



*competition*commission
south africa

ANNUAL REPORT

2025/26



competition commission
south africa

The Competition Commission declares zero tolerance for fraud and corruption.

Pledge of the Accounting Authority and EXCO:

Internally and externally, the Accounting Authority and Management vow to combat fraud and corruption as part of their duties of ensuring and maintaining effective Risk Management.

Use the National Anti-Corruption Hotline 0800 701 701 to report any suspicious fraudulent and corrupt activities

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PART **A**

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GENERAL INFORMATION

PUBLIC ENTITY'S GENERAL INFORMATION

.....

REGISTERED NAME

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EXTERNAL AUDITORS

The Auditor-General of South Africa

BANKERS

ABSA Business Bank
South African Reserve Bank

COMPANY SECRETARY

Mr Mduduzi Msibi
(Resigned on 30 September 2025)

LIST OF ABBREVIATIONS/ACRONYMS



ACF	African Competition Forum
AFS	Annual Financial Statements
AGSA	Auditor-General of South Africa
AVE	Advertising Value Equivalency
BBBEE	Broad Based Black Economic Empowerment
CAC	Competition Appeal Court
CD	Cartels Division
CFO	Chief Financial Officer
CLP	Corporate Leniency Policy
Competition Act	Competition Act
ConCourt	Constitutional Court of South Africa
CSD	Corporate Services Division
ERB	Economic Research Bureau
HDPs	Historically Disadvantaged Persons
HR	Human Resources
ICN	International Competition Network
ICT	Information and Communication Technology
LSD	Legal Services Division
M&A	Mergers and Acquisitions Division
MCD	Market Conduct Division
NDP	National Development Plan
OTC	Office of The Commissioner

PFMA	Public Finance Management Act No. 1 of 1999, as amended
SCA	Supreme Court of Appeal
SCM	Supply Chain Management
SMEs	Small and Medium Sized Enterprises
The Commission	Competition Commission of South Africa
The dtic	Department of Trade, Industry and Competition
The Tribunal	Competition Tribunal
ToRs	Terms of Reference

GLOSSARY OF TERMS



For the purposes of this report, the meaning of the following terminology is explained below:

“Abuse of dominance” means engaging in prohibited practices in terms of sections 8 and 9 of the Competition Act.

“Advisory Opinion” refers to a non-binding written opinion provided by the Commission to a requester, who may be an individual or a firm, setting out the Commission’s likely view on the subject matter of the opinion.

“Advocacy” refers to activities aimed at the promotion of voluntary compliance to the Competition Act, through non-enforcement mechanisms.

“Consent Agreement” refers to an agreement concluded between the Commission and a respondent, and which is confirmed as an order of the Competition Tribunal in terms of Section 49D of the Competition Act, setting out: (i) the alleged contravention, (ii) where appropriate, an admission by the respondent, (iii) a penalty where applicable and (iv) where applicable, a remedy addressing the harm occasioned by the alleged contravention of the Competition Act.

“Enforcement” refers to the investigation and/or prosecution of anti-competitive conduct.

“Exemptions” refers to the granting of exemption from prosecution to firms for engaging in anti-competitive conduct for a specific period of time, through the process and criteria prescribed in section 10 of the Competition Act.

“Referral” refers to the submission by the Commission of a complaint to the Competition Tribunal for prosecution, upon completion of its investigation.

“Non-referral” means that, after conducting an investigation, the Commission has decided not to refer a particular case to the Competition Tribunal for prosecution.

“Public interest” refers to the consideration of factors set out in section 12A of the Competition Act, in the evaluation of mergers and acquisitions applications

MINISTER'S FOREWORD

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Mr Parks Tau, MP
Minister of Trade, Industry, and
Competition

I am pleased to present the 2025/26 Annual Report of the Competition Commission of South Africa (the Commission). This report is not merely a compendium of activities and achievements; it is a testament to our collective endeavours towards building a more equitable, inclusive and prosperous South Africa.

As South Africa advances into a new phase of economic renewal and institutional collaboration under the Government of National Unity, our responsibility to deliver sustainable growth, industrial expansion, investment attraction, and meaningful economic participation remains paramount. At the commencement of the 2025/26 financial year, the Commission adopted its Annual Performance Plan (APP) as the inaugural implementation instrument of the Competition Commission Strategy 2025-2030.

The plan articulated a clear programme of action and established outputs, performance indicators, and intended outcomes through which the Commission would discharge its statutory mandate and contribute meaningfully to South Africa's broader developmental agenda. Within this context, the work of the Department of Trade, Industry and Competition (**the dtic**) continues to be guided by a clear mandate: to strengthen productive capacity, support industrial development, deepen localisation, promote investment, expand trade opportunities, and ensure that economic participation is broad-based and transformative.

This Annual Performance Report reflects upon the extent to which those commitments have been realised. It presents an assessment of the Commission's stewardship, institutional responsiveness, and contribution towards advancing the economic and social objectives it is entrusted with. The Annual Performance Plan, tabled at the beginning of the year, was not merely a technical articulation of the

targets and indicators, it represented a deliberate statement of intent, an expression of how the Commission sought to give practical meaning to its mandate under the Competition Act No 89. of 1998 (as amended), whilst simultaneously advancing the broader developmental aspirations of the Republic.

A defining feature of the year was the Commission's continued focus on enabling economic participation by small, medium and micro enterprises (SMMEs), as well as historically disadvantaged persons. Through its work, the institution sought to ensure that markets are not the preserve of incumbents alone, but spaces in which new entrants may emerge, compete, and thrive.

In parallel, the Commission's efforts remained aligned with government's broader industrial ambitions, particularly those aimed at deepening localisation, strengthening productive capacity, and expanding participation in higher-value segments of global trade. In this regard, competition policy and industrial policy were increasingly understood not as separate domains, but as mutually reinforcing pillars of economic development. The implementation of the APP also underscored the importance of institutional coordination. The Commission's work formed part of a wider ecosystem of governance, in which collaboration across departments and agencies proved essential to achieving meaningful and durable impact. It is through such collective endeavours that policy intent is translated into lived economic reality.

The Commission made steady advances in strengthening competitive market structures, enhancing enforcement capability, and refining its regulatory approach in response to emerging economic dynamics. As this financial year drew to a close, the outcomes achieved reflected both the ambition of the original APP and the resilience of the institution in navigating a demanding operating environment. They

also reaffirmed the enduring relevance of competition policy as a tool for advancing inclusive and sustainable development.

I extend my sincere appreciation to the Commissioner, Deputy Commissioners, members of the Executive Committee, and all officials of the Competition Commission. Their professionalism, intellectual rigour, and unwavering commitment have been instrumental in giving effect to the Commission's mandate and in advancing the objectives set out at the beginning of the financial year.

This report therefore stands as both a record and a reflection, of intentions carefully set, of efforts diligently undertaken, and of a journey steadily advancing towards a more inclusive, competitive, and prosperous South Africa.



Mr Parks Tau, MP
Minister of Trade, Industry and Competition

DEPUTY MINISTER'S FOREWORD

.....



Mr Zuko Godlimpi, MP
Deputy Minister of Trade,
Industry, and Competition

It is with a deep sense of responsibility that I reflect on the commencement of the 2025/26 financial year, during which the Competition Commission of South Africa initiated implementation of its Annual Performance Plan as the first-year expression of its Strategy 2025-2030.

This moment represented more than a procedural commencement of a planning cycle; it signified a renewed national effort to harness competition policy in support of accelerated growth, the rebuilding of South Africa's productive capacity, and the creation of employment at a significantly expanded scale.

The Strategy 2025-2030 provides a critical roadmap for the Commission's enforcement, advocacy, and regulatory functions over the medium term. Its orientation is firmly aligned with the priorities of the 7th Administration, which place at the centre of national policy the imperatives of inclusive economic growth, accelerated job creation, poverty reduction, and the consolidation of a capable ethical, and developmental state. These priorities collectively speak to the urgent task of rebuilding and expanding the productive base of the South African economy.

From an industrial policy perspective, the work of the Competition Commission is indispensable. Industrialisation, accelerated growth, and large-scale job creation cannot be achieved in an environment characterised by excessive market concentration, entrenched barriers to entry, and constrained participation in value chains. Competitive markets are therefore not ancillary to industrial policy; they are a foundational prerequisite for rebuilding productive capacity and enabling sustainable employment creation.

The Annual Performance Plan for 2025/26 translated this strategic intent into a structured programme of institutional delivery. Through clearly defined outputs, indicators, and outcomes, the Commission sought to ensure that its work contributes directly to reindustrialisation, localisation, and the expansion of productive capacity across strategic sectors of the economy.

Particular emphasis was placed on opening markets that are critical to industrial development, enabling meaningful participation by small and medium enterprises (SMEs), and advancing the integration of historically disadvantaged persons (HDPs) into value chains. These priorities are central to transforming the structure of the economy in a manner that supports accelerated growth and inclusive participation.

The Commission's work during this period also aligned closely with the Department of Trade, Industry and Competition's Accelerated Industrial Policy agenda, which seeks to strengthen manufacturing capability, deepen localisation, and expand South Africa's participation in higher-value global trade. In this regard, competition policy and industrial policy must operate in deliberate complementarity: the one ensuring fair, contestable markets, and the other driving expansion of productive capacity and industrial scale.

The Commission's core instruments, merger regulation, cartel enforcement, abuse of dominance investigations, and market inquiries, are therefore not merely regulatory mechanisms. They are instruments that influence industrial structure, shape market access, and determine the extent to which the economy can absorb new entrants and generate employment at scale.

The year under planning also reaffirmed the importance of coordinated state action. Accelerated growth and industrial transformation require institutional coherence across government. The alignment of the Commission with other entities within **the dtic** portfolio remains essential

in ensuring that regulatory outcomes reinforce industrial policy objectives and contribute to the rebuilding of a stronger, more resilient productive economy.

The emergence of the digital economy and technologically-driven sectors further underscores this imperative. As production models evolve and new forms of market power emerge, the Commission must remain vigilant in ensuring that innovation translates into inclusion, expanded participation, and enhanced industrial capability rather than new forms of exclusion.

As the Commission embarks on the implementation of its five-year strategic cycle, I wish to commend its leadership and staff for their steadfast commitment to advancing a competition regime that supports accelerated growth, strengthens productive capacity, and contributes to job creation at scale. The Department of Trade, Industry and Competition remains firmly committed to supporting the Commission in this important national endeavour.

Ultimately, the measure of our collective success will be reflected not only in regulatory performance, but in the tangible expansion of South Africa's industrial base, the deepening of localisation, and the sustained creation of decent work opportunities for our people.



Mr Zuko Godlimpi, MP

Deputy Minister of Trade, Industry and Competition

ACCOUNTING AUTHORITY'S FOREWORD

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Doris Tshepe
Commissioner

It is my privilege to present the 2025/26 Annual Report of the Competition Commission of South Africa, providing an account of the Commission's performance during the first year of the 2025–2030 Strategic Plan. This reporting period marks the beginning of a new strategy cycle and a deliberate shift in how the Commission measures and communicates its contribution to South Africa's economic development. Our focus is no longer solely on regulatory outputs, but increasingly on the outcomes and impact of competition regulation in supporting industrialisation, inclusive growth, poverty reduction and lower living costs for South Africans.

Central to the Commission's strategy is the advancement of a pro-competitive industrial policy with our role being the removal and/or lowering of barriers to entry. The Commission recognises that industrialisation, economic dynamism and job creation cannot be achieved in markets characterised by excessive concentration, entrenched market power and barriers that prevent new firms from entering, expanding and competing effectively. In addressing constraint to competition, Competition policy therefore serves as an instrument to support economic transformation, expand participation and create the conditions necessary for investment, innovation and sustainable growth.

The Commission's work during the 2025/26 financial year focused on reducing concentration, lowering barriers to entry, improving market access, and enabling greater participation by small and medium

enterprises (SMEs) and firms owned and controlled by Historically Disadvantaged Persons (HDPs). This focus is reflected throughout our enforcement, merger regulation, market inquiries, exemptions and advocacy interventions.

The Commission intensified enforcement against conduct that undermines competitive and inclusive markets. This included the referral of an abuse of dominance case against Audatex under the price discrimination provisions of the Competition Act. The case seeks to address discriminatory pricing practices that increase the cost of access to repair-estimation software used throughout the motor vehicle repair value chain. This intervention aims to lower operating costs for SMEs and HDP-owned firms and enable their effective participation in formal repair and assessment markets.

A key feature of the Commission's pro-competitive industrial policy approach is ensuring that merger regulation promotes economic dynamism, transformation and industrial development. During the year, the Commission assessed several large and strategically significant mergers in sectors including forestry, manufacturing, financial services and media. In doing so, the Commission balanced competition and public-interest considerations to preserve productive capacity, promote localisation, protect employment and sustain participation by SMEs and HDP-owned firms.

The Commission approved 100 transactions with conditions aimed at protecting employment, promoting entry, participation and driving transformation. These conditions included commitments relating to enterprise and supplier development, procurement from HDP-owned businesses, skills development and socio-economic development. Collectively, these commitments exceeded R40 billion and represent a significant contribution to creating opportunities for new entrants and smaller firms in the economy. In addition, transformation-related

ownership conditions valued at approximately R1.7 billion were secured through merger interventions.

The Commission continued to make meaningful progress in improving the ease of doing business. Turnaround times for merger assessments improved by more than five per cent across all categories of mergers, exceeding the Commission's performance targets. The Commission also proposed revisions to merger notification thresholds and introduced draft pre-merger consultation guidelines aimed at reducing notification of mergers that are unlikely to raise competition concerns while focusing its efforts on transactions that will have a meaningful impact on markets. These interventions reflect our commitment to ensuring that competition regulation remains efficient, responsive and supportive of investment and growth.

Market inquiries continued to be an important tool in addressing structural barriers to competition and participation. During the reporting period, the Commission completed the Media and Digital Platforms Market Inquiry, which resulted in significant interventions aimed at restoring fairness and sustainability within South Africa's digital media ecosystem. The remedies secured from global digital platforms are expected to improve market access, visibility and monetisation opportunities for South African media organisations, including smaller and community-based publishers.

The Commission also continued to monitor and implement remedies arising from the Online Intermediation Platforms Market Inquiry and the Fresh Produce Market Inquiry. These interventions have already begun generating tangible benefits for SMEs and HDP-owned businesses through improved access to digital platforms, training opportunities, funding support, agricultural inputs and market access. The implementation of these remedies demonstrates how competition policy can contribute directly to reducing barriers to entry and expanding participation in key sectors of the economy.

A critical pillar of the Commission's work is understanding and addressing the drivers of concentration and exclusion. During the year, the Commission completed a study on concentration and participation in the South African economy. While encouraging signs of deconcentration were observed in some sectors, the study confirmed that concentration remains a significant feature of the South African economy and that barriers to expansion remain one of the most important constraints facing SMEs. The findings reinforce the need for a coordinated, whole-of-government approach to reducing structural barriers to entry, promoting participation and supporting economic transformation.

The Commission published two Cost-of-Living Reports during the current financial year, providing important insights into the affordability of essential goods and services. The report highlights the impact of pricing dynamics, concentration and administered prices on household welfare, particularly for lower-income consumers. By strengthening the evidence base for policy and enforcement interventions, the report contributes to broader government efforts aimed at reducing the cost of living and improving economic outcomes for households.

Throughout the year, the Commission remained committed to ensuring that its interventions contribute meaningfully to outcomes rather than merely activities. This Annual Report therefore continues the transition towards outcome-based reporting, with performance measured against strategic outcomes such as industrialisation and inclusive growth, improved competitiveness, greater participation by SMEs and HDP-owned firms, and the removal of barriers to entry and expansion. This approach enables stakeholders to better assess the Commission's contribution to economic development and the objectives of the Competition Act.

“
*The Commission's intervention
aims to lower operating costs
for SMEs and HDP-owned firms
and enable their effective
participation in formal repair and
assessment markets.*
”

As we move into the second year of our strategy cycle, the Commission remains committed to advancing a competition regime that supports a competitive, dynamic, deconcentrated and inclusive economy. We will continue to prioritise impactful enforcement, market reforms, industrial development, reduced barriers to entry and expanded participation by SMEs and HDPs. Competition policy remains one of the most powerful instruments for unlocking growth, supporting industrialisation and ensuring that economic opportunities are accessible to all South Africans.

In conclusion, I extend my sincere appreciation to the Minister of Trade, Industry and Competition, Mr Parks Tau, the Deputy Minister, and the Ministry of **the dtic**, and colleagues within **the dtic** for their continued support and for consistently holding the Commission to a high standard. I also wish to thank the Commission's Deputy Commissioners, Executive Committee, and employees for their dedication, commitment, and continued contribution to the work of the Commission.



Doris Tshepe
Accounting Authority
The Competition Commission of South Africa

STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT



To the best of my knowledge and belief, I confirm the following:

All information and amounts disclosed in the annual report are consistent with the annual financial statements audited by The Auditor General of South Africa.

The annual report is complete, accurate and free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The Annual Financial Statements (Part F) have been prepared in accordance with the Standard of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board, and standards applicable to the public entity.

The Accounting Authority is responsible for the preparation of the annual financial statements and for the judgments made in this information.

The Accounting Authority is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements.

In our opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the public entity for the financial year ended 31 March 2026.

Yours faithfully

Doris Tshepe
Accounting Authority
The Competition Commission of South Africa



STRATEGIC OVERVIEW



8.1 THE VISION OF THE COMMISSION:

The Vision of the Commission is competition regulation for:

A competitive, dynamic, deconcentrated and inclusive economy

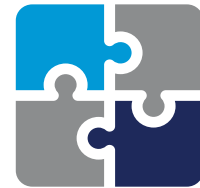


The Commission is committed to the effective implementation of competition law and policy to promote competition across sectors, contribute to the diversification of the South African economy and facilitate transformation. The Commission will contribute to (re-) industrialisation for inclusive growth by lowering strategic barriers to entry to make markets more contestable, ultimately resulting in lower prices and greater product choice for all South Africans. Efficient,

competitive markets will contribute to dynamism and economic growth and, in turn, to poverty alleviation and reduced unemployment. The Commission envisions a South African economy where competition is a defining characteristic, markets are vibrant and dynamic, and small and medium-sized enterprises (SMEs) and firms owned by historically disadvantaged persons (HDPs) are sustainably integrated and thriving within the economic landscape.

8.2 THE MISSION OF THE COMMISSION IS TO:

Foster economic growth and transformation in South Africa by championing effective competition regulation, enabling the meaningful participation of Historically Disadvantaged Persons, and empowering Small and Medium Enterprises.



South Africa faces challenges such as sluggish economic growth, high market concentration in key sectors, and limited transformation in economic participation. To address these issues, the Commission is dedicated to leveraging its diverse tools and resources to promote competition across all sectors of the South African economy, aiming to stimulate economic growth and reduce concentration in priority

areas. Additionally, the Commission is focused on enhancing the participation of small and medium-sized enterprises (SMEs) and firms owned by Historically Disadvantaged Persons (HDPs) by utilising the amendments to the Competition Act. This mission aligns with the government's broader efforts to drive economic growth and transformation, ensuring a more inclusive and dynamic economy.

8.3 OUR VALUES, OUR COMPASS: COMPETE

The Commission's vision and strategic plan are supported by seven core values, namely Communication, Ownership, Making a Difference, Professionalism, Employee Welfare, Teamwork and Efficiency, abbreviated as COMPETE. The Commission's values are informed by a people-centric approach to the Commission's employees and its stakeholders in the pursuit of the delivery of quality services to all.



8.4 STRATEGIC FOCUS



For successful implementation of the 2025-2030 SP and related APP, the Commission had structured its work into three (3) strategic goals and seven (7) strategic outcomes in achieving its vision, mission and values.

Figure 1: Strategic Goals

Our strategic goals guide the Commission in advancing competition for inclusive economic growth, transformation and public value.

GOAL 1:

To stimulate economic dynamism by fostering competitive markets that enable job creation, attract investment, and accelerate industrialisation.

To stimulate economic dynamism by fostering competitive markets that enable job creation, attract investment, and accelerate industrialisation.

- This strategic goal guides the Commission in utilising its tools—merger regulation, market inquiries, advocacy and enforcement—to tackle market concentration and advance public interest outcomes. It encompasses the investigation and prosecution of abuses of dominance, restrictive practices, and the exposure and dismantling of cartels.
- Achieving this goal hinges on efficient and effective merger regulation and enforcement, fostering competitive, contestable, and deconcentrated markets, enhancing public interest outcomes, and improving compliance with and awareness of competition law. It also involves enabling both small and large competitive businesses to thrive.
- During this strategic period, the Commission will leverage all available instruments, including exemptions, remedies, and settlements, to ensure markets function more dynamically, stimulating growth, attracting investment, creating jobs, and accelerating industrialisation.

GOAL 2:

To contribute to economic transformation through competition policy interventions that facilitate market entry, enable business expansion, and promote effective market participation for diverse economic actors.

To contribute to economic transformation through competition policy interventions that facilitate market entry, enable business expansion, and promote effective market participation for diverse economic actors.

- This goal directs the Commission's use of merger regulation instruments to comprehensively address market dynamics through mitigating market concentration, facilitating SME and HDP-owned firm entry and participation, and leveraging strategic interventions.
- This includes market inquiry follow-ups, procurement and supplier development commitments, skills training programmes, worker equity initiatives in ESOPs, beneficial collaboration exemptions, and cartel settlements to achieve public interest outcomes as envisioned in the amended Competition Act.

GOAL 3:

To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.

To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.

- Achieving this goal will require collaboration and coordination with the government, other economic regulators, crucial and relevant stakeholders in promoting the development of pro-competitive public policy outcomes.
- In this goal, the Commission also seeks to be a thought leader on competition and economic issues, both domestically and internationally. This includes contributing to the national economic discourse and policymaking.
- The achievement of this goal further requires the Commission to leverage digital technology, for instance, in strengthening cartel detection and exploring ways in which process automation can improve process efficiency standards.
- The full operationalisation of an organisation-wide Management Information System is at the heart of its digital transformation, especially in ramping up its capacity to monitor and track outcomes of its different public interest-related conditionalities imposed on economic actors.
- Ensuring the Commission has the appropriate capacity to do this is essential, especially by ensuring that it has the necessary capacity and deploy the necessary expertise where needed.

Figure 2: Strategic Outcomes

STRATEGIC GOALS & OUTCOMES	
OUTCOME 1	Agile enforcement of the Competition Act for improved compliance.
OUTCOME 2	Significant contribution to industrialisation and inclusive growth.
OUTCOME 3	Improved dynamism and competitiveness of markets.
OUTCOME 4	Participation of SMEs and firms owned by HDPs.
OUTCOME 5	Improved collaboration to advance the objectives of the Competition Act.
OUTCOME 6	Effectiveness and well governed institution.
OUTCOME 7	Strengthened capability for efficiency and effectiveness.

LEGISLATIVE AND OTHER MANDATES



The Commission is a schedule 3A public entity in terms of the Public Finance Management Act, No 1 of 1999 (PFMA).

9.1 Constitutional Mandate

The Commission interprets its mandate in line with the transformative intent of the Constitution of the Republic of South Africa. Section 1(2) of the Competition Act provides that the Competition Act must be interpreted in a manner that is consistent with the Constitution – this has been affirmed by the Constitutional Court in the Mediclinic judgment which states that that when interpreting any legislation, every court, tribunal or any forum must promote the spirit, purport and objectives of the Bill of Rights in line with section 39(2) of the Constitution.

9.2 Legislative Mandate

The Commission is one of three institutions established by the Competition Act alongside the Competition Tribunal (the Tribunal) and the Competition Appeal Court (CAC). The Commission is an investigative and prosecutorial authority, the Tribunal is an adjudicative authority, and the CAC is an appeal body over competition matters.

The Commission is empowered to investigate, control and evaluate restrictive business practices, abuse of dominant positions and mergers.

Its mandate is to promote and maintain competition in South Africa in order to:

- promote the efficiency, adaptability and development of the economy;
- provide consumers with competitive prices and product choices;
- promote employment and advance the social and economic welfare of South Africans;

- expand opportunities for South African participation in world markets, and recognise the role of foreign competition in the country;
- ensure that small and medium-sized enterprises have an equal opportunity to participate in the economy; and
- promote a greater spread of ownership, specifically increasing the ownership stakes of historically disadvantaged persons.

Section 21(1) of the Competition Act provides more detail on the responsibilities and mandate of the Commission. The Commission's responsibility is, amongst others, to:

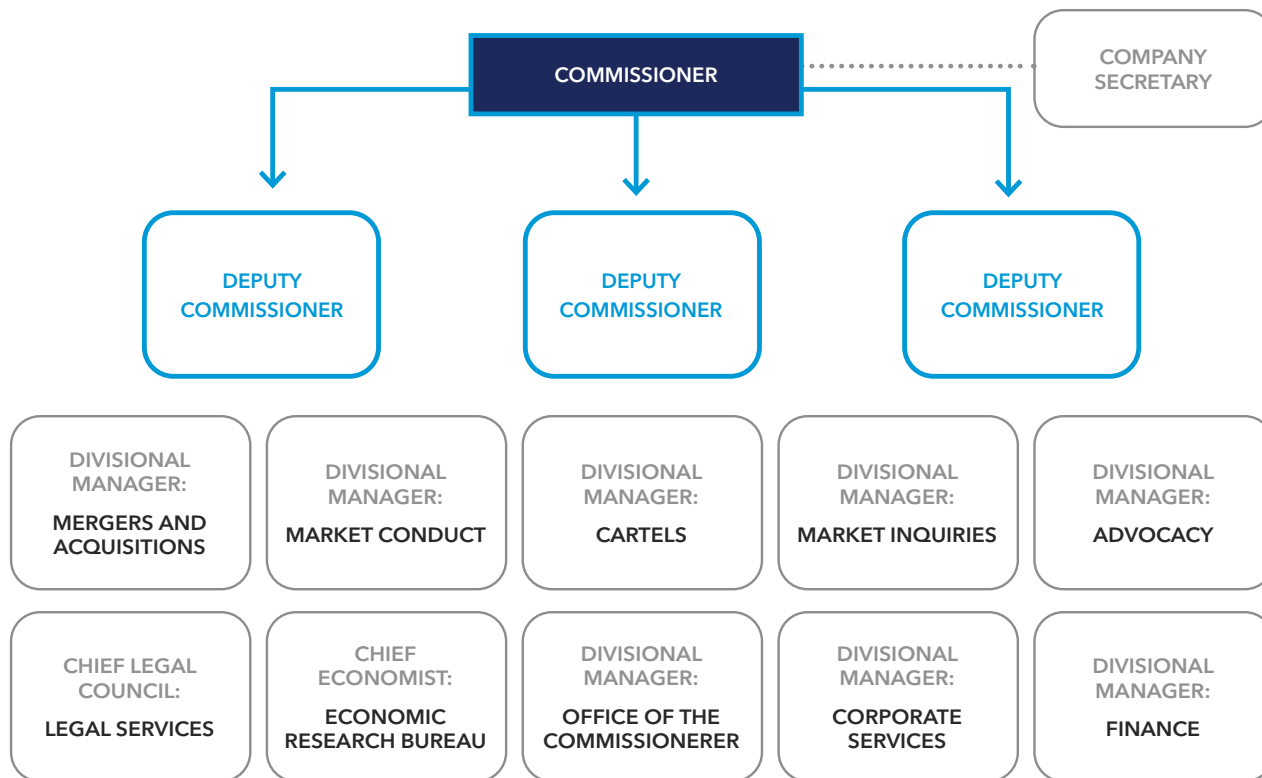
- implement measures to increase market transparency;
- implement measures to develop public awareness of the provisions of this Act;
- investigate and evaluate alleged contraventions of Chapter 2;
- grant or refuse applications for exemption in terms of Chapter 2;
- authorise, with or without conditions, prohibit or refer mergers of which it receives notice in terms of Chapter 3;
- negotiate and conclude consent orders in terms of section 63;
- refer matters to the Tribunal, and appear before the Tribunal, as required by this Act;
 - initiate and conduct market inquiries in terms of Chapter 4A;
 - conduct impact studies in terms of section 21A;
 - grant or refuse applications for leniency in terms of section 49E;
 - develop a policy regarding the granting of leniency to any firm contemplated in section 50;
 - issue guidelines in terms of section 79; and
 - issue advisory opinions in terms of section 79A;
- negotiate agreements with any regulatory authority to co-ordinate and harmonise the exercise of jurisdiction over competition matters within the relevant industry or sector, and to ensure the consistent application of the principles of this Act;
- participate in the proceedings of any regulatory authority;

- j) advise, and receive advice from any regulatory authority;
- k) over time, review legislation and public regulations, and report to the Minister concerning any provision that permits uncompetitive behaviour; and
- l) deal with any other matter referred to it by the Tribunal.

Competition Act by providing education and advice on the application of the Competition Act.

In addition, the Commission promotes voluntary compliance with the

ORGANISATIONAL STRUCTURE



The Commission is led by the Commissioner, who is the Accounting Authority, supported by three Deputy Commissioners appointed in terms of the Competition Act. The Commission has ten (10) divisions that support and drive the execution of the mandate of the Commission.

Divisions

The divisions responsible for executing the Commission's mandate are:

1. **Mergers and Acquisitions Division (M&A):** analyses and evaluates applications for corporate consolidations.
2. **Market Conduct Division (MCD):** investigates abuse of dominance, vertical restrictive practices and assesses exemption applications.
3. **Market Inquiries Division (MID):** is tasked with giving effect to the market inquiry provisions in the Competition Act. The division also manages the implementation of recommendations from completed market inquiries.
4. **Cartels Division (CD):** investigates and prosecutes cartel conduct.
5. **Advocacy:** conducts preliminary investigations of complaints received; provides policy responses to government and other regulators; and advocates for voluntary compliance with the Competition Act.
6. **Legal Services Division (LSD):** provides litigation services and legal expertise to the Commission and advisory opinions to the public.
7. **Economic Research Bureau (ERB):** provides economic expertise to the organisation and enhances the Commission's knowledge and understanding of market dynamics.
8. **Corporate Services Division (CSD):** provides corporate support services, including human resource management, registry, security and facilities management, as well as the management of Information Technology (IT).
9. **Finance Division:** responsible for finance management.
10. **Office of the Commissioner (OTC)** carries out strategic planning, communication and corporate governance functions. The division is also responsible for managing the Commission's relations with international stakeholders.





PART **B**

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PERFORMANCE INFORMATION

AUDITOR'S REPORT: PREDETERMINED OBJECTIVES

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The AGSA currently performs the necessary audit procedures on the performance information to provide reasonable assurance on the accuracy thereof in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under the Predetermined Objectives heading in the Report.

Refer to page 138 to 141 of the Auditors Report, published as Part F: Financial Information.

OVERVIEW OF PERFORMANCE

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12.1 Service Delivery Environment

During the reporting period, slow economic growth, high unemployment, rising living costs and persistent market concentration continued to shape the Commission's work and priorities. In response, the Commission focused its enforcement efforts on deconcentration, transformation and economic growth, with particular emphasis on markets affecting low-income consumers.

12.2 Organisational Environment

The Commission continued to improve operational efficiency in response to the constrained fiscal environment, including through the phased implementation of its approved organisational structure and tighter monitoring of key spending areas. Recent court judgments have also influenced its approach to merger control and cartel investigations, requiring adjustments to internal processes as cases become more complex and resource-intensive.

The Commission also faced increased cybersecurity risks during the period and responded by strengthening its Information and Communications Technology (ICT) environment.

Assuring Security and Improving Business Processes and Systems

i. Operations & Infrastructure

The Information and Communication Technology (ICT) environment remains stable, resilient, and fit for purpose. Key operational improvements contributed to uninterrupted operations and improved staff productivity.

ii. Security & Compliance

The Commission has significantly strengthened its security posture and compliance framework. Security and compliance measures are fully aligned with government priorities on digital safety and ethical governance.

iii. Innovation & Projects

The Commission continues to advance innovation through targeted ICT projects aligned to the 2025-2030 Strategic Plan. Key innovation initiatives include:

- **Cloud Migration:** Foundation laid through Case Management System migration to support scalability, resilience, and digital lodgement of cases.

- **Data and Analytics:** Implementation of a tool for market monitoring and cartel detection, enhancing regulatory intelligence.
- **Business Intelligence:** Development of Power BI dashboards to support data-driven decision-making and performance monitoring.
- **AI Enablement:** Copilot pilot completed, with recommendations to scale adoption across the organisation.

These initiatives position the Commission as a digitally enabled, future-ready regulator.

12.3 Key Policy Developments and Legislative Changes / Developments in Jurisprudence

During the reporting period, there were no significant changes in the policy and legislative environment of the Commission.

12.4 Progress towards achievement of institutional impacts and outcomes.

The Commission has a total of thirty-nine (39) performance targets linked to seven (7) strategic outcomes as per 2025/26 revised Annual Performance Plan (APP), tabled in Parliament on 26 March 2026.

The Commission achieved 33 out of 35 of its applicable performance targets, thereby attaining a performance level of 94% (33/35) of its 35 applicable targets. It achieved twenty-nine (29), exceeded four (4) and did not achieve two (2) targets. The two targets not achieved by the Commission are indicated in the table below.

Table 1: Targets which were not achieved

Key indicator not achieved	Planned target	Actual achievement
% of supplier invoices paid within 20 days.	100%	73%
Compliance with BBBEE Legislation	Compliant BBBEE certificate and regulated compliance	Not compliant status

12.5 2025/26 Key Strategic Output Themes

12.5.1 Improving the ease of doing business

a) Improving efficiency

In line with the cross-governmental imperative to improve efficiency, the Commission proposed amendments to the Merger Thresholds to the Minister of Trade, Industry and Competition. The merger thresholds were last revised in 2017, and the increase proposed in the 2025/26 financial year would account for inflationary increases over the past 6 years to reduce compulsory notification of merger filings that pose little or no enforcement risks. The Commission estimates that the revised thresholds would result in a 25 – 30% decline in merger filings, substantially reducing the workload of the Mergers and Acquisitions division and allowing it to focus on more complex mergers with improvements to quality and speed of assessment.

b) % reduction in turnaround times on merger assessment to better target regulation

During this reporting period, the Commission committed to reducing turnaround times for all mergers by a minimum of 5% on the previous years’ service standards. The Commission met the reduced turnaround times target on an annual basis (table below).

Table 2: Average turnaround times for 2025/26 financial year

Phase	Average Turnaround Times achieved	2025/26 Target	2024/25 Service Standard	Outcome
Phase 1 Mergers	13	19	20	Target met
Phase 2 Mergers	34	43	45	Target met
Phase 3 Small and Intermediate Mergers	53	57	60	Target met
Phase 3 Large Mergers	95	114	120	Target met

c) Significant and Complex Mergers completed in 2025/26 financial year

In the period under review, the Commission completed 343 mergers, 21 of which were classified as highly complex Phase 3 mergers. In the section that follows, we provide a broad overview of some significant mergers in the 2025/26 financial year.

1. Merger between Groupe Canal+ S.A / Multichoice Group Limited

In May 2025, the Commission recommended the conditional approval of the proposed acquisition of MultiChoice Group Limited (MCG) by Groupe Canal+ SAS (Canal+). Canal+, a French firm, is an international media firm involved in the production, commissioning and supply of audiovisual content, the provision of advertising services, development of video games and the publication of books. Canal+ is the largest pay-tv provider in Francophone Africa, with more than 30 years' presence across more than 20 African countries. Prior to the proposed acquisition of MCG, Canal+ supplied audiovisual content to South African firms, including to MCG.

The primary target firm, MCG, a public company listed on the Johannesburg Stock Exchange (JSE). MCG is the largest pay-tv provider in South Africa and has an extensive footprint across sub-Saharan Africa, with a presence in 50 countries. It has a leading market position in several Anglophone countries across Africa.

MCG is an audiovisual entertainment services provider that supplies audiovisual content to LicenceCo, a broadcaster which operates through the "DStv" service, a pay or subscription-based television offering. The target group also provides audiovisual content via its streaming service, Showmax.

Given that Canal+ had a very limited presence in South Africa, the Commission found that the proposed transaction was unlikely to substantially lessen or prevent competition. However, in light of the important role played by the Target Group within the broader audiovisual ecosystem in South Africa and to address public interest concerns, the Commission recommended several conditions to merger approval to ensure the merged entity's continued commitment to the production,

commissioning and screening of audiovisual content from (and within) South Africa. The conditions also secured a commitment to plurality of television news content and promotion of local content.

The merger parties also agreed to a moratorium on merger-specific retrenchments for a period of three years following the merger implementation date and on measures to promote transformation within the sector, including through ownership, skills development and procurement commitments.

2. Ninety One Limited / Sanlam Investment Management Proprietary Limited

The Commission's assessment of the proposed large merger between Ninety One Limited (Ninety One) and Sanlam Investment Management (SIM) examined one of the most consequential transactions in South Africa's asset-management sector in recent years. The merger involved Ninety One acquiring SIM's traditional single-manager active asset management business and entering into long-term cooperation agreements with Sanlam for the continued management of its balance sheet assets.

Given the size and influence of the merging parties, both of which were systemically important institutions in the domestic savings and investment ecosystem, the investigation focused on ensuring that the transaction would not entrench concentration or lessen competition within South Africa's capital markets. The analysis considered horizontal overlaps in traditional single-manager active asset management, vertical integration through distribution channels, and the structural cross-shareholdings that could facilitate coordination between Sanlam and Ninety One.

Despite the merged entity becoming the largest traditional single-manager active asset manager in South Africa, the Commission found that competition would remain robust due to the strength of alternative firms, low switching costs for investors, and substantial countervailing power among institutional clients such as pension funds and insurers. In addition, the Commission considered the impact of the merger on the broader asset management market and found that the merger is unlikely to increase concentration levels within the broader South African asset management market.

Beyond competition effects, the transaction carries broader institutional and public interest significance. It consolidates two leading financial firms into a globally competitive South African-headquartered asset manager capable of servicing both domestic and offshore markets, while preserving transformation within the industry.

The Commission's conditional approval safeguards key public-interest outcomes: continued open access by third-party asset managers to Sanlam's Glacier platform, protection of local employment, and the implementation of transformation-linked commitments exceeding R2 billion, including providing seed funding for qualifying HDP-managed funds and increased procurement from black-owned stockbrokers. The merger is therefore viewed not only as a restructuring within the financial services sector but as a development of institutional importance for the functioning and inclusiveness of South Africa's capital markets and thus strengthening local investment capabilities, supporting financial sector resilience, and advancing the objectives of inclusive economic growth.

3. Suzano S.A // Kimberly Clark IFP NewCo B.V (KC)

The Commission assessed Suzano's proposed acquisition of Kimberly-Clark's International Family Care & Professional business (KC), including KC's South African operations and its Enstra mill in Springs, finding a vertical relationship between Suzano's global supply of bleached eucalyptus kraft pulp (BEKP) and Kimberly-Clark's downstream tissue products in South Africa.

The Commission found that the transaction is likely to give rise to customer foreclosure risks. In this regard, the Commission concluded that Kimberley Clark is a significant customer of Mondi, a local firm, and that the merged entity would likely have both the ability and incentive to foreclose Mondi by replacing its local BEKP offtake with global BEKP supply.

On public interest, the Commission considered the risk of displacing local BEKP supply with imports, with potential adverse effects on local manufacturing and the Richards Bay region, and noted the Department of Trade, Industry and Competition's (the dtic) concerns about Mondi's sustainability and downstream supplier impacts. The Commission secured a 3-year moratorium on merger-related retrenchments and

proposed a 5-year local supply remedy for continued procurement from the affected firm.

The Commission approved the transaction subject to supply conditions requiring the merged entity to maintain, at a minimum, current expenditure on HDP- and SMME-owned suppliers for three years and addressing risks to local upstream manufacturing through a supply remedy under which the merged entity must honour its existing supply arrangement with Mondi subject to reasonable commercial terms.

Overall, the conditions were aimed at preventing the displacement of domestic pulp production and associated value-chain harm, while preserving employment and sustaining inclusive procurement outcomes in South Africa. The merger parties have approached the Competition Tribunal for a reconsideration of some of the conditions imposed by the Commission.

4. Transpaco Limited / Premier Plastics Proprietary Limited

The Commission's assessment of the proposed intermediate merger between Transpaco Limited (Transpaco) and Premier Plastics (Pty) Ltd (Premier Plastics) examined a consolidation of the first and third largest suppliers of vest-type carrier (VTC) plastic bags to major national retailers in South Africa. The merger took place in a market already characterised by high concentration, stringent recycled-content environmental regulations, and significant barriers to entry for new manufacturers seeking to supply large retail chain customers at the volumes and compliance standards required.

The investigation focused on horizontal overlaps in the market for the manufacture and supply of VTC plastic bags to large national retailers. Transpaco and Premier Plastics were found to be direct and close competitors supplying many of the same customers, with pricing that moved closely and in tandem. The Commission found that the merged entity would attain a post-merger market share of above 50%, leaving only one other remaining significant competitor.

The Commission concluded that the transaction would substantially prevent or lessen competition by removing an effective competitive constraint, weakening customers' bargaining power, increasing barriers

to entry for regional mid-sized suppliers, and creating structural conditions conducive to coordinated effects, particularly given the documented history of collusion in South Africa's broader packaging sector. Critically, the merging parties did not proffer any remedies notwithstanding the competition concerns identified.

The Commission found that the positive public interest effect of introducing HDP ownership into Premier Plastics was insufficient, on its own, to countervail those concerns.

While merging parties contended that some jobs may be at risk absent the merger, the Commission found no credible evidence that Premier Plastics faced closure in the short to medium term, noting that the firm remained financially viable, was actively pursuing new clients and had attracted the interest of multiple prospective buyers, including HDP-owned entities. The Commission further found that the merger would primarily serve to remove a major competitor from the market rather than rescue a failing firm. The Commission accordingly prohibited the proposed transaction.

d) Mergers Regulation

In the 2025/26 financial year, the Commission received 344 merger notifications and finalised 343 transactions. Two hundred and forty cases were approved without conditions, and 99 were approved with conditions. In this period, 1 case was prohibited, and 3 cases were abandoned.

Table below sets out the trends in mergers notified and finalised over the five years from 2021/22 to 2025/26. The Commission saw a increase of 4% in the number of mergers notified in 2025/26 compared to the previous year 2024/25 trend in merger notifications.



Table 3: Mergers notified and reviewed over five years

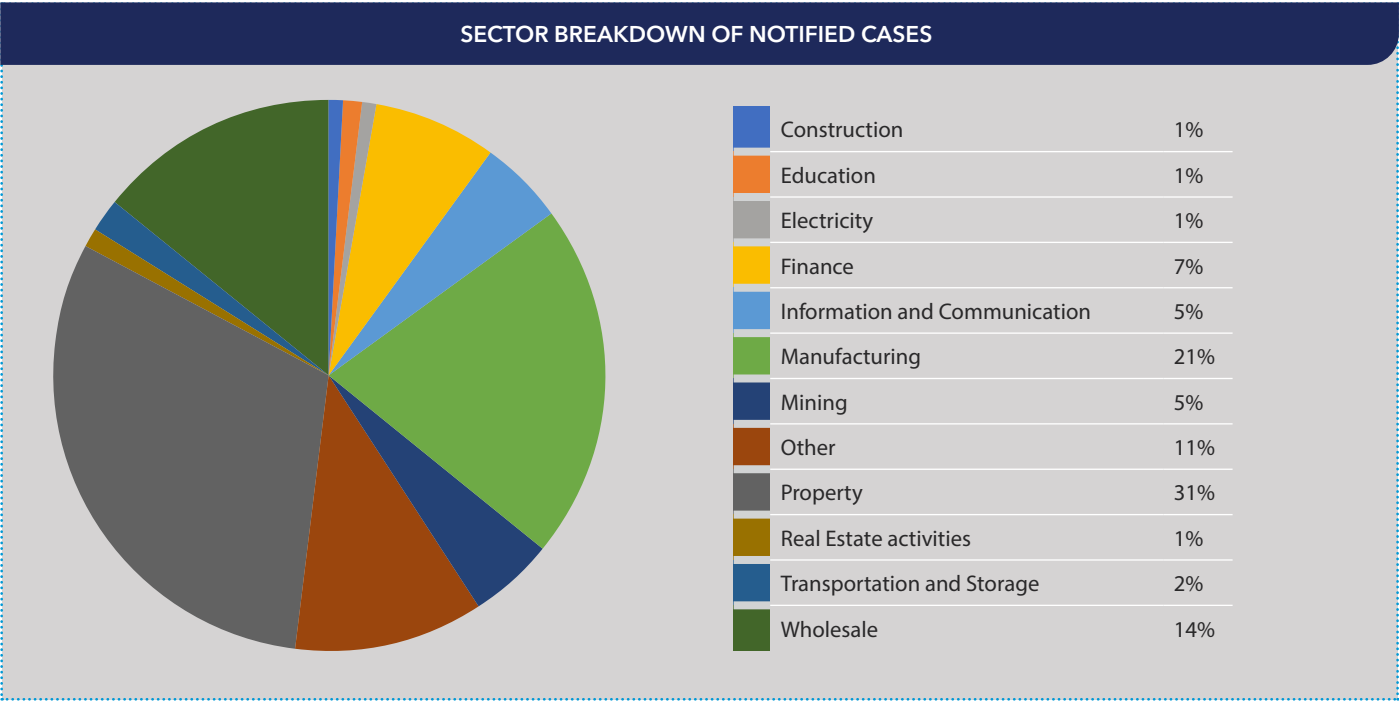
	2021/22	2022/23	2023/24	2024/25	2025/26
Notified	295	273	268	330	344
Large	89	105	85	99	104
Intermediate	197	165	175	215	233
Small	9	6	8	16	7
Finalised	297	258	266	330	343
Large	92	94	89	103	105
Intermediate	200	154	170	210	231
Small	5	10	4	17	7
Approved without conditions	216	189	136	196	239
Large	60	62	49	61	96
Intermediate	152	122	81	128	158
Small	4	5	6	7	7
Approved with conditions	74	68	126	122	100
Large	30	32	38	39	30
Intermediate	44	31	87	82	69
Small	0	5	1	1	1
Prohibited	5	1	1	2	1
Large	2	0	1	2	0
Intermediate	3	1	0	0	1
Small	0	0	0	0	0
Withdrawn / No jurisdiction	2	6	3	10	3
Large	0	2	1	1	1
Intermediate	1	4	2	0	2
Small	1	0	0	9	0

Sector Analysis

In terms of sector composition of mergers finalised in the 2025/26 financial year, most of the cases that the Commission assessed were in property sector (31%).

