

# Select Committee on Economic Development and Trade

## Briefing by the Competition Commission on its 2026/27 Annual Performance Plan and Work Plan

Presentation by the Competition Commission – Commissioner Doris Tshepe

30 September 2026

# ABOUT THE COMPETITION COMMISSION

- The Competition Commission (“the Commission”) is established in terms of the Competition Act, 89 of 1998, as amended (“the Competition Act”).
- The Commission is one of three statutory bodies constituted in terms of the Competition Act.
- The Commission investigates complaints, assesses mergers, evaluates exemption applications, undertakes market inquiries and advocacy, in order to achieve equity and efficiency in the South African economy.

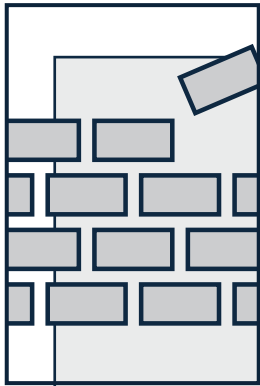
# PURPOSE OF THE COMPETITION ACT

**Purpose of the Competition Act is to promote and maintain competition in order to:**

- To promote the efficiency, adaptability and development of the economy;
- To provide consumers with competitive prices and product choices;
- To promote employment and advance the social and economic welfare of South Africans;
- To expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic;
- To ensure that SMEs have an equitable opportunity to participate in the economy; and
- To promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons.

# CORE FUNCTIONS OF THE COMPETITION COMMISSION

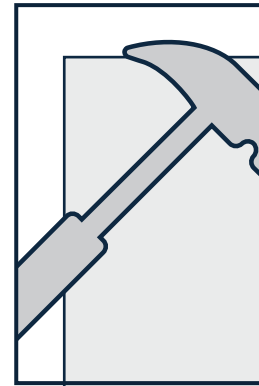
Our Core Toolbox is illustrated as follows:



## Enforcement

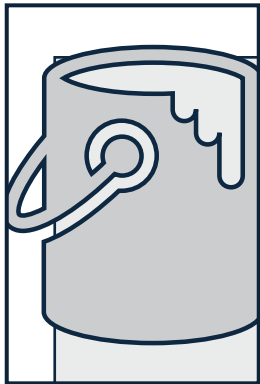
- Prosecution of anti-competitive behaviour, including:
  - Cartels
  - Abuse of dominance
  - Other prohibited conduct

## Exemptions



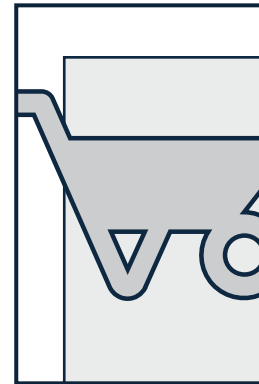
## Mergers & Acquisitions

- Prevent concentration through merger control
- Review of merger applications
- Approvals, approvals with conditions, prohibitions



## Market Inquiries

- General probe into state of competition in a market without investigating a particular firm.



## Advocacy

- Advocacy for pro-competitive conduct
- Case/ Sector Advocacy
- Stakeholder Relations (incl. international)
- Policy Reviews

# STRATEGIC DIRECTION OF THE COMMISSION

The Strategic Direction of the Commission can be summarised as follows:

## Vision of the Commission



A competitive, dynamic, deconcentrated and inclusive economy.

## Mission of the Commission



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

## Strategic Goals of the Commission



- **Strategic Goal 1:** To stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth.
- **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 actors.
- **Strategic Goal 3:** To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.

# STRATEGIC OUTCOMES

In its Strategic Plan 2025 – 2030, the Commission has identified the following outcomes of its work:

01

Improved dynamism and competitiveness of Markets.



04

Improved participation of SMEs and firms owned by HDPs in the economy.



02

Agile enforcement of the Competition Act for improved compliance.



05

Improved collaboration to advance the objectives of the Competition Act.



03

Significant contribution to industrialisation and inclusive growth.



06

Effective and well governed institution.



07

Strengthened capability for efficiencies in operations of the Commission.



