



Competition Commission
Attention: Ms Louis du Plessis

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Your reference

Our reference

Date

RH Wilson
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15 June 2016

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Dear Sirs

GROCERY RETAIL SECTOR MARKET INQUIRY ("INQUIRY"): COMMENTS ON ADMINISTRATIVE TIMELINES

1. As you know, we act for Woolworths Proprietary Limited ("**Woolworths**").
2. We refer to the information session convened by the Panel of the Inquiry ("**Panel**") on 17 May 2016 at which the following documents were issued: (i) draft Statement of Issues; (ii) draft Guidelines; and (iii) draft Administrative Timelines. During the information session, the Chairperson of the Inquiry invited submissions on these documents.
3. Woolworths does not wish to now comment on the subject matter of the Inquiry as discussed in the draft Statement of Issues and the Inquiry's earlier Terms of Reference. Woolworths reserves the right to do so when making its full written submissions to the Panel.
4. Woolworths now simply wishes to comment on the draft Administrative Timelines. In summary, Woolworths respectfully submits that the proposed timelines are too short and that this will compromise the Inquiry and prejudice stakeholders.
5. More particularly, as Woolworths noted in its comments of 3 July 2015 on the Inquiry's draft Terms of Reference, grocery retailers are typically capacity constrained over the year-end holiday period as this is their busiest trading period. In addition, many grocery retailers' employees take their annual vacation immediately after this trading period.

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Senior Partner: JC Els **Managing Partner:** SJ Hutton **Partners:** RB Africa NG Alp OA Ampofo-Anti RL Appelbaum AE Bennett DHL Booyen AR Bowley PG Bradshaw EG Brandt JL Brink S Browne MS Burger RI Carrim T Cassim RS Coelho KL Collier KM Colman KE Coster K Couzyn CR Davidow JH Davies ME Davis PM Daya L de Bruyn JHB de Lange DW de Villiers BEC Dickinson MA Diemont DA Dingley G Driver HJ du Preez CP du Toit SK Edmundson AE Esterhuizen MJR Evans AA Felekis GA Fichardt JB Forman MM Gibson SJ Gilmour H Goolam CI Gouws JP Gouws PD Grealy A Harley JM Harvey MH Hathorn JS Henning KR Hillis XNC Hlatshwayo S Hockey CM Holfeld PM Holloway HF Human AV Ismail KA Jarvis ME Jarvis CM Jonker S Jooste LA Kahn M Kennedy A Keyser PN Kingston CJ Kok MD Kota J Lamb L Marais S McCafferty V McFarlane MC McIntosh SJ McKenzie M McLaren SI Meltzer SM Methula CS Meyer AJ Mills JA Milner D Milo NP Mngomezulu VM Movshovich M Mtshali SP Naicker RA Nelson BP Ngoepe A Ngubo ZN Ntshona MB Nzimande L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel GR Penfold SE Phajane MA Phillips HK Potgieter S Rajah D Ramjettan GI Rapson NJA Robb DC Rudman M Sader JW Scholtz KE Shepherd DMJ Simaan AJ Simpson J Simpson N Singh P Singh MP Spalding L Stein PS Stein MW Straeuli LJ Swaine Z Swanepoel A Thakor A Toefy PZ Vanda SE van der Meulen M van der Walt N van Dyk A van Niekerk JE Veeran D Venter B Versfeld MG Versfeld TA Versfeld DM Visagie J Watson KL Williams K Wilson RH Wilson J Moolman M Yudaken **Chief Operating Officer:** SA Boyd

6. The Panel proposes conducting public hearings from mid-January to late February 2017. This will require grocery retailers to prepare for these hearings during their busiest trading period and possibly without the support of key employees who have taken their annual vacation.
7. Woolworths respectfully submits that scheduling the public hearings for the early part of 2017 will compromise the Inquiry, disrupt the operations of grocery retailers and cause them undue costs. Woolworths therefore proposes that these hearings be convened later in 2017.
8. Woolworths also understands from the Guidelines for Submissions of Data and Technical Analysis that the Inquiry expects stakeholders to gather and analyse various data at different stages during the Inquiry. The proposed time for various stages and the overlap of certain stages is likely to limit or prevent stakeholders doing so properly.
9. For example, the draft Administrative Timelines contemplate only one month between the publication of the final Statement of Issues and the filing of written submission on the subject matter of the Inquiry.
10. Furthermore, Woolworths notes that the draft Administrative Timelines contemplates stakeholders responding over the same period to other stakeholders' written submissions as well as to the Panel's questionnaires and information and data requests.
11. In the circumstances, so as not to compromise the Inquiry or prejudice stakeholders, Woolworths requests the Panel to revise the draft Administrative Timelines so that these both cater for more time at various stages and more clearly demarcate certain stages.
12. We trust these submissions assist the Panel.

Yours faithfully

WEBBER WENTZEL

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Partner

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Letter sent electronically. A signed copy will be provided on request.