Other sectors that have shown relatively high proportions of notifications were manufacturing (21%), wholesale (14%) and other (11%). The figure below graphically represents the sectoral breakdown of finalised cases in the financial year.

Figure 3: Sectoral Analysis of finalised cases of 2025/26



The Impact of Public Interest Conditions imposed on Mergers in 2025/26 financial year

i. Employment

During the 2025/26 financial year, forty-eight (48) cases were approved with employment-related conditions. Overall, three hundred an eighty-two (342) jobs were lost, three thousand and one hundred and forty (3140) jobs were saved, and eleven thousand one hundred and thirty-five (11135) jobs were created as a result of

mergers. A total of 120 521 (one hundred and twenty thousand five hundred and twenty-one) employees were covered by moratoriums on merger- specific retrenchments for periods of two to five years post-merger. table below reflects the impact of mergers on jobs in the 2025/26 financial year.

Table 4: Impact of Mergers on Jobs in 2025/26 financial year

Month	Jobs lost	Jobs saved	Job creation commitments	Net effect (Jobs saved + Jobs created – Jobs lost)	Job preservation (moratoria)
April	209	1664	0	1455	2020
May	14	0	0	14	16115
June	0	0	0	0	982
July	0	0	7	7	255
August	33	377	10040	10384	8551
September	0	0	0	0	42670
October	15	540	0	525	400
November	11	559	30	589	4473
December	60	2	0	0	196
January	0	0	103	103	42774
February	0	0	5	5	365
March	0	0	950	950	1720
Total	342	3142	11135	13935	120 521

i. Conditions related to transformation

In the year under review, a total of twenty-six (26) cases were approved with conditions relating to the promotion of a greater spread of ownership in terms of section 12A(3)(e) of the Competition Act. The total value of these conditions is R1.7 bn. Of this, the total value of the quantifiable ESOPs is approximately R627mn and the total value of the quantifiable HDP transactions is R1 080mn.

iii. Conditions related to entry and participation by small and black-owned firms

In the 2025/26 financial year, a total of forty-seven (47) cases were approved with conditions related to the promotion of participation by SMMEs and HDP-owned firms and enterprise development. These conditions related to (i) enterprise and supplier development, (ii) HDP procurement, (iii) skills development commitments and (iv) socio-economic development commitments. The total value of these commitments was R40.8bn.

e) Establish and implement a process, Guidance or Practice Note to facilitate expeditious assessment of merger transactions

Draft Guidelines on pre-merger filing consultations for public comment.

In October 2025, the Commission published Draft Guidelines on pre-merger filing consultations for public comment (the Guidelines). The Guidelines propose a voluntary, informal, non-binding, confidential pre-merger filing consultation process. The aim of this process is to facilitate the efficient and timely assessment of merger transactions once they are formally filed. A consultation process would enable a discussion between the Commission and potential merger parties about what issues are likely to emerge during the merger consideration and, in certain instances, whether the parties should begin considering conditions that may resolve the likely issues. Any firm, or authorised representative of such firm proposing to enter into an acquisition, merger or amalgamation, as defined under section 12 of the Competition Act, may seek a pre-merger filing consultation with the Commission to discuss a merger raising complex competition issues and/or significant public interest concerns identified in the Guidelines.

Exemptions

The Commission completed the assessment of six (6) requests for in-scope confirmation under the Block Exemption during the period under review. A block exemption is a legislative tool aimed at facilitating and enabling coordination or cooperation in an industry or sector that would otherwise constitute a contravention of the Competition Act for public interest purposes. The Competition Act (through various regulations) provides for firms to apply for and/ or seek seek mandatory and formal written confirmation from the Commission for exemption of compliance to the Competition Act. The granting of block exemptions promotes the effective participation of HDP and SME firms in various markets, stability and sustainable supply of products in critical sectors, and access to

basic services at lower prices. It is important that decisions of in-scope exemptions be taken promptly. Block exemptions are regulatory tools that grant written permission for firms to engage in conduct that would otherwise be considered prohibited practices under Chapter 2 of the Competition Act, provided the conduct supports broader policy goals.

Block exemptions proved to be a critical mechanism during national emergencies and crises. They enable competitors to cooperate swiftly to mitigate negative economic and social impacts or address shortages. Block exemptions increase legal certainty for firms by providing a legal “safe harbour” for specific cooperative actions. Six (6) requests were assessed and one (1) exemption was granted as detailed below.

Table 5: Exemption Applications in 2025/26

Exemptions	Q1	Q2	Q3	Q4	Sector
Exemptions received	0	0	0	0	
Exemptions granted	1	0	0	0	Health
Exemptions refused	0	0	0	0	
Block Exemptions in-scope assessment	0	2	3	1	Agriculture and Logistics

i. Application for in-scope confirmation in terms of the Block Exemption for Ports, Rail and Key Feeder Road Corridors Regulations 2025

On 25 August 2025, the Commission received a request for an in-scope confirmation in terms of The Block Exemption for Ports, Rail and Key Feeder Road Corridors Regulations 2025 (Block Exemption Regulations). It is important to note that the applicant has claimed its identity in relation to this matter as confidential.

The Commission was required to determine whether the proposed conduct falls within the scope of the Block Exemption Regulations published by the Minister of the Department of Trade, Industry and Competition (the dtic) on 8 May 2025 in terms of section 10(10), read in conjunction with section 78(1) of the Competition Act. In terms of the Block Exemption Regulations, the Commission must, within thirty (30) business days of receipt of the request for confirmation, provide a decision to the applicants as contemplated in Regulation 7.

The Proposed Conduct

The application pertained to an exemption to engage with potential rail and port / shipping operators to encourage them to participate in any Request for Proposals (RFP) process initiated by the DoT. The application relates to one of the key ore export rail corridors in South Africa which the DoT has earmarked for improvements relating to efficiencies through a Private Sector Participation Process (PSP) aimed at stimulating investment in the key rail and road corridors.

The applicant indicates that it seeks to support this initiative as it has significant experience in relation to the ore export corridor to identify mechanisms through which the bottlenecks can be addressed.

The applicant, therefore, has significant information relating to the operations of the ore export corridor as well as the likely future export requirements of miners using the identified corridor. Moreover, given the work that it has performed in this regard, it has significant insight into the likely investments that will be required to improve the operation

of the ore export corridor. There are a limited number of railway and port operators with the requisite expertise to operate such corridors. While these operators have the requisite technical expertise, they may not have sufficient information in relation to these specific corridors to enable them to participate optimally in relation to processes that will be run by Transnet in respect of the ore export corridor.

The primary purpose of the proposed engagement with operators is therefore to address the significant information asymmetry that exists and which is likely to deter potential operators from participating in the proposed PSP process. The objective of the engagements that the applicant wishes to have is to encourage private sector participation in the ore export corridor as envisaged by the DoT. This will provide private sector investors with necessary information which is pivotal in responding to the DoT's PSP process. This aligns with the purpose of the Block Exemption Regulations which is to respond to the challenges facing the ports, rail and key feeder road corridors industry within the country by enabling collaboration, in terms of "Regulation 2, to (1) reduce costs, improve services and minimise losses caused by operational inefficiencies and infrastructure capacity shortages; (2) prevent, mitigate and resolve bottlenecks and operational breakdowns in port and rail infrastructure; and (3) contribute measures aimed at resolving the challenges in the South African ports, rail and key feeder road corridor systems."

The information which the applicant is permitted to share includes:

1. Sharing the applicant's high-level thinking/view of how the ore export corridor could be optimally and sustainably restored (capacity that could be available in total) and how this could be allocated. In addition, sharing the applicant's view on how the ore export corridor can be operated and managed on an integrated basis.
2. Sharing the applicant's view/high level estimates of capex requirements for the restoration and the overall concession.
3. Sharing the applicant's view on the ideal commercial structure.
4. Sharing the applicant's view on the regulatory framework and tariff methodology mechanics (being that the tariff methodology should approximate the approach applied in relation to regulated railway/port tariffs in other comparable projects).
5. Sharing the applicant's view on the potential duration of the concession given the close link to the mine lives of key users.

Decision

The Commission has considered the above request and confirms that the application falls within the scope of the Block Exemption for Ports, Rail and Key Feeder Road Corridors Regulations 2025. This in-scope confirmation is subject to the following safeguards which are hereby put in place by the Commission to ensure that the proposed engagements are strictly limited to agreements or practices contemplated in the Block Exemption Regulations:

- The engagements between the applicant and the International Operators, or any interested party as required by 4 below, shall be conducted on a bilateral basis only.
- The information shared by the applicant with the International Operators, or any interested party as required by 4. below, shall be limited to:
 1. Sharing the applicant's high-level thinking/view of how the corridor could be optimally and sustainably restored (capacity that could be available in total) and how this could be allocated between producers. In addition, sharing the applicant's view on how the corridor can be operated and managed on an integrated basis.
 2. Sharing the applicant's view/high level estimates of capex requirements for the restoration and the overall concession.
 3. Sharing the applicant's view on the ideal commercial structure
 4. Sharing the applicant's view on the regulatory framework and tariff methodology mechanics (being that the tariff methodology should approximate the approach applied in relation to regulated railway/port tariffs in other comparable projects).
 5. Sharing the applicant's view on the potential duration of any concessions.

Any information shared which facilitates, or could potentially facilitate, collusive tendering as contemplated by Regulation 4(b) is strictly prohibited.

The engagements referred to above shall not be limited to international operators but must also include any other operators, including local operators who express an interest in the initiative. In addition, the Commission wishes to draw attention to Regulation 14 which requires that HDP firms and SMEs be afforded an opportunity to opt-in into these engagements.

The duration of the exemption is for a period of 12 months from 12 December 2025 or shall lapse on the date of the commencement of the DoT's RFP process, whichever occurs first. The Commission will formally notify the DoT and Transnet (subject to any confidentiality claims) of its decision and the safeguards put in place, to ensure that as the applicant implements the conduct exempted under the Block Exemption, the DoT and Transnet are fully apprised of the details of the in-scope confirmation and what it entails.

ii. Sasol and Omnia Block Exemption

On 26 August 2025, the Commission received a request for in-scope confirmation from Business Unity South Africa (BUSA). The request is an in-scope confirmation for proposed practices and/or agreements for what it called the Bulk Chemical Industry Rail Service Project (the Project) by Sasol South Africa Limited (Sasol) and Omnia Group (Pty) Ltd (Omnia), in terms of the Block Exemption for Ports, Rail and Key Feeder Road Corridors, 2025 (the Block Exemption).

The applicants indicated that the Project seeks to integrate three historically separate flows of hazardous chemicals into a unified more efficient rail service. The applicants indicated further that the integration would result in, amongst other benefits, a consolidated ammonia import/export flow and significant efficiency gains in locomotive and infrastructure utilisation.

The Project includes coordination on the following aspects: i) information sharing through virtual engagements on capacity to facilitate planning; ii) the development of a service design for operational planning to support locomotive capacity optimisation within the shared service; and iii) the use of Sasol's rail infrastructure, including sidings, tracks, loading and unloading facilities, and staging areas by Omnia.

After consideration of the request and on 17 October 2025, the Commission confirmed that the proposed collaboration under the Project falls within the scope of the Block Exemption. Such confirmation is subject to certain conditions and/or safeguards relating to ongoing access for SME and HDP firms and the monitoring of the Project.

iii. Agricultural Business Chamber (Agbiz) Block Exemption Application

On 14 November 2025, the Commission received an in-scope confirmation application from the Agricultural Business Chamber (Agbiz). The in-scope confirmation application related to the Block Exemption for Ports, Rail and Key Feeder Road Corridors which allows companies in the logistics sector to collaborate on certain activities without violating competition law. The Block Exemption enables and encourages collaboration as a necessary, short-term measure for economic recovery.

The exemption applies to specific categories of agreements and practices, provided they receive prior confirmation from the Commission.

Agbiz is a non-profit industry association of agribusiness entities operating in South and Southern Africa. Agbiz's in-scope confirmation related to preparatory work required to respond to an RFI that was due to be issued by the Transnet Rail Infrastructure Manager (TRIM). The aforementioned RFI related to a Network Statement issued by TRIM which set out a condition assessment of the rail network, determined the access conditions and classified the rail network into the A-network and B-Network. Further, it was also announced that the B-network would not be maintained by TRIM going forward. However, TRIM would issue a RFI relating to the B-network to assess whether any private sector parties were interested in taking custodianship of B-network lines and maintaining the lines at their own cost. Alternatively, the lines would be decommissioned. Agbiz members and their partners within the value chain were therefore interested in responding to the RFI and taking custodianship of certain sections of the B-network to allow Transnet or an independent train operating company to still service the agricultural sector. To this end, Agbiz's in-scope confirmation related to the collection of information from its members and various other stakeholders in the value chain for purposes of responding to the impending RFI.

In assessing the in-scope confirmation application, the Commission engaged with Agbiz, Transnet and the relevant sector regulators. The contacted stakeholders did not raise any objections with the in-scope confirmation and were in support of Agbiz's proposed actions. The Commission however

noted that Agbiz's proposed actions raised potential competition concerns in relation the exchange of competitively sensitive information amongst competitors as well as the potential of information being shared with certain stakeholders at the expense of others during engagements. However, the Commission was of the view that these concerns could be addressed with the implementation of certain guardrails and conditions.

Considering all of the above, the Commission on 17 December 2025 confirmed Agbiz's in-scope application for a period of twelve (12) months subject to certain conditions and guardrails.

iv. PricePower Proprietary Limited (PricePower) in-scope confirmation application of the Block Exemption

On 12 February 2026, the Commission received an in-scope confirmation application from PricePower (Pty) Ltd (PricePower), a privately-owned company that has been duly registered in accordance with South Africa's company laws established on 15 September 2025. In its application, PricePower stated that it aims to establish a collective bargaining framework designed to tackle the substantial challenges facing South Africa's agricultural export sector. PricePower highlighted that the current state of the producer market is highly fragmented, which diminishes individual producers' bargaining power during negotiations with international companies seeking to import agricultural products from South Africa. This imbalance frequently places local producers at a disadvantage, restricting their capacity to obtain favourable terms and conditions.

PricePower stated that the proposed application is designed to encompass activities that are fundamentally linked to the collection, collation, aggregation, and dissemination of relevant industry information. These activities are crucial for creating an informed environment where producers can collaborate effectively. Additionally, it emphasises the establishment of collective bargaining capabilities specifically for participants in both the local fruit production and export markets, ensuring that their voices are heard and their interests are adequately represented on a larger scale.

On 24 March 2026, the Commission rejected PricePower's in-scope application because it did not align with the objectives of the Block Exemption Regulations for Exports, which are intended to mitigate the economic effects of global trade tariff changes and to support the resilience and growth of South African exports. The activities for which PricePower sought exemption did not correspond with those covered under Regulation 3 of the Block Exemption Regulation for Exports.

12.5.2 Reducing the high cost of living and cost of doing business by addressing excessive pricing or malfunctioning markets

The Commission addresses anticompetitive conduct that increases the cost of living and doing business, including excessive pricing, cartel activity and abuse of dominance. Its research informs targeted enforcement, while successful action in priority sectors helps dismantle cartels, curb harmful pricing practices and promote fair competition. Guidelines further support awareness and compliance with the Competition Act, helping deter conduct that raises costs.

In giving effect to this priority, the Commission used a combination of research, enforcement and advocacy interventions to address conduct that contributes to higher prices and market inefficiencies. The following section highlights cartel investigations finalised during the year, as cartel conduct remains one of the key forms of anti-competitive behaviour that can increase costs for consumers, businesses and the broader economy.

a) NO. OF CARTEL INVESTIGATIONS COMPLETED, INCLUDING HIGH IMPACT CARTEL CASES DEALING WITH MARKET ACCESS, ACCESS TO INTERMEDIATE INDUSTRIAL INPUTS AND CONCENTRATION IN THE ECONOMY

Cartel Investigations Completed

A total of seventy-three (73) cartel cases were finalised in the 2025/26 financial year.

Table 6 Cartel Investigations Completed 2025/26

Parties	Case number	Decision	Date of Decision
Department of Home Affairs vs Gwalimba Construction & Superway Construction	2023Jun0045	Settlement	13/05/2025
Commission vs Gwalimba Construction & Superway Construction	2024May0016	Settlement	13/05/2025
Commission vs Tupac Business Enterprise Cc, Daywood Cc, Outshine Cc, Pegma FortyTwo Trading (Pty) Ltd and Prostem Trading (Pty) Ltd	2023JUL0036	Nonreferral	27/05/2025
Commission vs Maersk South Africa (Pty) Ltd & Others	2016Aug0438 2017Oct0019 2018Mar0028	Referral	27/05/2025
Electrilabs vs Schneider	2023MAR0016	Referral	24/06/2025
Commission vs Denso and Akebono (Innertia Sensors)	2014Nov0681	Nonreferral	17/06/2025
Commission vs Denso and Valeo Group (Power Train Cooler)	2015Mar0077	Nonreferral	17/06/2025
Commission vs Denso and Valeo Group (Condensers)	2014Nov0690	Nonreferral	17/06/2025
Commission vs Denso and Valeo Group (Compressors)	2014Nov0631	Nonreferral	17/06/2025
Commission vs Denso and Valeo Group (HVAC)	2014Nov0629	Nonreferral	17/06/2025
Commission vs Denso and Valeo Group (Alternators and Starters)	2015Dec0743	Nonreferral	17/06/2025
Commission vs Denso and Fujitsu Ten (Power Management Controller or Electronic Control Units)	2014Oct0564	Nonreferral	17/06/2025
Commission vs Denso and Fujitsu Ten (Engine ECUs)	2014Oct0059	Nonreferral	17/06/2025
Commission vs Denso and Fujitsu Ten (Navigation System)	2015Feb0057	Nonreferral	17/06/2025
Commission vs Melco, Hitachi and Denso (Injectors)	2014Nov0645	Nonreferral	17/06/2025
Commission vs Melco and Denso (Air Flow Meters)	2015Apr0208	Nonreferral	17/06/2025
Commission vs Melco and Denso (Injectors)	2014Dec0700	Nonreferral	17/06/2025
Commission vs Melco and Denso (CDI amplifiers for motorcycle and scooters)	2017Mar0105	Nonreferral	17/06/2025
Commission vs Melco and Denso (Engine ECU for motorcycle)	2017Mar0111	Non-referral	17/06/2025
Commission vs Melco and Denso (Engine electronic control units)	2015Feb0062	Non-referral	17/06/2025
Commission vs Melco and Denso (Gasoline direct injection system)	2015Apr0219	Non-referral	17/06/2025
Commission vs Melco and Denso (Ballast)	2015Oct0090	Non-referral	17/06/2025

Parties	Case number	Decision	Date of Decision
Commission vs Melco and Denso (Electronic control units)	2015Feb0053	Non-referral	17/06/2025
Commission vs Melco and Denso (Fuel pumps)	2015Mar0081	Non-referral	17/06/2025
Commission vs Melco, Aisan and Denso (Fuel pump)	2015Feb0059	Non-referral	17/06/2025
Commission vs Melco and Denso (Engine ECU)	2017Mar0115	Non-referral	17/06/2025
Commission vs Melco, Stanley, Koito and Denso (Ballasts and LED driver modules)	2015May0267	Non-referral	17/06/2025
Commission vs Melco and Denso (Air bypass valves)	2014Dec0703	Non-referral	17/06/2025
Commission vs Melco and Denso (Engine ECU for motorcycle)	2017Mar0114	Non-referral	17/06/2025
Commission vs Melco and Denso (Keyless access entry)	2014Nov0678	Non-referral	17/06/2025
Commission vs Melco and Denso (Electric Power Steering Control System)	2014Oct0555	Non-referral	17/06/2025
Commission vs Melco and Denso (Plug in Hybrid vehicle electronic components units)	2014Nov0675	Non-referral	17/06/2025
Commission vs Melco and Denso (Manifold Absolute Pressure Sensors)	2015Feb0055	Non-referral	17/06/2025
Commission vs Melco, Mikuni and Denso (Oil control valves and variable valve timing)	2015Jun0363	Non-referral	17/06/2025
Commission vs Melco and Denso (Ignition coil for motorcycles)	2017Mar0110	Non-referral	17/06/2025
Commission vs Melco and Denso (Ignition coil for motorcycles)	2017Mar0109	Non-referral	17/06/2025
Commission vs Melco and Denso (Alternators)	2015Dec0739	Non-referral	17/06/2025
Commission vs Melco, Mitsuba and Denso (AC generator and starters)	2017Mar0048	Non-referral	17/06/2025
Commission vs Melco and Denso (AC generator and starters for motorcycles)	2017Mar0046	Non-referral	17/06/2025
Commission vs Melco, Mitsuba and Denso (AC generator and starters)	2016Mar0079	Non-referral	17/06/2025
Commission vs Melco and Denso (AC generators for motorcycles)	2017Mar0095	Non-referral	17/06/2025
Commission vs Melco and Denso (AC generators and starters)	2016Mar0083	Non-referral	17/06/2025
Commission vs Melco, Hitachi and Denso (AC generators and starters)	2016Mar0080	Non-referral	17/06/2025
Commission vs Melco and Denso (Starters)	2015Dec0728	Non-referral	17/06/2025
Commission vs Melco, Hitachi and Denso (Alternators and starters)	2015Dec0736	Non-referral	17/06/2025
Commission vs Melco, Hitachi and Denso (Multiple automotive components)	2015Jul0404	Non-referral	17/06/2025

Parties	Case number	Decision	Date of Decision
Commission vs Hitachi, Sawafuji, Nikko Electric, Melco and Denso (Alternators and starters)	2015Jul0403	Non-referral	17/06/2025
Commission vs Denso and Nikko Corporation (Horns for motorcycle)	2017Mar0093	Non-referral	17/06/2025
Commission vs Denso, Mitsuba and Nikko Corporation (Horns)	2015un0366	Non-referral	17/06/2025
Commission vs Denso, Mitsuba and Nikko Corporation (Horns)	2015Jun0353	Non-referral	17/06/2025
Commission vs Denso and Nikko Electric (Alternators and starters)	2015Dec0742	Non-referral	17/06/2025
Commission vs Denso, Hamanakodenso, Miyamoto, Maruko, Imasen, Mitsuba and Nikko Electric (Horn)	2015May0285	Non-referral	17/06/2025
State Information Technology Agency (SITA) v Various IT Product Suppliers	2023Oct0027	Non-referral	16/07/2025
State Information Technology Agency (SITA) v Various IT Product Suppliers	2023May0018	Non-referral	16/07/2025
South African Revenue Service v Cwt and Rennies Bcd Travel	2024Aug0049	Non-referral	05/08/2025
South African Revenue Service v Cwt and Rennies Bcd Travel	2025Apr0012	Non-referral	05/08/2025
Commission vs PG Bison (Pty) Ltd & Sonae Novoboard (Pty) Ltd	2024Jul0016	Non-referral	02/09/2025
Mash Coach Supplies (Pty) Ltd T/A Africoach vs Santam	2021Oct0039	Non-referral	02/09/2025
Limpopo Department of Health vs Bonang Solutions Africa (Pty) Ltd & Five Others	2025Apr0008	Non-referral	07/10/2025
Streamlight FX (Pty) Ltd and Iron Ice (Pty) Ltd vs Genesis One Lighting (Pty) Ltd – Case Number	2023Feb0002	Non-referral	22/10/2025
Pioneer Metals (Pty) Ltd vs Copper Development Association Africa and its Members	2021Oct0024	Non-referral	22/10/2025
Commission vs EOH Mthombo (Pty) Ltd & Systems, Applications and Products South Africa (Pty) Ltd	2022Novs0001	Referral	22/10/2025
Commission vs Dlusuthe Holdings (Pty) Ltd, Nozizah Holdings (Pty) Ltd and Zukulah Holdings (Pty) Ltd	2023JUL0019	Referral	22/10/2025
Commission vs Altech UEC South Africa (Pty) Ltd; Altech Multimedia (Pty) Ltd; Multichoice South Africa (Pty) Ltd and Multichoice Support Services (Pty) Ltd.	2018Aug0013	Referral	04/11/2025
The Department of Water and Sanitation vs NKR Business Enterprise CC T/A Autozone and Rasp Consultants CC	2025Jan0048	Referral	18/12/ 2025
Department of Public Works vs Mtizo Projects (Pty) Ltd and Sethu Jubase	2025May0016	Non-Referral	03/02/2026

Parties	Case number	Decision	Date of Decision
Trans-Caledon Tunnel Authority vs Altron Document Solutions, Altron Security, and Altron TMT	2025Jun0056	Non-Referral	03/02/2026
Delta Tank Engineering (Pty) Ltd vs Trotech (Pty) Ltd, Aurex Constructors (Pty) Ltd, EPCM Holdings (Pty) Ltd FFS Refiners (Pty) Ltd and Island View Storage (Pty) Ltd T/A Bidvest Tank Terminals	2024Mar0017	Non-Referral	03/02/2026
Commission vs Automatic Sprinkler Inspection Bureau and its listed suppliers	2018Feb0051	Non-Referral	03/03/2026
National Treasury vs Eresa Africa (Pty) Ltd and Torinet (Pty) Ltd	2024Jun0036	Referral	19/03/ 2026
Commission vs Uniplate (Pty) Ltd, New Number Plate Requisites (Pty) Ltd and Unique Number Plate (Pty) Ltd	2024Aug0039	Referral	10/03/ 2026
Commission vs Leledu Security Services CC, Petkay Trading Enterprise (Pty) Ltd and OMPWA Trading Enterprise	2025Jan0013	Settlement	03/03/2026
Mogodumo Bakone Holding (Pty) Ltd and Seed- Bearing Fields (Pty) Ltd	2025JUL0028	Settlement	10/03/2026

Below are summaries of significant cartel cases completed in the financial year.

i. The Commission vs Hamburg Sud South Africa (Pty) Ltd and other Shipping Liners.

On 30 August 2016, the Commissioner initiated a complaint against Hamburg Sud South Africa (Pty) Ltd, Maersk South Africa (Pty) Ltd, Mediterranean Shipping Company (Pty) Ltd, Pacific International Line South Africa (Pty) Ltd and CMA CGM Shipping Agencies South Africa (Pty) Ltd for price fixing and/or fixing of trading conditions in contravention of section 4(1)(b)(i) of the Competition Act. The alleged conduct occurred in the container shipping market for transportation of general cargo for import and export purposes between Asia and South Africa. On 17 March 2017, the Commissioner amended the initial complaint to include investigation of Mitsui O.S.K Shipping Line and on 14 March 2018, the Commissioner included COSCO Shipping Line (Pty) Ltd, K Line Shipping (Pty) Ltd and Evergreen Maritime Corporation Agency SA (Pty) Ltd and additional routes between Asia and South Africa as well as West Africa. All these firms will be collectively referred to as the respondents.

The respondents are alleged to have agreed on the General Rate Increases (GRI) they charge when providing container shipping services between South Africa and Asia as well as West Africa, which is in contravention of section 4(1)(b)(i) of the Competition Act.

The Commission's investigation found that the respondents collectively and/ or bilaterally agreed to increase the GRI by the same amount at the same time for the routes from Shanghai, Ningbo and Shekou to Durban, and from Durban to Hong Kong and from Qingdao to Durban, and from Nhava Sheva to Durban during the period between 2016 to 2018. The GRI, also called General Incremental Rate, is an increase on the base price and usually happens annually around the months June to September. Charging GRI inflated the prices of goods imported into and exported out of South Africa. In the case of imports, the price of imported goods would increase as a result of the GRI to the detriment of ordinary consumers as such surcharge gets passed on to consumers. In the case of exports, the GRI rendered South African goods uncompetitive in world markets, as their prices would include this surcharge, making them more expensive.

The conduct of collectively or bilaterally charging the same GRI amounts to price fixing in contravention of section 4(1)(b)(i) of the Competition Act. As a result, the Commission decided to refer the matter to the Tribunal for prosecution. Dismantling this cartel conduct will reduce the costs of transportation, in particular the cost of shipping goods in and out of South Africa through containers. Further, removal of the cartel will make the container shipping liners market competitive, where the shipping liners would compete and price their GRI in a competitive manner to the benefit of consumers and producers alike. The shipping liners will compete on prices which will be beneficial for consumers.

ii. Commission vs FirstRand/Wesbank & Toyota

The Commission investigated WesBank, a division of FirstRand Bank (WesBank), Toyota Financial Services South Africa (TFSSA), Toyota Motor Corporation (TMC), Toyota Financial Services UK PLC (TFSUK), and Toyota South Africa Motors (Pty) Ltd (TSA) (the respondents) for market allocation in contravention of section 4(1)(b)(ii) of the Competition Act. The respondents concluded a joint venture agreement among themselves, which contained clauses that prevented WesBank from offering motor vehicle finance to customers seeking to purchase vehicles at authorised Toyota dealerships. It also prevented Wesbank from financing dealerships seeking to acquire Toyota vehicles from the manufacturer, TSA. All vehicle finance applications made directly to WesBank by customers, either retail or wholesale, seeking to purchase vehicles from authorised Toyota dealerships or TSA were referred to the joint venture, TFSSA, for financing. The vehicles involved were new Toyota, Lexus and Hino vehicles and any used vehicles sold through the authorised Toyota dealerships.

The matter was settled following the Commission's referral of the complaint to the Tribunal for prosecution. In terms of the settlement agreement, the respondents will pay an administrative penalty of R30 000 000 (thirty million Rand). The settlement agreement was confirmed by the Tribunal on 25 August 2025 and it concluded prosecution proceedings against the respondents before the Tribunal.

As part of the settlement, the respondents agreed to remove restrictions that prevented Wesbank from financing Toyota motor vehicles purchased from authorised Toyota dealerships or TSA. The settlement agreement

introduces competition between Wesbank and TFSSA in the market for Toyota vehicle finance and thereby provides customers with a choice when selecting vehicle financiers to finance vehicles purchased from authorised Toyota dealerships or TSA.

iii. Special Investigating Unit vs EOH Mthombo (Pty) Ltd and Systems, Applications and Products South Africa (Pty) Ltd

The Commission received a complaint from the Special Investigating Unit (SIU) in November 2022 alleging that EOH Mthombo (Pty) Ltd (EOH) and SAP South Africa (Pty) Ltd (SAP) (the respondents) have engaged in price-fixing and collusive tendering when responding to a request for quotation (RFQ) from the Department of Water and Sanitation (DWS). The RFQ was for the provision of customised or value-added software, as well as after-sales maintenance and support services to the Catchment Management Agencies under the DWS. The SIU alleges that the respondents have agreed on how to price in response to the RFQ and further shared the prices that they quoted to the DWS with each other.

The Commission's investigation found several similarities on the quotations submitted by the respondents to the DWS. The Commission also found that the respondents indeed shared the prices quoted to DWS with each other. The conduct by the respondents amounts to price-fixing and collusive tendering in contravention of sections 4(1)(b) (i) and (iii) of the Competition Act. As a result, the Commission decided to refer the matter to the Tribunal for prosecution.

Price-fixing and collusive tendering in public procurement inflates the costs at which government procures goods and services and drains public resources meant to render services to the public, particularly to poor households. The practice of price-fixing and collusive tendering, by their nature, inflates prices for goods and services, and eliminates competition in the market. The Commission's intervention in this matter helped the DWS not to award a tender at inflated prices agreed to by the respondents and provided the DWS with an opportunity re-issue the tender, invite competitive bids, and procure the required product/service at competitive prices. This will also save government from the high costs which it would have paid absent the Commission's intervention.

iv. The Commission vs Dlusuthe Holdings (Pty) Ltd, Nozizah Holdings (Pty) Ltd and Zukulah Holdings (Pty) Ltd

The Commission referred a complaint against Dlusuthe Holdings (Pty) Ltd, Nozizah Holdings (Pty) Ltd and Zukulah Holdings (Pty) Ltd, (collectively the respondents) to the Tribunal for engaging in price-fixing and collusive tendering in response to a tender and request for quotations issued by Beyond Zero NPO (Beyond Zero) between the years 2021 and 2022. The complaint was lodged by Beyond Zero on 13 July 2023. The tender and request for quotations were for the provision of organisational capacity assessment and mentoring services in the Eastern Cape, Free State and Limpopo provinces. This conduct is in contravention of section 4(1)(b)(i) and (iii) of the Competition Act.

The respondents are in the market for the provision of training, mentoring and technical assistance services on health to non-government organisations (NGOs) focused on HIV, STI, TB, gender-based violence, key populations and quality public health, including HIV/Aids and Tuberculosis training, branding (pull-up banners), venue hire, catering, audio equipment, transportation and ablution facilities.

The Commission found that the respondents entered into an agreement and/or engaged in a concerted practice to coordinate and exchange their bid proposals when responding to the tender issued by Beyond Zero in 2021 for the provision of organisational capacity assessment and mentoring services. The Commission also found that the respondents engaged in price-fixing when responding to various requests for quotations (RFQs) issued by Beyond Zero in 2022 for the provision of organisational capacity assessment and mentoring services.

Bid rigging conduct by the respondents in this matter has the effect of preventing a non-profit organisation, Beyond Zero, from carrying out its mandate in the fight against HIV and TB in the country. Beyond Zero's educational work is key in the health sector, as it raises the level of awareness on HIV and TB. Beyond Zero is financed through donations. Bid rigging of this nature would not only exhaust their much-needed monetary resources but would also negatively impact the consumers of its educational services. The Commission's successful investigation and the impending prosecution of this matter has prevented the respondents from unfairly depleting the limited resources of Beyond

Zero. The Commission's interventions will help Beyond Zero to embark on a competitive and cost-effective procurement process.

v. The Commission vs Altech UEC South Africa (Pty) Ltd; Altech Multimedia (Pty) Ltd; Multichoice South Africa (Pty) Ltd and Multichoice Support Services (Pty) Ltd

On 4 November 2025, the Commission took a decision to refer a complaint against Altech and Multichoice to the Tribunal for adjudication. The allegations against these firms are that they have entered into an agreement and/or engaged in a concerted practice to divide the market by allocating suppliers and/or customers in contravention of section 4(1)(b)(ii) of the Competition Act. It is alleged that Altech and Multichoice concluded an agreement in terms of which Altech would not compete in the market for the provision of linear pay-tv in competition with Multichoice.

In 2012, Altech developed a video-on-demand (VoD) service which was marketed to the general public as the Altech Node (the Node). The Node was a satellite-based VoD television product that placed Altech in direct competition with MultiChoice pay-tv services. Before the launch of the Node, Altech discussed the impending launch with its set top box (STB) customer, MultiChoice. MultiChoice had concerns about the introduction of the Node in the market, particularly the fact that the product may compete with pay-tv products offered by MultiChoice.

The Commission's investigation found that Altech and MultiChoice reached an understanding whereby Altech agreed not to enter into competition with MultiChoice regarding the provision of linear pay-tv services in response to MultiChoice's concerns about the launch of the Node product. This conduct constitutes market division by allocating suppliers and/or goods or services in contravention of section 4(1)(b)(ii) of the Competition Act.

The case stems from a 2016 search and seizure operation conducted at the facilities of Altech following a collusive tendering complaint from the Universal Service and Access Agency of South Africa against several set-top box manufacturers. During the search and seizure operation, the Commission came across information indicating that Altech and MultiChoice may have contravened the Competition Act by allocating markets/customers.

The collusive arrangements between Altech and Multichoice prevented Altech from entering the pay-tv market to compete with MultiChoice, which is a monopoly player in the pay-tv market in South Africa. The Commission's investigation and impending prosecution of this matter would remove the artificial barriers of entry into the pay-tv market.. The removal of this barrier to entry may also result in other firms interested in pay-tv entering the market and competing with MultiChoice. Competition in the market will ultimately benefit consumers by offering pay-tv product choices and possibly lowering prices.

vi. The Commission vs NKR Business Enterprise Cc T/A Autozone and Rasp Consultants CC

The Commission has referred a complaint against NKR Business Enterprise CC t/a Autozone and RASP Consultants CC, (collectively the respondents) to the Tribunal for engaging in price-fixing and collusive tendering in response to a tender issued by the Department of Water and Sanitation (the DWS) in February 2024. The tender was to appoint a contractor for the supply of spare parts and the service, repair and replacement of various components of earthmoving equipment, construction equipment, construction plant and road going vehicles as and when required for a period of 36 months for construction equipment fleet end-users. The Complaint was received from the DWS on 31 January 2025.

The respondents operate in the market for the supply, repair, replacement and service of various components of earthmoving, construction, construction plant equipment and road going vehicles. The Commission's investigation found that the respondents entered into an agreement and/or engaged in a concerted practice to tender collectively in response to the 2024 DWS tender. The Commission further found that the respondents engaged in price-fixing conduct in relation to the same tender. This conduct is in contravention of section 4(1)(b)(i) and (iii) of the Competition Act.

Bid rigging in public procurement inflates costs at which government procures goods and services in order to discharge its obligations towards citizens, particularly the poorest. Conduct of this nature not only deprives government of the much-needed resources for service delivery, but it also undermines the ability of government departments - such as the

DWS - to fulfil their mandates, including the provision of clean water to citizens across the country. The Commission's intervention through its investigation of this conduct resulted in this tender being cancelled and saving money for the DWS. The DWS is able to embark on a competitive and cost-effective process to procure the services it needs to discharge its obligations towards citizens.

vii. National Treasury vs Eresa Africa (Pty) Ltd and Torinet Pty) Ltd

The Commission referred a complaint against Eresa Africa (Pty) Ltd and Torinet (Pty) Ltd (collectively the respondents) to the Tribunal for engaging in price-fixing and collusive tendering in response to a tender by National Treasury issued in 2022. The tender was for the supply and delivery of emergency and rescue equipment and was issued on behalf of the South African Police Services (SAPS). This conduct is in contravention of section 4(1)(b)(i) and (iii) of the Competition Act. The Commission received this complaint from National Treasury on 24 June 2024.

The respondents are in the business of supplying vehicle emergency equipment such as emergency warning lights, sirens, LED lightbars and safety equipment to various entities in the private and public sectors, such as South African Police Services, local and provincial traffic departments as well as construction, security and mining industries.

The Commission found that in or around 2023, the respondents entered into an agreement and/or engaged in a concerted practice to coordinate their bids when responding to the tender issued by National Treasury for the supply and delivery of emergency and rescue equipment. The Commission found that the respondents engaged in price-fixing conduct when submitting bid prices for this tender in or around 2023.

Bid rigging conduct by the respondent firms has the effect of distorting competition in the procurement of the emergency and rescue equipment market. This equipment is essential to policing, emergency response, and the protection of life and property. By fixing prices and allocating tenders among cartel members, the conduct undermines the SAPS's ability to procure adequate quantities of reliable emergency and rescue equipment, potentially resulting in reduced operational readiness, delayed response times, and compromised service delivery.

The Commission's successful investigation and the impending prosecution against the respondents present the National Treasury with an opportunity to review the allocation of this tender as it is a transversal tender which is still ongoing and save on public procurement costs. This further presents the National Treasury with an opportunity to embark on a competitive and cost-effective procurement process.

viii. Commission vs Uniplate Group (Pty) Ltd, New Number Plate Requisites cc and Unique Number Plate (Pty) Ltd

On 18 March 2026, the Commission referred a complaint of price-fixing against Uniplate Group (Pty) Ltd (Uniplate), New Number Plate Requisites cc (NNPR) and Unique Number Plate (Pty) Ltd (Unique Number Plate).

The referral follows an investigation initiated by the Commissioner in August 2024 against the aforementioned three firms for engaging in price fixing in the sale of blank number plates supplied to customers throughout the country in possible contravention of section 4(1)(b) (i) of the Competition Act. The Commission investigation found that in or around June 2023, Uniplate, NNPR and Unique Number Plate agreed to fix the prices of number plate blanks supplied to customers throughout the country. The price increases were to take effect in October 2023. These firms further agreed, among other things, not to offer rebates and discounts to customers of number plate blanks. Furthermore, the Commission's investigation found that in December 2023, Uniplate, NNPR and Unique Number Plate agreed to impose a surcharge of R10 on prices of all number plate blanks sold in Kwa-Zulu Natal. The surcharge was to be applied over and above the national prices agreed to and issued in October 2023.

The Commission seeks a finding from the Tribunal that these firms have contravened section 4(1)(b)(i) of the Competition Act. The dismantling of this cartel will reduce the prices of number plate blanks and enable, among other considerations, smaller embossers and firms owned or controlled by HDPs to enter and participate in the number plate embossing market across the country.

B) JUDGMENTS IN THE TRIBUNAL AND THE COURTS

In the 2025/26 financial year, there were five (5) judgments issued by the Tribunal and the courts.

1. Multichoice Pty Ltd vs Commission and SABC

MultiChoice (Pty) Ltd (MultiChoice) brought an exception application to the Tribunal in terms of Rule 42 of the Competition Tribunal Rules (Tribunal Rules). It requested the Tribunal to dismiss the case brought by Caxton and CTP Publishers and Printers; the trustees for the time being of the Media Monitoring Project Benefit Trust; and the S.O.S. Support Public Broadcasting Coalition (collectively the main applicants) on the grounds that the facts/information the Commission and the main applicants relied on cannot be used to establish that there was a merger between MultiChoice and South African Broadcasting Corporation (SABC) Ltd (SABC).

The main applicants have alleged that the agreement concluded between MultiChoice and the SABC in 2013, constituted a notifiable merger under the Competition Act and ought to be notified. In terms of the agreement, the SABC agreed to let MultiChoice carry its unencrypted free-to-air channels on MultiChoice's subscription platforms, i.e. M-Net, in exchange for payment.

Prior to MultiChoice's exception application, the matter was considered by the Tribunal which dismissed the main applicants' allegations that there was a prior implementation of a merger between the SABC and MultiChoice. The Tribunal's decision was appealed with the Competition Appeal Competition (CAC). The CAC also held that the main applicants failed to show that there was a prior implementation of a merger by the SABC and MultiChoice. The CAC however upheld the main applicants' plea for alternative relief and ordered MultiChoice and the SABC to provide all their documents pertaining to the negotiation, conclusion and implementation of the alleged merger to the Commission. The CAC also confirmed the Commission's jurisdiction to investigate the alleged prior implementation of a merger by SABC and MultiChoice.

The Commission established that there was prior implementation of the merger and filed its report with the Tribunal for adjudication. Following

the submission of its report, and supplementary affidavit setting out each of its findings on which it relied for its conclusion that the agreement between the SABC and MultiChoice constituted a notifiable merger in terms of section 12(2)(g), MultiChoice filed an exception application requesting the Tribunal to dismiss the Commission's evidence, that the evidence the Commission relied on does not constitute a merger. On 14 April 2025, the Tribunal dismissed MultiChoice's exception application.

2. Commission vs Cape Gate Pty Ltd, ArcelorMittal South Africa Ltd, Columbus Stainless (Pty) Ltd and Scaw South Africa (Pty) Ltd

On 18 August 2025, the Tribunal issued its order and reasons for its decision in the matter between the Commission and ArcelorMittal South Africa, Columbus Stainless, Cape Gate, and Scaw South Africa. The Tribunal's decision addresses a historic complaint which was referred by the Commission in August 2013. Cape Gate is the only remaining respondent in this matter. The Commission has concluded settlement agreements with Columbus Stainless and ArcelorMittal South Africa. Scaw South Africa is the leniency applicant in this matter.

The Tribunal found that Cape Gate had contravened section 4(1)(b)(i) of the Competition Act by entering into an agreement with other major scrap metal consumers to fix the purchase price of scrap metal. This conduct took place between 1998 and 2008 and involved the use of a collectively negotiated pricing formula and a tiered system of premiums and discounts for scrap merchants.

The Tribunal found that the respondents, as the largest scrap consumers, were in a horizontal relationship and collectively negotiated a standard pricing formula and discount structure with scrap merchants. This formula was based on international scrap prices, exchange rates, transport costs, and negotiated discounts. The respondents met regularly to agree on adjustments to the formula and the premiums (structured as discounts) to be applied by different tiers of scrap merchants.