# ALIGNMENT

- The Commission has aligned its APP to government's (in particular **the dtic's**) priorities and outcomes.
- The Commission's APP is informed by its previous performance which sets the baseline. However, given the length and unpredictable investigation and litigation process some of our targets appear equal or below the baseline.
- The Commission's investigation and litigation strategies includes settlement of cases prior to litigation, which would offset some of the targets which appear below baseline.
- The Commission contributes to outcomes in a few key areas:
  - Improve the ease of doing business & reduce red tape.
  - Reduce the high cost of living by addressing excessive pricing or malfunctioning retail markets.
  - Reduce the cost of doing business by addressing malfunctioning upstream markets.
  - Deconcentrate and improve competitiveness through removing regulatory & market barriers.
  - Promote inclusive growth and transformation for SMEs and HDPs.
  - Building capable, developmental and ethical state.

# PRIORITY SECTORS

- The Commission has identified five priority sectors that reflect the priorities of government (MTDP, GAIN and IDS) and have a significant impact particularly on growth, job creation, participation of SMEs & HDPs and lower income consumers. Prioritisation accounts for extent of competition issues in a sector where our mandate lies.
- This incorporation into the prioritisation criteria, ensures that resources are directed towards matters with the greatest public benefit.
- The five priority sectors for the period 2025-2030 are:
  1. Agriculture, food and agro-processing: cost of living, rural economy, SME/HDP participation, job creation.
  2. Healthcare: cost of and access to healthcare, fiscal cost, pharma and equipment industrialisation.
  3. Digital markets: access to digital distribution, digital industrialisation and disruption of concentrated markets.
  4. Retail: access to retail distribution, SME/HDP participation, cost of living and job creation.
  5. Industrial sector (heavy and light industry): industrialisation, cost of doing business and competitiveness.

# MERGER CONTROL

- Objective is to reduce turnaround times for large complex mergers to ensure this does not discourage investment
  - Currently only 5 large mergers annually exceed the 120 day investigation period
  - Threshold increases are estimated to reduce merger notifications by 30% and to move 25% of large mergers to intermediate filings with a 60 day hard stop investigation
  - Allows for more resources on large complex mergers as staff and budget not reduced
- Industrial policy considerations in merger control
  - The Act already incorporates a public interest assessment of the impact of a merger on the ability of national industries to compete in international markets and the impact on a particular industrial sector or region
  - Where mergers raise industrial development benefits but also potential competition concerns, evidence should be put forward to quantify those benefits and conditions proposed to ameliorate any harm

# CARTEL ENFORCEMENT

- Cartel enforcement has slowed as the leniency programme matures, reducing the number of applicants. Focus has switched to improving detection techniques and managing the public sector tender bid-rigging cases
- Cartel detection techniques we are rolling out this year include:
  - Using the database of cartels prosecuted regionally and globally to identify guilty firms that also operate in SA and which may be engaged in similar practices. This has been successful in a number of other countries.
  - Developing a cartel detection tool for public procurement where there is electronic tender submissions. This builds on code from Singapore which will be developed alongside UP AI specialists and WC tender databases. The AI programme automates assessment of factors consistent with cartels and may be expanded to draw in other data such as social media relationships and CIPC data.
- We receive a large number of cartel complaints from government procurement, some of which are relatively small:
  - There are probably better means to manage some of these smaller cases within government such as a procurement ban on the companies and directors rather than use enforcement resources. Assistance from **the dtic** and Ministry would be welcome in finding solutions within the different tiers of government.

# MARKET CONDUCT

- The lack of capacity at the Tribunal has stalled prosecution of market conduct cases as the Tribunal focuses on merger control. This presents severe challenges to removing exclusionary conduct and market access barriers. The Commission has pursued settlements where possible to deliver results in conduct cases but this denies the opportunity to set precedent where relevant.
- Resolving the institutional constraints is an imperative, but we are still examining tools to ensure quicker resolution of conduct cases even where the capacity exists due to delays as parties are in no rush to resolve matters.
- We have introduced prioritisation and more stringent timelines for conduct investigations to accelerate cases.
- We are expanding the use of Guidelines to promote compliance and intend making use of amnesty programmes to actively change conduct in the economy.
- We will also explore settlement during investigation under more generous terms to promote changes in abusive conduct.
- The Commission will engage the Tribunal on prioritisation of certain conduct cases for hearings, examining the procedural rules to limit delaying tactics by respondents and greater use of interim relief.

