competition commission south africa

STRATEGIC PLAN

2025 - 2030

AS APPROVED ON
31 MARCH 2025

EXECUTIVE AUTHORITY STATEMENT

HON. MR PARKS TAU
MINISTER OF TRADE INDUSTRY & COMPETITION

The Competition Commission Strategy 2025 – 2030 was developed guided by its mandate in terms of the Competition Act No. 89 of 1998 (as amended). The strategy was also guided by the priorities of the National Development Plan of South Africa, together with the priorities of the 7th administration as outlined in the Medium-Term Development Plan (MTDP) namely: inclusive growth and job creation, reduction of poverty and tackling high cost of living and building a capable, ethical and developmental state.

The Strategic Plan of the Commission reflects its commitment to support the achievement of the MTDP, particularly the realisation of:

1. A more equal society where no person lives in poverty;
2. A safe and secure environment;
3. A dynamic, growing economy;
4. A Capable State, delivering all basic services to all citizens; and
5. A cohesive and united nation.

In supporting the realisation of Inclusive Growth, the dtic has identified the implementation of an Accelerated Industrial Policy as a key element of improving manufacturing, greater localisation and significant increase of more complex exports in strategic markets. The Commission is expected to be part of a collaborative approach by the dtic and all of government to ensure better outcomes and improved impact of the work of government.

The 2025 – 2030 Strategic Plan identifies the outputs, output indicators and outcomes that the Commission aims to achieve in the next strategy cycle. The Executive Authority is responsible for providing direction on the development and implementation of policies and strategic priorities of entities in line with their respective mandates, and to ensure the Strategic Plan is aligned to government's priorities. To that end, the economic cluster, of the dtic has identified nine outcomes it intents to achieve in the strategic period. The Competition Commission's Strategic Plan aligns with the outcomes and support the achievement of the outcomes.

The Commission will implement Strategy 2025 – 2030 prioritising transformation and inclusive participation by SMMEs. The Commission is committed to implementing the Competition Act focusing on the achievement of inclusive economic growth, the reimagined industrial strategy and a deconcentrated economy.

The Competition Commission continues to demonstrate a steadfast commitment to its mandate, playing a crucial role in promoting a competitive economy that benefits all South Africans.

I hereby endorse the Strategic Plan of the Competition Commission and thank the Commissioner and her team for the ongoing commitment to transforming our society.

Signature: ______________________________

Mr Parks Tau, MP

Minister of Trade, Industry and Competition

Date: 08 April 2025

DEPUTY MINISTER STATEMENT

MR ZUKO GODLIMPI
DEPUTY MINISTER OF TRADE
INDUSTRY & COMPETITION

The Competition Commission's Strategy 2025 – 2030 is a critical roadmap that will guide its enforcement, advocacy, and regulatory efforts over the next five years. This strategy is deeply aligned with the priorities of the 7th Administration, which are focused on inclusive economic growth, job creation, poverty reduction, and building a capable, ethical, and developmental state. The Competition Commission plays an essential role in supporting these national objectives by ensuring that markets remain competitive, fair, and accessible to all economic participants, particularly small and medium-sized enterprises (SMEs) and historically disadvantaged persons (HDPs).

From a more operational perspective, the successful implementation of this strategy requires a strong and agile institutional framework. Towards this end, the Commission has identified clear outputs, output indicators, and outcomes that will measure its impact over the next five years. This performance-driven and outcomes-based approach is essential for ensuring that the Commission delivers tangible benefits to South Africans. Key focus areas identified in the strategy include enhancing competition in priority sectors, facilitating greater market participation by SMEs and HDPs, and addressing structural barriers that limit economic transformation.

The Commission's work will also be instrumental in supporting the Department of Trade, Industry and Competition's (dtic) Accelerated Industrial Policy. By tackling market concentration, reducing anti-competitive practices, and promoting localisation efforts, the Commission will contribute to reindustrialisation and the expansion of strategic industries. The operationalisation of market inquiries, proactive enforcement against restrictive business practices, and the use of merger regulation as a tool for economic transformation will be key levers in achieving these objectives.

As part of its operational execution, the Commission will collaborate closely with government departments, regulators, and industry stakeholders. This is because the success of competition policy does not rest solely on enforcement but also on effective advocacy, compliance, and cooperation across multiple sectors. Strengthening partnerships within the economic cluster, including initiatives such as supplier development commitments and employment creation targets, will be crucial in ensuring that competition policy translates into broad-based economic benefits.

Given the rapidly evolving digital era we find ourselves in, the Commission's ability to harness technology and data analytics in its enforcement and advocacy efforts will be a significant factor in its success. The digital economy presents both opportunities and challenges for competition regulation, requiring the Commission to be at the forefront of identifying anti-competitive behaviour in digital markets, online platforms, and emerging industries. The Commission has identified that in leveraging advanced digital tools and proactive engagement with stakeholders, the Commission can enhance its impact and responsiveness to evolving market dynamics.

In addition to the Competition Commission, several other regulatory agencies report to the dtic. Each of these entities plays a crucial role in ensuring a fair, transparent, and inclusive economy. The alignment of these agencies with the Competition Commission's work ensures a holistic approach to market regulation, where consumer protection, fair trade practices, and industrial development work in tandem to create a competitive and sustainable economic environment. Strengthening collaboration among these institutions will enhance regulatory efficiency, drive economic transformation, and ensure that markets operate in a manner that benefits all South Africans.