Cape Gate raised several defences, including claims that its conduct was not prohibited by the Competition Act, that the price was determined by objective external data, that the dtic and the Commission were aware of and did not object to the formula, and that the merchants, not the consumers, fixed the prices and dictated the formula. The Tribunal rejected all of these defences, concluding that Cape Gate and the other respondents' collective conduct amounted to prohibited pricefixing under the Competition Act, as they agreed on a common negotiating position and jointly negotiated with the merchants, rather than acting independently.

The Tribunal also noted that the conduct of the respondents seriously impacted scrap metal collectors. Ultimately, the Tribunal found that Cape Gate had contravened section 4(1)(b)(i) of the Competition Act by entering into an agreement to fix the purchase price of scrap metal. The issue of remedies will be determined in a further pre-hearing, and no order as to costs was made. On 8 September 2025, Cape Gate filed an appeal against the orders and the whole of the decision (including the reasons for such decision) issued by the Tribunal.

3. Constitutional Court (ConCourt) dismissed Tsutsumani's appeal

Tsutsumani Business Enterprise vs Commission The Constitutional Court dismissed Tsutsumani's recission application on 20 March 2026. Tsutsumani had launched a decision application in the Constitutional Court (ConCourt). The recission application follows the Commission's successful prosecution of Tsutsumani at the Tribunal, and successfully opposing appeals in each of the CAC, and ConCourt.

The appeal follows the successful prosecution of the Covid 19 SAPS procurement referral by the Commission of a complaint to the Tribunal. On 28 April 2022, the Tribunal found that Tsutsumani had engaged in excessive pricing in contravention of the Competition Act and ordered that Tsutsumani pay an administrative penalty to the value of R3 441 689.10. Tsutsumani had requested that the ConCourt rescind its order, dismissing Tsutsumani's appeal against the Tribunal finding.

4. Capital Newspapers Proprietary Limited vs the Commission and others

A day after the Commission conditionally approved the intermediate merger between Media24 and Novuson 31 October 2024, Caxton and Capital took the Commission's approval on review to the CAC.

Part A of the application sought to urgently interdict the merger parties from implementing the merger and suspending the Commission's decision to approve the merger pending the outcome of Part B, the review. In disposing of Part A, the CAC found that the applicants had not sufficiently motivated for the interim relief requested in that the Commission had not erred by limiting its assessment to the merger as notified.

The CAC adopted this finding in Part B, concluding against the applicants that there was not a sufficiently close connection between the decision to migrate certain print titles to digital and the proposed merger involving the sale of the On the Dot supply chain management division and the community newspapers. The CAC in Part B then dismissed each of the grounds of review as alleged. Firstly, the criticism that the Commission misunderstood the scope of the merger investigation; that it failed to enquire into the economic substance of the transaction; and that it committed an error of law relating to the scope of its statutory powers and duties, was not sustained.

Secondly, it was found that the Commission acted lawfully and rationally in rejecting the applicants' counterfactual of acquiring the sale assets, as opposed to closing On the Dot down, when the migrating titles were never up for sale. And finally, the CAC rejected the applicants' claim that the Commission failed to have regard to relevant considerations and failed to apply its mind to submissions by third parties.

5. African Rainbow Capital (Pty) Ltd vs Commission

On 25 March 2026, the Court issued an agreed order where it was declared that only the Tribunal and not the Commission has the power to order divestiture in terms of section 43D(2) of the Competition Act read with 60(2)(c). The respondent had sought an order setting aside

the Commission's remedial action and the agreed order preserves the remedial action.

Within 10 business days of the Commission delivering any application in terms of this order, the Tribunal must convene a pre-hearing conference to direct a timetable for the hearing of the application, including setting down the hearing dates for the application.

Pending the final determination of any application by the Commission in terms of paragraph 2 of this order, the applicant is entitled to deal with its shareholdings in Interaction Market Services Holdings Proprietary Limited and Subtropico Limited as it sees fit and at its sole discretion. The Commission was found liable for the applicant's costs even though the main substantive order was by agreement and the issue of costs was not fully argued before the CAC. The Commission has decided to contest the cost order in the ConCourt.

C) KEY HEARINGS AT THE TRIBUNAL

There were four (4) hearings at the Tribunal in the period under review.

1. The Tribunal against SA Airlink (Pty) Ltd (Airlink)

The Competition Tribunal concluded hearings in the Commission's abuse of dominance case against SA Airlink (Pty) Ltd (Airlink) concerning alleged excessive and predatory pricing on the Johannesburg - Mthatha route between 2012 and 2016. Following receipt of complaints by Mr Khwezi Tiya, Fly Blue Crane (Pty) Ltd and the OR Tambo District Chamber of Business, the Commission referred a case to the Tribunal against Airlink, a privately-controlled regional feeder airline for prosecution on charges of excessive and predatory pricing.

The Commission alleges that Airlink, a dominant firm in the market for the provision of scheduled air passenger transport services in the relevant geographic market i.e. the JHB-UTT route, contravened section 8(a) of the Competition Act by charging prices significantly above economic value and which bear no reasonable relation to that economic value, to the detriment of consumers for financial years 2013 (September 2012 to August 2013) to financial year 2016 (September 2015 to August 2016).

The Commission further alleges that Airlink engaged in predatory pricing in contravention of section 8(d)(iv), alternatively section 8(c) of the Competition Act, by pricing below its average variable costs (AVC) for the 12h00 flight for three months (in August 2016, October 2016 and November 2016) for the 12h00 flight from Johannesburg to Mthatha, and for one month in November 2016 for the 13h35 flight from the Mthatha to Johannesburg. The Commission also concluded that Airlink engaged in predatory pricing in contravention of section 8(d)(iv), alternatively section 8(c) of the Competition Act, by pricing below its average avoidable costs (AAC) for the 12h00 flight from Johannesburg to Mthatha from August 2016 to December 2016, and the 13h35 flight from Mthatha to Johannesburg from September 2016 to December 2016.

Legal arguments of both the Commission and Airlink were heard on 1 and 2 March 2026. During the hearing, the Commission led factual, financial and economic evidence to support its case that Airlink earned supra-competitive returns on the route and implemented below-cost pricing in response to entry. The Commission sought a finding that Airlink contravened the abuse of dominance provisions of the Competition Act and requested the imposition of an administrative penalty of up to 10% of annual turnover. The Tribunal reserved judgment following closing arguments, with a decision pending.

The case seeks to determine the critical aspect of access to a historically disadvantaged area and allow for competitive entry, with the benefits which occasion such industry for consumers and the area at large. The outcome is expected to provide guidance on excessive pricing methodology, predation analysis, and enforcement in concentrated regional transport markets.

2. GovChat (Pty) Ltd & Hashtag LetsTalk (Pty) Ltd and Facebook Inc, WhatsApp Inc & Facebook South Africa (Pty) Ltd

On the 1st, 2nd, and 3rd December 2025, the Tribunal heard 4 interlocutory applications in the Competition Commission vs Meta Platforms Inc & Others (Intervenors: GovChat (Pty) Ltd and Hashtag Letstalk (Pty) Ltd). The interlocutories before the Tribunal comprised:

1. Two reciprocal applications to compel discovery one by Meta seeking further an order to compel further discovery from GovChat, and a corresponding application by GovChat seeking additional discovery from Meta;
2. An application by Meta to strike out portions of GovChat's factual witness statements; and
3. An application by Mr Bradley Sacks, the Chief Executive Officer of Capital Appreciation Ltd (an intervenor), to set aside a Competition Tribunal summons issued on 19 March 2025.

In the application to set aside the summons, Mr Bradley Sacks sought to set aside the Tribunal summons issued on 19 March 2025 on the grounds of procedural irregularity, that the summonsed documents are already provided (and therefore would be redundant) and that the breadth of the summons rendered it unduly burdensome and an abuse of process.

Regarding strike out, Meta sought to remove various paragraphs in the factual witness statement on the basis that the paragraphs contain evidence that does not fall within the scope of the intervention granted to the Intervenors by the Tribunal. The Commission filed short submissions opposing the strike out on the basis that the strike out sought to remove relevant evidence on technical and overly formalistic grounds. The Tribunal's rulings in respect of all applications are pending.

3. Cape Gate (Pty) Ltd vs Commission & Others and Cape Gate (Pty) Ltd vs Tribunal & Others

On 18 August 2025, the Tribunal issued its order and reasons for its decision in the long-running scrap metal cartel case. The Tribunal found that Cape Gate had contravened section 4(1)(b)(i) of the Competition Act by entering into an agreement with other major scrap metal consumers to fix the purchase price of scrap metal between 1998 and 2008, using a collectively negotiated pricing formula and a tiered system of premiums and discounts for scrap merchants. After the reasons were issued, Cape Gate launched two separate challenges.

First, Cape Gate filed its Notice of Appeal on 8 September 2025, disputing the Tribunal's substantive findings. It argued that the

Tribunal had misinterpreted the evidence, that it had not participated in collusion, and that its conduct had occurred within a the dtic-linked initiative in which the Commission was aware of or involved. It also relied heavily on this dtic-based “authorisation” defence, which the Commission later characterised as a Parker vs Brown-type argument not recognised under South African law.

Second, Cape Gate filed its review application on 31 October 2025, challenging the six-year delay in the Tribunal’s delivery of reasons and disputing the Tribunal’s explanation for the delay, including the references to supposed settlement discussions. It alleged that the delay, and aspects of the reasoning, constituted serious procedural irregularities requiring the decision to be set aside.

The Commission opposed both applications. The Commission argued that the Tribunal’s findings on collusion were properly grounded in the evidence, that Cape Gate’s dtic-based defence was misconceived, and that the review application was unsupported by any material irregularity. The Commission maintained that although the Tribunal’s delay in issuing reasons was regrettable, it did not affect the correctness or lawfulness of the decision. Both matters were heard by the CAC on 5 March 2026, and judgment is currently awaited.

4. Commission vs Fraser Alexander and Paragon Tailings

In 2022, the Commission referred a complaint against Fraser Alexander (Pty) Ltd and Paragon Tailings (Pty) Ltd (the respondents) to the Tribunal for collusive tendering, in contravention of section 4(1)(b) (iii) of the Competition Act. The matter arose from a EPL Tailings Dam Tender Number TEN/CAP/PROC/20/004 issued by Sibanye Stillwater Mine Limited (Sibanye-Stillwater) for the provision of remedial works and related construction services at its tailings dam in Rustenburg. The Commission received a complaint from Sibanye Stillwater on 21 January 2021 alleging collusion in the bidding process.

The Commission investigation found that the respondents agreed and / or engaged in a concerted practice to tender collusively when submitting bids in response to the Sibanye-Stillwater tender. The Commission also found that the respondents coordinated their bids in that there were

similarities in their bid pricing, including identical pricing structures and the same percentage difference applied to corresponding line items.

This matter was heard around October 2025 by the Tribunal. The Commission sought a declaration from the Tribunal that the respondents have contravened the section 4(1)(b)(iii) of the Competition Act, and that Paragon Tailings is liable for the payment of an administrative penalty equal to 10% of its respective annual turnover. Fraser Alexander was a leniency applicant and therefore no administrative penalty was sought against the firm.

The respondents’ conduct undermined the integrity of the tender process, foreclosed competition, and exposed the procuring entity to potential financial harm. The referral of this matter underscores the Commission’s commitment to deterring bid rigging conduct in public and private procurement, particularly in relation to critical infrastructure projects in the mining sector, and to promoting competitive, transparent, and efficient tender outcomes.

D) KEY HEARINGS IN THE HIGHER COURTS

There were six (6) hearings at the Higher Courts during the period under review.

1. Capital Newspapers Proprietary Limited vs the Commission and others

A day after the Commission conditionally approved the intermediate merger between Media24 and Novuson 31 October 2024, Caxton and Capital took the Commission’s approval on review to the CAC.

Part A of the application sought to urgently interdict the merger parties from implementing the merger and suspending the Commission’s decision to approve the merger pending the outcome of Part B, the review. In disposing of Part A, the CAC found that the applicants had not sufficiently motivated for the interim relief requested in that the Commission had not erred by limiting its assessment to the merger as notified.

The CAC adopted this finding in Part B, concluding against the applicants, that there was not a sufficiently close connection between the decision to migrate certain print titles to digital and the proposed merger involving the sale of the On the Dot supply chain management division and the community newspapers. The CAC in Part B then dismissed each of the grounds of review as alleged.

Firstly, the criticism that the Commission misunderstood the scope of the merger investigation; that it failed to enquire into the economic substance of the transaction; and that it committed an error of law relating to the scope of its statutory powers and duties, was not sustained.

Secondly, it was found that the Commission acted lawfully and rationally in rejecting the applicants' counterfactual of acquiring the sale assets, as opposed to closing On the Dot down, when the migrating titles were never up for sale. And finally, the CAC rejected the applicants' claim that the Commission failed to have regard to relevant considerations and failed to apply its mind to submissions by third parties.

2. Capital Newspapers / Caxton & CTP Publishers vs Media24 / Novus

The applicants, Capital Newspapers & Caxton and CTP Publishers, had sought leave from the ConCourt to appeal the CAC's dismissal of their review application in which they sought a declaratory order that the Commission's conditional approval of the merger between Media 24 and Novus Holdings Limited, whereby Media24 sold its print distribution business to Novus Holdings Limited, is inconsistent with the Constitution. They further sought that the Commission's decision be reviewed, set aside, and remitted back to the Commission for reconsideration.

The ConCourt refused leave to appeal. The effect of this refusal is that the CAC's judgment remains applicable, including its endorsement of the Commission's conditional approval of the transaction and the associated conditions.

The impact of the ConCourt's refusal of leave to appeal confirms the high threshold for judicial intervention in merger approvals, reinforces the Commission's discretion to impose conditions to address competition concerns, and promotes certainty and finality in merger control by limiting post-approval constitutional challenges by third parties.

3. CAC hearing between Goodyear South Africa (Pty) Ltd vs Commission

This matter concerned an appeal which was brought by Goodyear South Africa (Pty) Ltd (Goodyear) against a ruling of the Tribunal which had ordered that the current cartel prosecution, in the Tribunal, against Goodyear and three other respondents, continue before the same panel despite the resignation of the presiding member (Ms. Carrim) who was also the only member of the panel with legal training. Goodyear approached the CAC and argued for the termination of the proceedings and the matter to start afresh before a new panel. They argued that the chairperson of the Tribunal had misinterpreted section 31 of the Competition Act and assumed discretionary authority in deciding the matter. They also argued that the chairperson considered factors such as justice, reasonableness, and fairness, which Goodyear contended are inconsistent with the explicit wording of section 31 of the Competition Act.

Goodyear further argued that following Ms. Carrim's resignation, she was no longer a member of the Tribunal and therefore cannot serve as a panellist or presiding member. Furthermore, they argued that appointing Ms. Carrim as an acting member for the main hearing would not be beneficial, as it would result in both Ms Carrim and Ms. Goga serving as acting members on the same panel, which is prohibited by section 31(2)(b) of the Competition Act. Lastly, Goodyear argued that Ms. Carrim being the only panellist with legal experience and training, meant that the panel would not be properly constituted under section 31(3)(a) of the Competition Act without her.

The Commission argued that section 31 of the Competition Act requires a factual inquiry into a panel member's inability to complete proceedings. The Commission contended that based on this and despite Ms. Carrim's resignation, her continued availability to finish the proceedings therefore meant that she is able to complete the proceedings and thus the matter ends there. The legislature did not intend for resignation alone to disqualify a member from completing a hearing; as long as the resigned member can continue, the panel should remain unchanged.

The CAC held that when section 31(3) of the Competition Act is considered in its proper context, it becomes clear that its purpose is to

authorise the chairperson to address situations where a panel member is unable to complete Tribunal proceedings. If a member is able to do so, there is no need for the chairperson to exercise the powers granted under section 31(3) of the Competition Act i.e. to order the matter to continue before the remaining members or to terminate the current proceedings and constitute a new panel. In the circumstances, the CAC concluded that Ms Carrim is eligible to continue participating in Tribunal proceedings. Her continued participation is authorised under section 33 of the Competition Act and that the appeal, by Goodyear, must therefore fail.

4. Commission vs Bank of America Merrill Lynch and Others (Forex cartel)

This case concerns the prosecution of 28 foreign and local banks that are alleged to have fixed the ZAR/US dollar currency pair. In February 2017, the Commission referred the complaint against the banks to the Tribunal for prosecution. The respondent banks challenged the referral before the Tribunal arguing that the Commission and the Tribunal do not have power (jurisdiction) to prosecute them as the conduct complained of occurred outside the Republic of South Africa and that they are foreign banks. These challenges reached the CAC in the form of appeal and cross-appeals by the Commission and the respondent banks. In 2020, after hearing the appeal and cross-appeals, the CAC ordered the Commission to file a new referral affidavit with the Tribunal to replace the referral filed in February 2017. In accordance with the 2020 CAC order, the Commission filed its complaint referral a new on 1 June 2020.

The respondent banks challenged the Commission's new complaint referral at the Tribunal. In March 2023, the Tribunal ruled in the Commission's favour dismissing all the challenges by the respondent banks and ordering them to file their answering affidavits. The respondent banks appealed the Tribunal decision to the CAC again. The CAC delivered its judgment in January 2024. The CAC dismissed the Commission's case against 17 of the 21 banks being prosecuted for colluding on the ZAR/USD currency pair. CAC also ordered the remaining four banks, namely, Credit Suisse Securities (CSS), BNP Paribas (BNP), HSBC Bank PLC (HSBC) and JP Morgan Chase and Co (JP Morgan) to file their answering affidavits with the Tribunal answering the Commission's case.

The Commission was dissatisfied with the CAC ruling dismissing its case against 17 of the 21 banks being prosecuted. In February 2024, the Commission approached the Constitutional Court (ConCourt) for leave to appeal the CAC judgment handed down in January 2024 against 13 of the 17 banks.

The 13 respondent banks which the Commission appealed against are: Bank of America, Merrill Lynch International Designated Activity Company, JP Morgan Chase Bank N.A., Australia and New Zealand Banking Group Limited, Standard Bank of South Africa Limited, Nomura International PLC, Commerzbank AG, Macquarie Bank Limited, HBSC Bank USA, National Association Inc, Merrill Lynch Pierce Fenner & Smith Inc, Bank of America, N.A., Nedbank Limited, FirstRand Bank Limited, and Standard Americas, Inc.

HSBC, CSS and BNP also lodged cross-appeals against the CAC judgment. JP Morgan did not appeal. All the 13 respondent banks opposed the Commission's application for leave to appeal and the Commission opposed the cross appeals by HSBC, CSS and BNP. From 19 to 21 August 2025, the Constitutional Court heard the appeal brought by the Commission and cross-appeals brought by CSS, BNP and HSBC.

The significance of this case is that it goes to the core of the Commission's prosecutorial powers. The banks are challenging the Commission's power to prosecute them. They are arguing that the Commission and the Tribunal do not have powers (jurisdiction) to prosecute them because the collusive conduct complained of happened outside the borders of the Republic of South Africa, and some of them do not have offices in South Africa.

The Commission's case is that section 3(1) of the Competition Act gives it powers to prosecute conduct that happened outside South African borders, which have effects on the Republic of South Africa. In this instance, the Commission's position is that ZAR is the currency of the Republic of South Africa and any fixing of it affects its value negatively, and in turn affects the South African economy and consumers.

This case is important to develop jurisprudence that will enable the Commission to prosecute multinationals and firms operating online that are not necessarily in South Africa, but whose conduct negatively affects

South African consumers and contravenes South African competition laws. The ConCourt has reserved its judgment.

5. Lewis Stores Proprietary Limited / Pepkor Holdings Ltd and Shoprite Furniture Ltd

On 14 April 2025, the Commission referred the merger to the Tribunal and recommended that it be approved subject to conditions after receiving a notification for a large merger wherein the applicant, Pepkor Holdings Limited (Pepkor) intended to acquire the furniture segment of Shoprite Holdings Limited (Shoprite Holdings) comprising of the OK Furniture and House & Home retail brands on 30 September 2024. Pursuant to a successful implementation of the proposed transaction, the furniture segment of Shoprite Holdings will be incorporated into a division of Pepkor Trading Proprietary Limited called Pepkor Lifestyle and subject to the sole and ultimate control by Pepkor.

On 6 June 2025, Lewis filed an application to intervene in terms of the Tribunal Rule 42(3) contending that the Commission's recommendation was erroneous and that the Commission erred in its investigation and analysis. The intervention application was opposed by the merging parties and the Commission did not file an opposition.

On 23 July 2025, Lewis was granted permission to participate as an intervenor by the Tribunal, wherein the Commission was required to provide the record. Prior to the provision of the record, the merging parties appealed the Tribunal's decision allowing Lewis to intervene. The matter was heard before the Competition Appeal Court (CAC) on 17 September 2025. On 8 October 2025, the CAC set aside the decision of the Tribunal admitting Lewis as an intervenor.

Pursuant to dismissal of the decision of the Tribunal admitting Lewis as an intervenor, the merging parties and the Commission approached the Tribunal for direction on further conduct of the matter. The Tribunal directed the Commission to conduct further investigations on specific issues and to prepare and file with its supplementary recommendations on those issues.

While the Commission was conducting further investigations, as directed by the Tribunal, Lewis appealed the decision of the CAC to the Constitutional

Court (ConCourt). The appeal was heard on 10 November 2025. On 19 December 2025, the ConCourt upheld the appeal, thus reversing the decision of the CAC refusing to grant Lewis intervenor status. In short, the ConCourt effectively reinstated the order of the Tribunal in its entirety, including granting Lewis the intervenor status. The ConCourt restated the test for intervention in Tribunal merger proceedings and re-echoed the principle of deference to the Tribunal's discretion.

The impact of this case is hinged on the lower income customer in the furniture segment's ability to access furniture and household items, taking into consideration both the merging parties' customer base is the low-income segment. The concerns that were raised by third parties and the intervening party (Lewis Furniture Stores) is that the proposed merger has the likelihood of eliminating competition, the merging parties are most likely to raise prices and influence the suppliers. The matter is not yet finalised; however, the interlocutory phase was on whether Lewis had the grounds to enter the fray as intervening party. In this case, they have been granted access and the hearing dates for the matter were proposed to be in May, subject to the Tribunal panel's availability.

6. Litigation Summary

The Commission's litigation is undertaken by the Legal Services Division (LSD) as well as the Cartels Division. The Commission has observed that cases are becoming more complex, with respondents contesting Tribunal judgments and the application of the Competition Act in various proceedings. The Commission deals with high volumes of cases in litigation.

At the end of the 2025/26 financial year, the Commission had a total of three hundred and eighty-eight (388) cases at various stages of litigation at the Tribunal and the courts. Two hundred and fifty-two (252) of these are cartel cases, forty-nine (49) are abuse of dominance cases, eleven (11) are contested mergers, four (4) are prior implementation cases and seventy-one (71) are appeals, reviews, and variation applications. There are two (2) merger reconsideration cases.

Table 7: Merger cases won/lost at the Tribunal

Case name	Date of Order / confirmed settlement	Decision Won/Lost
Commission vs Bidvest Office and Printing Hildings Ltd and others	25June2025	Won through settlement
Commission vs Raps Stores Pty Ltd	13May2025	Won through settlement

Table 8: Cartel cases won/lost at the Tribunal

Case name	Date of Order /confirmed settlement	Decision Won/ Lost
Commission vs Group Five Construction Pty) Ltd(2009FEB4279)	30 Apr 2025	Won through settlement
Commission vs Group Five Ltd (2009SEP4641)	30 Apr 2025	Won through settlement
Commission vs ASIB	22 Aug 2025	Lost
Commission vs WesBank and Toyota Financial Services	25 Aug2 025	Won
Commission vs Furukawa Electric Company Limited	03 Sep 2025	Won
Commission vs Sakh'ikhaya Suppliers CC	16 Sep 2025	Won
Commission vs Denso Corporation & NGK Spark Plug Company Limited	16 Sep 2025	Won
Commission vs Mapengo Security and Cleaning Services CC and Action Sound Trading and Projects CC	22 Sep 2025	Won

Table 9: Market Conduct cases won/lost at the Tribunal

Case name	Date of Order / confirmed settlement	Decision Won/ Lost
Commission vs Pailpac Pty Ltd	8 Apr 2025	Won

Table 10: Interlocutory cases won/lost at the Tribunal

Case name	Date of Order / confirmed settlement	Decision Won/Lost
Commission vs Multichoice Pty Ltd vs Caxton / Commission	10 Apr 2025	Won
Commission vs FirstRand/Toyota	2 Apr 2025	Won
Commission vs Meta Platforms Inc & Others (Intervenors: GovChat (Pty) Ltd and Hashtag Letstalk (Pty) Ltd)	27 Jan 2026	Won

Table 11: Interlocutory cases won/lost at the Courts

Case name	Date of Order / confirmed settlement	Decision Won/Lost
Takata South Africa (Pty) Ltd vs the Commission	23 Dec 2025	Won
Tsutsumani Business Enterprice vs Commission	20 Mar 2026	Won

8. Penalties Imposed by the Tribunal

Penalties are imposed by the Tribunal after it has heard a case to its conclusion and thereafter makes a finding. If the respondent/s are found guilty, the Tribunal has the option to impose a financial penalty. The Tribunal did not issue any decision, and no penalty was imposed in the period under review.

9. Settlement Agreements

A settlement agreement is an agreement between the Commission and a respondent settling a complaint, which is confirmed by the Tribunal as an order of the Tribunal. The Commission negotiates the terms of the settlement agreement, which are then confirmed by the Tribunal.

During the 2025/26 financial year, sixteen (16) settlement agreements were confirmed by the Tribunal, with administrative penalties levied amounting to a total of R45 332 153.06 (forty-five million, three hundred and thirty-two thousand, one hundred and fifty-three rand and six cents.). The cases that were settled are listed in the table below.

Table 12: Settlement Agreements Confirmed at the Tribunal in 2025/26 financial year

Decision Date	Case Name	Section Transgressed	Penalty levied	Value of Public Interest & Other Commitments
25/06/2025	Commission vs Bidvest Office and Printing Hildings Ltd and others	13(A)	R1 530 000.00	R0
13/05/2025	Commission vs Raps Stores Pty Ltd	13(A)	R350 635.00	R0
	Commission vs Pailpac (Pty) Ltd	81)(d)(i) 8(1)(c)	R5 000 000	R0
03/04/2025	Commission vs Group Five Construction (Pty) Ltd (2009FEB4279)	4(1)(b)(i)(ii)(iii)	R 500 000.00	R0
03/04/2025	Commission vs Group Five Ltd (2009SEP4641)	4(1)(b)(i)(ii)(iii)	R500 000.00	R0
16/04/2025	Commission vs John kinner Construction Pty Ltd	4(1)(b)(i)	R14 062.81	R0
16/04/2025	Commission vs UMSO Construction Pty Ltd	4(1)(b)(i)	R14 957.16	R0
15/04/2025	Commission vs Sea Lake Investment Pty Ltd	4(1)(b)(i)	R750 000.00	R0
25/08/2025	Commission vs WesBank and Toyota Financial Services	4(1)(b)(ii)	R30 000 000,00	As part of the settlement agreement, the respondents will remove restrictions that prevented Wesbank from financing motor vehicles
03/09/2025	Commission vs Furukawa Electric Company Limited	4(1)(b)(ii)	R192 514,00	
16/09/2025	Commission vs Sakh'ikhaya Suppliers CC	4(1)(b)(i)(iii)	R500 000,00	
16/09/2025	Commission vs Denso Corporation & NGK Spark Plug Company Limited (4 cases)	4(1)(b)(i)(ii)(iii)	R 1 078 879,00	
22/09/2025	Commission vs Mapengo Security and Cleaning Services CC and Action Sound Trading and Projects CC	4(1)(b)(i)(iii)	R200 000,00	

Decision Date	Case Name	Section Transgressed	Penalty levied	Value of Public Interest & Other Commitments
12/11/2025	Commission vs Full Circle Solar Proprietary Limited	4(1)(b)(i) and (ii)	R1 638 174.25	N/A
04/12/2025	Commission vs Eazi Access Rental (Pty) Ltd	4(1)(b)(i)	R2 077 888.00	N/A
18/02/2026	Commission vs Wilmar SA (Pty) Ltd	4(1)(b)(i)(ii)	R1 000 000.00	R49 500 000.00

Below is a summary of the key cases settled in the period under review:

1. The Commission vs Pailpac (Pty) Ltd

On 8 April 2025, the Tribunal confirmed as an order the consent agreement entered into between the Commission and Pailpac (Pty) Ltd (Pailpac).

The consent order concludes a complaint which the Commission referred on 24 June 2024 to the Tribunal for adjudication. The Commission alleged that Pailpac abused its dominance in contravention of section 8(1)(d) (i) and/or alternatively 8(1) (c) of the Competition Act which prohibit a dominant firm from engaging in anti-competitive conduct which has the effect of excluding its competitors from the market. The Commission alleged that Pailpac entered into exclusive agreements which required or induced certain major manufacturers of paints, who are its customers, not to deal with its competitors in the market for the supply of injection moulded plastic containers for the packaging of water-based paints.

- a. The settlement terms include, among others, the following: Pailpac will not enter into agreements with customers of injection moulded plastic containers for packaging of water- based coatings that stipulate that Pailpac will be the sole or exclusive supplier, or that require that all value of the customer's purchases accrue to Pailpac (exclusivity) in respect of part or whole of customer's requirements.
- b. Pailpac will release customers of injection moulded plastic containers for packaging of water-based coatings who have exclusivity clauses in their current supply agreements from their obligations in respect of all such exclusive clauses. Pailpac will notify these affected customers within 30 days of the consent order being confirmed by the Tribunal.
- c. Pailpac will release customers of injection moulded plastic containers for packaging of water-based coatings who have automatic renewal

clauses in their existing contracts from the provisions of the automatic renewal clause, where such provisions would take effect on or after the date of the confirmation of the consent order.

- d. Pailpac also agreed to develop and support SMMEs and historically disadvantaged persons by ensuring that R 150,000,000.00 (One Hundred and Fifty Million Rand) (including VAT) post-consumer plastic packaging waste material is procured, directly or indirectly, from SMME, historically disadvantaged persons and informal waste collectors over a period of five years from the date of confirmation of the settlement agreement as a consent order.
- e. Pailpac agreed to pay an administrative penalty of R5,000,000.00 (Five Million Rand).

2. The Commission and Raps Stores (Pty) Ltd & Others

On 13 May 2025, the Tribunal confirmed as an order the consent agreement entered into between the Commission and Raps Stores Proprietary Limited and K2016335487 (South Africa) Ltd (Raps stores) and De Hallen Liquor (Pty) Ltd (collectively referred to as respondents).

The consent agreement relates to a management agreement that had been entered into between Raps Stores and the SPAR Steiltes, De Hallen KWIKSPAR and De Hallen TOPS retail stores (the Target Businesses) on 1 November 2024 to manage the Target Businesses due to their poor financial performance. The management agreement gave Raps stores effective control over the entire operations of the Target Businesses from purchasing to selling of merchandise.

The management agreement was implemented without the required regulatory approval from the Commission in terms of the Competition Act. This constituted an act of prior implementation of a merger in contravention of section 13A of the Competition Act.

In the settlement agreement, the respondents agreed to pay an administrative penalty of R350,625.00 (Three Hundred and Fifty Thousand Six Hundred and Twenty-Five Rand) and committed to developing and implementing a competition law compliance program to prevent future violations.

3. Bidvest Office | S&N Labels (Pty) Ltd and Bartrans (Pty) Ltd (PI)

On 25 June 2025, the Tribunal confirmed as an order the consent agreement that had been entered into between the Commission and Bidvest Office and Print Holdings Ltd (Bidvest); S & N Labels (Pty) Ltd (S & N Labels); and Bartrans (Pty) Ltd (Bartrans) (collectively referred to as respondents).

The consent agreement relates to two of four acquisitions by Bidvest, two of which did not require notification. However, two transactions concerned required notification. These relate to an acquisition by Bidvest of 100% of issued shares in S&N Labels and of 100% of issued shares in Bartrans. An assessment of the sale of shares agreements for the two acquisitions identified that the acquisitions were inter-conditional on one another and consequently collectively met the thresholds for mandatory notification as an intermediate merger, contrary to the legal advice received by Bidvest at the time of concluding the transaction.

On the strength of the legal advice, the respondents proceeded to implement without obtaining the required regulatory approval from the Commission, which constituted an act of prior implementation of a merger in contravention of section 13A of the Competition Act.

The respondents agreed to pay an administrative penalty in the amount of R1,530,000.00 (One Million, Five Hundred and Thirty Thousand Rand) and committed to developing and implementing a competition law compliance program to prevent future violations.

4. Commission and Group Five Construction (Pty) Ltd and Group Five Ltd

On 03 April 2025, the Tribunal confirmed as an order of the Tribunal a settlement agreement reached between the Commission and Group Five Construction (Pty) Ltd and Group Five Limited (Group Five). The settlement agreement is in respect of a tender for the construction and refurbishment of the 2010 FIFA World Cup stadiums and a tender for the rehabilitation of National route 5, Section 4, between Senekal and Vaalspenspruit.

This followed the Commission's investigation which found that Group Five and other construction firms were involved in cover pricing, market division and collusive conduct when responding to a tender for the construction and refurbishment of the 2010 FIFA World Cup stadiums. The Commission's investigation also found that Group Five and other construction firms exchanged cover quotes, divided the market and tendered collusively when responding to a tender for rehabilitation of National route 5, Section 4, between Senekal and Vaalspenspruit, issued by the South African National Roads Agency.

On 10 February 2009, the Commissioner of the Competition Commission (Commissioner) initiated investigations against construction firms, including Group Five, for their alleged involvement in price fixing, market division and collusive tendering in the market for the provision of construction and refurbishment of the 2010 FIFA World Cup stadiums. This complaint was investigated under case number: 2009FEB4279 (world cup stadia complaint). On 1 September 2009, the Commissioner initiated further investigations against construction firms, including Group Five, for alleged collusive conduct on a tender for the rehabilitation of National route 5, Section 4, between Senekal and Vaalspenspruit. The conduct was investigated under case number: 2009SEP4641 (Senekal complaint).

On 12 November 2014, the Commission referred the world cup stadia complaint to the Tribunal for prosecution. On 17 March 2015, the Commission also referred the Senekal complaint to the Tribunal for prosecution. However, before the complaints were heard by the Tribunal, Group Five agreed to settle these matters with the Commission. In terms of the settlement agreement, Group Five admitted liability to

price fixing, market division and collusive tendering in the world cup stadia complaint in contravention of section 4(1)(b)(i), (ii) and (iii) of the Competition Act. In respect of the Senekal complaint, Group Five did not admit liability to price fixing, market division and collusive tendering.

Group Five agreed and undertook to pay an administrative penalty of R1 000 000,00 (one million rands), in full and final settlement of all matters pending before the Tribunal and other Courts. The R1 000 000 comprises of R500 000 (Five Hundred Thousand Rands) for the world cup stadia complaint and R500 000 (Five Hundred Thousand Rands) for the Senekal

complaint. As part of the settlement, the parties agreed that each party will bear its own legal costs arising from any litigation in the world cup stadia complaint and Senekal complaint. Group Five agreed to withdraw its review application against the Commission referral at the High Court of South Africa. This settlement agreement concludes protracted litigation between the Commission and Group Five. The settlement also paved the way for clients of the affected projects to pursue civil claims for damages resulting from the collusive tendering.



CORPORATE LENIENCY APPLICATIONS

Corporate Leniency Applications are undertaken in terms of the Commission's Corporate Leniency Policy (CLP). The CLP is a policy in

which the Commission grants immunity from prosecution to a cartel member who is first to disclose or confess their participation in a cartel. The evaluation of leniency applications is only done at the end of the investigation of each case.

Table 13: Applications for Leniency

Corporate leniency applications	Q1	Q2	Q3	Q4
CLP applications carried over from the previous quarter	28	29	29	29
CLP applications received during the quarter	2	1	0	0
CLP applications carried over from the previous quarter for Automotive components cases	220	102	102	0
CLP applications granted	0	0	0	0
Automotive components CLP applications granted	71	0	0	0
CLP applications rejected	1	1	0	0
Automotive components CLP applications rejected	47	0	0	0
CLP applications abandoned	0	0	0	0

(A) INTERVENTIONS TO REDUCE THE HIGH COST OF LIVING, INCLUDING MONITORING OF PRICES OF ESSENTIAL GOODS AND SERVICES IN PRIORITY SECTORS

COST OF LIVING REPORT

The Cost of Living (COL) report provides essential insights into the affordability of basic goods and services, allowing individuals and households to assess their financial capacity to sustain a reasonable standard of living. This analysis plays a crucial role in identifying the economic pressures experienced by various socio-economic groups, particularly low-income households, in a time of fluctuating prices and growing inequality.

The COL report includes items beyond essential food to capture a more inclusive and representative view of household economic realities. The report retains its focus on essential food items and also incorporates additional key non-food items that impact the cost of living for households. These include electricity, water supply, rentals for housing, primary healthcare services (general practitioners), minibus taxi fares and petrol, funeral policies, education and internet usage costs. The COL report also assesses the role of interest rates in the rising cost of living. While the prices of some of the items in the COL report are administered prices that are set or influenced by government, (such as electricity and water supply) it is important to understand the impact of rising costs for these services on household budgets, particularly low-income households.

- The report demonstrates that cost-of-living pressures in South Africa remain structurally embedded, even as headline inflation has moderated. Essential goods and services continue to increase at rates above overall CPI, reinforcing financial strain for households. While certain food markets have shown evidence of margin compression and improved pass-through of upstream cost reductions, other food prices as well as some non-food prices remain comparatively rigid and are instead trending upwards.
- Overall, the assessment of essential food items between June and December 2025 presents a mixed picture for consumer affordability, with evidence of uneven cost transmission across several value chains. While certain markets, such as canned pilchards and brown bread, showed periods of margin compression or relatively proportionate cost pass-through that supported price stability, other key staples displayed persistent downward price stickiness at the retail and, in some cases, producer levels. Eggs, IQF chicken, sunflower oil and maize meal in particular raise ongoing concerns, as retail prices remained elevated or continued to increase despite stable or declining upstream costs. These developments suggest that consumers, especially lower-income households reliant on staple protein and carbohydrate sources, may not be fully benefiting from favourable supply or commodity price movements. Continued monitoring and deeper scrutiny of pricing dynamics across the value chain will therefore remain critical to ensuring competitive outcomes, improved transparency, and the protection of food affordability and household food security.
- Electricity stands out as both a direct household expense and a critical upstream input shaping broader price dynamics across the economy. The persistence of cost-plus pricing at generation and municipal levels has contributed to price stickiness and sustained tariff escalation. Although the Electricity Regulation Amendment Act and broader sector reforms mark a fundamental restructuring of South Africa's energy market, these changes are primarily geared toward improving supply security and long-term sustainability at the generation level. Under the current pricing framework, they may be unlikely to deliver immediate or meaningful tariff relief for households.
- The findings underscore a central policy insight: improving supply conditions alone may not resolve affordability challenges. Addressing the cost of living requires greater scrutiny of administered price-setting mechanisms, enhanced transparency and accountability

in tariff determinations and targeted protection for vulnerable households. Without deliberate attention to how essential service prices are formed and transmitted through the economy, cost pressures are likely to remain entrenched, limiting gains in household welfare and slowing broader economic recovery.

The complete COL report can be found on the Commission's website at: https://www.compcom.co.za/wp-content/uploads/2026/03/CC_Cost-of-Living-Report_Mar2026.pdf

(B) INTERVENTION DEALING WITH COMPETITIVENESS AND PRICING, INCLUDING PRICING OF INPUTS IN THE ENERGY GENERATION VALUE CHAIN AND DEALING WITH RESTRICTIVE PRACTICES IN PUBLIC PROCUREMENT.

The Commission conducted a study as part of its contribution towards dealing with competitiveness and pricing, including pricing of inputs in the energy generation value chain and dealing with restrictive practices in public procurement. The purpose of the study was to evaluate the level of competition and pricing dynamics in the supply of energy generation inputs and to examine whether public procurement processes give rise to restrictive practices. The specific objectives of the study included understanding the structure of the input supply markets and the extent of participation by smaller and emerging players, pricing practices and procurement processes for potential restrictive practices or barriers to entry in the coal supply market. In addition, the Commission also examined the resale of electricity to end consumers by private entities such as residential complexes, business parks, and property management companies, following the receipt of several complaints by the Commission.

The study originated from the Commission's investigation of a merger approved in December 2019 between Thabong Coal (Pty) Ltd and South32 SA Coal Holdings (Pty) Ltd (Seriti/South32 merger). The Commission's findings in the Seriti/South32 merger revealed that junior coal miners, are unable to meaningfully participate and compete with their larger mining counterparts in the production and supply of thermal coal. The Commission engaged key stakeholders such as junior coal miners, the Minerals Council South Africa and Eskom. The engagements with junior coal miners provided insights

into the specific challenges they face in participating effectively in the coal production and supply market. These challenges reflect a combination of structural, financial, logistical, regulatory, and capacity-related barriers that collectively limit their ability to grow and compete on equal terms with larger mining companies.

While no immediate pricing concerns were identified, the study did reveal several structural challenges within the coal value chain that carry implications for competition, participation, and transformation. Based on the findings of the study, recommendations were provided for consideration which are aimed at addressing the structural barriers identified and guiding the Commission's future advocacy initiatives. These initiatives could include collaboration with financial sector regulators to improve access to affordable credit and insurance solutions for emerging miners, enabling them to invest in equipment, expand production, and participate meaningfully in the market. Future advocacy initiatives could also include promoting the use of the Block Exemption Regulations for Ports, Rail and Key Feeder Road Corridor to enable collaborative solutions such as joint infrastructure investment, shared transport services, and coordinated export logistics among junior coal miners.

(C) INTERVENTIONSTOPROMOTE AWARENESS AND COMPLIANCE WITH THE COMPETITION ACT IN LINE WITH SECTION 21(1)(B) INCLUDING THOSE TARGETING THE PRIVATE SECTOR.

i. World Consumer Rights Day

The Commission participated in the World Consumer Rights Day (WCRD) initiatives held from 10 to 13 March 2026 in Polokwane, Limpopo Province. These activities formed part of the Commission's outreach aimed at promoting awareness and compliance with the Competition Act.

WCRD is an annual global event celebrated to enhance consumer protection via collaboration among governments, businesses, and advocacy groups. In 2026, the event was hosted by the Limpopo Department of Economic Development and the University of Limpopo with the theme "Turning the tide against unfair business practices." The Commission, as a contributing member of the Consumer Protection

Forum (CPF) which includes various consumer protection groups and regulators, including the National Consumer Commission, coordinate WCRD activities. The CPF organises initiatives through sub-committees focusing on education, enforcement, and policy.

The Commission engaged in consumer roadshows and public activations at malls and taxi ranks to educate on product safety and fair competition. It also participated in stakeholder workshops targeting essential service workers, including nurses, educators, law enforcement, and community groups, distributing educational materials on the Competition Act and related guidelines.

The main WCRD event on 13 March at the University of Limpopo gathered over 600 participants including government officials, regulators, academics, and community leaders. Key addresses emphasised shared responsibility in advancing consumer rights, the need for strong regulatory systems, and ethical business conduct. Panel discussions addressed unfair business practices and product safety, with the Commission moderating a session on supplier accountability.

The Commission's participation in WCRD allows engagement with consumers and stakeholders in rural and township areas, expanding awareness of the Competition Act. Despite progress, knowledge gaps remain, especially in informal communities, underscoring the importance of continued outreach and collaboration with other regulators for broader impact.

ii. Proposed amendments to the Commission and Tribunal rules

1. Divestiture recommendation by the Commission in terms of section 43D(2) of the Competition Act

On 12 December 2025, the draft Rules Relating to a Divestiture Recommendation by the Commission in terms of section 43D(2) of the Competition Act, (the draft Divestiture Rules) were republished for public comment following an administrative oversight that prevented final publication in 2023. The draft Divestiture Rules establish a procedural framework for the Commission's referral of divestiture recommendations to the Tribunal following a market inquiry. Comments were received from one stakeholder, the Banking Association of South Africa (BASA), primarily

relating to procedural issues, including participation by interested or affected parties, access to the Commission's records, and prescribed time periods. The Department of Trade, Industry and Competition consulted with the Commission on the submissions received, and the Commission provided its input on 9 March 2026. The final version of the Divestiture Rules is currently under consideration by the Ministry.

2. Proposed regulatory amendment to improve compliance with merger conditions

The Commission proposed amendments to the Minister regarding Rule 39 of the Rules for the Conduct of Proceedings in the Commission, the Rule relating to breach of merger conditions. These amendments were proposed to address enforcement difficulties arising from the interpretation of the extant wording of the Rule by the Constitutional Court in *Coca-Cola Beverages Africa (Pty) Ltd vs Competition Commission and Another* [2024] ZACC 3.

This approach is intended to restore effective enforcement, enhance legal certainty, and ensure accountability when enforcing merger conditions, while remaining aligned with the purposes of the Competition Act.

By clarifying the legal framework, the reform is expected to improve compliance monitoring, enhance legal certainty for stakeholders, and reduce red tape in merger condition enforcement. This will ensure faster, more efficient regulatory intervention where breaches occur, while maintaining alignment with the objectives of the Competition Act and strengthening overall accountability in merger control.