# MARKET INQUIRIES

- Establishment of Market Inquiry division will enable the Commission to pro-actively intervene in sector specific competition issues.
- These will enable progress in resolving sector specific competition concerns as these do not rely on the Tribunal.
- Market Inquiry is also making progress in implementing remedies and conditions from completed market inquiries, these demonstrate immediate and long-term impact of the Commission's work in the sectors we have intervened.
- The Commission has been focused on monitoring implementation of remedies and conditions from completed market inquiries to demonstrate impact.
- The Commission has increased capacity in Market Inquiry division in preparation to conduct the upcoming inquiries.

# ADVOCACY AND GUIDELINES

- Advocacy is an important means to promote compliance and to ensure pro-competitive government regulation. Our focus has shifted to guidance on specific issues, cost-of-living advocacy and government market reforms:
  - Guidelines have historically focused on sections of the Act and our approach to assessment. To provide greater certainty to business and promote compliance, we are focused on providing concrete guidance on specific conduct we consider is likely harmful such as the automotive repair market code and online platforms. We will release guidance on the right to repair to promote competition and growth for all repair services.
  - Economic shocks that raise the cost-of-living are exacerbated by 'rocket & feather' and gouging pricing practices that are hard to enforce timeously using traditional tools. Advocacy through the cost-of-living reports creates public pressure on offending parties by shining the light on their conduct.
  - The cost-of-living reports have highlighted problems with administered prices. Commission advocacy seeks to ensure that the price of services is addressed alongside removing supply constraints. Support from **the dtic** and Ministry to bring the Commission into those reform processes would be particularly beneficial to advocacy.

# REGULATORY BARRIERS TO INVESTMENT AND COMPETITION

- The Commission has officially launched the regulatory review of barriers to entry, expansion and competition
  - We have called on business to make submissions on regulations holding them back or preventing competition as a means to identify and prioritise regulation assessment. We are actively lobbying organisation for input
  - All submissions will be independently assessed by the Commission in consultation with the relevant department or agency to determine if the regulation is required, and if so whether it can be modified to reduce the burden on business. This will then form the basis for recommendations to government on reforms
  - The objective is to add haste to the red tape reduction initiative by having an independent expert assessment of regulations earmarked as barriers and create pressure for change within government
  - Submissions due in June and aim to complete phase 1 in Q3. Phase 1 will prioritise easily implemented changes such as those that are the basis of regulation or implementation issues, not legislative
  - Support from the dtic and the Ministry will be important in having the recommendations implemented and we propose inclusion of the dtic in the project if feasible
  - Pursuing regulatory barriers enables progress whilst the Tribunal has limited capacity for conduct cases

# DIGITAL MARKETS AND INFRASTRUCTURE

- The Commission is looking to partner with dtic, IDC and NEF on supporting SA businesses to access global and local B2B and B2C platforms as an alternative distribution channel
  - IDC and NEF can provide funding programmes and the Commission can remove barriers to onboarding and gaining discoverability and visibility. **the dtic** can support with high level engagements with the platforms building on the Minister's meeting with Shein at the WEF
- AI datacentres and cloud computing are essential infrastructure for digital industrialisation
  - The Commission is already investigating Microsoft cloud services for tying conduct that tips the market in its favour but the Commission is planning an industry review on the back of a request by DCDT to identify any other competition issues or barriers to growth of the market and SA participants
- Use of AI toolkits for enforcement
  - The Commission is adopting AI applications to improve efficiencies and raise the quality of work internally