As the Competition Commission embarks on its next 5-year strategic cycle, I wish to commend its leadership and staff for their commitment to ensuring that competition policy remains a powerful tool for economic inclusion and transformation. The Department of Trade, Industry and Competition will continue to support the Commission in its efforts to drive a fair and competitive economy that benefits all South Africans.

Signature: ______________________________

Mr Zuko Godlimpi, MP

Deputy Minister of Trade, Industry and Competition

Date: 08 April 2025

ACCOUNTING AUTHORITY STATEMENT

MS DORIS TSHEPE
COMMISSIONER

The Competition Commission of South Africa (the Commission) enters its sixth five-year strategy cycle in 2025. The 2025/26 Annual Performance Plan sets the tone for the coming five years and provides an opportune time to reflect on the work to be done to continue to build a competitive and inclusive economy for all South Africans.

The 2025-2030 Strategy is tabled against the backdrop of continued slow economic growth, high cost of living, high unemployment, and an economy that is still highly concentrated and provides limited opportunities for new and small firms to enter markets and to grow. This stifles dynamism and limits the effectiveness of markets to the emergence of deliver competitive prices for consumers innovative new ways of doing things. There is still much work to be done.

In response, the Commission has aligned its 2025-2030 Strategy with the priorities of the 7th Administration and those of the Department of Trade, Industry and Competition. These common priorities reflect a commitment to an inclusive economy that creates jobs, reduces poverty, and tackles the high cost of living and substantially reduces red tape. This can only be done if we continue to collaborate and to build a capable, ethical and developmental state.

The Commission's 2025-2030 Strategy recommits the institution to these shared values with a renewed focus on the impact of our work on ordinary South Africans. We have identified five priority sectors that reflect the priorities of government and that have a significant impact on low-income consumers as well as the ability of small and medium-sized firms to grow. These sectors are also forward-looking, ensuring that new and emerging markets develop in a fair way manner, without erecting or heightening barriers to competition. The five priority sectors for the period 2025-2030 are (1) agriculture, food and agro-processing, (2) healthcare, (3) digital markets, (4) retail, and (5) heavy and light industry.

The Commission continues its focus on agriculture and healthcare as these sectors are pivotal to the wellbeing of all South Africans and, if they work well, will contribute to the progressive realisation of fundamental human rights enshrined in our Constitution. If impediments to fair competition are addressed, sectors such as retail, agriculture and digital markets can provide opportunities for the entry and growth of small firms, creating employment as firms they grow.

The dynamism of industrial sectors like agriculture, agro-processing, as well as heavy and light industry are pivotal to the reindustrialisation of the South African economy. With a focus on pro- competitive industrial policy, we can ensure that we build efficient and productive enterprises that can compete in international markets.

Technology and digital tools like tools like Artificial Intelligence will continue to shape production processes, interactions with consumers, and to drive innovation. The Commission will focus on developments in digital markets to ensure that they remain open to rapid innovation and challenge from local start-ups and that the gains of innovation are shared fairly.

In the next five years, the Commission will invest in significantly improving its case selection to investigate and prosecute the most impactful cases in a timely, responsive manner. This will start with a substantial reduction in the turnaround times for assessing mergers, ensuring that firms have greater certainty in making investment decisions. The Commission will continue to make effective use of exemptions for pro-competitive collaboration.

The 2025-2030 Strategy will be implemented in a world that is increasingly looking inward to solve national problems instead of looking outward to solve common problems jointly. Geopolitical tensions, climate change and natural disaster are disrupting highly integrated global supply chains, increasing prices, causing businesses to fail and increasing concentration further.

The next five years will be fundamental in turning the vision of an integrated Africa-wide economy with increased trade as the basis for shared prosperity into reality. Competition authorities across the continent must work together to limit any exploitative and exclusionary abuse of corporate power, to collectively address cross-border cartels and to assess the impact of multi-jurisdictional mergers. The Commission will continue to work with authorities across the continent towards the implementation of the AfCFTA Competition Protocol and to ensure that the path towards integration, harmonisation and growth is as smooth as possible.

As we enter this new Strategy cycle, we are reminded of the importance of the work we do to address the challenges of poverty, inequality and unemployment. We are reminded that competition policy is critical in supporting economic growth and attracting investment. Competition rewards dynamism, it ensures fair returns to investment, and it supports the growth that our economy so urgently needs. Firms seeking a market for their goods and services will look to markets that reward innovation and that provide a level playing field for all players. Competition forces large firms to continue to invest in product quality and variety rather than extracting incumbency rents and ensures that business remains responsive to the needs of consumers.

Of course, none of this work is possible without the commitment of the highly professional staff of the Competition Commission. The Commission remains driven by the desire to deliver the greatest impact within its limited resources to ensure that our work contributes to a competitive, dynamic, deconcentrated and inclusive economy for all South Africans.
In conclusion, I thank the Minister of Trade, Industry and Competition and his department for guidance and support on Strategy 2025 – 2030.

Signature: ______________________________

Ms Doris Tshepe
Commissioner
Date: 8 April 2025

OFFICIAL

SIGN-OFF

It is hereby certified that this Strategic Plan:

- Was developed by the management of the Commission under the guidance of Minister of Trade, Industry and Competition.