(D) INTERVENTION TO CREATE GREATER CERTAINTY ON THE ENFORCEMENT OF THE COMPETITION ACT, INCLUDING ISSUING OF GUIDELINES ON THE APPLICATION OF THE COMPETITION ACT

i. Draft Online Intermediation Platforms Guidance Note

The Commission published the Draft Guidance Note on Online Intermediation Platforms (the Guidance Note) in the Government Gazette for public comment in October 2025.

The Guidance Note provides guidance to leading or the largest platforms in different categories on the types of conduct that could be considered harmful to competing platforms or businesses listed on the platform, including small and medium enterprises (SMEs) and businesses owned and controlled by HDPs. Several jurisdictions have identified practices by online intermediation platforms that could raise competition concerns. This has resulted in the development of codes of conduct and guidelines across various jurisdictions. In South Africa, the Online Intermediation Platform Market Inquiry (OIPMI) found that online intermediation or business-to-consumer (B2C) platforms engaged in various types of conduct that have the effect of impeding or preventing competition in the online intermediation platform markets.

Given the learnings from other jurisdictions as well as the Commission's own findings from the OIPMI, the Commission is of the view that it may be important to provide guidance to online intermediation platforms operating in South Africa. The types of conduct identified in the Guidance Note align with the findings of the OIPMI and other jurisdictions. However, the Guidance Note does not make any definitive findings on any conduct.

There are six identified practices which could result in competition concerns. These practices include (i) price parity clauses; (ii) interoperability; (iii) self-preferencing; (iv) use of competitively sensitive data of third-party business users; (v) differentiated trading terms across business users; and (vi) unfair treatment.

If platforms are found to be engaging in such practices and found to be harming competition, the platforms would be asked to demonstrate with financial and economic evidence that such practices are essential to the sustainable operation of the platform and necessary for substantial future investments in the platform, and that there exist no less anti-competitive alternatives. It is therefore appropriate that leading platforms in South Africa consider these practices in their internal compliance processes.

ii. Draft Guidelines on pre-merger filing consultations for public comment

The Commission has published for public comment Draft Guidelines on pre-merger filing consultations for public comment (the Guidelines)

for a voluntary, informal, non-binding, confidential pre-merger filing consultation process. The aim of this process is to facilitate the efficient and timely assessment of merger transactions once they are formally filed. A consultation process would enable a discussion between the Commission and potential merger parties about what issues are likely to emerge during the merger consideration and, in certain instances, whether the parties should begin considering conditions that may resolve the likely issues.

Any firm, or authorised representative of such firm proposing to enter into an acquisition, merger or amalgamation, as defined under section 12 of the Competition Act, may seek a pre-merger filing consultation with the Commission to discuss a merger raising complex competition issues and/or significant public interest concerns identified in the Guidelines.

12.5.3 DECONCENTRATING AND IMPROVING COMPETITIVENESS THROUGH REMOVING REGULATORY AND MARKET BARRIERS

The Commission uses enforcement, market inquiries and advocacy to reduce regulatory and market barriers that sustain high economic concentration. By removing these barriers, the Commission enables new firms to enter and existing firms to expand, contributing to market deconcentration. It also undertakes collaborative advocacy and promotes global and regional cooperation to address competition barriers, support cross-border trade, and strengthen regional integration.

(A) INVESTIGATIONS INTO ABUSE OF DOMINANCE AND RESTRICTIVE PRACTICES IN PRIORITY SECTORS

The Commission initiated five (5) investigations of abuse of dominance and restrictive vertical practices in the health and digital market sectors to ensure removal of barriers to entry, market access, access to upstream inputs, concentration in the economy and other competition concerns during the period under review. Table below shows investigations initiated in priority sectors in the 2025/26 financial year. Significant initiations are outlined after the table.



Table 14: Investigations initiated in priority sectors in 2025/26 financial year

Parties	Priority Sector	Date of decision
Commission vs Mastercard 2025Jul0005	Digital Market Banking Sector	24 June 2025
Commission vs Eurolab (Pty) Ltd 2025Oct008	Health Sector	30 September 2025
Commission vs Dischem Oncology Distribution (Pty) Ltd 2025Oct0009	Health Sector	30 September 2025
Commission vs Bolt Service ZA (Pty) Ltd, Bolt Operations OÜ and Bolt Technology OÜ-2025DEC0059	Digital Markets	9 December 2025
Commission vs Adcock Ingram Critical Care (Pty) Ltd 2026Mar0013	Healthcare	3 February 2026

1. The Commission's Initiations against Mastercard

On 3 March 2026, the Commission filed a referral with the Tribunal for prosecution of Mastercard International Incorporated (Mastercard) for alleged exclusionary conduct, in contravention of sections 8(1)(d)(i) and/or alternatively 8(1)(c) of the Competition Act.

The referral follows the initiation of a complaint by the Commissioner against Mastercard on 1 July 2025 during an investigation into a complaint against Mastercard's competitor, Visa International. The complaint alleges that Mastercard is engaged in conduct whereby it prevents local acquiring banks from processing certain transactions that it classifies to be in contravention of its rules (Mastercard's Rules). Furthermore, the complaint alleges that Mastercard has been imposing fines on local acquiring banks for the contravention of the aforementioned rules.

The Commission's investigation found that the relevant product markets for purposes of the referral are:

- The market for card network services; and
- The market for payment services for foreign merchants based on transactions using payment cards.

The Commission's investigation found that Mastercard is dominant in the market for card payment services as it has the second largest market share in that market. Mastercard also has significant market power in the same market.

The Commission alleges that Mastercard is leveraging its dominant position in the market for card payment services to restrict competition in the adjacent and/or interrelated market for the provision of payment services to foreign merchants where Mastercard faces competition from other payment models such as the Local Collection Agent model. It is not possible for local acquiring banks to terminate their relationship with Mastercard, as the termination of card payment network services would impact the banks' viability where cardholders are concerned. The fines that Mastercard has allegedly been imposing on local banks have reached amounts that render the acquiring banks' continued relationships with Local Collection Agencies untenable.

The Commission contends that due to the imposition of Mastercard's rules, other alternative payment providers are prevented from entering and or expanding in the South African market. These rules are strict, opaque and difficult to challenge. The Commission further contends that there are no pro-competitive gains which outweigh the significant anti-competitive effects on consumer welfare.

The Commission has asked the Tribunal to impose a maximum penalty against Mastercard for its alleged anti-competitive and exclusionary conduct.

Successful prosecution of the Mastercard complaint would yield positive outcomes for both the financial sector and South African consumers. Mastercard's conduct restricts alternative digital payment models for the processing of cross-border transactions between South African

consumers and international merchants. There are alternative cheaper models available for consumers in comparison to the Mastercard cross-border models which are more expensive. In addition, these alternative models offer other benefits for South African consumers, such as lower transactional costs, higher approval rates and foreign exchange risk absorption. The traditional cross-border model which is currently employed by Mastercard is subject to currency conversions and network fees, which increases consumer costs for transacting.

The rules imposed by Mastercard prevent the entry and expansion of alternative digital payment models. The removal of such rules will allow alternative payment models to enter into the South African market leading to greater competition and alternatives for South African consumers.

2. The Commissioner initiated complaints against Eurolab and Dischem

On 30 September 2025, the Commissioner initiated two (2) separate, but related complaints against Dischem Oncology Distribution (Pty) Ltd (Dischem) and Eurolab (Pty) Ltd (Eurolab).

The Commission is informed that Dischem and Eurolab have and continue to engage in the following practices that may be anticompetitive:

- (a) entering into exclusive supply arrangements;
- (b) charging excessive prices for oncology medication; and
- (c) providing rebates to healthcare practitioners in order to incentivise the prescription of Eurolab's products.

These allegations relate to drugs such as (i) Lenalidomide, (ii) Bortezomid, (iii) Pemetrexed and (iv) Capecitabine. These practices may be in contravention of sections 8(1)(a), 8(1)(d)(i), 5(1), and 8(1)(c) of the Competition Act.

The alleged conduct prevents entry of other cancer drug manufacturers in the market, including generic drug manufacturers. The alleged conduct also harms consumers by limiting their product choices, and subjecting them to excessive prices for cancer drugs, particularly given the limited alternatives as a result of exclusive agreements. Successful investigation and prosecution of this matter will facilitate

entry and participation of competitors and inclusion of additional generic cancer drug manufacturers in Dischem Oncology's dispensing practices. This intervention would also lower prices, expand Oncologist's available treatment options and encourage investment by other generic cancer drug manufacturers.

3. The Commissioner initiated complaint against Bolt Service ZA (Pty) Ltd, Bolt Operations OÜ and Bolt Technology OÜ

On 9 December 2025, the Commissioner initiated a complaint against Bolt Service ZA (Pty) Ltd, Bolt Operations OÜ and Bolt Technology OÜ (collectively referred to as Bolt) concerning alleged buyer power exploitative practices on its independent drivers/suppliers in South Africa.

The Commission is in possession of information indicating that Bolt has, and continues to, impose unfair pricing conditions to its SME independent drivers and/or to firms controlled or owned by HDPs. These are SMEs and/or HDP owned independent drivers that transport riders (consumers) that have procured e-hailing taxi services through Bolt's proprietary smartphone application (Bolt App) or, more generally, the Bolt e-hailing platform. The aforementioned practices may be in contravention of sections 8(4)(a)(i) of the Competition Act.

The investigation against Bolt deals with conduct that relates directly to buyer provisions of the Act, with respect to imposition of unfair pricing conditions on Bolt drivers, which are SMEs and/or HDPs by a dominant firm (i.e. Bolt) in the e-hailing market. Furthermore, the market for e-hailing falls within the broader digital markets which is one of the Commission's priority sectors.

Bolt independently controls and determines the earnings of drivers that provide Bolt e-hailing services. It is therefore alleged that Bolt is imposing prices on drivers that have decreased over time per km, and also imposes prices on its drivers that are insufficient to cover the costs that drivers incur in providing the Bolt e-hailing transportation services. The effect of Bolt's conduct on its drivers which are SMEs/HDPs is that they are unable to operate profitably, thus reducing their ability to participate effectively in the market and potentially cause them to exit the market.

The Commission is investigating the matter in terms of section 8(4)(a)(i) of the Competition Act and seeks to remedy the alleged anticompetitive conduct which, if established, would harm drivers, in particular SMEs and firms owned by HDPs. Addressing the alleged conduct by Bolt would result in increased entry, participation and sustainability of SMEs and firms owned by HDPs in the e-hailing market.

B) SIGNIFICANT MARKET CONDUCT CASES IN THE 2025/26 FINANCIAL YEAR MARKET CONDUCT INVESTIGATIONS COMPLETED

A total of eighteen (18) market conduct investigations were finalised during the 2025/2026 financial year, see table below.

Table 15: Market Conduct Investigations Completed in 2025/26 financial year

Parties	Case number	Decision	Decision date
T. Reid vs Egoli Gas (Pty) Ltd	2023Aug0037	Non-Referral	3 April 2025
De Haar vs FNB & PayPal	2025Mar0032	Non-Referral	24 June 2025
Commission vs Brady South Africa	2023Sep0033	Referral	24 June 2025
South African Sugar Converter's Association v Ingrain SA (Pty)Ltd	2022Jun0046	Non-Referral	22 September 2025
Depansum(Pty) Ltd T/A D Local vs Visa Inc. And Visa Sub – Saharan Africa	2023Sep0001	Referral	11 November 2025
The Commissioner vs Mastercard International Incorporated	2025Jul0005	Referred	11 November 2025
Zaza Gas and Products Pty Ltd vs Air Products SA	2024Nov0004	Non-referred	3 December 2025
Cape Gate (Pty) Ltd vs Arcelormittal (Pty) Ltd	2025May0036	Withdrawn	3 December 2025
Scaw (Pty) Ltd vs Arcelormittal (Pty) Ltd	2025May0040	Withdrawn	3 December 2025
Arcelormittal (Pty) Ltd vs Cape Gate (Pty) Ltd and Scaw (Pty) Ltd	2025Jun0013	Non-referred	3 December 2025

Below are summaries of significant market conduct cases completed in the period under review.

1. Commission vs Brady South Africa

On 7 September 2023, the Commissioner initiated a complaint against Brady South Africa (Brady SA) in terms of section 49B (1) of the Competition Act. Brady SA is a subsidiary of the multinational company called the Brady Group. The Brady Group manufactures and supplies a wide range of products and services, including speciality products, technical equipment, and services for purposes of identification which are used in various industries.

Brady SA directly sells labelling consumables used in fibre cable installation and the broader telecommunications sector to affiliated distributors in the Western Cape and the rest of South Africa. In addition to the affiliated distributors, Brady SA also supplies the labelling consumables to non-affiliated distributors (which Brady SA refers to as resellers). These resellers are mostly SMEs and/or HDP firms and compete against Brady SA's affiliated distributors.

Brady SA is allegedly applying a discriminatory pricing strategy through differentiated discounts which may prevent SMEs or HDP firms from participating effectively in the market. The Commission assessed the alleged conduct as price discrimination against SMEs and/or HDPs which is in contravention of section 9(1)(a)(ii) of the Competition Act.

The Commission found that Brady SA is dominant in the manufacturing of labelling consumables, with strong preference for Brady SA labelling consumables in the telecommunications sector by very large customers which allows it to exert market power.

The Commission found that Brady was charging independent resellers, including SME and HDP firms higher prices in comparison to Brady SA distributors. The price differential was found to be more than 100% above prices charged to competing Brady SA distributors. The conduct by Brady SA has led to an SME, owned by an HDP exiting the market as it could not compete with Brady SA distributors because of the price differentials charged by Brady SA. Accordingly, the Commission has referred the matter to the Tribunal for adjudication.

This matter marks another referral for an alleged contravention of section 9(1)(a)(ii) of the Competition Act, which was enacted to directly address

price discrimination against SMEs and/or HDP. Price discrimination against SMEs and HDP-owned firms poses a significant barrier to entry and for existing SMEs and HDP-owned firms to be sustainable in the market. Stopping the conduct by Brady SA would enable independent SMEs and HDP-owned firms to enter and effectively compete in the market with Brady SA's distributors.

2. Depansum (Pty) Ltd T/A D Local vs Visa Inc. and Visa Sub – Saharan Africa and The Commissioner South Africa vs Mastercard International Incorporated

The Commission investigated and finalised two (2) complaints in the financial and digital sectors. The first complaint was lodged in September 2023 by Depansum (Pty) Ltd t/a D Local (Depansum) against Visa Inc (Visa Inc) and Visa Sub-Saharan Africa (Pty) Ltd, a subsidiary of Visa Inc. (Visa Sub-Saharan Africa) (referred collectively as Visa). The second complaint was initiated by the Commissioner in July 2025 against Mastercard International Incorporated (Mastercard). The two complaints were investigated jointly, given the similarity in the alleged conduct.

Both complaints related to the enforcement of rules and the imposition of fines by Visa and Mastercard for the processing of cross-border payments by South African banks. It was alleged that:

- i. Visa and Mastercard were preventing local South African banks from processing certain transactions that they classified to be in contravention of their rules;
- ii. Visa and Mastercard imposed rules on their member banks that they could only acquire (process??) transactions between cardholders and merchants if such cardholders were located in the same jurisdictions as the merchant in question; and
- iii. Visa and Mastercard were imposing fines on its member banks for the contravention of the aforementioned rules.

The Commission investigated the conduct by Visa and Mastercard as inducement and/or general exclusionary conduct in contraventions of sections 8(1)(d)(i) and 8(1)(c) of the Competition Act.

The Commission found that Visa and Mastercard have been enforcing their rules and imposing fines on South African banks which limited

the participation of alternative payment providers such as Depansum in the relevant market(s). The Commission's investigation revealed the following anti-competitive effects associated with the practice by Visa and Mastercard:

- (i) Higher transactional fees to South African consumers;
- (ii) Prevention of alternative payment providers to participate and expand in the relevant market(s).

Visa and Mastercard did not dispute the existence of their rules. They argued that their rules are justified and are aimed at combating potential money laundering and fraudulent transactions. The Commission assessed the justifications presented by Visa and Mastercard and concluded that the justifications do not outweigh the anti-competitive effects of their conduct.

The Commission concluded that the conduct by Visa and Mastercard of charging South African customers higher transactional fees amount to inducement and/or exclusionary practice where the customers are directed to support Visa and Mastercard, to the exclusion of their competitors. This conduct is in contravention of sections 8(1)(d)(i) and 8(1)(c) of the Competition Act. The complaints were referred to the Tribunal for adjudication.

Successful prosecution of the Visa and Mastercard complaints would have positive outcomes for both the financial sector and South African consumers. Mastercard and Visa's conduct restricts alternative digital payment models for the processing of cross-border transactions between South African consumers and international merchants. There are alternative cheaper models available for consumers in comparison to the Visa and Mastercard cross-border models which are more expensive. In addition, these alternative models offer other benefits for South African consumers, such as lower transactional costs, higher approval rates and foreign exchange risk absorption. The traditional cross-border model which is currently employed by Visa and Mastercard is subject to currency conversions and network fees, which increases consumer costs for transacting.

The rules imposed by Visa and Mastercard prevent the entry and expansion of alternative digital payment models. The removal of such

rules will allow alternative payment models to enter the South African market, leading to greater competition and alternatives for South Africa consumers.

3. Commission vs Audatex

On 24 January 2025, the Commissioner initiated a complaint against Audatex South Africa (Audatex) in terms of section 49B (1) of the Competition Act. Information in the Commission's possession suggested that Audatex applied a sliding scale pricing by volumes and appears to charge HDP firms and/ or SME customers a higher price for use of its software, including both the packaged quotations and the out-of-package quotations (discriminatory pricing strategy). The alleged conduct was alleged to have the likely effect of impeding the ability of SME or firms controlled or owned by HDP to participate effectively in the relevant market(s), in contravention of sections 9(1)(a)(ii), alternatively section 8(1)(c) of the Competition Act.

Audatex's software platform, also known as Ubuntex, is mostly used throughout the motor vehicle repair value chain - often from insurer, to assessor, to repairer. Audatex sells Ubuntex in packages consisting of a number of "quotes/estimations" per month. It further makes provision for "out-of-package quotes" for its users that exceed their number of quotes in a particular month.

The Commission compared the differences in the prices charged for the use of Ubuntex to SME and/or HDP firms, against the prices charged to non-SME and/or non-HDPs firms. The Commission established that there are significant price differentials by Audatex between SME and/or HDPs customers and non-SME and non-HDPs customers over the assessment period. The differentials are higher than a reasonable allowance (a so-called "safeharbour" of +10%). The investigation established that the high price differential is likely to materially impede the designated class of firm's ability to participate effectively and reduces the profitability of the designated class purchasers.

The Commission concluded that sufficient evidence exists of a contravention of section 9(1)(a)(ii) of the Competition Act by Audatex. Therefore, on 10 February 2026 the Commission decided to refer the matter against Audatex to the Tribunal for further adjudication in respect

of a contravention of section 9(1)(a)(ii) of the Competition Act. The matter will be filed with the Tribunal in due course.

The Audatex SA complaint referral by the Commission to the Tribunal for prosecution under the new price discrimination provisions of the Competition Act aims to protect SMEs and firms owned by HDPs against price discrimination by dominant suppliers. The prohibition of this conduct will reduce the price for accessing the repair estimation software for firms owned by HDPs and all SMEs. This will enable these firms to participate effectively in the formal market for repair services and assessing service market.

4. Commission vs Radiology Investigations against GE, Siemens, and Philips

On 28 March 2025, the Commissioner initiated complaints against three Original Equipment Manufacturers (OEMs) involved in the manufacture of diagnostic medical imaging equipment, in terms of section 49B(1) of the Competition Act. The complaints pertain to conduct by GE Healthcare (Pty) Ltd (GE), Philips South Africa Commercial (Pty) Ltd (Philips), Siemens (Pty) Ltd and Siemens Healthcare (Pty) Ltd (Siemens).

The respondents are engaged in the manufacture and distribution of diagnostic medical imaging (DMI) equipment such as X-Rays, ultrasound equipment, MRI scanners, and CT scanners throughout South Africa. The complaint relates to alleged exclusionary practices in the secondary market for the repair and maintenance of the DMI equipment, by restricting access to essential inputs required for servicing and repair, which was investigated as a potential contravention of sections 8(1)(b), 8(1)(d)(i), 8(1)(d)(ii) or alternatively section 8(1)(c) of the Competition Act.

The Commission has gathered extensive qualitative and documentary evidence from multiple stakeholders, demonstrating refusals to supply spare parts and restrictions on access to service keys and software. While OEMs argued that spare parts, software, and training are available on request and that restrictions are justified by safety and regulatory concerns, these claims are contradicted by consistent third-party evidence and by internal inconsistencies in OEM submissions.

The Commission found that the alleged conduct not only raises serious competition law concerns but also has material implications for healthcare delivery, equity of access, and the efficient use of public resources. The Commission has since decided to refer the complaints to the Tribunal for adjudication.

The impact on hospitals, particularly public and rural facilities, is significant. Hospitals report prolonged equipment downtime due to reliance on OEM service hubs, which are often geographically concentrated. Delays in servicing directly disrupt clinical workflows and can lead to postponed diagnoses and treatments, adversely affecting patient outcomes.

Financially constrained public sector budgets are strained by high servicing costs and forced equipment replacement. The lack of viable alternative service providers undermines hospitals' bargaining power and limits their ability to manage lifecycle costs effectively.

5. Baxter Healthcare South Africa (Pty) Ltd vs Adcock Ingram Critical Care (Pty) Ltd

On 27 September 2022, the Commission received a complaint from Baxter Healthcare South Africa (Pty) Ltd (Baxter) against Adcock Ingram Critical Care (Pty) Ltd (AICC) in relation to the alleged excessive pricing of dialysis products. Baxter submitted that AICC's alleged excessive pricing occurred both before, after and during the period when the 2020 Consumer and Customer Protection and National Disaster Management Regulations and Directions (the 2020 Regulations) were in effect.

AICC is the sole distributor and marketer of Baxter renal care-related products for three distinct types of treatment therapies, i.e Haemo Dialysis (HD), Continuous Renal Replacement Therapy (CRRT) and Peritoneal Dialysis (PD). It has been Baxter's local manufacturing and distribution partner for the last 70 years. The allegations against AICC were assessed as potential contraventions of section 8(1)(a) of the Competition Act.

The Commission's investigation revealed that there is a prima facie case against AICC for excessive pricing of CRRT and PD treatment bundles.

The investigation revealed that AICC has been generating excessive mark-ups over economic costs on these two treatment bundles. Furthermore, the investigation revealed that AICC's conduct of charging excessive prices for these treatments resulted in consumer harm, making renal treatment unaffordable to patients. Based on its findings, the Commission has decided to refer the complaint against AICC to the Tribunal for adjudication.

The Commission found that there is sufficient evidence to support the conclusion that the Continuous Replacement Therapy and Peritoneal Dialysis treatment bundles offered by Adcock Critical Care Division are priced above reasonable levels. This could have a negative effect on patients' ability to access the lifesaving treatments required. It is estimated that between 6% and 17% of South Africans experience some degree of permanent kidney impairment, referred to as chronic kidney disease (CKD). The high cost of kidney dialysis treatments presents a significant concern regarding both equitable access to healthcare and the financial burden placed upon government, renal facilities and medical schemes. These alleged excessive prices have the potential to impose substantial costs on the government when providing renal dialysis services in the public sector. On the other hand, these excessive charges have significant implications for AICC's customers, free-standing and hospital-based dialysis centres, and individual customers. Given that 6% and 17% of South Africans experience some degree of permanent kidney impairment, a reduction in prices would likely lessen the financial burden on government and private healthcare facilities. Lower costs would decrease overall healthcare expenditure and enhance access to treatment, particularly for individuals facing affordability constraints.

(C) MARKET-WIDE INTERVENTIONS IN THE ECONOMY TO ENSURE IMPROVED COMPETITION, INCLUDING REMOVAL OF BARRIERS TO ENTRY, MARKET ACCESS (INCLUDING ACCESS TO FINANCE), ACCESS TO UPSTREAM INPUTS AND REDUCED CONCENTRATION LEVELS IN THE ECONOMY

Market Inquiry

The Commission initiates and undertakes market inquiries in terms of the provisions in Chapter 4A of the Competition Act, which empower the Commission to undertake a "formal Inquiry in respect of the general

state of competition in a market for particular goods or services, without necessarily referring to the conduct or activities of any particular named firm". Where the Commission identifies market features that impede, restrict or distort competition through the market inquiry process, the Commission is required to take appropriate action to remedy such distortions. This may include the imposition of binding remedial actions or making recommendations to any minister, regulatory authority or affected party to take action to remedy, mitigate or prevent competition distortions.

The Commission completed one market inquiry, the Media and Digital Platforms Market Inquiry in the period under review.

MEDIA AND DIGITAL PLATFORMS MARKET INQUIRY

The MDPMI was initiated under section 43B(1)(a) of the Competition Act. The Commission released its final report on 13 November 2025. The final report was a culmination of 24 months of extensive evidence gathering, five rounds of information requests, public and in-camera hearings, expert submissions, consultations with industry stakeholders, a consumer survey, a focus group, and a provisional report process that enabled broader public input from media publishers, broadcasters, the digital platforms themselves, and academia.

The final report underscores how news media is essential for democracy, serving as the cornerstone of public accountability and informed citizens. Yet, the global transition to digital platforms has severely undermined traditional revenue models and has eroded the financial positions of news media. In South Africa, declining advertising income and the limited ability of audiences to pay for subscriptions have led to shrinking newsrooms, closed bureaus, and constrained reporting capacity. Meanwhile, digital platforms exacerbate these pressures by capturing audiences and monetisation opportunities that traditionally sustained news outlets.

The MDPMI found that major global platforms (Google, Meta, Microsoft, TikTok, X and AI companies such as OpenAI) dominate key gateways through which South Africans access information, namely search, social media, and AI-powered tools. In search, Google maintains a dominant position, where news represents 5-10% of queries and drives user

engagement that is monetised through commercial advertising. Google however does not compensate South African media for the news content it displays or summarises. Referral traffic to media websites has declined sharply as users increasingly consume AI-generated summaries or remain on Google's own platforms. Furthermore, Google's algorithmic structure tends to favour large foreign outlets over local or vernacular media, deepening inequality in content visibility and advertising reach. Microsoft exhibits a similar foreign bias through its MSN service, which contracts relatively few South African publishers.

In terms of social media, platforms such as Meta (Facebook, Instagram, and WhatsApp), YouTube, X and TikTok play a massive role in distributing news to South Africans, particularly within community and vernacular audiences. While these platforms gain immense engagement value from news, few South African outlets are accredited or technically enabled to monetise their content on the platforms. Both Meta and X have deprioritised posts containing news links, substantially reducing referral traffic to publishers' sites. The SABC relies heavily on YouTube for content distribution but earns minimal revenue-share compensation. Social media algorithms also foster the spread of misinformation and disinformation by promoting sensationalist material over credible sources, imposing social costs that the media must absorb in combating fake news.

The MDPMI also found that AI chatbots and large language models have scraped online news content without compensation, using it to train AI systems and generate responses to user queries. Although news represents a small portion of total training data, this practice raises significant questions about the future value of original journalism. While major AI companies now offer websites the ability to opt out of scraping, small and community media often lack the technical expertise to exercise these options. The MDPMI observed that South Africa's fragmented and resource-constrained media houses are too small individually to attract content licensing deals, but collectively they could offer significant value. At the same time, AI technologies themselves hold potential for improving newsroom efficiency, enhancing audience engagement, and delivering innovative news formats, provided the media can access affordable tools and training.

In AdTech, Google's dominance across the AdTech stack has entrenched dependency and raised costs for media, with its bundled systems giving preferential treatment to its own exchange. While South Africa cannot resolve these global distortions alone, aligning with international regulatory and legal efforts could help restore fairness. AI and digital platforms also offer opportunities for innovation, but only if local media can collectively bargain, build technical capacity, and access fair compensation for their content. Sustained collaboration, investment, and policy support remain vital to ensure a diverse, credible, and sustainable South African media ecosystem.

After extensive engagement and two months of negotiations with global platforms and stakeholders, the Commission has finalised a comprehensive package of remedies designed to restore fairness, transparency, and sustainability in South Africa's media ecosystem. Agreements on remedies were reached with Google, YouTube, Meta, TikTok and Microsoft which will be implemented immediately.

Central to these outcomes is a R688 million Media Support Package agreed with Google and YouTube, which will fund national, community, and vernacular media through a combination of content licensing, innovation grants, and capacity-building initiatives. This includes support for newsroom innovation, contributions to the Digital News Transformation Fund, and funding for vernacular-language training through the Media Development & Diversity Agency. Google will also introduce new user tools to prioritise local news sources, provide technical assistance to improve website performance, share enhanced audience data, and establish an African News Innovation Forum. Microsoft, in turn, will extend its MSN news contracts to include five additional national publishers.

In the social media space, Meta will create a Media Liaison Office in South Africa and expand monetisation access through workshops, ad credits, and the removal of follower thresholds. YouTube will offer automatic access for all South African media to its Partner Programme and support the SABC with direct ad sales and archive digitisation. TikTok will roll out its Publisher Support Suite in South Africa, including monetisation and analytics tools. The MDPMI imposed on X Corp a remedy that ensures it will make all monetisation programmes available locally and

provide training workshops. All platforms will implement digital literacy initiatives to strengthen media resilience and counter misinformation.

Remedies in AdTech and AI will align South Africa with leading global standards. Google will extend transparency measures from the EU, improving visibility into advertising costs and publisher payments, and will remove self-preferencing practices within its ad systems. In AI, Google and Meta will offer South African media the same content controls and opt-out mechanisms available in the EU, alongside biannual training to support the development of a fair and functioning market for licensed content. Similar remedies were imposed on OpenAI, and X.AI.

The MDPMI recommends that **the dtic** authorises a block exemption to enable collective bargaining by South African media over platform monetisation terms, AI content licensing, AdTech pricing, and joint ad-sales for community media. In parallel, the Department of Communications and Digital Technologies is encouraged to develop content-moderation regulations under the Electronic Communications and Transactions Act, introducing self-regulation frameworks for social media platforms and establishing an independent Social Media Ombud to oversee public complaints and moderation practices. The full report is available at: <https://www.compcom.co.za/final-report-launch/>.

(D) INITIATIVES TO MONITOR CONCENTRATION OF THE ECONOMY

Measuring concentration and participation in the South African economy: Levels and trends (2017-2021)

The purpose of this research study is to deepen the understanding of the patterns of concentration and participation in the economy over a period of five years (2017-2021). This research study, which builds on the previous Concentration Tracker conducted by the Commission covering the period 2011-2016, is firstly underpinned by the Commission's mandate to ensure competitive markets and to reform markets with high levels of market concentration and a lack of economic participation. Secondly, the study contributes to the Commission's 2025-2030 prioritisation framework, which seeks to reduce concentration and promote greater participation in the economy. Lastly, the study provides a quantitative basis and serves as an input into other government policies and regulation including the National Development Plan,

industrial policy and priorities of the 7th administration of Parliament to de-concentrate the economy and support the realisation of inclusive economic growth.

Some research observations and conclusions:

- There are positive signs of de-concentration in many sub-sectors, either transitioning to moderate or less concentrated levels, or simply reductions in concentration within each concentration category. However, the South African economy still remains highly concentrated and continued efforts are needed to reduce concentration. The study finds that concentrated sub-sectors with presumptively dominant firms, rather than an oligopoly structure, are less likely to see reductions in competition, suggesting a continued focus on reining in exclusionary conduct by dominant firms. However, this needs to be an 'all of government' competition policy approach rather than simply a competition law and agency approach as many regulations may pose barriers to competition or sustain monopoly structures. Reforms to energy and logistics where state monopolies persist provide the best means to inject competition and benefit from private investment, with support from competition law. It is apparent that past privatisations in selected sub-sectors, such as forestry and agricultural cooperatives, created private monopolies where competition law can mostly deal with the effects of concentration but will battle to de-concentrate. This is a lesson for future reforms.
- The gains in de-concentration appear to be mostly the result of improved competition amongst large firms, as there remain severe constraints on Micro, Small and Medium Enterprises (MSME) participation in SA. MSME participation remains extremely low by global standards and has been dealt a further blow from Covid-19 which resulted in shrinking numbers of MSMEs in the country. MSME participation remains an attractive policy goal as these firms are twice as employment intensive relative to large firms, suggesting that their growth is critical to job creation objectives. A strong MSME ecosystem also provides the foundation of innovation and future disrupters that will grow and de-concentrate the economy. The study finds that barriers to expansion rather than entry remain the single largest bottleneck for MSME participation and both government policy and competition law need to focus more on how to grow successful entrepreneurs by removing barriers to expansion

- and securing market access, including through public procurement.
- The study provides guidance to the competition authorities and government departments on where we still see persistent levels of concentration and where efforts across government can be focused to reduce concentration and the barrier it poses to economic growth and competitiveness. Within the group of concentrated sub-sectors, there will need to be prioritisation of those that impact negatively on economic performance the most either as inputs to other sub-sectors or as material household expenditure items. Some sub-sectors may be structurally predisposed to concentration due to economies of scale, but even in these there needs to be efforts to at least create and maintain robust oligopoly competition rather than be at the mercy of a single dominant firm.
- The bigger challenge is around MSME participation where there are fewer positive signs of altering the structure of the economy, impeding both inclusive growth and job creation. The study has highlighted the challenge for government and competition authorities in increasing the participation of MSMEs, and by extension, new black-owned businesses in transforming the economy. There needs to be a concerted effort to quickly dismantle barriers to expansion particularly, be they market access barriers policed by the competition authorities or regulatory barriers erected by government. Both government and competition agencies need to consider how to accelerate this process to unlock the MSME ecosystem's growth.

(E) ADVOCACY INTERVENTIONS ON CONCENTRATION LEVELS, INITIATIVES TO REMOVE ENTRY BARRIERS, AND THE IMPACT OF THE COMMISSION'S INTERVENTIONS IN PRIORITY SECTORS

1. Intergovernmental Fintech Working Group Study on Regulating for a Competitive and Inclusive Open Finance Regime

The Intergovernmental Fintech Working Group's (IFWG's) Open Finance Integration Working Group (OPI WG) agreed in February 2022 to investigate five areas identified for deeper investigation in developing a comprehensive approach to open finance: alignment on potential phasing of open finance and priority use cases, customer data

ownership and data standards, APIs and the way forward for regulators, the competition aspects of open finance and how to mitigate anti-competitive behaviours and outcomes, and the appropriate regulatory and licensing frameworks and instruments for South Africa, given the multi-regulator context. This study is the fourth instalment of this collaborative research programme exploring the competition aspects of open finance, the promotion of competition and pro-competitive outcomes, and the prevention of anti-competitive behaviour and outcomes.

Conclusion:

- A well-regulated, competitive, and inclusive open finance regime holds transformative potential for South Africa's financial sector. Open finance can unlock innovation, reduce costs, and expand access to financial services, particularly for underserved populations. However, realising these benefits requires a deliberate and coordinated approach across regulators, policymakers, and market participants.
- South Africa's financial sector is highly concentrated and interconnected, with incumbent institutions holding significant market power and control over consumer financial data.

This entrenched dominance has limited the scope for innovation and competition, particularly from fintechs and new entrants. Open finance offers a pathway to disrupt this status quo by enabling customer-permissioned data sharing, thereby levelling the playing field and fostering a more dynamic and inclusive financial ecosystem.

Recommendations:

- A regulator-led, mandatory open finance framework underpinned by strong consumer data rights, robust enforcement mechanisms, and interoperable digital public infrastructure. The Protection of Personal Information Act (POPIA) provides a solid legal foundation for consumer data ownership and consent-based sharing. However, further legislative and regulatory alignment is needed to ensure consistency across financial, competition, and data protection mandates.
- The implementation of open finance must be accompanied by safeguards to mitigate systemic risks, including data breaches, cyber

threats, and financial exclusion. Fail-safe mechanisms such as clear liability frameworks, licensing of third-party providers, and broad-based consumer education are essential to build trust and ensure the integrity of the financial system.

- Importantly, the study emphasises the need for asymmetric regulatory treatment to support fintechs and smaller players, while ensuring that incumbents and Big Tech firms do not entrench their dominance through control of data or digital infrastructure. Nonetheless, the enthusiastic participation of incumbents is essential for a successful open finance regime. Data reciprocity, free or low pricing for data access, and tiered regulatory requirements are critical to achieving a functional, balanced, and inclusive ecosystem.
- South Africa stands at a pivotal moment. By adopting a coordinated, inclusive, and forward-looking open finance regime, the country can catalyse innovation, enhance competition, and promote financial inclusion, thereby contributing meaningfully to inclusive economic growth and digital transformation.

2. Engagement with financial institutions

The Commission engaged in advocacy with a selection of banks and Development Finance Institutions (DFIs). The advocacy included:

1. Evaluating the progress made by a selection of banks and DFIs for funding SMEs and businesses owned or operated by HDPs in the five priority sectors of the Commission, namely agriculture, food and agro-processing; healthcare; digital markets; retail and heavy and light Industry, and other sectors.
2. Identifying the elements of the funding/credit risk models that may raise barriers to access finance by SMEs and businesses owned or operated by HDPs in the five priority sectors.
3. Identifying potential reforms to the funding models or processes of banks and DFIs to enable targeted sustainable development finance for SMEs and HDP businesses.

The Commission involved analysis on the challenges and progress regarding access to finance for SMEs and businesses owned or operated by HDPs in the Commission's priority sectors, and other sectors. It involved a literature review on the challenges facing SMEs

and businesses owned or operated by HDPs to access finance, analysis from stakeholder engagements, and survey findings from a selection of banks and DFIs, highlighting barriers and proposing reforms to improve inclusive economic participation.

SMEs contribute significantly to employment, gross domestic product (GDP), and poverty alleviation in South Africa but face persistent challenges in accessing finance, limiting their growth and market participation. The National Development Plan aims for SMEs to employ 90% of the workforce by 2030, a target requiring substantial support.

Key barriers include lack of collateral, perceived high risk by lenders, information asymmetries, and regulatory constraints such as the National Credit Act (NCA) which limits credit access for businesses with turnover below R1 million. SMEs often lack formal financial records and credit history, making creditworthiness assessments difficult.

The advocacy covered these metrics: funding volumes and trends, type of funding provided, application process, credit risk assessment models and qualifying funding criteria, main challenges and barriers to funding SME and HDP-owned or operated businesses (including regulatory barriers/gaps), risk management and availability of non-financial support, the funding terms being offered to SME and HDP-owned or operated businesses relative to larger firms (i.e. interest rates and repayment terms), collateral requirements of banks and DFIs, financial inclusion strategies by the selection of banks and DFIs (i.e. whether there are any gender, youth and rural focused financial offerings) and patent funding offerings.

Banks extend a disproportionately small share of credit to SMEs (around 8-13%), with large corporates receiving a much larger share. DFIs provide slow-growing funding, with some focusing on black-owned, youth, and women-owned businesses. There is, however, a growing variety of financial products.

Traditional credit risk assessment models rely heavily on collateral and financial history, disadvantaging SMEs. Innovative approaches using alternative data (e.g. transactional data, and utility payments) and AI/machine learning show promise to improve credit access but require regulatory clarity and fairness standards.

The NCA and its regulations, including developmental credit provisions, affect SME financing. Amendments and reforms are underway but face challenges, including the narrow definition of small business and burdensome registration requirements. Stakeholders advocate for bespoke affordability assessments and expanded definitions to include sole proprietors and partnerships.

The Department of Small Business Development, Banking Association of South Africa, National Credit Regulator, Financial Sector Conduct Authority, and Prudential Authority are engaged in efforts to improve SME financing, including policy reforms, credit infrastructure improvements, and financial inclusion strategies.

Major banks such as FNB, Nedbank, Standard Bank, Absa, Capitec, and Investec, alongside DFIs like Land Bank, National Empowerment Fund (NEF), and Black Industrialist Scheme (BIS), provide various funding and non-financial support programs targeting SMEs and HDP businesses. However, data tracking limitations and sectoral disparities exist, with most funding concentrated in certain provinces and sectors.

Banks report increasing loan applications and approvals for SMEs and HDP businesses, although approval rates vary by sector. Enterprise and Supplier Development programs form a significant part of funding strategies, often coupled with non-financial support like mentorship and business development.

Interest rates for SMEs and HDP businesses generally vary by risk profile and product type, with unsecured lending attracting higher rates due to capital requirements. Loan durations vary widely, with some DFIs offering longer repayment terms. Data on exact rates and terms from the selection of banks and DFIs is sometimes limited or unavailable.

The Commission identified recommendations which can be phased in the policy landscape in the short, medium and long-term for the reform of the credit finance infrastructure so that it can adequately serve the finance needs of SMEs and HDP-owned or operated businesses. Part 2 of the advocacy (the process of proposing policy reforms with stakeholders) will be undertaken in the financial year 2026/27. The recommendations cover inter alia the need for coordinated policy reforms to require banks and DFIs to track (capture, segment and record) the sector code, SME

categorisation and HDP status of applicants in funding applications, re-consideration of the Financial Sector Code and the potential for increased investments targets, particularly in the FS600 empowerment financing scorecard, improved credit information systems, adoption of alternative data in credit assessments, regulatory adjustments to the NCA, and the development of a bespoke credit scorecard specific for SMEs and HDP-owned or operated businesses to bridge the finance gap and promote inclusive economic growth.

The selection of banks included TymeBank (now known as GoTymeBank), FNB, ABSA, Standard Bank, Capitec, Nedbank and Investec. The selection of DFIs included National Empowerment Fund, Public Investment Corporation, National Youth Development Agency, Small Enterprise Development and Finance Agency, Land Bank, Youth Pipeline Development Programme and the Black Industrialists Scheme. The Commission also engaged with the South African Reserve Bank, Prudential Authority, Banking Association of South Africa, Department of Small Business Development, National Consumer Commission and the Financial Sector Conduct Authority.

(F) INTERVENTIONS FOR PRO-COMPETITION LAWS, GOVERNMENT POLICIES, GOVERNMENT REGULATIONS AND GOVERNMENT PROGRAMS

Commission's interventions in the Pharmacy Retail Sector

The competition concerns and complaints received by the Commission from independent community pharmacies include:

- Early termination or non-renewal of their leases in shopping centres to replace independents with national corporate pharmacies.
- High rental costs, additional costs, and unfavourable trading terms which are not faced by national corporate pharmacies.
- Corporate influence on tenant mix, leading to exclusion or limitation of SMEs and HDPs.

The Commission provided policy submissions and held engagements with the licensing unit of the National Department of Health (NdoH), South African Pharmacy Council (SAPC), and Independent Community Pharmacy Association (ICPA) as part of an advocacy approach to promote increased access by independent pharmacies to trade at shopping

centres, thereby creating rivalry with corporate pharmacy chains (such as Clicks and Dischem). The Commission promoted policy reform with the NdoH and SAPC to develop a pro-competitive licensing framework for pharmacy retail that is anchored in promoting competition principles, such as equitable distribution and retention of licences by independent pharmacies. In addition, the agencies considered the proposal for utilising the B-BBEE codes of good practice to devise a sector code for the pharmacy retail sector as one of the ways to address transformation.

The submission covered the following key policy proposals:

- The guidance criteria applicable to pharmacy licensing in shopping centres: pharmacy licensing in shopping centres disregard population size and proximity to other pharmacies. Instead, NdoH bases the number of licensed pharmacies on the number of retail establishments within the centre (e.g. 1 pharmacy for 15-50 retail establishments, 2 pharmacies for up to 100 retail establishments, and 3 pharmacies for up to 150 retail establishments). The Commission views this approach as a reason why some landlords may tend to engage in strategies to push out independent community pharmacies from shopping centres.
- The guidance for granting pharmacy licences does not currently make provision to ensure an equitable distribution of licences between corporate and independent community pharmacies. Licences are issued to any entity that applies, provided they meet the specified population, proximity, or retail outlet criteria.
- The inherent structure of the guidance, particularly its restriction on the number of pharmacies in shopping centres based on retail outlets, can exclude the ability of independent community pharmacies to compete with corporate pharmacies. Even if the Commission achieves the removal of exclusivity clauses in the lease agreements, the guidance requires that there can only be one community pharmacy per shopping centre that has 15 stores. This is a direct competitive disadvantage, as independent community pharmacies often face early termination or non-renewal of their lease agreements in shopping centres to make way for corporate pharmacies.
- The Commission proposed applying the population and proximity criteria even when granting licences for community pharmacies in shopping centres. The rationale behind this is to ensure that

in areas with large populations, the number of licences issued, even within a small shopping centre, will be proportional to the actual population size and need for pharmaceutical services. This aims to create a more equitable distribution of pharmacy licences and enable the entry of independent community pharmacies even where there is an existing corporate pharmacy in a shopping centre, based on the population size and need. This may also facilitate increased entry of independent community pharmacies in rural areas of the country, based on population size and need. Statistics from Statistics South Africa should inform the needs of the population for specific geographic areas.