# PUBLIC INTEREST AND TRANSFORMATION

- Public interest and transformation commitments form an integral part of merger control and increasingly settlements within cartels, market conduct and market inquiries. We are focused on ensuring that they are effective in achieving the objectives and crowding in more funding for black-owned businesses.
- The Commission has initiated a programme to assess the design and impact of the various public interest and transformation conditions imposed on parties
  - We have recently completed an assessment of ESOPs with important findings to improve the design so that workers see greater benefits and have more say in the design
  - We have now launched an assessment of supplier development funds and procurement commitments
- The Commission is working closely with the B-BBEE Commission and NEF on joint projects to ensure stronger transformation remedies and funding support
  - We aim to alert the NEF on divestiture remedies and business rescue processes where black-owned businesses often lack sufficient finance to secure merger deals

# RESEARCH AND INTERNATIONAL RELATIONS

- The Commission released its Concentration Tracker report which covers 11 primary sectors and 228 sub-sectors of the economy using the SARS-NT dataset of all 450,000 tax-registered firms
  - The results show positive trends of deconcentration but little movement on MSME participation
  - This will be used in prioritisation for enforcement and government advocacy
- The Commission will release a Township and Rural Economy report focused on market access and regulatory barriers faced by township and rural businesses and consumer behaviour in these markets. This will aid advocacy and our own enforcement efforts to realise growth and business development
- The Commission is developing closer ties with the AfCFTA Secretariate to influence continental policy and enforcement. We will host a SADC authority capacity building workshop for the AfCFTA
- The Commission will host the ICN Chief Economists Forum in February 2027
- The Commission will be leading a BRICS+ AI enforcement study to identify what competition issues BRICS+ countries anticipate in the AI value chain and AI applications in business sectors along with the use of AI tools in enforcement

# IMPACT MEASUREMENT TOOL

- To strengthen accountability and alignment with the outcomes-based approach of government, the Commission has introduced an impact measurement tool.
- The tool is now embedded across our work.
  - Investigation prioritisation considers the potential impact size along with whether the impact is aligned to priorities
  - Litigation and settlement decisions consider the actual impact size of a positive outcome
  - We have modified our compliance reporting requirements to secure more information on the impact of commitments not just their implementation.
- The Commission work is pipeline based where research identifies uncompetitive markets and specific conduct, investigations are initiated to assess issues, referrals for litigation / advocacy / settlement to achieve impact
  - Whilst actual impact in any year is dependent on a ruling from the Tribunal, targets for pipeline work are necessary to ensure impact in each future year