- Takes into account all the relevant policies, legislation and other mandates for which the Commission is responsible.

- Accurately reflects the Impact, Outcomes and Outputs which the Commission will endeavour to achieve over the period 2025 – 2030.

Signature: ____________________ Date: 8 April 2025

Mr. Amos Moledi

Chief Financial Officer

Signature: ____________________ Date: 8 April 2025

Ms. Doris Tshepe

Commissioner

Signature: ____________________ Date: 8 April 2025

Mr. Parks Tau, MP

Minister of Trade, Industry and Competition

Contents

1 Introduction

The Competition Commission of South Africa (the Commission) presents its 2025-2030 Strategic Plan 2025 – 2030. The strategic plan is done in consideration of the Commission's performance against its Strategy for period from 2020 – 2025, the political environment, developments in competition policy and law and economic landscape, the business environment, and the country's economic and social circumstances, and the global geopolitical tensions and climate change. The new Strategic Plan is based on the mandate of the Commission as derived from the Competition Act 89 of 1998, as amended (Competition Act).

The 2025 - 2030 strategic planning cycle is the sixth five-year strategy cycle and marks the last five years of the country's efforts to contribute towards the achievement of the National Development Plan 2030 (NDP). The NDP outlines the country's vision 2030 and articulates government's long-term priorities. The government's medium-term priorities for five (5) years from 2025 to 2030 are articulated in the priorities of the 7th Administration that began its work in June 2024. The Commission's Strategy 2025 – 2030 aims to align with the government's long-term priorities as outlined in the NDP, the Medium-Term Development Plan and the 7th administration priorities to support the realisation of industrialisation, job creation, transformation and building a capable state, ethical and developmental state.

The Commission's Annual Performance Plan has been developed in line with the department of planning, monitoring and evaluation's (DPME) revised framework for strategic plans and annual performance plans that guides the planning process to be followed for the development of strategic plans and annual performance plans. The Commission's Strategy reflects the strategic direction of the Commission over the strategy cycle (2025 – 2030). The Strategic Plan for 2025 – 2030 comprises of four sections as follows:

- **Part A: OUR MANDATE**—This section deals with the Commission's mandate, including its constitutional mandate, the legislation establishing the Commission, institutional policies and strategies over the five-year period, and relevant court rulings.
- **Part B: OUR STRATEGIC FOCUS** – This section focuses on the Commission's vision, mission, values and situation analysis.
- **Part C: MEASURING OUR PERFORMANCE**—This section focuses on the Commission's performance information, i.e., the outcomes and outputs to be achieved over the coming five years.

- **Part D: TECHNICAL INDICATOR DESCRIPTIONS**—This section deals with the definitions of the indicators, enabling the reader to better understand their meaning.

PART A:

OUR MANDATE

2 Establishment of Competition Authorities

In 1994, the new and first democratic government of South Africa started with the review of several laws, including the country's competition laws. The objective of those initiatives was to address the historical imbalances resulting from excessive economic concentration and ownership skewed towards specific demographic groups, collusive practices in various sectors of the economy, and the abuse of economic power by firms in dominant positions. The 1994 White Paper on Reconstruction and Development sought to establish a series of immediate measures to address the structural deficiencies in the South African economy, this included creating a competition framework designed to reform markets by addressing anti-competitive practices and promoting an inclusive and transformative economy.

From the outset, policymakers recognised that competition policy would be one of several economic tools utilised to achieve transformation. It was thus considered important that the new competition policy framework be flexible enough to accommodate other economic instruments of the state, even where there were perceived or inherent conflicts, including trade and industrial policy. The successor of the Department of Trade Industry and Competition (dtic), the Department of Trade and Industry (DTI), from 1995 embarked on a consultative process to develop a new policy, which culminated in a National Economic Development and Labour Council (NEDLAC) agreement on the competition policy principles.

The result of this process was the Competition Act, which was adopted in 1998 and became effective as of 1 September 1999 (hereafter “Competition Act”). The Competition Act established the Competition Commission, the Competition Tribunal, and the Competition Appeal Court. The Competition Commission (“the Commission”) is an investigative and prosecutorial authority, the Competition Tribunal (“the Tribunal”) is an adjudicative authority, and the Competition Appeal Court (“the Appeal Court”) is an appeal body over competition matters.

3 Constitutional Mandate

Section 1 (2) of the Competition Act provides that the Competition Act must be interpreted in a manner that is consistent with the Constitution. Furthermore, the Constitutional Court confirmed in the Mediclinic judgment that when interpreting any legislation including the Competition Act, 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.

4 Legislative Mandate

As indicated above, the Commission is one of three institutions established in the Competition Act, alongside the Tribunal and the Competition Appeal Court. The Commission is empowered to review mergers, investigate and evaluate restrictive business practices including abuse of dominant position, to review and evaluate exemption applications and initiate and conduct Market Inquiries (to achieve equity and efficiency in the South African economy).

