **five (5) years, commencing on 30 June 2011 and ending on 30 June 2011**. The exemption will ensure that different types of citrus fruits are collectively exported to the USA market by the members of the WCCPF.

The exemption applied for and granted by the Commission covers a wide range of activities which, according to the WCCPF, are required to ensure the maintenance and promotion of citrus exports to the USA market. In particular, the exemption covers **ALL** activities by members of the WCCPF which are considered by the Commission to be in contravention of Sections 4(1)(b)(ii) of the Act.

The WCCPF based its application on the premise that the aforesaid activities are required to obtain the objective set out under Section 10(3)(b)(i) of the Act.

After the analysis of the facts, the Commission is satisfied that the WCCPF's exemption will contribute towards maintaining and promoting citrus fruit exports to the USA market. The Commission found that the exempted conduct does not have an impact on competition in the domestic market for citrus fruit.

The WCCPF or any other person with substantial financial interest affected by this decision may appeal it to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Act.

Further queries should be directed to either:

Mr Yongama Njisane / Ms Mapato Rakhudu-Ramokgopa
Competition Commission of SA
Enforcement and Exemptions Division,
Private Bag X23,
Lynnwood Ridge, 0040

Facsimile: (012) 394 4405 / (012) 394 4268

Email: yongaman@compcom.co.za / mapator@compcom.co.za

In correspondence kindly refer to the following case number: 2010Oct5428