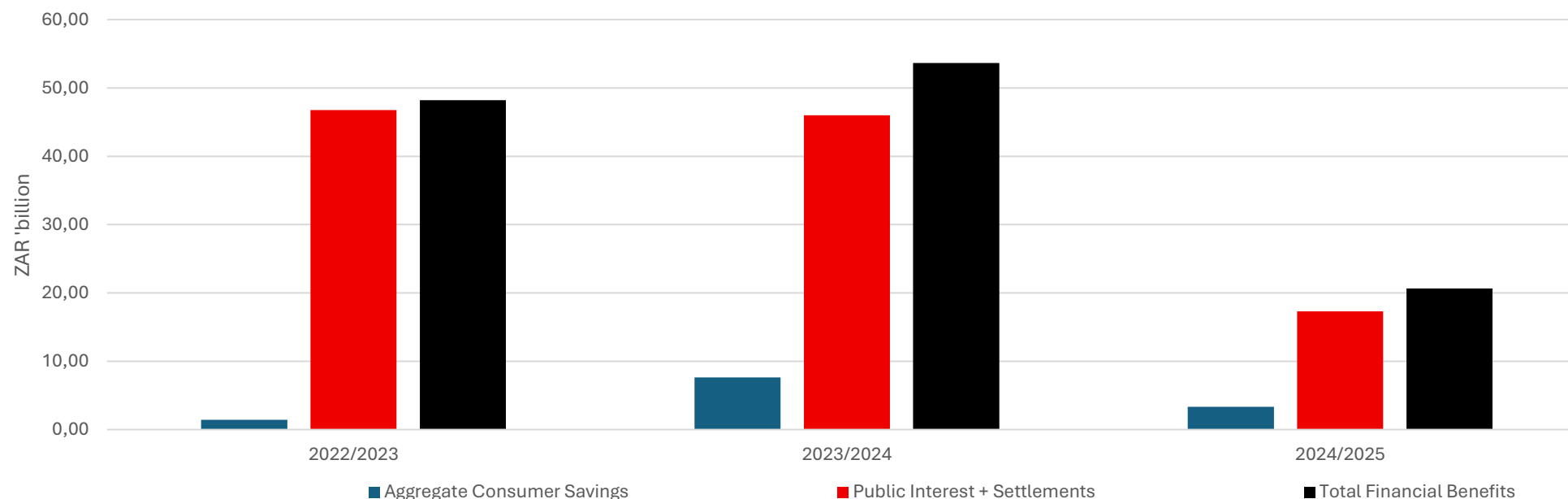
# IMPACT ASSESSMENT METHODOLOGY

- General
  - Methodology drawn from OECD best practice with impact estimations based on academic literature examining ex-post impacts of enforcement
  - 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

# IMPACT ASSESSMENT METHODOLOGY

- 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

# FY23-FY25 REVIEW: CONSUMER SAVINGS AND PI BENEFITS



|                            | 2022/2023 | 2023/2024 | 2024/2025 |
|----------------------------|-----------|-----------|-----------|
| Aggregate Consumer Savings | 2.98%     | 14.23%    | 16.14%    |
| Public Interest            | 97.01%    | 85.57%    | 83.14%    |
| Settlements                | 0.01%     | 0.20%     | 0.72%     |
| Total Financial Benefits   | 100%      | 100%      | 100%      |

## FY23-FY25 REVIEW: ROI

|                                              | 2022/23 | 2023/24 | 2024/25 |
|----------------------------------------------|---------|---------|---------|
| <b>Consumer Savings (CS)</b>                 | 3.19    | 18.72   | 7.82    |
| <b>Public Interest (PI)</b>                  | 104.02  | 112.52  | 40.27   |
| <b>Settlements (S)</b>                       | 0.02    | 0.27    | 0.35    |
| <b>Overall ROI</b>                           | 107.23  | 131.50  | 48.44   |
| <b>Consumer Savings + Settlements (CS+S)</b> | 3.21    | 18.98   | 8.17    |
| <b>Three-year average (CS+S)</b>             | 10.12   |         |         |

## FINANCIAL OVERVIEW: REVENUE

| TOTAL REVENUE            | ANNUAL BUDGET      | YTD TOTAL          | YTD BUDGET         | YTD VARIANCE       | YTD VARIANCE % |
|--------------------------|--------------------|--------------------|--------------------|--------------------|----------------|
| Fee Income               |                    |                    |                    |                    |                |
| - Mergers & Acquisitions | 79,013,000         | 16,819,000         | 19,753,250         | (2,934,250)        | -15%           |
| - Exemptions             | -                  | 7,500              | -                  | 7,500              | 0%             |
| Government Grant         | 452,987,000        | 113,246,750        | 113,246,750        | -                  | 0%             |
| Interest Received        | 19,289,067         | 4,787,959          | 4,822,267          | (34,308)           | -1%            |
| Other Income             | -                  | 49,869             | -                  | 49,869             | 0%             |
|                          |                    |                    |                    |                    |                |
| <b>TOTAL</b>             | <b>551,289,067</b> | <b>134,995,078</b> | <b>137,822,267</b> | <b>(2,827,189)</b> | <b>-2%</b>     |