- The Commission proposed that when a licence is being transferred to a new owner, particularly if a corporate community pharmacy is applying for a licence at a location previously held by an independent community pharmacy, the licensing unit (NdoH/SAPC) should determine from the independent community pharmacy whether they are voluntarily selling their licence/exiting the market or are being pushed out. If this occurs, the Commission suggested that the licensing unit should consider actions such as refusing to grant the new licence to the corporate entity. In addition, the independent community pharmacy could be provided with the first preference or option to relocate their licence to a nearby location. If both a corporate and independent community pharmacy apply for the same location, the licensing unit could assess the potential to give priority to the independent community pharmacy to enhance their entry, participation, and sustainability within the sector.
- Ownership limits: The Commission proposed the option of applying ownership limits on the number of pharmacies owned by an entity, in addition to the population and proximity criteria even when granting licences for pharmacies in shopping centres. This would align the licensing of shopping centre pharmacies more closely with the broader regulatory principles of assessing community need. Several jurisdictions have implemented ownership limits for community pharmacies to prevent monopolies and preserve professional independence.

The NdoH and SAPC supports the collaboration with the Commission in a task team to consider these issues further in the financial year 2026/27. The intended outcome is to achieve policy reform, incorporating

criteria for NdoH to apply an equitable distribution of licences between corporate and independent pharmacies in the Licensing Guidance and Regulations for the Ownership and Licensing of Pharmacies. In addition, formalising the consideration by the NdoH of the potential competition effect when assessing applications for the transfer of licences to large pharmacies. There are also potential revisions to the Regulations for the Ownership and Licensing of Pharmacies that are being considered, as one of the policy tools to shape the market structure.

The Commission also engaged through a workshop with the South African Property Owners Association and its members (shopping centre owners, property funds and property developers), on the concentration issues and barriers to entry facing small and independent community pharmacies to access retail space. The Commission promoted the competition principles for the entry of small and independent pharmacies in their shopping centres. The Commission highlighted issues regarding rental rates imposed on small and independent community pharmacies and tenant mix which tend to be a barrier for market access and promoted implementation of the Grocery Retail Market recommendations that relate to rental rates and tenant mix.

(G) COLLABORATIVE RESEARCH INITIATIVES CONDUCTED WITH THE DTIC AND ITS AGENCIES, OTHER REGULATORS AND THE REST OF GOVERNMENT TO REDUCE RED TAPE, DEAL WITH MARKET ACCESS, ACCESS TO UPSTREAM INPUTS AND LEVELS OF CONCENTRATION IN THE ECONOMY.

Competition and Food Security Research Study: Value chain analysis of selected zero-rated essential food items. The Commission has collaborated with the then Department of Agriculture, Land Reform, and Rural Development (DALRRD) now known as the National Department of Agriculture (DoA) to conduct the study. The purpose of this joint study is to understand market dynamics across selected essential food value chains, including but not limited to the market structures, concentration levels, cost drivers, price formation, margins earned (including ranking South Africa with other countries) and food margins across the selected value chains.

The study forms one of four reports that will be released in relation to the interface between competition and food security. The remaining reports include;

- An assessment of SMME participation in zero rated food value chains,
- A comparison of margins earned at different levels of zero food value chains in South African, to those of other countries, and
- An overarching report that provides recommendations for competition regulation and policy.

The study provides a clear overview of market dynamics across select zero rated food value chains, which are key to understanding the outcomes of the studies to follow. The analysis of market dynamics is also key to unbundling some of the challenges faced by SMMEs in participating in zero rated food value chains. Moreover, the market dynamics highlighted in the report, are a step towards understanding the persistent food price inflation evident in South Africa, even in zero rated foods.

The outcomes from the research seek to deepen the understanding of any correlations that may exist between market structures and margins earned across essential food value chains, market concentration, and SMME participation across value chains of selected essential food items. The research will serve as the evidentiary basis for government, regulators and industry in policy making and prioritisation of food value chains that can be exploited to bring about the desired employment and economic growth goals.

Key findings

- The study finds that there are high levels of concentration and vertical integration across the different levels of the canned pilchards value chain with the same players dominating in fishing, processing and canning. Whilst the department has increasingly opened up participation through the allocation of fishing rights to a diverse set of firms, small firms are still not visible in the marketing and processing levels of the value chain, suggesting insurmountable barriers to entry and expansion (scale and capital requirements) for small firms in the industry. However, pricing outcomes for consumers suggest that price setters have exercised restraint on this product, the likely benefit of it being zero-rated for value-added tax. Furthermore, producing canned fish using both

imported and locally caught fish may have also contributed to smoothing prices further up the value chain at the producer level.

- The study identified persistent issues in the maize, wheat and sunflower oil food value chains which include rocket and feather effects, vertical integration and concentration. The sunflower oil industry - in particular - has structural features and pronounced rocket and feather effects. The same rocket and feather effects are observed in producer spreads of maize meal. What is also interesting about these value chains is that they are not only concentration, but also a tail of smaller processors that seem unable to expand sufficiently to exert a competitive constraint on a national scale. There are, for instance, over a hundred millers but a handful account for the bulk of processing. In bread production, there are numerous independent bakeries that seem unable to contest the retailer's shelves and expand. In cooking oils, the market has less of a wide base of players and this may suggest barriers to entry rather than expansion.
- The review shows the dairy industry is concentrated and dominated by a few large companies that are vertically integrated. Whilst the number of farmers has significantly decreased in the last decade, the volume of milk produced has increased. There is also a notable increase in regional milk processors which may be exerting competitive pressure on incumbents in the respective areas. The study also shows that retail price spreads were high, consistently above 50%, over the period 2020 to 2025. Given that there is no value add at retail level, these price spreads are likely to be indicative of pricing power at this level of the value chain or additional costs incurred at retail level which warrant further scrutiny.
- The study finds that there are high levels of concentration throughout the poultry value chain, beginning with the production of essential inputs and ending with the marketing of final products. This concentration is part of a vertically integrated value chain where independent producers rely on large firms for inputs such as day-old chicks and feed yet also compete with them in the downstream wholesale and retail markets. Furthermore, large firms in this value chain use contract growing to manage and/or spread their risk over several production units. The upshot is that contract
- Growing may entrench their market power through making emerging poultry farmers dependent on incumbents for their growth. The study further finds imperfect price transmission across the value chain. For example, raw material prices not passed onto feed costs and feed costs not falling when raw material costs fall. Insofar as retail spreads, these have been widening recently for both IQF chicken portions and eggs which is likely to be indicative of pricing power at this level of the value chain or additional costs incurred at retail level which warrant further scrutiny.
- Similar to other zero-rated food chains, the dry bean value chain is concentrated with a few large national players at each level of the value chain. While the value chain appears less complex when compared to the others, there does seem to be an emergence of regional players and retailers, evidenced by the number of canned beans on retail shelves, that are competing with the national large players. It is also worth noting that there is very limited information available on this sector, with regards to how it operates, as well as pricing at different levels of the value chain. However, the prices analysed in this study show an upward trend indicative of high profitability for market participants.



(H) INTERVENTIONS TO IMPROVE COLLABORATION WITH REGIONAL AND INTERNATIONAL STAKEHOLDERS AND INFLUENCE THE GLOBAL DISCOURSE ON COMPETITION TO REFLECT A DEVELOPMENTAL AGENDA AND FACILITATION OF INTEGRATION IN COMPETITION ISSUES ON CROSS-BORDER TRADE.

In the 2025/26 financial year, the International Relations Unit continued to advance the Competition Commission of South Africa's strategic priorities through targeted regional and global engagement to strengthen competition enforcement, promote inclusive economic participation, and support economic transformation. The Commission actively participated in a wide range of bilateral and multilateral platforms, including BRICS, OECD, ICN, UNCTAD, AfCFTA, COMESA, and G20-related initiatives, directly enhancing international cooperation and advancing South Africa's competition policy objectives. These engagements strengthened partnerships and supported the Commission's work in enforcement, policy development, public-interest interventions, and institutional knowledge-sharing, particularly in areas such as food markets, digital competition, agricultural value chains, and cartel enforcement.

A key milestone during the year was the conclusion and implementation of Memoranda of Understanding with competition authorities, including Italy and Tanzania, which formalised cooperation in priority sectors such as digital markets, pharmaceuticals, agri-food markets, and enforcement coordination. In parallel, the Commission expanded technical cooperation discussions with China and Malaysia, creating further opportunities for collaboration, capacity building, and coordinated approaches to cross-border anti-competitive conduct.

Regional highlights

Regional engagement remained a strategic priority, recognising its importance in strengthening enforcement effectiveness, promoting policy harmonisation, and enabling peer learning among African competition authorities. Throughout the financial year, the Commission contributed actively to the development of continental and regional competition frameworks through engagements with the ACF, AfCFTA and COMESA.

The Commission participated in discussions and initiatives aimed at advancing harmonised merger regulations, coordinated enforcement mechanisms, and competition frameworks that support regional economic integration. The Commission also contributed practical enforcement experience and policy perspectives to regional dialogues on cross-border competition challenges and compliance approaches. Strong regional partnerships enhance the Commission's ability to address shared competition concerns while promoting consistent application of competition principles across African markets.

Global highlights

Globally, the Commission maintained a strong and visible presence across major international competition platforms, including BRICS, OECD, ICN, UNCTAD, and G20 initiatives. These engagements enabled the Commission to contribute meaningfully to global competition policy discussions and influence emerging international frameworks relating to digital markets, concentrated industries, and public-interest enforcement.

During the year, the Commission contributed substantively to international workstreams on digital platform regulation, artificial intelligence, labour market concentration, healthcare competition, food market competition, agricultural value chains, and cross-border cartel enforcement. Through BRICS and other multilateral collaborations, the Commission strengthened cooperation on investigative tools, enforcement methodologies, and responses to anti-competitive conduct affecting global and regional markets. The Commission also demonstrated growing international leadership through participation in international panels, technical workshops, OECD peer reviews, and research initiatives focused on food markets, digital ecosystems, and global commodity trading.

Global participation remains essential to ensuring that the Commission remains aligned with evolving international developments and contributes African and developing-country perspectives to global policy debates.

Conclusion

The 2025/26 financial year marks a period in which the Commission is leveraging both regional and global platforms to strengthen its

policy influence, enforcement capabilities, and institutional leadership. Importantly, international cooperation continues to strengthen the Commission's ability to respond effectively to cross-border cartels, digital market challenges, concentrated industries, and evolving global supply chain pressures.

12.5.4 PROMOTING INCLUSIVE GROWTH AND TRANSFORMATION FOR SMEs AND HDPs

The Commission's work plays a significant role in advancing inclusive growth and transformation, particularly through merger enforcement, market inquiries, advocacy initiatives, and the monitoring of remedies and conditions. Many of the conditions imposed in mergers and inquiries are designed to promote broader participation by historically disadvantaged persons (HDPs) and small and medium enterprises (SMEs) in the economy. Effective monitoring of these conditions demonstrates the Commission's commitment to enforcement and ensures that remedies contribute meaningfully to transformation outcomes. Through initiatives that remove barriers to entry, support market participation, and promote the sustainability of SMEs and HDP-owned firms, the Commission continues to advance inclusive economic participation. Impact assessments further strengthen this work by ensuring that conditions aimed at transformation and inclusive growth are optimally designed and implemented for maximum impact. In addition, the Commission contributes to transformation through its own human capital development and procurement initiatives.

(A) NO. OF INTERVENTIONS TO EVALUATE COMPLIANCE BY PARTIES WITH CONDITIONS AND REMEDIES IMPOSED BY THE COMMISSION FOCUSING ON FIRM ENTRY, TRANSFORMATION AND COMPETITIVENESS

Monitoring and evaluation of remedies in completed market inquiries

One of the core functions within the Market Inquiry Division is the monitoring and evaluation of recommendations and remedies imposed by the Commission in completed market inquiries. Through this function, the Commission ensures that there is full implementation of the remedies arising from market inquiries. The Commission also uses the monitoring tool to assess if these remedies realise the desired impact

and outcomes. In the period under review, the Commission focused on the assessment of remedies imposed in the Online Intermediation Platforms Market Inquiry (OIPMI) and the Fresh Produce Market Inquiry (FPMI).

Assessment of remedies imposed in digital markets through the Online Intermediation Platform Market Inquiry (OIPMI), in particular remedies applicable to Google Search and online classifieds property markets.

Google Search related remedies

Under clauses 3.11 to 3.12 of the applicable OIPMI remedial actions, Google is required to invest R330 million in initiatives aimed at supporting SME or HDP-owned and controlled South African platforms, developers and other eligible online businesses over a period of 5 years.

These initiatives include the following:

1. Distributing funding support through ads credits and grants;
2. Providing training and mentoring to SME and HDP qualifying South African Platforms on various tools offered by Google;
3. Creating a standalone Google for Startups Accelerator Africa: Black Founders Fund for South Africa where black-owned South African startups are provided with non-dilutive funding in Google Cloud Credits, as well as access to mentorships, workshops, training and networking opportunities across Africa; and
4. Establishing verified online profiles for SMEs or HDP-owned and controlled businesses.

To implement the remedial actions pertaining to funding support, mentoring and training and the Black Founders Fund, Google has established the Digital Growth Initiative (DGI) Program. Below is a summary of how SMEs and HDPs have benefited from Google's DGI program as of November 2025:

1. Ads Credits: Google began distributing ad credits in 2025. To date, more than 100 recipients (consisting of app developers, online platforms and online businesses) have received ad credits from Google. These ad credits enable the recipients to market their products and those sold through their platforms more widely. Enhanced visibility on Google Search makes it possible for smaller

digital platforms and businesses to reach more customers and increase their sales volumes.

2. Interest-Free Micro Loans replaced with Grants: though the remedial actions required Google to provide interest-free micro loans, the firm has opted to convert these loans into grants with the advantage that recipients are not required to repay the amount provided. As of November 2025, more than 100 recipients (i.e., South African app developers, online platforms and online businesses) had received grants from Google. Recipients may use these grants to improve their business operations and enhance their competitiveness.
3. Training and Mentorship: Google has started providing training and mentoring support to South African businesses operating in digital markets. This training seeks to provide guidance to smaller app developers, online platforms and businesses to optimally use ad credits that they are receiving from Google. The testimonials of those who have already participated

in Google's training and mentorship programme indicate that smaller digital platforms and business derive value from the programme. The roll out of the programme will continue in 2026 with more app developers, online platforms and businesses being targeted.

Overall, the above initiatives and programmes are meant to create market access opportunities and enhance the competitiveness of South African digital platforms and businesses operating in various digital markets, especially SMEs and HDPs. Since establishment, the value of various incentives and programmes that have been implemented is in excess of R20 million.

Engagements with emerging online property platforms on the effectiveness of the OIPMI remedies.

As part of its monitoring work, the Commission held engagements with two emerging SME and HDP online property platforms that operate in the same market with Property24 and Private Property to assess the impact of remedies that have been implemented thus far. In particular, the division sought to understand if these remedies have had any positive impact on their business operations in relation to (i) access to property

listings from property syndication software providers (since property listings enhance the attractiveness of the platform to consumers) and (ii) access to Google's ad credits and mentorship support aimed at assisting SMEs and HDPs to increase visibility and traffic to their platforms.

Through these engagements, the division has established that the two platforms have experienced significant growth since the implementation of the OIPMI remedial actions. These platforms indicate the following:

- a. Platform A: Prior to the OIPMI, the firm was constrained by a lack of syndication from Property24 and Private Property to feed listings to Platform A's portal and limited estate agency participation on the portal. Post the OIPMI remedial actions, Property24 complied with its obligations and allowed estate agents to feed listings to Property A using Property24's syndication software. This has resulted in Platform A experiencing a substantial increase in the number of active listings on its platform, agent sign-ups stabilising and an increase in traffic volume to the platform. Further, Platform A confirmed having received training and ad credits from Google, which have also contributed to its positive performance.
- b. Platform B: Prior to the OIPMI, Platform B was constrained by a lack of syndication from Property24, PropData and Private Property to feed listings to its portal and limited estate agency participation on the portal. Post the OIPMI remedial actions, Property24 and PropData complied with their obligations and allowed the estate agents to feed listings to Platform B and, as a result of this intervention, Platform B has seen a substantial increase in the number of listings and daily visitors to its portal. Further, Platform B has also witnessed an increase in daily leads and attributes this to two factors, namely a surge in national estate agencies listing on its platform and increased visibility on Google as a result of access to Google's ad credits.

The examples above illustrate how remedies arising from the OIPMI can open up markets and improve the competitiveness of emerging and smaller players in markets that are prone to being dominated by one or two players. The removal of barriers (such as lack of interoperability) assists in creating a more level playing field and increasing market access opportunities for firms that may introduce new innovations and offerings. For consumers, enhanced competition in the online classified property markets means there are more options to choose from when selling or buying properties. The Commission will continue to monitor and ensure the full and effective implementation of remedial actions in digital markets.

In relation to the OIPMI, Booking.com has started with the implementation of the Hospitality Growth Programme (HG Programme) which is aimed at providing support to, among others, HDPs in the tourism sector, in partnership with a local business development NGO. The HD Programme targets more than 50 accommodation providers annually and will run for a period of three years. Currently, the HD Programme has admitted HDPs from Mpumalanga, KwaZulu-Natal and Western Cape and its activities include the provision of training through physical workshops and webinars, mentorship and facilitated peer networks. The workshops and webinars focus on providing training on themes such as costing in hospitality, revenue management and record keeping. Further, through the HD Programme, the participating beneficiaries are offered a commission discount, allowing them to use Booking.Com's platform at a lower price. This in turn increases their competitiveness.

Testimonies from participating beneficiaries indicate that the HD Programme is impactful and has helped them to improve their visibility, strengthen their operations, attract new markets and boost their occupancy rate. Information submitted by the participating beneficiaries also shows that there has been an improvement in the number of jobs created by the participating beneficiaries since the inception of the programme. Commenting on the overall HD Programme, one of the HDP beneficiary states: *"I would definitely recommend the Booking.com Hospitality Growth Programme to other entrepreneurs. It combines mentorship, practical training, and useful tools that directly support growth in the hospitality sector. The programme goes beyond theory, offering guidance on financial management, marketing, brand building, and operational efficiency. Mentorship provides personalised advice, strategic guidance, and accountability, accelerating both personal and business growth...Overall, the programme equips entrepreneurs with the knowledge, confidence, and networks needed to strengthen their business, improve customer experiences, and achieve sustainable growth."*

Takealot's Marketplace SME Initiative has gained momentum, having onboarded more than 120 small businesses across Gauteng, with all these businesses being active on the Takealot platform. The benefits derived by the participating beneficiaries from the SME Initiative include free advertising credits, the waiver of subscription fees for a period of 12 months and participation in training programmes that focus on upskilling beneficiaries.

In relation to the FPMI, most of the recommendations and remedies are now ripe for implementation and are being monitored. The majority of retailers have implemented the remedy that requires them to be more transparent on their pricing. In this regard, retailers now display pricing for fresh produce products identified as priority on a “per 100 gram” basis. This remedy should enable consumers to make price comparisons and better product choices for fresh produce (on like-for-like basis across various supermarket retailers), thus improving competitive outcomes in the sale of fresh produce products.

Two of the five large market agents have already implemented the remedy that requires them to enter into management agreements with HDP and SME market agents. The remaining three market agents are on track to implement this remedy by 31 July 2026. The purpose of these management agreements is to provide support to HDP and SME market agents through, among other things, the provision of mentorship and practical training. For example, the management agreements that have already been concluded will allow the beneficiary market agents to develop skills on business account management, how to negotiate prices with farmers and how to prepare compliance documents. The beneficiary market agents will also be provided with financial support in respect of their operational expenses, access to office and floor space, and access to operational equipment (such as forklift and forklift drivers). Overall, these benefits are expected to enhance the competitiveness of the selected HDP market agents while lowering the barriers faced by these agents, such as access to finance.

Agricultural seed suppliers have also started implementing measures aimed at enhancing the competitiveness of SME and HDP farmers. These include the provision of access to high quality seeds and the provision of technical support and training on various aspects of farming. Since the inception of their HDP/ SME programmes, Sakata Seed Southern Africa and Starke Ayres have provided training to more than 500 farmers and have both made contributions to the SANSOR Development Fund as required by the remedial action. Sakata has also started implementing a discount structure to farmers participating in its development programme.

Consistent with its commitment to the FPMI, Simba has now made the FL2006 variety available to the Agricultural Research Council (ARC) for

future use by South African farmers. In this regard, PepsiCo, being Simba's parent company, has concluded a Memorandum of Understanding with ARC to facilitate access to the FL2006 variety by the latter. This is an important development; the Commission will engage the ARC on measures to facilitate access to FL2006 by South African farmers, especially HDPs and SMEs.

(B) INITIATIVE DEALING WITH REMOVAL OF BARRIERS TO ENTRY AND EXPANSION SO AS TO IMPROVE PARTICIPATION IN THE ECONOMY BY ENTERPRISES OWNED BY WOMEN, YOUTH, AND PEOPLE WITH DISABILITIES, AND ALSO DEAL WITH SPATIAL CONCENTRATION OF ENTERPRISES IN TOWNSHIPS AND RURAL AREAS.

i. Multi-stakeholder roundtable under the theme “Unlocking Economic Potential: A Collaborative Roundtable on Supporting Spaza Shops”

The Commission convened a multi-stakeholder roundtable to strengthen coordination and support for spaza shop development through a competition regulation lens. The initiative aimed to enhance, rather than duplicate, existing government, regulatory and private sector efforts by sharing current support programmes, identifying practical solutions, improving collaboration, and developing a roadmap for coordinated action in the township and rural retail sector.

Fourteen stakeholders participated, including government departments, regulators, development institutions, financial sector representatives, industry associations and digital innovators. Discussions highlighted the role of spaza shops in supporting livelihoods and job creation, particularly in townships and underdeveloped areas, as well as challenges such as crime, service delivery disruptions, regulatory barriers, zoning restrictions and access to finance, digital tools, legitimate suppliers and formal supply chains.

Stakeholders agreed on the need for a holistic, coordinated approach that balances regulation with developmental support, improves data and digital systems, reduces red tape, and provides practical support tailored to spaza shop owners. Following the roundtable, stakeholders held a working session to identify collaboration opportunities and agree on next steps.

The engagements at the roundtable highlighted several recurring themes including:

- a. The need to create jobs and reduce unemployment, particularly among youth, and the recognition that spaza shops play an important role in supporting livelihoods in underdeveloped provinces and township communities.
- b. The impact of service delivery protests and crime which often force shop closures and disrupt local economies.. The need to re-look at the term “spaza shops” as this no longer accurately reflects the nature of these businesses, given that most now operate more like formal convenience stores.
- c. The need for holistic, multi-disciplinary effort involving government, regulators, financial institutions and the private sector.
- d. The importance of balancing regulation (which is necessary for safety and consumer protection) with developmental incentives to prevent further marginalisation of spaza shops.
- e. The need to improve access to products from legitimate brands and to engage large suppliers to support the development and integration of spaza shops into formal supply chains.
- f. The need to ensure that support initiatives are tailored to the realities of spaza shop owners, with practical access to finance, digital tools, buyer engagement opportunities, and a clear regulatory path.
- g. The use of digital tools and integrated data systems to improve registration, service delivery, and oversight, as well as tackle fraud and illicit trade.
- h. The importance of building a capable and responsive state to enable inclusive economic growth and address structural barriers or red tape emanating from trading license requirements, inconsistent application of regulations and zoning restrictions, which continue to hinder formalisation efforts.

The discussions with stakeholders emphasised strong consensus on the need for greater collaboration and coordination to tackle shared challenges and enhance the effectiveness of support initiatives for spaza shops. Following the roundtable, stakeholders convened a working session to strategize around concrete collaboration opportunities and map out the next steps.

ii. Sanitary Dignity Programme Intervention

To commemorate Women's Month, the Commission participated in an outreach initiative hosted by the Department of Women, Youth and Persons with Disabilities, in partnership with Lindiwe Sanitary Pads and Tshwane University of Technology. The event celebrated female entrepreneurship and highlighted the role of women, particularly young women, in the sanitary products, manufacturing and broader entrepreneurship sectors.

The Commission's presentation focused on how competition policy supports market access for small and women-owned businesses, promotes fair market practices and entrepreneurial innovation, and advances inclusive economic participation. It also highlighted the Commission's studies on barriers to entry for HDPs in personal care and hygiene markets, strategies used by women entrepreneurs to overcome these barriers, and merger conditions aimed at supporting female-owned enterprises.

Key takeaways emphasised the need to strengthen awareness of competition regulation among SMEs and HDP-owned businesses across sectors, and to support young women entering manufacturing and other productive industries. Initiatives that reduce barriers to entry and promote inclusive market participation remain a priority for the Commission, which will continue to support efforts that expand pa.

The Commission's presentation had the following key discussion points:

- How competition policy affects access to markets for small and women-owned businesses;
- The importance of fair market practices in fostering entrepreneurial innovation and how regulatory bodies like the Commission play a role in creating equitable economic opportunities;
- Initiatives by the Commission to promote women entrepreneurs' initiatives;
- The study on the barriers to entry and meaningful participation of HDPs in personal care and hygiene markets;
- The study on understanding the strategies adopted by women entrepreneurs to overcome barriers; and

- Merger conditions related to public interest concerns aimed at benefitting female-owned enterprises and overall support for the transfer of ownership to women in the related markets.

Key takeaways included:

- With the growing need for entrepreneurship as an answer to addressing the unemployment rate in South Africa, there is a greater requirement to focus our awareness and training initiatives on ensuring that SMEs and HDPs understand the importance of competition regulation and how it benefits them.
- More effort is needed to ensure that knowledge of competition regulation becomes fundamental to SMEs and HDP- owned businesses in all sectors, not just in the female hygiene sector.
- In terms of female entrepreneurship, young women are expanding their interests into becoming local manufacturers of key products and less into providing hospitality related services.

Such initiatives geared to reducing barriers to entry into markets for SMEs and HDPs and promote access remain a key priority for the Commission. The Commission will continuously participate and support initiatives that promote inclusivity and expansion in the economy.

iii. Assessment on the state of access to retail shelf space by small and medium enterprises (SMEs) and firms owned by historically disadvantaged persons (HPDs)

The Commission conducted an assessment on the state of access to retail shelf space by small and medium enterprises (SMEs) and firms owned by historically disadvantaged persons (HPDs) as part of its contribution towards removing barriers to entry and expansion so as to improve participation in the economy by enterprises owned by women, youth, and people with disabilities, and also deal with spatial concentration of enterprises in townships and rural areas. In particular, the assessment evaluated the extent to which large retailers have implemented the recommendations of the Grocery Retail Market Inquiry (GRMI) aimed at enhancing participation and supporting SMEs and firms owned by HDPs in accessing shelf space. The assessment focused on four (4) recommendations by the GRMI that sought to facilitate improved access to retail shelf space for SMEs and HDP suppliers namely:

1. Procurement Practices of large retailers;
2. Procurement by large retailers from SMEs and firms owned by HDPs
3. Compliance with the Buyer Power Provisions and
4. Supplier and Development Programmes of the large retailers.

The assessment reviewed procurement policies of the large retailers (Pick n Pay; Woolworths, Shoprite and Spar) which focused on: sourcing from SMEs and HDPs, payment terms, rebate structures and shelf space access. With regard to procurement practices and trading terms, the following has been observed from the responses received by the large retailers, i.e. Pick n Pay, Shoprite, Spar and Woolworths. The assessment undertaken showed that most retailers have made some progress in improving payment terms, with many offering seven-day payment cycles for SMEs and HDPs, supporting supplier cash flow. However, none have set binding procurement targets or implemented enforceable escalation plans, and shelf space allocation is generally not measured in quantifiable terms such as square meters or percentages, limiting transparency and accountability. The assessment also provides insights on challenges for SMEs which include high entry costs, stringent compliance requirements, costly listing fees, and rebate structures that disadvantage smaller suppliers. SMEs often supply niche or regional products and face difficulties in scaling production and distribution. The effectiveness of enterprise and supplier development (ESD) programmes designed to support SME and HDP suppliers through capability building, market access, and financial assistance was also assessed. Overall, the assessment found that ESD programmes lack binding industry-wide frameworks, measurable outcomes, and consistent tracking of supplier graduation and retention. Retailers do not set escalating procurement targets, limiting the transformative impact of these initiatives. The assessment calls for a sector-specific Code of Good Practice to standardise procurement, shelf space allocation, and transparency, while promoting fair trading. It recommends establishing a Grocery Retail Ombud and working group to monitor compliance and retailer-supplier relationships.

Additional recommendations:

- Create a centralised information toolkit for SME and HDP suppliers to improve access and onboarding.
- Set mandatory, increasing procurement targets for SMEs and HDPs.
- Use transparent methods to measure shelf space allocation.

- Strengthen ESD programmes with binding targets, measurable outcomes, and strategies for long-term supplier retention.

(B) IMPACT ASSESSMENT STUDIES IN LINE WITH 21A OF THE COMPETITION ACT WHERE THE COMMISSION HAS INTERVENED

Employee Share Ownership Plans (ESOPs): An analysis of key design principles to create value for beneficiaries and firms

The purpose of this impact study is to evaluate ESOPs, an ownership remedy that the Commission can impose as a merger condition if it finds that the merger does not promote a greater spread of ownership by HDPs and workers as contemplated by section 12A(3)(e) of the Competition Act.

The underlying rationale for ESOPs stems from the recognition that workers play an integral role in the growth of firms and should therefore benefit from the success of the firms in which they are employed. ESOPs are an ownership model that aims to create inclusion for workers in the ownership structure of a firm. Through an ESOP, workers can acquire shares in a firm without making an upfront payment.

Key findings:

- In relation to ESOP remedies, the Commission currently provides a template to the merging parties that outlines the design structure for an ESOP. The current template stipulates the key design principles that should be included in the ESOP structure. While the merger template provides for some key design principles, the study found that there is still considerable design scope for a firm implementing the ESOP. These design principles can have a material impact on the extent to which workers benefit from the ESOP and the cost to shareholders in implementing the ESOP. As such, it is imperative that additional design principles are included in the ESOP remedy template such as the training for beneficiaries and trustees (at no cost to the workers) including other key design principles).
- Further, the study also found that each of the design principles consists of variations that provide both advantages and disadvantages that have implications for the beneficiaries. The study has outlined these advantages and disadvantages so beneficiaries and firms can have additional context on the design principles and design an ESOP that

aligns with both their interests. With this information, beneficiaries can decide if they prefer to receive more income now or at a later time and this preference may be based on their own preferred time value of money. Therefore, it is essential that beneficiaries are included in the decision-making process for the ESOP design principles. The study highlights that beneficiaries should have a choice in determining the following design principles (i) duration, (ii) trickle dividend ratios, (iii) class of shares, (iv) placement on the ESOP, and (v) the definition of “good leaver” and “bad leaver”.

- The study shows that when interest is charged on the debt, it negatively affects the beneficiaries. If the firm does not declare a dividend, the debt accumulates significantly over time. Even if a dividend is declared, the study found that the dividend does not cover the full interest charge for the year, effectively the capital loan amount is not being reduced. Therefore, interest rate charges perpetually increase debt and may render the ESOP structure unsustainable. This structure is not truly value-creating for beneficiaries as a portion of the dividend will always be allocated to the repayment of the debt, preventing beneficiaries from receiving the full value of the dividend.
- The study also found that ESOPs obtain the most value when discounts are applied to the purchase price of the shareholding. These discounts would ordinarily be offered to investors in the open market and may be offered to executives and therefore should be offered to ESOP beneficiaries too. This is because discounts reduce the initial value of the ESOP debt. The study highlights the following discounts that should be considered when valuing the ESOPs’ shareholding; (i) minority discount, (ii) marketability discount, (iii) lock-in period discount, and (iv) discounts given due to the B-BBEE points gained by having an ESOP as a shareholder..

The study is important in that it considered how the current ESOP principles can be strengthened to ensure maximum benefit to employees. There are 3 main sets of recommendations:

1. The first set of recommendations focuses on the funding of the ESOP, specifically the study recommends that there should be no interest charged on the NVF debt and there should be discounts on the share price offered to ESOPs.
2. The second set of recommendations outlines the design principles that should be made mandatory for ESOP remedies: Implementation

date specifying the number of months in which the merging parties must implement the ESOP. Whether the ESOP will be structured as a Trust or company and the shareholding percentage held by the ESOP.

- Workers must not be required to pay to participate in the ESOP.
 - The funding model to be specified such as NVF, cash loan or grant and the distribution of the trickle dividend (if applicable).
3. The ESOP employee representative to nominate a director to the board of the company. The composition of the ESOP trustees on the board should consist of either more beneficiary nominated trustees or an equal split of beneficiary and firm-nominated trustees.

(C) DAWN RAIDS

One dawn raid was conducted in the 2025/26 financial year at scrap metal purchasing companies.

The Commission vs SCAW SA (Pty) Ltd and 3 others (Scrap Metal Purchasing Companies)

On 13 February 2026, the Commission conducted a search and seizure operation at the premises of four scrap metal purchasing companies operating in Germiston, Nigel, Vanderbijlpark, and Hammanskraal. The Commission obtained information that indicates that Scaw South Africa (Pty) Ltd (Scaw), Cape Gate (Pty) Ltd (Cape Gate), Shaurya Steel (Pty) Ltd trading as Force Steels and Unica Iron and Steel (Pty) Ltd (Unica) have engaged in fixing of the purchase price of shredded or processed scrap metal in contravention of section 4(1)(b)(i) of the Competition Act.

It is alleged that these firms have announced the same purchase price adjustment of scrap metals for implementation at more or less the same time. The Commission seized documents and electronic data, which will be analysed together with other information gathered to determine whether these companies have contravened the Competition Act.

Dismantling any alleged price-fixing cartel in the purchase of scrap metal market will eliminate collusive price setting in the purchase of scrap metal, which will benefit suppliers of scrap metals in particular, small businesses and firms owned or controlled by HDPs.

12.5.5 BUILDING A CAPABLE DEVELOPMENTAL AND ETHICAL STATE

Initiatives under this theme aim to strengthen organisational transformation, governance, compliance, and workflow processes.

(A) AUDIT OUTCOME

The Commission maintained a clean audit outcome for the 2025/26 financial year, marking seven consecutive years of unqualified audits without findings. This reflects sustained financial discipline, sound governance, effective internal controls, and consistent compliance with public sector accountability requirements.

(B) DIGITALISED KEY PROCESSES OF THE COMMISSION, INCLUDING PROCESSES RELATED TO MERGER REGULATION

The Commission has made significant progress in digitalising core business processes, directly supporting digitalisation and enhancing regulatory efficiency. The following core business processes have been digitalised or enhanced through digitisation initiatives:

i. Case Management System (CMS):

The migration of the CMS to a cloud-enabled environment is underway. This initiative will enable online lodgement of cases (including merger submissions), reduce manual handling of documents, and improve turnaround times.

ii. Enterprise Resource Planning (ERP) System Implementation

The ERP system has been fully implemented and integrated across core functions. Manual processes have been reduced, data accuracy improved, and real-time reporting enabled, strengthening financial governance and operational oversight.

iii. Digital Collaboration and Knowledge Management

Microsoft SharePoint, Viva, and metadata auto-tagging have been implemented to improve document control, compliance tracking, and information governance.

iv. Artificial Intelligence (AI)-enabled Productivity Tools

Pilot implementation of Microsoft Copilot has been completed, with users trained and governance controls in place. Specialised AI agents for human resource and legal queries are being developed to improve access to institutional knowledge and reduce administrative effort.

These digitalised processes collectively improve service delivery, reduce processing delays, enhance transparency, and strengthen governance across the Commission.

(C) TRAINING ON PRO-COMPETITIVE PROCUREMENT IN PUBLIC ENTITIES

The Commission conducted training workshops for management units within the dtic and procurement officials at the Umgeni Local Municipality Enterprise Development Forum in KwaZulu-Natal. The workshops focused on the Competition Act and pro-competitive public procurement practices, including restrictive practices, bid rigging, collusion, excessive and predatory pricing, the Corporate Leniency Policy, and strategies to design inclusive procurement processes that support SME participation.

Training, awareness and outreach remain a priority for the Commission as they strengthen officials' capacity to detect and prevent anti-competitive conduct, promote regulatory compliance, and support competitive procurement outcomes. These engagements have also improved reporting of collusive tendering and enabled officials to seek guidance from the Commission when assessing tenders.

By equipping procurement officials with competition policy knowledge, the Commission supports fair, dynamic and inclusive markets. These efforts are expected to reduce collusive practices, increase SME and HDP participation, improve access to markets, lower prices for public entities, and contribute to SME growth and job creation.

The workshops focused on the Competition Act, further expanding on pro-competitive public procurement practices. Key discussion points included:

- Restrictive practices under the Competition Act; Competition concerns that may arise in the public procurement process including bid rigging, collusion facilitated by cross directorships and shareholdings, collusive conduct by spouses, collusive conduct by joint ventures/ economic interest groupings, excessive pricing and predatory pricing;
- Common strategies adopted by colluding bidders such as cover quoting and bid suppression;

- Patterns to identify and detect bid rigging, including similarities in pricing, identical price increases submitted by bidders without an explanation of the higher costs, and bidding at prices above the maximum award budget;
- Corporate Leniency Policy of the Commission and how bidders can apply;
- The importance of competition in the public procurement process, specifically the role that it plays in driving economic growth and improving the social welfare of South Africans;
- Setting up pro-competitive procurement processes which could limit competition concerns and ensure competitive outcomes in the process; and
- The need for inclusivity i.e. SME participation in the economy, job creation and increased social welfare.

Training, awareness and outreach initiatives remain a priority for the Commission. These initiatives position the Commission to advance government objectives in building a capable state by equipping officials from various entities with the tools necessary to prevent anti-competitive conduct and foster competitive procurement and regulatory compliance. These platforms also enable the Commission to pick up new trends that are arising in the procurement space and respond accordingly to address issues that affect competition in this space. Some of the outcomes realised are that more procurement officials are reporting cases of collusive tendering and even coming to the Commission to test some of their findings in their evaluation of tenders.

Capacitating procurement officials with competition policy knowledge as well as how procurement can be instrumental in growing the economy and enhancing access will ensure that we build a fair, dynamic, and inclusive economy. Through various trainings and workshops, we can expect a reduction in collusive practices and increased participation of SMEs and firms owned by HDPs in the market. The training to procurement officials is not just about detecting anti-competitive practices in procurement processes / tenders. It is also about raising awareness on how procurement officials can design tenders that are inclusive and that enable the participation of SMEs. The training also provides guidance in terms of qualification criteria that may impede the ability of SMEs to participate in tenders. These efforts are aimed at

ensuring that SMEs are able to participate in the market and that new and innovative products can be introduced in the market. This will enhance competition in the market and result in lower prices of goods and services for public entities whilst also contributing to the growth of SMEs and job creation.

(D) % OF HR SPEND IN LEARNING AND DEVELOPMENT

The Commission spent 1.15% of its annual salary budget in the financial year on learning and development programmes to foster employee growth and strengthen its internal talent pool.

(E) % RETENTION RATE OF STAFF COMPLEMENT

The staff complement of the Commission in the 2025/2026 financial year increased to 248 from 235 at the end the 2024/2025 financial year. During the period, (22) appointments were made and (9) terminations were recorded.

Staff turnover at the end of the financial year was 2.03%, while staff retention stood at 97.97%, which remains well above the annual target of 90%.

Table 16: Staff profile and equity ratio

Quarters	Female %	Male %	People with disability %
Q1	57%	43%	2.3%
Q2	59%	41%	2.3%
Q3	58%	42%	2.3%
Q4	57%	43%	2.3%

12.5.6 IMPACT ASSESSMENT METHODOLOGY

The Commission has begun piloting a methodology for quantifying the impact of its work in the South African Economy. This work begun in the financial year 2024/25 where the Commission developed a methodology for measuring the impact of its work. The methodology is drawn from OECD best practice with impact estimations based on

academic literature examining ex-ante impacts of enforcement annually and on a three-year rolling average basis. The methodology quantifies the financial benefits of competition enforcement and interventions, presented as a financial value (Rand) as well as a return on investment (ROI) value (also referred to as the 'benefit/cost' ratio), indicating the amount of money the Commission returns to the public purse for every Rand of the grant it receives from Treasury.

Using this methodology, the Commission estimates that it is estimated that, through its work, the Commission has been able to return R158.52 of benefits to the economy for every Rand of the grant received on a three-year rolling average basis, i.e., a ratio of 158.52/1.

Table 17: Financial benefits from competition enforcement and interventions (R'million)

	2023/2024	2024/2025	2025/2026
Total Financial Benefits	56 543.37	20 547.87	127 134.14
Grant (Billion)	407.88	426.19	440.34
Overall ROI	138.6291549	48.21	288.72
Three-year average (ROI)	158.52		

Detailed description of the methodology

- General
 - Methodology drawn
 - Cases qualify where decided by Tribunal (or Commission if the decision-maker) incl. settlements
 - 3-year rolling average assessed, with revisions if decision changed on appeal
- Direct Consumer/Customer Savings
 - Rand Impact = affected turnover x price reductions x duration
 - Affected turnover is the market for mergers, parties for cartels/conduct, scope of MI remedies
 - Price reductions assume 5% for mergers/conduct, 10% cartels unless measured in case
 - Duration is 3 years for mergers, 5 years for cartels/conduct, remedy duration for MI - discounted
- Settlement penalties
 - Rand Impact is the Rand value of the settlement administrative penalties paid

Public Interest Direct Benefits

- Rand Impact = value of commitments to SME/HDP promotion, ESOP/HDP transactions, Other (e.g. investment). Non-financial Impact from jobs saved or created

Indirect Deterrent Effects

- Rand Impact is a multiple of the direct consumer savings from each case
- The multiple is 5 for mergers/cartels and 7 for restrictive practices (MI depends on remedy)

Other Indirect, Dynamic Non-price Effects

- Documented market entry, expansion and participation of firms incl. SMEs/HDPs based on info gathered

Potential impact for cases under investigation or targeted interventions

- At litigation stage cases are ranked by impact size and other considerations for prioritisation and resources
- At investigation stage cases are ranked but impact is adjusted with the probability of an offence

Opportunity to trial targets for ROI (multiple of govt grant) for consumer saving and other direct benefits.

12.5.7 COMMUNICATING THE WORK OF THE COMMISSION

i. Commission Initiated Media Engagements

The media remains an important partner and channel through which the Commission communicates with a wide range of stakeholders, including the public, policymakers and industry associations. Through sustained media liaison, the Commission builds constructive relationships with journalists and media outlets, while ensuring that they receive timely, accurate and accessible information about its activities, decisions and interventions.

In the 2025/26 financial year, the Commission continued to implement its strategic media engagement programme through consistent and constructive two-way engagement with media practitioners. These engagements, which included exclusive interviews, media information sessions and weekly columns on competition matters, helped to improve

the quality, accuracy and depth of reporting on the Commission's work. During the year, the Commission issued 25 official media statements and advisories covering the scope of its work, published 36 columns, issued 37 statements on merger decisions and screening cases, and participated in 94 media interviews. These initiatives generated extensive media coverage across online and broadcast platforms and reinforced the Commission's position as a credible and visible contributor to public discourse on socio-economic issues.

The significance of this work extends beyond media visibility. By communicating its decisions and interventions clearly and timeously, the Commission supports greater public understanding of competition law and policy, promotes transparency in its work and strengthens stakeholder confidence in the effective functioning of South Africa's competition regime. The media engagement programme therefore helps translate the Commission's technical and regulatory work into information that is accessible, relevant and useful to the public and other stakeholders.

Each media mention is analysed to determine its impact on the Commission's reputation. This impact may be positive, neutral, negative or mixed. These favourability ratings help the Commission assess how its work is being received and identify opportunities to strengthen media engagement. The Commission's strategy is to increase positive and neutral coverage, while limiting negative reporting through proactive, accurate and responsive communication. The table below provides a monthly breakdown of the Commission's favourability ratings for the financial year.

Overall, the sentiment ratings show a largely stable and favourable media environment for the Commission. Across the year, positive and neutral mentions consistently made up most of the coverage in each quarter, while negative sentiment remained comparatively low, ranging between 1% and 5% at quarterly level. This indicates that the Commission's media engagement efforts are helping to sustain balanced and credible reporting, with most coverage either affirming the Commission's work or presenting it in a neutral, factual manner. The ratings also show that even in periods where complex or contested matters attracted mixed coverage, negative sentiment remained contained, reflecting the value of clear, consistent and proactive communication.