The purpose of the Competition Act is to promote and maintain competition in South Africa:

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

Section 21(1) of the Competition Act provides more detail on the mandate of the Commission. The Commission's mandate is to:

(a) implement measures to increase market transparency;
(b) implement measures to develop public awareness of the provisions of the Competition Act;
(c) investigate and evaluate alleged contraventions of Chapter 2;
(d) grant or refuse applications for exemption in terms of Chapter 2;
(e) authorise, with or without conditions, prohibit or refer mergers of which it receives notice in terms of Chapter 3;
(f) negotiate and conclude consent orders in terms of section 63;
(g) refer matters to the Tribunal, and appear before the Tribunal, as required by this Act (the Competition Act);
(h) initiate and conduct market inquiries in terms of Chapter 4A;
(i) conduct impact studies in terms of section 21A;
(j) grant or refuse applications for leniency in terms of section 49E;

(k) develop a policy regarding the granting of leniency to any firm contemplated in section 50;
(l) issue guidelines in terms of Section 79;
(m) issue advisory opinions in terms of section 79A;
(n) 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 (the Competition Act);
(o) participate in the proceedings of any regulatory authority;
(p) advise, and receive advice from, any regulatory authority;
(q) over time, review legislation and public regulations, and report to the Minister concerning any provision that permits uncompetitive behaviour; and
(r) deal with any other matter referred to it by the Tribunal.

5 Institutional policies and strategies related to the five-year planning period

5.1 The National Development Plan, Vision 2030

The National Development Plan (NDP) is the vision and long-term plan for South Africa. It is the framework under which the government develops its policies and programs, geared at stimulating a social pact among South Africans for **economic growth and job creation, aiming to eliminate poverty and reduce inequality by 2030.** The Commission will contribute to poverty elimination and reduction of inequality through enforcement for participation of SMEs and HDPs, improving access to certain goods and service (healthcare, food and other priority sectors) job creation and retention through merger review, exemptions and enforcement remedies.

Economic regulatory agencies, such as the Commission are crucial partners in ensuring inclusive economic growth. The following are the specific areas or themes in the NDP wherein the Commission has a role to play:

(a) South Africa to increase its trade and export opportunities as a means to growth, with a growth target set for 5% per annum.
(b) Contributing to lowering the costs of transport and logistics and investing in remedies to address spatial divides.

(c) Promote competition in regulated markets and to advance specifically identified sectors which have high growth potential.
(d) Competition authorities consider proposing 'ethical pacts' to the business sector to cover abuse-of-dominance and restrictive practices.
(e) Engagement and collaboration between the competition authorities and policy makers, particularly on the implications of regulation in certain sectors and for the alignment of sector prioritisation.

The Commission recognises the importance of achieving the NDP goals and its role in contributing to their achievement. The Commission will, therefore, contribute to lower cost of living through enforcement for competitive pricing and interventions in key sectors that negatively affect the poor. The Commission will contribute to increased trade and export opportunities through exemptions, guidelines (and by collaborating with other role players). The Commission conduct advocacy and collaborate with several stakeholders including sector regulators and policy makers to ensure that there is competition in all sectors and that government policies are pro-competitive and adhere to the Competition Act.

The Commission will in the current strategic period continue to prioritise the implementation of the 2019 amendments to the Competition Act, particularly the public interest provisions, to contribute to the reduction of poverty and inequality; and creation and maintenance of jobs, and participation of HDPs in the economy.

5.2 Medium-Term Development Plan and Priorities of the 7th Administration

South Africa faces multiple significant economic challenges both globally and domestically. On the global front, there are growing geopolitical tensions and protectionism in key export markets, while trade wars are creating conditions that lead to dumping, putting additional pressure on the country's small open economy. The country's export profile remains heavily skewed towards unrefined mineral exports, though its exports to Africa show a more favourable structure with higher shares of value-added manufactured goods.

Domestically, South Africa faces several structural challenges. The country's manufacturing sector is carbon-intensive, which could limit future export potential. The domestic market is too narrow to sustain large-scale investments without viable export markets, and high levels of market concentration create a hostile environment for SMMEs. Economic activity is heavily concentrated in six metropolitan areas, leaving rural areas and townships disconnected from the formal economy.

The cost of doing business presents another significant challenge. The economy is vulnerable to load-shedding, rising electricity prices, and inefficient and expensive freight and logistics services. Business costs are further increased by deteriorating local government and security services. There is also a misalignment between skills development needs and labour supply, exacerbated by racial prejudice.

However, several opportunities and strengths can be exploited and leveraged. South Africa possesses a large, digitally savvy youthful population well-positioned for remote digital work and SMME development. The country has a well-developed and competitive agro-industrial value chain with high export potential in food, beverages, and fresh produce. Various sectors, including Manufacturing, Mining, Agriculture, and Tourism, have shown remarkable resilience in absorbing external shocks. To address these challenges and capitalise on opportunities, the Medium-term Development Plan (MTDP) outlines five key pillars for growth:

(a) **Structural Reforms**: These include ensuring stable electricity supply, implementing freight and logistics reforms, and strengthening local government.
(b) **Catalytic Sectors**: Focus on beneficiation in agriculture, mining, manufacturing, tourism, digital services, and green industries.
(c) **Investment Stimulus**: This involves improving ease of doing business, developing new mines, and providing incentives.
(d) **Induced Demand**: This pillar focuses on leveraging AfCFTA export opportunities, promoting exports, encouraging localisation, and implementing stronger import controls.
(e) **Transformation:** This includes promoting science, technology and innovation, supporting SMME growth, developing Black Industrialists, establishing a Youth Fund, and initiating a skills revolution.