# FINANCIAL OVERVIEW: EXPENDITURE

| TOTAL PER MAIN ITEM       | ANNUAL BUDGET      | YTD ACTUAL         | YTD BUDGET         | YTD VARIANCE      | YTD VARIANCE % | COMMITMENTS       | TOTAL AVAILABLE BUDGET |
|---------------------------|--------------------|--------------------|--------------------|-------------------|----------------|-------------------|------------------------|
| <b>Total</b>              | <b>551,289,068</b> | <b>124,603,175</b> | <b>137,822,267</b> | <b>13,219,092</b> | <b>10%</b>     | <b>47,056,557</b> | <b>473,742,449</b>     |
| Human Resources           | 410,295,988        | 90,969,652         | 102,573,997        | 11,604,345        | 11%            | 3,772,864         | 323,099,201            |
| Premises & Equipment      | 29,346,820         | 9,424,762          | 7,336,705          | -2,088,057        | -28%           | 4,902,354         | 24,824,412             |
| Other Operational         | 9,810,505          | 3,363,583          | 2,452,626          | -910,957          | -37%           | 1,974,204         | 8,421,126              |
| Research & Information    | 5,621,755          | 746,542            | 1,405,439          | 658,896           | 47%            | 1,231,313         | 6,106,525              |
| IT and system Development | 13,400,000         | 3,386,846          | 3,350,000          | -36,846           | -1%            | 5,055,053         | 15,068,207             |
| Educational Awareness     | 6,208,500          | 1,919,146          | 1,552,125          | -367,021          | -24%           | 2,928,082         | 7,217,437              |
| Case Related Costs        | 53,838,746         | 6,497,288          | 13,459,686         | 6,962,398         | 52%            | 2,195,427         | 49,536,885             |
| Capital Expenditure       | 605,000            | 1,663,451          | 151,250            | -1,512,201        | -1000%         | 5,051,418         | 3,992,966              |
| Depreciation              | 10,311,000         | 2,797,974          | 2,577,750          | -220,224          | -9%            | -                 | 7,513,026              |
| Other Programme Costs     | 11,850,754         | 3,833,931          | 2,962,688          | -871,242          | -29%           | 19,945,842        | 27,962,665             |

# The Commission's contribution to outcomes and alignment with 2026/27 KPIs

# KEY STRATEGIC OUTPUT

| Theme                                          | Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Indicators                                                                                                                                                                                                                                                                                                                                     | KPI No                          |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Ease of doing business and red tape reduction. | <ul style="list-style-type: none"> <li>• Reduction in merger review turnaround time. <ul style="list-style-type: none"> <li>○ Non-complex mergers in 15 business days.</li> <li>○ Complex mergers in 45 business days.</li> <li>○ Highly complex mergers in 60 business days for intermediate, and 105 business days for large mergers.</li> </ul> </li> <li>• Reduction in turnaround time for cartel investigations.</li> <li>• Digitalisation</li> </ul> | <ul style="list-style-type: none"> <li>• Target to complete merger reviews in reduced number of days (less than statutory timelines).</li> <li>• Target to complete investigations in reduced number of days (less than statutory timelines)</li> <li>• Targets to improve workflow processes to improve organisational efficiency.</li> </ul> | KPI 1-4, 8 , 12, 27, 32 and 36. |

# KEY STRATEGIC OUTPUT

| Theme                                           | Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Indicators                                                                                                                                                                                                                                                                                                                                                                                    | KPI No                               |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Reducing concentration and regulatory barriers. | <ul style="list-style-type: none"> <li>• Completion of market inquiries and enforcement.</li> <li>• Research into sources of concentration to enable action to de-concentrate the economy.</li> <li>• Advocacy to ensure pro-competitive regulations and the removal of unnecessary regulatory barriers to entry or expansion.</li> <li>• Collaboration across dtic and other government entities to remove barriers to market access in commercial markets.</li> </ul> | <ul style="list-style-type: none"> <li>• Targets to initiate and conduct market inquiries to address concentration.</li> <li>• Targets to initiate and complete investigations to address concentration.</li> <li>• Targets to conduct research and advocacy on concentration.</li> <li>• Targets to collaborate with government and other entities to remove regulatory barriers.</li> </ul> | KPI 5, 9, 22, 23, 25, 29, 30 and 31. |