Table 18: Favourability Ratings of the Commission's Media Mentions

Month	Q1	Month	Q2	Month	Q3	Month	Q4
April	Positive: 30% Neutral: 46% Mixed: 21% Negative: 3%	July	Positive: 24% Neutral: 65% Mixed: 11% Negative: 1%	October	Positive: 37% Neutral: 49% Mixed: 12% Negative: 2%	January	Positive: 20% Neutral: 47% Mixed: 29% Negative: 4%
May	Positive: 53% Neutral: 31% Mixed: 13% Negative: 3%	August	Positive: 19% Neutral: 44% Mixed: 36% Negative: 1%	November	Positive: 36% Neutral: 34% Mixed: 20% Negative: 7%	February	Positive: 21% Neutral: 41% Mixed: 26% Negative: 11%
June	Positive: 15% Neutral: 56% Mixed: 20% Negative: 9%	September	Positive: 51% Neutral: 43% Mixed: 3% Negative: 3%	December	Positive: 32% Neutral: 44% Mixed: 14% Negative: 7%	March	Positive: 37% Neutral: 51% Mixed: 11% Negative: 1%
Total	Positive: 32% Neutral: 44% Mixed: 18% Negative: 5%	Total	Positive: 28% Neutral: 46% Mixed: 24% Negative: 1%	Total	Positive: 35% Neutral: 42% Mixed: 15% Negative: 5%	Total	Positive: 26% Neutral: 46% Mixed: 22% Negative: 5%

12.6 Social Media Platforms

Below is a list of the Commission's social media platforms and the number of followers or subscribers as of 31 March 2026. Non-subscribers frequently view and participate in the Commission's online events as well. The table below provides the Commission's social media footprint:

Table 19: Commission mentions in online media for 2025/26 financial year

Type of media	Q1	Q2	Q3	Q4
X	70148	27757	44202	32002
LinkedIn	332700	477 959	350645	526025
Instagram	5910	16678	19666	18854
Facebook	6094	58133	47065	368239

INSTITUTIONAL PROGRAMME

PERFORMANCE INFORMATION

13.1 Outcomes, Outputs, Output Indicators, Targets and Actual Achievement

This section presents an overview of the outcomes, outputs, output indicators, targets, and actual achievements for the reporting period. In summary, the overall performance of the Commission is tabulated below:

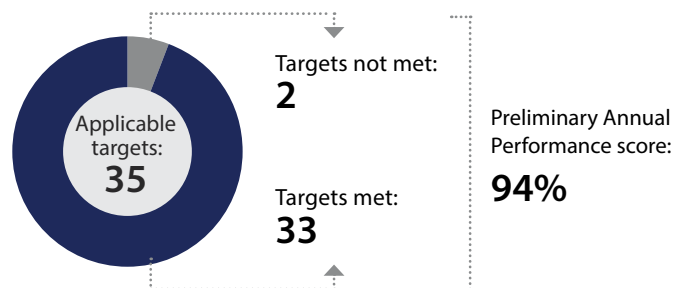


Table 20: Outcomes, outputs, Output Indicators, Targets and Actual Achievement

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
Strategic goal 1: enforcing and regulating towards economic growth and enhanced economic participation											
1. Agile enforcement of the Competition Act for improved compliance.	1. Agile regulation of Mergers & Acquisitions in the Economy	1	No. of interventions to reduce the number of mergers & acquisitions (that do not raise competition and public interest issues) required to be filed with the Commission to ease regulatory burden of businesses in South Africa.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A
		2	% reduction in turnaround times on merger assessment to reduce red tape.	N/A	N/A	≥5%	Target met 5%	N/A	N/A	N/A	N/A
	2. Effective monitoring compliance with mergers & acquisitions and enforcement conditions and remedies from inquiries.	3	To establish and implement a process, Guidance or Practice Note to facilitate expeditious assessment of merger transactions.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
		4	No. of interventions to evaluate compliance by parties with conditions and remedies imposed by the Commission focusing on firm entry, transformation and competitiveness.	N/A	N/A	2	Target met 2	N/A	N/A	N/A	N/A
2. Significant contribution to industrialisation and inclusive growth.	3. Efficient investigation of complaints and proactive work of the Commission	5	No. of abuse of dominance and restrictive vertical practices cases initiated in priority sectors to ensure removal of barriers to entry, market access, access to upstream inputs, concentration in the economy and other competition concerns.	12	7	4	Target exceeded 5	N/A	1 more abuse of dominance and restrictive vertical practices cases initiated in priority sectors.	The Commission initiated more than planned cases because the firms in Q2 are both in the same priority sector and their activities are involved interrelated, making it necessary to address both simultaneously rather than only one.	N/A
		6	No of market- wide interventions initiated in the economy to ensure improved competition including removal of barriers to entry, market access (including access to finance), access to upstream inputs and reduced concentration levels in the economy.	2	1	0	N/A No target set for the financial year.	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
2. Significant contribution to industrialisation and inclusive growth.	3. Efficient investigation of complaints and proactive work of the Commission	7	No. of completed market-wide interventions in the economy to ensure improved competition including removal of barriers to entry, market access (including access to finance), access to upstream inputs and reduced concentration levels in the economy.	1	1	1	Target met 1	N/A	N/A	N/A	N/A
		8	No. of cartel investigations completed, including high impact cartel cases dealing with market access, access to intermediate industrial inputs and concentration in the economy	28	62	22	Target exceeded 73	N/A	Target exceeded 51	The Commission expedited completion of cartel investigations, as there were less trials during the period.	N/A
	4. High success rates on prosecution of cases at the Tribunal and other court	9	% of cartel cases won at the Tribunal.	91.8%	100%	≥80%	Target met 90.9%	N/A	N/A	N/A	N/A
		10	% of cartel cases won at the courts.	0%	0%	≥80%	N/A	N/A	≥80%	Target was not triggered as there were no decisions issued in the financial year.	N/A
		11	% of market conduct cases won at the Tribunal.	100%	100%	≥75%	Target met 100%	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
2. Significant contribution to industrialisation and inclusive growth.	4. High success rates on prosecution of cases at the Tribunal and other court	12	% of market conduct cases won at the courts.	100%	N/A	≥75%	Target met 100%	N/A	N/A	N/A	N/A
		13	% of merger decisions upheld by the Tribunal.	100%	100%	≥80%	Target met 100%	N/A	N/A	N/A	N/A
		14	% of cartel cases won at the courts.	100%	N/A	≥75%	Target met 100%	N/A	N/A	N/A	N/A
		15	% of interlocutory decisions upheld by the Tribunal.	100%	100%	≥70%	Target met 100%	N/A	N/A	N/A	N/A
		16	% of interlocutory decisions upheld by the courts.	50%	100%	≥70%	Target met 100%	N/A	N/A	N/A	N/A
Strategic Goal 2: To contribute to economic transformation through competition policy interventions that facilitate market entry, enable business expansion, and promote effective market participation for diverse economic sectors											
3.Participation of SMEs and firms owned by HDPs.	5.Improved support for enterprises owned by women, youth, and people with disabilities, and enterprises operating in townships and rural areas.	17	No. of initiatives dealing with removal of barriers to entry and expansion to improve participation in the economy by enterprises owned by women, youth, and people with disabilities, and also deal with spatial concentration of enterprises in townships and rural areas.	N/A	N/A	2	Target met 2	N/A	N/A	N/A	N/A
		18	Number of initiatives to monitor concentration of the Economy.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
4. Improved dynamism and competitiveness Markets	6.Successful initiatives to deal with high-impact competition concerns, barriers to entry in priority sectors, reduced cost of living and improved concentration levels in the economy.	19	No. of advocacy interventions on concentration levels, initiatives to remove entry barriers, and the impact of the Commission's interventions in priority sectors.	N/A	N/A	1	Target exceeded 2	N/A	1 more advocacy intervention on concentration levels initiatives to remove entry barriers, and the impact of the Commission's interventions in priority sectors than planned.	The Commission's market analysis resulted in an additional advocacy intervention focusing on access to finance for SMEs and HDP-owned or operated businesses, in excess of the originally planned target.	N/A
		20	No. of interventions to reduce the high cost of living including monitoring of prices of essential goods and services in priority sectors.	2	2	2	Target met 2	N/A	N/A	N/A	N/A
		21	No. of completed exemptions aimed at unlocking joint investments, contributing to the re-industrialisation of the economy focusing on priority sectors.	2	2	1	Target met 1	N/A	N/A	N/A	N/A
	7.Advocate for pro-competition laws, policies, regulations and government programs in priority sectors.	22	No. of interventions for pro-competition laws, government policies, government regulations and government programs.	N/A	N/A	2	Target met 2	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance Indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
4. Improved dynamism and competitiveness Markets	8. Advocate for improved awareness, understanding and compliance with the Competition Act.	23	No. of interventions dealing with competitiveness and pricing including pricing of inputs in the energy generation value chain and dealing with restrictive practices in public procurement.	N/A	N/A	1	N/A	N/A	N/A	N/A	There Commission had to engage with an additional stakeholder in the milk industry to complete the stakeholder engagements.
		24	No. of interventions to promote awareness and compliance with the Competition Act in line with section 21(1)(b) including those targeting the private sector.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A
		25	No. of interventions to create greater certainty on the enforcement of the Competition Act, including issuing of guidelines on the application of the Competition Act.	2	3	2	Target met 2	N/A	N/A	N/A	N/A
		26	No. of impact assessment studies in line with 21A of the Act where the Commission has intervened.	1	1	1	Target met 1	N/A	N/A	N/A	N/A
5. Improved collaboration to advance the objectives of the Competition Act.	9. Successful initiatives in collaboration government to further the objectives of the Competition Act.	27	No. of collaborative interventions with other dtic entities, other regulators and the rest of government to reduce red tape, deal with market access, access to upstream inputs and levels of concentration in the economy.	N/A	N/A	N/A	N/A No target set for the financial year.	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
5. Improved collaboration to advance the objectives of the Competition Act.	9. Successful initiatives in collaboration government to further the objectives of the Competition Act.	28	No. of collaborative research initiatives conducted with the dtic and its agencies, other regulators and the rest of government to reduce red tape, deal with market access, access to upstream inputs and levels of concentration in the economy.	N/A	N/A	1	Target exceeded 2	N/A	1 more collaborative research initiatives conducted than planned.	The Commission completed more research projects than planned due to market analysis. The extra research was on Competition and Food Security Project: Theme 3 – Global Margins Comparator.	N/A
		29	No. of high- impact projects done in collaboration with other regulators, government departments and other stakeholders to reduce red tape, deal with market access, access to upstream inputs and levels of concentration in the economy and competition issues.	N/A	N/A	N/A	N/A No target set for the financial year.	N/A	N/A	N/A	N/A
	10. Successful initiatives in collaboration with international stakeholders	30	No. of projects to improve collaboration with regional and international stakeholders and influence the global discourse on competition to reflect a developmental agenda and facilitation of integration in competition issues on cross border trade.	4	6	2	Target met 2	N/A	N/A	N/A	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
Strategic Goal 3: To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.											
6. Effectiveness and well governed institution.	11. Improved agility of business processes	31	% of supplier invoices paid within 20 days.	77.68%	76.09%	100%	73%	Target not met 73%	27%	The Commission is currently increasing the capacity in the Finance division through temporary resources while reviewing the division's structure. The Commission is also procuring an earmarked invoicing and tracking system.	The Commission improved the articulation of KPI 31, which was 100% of supplier invoices paid within 20 days
			% of supplier invoices paid within an average of 20 working days. ¹	N/A	N/A	Average days less than or equal to 20 days	Target met 13.33 days	N/A (Rephrased KPI only applicable for Q4)	N/A	N/A	The revised KPI 31 "% of supplier invoices paid within an average of 20 working days, and the quarterly" targets set as "Average days less than or equal to 20 days". This will enable the Commission to provide a clear and complete context on its invoice payment, including areas where invoices were paid in a much shorter period, and invoices where there are challenges.

¹ KPI was rephrased in the revised APP for Q4, measurement changed. The change is only applicable for Q4.

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
6. Effectiveness and well governed institution.	12. Compliance with laws, regulation, policies and processes applicable to the operations of the Commission	32	Audit Outcome	Clean Audit	Clean Audit	Unqualified Audit Opinion	Unqualified Audit Opinion	Unqualified Audit Opinion	N/A	N/A	The Commission has captured the KPI with respect to the audit outcome as a clean audit. The correct terminology for a clean audit is Unqualified Audit Opinion, although the 2 are used interchangeably, the Commission amended the KPI and replaced clean audit with Unqualified Audit Opinion.
		33	Compliance with BBBEE Legislation	N/A	N/A	Compliant BBBEE certificate and regulated compliance	Target met 98.57%	N/A	The Commission received a non-compliant status for the 2024/2025 f/y and recorded a Non-Compliant (Level 0) outcome.	This was due to insufficient verified evidence across key scorecard elements, including Skills Development, Enterprise and Supplier Development, and Socio-Economic Development, as well as gaps in management control documentation and coordination. Despite marginal improvements in overall scoring, the minimum compliance threshold was not met, resulting in 0% procurement recognition.	N/A

OUTCOME	OUTPUT	KPI No.	Performance indicators	Audited Actual Performance 2023/24	Audited Actual Performance 2024/25	Planned Annual Target 2025/26	Annual Achievement 2025/26	Actual Achievement 2025/26 until date of re-tabling	Deviation from planned target to Actual Achievement for 2025/26	Reason for variance	Reasons for revisions to the Outputs / Output indicators / Annual Targets
	13. Safe and conducive working environment for employees of the Commission.	34	No. of initiatives to promote compliance with relevant legislation, policies and standards on OHS.	4	4	4	Target met 4	N/A	N/A	N/A	N/A
	14. Digitalisation of key processes at the Commission for improved efficiency.	35	No. of digitalised key processes of the Commission including processes related to merger regulation.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A
		36	No. of reforms on legislation and regulations to improve efficiencies and cut red tape.	N/A	N/A	1	Target met 1	N/A	N/A	N/A	N/A
7. Strengthened capability for efficiency and effectiveness	15. Highly engaged, productive and high performing employees of the Commission	37	% of HR spend in learning and development.	1%	1.03%	1%	Target not met 1.15%	N/A	N/A	N/A	N/A
		38	% retention rate of staff complement.	98%	98.57%	≥90%	Target met 97.97%	N/A	N/A	N/A	N/A
		39	% of staff reached through training initiatives.	70%	74%	≥65%	Target met 97.32%	N/A	N/A	N/A	N/A

Table 21: Linking performance with budgets

	2025/2026			2024/2025		
Programme/activity/objective	Budget - Adjusted	Actual Expenditure	(Over)/Under Expenditure	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Human resources	369 382	377 562	(8 180)	332 573	342 010	(9 437)
Premises and equipment	41 024	29 532	11 492	33 317	25 442	7 875
Other operational	25 861	11 396	14 465	21 291	10 821	10 470
Research and information	6 480	3 353	3 127	3 624	2 372	1 252
IT and system development	20 881	12 500	8 381	17 412	6 551	10 861
Educational awareness	19 863	14 014	5 849	38 627	21 852	16 775
Case related costs	106 157	79 186	26 971	106 770	91 868	14 902
Capital expenditure	27 189	15 243	11 946	25 151	11 415	14 100
Depreciation	7 000	10 149	(3 149)	7 000	6 193	807
Other program costs	56 781	17 126	39 655	70 862	30 542	40 320
Total	680 618	570 061	110 557	656 991	549 066	107 925

Table 22: REVENUE COLLECTION

	2025/2026			2024/2025		
Sources of revenue	Estimate	Actual Amount Collected	(Over)/Under Collection	Estimate	Actual Amount Collected	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Merger and acquisitions	71 830	77 605	(5 775)	68 317	72 053	(3 736)
Government grant	440 339	440 339	-	426 193	426 193	-
Interest received	18 653	20 282	(1 629)	25 000	18 505	6 495
Total	530 822	538 226	(7 404)	519 510	516 751	2 759

The over-collection of mergers and acquisitions filing fees is attributed to more merger filings during the year than anticipated.

Interest income received is higher than budgeted due to grant allocation received in quarterly tranches accumulating interest on short term deposits.





PART **C**

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GOVERNANCE

GOVERNANCE

INTRODUCTION

Corporate governance embodies processes and systems by which public entities are directed, controlled and held to account. In addition to legislative requirements based on a public entity's enabling legislation, and the Companies Act, corporate governance with regards to public entities is applied through the precepts of the Public Finance Management Act (PFMA) and run in tandem with the principles contained in the King's Report on Corporate Governance. The Office of the Commissioner oversees the corporate governance function and

has established systems and practices to ensure transparency and accountability throughout the organisation.

14.1 Portfolio Committees

The Commission appears before the oversight Portfolio Committee on Trade, Industry and Competition, other portfolio committees and the Standing Committee on Public Accounts (SCOPA) on request. The table below details activities during the year under review.

Date	Name of portfolio committee or committee	Reason for the appearance
25 Mar 2026	PC Trade, Industry and Competition	Competition Commission Q1-3 2025/26 Performance
24 Jul 2025		Competition Commission on the role of mergers and acquisitions in advancing economic transformation
17 March 2026	Joint PC Trade and PC Communications and Digital Technologies	ICASA & Competition Commission: Conditions on Canal+–MultiChoice and Maziv–Vodacom Deals
17 Sept 2025		Data Expiration & Consumer Protection
14 Oct 2025	Joint PC Trade and PC Transport	Impact of the directive to lease infrastructure at the Island View precinct
01 April 2025	PC Transport	Competition matters in the budget airline industry
18 Feb 2026	PC Small Business Development	Briefing by the Competition Commission (CC) on their observations regarding e-Commerce and its impact on small businesses and cooperatives

14.2 Executive Authority

The Executive Authority (**the dtic**) plays an oversight role over core function, administration and governance matters. The Commission ensured timely submission of Quarterly Performance Reports to **the dtic** in accordance with the timelines mandated by the Public Finance Management Act. This demonstrates the Commission's commitment to accountability and transparency in its reporting processes. Quarterly meetings, which are an interface between the dtic and management, are held where core function, administration and governance reports

are tabled for deliberation and accountability. Below is a synopsis of meetings held and reports tabled.

Committee	No. of meetings held	Date of meeting	Report tabled
The dtic oversight committee	4	Q4= 18 June 2025 Q1= 18 September 2025 Q2= 3 December 2025 Q3= 30 March 2026	Quarterly performance reports to the dtic

(i) Governance and Risk

i. Corporate Governance

Corporate governance is about processes and rules an organisation employs to achieve sound management, compliance and integrity. The OTC oversees the corporate governance function and has established systems and practices to ensure transparency and accountability throughout the organisation.

ii. Decision-Making Structures

The Commissioner, Ms. Doris Tshepe, is the accounting authority of the Commission as per the Public Finance Management Act (No. 1 of 1999) (PFMA) and is appointed by the Minister of the Department of Trade, Industry and Competition (the executive authority). The accounting authority serves as the governing body responsible for the strategic and operational oversight/ direction of the Commission. The Commissioner is entrusted with ensuring that the Commission operates in a manner that is financially sound, legally compliant, and aligned with its public service mandate. The Commissioner ensures that resources are used efficiently and that performance is monitored against strategic objectives. Additionally, the Commissioner is accountable for reporting to the executive authority through quarterly and annual reports.

14.3 Risk Management

a. Risk Management

Risk management remains a fundamental governance mechanism for the Commission, supporting operational stability, strengthening public confidence, and enabling the consistent and effective delivery of its mandate. During the financial year under review, the Commission continued to proactively identify, assess, monitor, and mitigate risks in compliance with Section 51(1)(a)(i) of the Public Finance Management Act (PFMA). This was achieved through the maintenance of effective, efficient, and transparent systems of financial management, risk oversight, and internal controls. These efforts demonstrate the Commission's continued commitment to sound governance, accountability, and value-driven service delivery, and provide assurance to Parliament, the Audit Committee, the Executive Authority, and all stakeholders, including the public.

b. Strategic Risk Management

At the start of the financial year, in alignment with the Commission's strategy, eight (8) strategic risks were identified. To address these risks, twenty-two (22) mitigation actions were developed and approved. During the period under review, all mitigation actions were monitored and reviewed in accordance with the approved Risk Management Framework. Strategic risks were reassessed and re-rated to reflect current residual risk exposure and to ensure that controls remain adequate and responsive.

The strategic risk register remains a dynamic document and is continuously updated to reflect changes in the operating environment. During the financial year, several potential emerging risk themes were considered, including:

- Digital Economy Complexity – increasing demand for specialised technical skills and investigative tools.
- Economic Pressures – contributing to more complex cases and potential anti-competitive behaviour.
- Internal Capacity Constraints – arising from competition for scarce specialised skills and limited resources.

These themes were integrated into ongoing strategic planning and risk monitoring processes. However, no new material emerging risks were formally recorded for the period under review.

c. Operational Risk Management

Operational risks relating to day-to-day activities, particularly those involving people, processes, and systems were identified and assessed to ensure alignment with the Commission's 2025–2030 Strategic Plan and the 2025/2026 APP. The operational risk register incorporates business continuity management plans designed to minimise disruptions, safeguard essential operations, and enable swift and effective recovery from incidents.

d. Fraud Prevention Activities

A fraud risk register is in place, supported by defined prevention and mitigation strategies for all identified fraud risks. These measures include the strengthening of internal controls and the promotion of a culture that encourages employees to report suspicious or unethical activities.

e. Fraud Awareness Training

Regular fraud awareness training sessions were conducted for employees to enhance their ability to detect and report fraudulent conduct. In addition, the Whistleblower House facilitated a comprehensive workshop on effective whistleblowing procedures and the protections available to individuals who disclose misconduct.

f. Incident Reporting

During the period under review, one complaint was received and formally acknowledged. The matter is currently under investigation, in line with the approved Fraud Prevention Policy and Strategy. The outcome will be communicated to the complainant once the process is concluded.

g. Capacity Building and Risk Management Training

The Commission remains a corporate member of the Institute of Risk Management South Africa (IRMSA). This membership provides access to technical guidance, best-practice resources, and professional development tools that support alignment with recognised industry standards in risk management.

14.4 The Accounting Authority

Committees

The Commission has the following governance structures in place (table below), which strengthen internal controls, governance and risk management. Each committee operates within the ambit of its defined Terms of Reference that set out the composition, role and responsibilities, delegated authority and meeting requirements of each committee.

Table 23: Committees: 2025/26 financial year

Committee Name	No. of Members	No. of Meetings Held
Commission Meeting	10	54
Executive Committee (EXCO)	12	12
Audit & Risk Committee	4	7
Remuneration Committee (REMCO)	3	4
Management Committee (MANCOM)	55	4
Human Capital	16	4
Employment Equity	12	4
Technology & Information	14	4
Risk & Governance	16	0

14.5 Risk Management

14.5.1 Risk Management Policy and Strategy

The Commission has a Risk Management function established in accordance with the requirements of the National Treasury Regulations, the King IV Report on Corporate Governance and in compliance with the Public Sector Risk Management Framework. The Commission has developed and is implementing a comprehensive Risk Management Framework, supported by a detailed policy and implementation plan, to ensure a structured and proactive approach to risk and risk management. This framework is designed to identify, assess, monitor, and manage risks that may impact the achievement of the Commission's strategic objectives and operational goals.

The Commission's risk management policy is fully aligned with the requirements of the PFMA, the Public Sector Risk Management Framework, and is guided by leading international standards and best practices, including the Committee of Sponsoring Organisations of the Treadway Commission framework (COSO) and ISO 31000: Risk Management Guidelines.

This integrated approach ensures that risk management is embedded in all levels of the Commission's operations and decision-making processes, enabling the organisation to respond effectively to both current and emerging risks while maintaining transparency, accountability, and sound governance.

14.5.2 Regular Risk Assessments

As part of its governance and compliance responsibilities, the Commission conducts regular risk assessments to ensure effective oversight and proactive risk management. These assessments serve to:

- Evaluate the effectiveness of existing risk mitigation measures;
- Identify new and emerging risks that may impact strategic or operational objectives; and
- Adapt risk management strategies in response to evolving internal and external environments.

The outcomes of these assessments are incorporated into the Commission's risk registers, which are reviewed and updated regularly. These registers form a critical component of the Commission's internal audit and performance monitoring processes, supporting informed decision-making and continuous improvement across the organisation.

14.5.3 Risk Management Committee

The Commission has established a Risk and Governance Committee, which operates as a sub-committee of EXCO and is appointed by the Commissioner. The Committee plays a pivotal role in strengthening the organisation's risk oversight and governance framework. Its key responsibilities include:

- overseeing the implementation and ongoing maintenance of the Commission's risk management processes;
- reporting directly to EXCO on significant risk exposures and emerging risk trends; and
- focusing on the mitigation of unacceptable or high-impact risks, ensuring appropriate and timely interventions are implemented.

This committee serves as a critical governance structure, supporting the Commission's commitment to a strong risk culture, ethical conduct, and sound decision-making.

14.5.4 Role of the Audit and Risk Committee

The Audit and Risk Committee plays a key advisory and oversight role in the Commission's risk management. The Committee:

- advises and provides oversight on risk management issues.
- independently monitors the effectiveness of the overall risk management framework.
- ensures that internal audit plans are risk-based and aligned with the Commission's strategic priorities.

The committee also reviews reports from internal and external auditors regarding risk exposure and control deficiencies.

14.5.5 Progress and Performance Improvement

The Commission has observed progress in its risk management maturity, with improvements noted in internal controls, compliance, and strategic alignment. Some of the resulting benefits include:

- more effective prioritisation of resources.
- enhanced accountability in operations.
- greater responsiveness to regulatory changes and public interest matters.

However, where gaps are identified, for example, in capacity constraints or emerging regulatory challenges, the Commission undertakes

corrective measures, such as:

- strengthening internal skills through training.
- updating risk registers and mitigation plans.
- enhancing coordination between divisions to mitigate cross-cutting risks.

14.6 Internal Control Unit

The Commission has structures and processes that serve to assist in implementing sound and effective internal control systems within its operations. These are used to assist management in overseeing better control over the entity and monitor compliance with prescripts.

14.7 Internal Audit and Audit and Risk Committee

The purpose of the Internal Audit function is to provide independent, objective assurance designed to add value and improve the Commission's operations. Internal Audit evaluates the effectiveness of risk management, internal controls, and governance processes.

Internal Audit developed an internal audit plan that was recommended by management and approved by the Audit and Risk Committee for the financial year. Internal Audit conducted reviews and submitted reports to management and the Audit and Risk Committee in line with the internal audit plan. The reports stated the findings and recommendations for actions to be taken to strengthen controls in relation to the reviews conducted. Internal Audit conducted reviews on the following: risk management, human resources, litigation, cybersecurity, performance information, financial control, enterprise resource planning, business continuity management, annual financial statements, and probity reviews of tenders falling within the set threshold.



Table 24: The tabled below discloses relevant information on the audit committee members:

Name	Qualifications	Internal or external	Date appointed	Date Resigned	No. of Meetings attended
Rachel Kalidass CA(SA)	Bachelor of Accounting Sciences Bachelor of Commerce Honours	External	Re-appointed: 1 March 2024	N/A	Seven (7)
Yongama Pamla-Dhludhlu CA(SA)	Bachelor of Commerce Postgraduate Diploma in Management (Financial Accounting) Postgraduate Diploma in Accounting	External	1 March 2024	N/A	Six (6)
Tebogo Sethibe	Bachelor of Science (Computer Science and Applied Mathematics) Bachelor of Science in Computer Science (Honours) Master of Information Technology Master of Business Leadership Doctor of Business Leadership	External	1 March 2024	N/A	Five (5)
Ntombizine Madyibi	Diploma in Labour Law Bachelor of Commerce Bachelor of Commerce Honours Master's in Business Administration	External	1 March 2024	N/A	Seven (7)

14.8 Compliance with Laws and Regulations

In addition to its core mandate of enforcing the Competition Act, the Commission adopts a holistic approach to compliance, ensuring alignment with all applicable laws, policies, and regulatory frameworks. Particular emphasis is placed on those that promote economic transformation, good governance, and financial accountability.

The Commission's commitment to compliance reflects its dual role not only as a regulator of competition in the economy, but also as a responsible and accountable public institution. Through these efforts, the Commission actively supports South Africa's broader objectives of economic development, inclusive growth, and ethical public sector governance.

14.9 Fraud and Corruption

The Commission maintains a zero-tolerance approach to fraud and corruption and has implemented comprehensive measures to prevent, detect, and respond to such risks. These measures are guided by internal

policies, national legislation, and international best practices, ensuring that the Commission remains a transparent, ethical, and accountable public institution.

The Commission's Fraud Prevention Policy and Strategy is structured around the following key elements:

- Clear articulation of the Commission's commitment to managing fraud and corruption risks;
- Awareness and prevention initiatives, including regular campaigns and staff engagement to reinforce ethical conduct and highlight the importance of integrity;
- Defined reporting procedures and channels for detecting and investigating fraud and corruption;
- Mechanisms for recovering financial losses resulting from fraudulent activity; and
- The promotion of a zero-tolerance stance towards all forms of fraud and corruption.

The strategy emphasises a proactive approach to identifying and mitigating fraud and corruption risks across all operational areas of the Commission.

Whistleblowing and Reporting Mechanisms

To support transparency and accountability, the Commission provides multiple confidential channels for reporting suspected fraud and corruption:

- **Anonymous Reporting:** The Commission subscribes to the National Anti-Corruption Hotline (NACH) – 0800 701 701, allowing any individual or member of the public to report suspected fraud or corruption anonymously. This ensures the confidentiality and protection of whistleblowers who wish to remain unidentified.
- **Internal Reporting:** Employees are encouraged to report any suspected fraudulent or unethical conduct through the Commission's internal reporting procedures. The Commission is fully committed to safeguarding whistleblowers from retaliation, in line with the provisions of the Protected Disclosures Act 26 of 2000.

These mechanisms are fundamental to fostering a culture of integrity, transparency, and accountability, and to ensuring that the Commission's operations remain free from fraudulent and corrupt practices.

14.10 Minimising Conflict of Interest

Managing conflict of interest forms an integral part of the sound ethical practices at the Commission. This is done at the beginning of the financial year through mandatory Annual Financial Declarations of Interest by all employees. Divisions that are responsible for enforcement require investigators to declare conflicts of interest at case allocation stage so that employees can declare any conflicts of interest they have and are not allocated such cases. All meetings of the governance structures have a standard agenda item requiring all members and attendees to declare conflicts of interest on matters on the agenda, with those who declare a conflict of interest required to leave the meeting and not to participate in the discussions on the items where they are conflicted.

To minimise conflicts of interest in supply chain management (SCM), the Commission implements a supply chain management policy and procedures that allow for identification, recognition, recording, disclosure, and appropriately reporting any conflict of interest that may arise. The implementation of this process allows for the promotion of transparency, fairness, and adherence to ethical standards. The impact of identified conflict of interest involves reporting, investigation, and remediation, potentially including reassignment or removal of the involved party in supply chain management processes.

14.11 Code of Conduct

The work of the Commission must not only be fair and equitable but must be seen to be as such. The Commission therefore requires its employees to display loyalty to the country's Constitution and all relevant legislation, above personal gains. The Commission and its employees are committed to conducting themselves in accordance with the highest standards of integrity and ethics and in compliance with the principles of honesty, objectivity, and independence. The code of conduct should act as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationships with others. Compliance with the code of conduct can be expected to enhance professionalism and help to ensure service confidence. The primary purpose of the code of conduct is a positive one, viz. to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct and may be dealt with in accordance with the code of conduct if he or she contravenes any provision of the code of conduct or fails to comply with any provision thereof.

HEALTH SAFETY AND ENVIRONMENTAL ISSUES



15.1 Occupational health and safety

The Commission has an Occupational Health and Safety (OHS) Committee which exists to oversee health and safety issues across the organisation and monitor compliance with all relevant legislation and policies. During the 2025/26 financial year, the Commission implemented a structured range of occupational health and safety initiatives to strengthen compliance with applicable legislation, internal policies and recognised standards. These interventions were aimed at fostering a safe working environment, improving risk management practices, and reinforcing organisational accountability in respect of occupational health and safety obligations.

Key initiatives included the convening of quarterly OHS Committee meetings to provide oversight on compliance matters, monitor incidents, review inspection findings, and track the implementation of corrective actions. Governance arrangements were further strengthened through the appointment of the Section 16.2 appointee and OHS Committee members, as well as the approval of the OHS Policy Statement during the fourth quarter of the financial year.

In support of legislative compliance and institutional capacity-building, mandatory OHS training was provided to OHS Committee members, with training materials, attendance registers and certificates maintained as evidence of implementation. Risk management processes were also enhanced through the completion of baseline risk assessments for Block C and Block G, as well as a project risk assessment for Block G prior to refurbishment. Regular inspections conducted by trained and appointed OHS representatives further supported the identification of workplace hazards and enabled follow-up actions to be monitored through OHS Committee processes.

The Commission also undertook emergency evacuation drills for Block C and Block G to assess emergency preparedness and identify building-related compliance gaps. Findings from these drills were formally reported, and remedial actions were monitored continuously, including weekly follow-ups on matters requiring landlord intervention. In addition, OHS awareness campaigns were conducted to strengthen employee awareness of health and safety responsibilities and to encourage a proactive culture of prevention, reporting and continuous improvement.

Collectively, these initiatives demonstrate the Commission's sustained commitment to compliance with the Occupational Health and Safety Act, related policies and applicable standards, while also laying a solid foundation for progression towards ISO 45001 certification readiness.

COMPANY SECRETARY



The company secretary plays a vital role in facilitating the effective operation of the governance committees. The position further helps to maintain transparency, accountability, and integrity in the governance processes of the Commission. The company secretary also provides administrative support to the committees, including scheduling of meetings, preparing agendas, distributing meeting packs, and coordinating all the relevant activities.

B-BBEE COMPLIANCE PERFORMANCE INFORMATION



The following table has been completed in accordance with the compliance to the BBBEE requirements of the BBBEE Act of 2013 and as determined by the Department of Trade, Industry and Competition.

Has the Department / Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following: BBBEE compliance which includes the verification process, outcome and reporting to the BBBEE Commission as well reporting the Annual report for 2023/2024 (verification process is under final review – information not ready yet)		
Criteria	Response Yes / No	Discussion (include a discussion on your response and indicate what measures have been taken to comply)
Developing and implementing a preferential procurement policy?	Yes	The Commission applies an approved Preferential Procurement Policy in all acquisition processes.
Determining qualification criteria for the sale of state-owned enterprises?	N/A	N/A
Developing criteria for entering into partnerships with the private sector?	N/A	N/A
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment?	N/A	N/A

BBBEE reporting:

Public entities are required to contribute and play their role in implementing BBBEE and the imperatives of section 9(2) of the Constitution. The Commission commenced with the BBBEE verification process on 22 October 2025, and AAA Verification Agency was appointed to assist with the BBBEE verification audit process. The BBBEE verification process was expected to yield a compliant BBBEE Status for the Commission for the 2024-25 financial year.

The process sought to audit and measure the following elements as per the BBBEE Codes and applicable BBBEE Act:

- a) **Management control** - number of directors and managers for each category, race classification, gender, age, location, disability indication, disability and value thereof.
- b) **Skills development** - number of black persons trained per race classification, gender, age, location, disability indication, disability and value thereof;
- c) **Enterprise and supplier development** - number of all black-owned EMEs/QSEs enterprise and supplier development entities assisted and value thereof.
- d) **Socio-economic development** - number of black participants, race classification, gender, geographical location and value thereof.

The verification process for the 2024/2025 financial year was concluded on 17 March 2026, the outcome of the verification process for Commission was non-compliant, which reflect level 0. See attached certificate.

The BBBEE compliance is mandatory annually, as prescribed in section 13G of the BBBEE Act. The Commission reported to the BEE Commission for compliance reporting on 24 March 2026, which included the submission of BBBEE Form 1 and the 2024/2025 BEE certificate. The BEE Commission provided feedback and confirmation of receipt on 24 March 2026.

As part of the strategy to improve on the BEE score level, the Commission has appointed a BEE Consultant to ensure full B-BBEE compliance and to achieve a compliance certificate at Level 3 B-BBEE status.

The Commission prides itself in achieving 96% BBBEE spend, as it continues to contract suppliers that are 100% BBBEE-owned, Women-owned and businesses that have an annual turnover that is less than R10 million or with a turnover that is between R10 and R50 million.







PART **D**

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HUMAN RESOURCES

HUMAN RESOURCES

The human capital function plays a critical role in the success of the organisation. As we reflect on the past financial year, it is evident that our unit has been an integral part of efforts to improving employee wellness, retention, building a diverse, inclusive and productive workplace, and implementing new policies and procedures that are meant to create a conducive climate for healthy employer-employee relations. At the heart of our key focus areas for the financial year, was to ensure that we revitalise the implementation of our talent management framework in the full Human Resource (HR) value chain. Whilst the year presented many challenges, we have made great strides to make continuous improvements to the services offered to the rest of the Commission and have maintained our commitment to our values and strived to provide high quality services to all our employees. We are consistently reviewing our processes and looking for ways to improve and excel in everything we do.

18.1 HUMAN RESOURCE OVERSIGHT STATISTICS

PERSONNEL RELATED EXPENDITURE

To have highly-engaged, productive and high-performing employees of the Commission.

(a) Employee Relations

As at the end of March 2026, the following progress has been made on Employee Relations matters:

Table 25: Employee Relations Matters

Matter	Stage	Progress
CCMA Referral	None	None
Internal Disciplinary Inquiry	None	None
Collective Bargaining	Concluded	Concluded
Matters Referred to Labour Court	Only one matter is now pending at Labour court	Only one matter is Pending
Matter referred to Constitutional court	One matter was finalised at the Constitutional court and was in favour of the employer. This is the second matter that has been decided by the apex court in favour of the employer.	Matter finalised
Internal Dispute	There are only two matters that are yet to be finalised. One has been escalated to the Office of the Commissioner, and the other has just been filed as a formal grievance after the Mediation process was unsuccessful.	Only one internal disciplinary process is pending and in progress
Complaint	A complaint from an external party against an internal employee on allegations of serious misconduct was filed in December 2025.	An internal investigation is still underway.

Personnel Cost by programme/ activity/ objective

Programme/activity/objective	Total Expenditure for the entity (R'000)	Personnel Expenditure (R'000)	Personnel exp. as a % of total exp. (R'000)	No. of employees	Average personnel cost per employee (R'000)
Goal 1: To stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth	555 255	192 190	35%	150	1 281
Goal 2: To contribute to economic transformation through competition policy interventions that facilitate market entry, enable business expansion, and promote effective market participation for diverse economic sectors	555 255	60 245	11%	45	1 339
Goal 3: To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.	555 255	110 528	20%	89	1 249

Personnel cost by salary band

Level	Personnel Expenditure (R'000)	% of personnel exp. to total personnel cost (R'000)	No. of employees	Average personnel cost per employee (R'000)
Top Management	7 347	2%	3	2 449
Senior Management	29 986	8%	11	2 726
Professional qualified	177 875	49%	97	1 834
Skilled	110 339	30%	101	1 092
Semi-skilled	33 424	9%	41	815
Unskilled	198	0%	1	198
Cadets	3 794	1%	30	126
TOTAL	362 963	100%	284	1278

Performance Rewards

Level	Performance rewards	Personnel Expenditure (R'000)	% of performance rewards to total personnel cost (R'000)
Top Management	238	6 314	0.07%
Senior Management	1 371	27 728	0.38%
Professional qualified	9 877	182 731	2.72%
Skilled	4 362	111 192	1.20%
Semi-skilled	1 474	34 278	0.41%
Unskilled	0	720	0.00%
TOTAL	17 322	362 963	4.77%

Training Costs

Programme/activity/objective	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training Expenditure as a % of Personnel Cost	No. of employees trained	Avg training cost per employee R'000
Local Training	R348 897 751.45	R1 319 052.94	0.4	250	R5 276.21
International Training	R348 897 751.45	R196 916.16	0.1	6	R32 819.36
Bursaries	R348 897 751.45	R2 494 063.23	0.7	53	R47 057.80

Employment and vacancies

Programme/activity/objective	2025/2026 No. of Employees	2025/2026 Approved Posts	2025/2026 No. of Employees	2025/2026 Vacancies	% of vacancies
Replacements and New Posts	235	286	235	51	17.8%

Management Level	Beginning 2025/2026 No. of Employees	2025/2026 Approved Posts	End 2025/2026 No. of Employees	2025/2026 Vacancies	% of vacancies
Top Management	2	4	2	2	50%
Senior Management	10	12*	10	4*	33.3%
Professional qualified	96	114	94	18	15.7%
Skilled	87	107	96	20	18.7%
Semi-skilled	38	45	44	7	15.5%
Unskilled	2	2	2	0	0
TOTAL	235	286	248	51	13.3%

Employment changes 2025/26

Management Level	Beginning 2025/2026 No. of Employees	2025/2026 Approved Posts	End 2025/2026 No. of Employees	2025/2026 Vacancies	% of vacancies
Top Management	2	4	2	2	50%
Senior Management	10	12*	10	4*	33.3%
Professional qualified	96	114	94	18	15.7%
Skilled	87	107	96	20	18.7%
Semi-skilled	38	45	44	7	15.5%
Unskilled	2	2	2	0	0
TOTAL	235	286	248	51	13.3%

Reasons for staff leaving

Salary Band	Terminations	Employment at end of the period
Death	0	0
Resignation	9	3,66%
Dismissal	0	0
Retirement	0	0
Ill health	0	0
Expiry of contract	0	0
Other	0	0
TOTAL	9	0

Most employees leave the organisation to pursue better opportunities and gain diverse skills in other industries.

Labour Relations: Misconduct and disciplinary action

Nature of disciplinary Action	Number
Verbal Warning	0
Written Warning	2
Final Written warning	0
Dismissal	0

Equity Target and Employment Equity Status

Levels	MALE							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	1	1	0	0	0	0	0	0
Senior Management	4	4	0	0	0	0	0	0
Professional qualified	34	38	1	3	3	2	8	4
Skilled	38	41	0	5	1	2	0	4
Semi-skilled	9	17	0	2	0	1	2	2
Unskilled	0	0	0	0	0	0	0	0
TOTAL	86	101	1	10	4	5	10	10

Levels	FEMALE							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	1	1	0	0	0	0	0	0
Senior Management	2	3	1	0	0	0	1	0
Professional qualified	34	32	2	2	4	4	2	0
Skilled	49	33	0	0	3	1	2	1
Semi-skilled	24	14	2	2	1	0	0	1
Unskilled	2	2	0	1	0	0	0	0
TOTAL	112	84	5	5	8	5	5	2

Levels	DISABLED STAFF			
	Male		Female	
	Current	Target	Current	Target
Top Management	0	0	0	0
Senior Management	0	1	0	1
Professional qualified	1	2	2	0
Skilled	0	3	2	2
Semi-skilled	0	1	0	1
Unskilled	0	0	0	0
TOTAL	1	7	4	4





PART **E**

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PFMA COMPLIANCE REPORT

IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE AND MATERIAL LOSSES

19.1 IRREGULAR EXPENDITURE

a) Reconciliation of irregular expenditure

Description	2025/2026 R'000	2024/2025 R'000
Opening balance	1 313	1 313
Adjustment to opening balance	-	-
Opening balance as restated	-	-
Add: Irregular expenditure confirmed	-	-
Less: Irregular expenditure condoned	(77)	-
Less: Irregular expenditure not condoned and removed	-	-
Less: Irregular expenditure recoverable ³	-	-
Less: Irregular expenditure not recoverable and written off	-	-
Closing balance	1 236	1 313

Reconciling notes

Description	2025/2026 R'000	2024/2025 ^{4,2} R'000
Irregular expenditure that was under assessment in 2023/2024	-	773
Irregular expenditure that relates to the prior year and identified in the current year	-	-
Irregular expenditure for the current year	-	-
Total	-	773

³ Transfer to receivables

⁴ Record amounts in the year in which it was incurred

B) DETAILS OF IRREGULAR EXPENDITURE (UNDER ASSESSMENT, DETERMINATION, AND INVESTIGATION)

Description ⁵	2025/2026 R'000	2024/2025 R'000
Irregular expenditure under assessment	-	-
Irregular expenditure under determination	-	-
Irregular expenditure under investigation	-	1 313
Total	-	1 313

C) DETAILS OF IRREGULAR EXPENDITURE CONDONED

Description	2025/2026 R'000	2024/2025 R'000
Irregular expenditure condoned	77	-
Total	77	-

D) DETAILS OF IRREGULAR EXPENDITURE REMOVED - (NOT CONDONED)

Description	2025/2026 R'000	2024/2025 R'000
Irregular expenditure NOT condoned and removed	-	-
Total	-	-

The application for condonation of irregular expenditure incurred during the 2023/2024 financial year, amounting to R1 312 751, was submitted to the National Treasury for consideration.

The irregular expenditure related to four (4) matters. National Treasury condoned one (1) matter amounting to R77 417, while the remaining three (3) matters, amounting to R1 235 334, were referred back to the Accounting Authority for consideration.

E) DETAILS OF IRREGULAR EXPENDITURE RECOVERABLE

Description	2025/2026 R'000	2024/2025 R'000
Irregular expenditure recoverable	-	-
Total	-	-

⁵ Group similar items

F) DETAILS OF CURRENT AND PREVIOUS YEAR IRREGULAR EXPENDITURE WRITTEN OFF (IRRECOVERABLE)

Description	2025/2026 R'000	2024/2025 R'000
Irregular expenditure written off	-	-
Total	-	-

The investigation into irregular expenditure reported in the current financial year has been concluded. Based on the findings, corrective action aligned with the Commission's disciplinary policy has been recommended for two (2) cases, and the respective line managers have been advised to implement the necessary measures.

In the third case, no disciplinary action could be pursued as the implicated employee had already exited the employment of the Commission at the time of the investigation's conclusion. The matter has, however, been formally recorded with supporting documentation to ensure accountability and maintain an audit trail.