These reforms are critical given South Africa's strategic position to benefit from African Continental Free Trade Area (AfCFTA) opportunities, with eleven of the twenty fastest-growing countries in Africa. The country also has significant potential for green industrialisation due to its natural endowments of minerals that are key to decarbonisation efforts.

The 7th Administration has decided to dedicate the next five years (2025 – 2030) to actions that will advance three strategic priorities:

These three priorities are aligned with the current priorities of the Commission with the Commission planning to deepen its contribution. The Commission will continue to focus its work on improving competition in markets, particularly aligning this with catalytic sectors of the government and contribution to the realisation of industrial policy objectives whilst also contributing to improved participation of Small and Medium Enterprises and firms owned by Historically Disadvantaged Persons. The Commission will expand its work on monitoring cost of food to also cover other essential products and services, particularly focusing on low-income consumers. The Commission will also focus on improving its agility, responsiveness and ensure its resources are accountable managed. In addition to this, the Commission will look at extracting more value from its resources and capabilities.

The Commission will align its work with the work of the dtic that seeks to deal with the identified key constraints to growth, particularly the following constraints: High administrative costs (energy & electricity, logistics, parks, fuel, gas); Contribute to the reduction of cost of capital/ availability of finance by including this area as part of its focused work; Red tape reduction through reforms in our processes and rules to improve throughput of matters; Agile enforcement in dealing with issues related to upstream inputs; Agile enforcement when dealing with issues of market access; Continued focus on improved participation of SMEs and firms owned by HDPs; Contributing to the reduction of Concentration of economy and contributing to Policy reform to promote Competition in the economy.

Considering these goals, the Economic Cluster has identified the following core outputs over the next five years with the **dtic** commitments also reflected below:

Core Outputs	FY 2029 (5 Year Target)	DTIC Contribution (#)	Total DTIC Contribution
Jobs Created	4 million	540 000	2 418 813
Investments	3 trillion	2 trillion	2.5 trillion
SMMEs Supported	255 000	13 900	50 705
International Tourist Arrivals	15 million	-	2 146 600 Tourist arrivals
Work Experience	2.1 million	330 000	1 013 Interns 345 000 Job opportunities
Subsistence Farmers	441 000	10 000	60 226
Transformation	200 Industrial Parks and District Development Model	200	200 + R32,5 billion
Exports	1 trillion	1 trillion	2 trillion
Red Tape Reduction	20 Key Processes	10 Processes 650 Investor Unblocking	

The Commission's approach to contribution to the above core targets is anchored on the belief that competition regulation is pro-growth in general and is an important tool to drive transformation and grow a weak SME sector. As identified in the MTDP and Industrial strategy, high levels of concentration limit growth and more inclusive growth through exclusion of SMEs and black business. In essence, concentration and barriers to entry or expansion hinder the investment and job creation by new entrants and existing challenger firms, raise the cost of doing business hindering downstream competitiveness.

The Commission believes that competitive markets also promote productivity growth and competitiveness, which is essential to localise and export in competition with suppliers globally. Industrial policy must be pro-competitive to develop competitiveness after interventions end. To ensure we offer the most support to inclusive growth, competition enforcement can be far more targeted to the sectors identified in the MTDP as catalytic for growth in the 5 pillars to drive growth, identifying and removing barriers to firm entry and expansions in these sectors, helping to realise the potential of the sectors in the plan. Structural reforms aim to add not just capacity but also a competitive infrastructure market to bring about more competitive administered pricing that is driving the high cost of doing business.

The Commission's broad contribution will focus on:

- Our mandate requires us to weigh both competition and public interest impacts, and ensuring those objectives are considered under both competition and public interest.
- Coordinating more closely within **the dtic** and across departments to ensure our tools are leveraged towards common goals and bring all tools to resolve impediments to growth.
- Accelerating the speed to enforcement and merger review to timeously remove barriers to entry and expansion or reduce prices that contribute to the high cost of doing business.

The Commission is seeking to innovate in investigations to prioritise resources to high impact investigations, fast-track those investigations and promote early resolutions by having firms change their behaviour.

The Commission seeks to achieve more agility and responsiveness to improve ease of doing business considering the following:

- As set out in the MTDP, one of the impediments to growth identified under the investment stimulus pillar is the ease of doing business. Whilst there are initiatives to reduce red tape, regulation, to achieve a range of goals or protect consumers or shareholders, is sometimes cited by business as creating a burden and slowing down a more agile private sector looking to invest or expand.
- Whilst legislation sets out the mandate, our processes and capabilities strongly influence which businesses is caught by the regulation and the speed and certainty of the regulatory processes. This in turn affects the ease of doing business.
- For example, merger control requires notification of mergers falling within the thresholds set, putting those deals into a regulatory process.

The Commission's analysis shows that these thresholds can be raised significantly without harming competition in the economy as the smaller deals generally do not result in findings of harm to competition and public interest. Raising thresholds through changing regulations will reduce the number of deals that fall into our oversight, allowing more deals to proceed quickly.

For those deals that are still notified, the time required to investigate and make decisions, including through the Tribunal processes, has been cited by business as adding to the cost of doing business and threatening some deals. Whilst most mergers are dealt with swiftly, complex deals can take longer.

The Commission will look at increasing capacity to our mergers team to allow for improved merger regulation. The Commission will also explore measures to improve efficiencies of its other investigative and litigation functions to achieve agility and responsiveness.