## KEY STRATEGIC OUTPUT

| Theme                                | Outcomes                                                                                                                                                                                                                                                                                                                                  | Indicators                                                                                                                                                                                                                                                                                                                                                                                 | KPI No                              |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Inclusive growth and transformation. | <ul style="list-style-type: none"> <li>• Enforcement to achieve improved ownership and participation by SMEs and HDPs.</li> <li>• Enforcement and merger regulation to protect jobs, improve investments, procurement and capex particularly for SMEs and HDPs.</li> <li>• Advocacy to improve participation of SMEs and HDPs.</li> </ul> | <ul style="list-style-type: none"> <li>• Target to improve our B-BBEE status.</li> <li>• Target to enhance compliance and implementation of conditions and remedies imposed by the Commission focusing on firm entry, transformation and competitiveness.</li> <li>• Target to initiate enforcement and advocacy work to improve participation of SMEs and HDPs in the economy.</li> </ul> | KPI 1-6, 10, 17, 18, 21, 28 and 34. |

## KEY STRATEGIC OUTPUT

| Theme                                                        | Outcomes                                                                                                                                                                                                                       | Indicators                                                                                                                                                                                                                                                                                                                      | KPI No                                    |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Reduction in high cost of living and cost of doing business. | <ul style="list-style-type: none"> <li>• Initiation and investigations in malfunctioning markets.</li> <li>• Successful enforcement and prosecution cases.</li> <li>• Improved compliance with the Competition Act.</li> </ul> | <ul style="list-style-type: none"> <li>• Targets for successful investigations in priority sectors.</li> <li>• Targets for successful prosecution of anticompetitive conduct.</li> <li>• Targets for advocacy and research to improve compliance with the Act.</li> <li>• Research and advocacy in priority sectors.</li> </ul> | KPI 7, 11, 13, 14, 15, 16, 24, 26 and 27. |

# KEY STRATEGIC OUTPUT

| Theme                                              | Outcomes                                                                                                                                                                                                                                           | Indicators                                                                                                                                                                                                                                                                                                                                                         | KPI No                        |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Building capable, developmental and ethical state. | <ul style="list-style-type: none"> <li>• Unqualified audit outcome.</li> <li>• Invoice payment</li> <li>• Compliance with B-BBEE regulations.</li> <li>• Digitalise mergers and cartels processes.</li> <li>• Development of graduates.</li> </ul> | <ul style="list-style-type: none"> <li>• Target to achieve an unqualified audit opinion.</li> <li>• Target to pay all invoices within an average of 20 business days.</li> <li>• Target to obtain B-BBEE Certificate.</li> <li>• Target to digitalise cartels and mergers workflows.</li> <li>• Target to improve employee capability and productivity.</li> </ul> | KPI 32, 33, 34, 36 37 and 39. |

# INSTITUTIONAL CAPACITY

- The Commission established a division dedicated to market inquiries aimed at accelerating inquiries into sectors characterised by persistent competition concerns.
  - This will enable the Commission to run up to three inquiries simultaneously and ensure adequate monitoring of compliance with completed market inquiries and advocacy on government recommendations.
- The Commission continues to implement its organisational structure to further implement the amendments of the Competition Act.
- The Commission is adopting different digital tools to improve the quality and efficiency of research, investigation and litigation.
  - These include general digital tools such as AI to assist with discovered document reviews and more specific digital tools such as cartel detection in government tenders.

# KEY CONCERNS AND CHALLENGES

- Tribunal capacity impacts on the speed of contested large mergers and the resolution of litigation on anti-competitive conduct, affecting the outcomes that can be achieved by the Commission
  - Need to consider a fast-track adjudication process for priority cases
- Exploitation of fair administrative and legal processes can cause considerable delays in bringing highly contested litigation to conclusion resulting in abuse cases taking way too long
  - Need to consider a fast-track settlement procedure to achieve quick outcomes
- Potential legal challenges to public interest conditions and market inquiry powers
  - These have been threatened but managed currently through settlement with parties



**competition commission**  
south africa

# THANK YOU

**Tel: +27 (0)12 394 3200**

**Fax: +27 (0)12 394 0166**

**Email: [CCSA@compcom.co.za](mailto:CCSA@compcom.co.za)**

**Twitter: [@CompComSA](https://twitter.com/CompComSA)**

**Facebook: Competition Commission South Africa**