ADDITIONAL DISCLOSURE RELATING TO INTER-INSTITUTIONAL ARRANGEMENTS

G) DETAILS OF NON-COMPLIANCE CASES WHERE AN INSTITUTION IS INVOLVED IN AN INTER-INSTITUTIONAL ARRANGEMENT (WHERE SUCH INSTITUTION IS NOT RESPONSIBLE FOR THE NON-COMPLIANCE)

Description
N/A
Total

H) DETAILS OF IRREGULAR EXPENDITURE WHERE AN INSTITUTION IS INVOLVED IN AN INTER-INSTITUTIONAL ARRANGEMENT (WHERE SUCH INSTITUTION IS RESPONSIBLE FOR THE NON-COMPLIANCE)⁶

Description	2025/2026 ⁷ R'000	2024/2025 R'000
N/A	-	-
	-	-
	-	-
	-	-

⁶ Refer to paragraphs 3.12, 3.13 and 3.14 of Annexure A (PFMA Compliance and Reporting Framework) to National Treasury Instruction No. 4 of 2022/2023

⁷ Amounts of irregular expenditure related to the current year must be disclosed in the annual financial statements.

I) DETAILS OF DISCIPLINARY OR CRIMINAL STEPS TAKEN AS A RESULT OF IRREGULAR EXPENDITURE

Disciplinary steps taken
-

19.2. FRUITLESS AND WASTEFUL EXPENDITURE

A) RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

Description	2025/2026 R'000	2024/2025 R'000
Opening balance	-	-
Adjustment to opening balance	-	-
Opening balance as restated	-	-
Add: Fruitless and wasteful expenditure confirmed	-	-
Less: Fruitless and wasteful expenditure recoverable ⁸	-	-
Less: Fruitless and wasteful expenditure not recoverable and written off	-	-
Closing balance	-	-

Reconciling notes

Description	2025/2026 R'000	2024/2025 ⁹ R'000
Fruitless and wasteful expenditure that was under assessment	-	-
Fruitless and wasteful expenditure that relates to the prior year and identified in the current year	-	-
Fruitless and wasteful expenditure for the current year	-	-
Total	-	-

⁸ Transfer to receivables

⁹ Record amounts in the year in which it was incurred

19.3. ADDITIONAL DISCLOSURE RELATING TO MATERIAL LOSSES IN TERMS OF PFMA SECTION 55(2)(B)(I) &(III))111

A) DETAILS OF MATERIAL LOSSES THROUGH CRIMINAL CONDUCT

Material losses through criminal conduct	2025/2026 R'000	2024/2025 R'000
Theft	-	-
Other material losses	-	-
Less: Recoverable	-	-
Less: Not recoverable and written off	-	-
Total	-	-

B) DETAILS OF OTHER MATERIAL LOSSES

Nature of other material losses	2025/2026 R'000	2024/2025 R'000
	-	-
	-	-
	-	-
Total	-	-

C) OTHER MATERIAL LOSSES RECOVERABLE

Nature of losses	2025/2026 R'000	2024/2025 R'000
	-	-
	-	-
	-	-
Total	-	-

11 Information related to material losses must also be disclosed in the annual financial statements.

D) OTHER MATERIAL LOSSES NOT RECOVERABLE AND WRITTEN OFF

Nature of losses	2024/2025 R'000	2023/2024 R'000
	-	-
	-	-
	-	-
	-	-
	-	-
Total	-	-

LATE AND/OR NON-PAYMENT OF SUPPLIERS

Description	Number of invoices R'000	Consolidated Value R'000
Valid invoices received	1 035	163 766
Invoices paid within 30 days or agreed period	899	136 041
Invoices paid after 30 days or agreed period	78	17 061
Invoices older than 30 days or agreed period (unpaid and without dispute)	55	9 742
Invoices older than 30 days or agreed period (unpaid and in dispute)	2	830

SUPPLY CHAIN MANAGEMENT

Supply Chain Management (SCM) is responsible for effective and efficient Demand, Acquisition, Disposal, Logistics, Risk, Contract Management and compliance management aligned to the Supply Chain Management Regulatory Framework as prescribed by the National Treasury. SCM ensures processes that are fair, transparent, equitable, cost-effective and competitive. During the 2025/26 financial year, the Commission's Supply Chain Management process achieved

the delivery of effective and efficient procurement processes, good governance, compliance reporting and monitoring of fruitless, wasteful, irregular expenditure. The Commission achieved finalisation of strategic acquisitions against the approved procurement plan in compliance with effective collaborative compliance processes such as bid specification, bid evaluation and bid adjudication committees.

20.1. PROCUREMENT BY OTHER MEANS

Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contract R'000
Provision for SMME participation tracking in food chains	University of Johannesburg (UJ)	Single Source	POS012500921	R816 908.25
Provision for food margin study for South Africa and other Countries	University of Johannesburg (UJ)	Single Source	POS012500922	R780 000.00
Bid Committee Training	National School of Governance	Single Source	POS012501039	R166 842.00
Microsoft License Renewal for a period of 3 years	Microsoft Ireland Operations	Sole Source	POS012601048	R9 916 563.49
Subscription to Case Lex Database for a period of 12 Months	Lexis Nexis International	Sole Source	POS012601066	R278 435.50
CaseWare license renewal for 24 months	Adapt IT (Pty) Ltd	Sole Source	POS012601135	R277 564.11
IRESS Subscription for 12 Months	IRESS MD South Africa	Sole Source	POS012601337	R147 463.07
Subscription to the Competition Law database	Wolters Kluwer	Sole Source	POS012601132	R301 111.11

Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contract R'000
Subscription to legal brief awareness service	Juta and Company LTD	Sole Source	POS012601141	R55 492.80
Access to antitrust law and economic regulations	Institute De Droit de la Concurrence	Sole Source	POS012601129	R156 353.54
Lexis Plus Database Subscription	Lexis nexus international	Sole Source	POS012601093	R805 414.12
Juta Stat evolves advance select subscription	Juta and Company LTD	Sole Source	POS012601100	R117 396.00
Subscription to Parliamentary Committees Meetings	Parliamentary Monitoring Group	Sole Source	POS012601344	R13 685.00
Subscription to Wowebe- a South African Market Industry database	Who Owns Whom	Sole Source	POS012601064	R284 046.71
Procurement of Web Traffic Estimator services (annual subscription)	Similarweb	Sole source	POS012500637	R656 205,76
TOTAL				R14 117 275,70

20.2 CONTRACT VARIATIONS AND EXPANSIONS

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of pre-vious contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Provision for Internet line and managed firewall services	Vox Telecommuni-cations (Pty) Ltd	Expansion	PO41/106	R942703.77	R38 717.32	R38 717.32
Provision for Internet line and managed firewall services	Vox Telecommuni-cations (Pty) Ltd	Expansion	PO41/106	R942 703.77	R38 717.32	R38 717.32
Development and Implementation of Investigator Development Programme (IDP)	University of Johannesburg	Expansion	PO42/647	R2 520 583.00	R0.00	R0.00

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
Provision for Internet line and managed firewall services	Vox Telecommunications (Pty) Ltd	Expansion	PO41/106	R942 703.77	R38 717.32	R38 717.32
Provision for Internet line and managed firewall services	Vox Telecommunications (Pty) Ltd	Expansion	PO42/647	R942 703.77	R38 717.32	R38 717.32
Provision for physical security services	Prime African Security (Pty) Ltd	Expansion	POS012500760	R254 437.50	R0.00	R89 321.56
Rental of Office Furniture for 2 months	Ekhaya Investments	Expansion	POS012500818	R720 670.50	R0.00	R268 400.00
Provision for Temporary SCM Officer	Invoke Resourcing	Expansion	POS012501037	R557 001.15	R0.00	R5 750.00
Provision for SMME participation tracking in food chains	University of Johannesburg (UJ)	Expansion	POS012500921	R816 908.25	R0.00	R0.00
Provision for food margin study for South Africa and other Countries	University of Johannesburg (UJ)	Expansion	POS012500922	R780 000.00	R0.00	R0.00
Development and Implementation of Investigator Development Programme (IDP)	University of Johannesburg	Expansion	PO42/647	R2 520 583.00	R0.00	R0.00
The appointment of a professional service provider to review, analyse, input and finalize the SCM and Preferential Procurement Policies for The Competition Commission.	Diale Mogashoa Attorneys	Expansion	POS012601088	R68 597.50	R0.00	R9 603.65
TOTAL						R527 944.49

PART **F**

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FINANCIAL
INFORMATION

GENERAL INFORMATION

Country of incorporation and domicile	South Africa
Nature of business and principal activities	The Competition Commission is a statutory body constituted in terms of the Competition Act, No 89 of 1998 by the Government of South Africa empowered to investigate, control and evaluate restrictive business practices, abuse of dominant positions and mergers in order to achieve equity and efficiency in the South African economy.
Executive Committee	Ms. D. Tshepe - Commissioner Mr. H. Ratshisusu Mr. A. Gwabeni Ms. T. Mokoka Ms. M. Ramokgopa Mr. J. Hodge Mr. M. Mohlala Mr. A. Moledi (Resigned 4 April 2025) Mr. M. George Mr. B. Majenge Mr. M. Msibi (Resigned 30 September 2025) Mr. I Lesofe (Acting DM effective 01 January 2025) Mr A Dindar (Appointed 1 October 2025)
Registered office	Competition Commission of South Africa the dtic Campus, Block C Mulayo, 77 Meintjies Street, Sunnyside Pretoria, 0002
Economic entity	The Competition Commission is a competition authority of South Africa. The Minister of the Department of Trade, Industry and Competition (the dtic) is the Executive Authority. The Competition Commission is a schedule 3A public entity.
Bankers	ABSA Business Bank South African Reserve Bank
Auditor	The Auditor General of South Africa

ACCOUNTING AUTHORITY'S RESPONSIBILITIES AND APPROVAL

The Commissioner is required by the Public Finance Management Act (Act 1 of 1999), to maintain adequate accounting records and is responsible for the content and integrity of the unaudited audited annual financial statements and related financial information included in this report. It is the responsibility of the Commissioner to ensure that the unaudited audited annual financial statements fairly present the state of affairs of the Commission as at the end of the financial year and the results of its operations and cash flows for the period then ended. The external auditors are engaged to express an independent opinion on the unaudited audited annual financial statements and were given unrestricted access to all financial records and related data.

The unaudited audited annual financial statements have been prepared in accordance with Standards of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board.

The unaudited audited annual financial statements are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The Commissioner acknowledges that she is ultimately responsible for the system of internal financial control established by the Commission

and places considerable importance on maintaining a strong control environment. To enable the Commission to meet these responsibilities, the Commissioner sets standards for internal controls aimed at reducing the risk of error or deficit in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the Commission and all employees are required to maintain the highest ethical standards in ensuring the Commission's business is conducted in a manner that in all reasonable circumstances are above reproach. The focus of risk management in the Commission is on identifying, assessing, managing and monitoring all known forms of risks across the Commission. While operating risks cannot be fully eliminated, the Commission endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

The Commissioner is of the opinion, based on the information and explanations given by management, that the system of internal controls provides reasonable assurance that the financial records may be relied on for the preparation of the unaudited audited annual financial statements. However, any system of internal financial controls can provide only reasonable, and not absolute, assurance against material misstatement or deficit.

The Commissioner has reviewed the Commission's cash flow forecast for the year to 31 March 2027 and, in the light of this review and the current financial position, she is satisfied that the Commission has access to adequate resources to continue in operational existence for the foreseeable future.

The Commission is largely dependent on the fiscus or government for continued funding of operations. The unaudited audited annual financial statements are prepared on the basis that the Commission is a going concern and that the Commission has neither the intention nor the need to liquidate or curtail materially the scale of its operations.

Although the Commissioner is primarily responsible for the financial affairs of the Commission, she is supported by the Commission's executive committee as well as the audit and risk committee.

The external auditors are responsible for independently reviewing and reporting on the Commission's unaudited audited annual financial statements. The unaudited audited annual financial statements will be examined by the Auditor General of South Africa (AGSA) as the Commission's external auditors and their report is presented in the annual report.

The audited annual financial statements set out on page 145 to 184, which have been prepared on the going concern basis, were approved by the accounting authority on 31 July 2026.


M. Doris Tshabe
Commissioner



REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE COMPETITION COMMISSION OF SOUTH AFRICA

REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

Opinion

1. I have audited the financial statements of the Competition Commission (public entity) set out on pages 145 to 184, which comprise the statement of financial position as at 31 March 2026, statement of financial performance, statements of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Competition Commission as at 31 March 2026 and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the auditor-general for the audit of the financial statements section of my report.
4. I am independent of the public entity in accordance with the International Ethics Standards Board for Accountants' *International Code of Ethics for Professional Accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the accounting authority for the financial statements

6. The accounting authority is responsible for the preparation and fair presentation of the financial statements in accordance with the Standards of GRAP and the requirements of the PFMA; and for such internal control as the accounting authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting authority is responsible for assessing the public entity's ability to continue as a going concern; disclosing, as applicable, matters relating to going concern; and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the public entity or to cease operations, or has no realistic alternative but to do so.

Responsibilities of the auditor-general for the audit of the financial statements

8. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate,

they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report. This description, which is located at page xx, forms part of my auditor's report.

REPORT ON THE ANNUAL PERFORMANCE REPORT

10. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof; I must audit and report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected material performance indicators presented in the annual performance report. The accounting authority is responsible for the preparation of the annual performance report.

11. I selected the following material performance indicators related to stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth presented in the annual performance report for the year ended 31 March 2026. I selected those indicators that measure the public entity's performance on its primary mandated functions and that are of significant national, community or public interest.

- % reduction in turnaround times on merger assessment to reduce red tape
- To establish and implement a process, Guidance or Practice Note to facilitate
- expeditious assessment of merger transactions
- No. of abuse of dominance and restrictive vertical practices cases initiated in priority
- sectors to ensure removal of barriers to entry, market access, access to upstream
- inputs, concentration in the economy and other competition concerns
- No. of completed market-wide interventions in the economy to ensure improved
- competition including removal of barriers to entry, market access (including access to

- finance), access to upstream inputs and reduced concentration levels in the economy
- No. of cartel investigations completed to ensure improved competition including
- removal of barriers to entry, market access, access to upstream inputs, concentration in
- the economy and other competition concerns
- % of cartel cases won at the Tribunal
- % of cartel cases won at the courts
- % of market conduct cases won at the Tribunal
- % of market conduct cases won at the courts
- % of merger decisions upheld by the Tribunal
- % of merger decisions upheld by the Courts
- % of interlocutory decisions upheld by the Tribunal
- % of interlocutory decisions upheld by the courts
- No. of interventions to reduce the number of mergers & acquisitions (that do not raise
- competition and public interest issues) required to be filed with the Commission to ease
- regulatory burden of businesses in South Africa.
- No. of interventions to evaluate compliance by parties with conditions and remedies imposed by the Commission focusing on firm entry, transformation and competitiveness

12. I evaluated the reported performance information for the selected material performance indicators against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the public entity's planning and delivery on its mandate and objectives.

13. I performed procedures to test whether:

- the indicators used for planning and reporting on performance can be linked directly to the public entity's mandate and the achievement of its planned objectives
- all the indicators relevant for measuring the public entity's performance against its primary mandated and prioritised functions and planned objectives are included

- the indicators are well defined to ensure that they are easy to understand and can be applied consistently, as well as verifiable so that I can confirm the methods and processes to be used for measuring achievements
 - the targets can be linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated
 - the indicators and targets reported on in the annual performance report are the same as those committed to in the approved initial or revised planning documents
 - the reported performance information is presented in the annual performance report in the prescribed manner
 - there is adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement.
14. I performed the procedures to report material findings only; and not to express an assurance opinion or conclusion.
 15. I did not identify any material findings on the reported performance information for the selected indicators..

REPORT ON COMPLIANCE WITH LEGISLATION

16. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting authority is responsible for the public entity's compliance with legislation.
17. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.
18. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the public entity, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.
19. I did not identify any material non-compliance with the selected legislative requirements..

OTHER INFORMATION IN THE ANNUAL REPORT

20. The accounting authority is responsible for the other information included in the annual report. The other information referred to does not include the financial statements, the auditor's report and those selected material indicators in the scoped-in strategic goal presented in the annual performance report that have been specifically reported on in this auditor's report.
21. My opinion on the financial statements and my reports on the audit of the annual performance report and compliance with legislation do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.
22. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected material indicators in the scoped-in strategic goal presented in the annual performance report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
23. I did not receive the accounting authority's report prior to the date of this auditor's report. When I do receive and read this information, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

INTERNAL CONTROL DEFICIENCIES

24. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
25. I did not identify any significant deficiencies in internal control.

Abdullah General

Pretoria

06 August 2026



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence



ANNEXURE

TO THE AUDITOR'S REPORT

The annexure includes the following:

- The auditor-general's responsibility for the audit
- The selected legislative requirements for compliance testing.

AUDITOR-GENERAL'S RESPONSIBILITY FOR THE AUDIT

Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected material performance indicators and on the public entity's compliance with selected requirements in key legislation.

Financial statements

In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the public entity and public entity's internal control.

- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made.
- conclude on the appropriateness of the use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the public entity to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a public entity to cease operating as a going concern.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Communication with those charged with governance

I communicate with the accounting authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the accounting authority with a statement that I have complied with relevant ethical requirements regarding independence and communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

COMPLIANCE WITH LEGISLATION - SELECTED LEGISLATIVE REQUIREMENTS

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act 1 of 1999	Section 51(1)(b)(i); 51(1)(b)(ii); 51(1)(e)(iii); 53(4); 54(2)(c); 54(2)(d); 55(1)(a); 55(1)(b); 55(1)(c)(i); 56; 57(b); 66(3)(c); 66(5)
Treasury Regulations, 2005	Regulation 16A3.2; 16A3.2(a); 16A6.1; 16A6.2(a); 16A6.2(b); 16A6.3(a); 16A6.3(b); 16A6.3(c); 16A6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A.7.1; 16A.7.3; 16A8.3; 16A8.4; 16A9.1(b)(ii); 16A 9.1(d); 16A9.1(e); 16A9.1(f); 16A9.2; 16A9.2(a)(ii); 30.1.1; 31.1.2(c); 30.1.3(a); 30.1.3(b); 30.1.3(d); 30.2.1; 31.2.1; 31.2.5; 31.2.7(a); 31.3.3; 32.1.1(a); 32.1.1(b); 32.1.1(c); 33.1.1; 33.1.3
Companies Act 71 of 2008	Section 45(2); 45(2)(c); 45(3)(a)(ii); 45(3)(b)(i); 45(3)(b)(ii); 45(4); 46(1)(a); 46(1)(b); 46(1)(c); 112(2)(a); 129(7)
Construction Industry Development Board Regulations, 2004	Regulation 17; 25(7A); 25(9)(a); 25(10)
National Treasury SCM Instruction No. 4A of 2016/17	Paragraph 6
National Treasury SCM Instruction No. 03 of 2021/22	Paragraph 4.1; 4.2(b); 4.3; 4.4(a); 4.17; 7.2; 7.6
National Treasury SCM Instruction No. 2 of 2021/22	Paragraph 3.2.1; 3.2.4; 3.2.4(a); 3.3.1
National Treasury Practice Note 5 of 2009/10	Paragraph 3.3
National Treasury Practice Note 7 of 2009/10	Paragraph 4.1.2
Preferential Procurement Policy Framework Act 5 of 2000	Section 1; 2(1)(a); 2(1)(b); 2.1(f)
Preferential Procurement Regulations, 2022	Regulation 4.1; 4.2; 4.3; 4.4; 5.1; 5.2; 5.3; 5.4
Prevention and Combating of Corrupt Activities Act 12 of 2004	Section 34(1)
Public Finance Management Act 1 of 1999	Section 51(1)(b)(i); 51(1)(b)(ii); 51(1)(e)(iii); 53(4); 54(2)(c); 54(2)(d); 55(1)(a); 55(1)(b); 55(1)(c)(i); 56; 57(b); 66(3)(c); 66(5)
Treasury Regulations, 2005	Regulation 16A3.2; 16A3.2(a); 16A6.1; 16A6.2(a); 16A6.2(b); 16A6.3(a); 16A6.3(b); 16A6.3(c); 16A6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A.7.1; 16A.7.3; 16A8.3; 16A8.4; 16A9.1(b)(ii); 16A 9.1(d); 16A9.1(e); 16A9.1(f); 16A9.2; 16A9.2(a)(ii); 30.1.1; 31.1.2(c); 30.1.3(a); 30.1.3(b); 30.1.3(d); 30.2.1; 31.2.1; 31.2.5; 31.2.7(a); 31.3.3; 32.1.1(a); 32.1.1(b); 32.1.1(c); 33.1.1; 33.1.3
Companies Act 71 of 2008	Section 45(2); 45(2)(c); 45(3)(a)(ii); 45(3)(b)(i); 45(3)(b)(ii); 45(4); 46(1)(a); 46(1)(b); 46(1)(c); 112(2)(a); 129(7)
Construction Industry Development Board Regulations, 2004	Regulation 17; 25(7A); 25(9)(a); 25(10)
National Treasury SCM Instruction No. 4A of 2016/17	Paragraph 6
National Treasury SCM Instruction No. 03 of 2021/22	Paragraph 4.1; 4.2(b); 4.3; 4.4(a); 4.17; 7.2; 7.6
National Treasury SCM Instruction No. 2 of 2021/22	Paragraph 3.2.1; 3.2.4; 3.2.4(a); 3.3.1

AUDIT AND RISK COMMITTEE REPORT

The Audit and Risk Committee is pleased to present its report for the financial year ended March 31, 2025, in compliance with Treasury Regulations 3.1.9 and 27.1.7 issued in terms of the PFMA, 1999, and King IV Code of good governance.

The Committee is established as an independent statutory committee in terms of the PFMA. The committee functions within approved terms of reference, which are reviewed annually to ensure their continued relevance, and complies with relevant legislation, regulations, and governance codes.

AUDIT AND RISK COMMITTEE MEMBERS AND ATTENDANCE

During the year under review, the Committee consisted of four (4) independent Non-Executive Members appointed by the Commissioner. The Committee is properly constituted, with a balanced representation of independent members with a diverse and appropriate mix of qualifications, skills, and experience.

The Committee attended six (6) meetings, which were also attended by the Auditor General South Africa; the outsourced Internal Auditors, Lunika Incorporated; and members of the Executive Management led by the Commissioner. The Committee membership was constituted as follows:

Name of member	Role	Date appointed	Number of meetings held	Number of meetings attended
Ms R Kalidass	Chairperson	Re-appointed on 1 March 2025	7	7
Dr. T Sethibe	Member	Appointed on 1 March 2025	7	5
Ms Y Pamla-Dhludhlu	Member	Appointed on 1 March 2025	7	6
Rev. N Madyibi	Member	Appointed on 1 March 2025	7	7

The Committee held meetings with the senior management, the internal auditors, and the external auditors, collectively and/or individually throughout the reporting period.

AUDIT AND RISK COMMITTEE RESPONSIBILITY

The Committee reports that it has complied with its responsibilities arising from Section 51 (1) (a) (ii) of the Public Finance Management Act and Treasury Regulation 27.1. The Committee reports that it has adopted

a formal Terms of Reference, it has complied with its responsibilities as set out in the Terms of Reference, and it has discharged all its duties as contained therein.

The primary role of the Committee is to assist the Commission by discharging oversight responsibilities on the financial reporting process and related audit activities, the system of internal controls, risk management processes and systems, performance management, and compliance with laws and regulations.

In the current reporting period, the committee's work included amongst others, reviewing the financial planning process, quarterly and in-year financial reporting, the audit process and related audit findings, risk management including business continuity. This included reviewing accounting policies; reviewing significant assumptions and judgments made by management; reviewing annual and quarterly financial reports; reviewing internal audit reports and tracking audit findings; approving audit fees as well as reviewing internal audit and external audit functions for independence, objectivity, and effectiveness.

The Committee ensured cooperation between the internal audit function and the external auditors in relation to the external auditors relying on work done by the internal auditor for purposes of work set out in the audit plan.

THE EFFECTIVENESS OF INTERNAL CONTROL

During the year under review the internal control environment of the Commission continued to improve increasing the probability of achievement of strategic objectives. The outsourced Internal Audit function conducted audit reviews in line with the approved internal audit plan, and audit findings from previous years were resolved.

The Committee obtained reasonable assurance from Internal Audit that overall internal controls systems of the Commission are effective.

MANAGEMENT AND MONTHLY / QUARTERLY REPORTS

The Committee is satisfied with the content and quality of monthly and quarterly reports issued during the year under review, which is in full compliance with the statutory framework.

PERFORMANCE MANAGEMENT

The Committee is satisfied that the performance reports have been prepared in accordance with the PFMA, National Treasury Regulations, and other relevant regulatory requirements. The Committee reviewed the information on predetermined objectives to be included in the annual report. The Committee notes the areas of non-achievement of targets and has engaged management on the importance of achieving the critical mandate of the Commission.

EVALUATION OF ANNUAL FINANCIAL STATEMENTS

The Committee has reviewed and discussed the audited Annual Financial Statements to be included in the annual report, with the Auditor-General of South Africa and the Accounting Authority. The focus was on the following:

- significant assumptions and the adjustments made by management;
- compliance with accounting standards and legal requirements;
- clarity and completeness of disclosures and whether disclosures made have been set properly in context;
- quality and acceptability of, and any changes in, accounting policies and practices;
- reflection of unusual circumstances or events and management's explanation for the accounting treatment adopted;
- reasons for major year-on-year fluctuations;
- the basis for the going concern assumption, including any financial sustainability risks and issues; and
- the Auditor-General of South Africa's management report and management's responses thereto.

The Committee is satisfied that the Annual Financial Statements have been prepared in accordance with the Generally Accepted Accounting Practice and the PFMA.

INTERNAL AUDIT FUNCTION

The Committee is responsible for ensuring that the internal audit function is independent and has the necessary resources, skills, standing and authority within the Commission to enable it to discharge its responsibilities effectively. The Internal Auditors have unrestricted access to the Committee.

The Committee reviews and approves the internal audit charter and the internal audit plan annually. Internal audit activities are measured against the approved internal audit plan, and the internal audit function tables quarterly progress reports in this regard to the Committee.

The Committee is satisfied that the annual internal audit plan was executed effectively.

ENTERPRISE RISK MANAGEMENT (ERM)

The Committee is responsible for the oversight of the Commission's risk management systems and activities.

In the current reporting period, the Committee reviewed the ERM policies and strategy, and business continuity reports.

Management reported at each quarterly meeting on the progress with regards to the management of strategic and operational risks at the Commission. The Committee reviewed the risk registers on a quarterly basis and made recommendations for improvement. Moreover, the Committee recommended that a culture of risk management be embedded in the daily activities of the Commission to ensure effective enterprise-wide risk management. The Committee will monitor progress regarding this, in the following reporting period.

COMBINED ASSURANCE

The Commission has adopted a Combined Assurance Framework as detailed in the King IV report on Corporate Governance. The Committee will continue to monitor its implementation as well as ensuring the effectiveness of the Combined Assurance Framework.

EVALUATION OF THE FINANCE FUNCTION

The Committee is satisfied with the performance of the Finance Function for the year under review.

AUDITOR-GENERAL OF SOUTH AFRICA

The Committee, in consultation with the management, agreed to the terms of the Auditor General South Africa's engagement letter, audit strategy and audit fees in respect of the 2025/2026 financial year.

The Committee also monitored the implementation of the action plans to address matters arising from the Management Report issued by the Auditor-General South Africa for the 2024/2025 Financial Year.

The Committee concurs and accepts the conclusions of the Auditor-General on the annual financial statements and is of the opinion that the audited annual financial statements and annual performance information report be accepted and read together with the report of the Auditor-General South Africa.



Miss Rachel Kalidass

Chairperson of the Audit and Risk Committee
Competition Commission

STATEMENT OF FINANCIAL POSITION

AS AT MARCH 31, 2026



	Note(s)	2026 R'000	2025 Restated* R'000
ASSETS			
Current Assets			
Consumables	3	592	447
Receivables from exchange transactions	4	8 332	5 501
Statutory receivables	9	5 090	19 561
Cash and cash equivalents held on behalf of DTIC	5	15 668	13 577
Cash and cash equivalents	6	159 575	186 665
		189 257	225 751
Non-Current Assets			
Property, plant and equipment	7	30 948	25 139
Intangible assets	8	340	1 019
		31 288	26 158
Total Assets		220 545	251 909
LIABILITIES			
Current Liabilities			
Payables from exchange transactions	10	31 075	36 063
Provisions	11	46 468	44 709
Penalties payable to the dtic	5	20 757	33 038
		98 300	113 810
Total Liabilities		98 300	113 810
Net Assets		122 245	138 099
Accumulated surplus		122 245	138 099
Total Net Assets		122 245	138 099

STATEMENT OF FINANCIAL PERFORMANCE

AS AT MARCH 31, 2026

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	Note(s)	2026	2025
		R'000	Restated*
			R'000
REVENUE			
Revenue from exchange transactions			
Fees earned	13	77 929	72 053
Other income	14	851	1 975
Interest received	15	20 282	18 505
Total revenue from exchange transactions		99 062	92 533
Revenue from non-exchange transactions			
Transfer revenue			
Government grants & subsidies	16	440 339	426 193
Total revenue	13	539 401	518 726
EXPENDITURE			
Employee related costs	17	(363 116)	(332 295)
Administrative expenses	18	(4 273)	(6 558)
Depreciation and amortisation		(10 150)	(6 193)
Impairment loss on assets		-	(138)
Lease rentals on operating lease	12	(23 036)	(22 352)
Loss on disposal of assets		(54)	(97)
Inventories losses/write-downs		-	(48)
Operating expenses	19	(154 626)	(173 540)
Total expenditure		(555 255)	(541 221)
Deficit for the year		(15 854)	(22 495)
Cash surplus committed		29 757	137 481
Surplus for the year including approved cash surplus		13 903	114 985

STATEMENT OF CHANGES IN NET ASSETS

AS AT MARCH 31, 2026

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	Accumulated surplus/deficit R'000	Total net assets R'000
Balance at 01 April 2024	156 283	156 283
Deficit for the year (as previously reported)	(19 070)	(19 070)
Correction of errors (Note 29)	(3 428)	(3 428)
Restated deficit	(22 498)	(22 498)
Reversal of prior years accruals (Note 29)	4 314	4 314
Balance at 01 April 2025 (Restated)	138 099	138 099
Deficit for the year	(15 854)	(15 854)
Total changes	(15 854)	(15 854)
Balance at 31 March 2026	122 245	122 254

CASH FLOW STATEMENT

AS AT MARCH 31, 2026

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CASH FLOWS FROM OPERATING ACTIVITIES

Receipts

Fees earned

Grants

Interest income

Other income

Payments

Employee costs

Suppliers

Net cash flows from operating activities

CASH FLOWS FROM INVESTING ACTIVITIES

Purchase of property, plant and equipment

Net increase/(decrease) in cash and cash equivalents

Cash and cash equivalents at the beginning of the year

Cash and cash equivalents at the beginning of the year held on behalf of the dtic

Cash and cash equivalents at the end of the year

Note(s)	2026	2025
	R'000	Restated* R'000
	77 929	72 053
	440 339	426 193
	20 659	18 739
	1 197	655
	540 124	517 640
	(360 377)	(326 633)
	(189 379)	(210 382)
	(549 756)	(537 015)
20	(9 632)	(19 375)
7	(15 366)	(14 178)
	(24 998)	(33 553)
	186 665	217 764
	13 577	16 031
6	175 244	200 242

STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS AS AT MARCH 31, 2026

Budget on Accrual Basis

Statement of Financial Performance

REVENUE

Revenue from exchange transactions

Fees earned	71 830	-	71 830	77 929	6 099	27.1
Other income	-	-	-	851	851	
Interest received - investment	18 653	-	18 653	20 282	1 629	27.2
Total revenue from exchange transactions	90 483	-	90 483	99 062	8 579	

Revenue from non-exchange transactions

Transfer revenue

Government grants & subsidies	440 339	-	440 339	440 339	-	
Total revenue	530 822	-	530 822	539 401	8 579	

EXPENDITURE

Personnel	(358 766)	(2 000)	(360 766)	(363 116)	(2 350)	
Administrative expenses	(6 338)	(8 557)	(14 895)	(4 273)	10 622	27.3
Depreciation and amortisation	(7 000)	(4 000)	(11 000)	(10 150)	850	
Lease rentals on operating lease	(24 000)	-	(24 000)	(23 036)	964	
Operating expenses	(134 718)	(15 200)	(149 918)	(154 626)	(4 708)	27.4
Total expenditure	(530 822)	(29 757)	(560 579)	(555 201)	5 378	
Operating deficit		(29 757)	(29 757)	(15 800)	13 957	
Loss on disposal of assets	-	-	-	(54)	(54)	
Deficit for the year	-	(29 757)	(29 757)	(15 854)	13 903	
Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement	-	(29 757)	(29 757)	(15 854)	13 903	

ACCOUNTING POLICIES



1. BASIS OF PREPARATION

The audited annual financial statements have been prepared in accordance with and are in compliance with the Standards of Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with Section 91(1) of the Public Finance Management Act (Act 1 of 1999).

These annual financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise.

Assets, liabilities, revenues and expenses were not offset, except where offsetting is either required or permitted by a Standard of GRAP and when the Commission has a legal right to set-off the amounts and intends to settle on a net basis to realise the assets and settle the liability simultaneously.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these audited annual financial statements are set out below.

1.1 PRESENTATION CURRENCY

These audited annual financial statements are presented in South African Rand, which is the functional currency of the Commission. All figures presented are rounded off to the nearest thousand.

1.2 GOING CONCERN ASSUMPTION

These audited annual financial statements have been prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months.

1.3 MATERIALITY

Materiality depends on the nature or size of the omission or misstatement, judged in the surrounding circumstances. Both quantitative and qualitative factors are considered.

The Commission applies the principles of materiality as defined in GRAP

1. In assessing materiality:

- a) Quantitative thresholds are determined with reference to appropriate benchmarks such as total expenditure, total assets, or operating surplus/deficit; and
- b) Qualitative considerations include the nature of the item, legal and regulatory requirements, public interest, and the sensitivity of the information.

Materiality is assessed at both financial statement level and individual transaction or disclosure level, in accordance with the Commission's approved Materiality and Significance Framework, which is reviewed annually.

1.4 SIGNIFICANT JUDGMENTS AND SOURCES OF ESTIMATION UNCERTAINTY

In preparing the audited annual financial statements, management is required to make estimates and assumptions that affect the amounts represented in the audited annual financial statements and related disclosures. Use of available information and the application of judgment is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the audited annual financial statements. Significant judgements include:

Determination of impairment of non-financial assets

Judgments

Contingent liabilities

Contingencies in assessing contingent liabilities arising from legal proceedings, management applies judgement in evaluating the probability of outflows and the ability to reliably estimate potential obligations. These judgements are based on factors including the status and stage of legal proceedings, legal advice obtained from internal and external legal counsel, historical outcomes of similar matters, interpretation of applicable legislation, the availability and reliability of supporting evidence, and the likelihood of success of claims or defences.

Where management concludes that an obligation is possible rather than probable, or where insufficient information exists to reliably quantify the financial effect or timing of settlement, the matter is disclosed as a contingent liability. Due to the inherent uncertainties associated with litigation and claims, the ultimate outcome and timing of resolution may differ from management's assessments at reporting date.

Management further considers whether the alleged non-compliance has been substantiated, whether negotiations or settlement processes are underway, and whether sufficient information exists to determine the extent of possible financial exposure. In certain matters, the quantification of possible obligations depends on future legal determinations, third-party actions, or outcomes of ongoing investigations, which are outside the control of the Commission.

Lease classification

Management uses judgment in assessing whether an arrangement is or contains a lease based on the substance of the arrangement at inception date of whether the fulfillment of the arrangement is dependent on the use of the specific asset or the arrangement conveys a right to use the asset. Management assesses the conditions listed below in each lease contract (using GRAP 13) to classify a lease as a finance or operating lease.

In order to make the determination as to whether a lease is a finance lease, the Commission considers several variables (non-exhaustive) and applies judgement to the assessment of whether any of the conditions noted hereunder using the guidance of GRAP 13. These include but are not limited to:

- Transfer ownership
- Remaining economic life of the asset
- The expected term of the lease
- Fair value of the underlying asset

Estimates

Useful lives of tangible and intangible assets

Management estimates the useful lives and residual values of property, plant and equipment and intangible assets based on the expected pattern of consumption of future economic benefits or service potential of the assets. In determining useful lives, management considers factors including the age of the asset, current condition, expected usage patterns, maintenance programmes, technological developments, historical experience with similar assets, industry norms, physical wear and tear, risk of obsolescence, and legal or contractual limitations over the use of the asset.

Information technology equipment is assessed with reference to expected technological obsolescence and system replacement cycles, while motor vehicles are assessed considering mileage, usage intensity, and maintenance records.

1.5 PROPERTY, PLANT AND EQUIPMENT

Property, plant and equipment are tangible non-current assets that are held for use in the production or supply of goods or services, rental to others, or for administrative purposes, and are expected to be used during more than one period.

The cost of an item of property, plant and equipment is recognised as an asset when:

- it is probable that future economic benefits or service potential associated with the item will flow to the entity; and
- the cost of the item can be measured reliably.

Property, plant and equipment is carried at cost less accumulated depreciation and any impairment losses.

Property, plant and equipment is depreciated on the straight-line basis over their expected useful lives to their estimated residual value.

The useful lives of items of property, plant and equipment have been assessed as follows:

Item	Depreciation method	Average useful life
Furniture and fittings	Straight line	12 - 25 years
Motor vehicles	Straight line	5 - 15 years
Office equipment	Straight line	8 - 20 years
IT equipment	Straight line	
- Computer equipment		3 - 21 years
- Servers		5 - 9 years
- GPS		3 - 14 years
Leasehold Improvements	Straight line	3 years
Cellphones	Straight line	2 - 6 years
Leased assets	Straight line	Period of lease

The depreciable amount of an asset is allocated on a systematic basis over its useful life.

The Commission assesses at each reporting date whether there is any indication that the Commission expectations about the residual value and the useful life of an asset have changed since the preceding reporting date. If any such indication exists, the Commission revises the expected useful life and/or residual value accordingly. The change is accounted for as a change in an accounting estimate.

The depreciation charge for each period is recognised in surplus or deficit unless it is included in the carrying amount of another asset.

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use of the asset.

The gain or loss arising from the derecognition of an item of property, plant and equipment is included in surplus or deficit when the item is derecognised. The gain or loss arising from the derecognition of an item of property, plant and equipment is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item.

The Commission separately discloses expenditure to repair and maintain property, plant and equipment in the notes to the financial statements (see note 7).

1.6 INTANGIBLE ASSETS

An intangible asset is recognised when:

- it is probable that the expected future economic benefits or service potential that are attributable to the asset will flow to the Commission; and
- the cost or fair value of the asset can be measured reliably.

The Commission assesses the probability of expected future economic benefits or service potential using reasonable and supportable assumptions that represent management's best estimate of the set of economic conditions that will exist over the useful life of the asset.

Intangible assets are carried at cost less any accumulated amortisation and any impairment losses.

Amortisation is provided to write down the intangible assets, on a straight-line basis, to their residual values as follows:

Item	Depreciation method	Useful life
Computer software	Straight line	3 - 21 years

Intangible assets are derecognised:

- on disposal; or
- when no future economic benefits or service potential are expected from its use or disposal.

The gain or loss arising from the derecognition of intangible assets is included in surplus or deficit when the asset is derecognised.

1.7 FINANCIAL INSTRUMENTS

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or a residual interest of another entity.

Financial instruments are recognised when the Commission becomes a party to the contractual provision of the instrument. These financial instruments are initially measured at fair value plus transaction costs.

A financial asset is:

- cash;
- a residual interest of another Commission; or
- a contractual right to:
- receive cash or another financial asset from another Commission; or
- exchange financial assets or financial liabilities with another Commission under conditions that are potentially favourable to the Commission.

A financial liability is any liability that is a contractual obligation to:

- deliver cash or another financial asset to another Commission; or
- exchange financial assets or financial liabilities under conditions that are potentially unfavourable to the Commission.

Subsequent measurement of financial assets and financial liabilities

The subsequent measurement of financial instruments is stated below:

The Commission classifies financial instruments, or their component parts, on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement.

Receivables from exchange transactions

Trade and other receivables classified as financial assets are subsequently measured at amortised cost using the effective interest method, less any impairment losses.

The Commission recognises a loss allowance for expected credit losses on financial assets measured at amortised cost. Expected credit losses are estimated using historical credit loss experience, current conditions, and forward-looking information that is available without undue cost or effort at the reporting date.

The amount of expected credit losses is recognised in surplus or deficit and adjusted at each reporting date to reflect changes in credit risk and expected recoverability.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, on deposit and other short-term readily realisable liquid instruments

Payables from exchange transactions

Trade and other payables are classified as liabilities at amortised cost.

Derecognition

Financial assets are derecognised if the Commission's contractual rights to the cash flows from the financial assets expire or if the Commission transfers the financial assets to another party without retaining control, or transfers substantially all the risks and rewards of the asset. Financial liabilities are derecognised if the Commission's obligations specified in the contract expire or are discharged or cancelled.

Classification

The Commission has the following types of financial assets (classes and category) as reflected on the face of the statement of financial position or in the notes thereto:

Class	Category
Cash and cash equivalents	Financial asset measured at amortised cost
Sundry receivables	Financial asset measured at amortised cost

The Commission has the following types of financial liabilities (classes and category) as reflected on the face of the statement of financial position or in the notes thereto:

Class	Category
Payables from exchange transactions	Financial asset measured at amortised cost

1.8 STATUTORY RECEIVABLES

Definition

Statutory Receivables are receivables that arise from legislation as opposed to contractual deliverables. Receivables that arise due to contractual agreement are accounted for in terms of the accounting policy on Financial Instruments. Statutory Receivables are classified and recognised as exchange or non-exchange in accordance with the relevant GRAP standards on Revenue and essentially based on whether or not there is a supply of goods and services in exchange for economic benefits or similar value

Identification

Statutory receivables are receivables that arise from legislation, supporting regulations, or similar means, and require settlement by another Commission in cash or another financial asset. Carrying amount

is the amount at which an asset is recognised in the statement of financial position. The cost method is the method used to account for statutory receivables that requires such receivables to be measured at their transaction amount, plus any accrued interest or other charges (where applicable) and, less any accumulated impairment losses and any amounts derecognised. Nominal interest rate is the interest rate and/or basis specified in legislation, supporting regulations or similar means.

The transaction amount for a statutory receivable means the amount specified in, or calculated, levied or charged in accordance with, legislation, supporting regulations, or similar means.

Statutory receivables arise from non - exchange revenue transactions, the Commission shall apply recognition and initial measurement requirement of the Standards of GRAP on Revenue from Non-Exchange Transactions (Taxes and Transfer) (GRAP 23), as well as the requirements of this standard of GRAP.

Recognition

The Commission recognises statutory receivables as follows:

- if the transaction is a non-exchange transaction, using the policy on Revenue from non-exchange transactions (Taxes and transfers); or

Initial measurement

The Commission initially measures statutory receivables at their transaction amount. Subsequent measurement

The Commission measures statutory receivables after initial recognition using the cost method. Under the cost method, the initial measurement of the receivable is changed after initial recognition to reflect any:

- interest or other charges that may have accrued on the receivable (where applicable);
- impairment losses; and
- amounts derecognised.

Interest

Where the Commission charges interest on the outstanding balance of statutory receivables, it adjusts the transaction amount after initial recognition to reflect any accrued interest. Accrued interest is calculated using the nominal interest rate. Interest on statutory receivables is recognised as revenue in accordance with the Standards of GRAP on Revenue from Non-exchange Transactions (Taxes and Transfers) (GRAP 23).

Other charges

Where the Commission is required or entitled in terms of legislation, supporting regulations, by-laws or similar means to charge additional charges on overdue or unpaid amounts, and such charges are made, the Commission applies the principles as stated in the Rate of Interest Act, 1975 (Act 55 of 1975) determined by the Minister of Justice and Correctional Services published in the Government Gazette from time to time, as well as the Standards of GRAP on Revenue from Non-exchange Transactions (Taxes and Transfers) (GRAP 23).

Impairment losses

The Commission assesses at each reporting date whether there is any indication that a statutory receivable, or a group of statutory receivables, may be impaired. In assessing whether there is any indication that a statutory receivable, or group of statutory receivables, may be impaired, the Commission considers, as a minimum, the following indicators:

- Significant financial difficulty of the debtor, which may be evidenced by an application for debt counselling, business rescue or an equivalent;
- Whether it is probable that the debtor will enter sequestration, liquidation or other financial re-organisation.
- A breach of the terms of the transaction, such as default or delinquency in principal or interest payments (where levied).
- Adverse changes in international, national or local economic conditions, such as a decline in growth, an increase in debt levels and unemployment, or changes in migration rates and patterns.

If there is an indication that a statutory receivable, or a group of statutory receivables, may be impaired, the Commission measures the impairment loss as the difference between the estimated future cash flows and the carrying amount. Where the carrying amount is higher than the estimated future cash flows, the carrying amount of the statutory receivable, or group of statutory receivables, is reduced, and a corresponding reduction the amounts owed to DTIC. An impairment loss recognised in prior periods for a statutory receivable is revised if there has been a change in the estimates used since the last impairment loss was recognised, or to reflect the effect of discounting the estimated cash flows. Any previously recognised impairment loss is adjusted either directly to the receivable and the DTIC liability.