Conditions are required in key areas such as employment protection and transformation. However, typically a smaller number of mergers contribute disproportionately to the benefits these conditions bring, raising the prospect of limiting interventions to those that are more substantial and reducing the cost of doing business, whilst still delivering on transformation and job protection.

The Commission has contributed to transformation through merger conditions but also an enforcement strategy that prioritises barriers to the participation of SMEs and HDPs. Continuing to drive these is central to the more inclusive aspects of growth. The other areas of the operations of the Commission will also engage in improved contribution to the realisation of improvements in the participation of SMEs and firms owned by HDPs in the economy by accelerating the speed of finding resolutions to barriers to entry and expansion.

These efforts will be applied to participation priorities too, with an emphasis on collaboration. By fostering partnerships and cooperative efforts among stakeholders, the Commission aims to create a more supportive environment for SMEs and HDPs, ensuring that collective action leads to sustainable and inclusive economic growth.

5.3 Re-industrialisation of the Economy and its Interplay with Competition Policy

The dtic has identified three pillars to drive inclusive growth, industrialisation and sustainable job creation: **decarbonisation, digitalisation, and diversification**. Under decarbonisation, the focus is on developing several key sectors including batteries and vehicles, metals, renewable energy, and green hydrogen. This ties into the critical minerals value chain, which is becoming increasingly important given the European Commission's Carbon Border Adjustment Mechanism, particularly affecting the steel and aluminium industrial sectors.

In terms of diversification, the policy targets multiple sectors to broaden the economic base. These include agro-processing, cannabis and hemp, chemicals, personal care and plastics, clothing and textiles, oil and gas, aerospace and defence, pharmaceuticals, electrotech, tourism, and global business services. This diversification strategy aims to reduce the economy's dependence on traditional sectors and create new growth opportunities.

The digitalisation pillar focuses on developing the digital economy through technology-intensive industries, digital infrastructure, and e-commerce. This strategic focus recognises the growing importance of digital transformation in driving economic growth and competitiveness.

However, the successful implementation of the industrial policy faces several binding constraints that need to be addressed:

(a) **Electricity Security of Supply**: The country faces significant challenges with reliability, costs, and access to electricity, which impacts industrial production and growth.
(b) **Petroleum Refinery Issues**: These include high input costs, dependence on imported refined oil products, balance of payment challenges, competition concerns, and the impact of carbon taxes.
(c) **Gas Supply Challenges**: The country needs to address potential gas supply shortages, find alternative supplies, and invest in infrastructure to avoid a "gas cliff."
(d) **Rail Sector Problems**: Reliability and cost issues in the rail sector need to be addressed through the Rail Network Statement and Transnet's Turnaround strategy.
(e) T**elecommunications**: High data costs and limited access continue to constrain digital growth.
(f) **Water Security**: The country faces challenges with water reliability, costs, and access, complicated by failing infrastructure.

Addressing these binding constraints is crucial for the success of the industrial policy, as they currently represent significant obstacles to achieving higher economic growth and implementing the three-pillar strategy effectively. The high cost of production, particularly related to administered prices, remains a fundamental challenge that needs to be resolved to improve the competitiveness of South African industry.

South Africa’s re-imagined industrial policy focuses on several core goals: combining growth with transformation, boosting local production, growing exports with an emphasis on African trade, increasing investment, establishing a more reliable and low-cost energy system while greening the economy, and growing employment. The policy aims to achieve three key outcomes: industrialisation that promotes jobs and rising incomes, transformation that builds an inclusive economy, and a capable state that ensures improved impact of public policies.

The government has initiated several key structural reforms to support these goals. These include fast-tracking the Energy Action Plan and Transmission Development Plan, implementing the Freight Logistics Roadmap to move cargo from road to rail and improve port infrastructure, reducing regulatory red tape across departments and public entities, pursuing institutional reforms in the water sector, enhancing the strategic role of Development Finance Institutions, and addressing corruption and crime, particularly in areas like construction sites.

The interplay between industrial and competition policy has become increasingly important, as highlighted in the 2024 OECD Roundtable on Pro-Competitive Industrial Policy. It notes that industrial policy works better with pro-competitive design, as this drives efficiencies and innovation, enabling global competitiveness and growth once interventions cease. Industrial policy can foster competitive markets by removing entry barriers for all firms and providing industry-wide incentives rather than just subsidising incumbents. Public procurement can also foster innovation and competition as a source of demand.

Competition policy, in turn, supports industrial policy through various mechanisms. Merger control can serve as an instrument of industrial policy by preventing anti-competitive mergers or considering public interest in merger evaluations. Competition authorities play a crucial role as advisors in identifying sector and market distortions, providing guidance on cooperation agreements, and ensuring the pro-competitive design of industrial policies. They can also target enforcement efforts to industrial policy sectors and develop new tools to support industrial policy through pro-competitive interventions and foreign subsidy regulation.

Merger regulation has resulted in commitments and investment to the value of R177 billion from 2019 to 2023.[1] The total number of workers covered by Employee Share Ownership

[1] Competition Commission Merger Database

Plans (ESOPs) was 214,119. The Commission's efforts will contribute to the core outputs of the dtic and other outcomes of the 7th Administration, including job creation, investment, industrialisation, reducing cost of living, poverty alleviation, realisation of a capable, ethical and developmental state and export promotion.

6 Developments in Jurisprudence

6.1 Amendments to the Competition Act

On 13 February 2019, the Competition Amendment Act No.18 of 2018 was signed into law by President Cyril Ramaphosa. The amendment Competition Act amended the Competition Act, and recorded in the preamble that it was intended "[t]o amend the Competition Act

- to introduce provisions that clarify and improve the determination of prohibited practices relating to restrictive horizontal and vertical practices, abuse of dominance and price discrimination and to strengthen the penalty regime;
- to introduce greater flexibility in the granting of exemptions which promote transformation and growth; to strengthen the role of market inquiries and merger processes in the promotion of competition and economic transformation through addressing the structures and de-concentration of markets;
- to protect and stimulate the growth of small and medium businesses and firms owned and controlled by historically disadvantaged persons while at the same time protecting and promoting employment, employment security and worker ownership;
- to facilitate the effective participation of the National Executive within proceedings contemplated in the Competition Act, including making provision for the National Executive intervention in respect of mergers that affect the national security interests of the Republic;
- to mandate the Commission to act in accordance with the results of a market inquiry;
- to amend the process by which market inquiries are initiated and promote greater efficiency regarding the conduct of market inquiries;
- to clarify and foster greater certainty regarding the determination of confidential information and access to confidential information;
- to provide the Commission with the powers to conduct impact studies on prior decisions;
- promote the administrative efficiency of the Commission Tribunal

Broadly, the amendment of the Competition Act's primary objective was to address two persistent structural constraints on the South African economy, namely:

(a) The elevated levels of economic concentration in the economy; and
(b) The skewed ownership profile of the economy.

The net effect of the amendment was a significant change on all areas of the Commission's functions, including,

(a) Cartel enforcement under section 4 of the Competition Act;
(b) Enforcement of vertical restrictive practices under section 5 of the Competition Act;
(c) Enforcement of abuse of dominance under section 8 of the Competition Act;
(d) Enforcement of price discrimination under section 9 of the Competition Act;
(e) Exemption applications under section 10 of the Competition Act;
(f) Merger control under chapter 3 of the Competition Act;
(g) Market Inquiries under chapter 4A of the Competition Act;
(h) Numerous procedural aspects.

The amendments to the Competition Act provide the Commission with additional authority and clarity in merger review, abuse of dominance, market inquiries and cartels. The Commission will in the 2025 – 2030 strategic period continue to prioritise the implementation of the amendments. The Commission is increasing its resources in order to effectively implement the amendments to the Competition Act, this includes the establishment of Market Inquiries division which will undertake the initiation and conducting of market inquiries in various priority sectors.

6.2 Key Developments in Jurisprudence

Key legal precedents were noted in cases decided by the courts. Two cartel cases, namely Pickfords and Standard Bank shaped legal precedent to assist future prosecutions. In the Pickfords matter, the Constitutional Court decided that section 67(1) is a time bar, not a prescription. This enables the Commission to investigate and prosecute matters irrespective of the period when such cartel ended. In the Standard Bank matter, the CAC decided that all reviews must be pending the discovery of documents in the main matter. This stops respondents from attempting to circumvent discovery rules at the Tribunal with production of documents in review proceeding. Another case worth mentioning is the Beefcor matter, where the Constitutional Court decided in the Commission's favour that the withdrawal of the case from the Tribunal does not constitute completed proceedings. Completed proceedings mean a case is finalised on merits.

The Commission's powers were severely affected by the adverse findings of the courts on the issue of characterisation. These findings have emboldened respondents, with most electing protracted prosecution rather than settlements. The unintended effects of these findings are (i) reductions in settlement due to increased bargaining power by respondents; and (ii) an increase in the number of settlements without admission of liability due to characterisation weakening enforcement.

"Characterisation" is a legal tool used by courts to understand the nature and intent of business agreements between companies and whether these agreements violate competition laws. This approach originated from the U.S. courts' interpretation of the Sherman Act, which aims to prevent unfair restraints on trade. South Africa adopted this approach through a case in 2005 involving the American Natural Soda Ash Corporation (ANSAC), where the Supreme Court of Appeal (SCA) decided that it's essential to analyse agreements to see whether they restrict trade unlawfully.

In the U.S., courts use two main approaches to assess agreements: the "rule of reason," which evaluates if the agreement has more benefits than harms to competition, and the "per se rule," which treats certain types of agreements as automatically illegal. South Africa's Competition Act has a similar distinction between two types of agreements. Section 4(1)(a) uses the "rule of reason" to assess agreements that could potentially harm competition but may have justifications, like efficiency gains. Section 4(1)(b), however, outrightly prohibits severe anti-competitive practices (like price-fixing, market division, and collusive tendering) without allowing for justifications.

Since the ANSAC case, South Africa's Competition Appeal Court (CAC) has applied this approach to cartel cases. Even in cases where an agreement might clearly appear to be illegal (as per section 4(1)(b)), the CAC has still reviewed and characterised these agreements to better understand their nature. This characterising process has influenced several cases and sometimes resulted in conclusions that an agreement did not actually fall under section 4(1)(b)'s strict prohibition, such as when companies were found to have vertical rather than horizontal relationships (e.g., supplier-customer arrangements instead of competitors).