Derecognition

The Commission derecognises a statutory receivable, or a part thereof, when:

- the rights to the cash flows from the receivable are settled, expire or are waived;
- the Commission transfers to another party substantially all of the risks and rewards of ownership of the receivable;

1.9 LEASES

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards incidental to ownership.

When a lease includes both land and buildings elements, the entity assesses the classification of each element separately.

Finance leases - lessee

Finance leases are recognised as assets and liabilities in the statement of financial position at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation.

The discount rate used in calculating the present value of the minimum lease payments is the interest rate implicit in the lease.

Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce a constant periodic rate on the remaining balance of the liability.

Operating leases - Lessee

Operating lease payments are recognised as an expense on a straight-line basis over the lease term. The difference between the amounts recognised as an expense and the contractual payments are recognised as an operating lease asset or liability.

1.10 CONSUMABLES

Consumable stores, comprising office consumables such as stationery and printing materials, are measured at the lower of cost and current replacement cost. Cost represents the purchase price and other costs incurred in bringing the items to their present location and condition.

1.11 EMPLOYEE BENEFITS

Short-term employee benefits

Short-term employee benefits are employee benefits (other than termination benefits) that are due to be settled within twelve months after the end of the period in which the employees render the related service.

Short-term employee benefits include items such as:

- a) wages, salaries and social security contributions
- b) short-term compensated absences (such as paid annual leave) where the compensation for the absences is due to be settled within twelve months after the end of the reporting period in which the employees render the related employee service;
- c) bonus, incentive and performance related payments payable within twelve months after the end of the reporting period in which the employees render the related service; and

- d) non-monetary benefits (for example, medical care, and free or subsidised goods or services such as housing, cars and cellphones) for current employees.

When an employee has rendered service to the entity during a reporting period, the entity recognises the undiscounted amount of short-term employee benefits expected to be paid in exchange for that service:

- a) as a liability (accrued expense), after deducting any amount already paid. If the amount already paid exceeds the undiscounted amount of the benefits, the Commission recognises that excess as an asset (prepaid expense) to the extent that the prepayment will lead to, for example, a reduction in future payments or a cash refund; and
- b) as an expense, unless another Standard requires or permits the inclusion of the benefits in the cost of an asset.

The expected cost of compensated absences is recognised as an expense as the employees render services that increase their entitlement or, in the case of non-accumulating absences, when the absence occurs. The Commission measures the expected cost of accumulating compensated absences as the additional amount that the entity expects to pay as a result of the unused entitlement that has accumulated at the reporting date.

The Commission recognises the expected cost of bonus, incentive and performance related payments when the Commission has a present legal or constructive obligation to make such payments as a result of past events and a reliable estimate of the obligation can be made. A present obligation exists when the entity has no realistic alternative but to make the payments.

1.12 PROVISIONS AND CONTINGENCIES

Provisions are recognised when:

- the Commission has a present obligation as a result of a past event;
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- a reliable estimate can be made of the obligation.

The amount of a provision is the best estimate of the expenditure expected to be required to settle the present obligation at the reporting date.

Where some or all of the expenditure required to settle a provision is expected to be reimbursed by another party, the reimbursement is recognised when, and only when, it is virtually certain that reimbursement will be received if the Commission settles the obligation. The reimbursement is treated as a separate asset. The amount recognised for the reimbursement does not exceed the amount of the provision.

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. Provisions are reversed if it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required, to settle the obligation.

Where discounting is used, the carrying amount of a provision increases in each period to reflect the passage of time. This increase is recognised as an interest expense.

A provision is used only for expenditures for which the provision was originally recognised. Provisions are not recognised for future operating surplus.

If the Commission has a contract that is onerous, the present obligation (net of recoveries) under the contract is recognised and measured as a provision.

1.13 REVENUE FROM EXCHANGE TRANSACTIONS

Revenue is the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets, other than increases relating to contributions from owners.

An exchange transaction is one in which the Commission receives assets or services, or has liabilities extinguished, and directly gives approximately equal value (primarily in the form of goods, services or use of assets) to the other party in exchange.

The Commission's revenue from exchange transactions is generated revenue from fees payable to the Commission in terms of the Competition Act being mergers and acquisitions as well as exemptions.

Measurement

Revenue is measured at the fair value of the consideration received or receivable, net of trade discounts and volume rebates. The amount of revenue arising on a transaction which is statutory (non-contractual) in nature is usually measured by reference to the relevant legislation, regulation or similar means. The fee structure, tariffs or calculation basis specified in legislation, regulation or similar means is used to determine the amount of revenue that should be recognised. This amount represents the fair value, on initial measurement, of the consideration received or receivable for revenue that arises from a statutory (non-contractual) arrangement (see the accounting policy on Statutory Receivables).

1.14 REVENUE FROM NON-EXCHANGE TRANSACTIONS

Revenue comprises gross inflows of economic benefits or service potential received and receivable by the Commission, which represents an increase in net assets, other than increases relating to contributions from owners.

Non-exchange transactions are transactions that are not exchange transactions. In a non-exchange transaction, the Commission either receives value from another Commission without directly giving approximately equal value in exchange or gives value to another Commission without directly receiving approximately equal value in exchange.

Transfers are inflows of future economic benefits or service potential from non-exchange transactions, other than taxes.

This policy expressly excludes penalties imposed by the Competition Tribunal under the Competition Act and remitted to the National Revenue Fund through the Department of Trade, Industry and Competition (DTIC).

Revenue from non-exchange transactions comprises government grants, which are the Commission's sole source of revenue. Revenue is recognised when an inflow of resources is received or receivable and recognised as an asset, unless a liability is also recognised in respect of the same inflow. Where conditions are attached to a grant, a liability is recognised to the extent that a present obligation exists, and revenue is only recognised when the related obligation is satisfied.

As the Commission satisfies a present obligation recognised as a liability, the carrying amount of the liability is reduced and an equivalent amount is recognised as revenue in the period in which the obligation is fulfilled. Revenue from non-exchange transactions is measured at the amount of the increase in net assets recognised by the Commission. Where an asset is recognised, revenue is measured at the fair value of the asset at the date of acquisition, unless a liability is also recognised. Where a liability is recognised, it is measured at the best estimate of the amount required to settle the present obligation at reporting date.

When the liability is subsequently reduced due to satisfaction of conditions, the reduction is recognised as revenue.

Transfers represent inflows of future economic benefits or service potential from non-exchange transactions, other than taxes. Government grants are recognised as revenue only when authorised and to the extent that any attached conditions have been met or are being satisfied.

Receivables arising from statutory arrangements are initially recognised in accordance with this policy and subsequently accounted for in terms of the Commission's policy on statutory receivables (GRAP 108).

Interest is recognised using the effective interest method for financial instruments and the nominal interest method for statutory receivables, and is classified according to the nature of the underlying transaction.

Transfers are inflows of future economic benefits or service potential from non-exchange transactions, other than taxes.

1.15 INTEREST RECEIVED

Interest received is recognised on a time-proportion basis using the effective interest method.

1.16 COMMITMENTS

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash.

Disclosures are required in respect of unrecognised contractual commitments.

Commitments represent goods and services that have been ordered, but no delivery has taken place at the reporting date. These amounts are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance as the Annual Financial Statements are prepared on an accrual basis of accounting, but are however disclosed in the Notes to the Annual Financial Statements.

Commitments for which disclosure is necessary to achieve a fair presentation should be disclosed in a note to the financial statements, if both the following criteria are met:

- Contracts should be non-cancellable or only cancellable at significant cost (for example, contracts for computer or building maintenance services); and
- Contracts should relate to something other than the routine, steady, state business of the entity – therefore salary commitments relating to employment contracts or social security benefit commitments are excluded.

1.17 COMPARATIVE FIGURES

Where necessary, comparative figures have been reclassified to conform to changes in presentation in the current year. Refer to note 27.

1.18 FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised.

All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the statement of financial performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense, and where recovered, it is subsequently accounted for as revenue in the statement of financial performance.

In terms of section 55(2)(b)(i) of the Public Finance Management Act, 1999 the financial statements must include particulars of any irregular and fruitless and wasteful expenditure.

Fruitless and wasteful expenditure must be recorded in the notes to the financial statements when confirmed after its assessment. The amount recorded is equal to the value of fruitless and wasteful expenditure incurred and confirmed in that current financial year unless it is impractical to determine, in which case reasons must be provided in the annual report.

All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the statement of financial performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense, and where recovered, it is subsequently accounted for as revenue in the statement of financial performance.

1.19 IRREGULAR EXPENDITURE

Irregular expenditure as defined in section 1 of the PFMA is expenditure other than unauthorised expenditure, incurred in contravention of or that is not in accordance with a requirement of any applicable legislation, including - (a) this Act; or (b) the State Tender Board Act, 1968 (Act 86 of 1968), or any regulations made in terms of the Act; or (c) any provincial legislation providing for procurement procedures in that provincial government.

National Treasury practice note no. 4 of 2008/2009 which was issued in terms of sections 76(1) to 76(4) of the PFMA requires the following (effective from 1 April 2008):

Irregular expenditure that was incurred and identified during the current financial and which was condoned before year end and/or before finalisation of the financial statements must also be recorded appropriately in the irregular expenditure register. In such an instance, no further action is also required with the exception of updating the note to the financial statements.

Irregular expenditure that was incurred and identified during the current financial year and for which condonation is being awaited at year end must be recorded in the irregular expenditure register. No further action is required with the exception of updating the note to the financial statements.

Where irregular expenditure was incurred in the previous financial year and is only condoned in the following financial year, the register and the disclosure note to the financial statements must be updated with the amount condoned.

Irregular expenditure that was incurred and identified during the current financial year and which was not condoned by the National Treasury or the relevant authority must be recorded appropriately in the irregular expenditure register. If liability for the irregular expenditure can be attributed to a person, a debt account must be created if such a person is liable in law. Immediate steps must thereafter be taken to recover the amount from the person concerned. If recovery is not possible, the accounting officer or accounting authority may write off the amount as debt impairment and disclose such in the relevant note to the financial statements. The irregular expenditure register must also be updated accordingly. If the irregular expenditure has not been condoned and no person is liable in law, the expenditure related thereto must remain against the relevant programme/ expenditure item, be disclosed as such in the note to the financial statements and updated accordingly in the irregular expenditure register.

1.20 BUDGET INFORMATION

The Commission is typically subject to budgetary limits in the form of appropriations or budget authorisations (or equivalent), which is given effect through authorising legislation, appropriation or similar.

General purpose financial reporting by the Commission shall provide information on whether resources were obtained and used in accordance with the legally adopted budget.

The approved budget is prepared on an accrual basis and presented by functional classification linked to performance outcome objectives.

The approved budget covers the fiscal period from 2025/04/01 to 2026/03/31.

Comparative information is not required.

1.21 RELATED PARTIES

A related party is a person or an entity with the ability to control or jointly control the other party, or exercise significant influence over the other party, or vice versa, or an entity that is subject to common control, or joint control.

Related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party, regardless of whether a price is charged.

Management are those persons responsible for planning, directing and controlling the activities of the Commission, including those charged with the governance of the Commission in accordance with legislation, in instances where they are required to perform such functions.

Close members of the family of a person are those family members who may be expected to influence, or be influenced by that person in their dealings with the Commission.

1.22 EVENTS AFTER REPORTING DATE

Events after reporting date are those events, both favourable and unfavourable, that occur between the reporting date and the date when the financial statements are authorised for issue. Two types of events can be identified:

- those that provide evidence of conditions that existed at the reporting date (adjusting events after the reporting date); and
- those that are indicative of conditions that arose after the reporting date (non-adjusting events after the reporting date).

The Commission will adjust the amount recognised in the financial statements to reflect adjusting events after the reporting date once the event occurred.

The Commission will disclose the nature of the event and an estimate of its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

1.23 CHANGE IN ACCOUNTING POLICY – RECOGNITION OF STATUTORY RECEIVABLES AND RELATED LIABILITY

During the year ended 31 March 2026, the entity refined its accounting policy relating to the treatment of administrative penalties (fines) imposed on transgressors.

In terms of the revised policy, penalties imposed are recognised as statutory receivables arising from non-exchange transactions when the entity obtains a legal right to collect the amounts, in accordance with the principles of GRAP 108: Statutory Receivables.

Where the entity collects such amounts on behalf of the National Revenue Fund (NRF) via the Department of Trade, Industry and Competition (DTIC), a corresponding liability is recognised for the obligation to transfer the collected amounts.

Under this policy, no revenue is recognised by the entity in respect of these penalties, as the entity does not control the economic benefits associated with the inflow, but rather administers the collection process on behalf of another party.

This change has been applied retrospectively in accordance with GRAP 3: Accounting Policies, Changes in Accounting Estimates and Errors. The impact of the change is limited to the recognition of statutory receivables

and a corresponding liability, with no effect on the accumulated surplus or deficit of the entity.

Comparative information has been restated accordingly.

1.24 PRIOR PERIOD ERRORS

Prior period errors are omissions from, and misstatements in, the Commission's prior period financial statements arising from a failure to use, or misuse of, reliable information that:

- a) was available when the financial statements for those periods were authorised for issue; and
- b) could reasonably be expected to have been obtained and taken into account in the preparation and presentation of those financial statements.

Prior period errors are corrected retrospectively in the first set of financial statements authorised for issue after their discovery, in accordance with GRAP 3: Accounting Policies, Changes in Accounting Estimates and Errors.

The correction of a prior period error is effected by:

- a) restating the comparative amounts for the prior period(s) presented in which the error occurred; or
- b) where the error occurred before the earliest prior period presented, restating the opening balances of assets, liabilities and net assets for the earliest period presented.

In applying this policy, the Commission identified that administrative penalties (fines) imposed in prior periods were not recognised as statutory receivables, with a corresponding liability to the Department of Trade, Industry and Competition (DTIC) for amounts collected on behalf of the National Revenue Fund.

The error has been corrected retrospectively by recognising the statutory receivable and corresponding liability in the respective prior periods. This correction had no impact on the accumulated surplus or deficit, as the amounts recognised as assets are fully offset by corresponding liabilities.

NOTES TO THE AUDITED ANNUAL FINANCIAL STATEMENTS

AS AT MARCH 31, 2026

2. NEW STANDARDS AND INTERPRETATION

2.1 Standards and interpretations issued, but not yet effective

GRAP 104 was applied in accordance with its transitional provisions. In instances where permitted by the standard, the Commission elected not to restate comparative information. Any adjustments arising from the initial application of the standard were recognised in the opening accumulated surplus at the date of initial application.

The impact of the standard is set out below:

Impact of adoption:

The adoption of the revised standard resulted in:

- a) Changes to the classification and measurement of certain financial assets previously recognised by the entity.
- b) The impairment methodology has been updated to the expected credit loss (ECL) model, which incorporates forward looking information.

- c) Additional disclosure requirements regarding credit risk, expected credit losses, and the assessment of significant increase in credit risk have been implemented.

The impact on the financial statements is as follows:

The most significant impact was the remeasurement of the impairment on trade and other receivables from exchange transactions (that are financial assets), on date of adoption (1 April 2025), in accordance with the Standard and the Transitional Provisions.

Other than the item listed above, the adoption of the revised GRAP104 did not have a material impact on the amounts recognised in the annual financial statements but resulted in enhanced disclosures in respect of financial instruments.

Full disclosures as required by GRAP 104 (Revised) have been included in these financial statements.

Standard name	Effective:	Impact on the entity
• GRAP 1 (Amendments) – Presentation of Financial Statements (Going Concern)	Not yet determined	Will be assessed when the effective date is determined.
• GRAP 103 (Amendments) – Heritage Assets	Not yet determined	Will be assessed when the effective date is determined.
• GRAP 105 (Amendments) – Transfers of Functions Between Entities Under Common Control	Not yet determined	Will be assessed when the effective date is determined.
• GRAP 106 (Amendments) – Transfers of Functions Between Entities Not Under Common Control	Not yet determined	Will be assessed when the effective date is determined.
• GRAP 107 (Amendments) – Mergers	Not yet determined	Will be assessed when the effective date is determined.

3. CONSUMABLES

	2026	2025
	R'000	R'000
Consumable stores	592	447
Carrying value of consumables	592	447

4. RECEIVABLES FROM EXCHANGE TRANSACTIONS

Prepaid expenses	6 574	3 020
Sundry debtors	1 758	2 481
	8 332	5 501

Sundry debtors is made up of the following.

Accrued interest	394	771
Other	1 364	1 710
	1 758	2 481
Total receivables from exchange transactions	8 332	5 501

None of the trade and other receivables is pledged as security.

Prepaid expenses:

The increase in prepaid expenses is mainly due to the prepayments made in March 2026 for subscriptions relating to both 2025/26 and the 2026/27 financial years.

Sundry debtors - Other

The sundry debtor is mainly due to a Secondment SLA agreement between the Commission and a Municipality.

5. PENALTIES PAYABLE TO DTIC

Opening balance	13 477	16 031
Penalties collected	61 005	77 010
Less: Amounts paid to the dtic	(58 815)	(79 564)
	15 667	13 477
Statutory receivables for the year	5 090	19 561
	20 757	33 038

An amount of R60 005 million was collected in the current financial year and R58 815 million was paid over to the DTIC as at 31 March 2026. The balance of R15 667 million (2025: R13 477 million) is still to be paid over to the DTIC in the next financial year. The penalties payable are held in the Commission's bank account and are represented by cash and cash equivalents held on behalf of the DTIC disclosed under current assets on the statement of financial position.

Outstanding penalties amount at beginning of the year
Add: Amounts of settlements and penalties levied by the Competition Tribunal
Less: Amounts collected by the Competition Commission
(Less)/add: Adjustments and interest levied

2026	2025
R'000	R'000
649 491	679 411
45 447	47 144
(61 006)	(77 010)
823	(54)
634 755	649 491

Section 64(3) of the Competition Act states that proceedings under subsection (2) may not be initiated more than three (3) years after the imposition of the administrative penalty. A total of R45 447 million (2025: R47 144 million) was levied by the Competition Tribunal in the current financial year.

Adjustments and interest levied balance for R0.823 million relates to interest accrued and paid on penalties as well unidentified receipts in prior years confirmed in the current year.

The gross balance (Statutory receivables) of R634 756 million as at 31 March 2026, included a total amount of R633 977 million of which fined entities are behind the agreed payment terms. This may result in a material loss to the National Revenue Fund. Management has effected collection processes to recover the outstanding amounts in default. Some of the defaulters have requested a deferral payment arrangement due to financial challenges and those requests are being considered by Management.

The penalties collected by the Commission on behalf of the dtic are disclosed in the statement of financial position under current assets and liabilities as cash and cash equivalents held on behalf of the dtic and penalties payable to the dtic respectively. The Commission does not have additional resources held on behalf of the dtic other than the disclosed.

6. CASH AND CASH EQUIVALENTS

Cash and cash equivalents consist of:

Bank balances
Cash on hand

159 574	186 651
1	14
159 575	186 665

Credit quality of cash at bank and short term deposits, excluding cash on hand

The credit quality of cash at bank and short term deposits, excluding cash on hand that are neither past due nor impaired can be assessed by reference to external credit ratings or historical information about counterparty default rates.

None of the financial institutions with which bank balances are held defaulted in the prior periods and as a result a credit rating of stable was ascribed by the financial institutions. The Commission's maximum exposure to credit risk as a result of the bank balances held is limited to the carrying value of these balances as detailed above. All the bank balances are held with two banking institution which reduces the related banking risk.

7. PROPERTY, PLANT AND EQUIPMENT

	2026			2025		
	Cost	Accumulated depreciation and accumulated impairment	Carrying value	Cost	Accumulated depreciation and accumulated impairment	Carrying value
Furniture and fittings	10 746	(4 582)	6 164	10 746	(3 802)	6 944
Motor vehicles	2 224	(1 142)	1 082	2 224	(1 018)	1 206
Office equipment	5 717	(3 336)	2 381	4 678	(2 979)	1 699
IT equipment	27 251	(15 740)	11 511	24 444	(11 609)	12 835
Leasehold improvements	13 776	(4 075)	9 701	2 379	(94)	2 285
Cellphones	281	(172)	109	281	(112)	169
Leased assets	55	(55)	-	55	(54)	1
Total	60 050	(29 102)	30 948	44 807	(19 668)	25 139

Reconciliation of property, plant and equipment - 2026

	Opening Balance	Additions	Disposals	Depreciation	Total
Furniture and fittings	6 944	-	-	(780)	6 164
Motor vehicles	1 206	-	-	(124)	1 082
Office equipment	1 699	1 038	-	(356)	2 381
IT equipment	12 835	2 931	(89)	(4 166)	11 511
Leasehold improvements	2 285	11 397	-	(3 981)	9 701
Cellphones	169	-	-	(60)	109
Leased assets	1	-	-	(1)	-
Total	25 139	15 366	(89)	(9 468)	30 948

Reconciliation of property, plant and equipment - 2025

	Opening Balance	Additions	Disposals	Depreciation	Impairment loss	Total
Furniture and fittings	2 537	4 949	-	(540)	(2)	6 944
Motor vehicles	1 331	-	-	(125)	-	1 206
Office equipment	1 983	185	-	(440)	(29)	1 699
IT equipment	10 291	6 616	(71)	(3 895)	(106)	12 835
Leasehold improvements	16	2 345	-	(76)	-	2 285
Cellphones	152	83	(26)	(40)	-	169
Leased assets	6	-	-	(5)	-	1
Total	16 316	14 178	(97)	(5 121)	(137)	25 139

Pledged as security

None of the property, plant and equipment is pledged as security nor are there restrictions on title. There are no future contractual commitments for acquisition of property, plant and equipment.

None of the property, plant and equipment was sold, the assets were scrapped as disposal method during the financial year.

During the year insurance recoveries amounting to R62 482 (2025: R93 762) were received.

Expenditure incurred to repair and maintain property, plant and equipment included in Statement of Financial Performance

	2026 R'000	2025 R'000
Repairs and maintenance	491	1 310

8. INTANGIBLE ASSETS

	2026			2025		
	Cost	Accumulated amortisation and accumulated impairment	Carrying value	Cost	Accumulated amortisation and accumulated impairment	Carrying value
Computer software, internally generated	6 131	(5 791)	340	6 131	(5 112)	1 019

Reconciliation of intangible assets - 2026

	Opening Balance	Amortisation	Total
Computer software, internally generated	1 019	(679)	340

Reconciliation of intangible assets - 2025

	Opening Balance	Amortisation	Total
Computer software, internally generated	2 090	(1 071)	1 019

Pledged as security

None of the intangible assets are pledged as security. There are no future contractual commitments for acquisition of intangible assets.

9. STATUTORY RECEIVABLES

	2026 R'000	2025 R'000
Penalties	5 090	19 561
Statutory receivables reconciliation:		
Opening balance (Gross balance)	649 490	679 411
Penalties levied (Current year)	45 447	47 144
Interest and overpayments	823	(55)
Collections	(61 005)	(77 010)
Adjustments for recoverability	(633 977)	(633 977)
Unallocated collections reclassified	4 312	4 048
Total receivables from non-exchange transactions	5 090	19 561

Statutory receivables general information

Transaction(s) arising from statute

In terms of the Competition Act, No 89 of 1998, the Commission is empowered to investigate, control and evaluate restrictive business practices, abuse of dominant positions and mergers in order to achieve equity and efficiency in the South African economy. Compliance is achieved by levying fines on transgressing entities.

Determination of transaction amount

The penalty is levied on the transgressor within arbitration guidelines.

Interest or other charges levied/charged

The interest rate charged on statutory receivables which are overdue is the prescribed rate of interest in terms of the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975) determined by the Minister of the Department of Trade, Industry and Competition (DTIC) as published in the Government Gazette from time to time. The prime interest rate was charged where the contract allowed during the year.

Basis used to assess and test whether a statutory receivable is impaired

Individual debtors were assessed individually for indicators of impairment. A collective assessment of the amounts which are past due was made by categorising the outstanding amounts based on detailed assessment on each of the statutory receivables.

Statutory receivables past due but not impaired

The ageing of amounts past due but not impaired is as follows:

	2026	2025
	R'000	R'000
30 days past due	-	621
60 days past due	-	500
90 days past due	1 385	-
120 days past due	819	210
150 days past due	2 886	18 231
Total	5 090	19 562

Factors the Commission considered in assessing statutory receivables past due but not impaired

The Commission's legal department has individually assessed all receivables to determine recoverability. As a result, while there are receivables in the +150 days overdue class, they have been specifically excluded based on detailed discussions on payment.

Statutory receivables impaired

The amount of the provision was R633 977 as of 31 March 2026 (2025: R633 977).

Repairs and maintenance	633 977	633 977
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Factors the Commission considered in assessing statutory receivables impaired

Significant financial difficulties suffered by the debtor;

The probability of the debtor entering into sequestration, liquidation or other financial re-organisation;

A breach of the terms of the transactions such as default on payment of the principal amount or interest.

Adverse changes in international, national or local economic conditions.

Reconciliation of provision for adjustments for recoverability of statutory receivables

	2026 R'000	2025 R'000
Trade payables	633 977	-
Provision for Adjustments for recoverability	-	633 977
	633 977	633 977

Statutory receivables pledged as security

No statutory receivables were pledged as security.

10. PAYABLES FROM EXCHANGE TRANSACTIONS

Trade payables	21 219	25 598
Sundry payables	745	1 627
Accrued expenses	7 993	7 834
Operating lease payables	1 118	1 004
	31 075	36 063

11. PROVISIONS

Reconciliation of provisions - 2026

	Opening Balance	Additions	Utilised during the year	Total
Legal proceedings	1 513	-	(641)	872
Leave provision	19 102	1 126	(1 404)	18 824
Performance bonus	24 094	20 000	(17 322)	26 772
	<u>44 709</u>	<u>21 126</u>	<u>(19 367)</u>	<u>46 468</u>

Legal proceedings provisions

The balance pertains to a potential claim related to costs for reinstating the premises after vacating them. This claim is in dispute, as the Commission confirmed that the premises were reinstated and handed over to the landlord shortly after vacating them.

Leave provision

The Commission does not have an unconditional right to defer settlement of its leave liabilities. The policy stipulates that the leave is forfeited if not used within 6 months after the reporting date, however leave is paid out when the employee is terminated.

Performance bonus

Employees sign performance contracts as part of their conditions of service at the beginning of each financial year. Employees are assessed bi-annually. The amount is dependent on the outcome of the individual performance evaluations and it is at the discretion of management, subject to the availability of funds.

The Institutional Moderation Committee (IMC) will look at overall performance at institutional level and ensure there is alignment between rating of performance of the institution in the APP and Non-APP Targets and the rating of the average individual scores for the institution, where there is a difference between the two scores, the IMC should resolve this.

The Committee will ensure that:

- The evaluation process is holistic in its consideration of all APP and Non-APP targets;
- There is an alignment of overall Commission performance with divisional performance;
- Performance is evaluated in a consistent way across all divisions;
- The integrity of the system is protected.

The Committee will communicate its decisions to Employees via Divisional Managers. The Committee will hear appeals from employees on recommendations of the Divisional Moderation Committees. The Committee must review reports of DMCs and agree on employees at the Commission that are considered Best performers, employees that are considered Middle Performers and employees that are considered Worst Performers.

The Committee will communicate its decisions to Employees via Divisional Managers. The Committee will hear appeals from employees on recommendations of the Divisional Moderation Committees. The Committee must review reports of DMCs and agree on employees at the Commission that are considered Best performers, employees that are considered Middle Performers and employees that are considered Worst Performers.

12. LEASE RENTALS ON OPERATING LEASE

	2026	2025
Premises	R'000	R'000
Contractual amounts	23 036	22 352

13. FEES EARNED

Fees earned	77 929	72 053
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14. OTHER INCOME

Insurance recovered	62	94
Refunds, SETA grant and recoveries	773	1 855
Other income	16	26
	851	1 975

15. INTEREST RECEIVED

Interest revenue

Interest received on short term deposits	20 282	18 505
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16. GOVERNMENT GRANTS & SUBSIDIES

Operating grants

Government grants and subsidies	440 339	426 193
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The Commission receives an operational grant allocation from the DTIC in instalments or as once off amount of the total allocation. The current year grant was received in four (4) instalments. The current year grant was received in four (4) equal quarterly instalments.

17. EMPLOYEE RELATED COSTS

	2026	2025
	R'000	R'000
Basic	290 206	260 501
Performance Bonuses	20 000	20 000
Medical aid - company contributions	13 528	12 475
Pension administration	22 211	19 917
Cell phone and data allowance	7 250	7 027
Group life	6 307	5 648
Other employee related costs	3 614	6 727
	363 116	332 295

Remuneration of the Accounting Authority

Basic	1 962	1 986
Medical aid	345	319
Pension administration	157	159
Group life	50	50
Cell phone and data allowance	36	36
Other staff related costs	109	77
	2 659	2 627

Remuneration of executive committee

Basic	24 053	23 818
Medical aid	1 056	1 111
Performance Bonuses	1 635	1 616
Pension administration	1 660	1 562
Group life and pension administration	468	472
Cell phone and data allowance	420	460
Other staff related costs	432	378
	29 724	29 417

Remuneration of other employees

	2026	2025
	R'000	R'000
Basic	269 272	227 203
Medical aid	12 237	11 020
Performance Bonuses	15 687	16 290
Pension administration	20 213	18 261
Group life and pension administration	5 788	5 306
Cell phone and data allowance	6 794	6 530
Other employee related costs	203	4 237
	330 194	288 847

The prior year figures for employee related costs have been reclassified due to mapping changes effected to improve presentation

18. ADMINISTRATIVE EXPENDITURE

General and administrative expenses	2 633	4 187
Auditors remuneration - external audit fees	1 640	2 371
	4 273	6 558

19. OPERATING EXPENSES

	2026	2025
	R'000	R'000
Audit and risk and remuneration committee fees	672	574
Advertising	303	1 560
Internal audit fees	867	1 154
Consulting and professional fees	60 189	94 470
Case related costs - legal fees	36 108	20 474
Research and development costs	325	949
Security	1 256	1 258
Software expenses	1 910	1 945
Subscriptions and membership fees	1 934	1 296
Training	6 400	6 450
Travel and accommodation	7 741	7 552
Education and awareness	12 991	20 286
Maintenance, repairs and running costs	15 921	7 545
Publications	1 334	367
Meeting refreshments	796	1 201
Workshops	4 886	5 615
Other expenses	993	844
	154 626	173 540

The prior year figures for operating expenses have been reclassified due to mapping changes effected to improve presentation

20. CASH USED IN OPERATIONS

Deficit	(15 854)	(22 495)
Adjustments for:		
Depreciation and amortisation	10 150	6 193
Loss on disposal of assets	54	97
Impairment deficit	-	138
Movements in provisions	1 759	5 244
Inventory losses or write-downs	-	(48)
Changes in working capital:		
Consumables	(145)	48
Receivables from exchange transactions	(2 831)	(855)
Statutory receivables	14 503	582 883
Payables from exchange transactions	(4 987)	(5 188)
Penalties payable to DTIC	(12 281)	(585 392)
	(9 632)	(19 375)

21. COMMITMENTS

AUTHORISED OPERATIONAL EXPENDITURE

	2026 R'000	2025 R'000
Approved and contracted for		
• Existing contracts - goods and services	9 832	36 712
Approved and not yet contracted for		
• Purchase orders - goods and services	36 007	83 343
Total operational commitments		
Approved and contracted for	9 832	36 712
Approved and not yet contracted for	36 007	83 343
Total commitments	45 839	120 055

This committed expenditure relates to multiple service contracts entered into by the Commission and will be financed by the available cash reserves

OPERATING LEASES - AS LESSEE (EXPENSE)

Minimum lease payments due

- within one year	23 999	23 045
- in second to fifth year inclusive	-	24 368
	23 999	47 413

Operating lease payments represent rentals payable by the Commission for its office space. Leases are negotiated for an average term of three (3) years and rentals are fixed for an average of three years. No contingent rent is payable.

The lease rental for Block C was extended in the prior financial year for a period of 36 months effective 22 March 2024 ending 21 March 2027.

The Commission is in year three (3) of the additional office space rental agreement entered into on 1 April 2024. The lease will expire at the end of 2027.

22. RELATED PARTIES

Relationships

The Department of Trade, Industry and Competition
 The Competition Tribunal
 Public Investment Corporation
 Safety and Security Sector Education and Training Authority (SASSETA)
 Members of key management

Executive authority

Public entity in the national sphere
 Public entity in the national sphere
 Public entity in the national sphere
 Members of the executive committee

RELATED PARTY BALANCES

Amounts included in trade receivable (trade payable) regarding related parties

	2026 R'000	2025 R'000
The Competition Tribunal	(1 631)	(990)
The Department of Trade, Industry and Competition	-	(927)
Public Investment Corporation	(872)	(872)
The Department of Trade, Industry and Competition - Penalties	(15 668)	(13 477)
The Department of Trade, Industry and Competition	5 090	19 561

RELATED PARTY TRANSACTIONS

The Department of Trade, Industry and Competition

Rental expense	11 418	11 118
Telephone and internet costs	12	25
Government grant received	440 339	426 193
Penalties collected on behalf of and transferred to related parties	58 815	79 564

The Competition Tribunal

Filing fees	20 152	18 257
Facility Fee	755	728

Safety and Security Sector Education and Training Authority

Mandatory grant	576	526
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REMUNERATION OF MANAGEMENT

Management class: Executive management

NAME:

Commissioner

Ms D Tshepe

Deputy Commissioner

Mr H Ratshisusu

Company Secretary:

Mr M Msibi*

Divisional Manager: Office of the Commissioner

Mr A Gwabeni

Divisional Manager: Mergers and Acquisition

Ms T Mokoka

Divisional Manager: Market Conduct

Ms M Ramokgopa

Divisional Manager: Economic Research Bureau

Mr J Hodge

Divisional Manager: Cartels

Mr M Mohlala

Divisional Manager: Corporate Service Division

Mr M George

Chief Finance Officer

Mr A Moledi**

Divisional Manager: Legal Services

Mr B Majenge

Acting Divisional Manager: Market Inquiry

Mr I Lesofe

Chief Financial Officer

Mr A Dindar ***

2026			
Basic salary	Bonuses and performance related payments	Other benefits received	Total
2 514	-	145	2 659
3 044	233	174	3 451
1 207	-	29	1 236
2 674	205	67	2 946
2 607	189	74	2 870
2 387	183	93	2 663
3 229	205	99	3 533
2 733	209	82	3 024
2 651	204	74	2 929
253	-	3	256
3 507	206	85	3 798
420	-	-	420
2 531	-	67	2 598
29 757	1 634	992	32 383

* Resigned 30 September 2025

** Resigned 04 April 2025

*** Appointed 01 October 2025 after serving as an Interim CFO effective 30 April 2025

REMUNERATION OF MANAGEMENT

Management class: Executive management

NAME:

Commissioner
Ms D Tshepe
Deputy Commissioner
Mr H Ratshisusu
Company Secretary:
Mr M Msibi
Divisional Manager: Office of the Commissioner
Mr A Gwabeni
Divisional Manager: Mergers and Acquisition
Ms T Mokoka
Divisional Manager: Market Conduct
Ms M Ramokgopa
Divisional Manager: Economic Research Bureau
Mr J Hodge
Divisional Manager: Cartels
Mr M Mohlala
Divisional Manager: Corporate Service Division
Mr M George
Chief Finance Officer
Mr A Moledi
Divisional Manager: Legal Services
Mr B Majenge
Acting Divisional Manager: Market Inquiry
Mr I Lesofe*

2025			
Basic salary	Bonuses and performance related payments	Other benefits received	Total
2 550	-	77	2 627
2 932	242	96	3 270
1 896	110	20	2 026
2 925	213	37	3 175
2 382	132	24	2 538
2 310	134	24	2 468
3 723	213	55	3 991
2 634	153	33	2 820
2 562	149	26	2 737
2 334	57	25	2 416
3 724	214	38	3 976
106	-	2	108
30 078	1 617	457	32 152

* Appointed to act effective 01 January 2025

23. RISK MANAGEMENT

Liquidity risk

The Commission's risk to liquidity is a result of the funds available to cover future commitments. The Commission manages liquidity risk by monitoring forecasted cashflows and ensuring that the necessary funds are available to meet any commitments which may arise. Cash which is not utilised is immediately invested in the Corporate for Public Deposits and call accounts.

The Commission recognises a liability to the DTIC for amounts collected on behalf of the NRF. Liquidity risk associated with this liability is limited, as settlement is dependent on the collection of the related receivables.

The Commission transfers funds to the DTIC only once cash has been received from transgressors. Accordingly, the liability does not give rise to independent cash flow pressures on the Commission.

At 31 March 2026

	Carrying amount	Total cash flow	Contractual cash flow within one year	Contractual cash flow between two and five years
Payables from exchange transactions	31 075	-	31 075	-

At 31 March 2025

	Carrying amount	Total cash flow	Contractual cash flow within one year	Contractual cash flow between two and five years
Payables from exchange transactions	36 063	-	36 063	-

At 31 March 2026

	Less than 1 year	Between 1 and 2 years	Between 2 and 5 years	Over 5 years
Cash and cash equivalents	159 575	-	-	-
Receivables from exchange transactions	1 758	-	-	-

At 31 March 2025

	Less than 1 year	Between 1 and 2 years	Between 2 and 5 years	Over 5 years
Cash and cash equivalents	186 665	-	-	-
Receivables from exchange transactions	2 481	-	-	-

Credit risk

The Commission trades only with recognised, creditworthy third parties. In addition, receivable balances are monitored on an ongoing basis with the result that the Commission's exposure to bad debts is not significant. The maximum exposure is the carrying amounts as disclosed. There is no significant concentration of credit risk within the Commission. With respect to credit risk arising from the other financial assets of the Commission, which comprise cash and cash equivalents, the Commission's exposure to credit risk arises from default of the counterparty, with a maximum exposure equal to the carrying amount of these instruments. The Commission's cash and cash equivalents are placed with high credit quality financial institutions therefore the credit risk with respect to cash and cash equivalents is low. Trade and other receivables are not rated.

The Commission is exposed to credit risk in respect of statutory receivables arising from administrative penalties imposed on transgressors. Credit risk arises from the possibility that counterparties may fail to settle amounts due.

The Commission mitigates this risk through:

- a) enforcement mechanisms provided for in legislation;
- b) monitoring of receivables on an ongoing basis; and
- c) assessing impairment based on the status of legal proceedings, ageing of balances, and historical collection trends.

Net risk exposure

As the Commission acts as an intermediary in these transactions, the statutory receivable is matched by a corresponding liability. The Commission is therefore not exposed to net financial risk in respect of these balances, except for timing differences and the recoverability of receivables.

Financial assets exposed to credit risk at year end were as follows:

	2026 R'000	2025 R'000
Financial instrument		
Cash and cash equivalents	159 575	186 765
Receivables from exchange transactions	1 758	2 481

Market risk

Market risk is the risk that changes in the market prices, such as the interest rates which will affect the value of the financial assets of the Commission.

Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The entity's exposure to interest rate risk is primarily concentrated in its variable-rate cash deposits and short-term banking investments.

Interest Rate Sensitivity Analysis

The table below illustrates the financial impact of a 1% parallel shift in market interest rates. This analysis is calculated by applying the interest rate shock directly to the carrying values of variable-rate bank balances held at the reporting date.

All other variables, particularly cash flows, underlying fund volumes, and credit risk factors, are assumed to remain constant.

Sensitivity of Surplus or Deficit to a 1% Interest Rate Shift:

Financial Year	Impact on Surplus:		
	Bank Balance (R)	1% Increase	1% Decrease
Current Year (2026)	158 606 000	1 586 060	(1 586 060)
Prior Year (2025)	186 665 000	1 866 650	(1 866 650)

Methods and Assumptions Used

Base Variable: The sensitivity calculation applies exclusively to the carrying values of cash and cash equivalents exposed to fluctuating market interest rates at year-end.

100 bps Sensitivity: Management considers a 1% volatility threshold to be a reasonably possible change given current South African Reserve Bank (SARB) monetary policy frameworks.

Linear Assumption: The relationship between interest rate changes and the resulting interest cash flows is assumed to be linear and symmetrical.

Interest rate risk

As the Commission has no significant interest-bearing assets, the Commission's income and operating cash flows are substantially independent of changes in market interest rates.

The Commission is exposed to interest rate changes in respect of returns on its investments with financial institutions.

The Commission's exposure to interest risk managed by investing, on a short term basis, in the current accounts and the Corporation for Public Deposits.

24. GOING CONCERN

We draw attention to the fact that at 31 March 2026, the Commission had an accumulated surplus of R 122 245 and that the Commission's total assets exceed its liabilities by R 122 245.

The audited annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

The ability of the Commission to continue as a going concern is dependent on a number of factors. The most significant of these is that the members continue to provide funding for the ongoing operations for the Commission.

25. EVENTS AFTER THE REPORTING DATE

The irregular expenditure that was incurred in 2023/24 financial year for an amount of R77 417 was subsequently condoned by the National Treasury in April 2026.

26. IRREGULAR EXPENDITURE AND FRUITLESS AND WASTEFUL EXPENDITURE

No irregular expenditure and fruitless and wasteful expenditure that has been identified and confirmed in the current financial year.

27. BUDGET DIFFERENCES

Changes from the approved budget to the final budget

The changes between the approved and final budget are a consequence of reallocations within the approved budget parameters as well as the allocation of the approved cash surplus funds by the National Treasury.

27.1 Fee income

The variance is mainly due to much higher merger fees collected than anticipated.

27.2 Interest received

This is mainly due to the Commission receiving the government grant in quarterly tranches accumulating interest on the cash balances saved in the short term deposits.

27.3 Administrative expenses

Actual spending is below budget mainly due to procurement of the admin related services by the end of the financial year

27.4 Operating expenses

Spending is slightly above budget, primarily due to case related and other operational costs that were committed and funded through the approved cash surplus.

28. CONTINGENT ASSETS AND LIABILITIES

Costs relating to cases before the courts with the potential of being awarded against the Commission.
Costs relating to cases before the courts with the potential of being awarded in favour of the Commission.

2026	2025
R'000	R'000
4 247	17 002
33 491	-

Surplus funds

In terms of Section 53 (3) of the PFMA, public entities listed in Schedule 3A and 3C to the PFMA may not retain cash surpluses that were realized in the previous financial year without obtaining the prior written approval of National Treasury. National Treasury issued Instruction No.3 of 2025/26 to repeal the National Treasury Instruction No.12 of 2020/21 on the retention of cash surpluses. This new Treasury Instruction takes effect from the date of signature for surpluses realized in the financial year and for all surpluses realised thereafter. According to this Treasury Instruction the surplus is based on cash and cash equivalents plus receivables less current liabilities at the end of the financial year. The Commission is expecting to retain the 2025/26 financial year's cash surplus in its entirety.

During the year the Commission submitted the request for retention of surplus funds as determined in terms of the Instruction note mentioned above for the 2024/25 financial year and received approval by the National Treasury for an amount of R29 757 million.

29. PRIOR PERIOD ERRORS

The correction of the errors and reclassifications results in adjustments as follows:

Correction of Prior Period Error - Statement of Financial Position 2025			
Component	Previously Reported	Correction	Restated
	R'000	R'000	R'000
Statutory receivables (Error 1)	0	19 561	19 561
Payables from exchange transactions (Error 2)	36 953	(890)	36 063
Penalties payable to DTIC (Error 1)	13 477	19 561	33 038
Accumulated surplus (Error 2)	137 209	890	138 099
Employee related cost (Error 2)	(342 010)	9 715	(332 295)
Operating expenses (Error 2)	(160 400)	(13 140)	(173 540)
Surplus (Deficit) for the year (Error 2)	(19 070)	(3 425)	(22 495)

Nature of errors corrected

Error 1

During the preparation of the Annual Financial Statements for the year ended 31 March 2026, management identified that administrative penalties (fines) levied on transgressors in prior periods were not recognised in accordance with GRAP. These penalties meet the definition of statutory receivables (GRAP108) arising from non-exchange transactions, as the Commission has the legal authority to collect the amounts once imposed.

Furthermore, the Commission collects the penalties levied by the Tribunal for payment over to the National Revenue Fund (NRF), via the Department of Trade, Industry and Competition (**the dtic**). Accordingly, a corresponding liability should have been recognised for the obligation to transfer the collected amounts to **the dtic**.

Error 2

During preparation of the Annual Financial Statements for the year ended 31 March 2026, management identified prior-period errors where operating expenses for 2024/25 were not recorded, resulting in understated expenses and payables from exchange transactions, and an overstatement of the accumulated surplus and understatement of the deficit. In addition transactions relating to operating expenses was also reclassified from Employee Cost to Operating Expenses.

In addition, accruals previously recorded in 2022-23 and 2023-24 were corrected against the Accumulated Surplus resulting in a decrease of the Payables from exchange transactions and an increase in the Accumulated surplus previously reported.

In accordance with GRAP 3, this has been treated as a prior period error and has been corrected retrospectively by restating the comparative figures and adjusting the opening accumulated surplus as at 1 April 2025 (where applicable).







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