This trend by the CAC has led to a broader interpretation of anti-competitive behaviour, often finding justifications or characterising relationships in a way that makes it difficult for the

Commission to prove violations. Over time, this approach has blurred the clear distinction intended by the Competition Act between “rule of reason” cases and strictly prohibited “per se” violations, ultimately making it more complex for the Commission to prosecute cartel behaviour effectively.

Cartel conduct is one of the most harmful violations of the Competition Act, as it harms both competitors and consumers. In the 2025 – 2030 strategic period the Commission seek to obtain clarity on section 4(1)(b), be pro-actively respond to the jurisprudence and ensure investigations take into account this jurisprudence.

The Commission also enters strategy 2025 – 2030 with favourable outcomes on prescription of matters, on discovery of documents and completed proceedings. This will strengthen the Commission’s ability to timeously conduct and conclude investigation and prosecution of cases with less procedural litigation that tends to extend the length of matters.

PART B:

COMMISSION'S **STRATEGIC FOCUS**

7 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 implementing competition policy effectively to promote competition across sectors (particularly priority sectors), diversification of economic activity to include (for example to improve township economy) and facilitate the inclusion of Historically Disadvantaged Persons (HDPs). The Commission will also be looking at adaptability of the economy to shocks. The Commission will contribute to industrialisation for inclusive growth by promoting key growth drivers such as investment, and lower prices, ultimately contributing to poverty alleviation, reduced unemployment, and economic growth. 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 Mission of the Commission

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 market 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.

9 Values of the Commission

The values adopted by the Commission in the previous Strategy cycles remain relevant for the 2025 - 2030 planning period as they align with the current and anticipated work environment whilst reflecting the principles the Commission wishes to uphold in delivering its mandate in the 2025 – 2030 strategic period. The Commission's values are informed by the people-centric approach of the Commission to its employees (as reflected in its commitment to employee welfare) and its stakeholders in the pursuit of the delivery of quality services to all the stakeholders in line with the government priority of a capable state.

The Commission has improved the description of its values for strategy 2025 – 2030 as follows:

Table 1: COMMISSION'S VALUES

Values		Description
1.	*Communication*	The Commission values the advancement of thought leadership in competition regulation, informed viewpoints, awareness, engagement with the Commission's work, and alignment with the Commission's strategy for internal and external stakeholders. The Commission effectively conveys information and express thoughts and facts whilst it also displays openness to other people's ideas and thoughts.
2.	*Ownership*	The Commission values a sense of responsibility and accountability from all parties responsible for the Commission's work, guided by the Commission's vision. This concerns the ability to commit self to the task(s) at hand, accept responsibility for own actions and decisions, and demonstrate commitment to accomplish work in an ethical and cost-effective manner.
3.	*Making a Difference*	The Commission is committed to work that has positive impact in the lives of all South Africans, in particular HDPs. It relates to the ability to deliver required business results consistently; sets and achieve, yet aggressive goals; consistently comply with quality, service and productivity standards and meet deadlines; and maintain focus on Commission's goals.

4.	*Professionalism*	The Commission embraces a good work ethic, respect, integrity, and empathy in its stakeholder interactions. It refers to the ability to demonstrate good work ethic, respect, integrity and empathy.
5.	*Employee Welfare*	The Commission recognises the need for a work environment where employees are encouraged to achieve high performance whilst realising their full potential in a workplace that maintains a healthy work-life balance. It focuses on the ability of employees to achieve their full potential whilst maintaining a healthy work-life balance.
6.	*Teamwork*	The work of the Commission is executed by multidisciplinary teams that work cooperatively and effectively to achieve common goals internally and collaborate with other stakeholders externally. It concerns the ability to work cooperatively and effectively with others to achieve common goals. It enables participants to build a group identity characterised by pride, trust and commitment.
7.	*Efficiency*	The Commission has prioritised efficiency in terms of time it takes to complete tasks/deliver services, resource intensity of its work, efficient and accountable utilisation of financial and non-financial resources at its disposal to achieve quality results. It defines the measure of how well resources are utilised (i.e. means and manner) in pursuit of quality results.

10 Strategic Goals of the Commission

Strategic Goal	Description
Strategic Goal 1: 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.
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.	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 programs, worker equity initiatives in ESOPs, beneficial collaboration exemptions, and cartel settlements to achieve public interest outcomes as envisioned in the amended Competition Act.
Strategic Goal 3: 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.

11 Commission’s Theory of Change

The Commission's theory of change presents a comprehensive causal chain linking its core activities to ultimate societal impacts. The logic begins with foundational activities in competition/market intelligence, investigations, merger control, cartel enforcement and advocacy. These activities, supported by data-driven decision-making and predictive analysis, enable the Commission to build its evidence base, understand market dynamics, and frame appropriate interventions. The Commission’s advocacy activities, including creating awareness of the importance of competition for the economy, educating and training stakeholders, contributing to agenda settings in regional and global fora, and collaborating with regulators in regulated sectors, are crucial for mobilising support for its competition enforcement activities. The development of the appropriate organisational capabilities, such as an effective organisational structure, good talent management, sound financial management, and the implementation of an effective Management Information System, contribute significantly to how these activities are performed and the outputs produced.

Enforcement and advocacy activities, enabled by a capable organisation and informed by research and analysis that examines firm behaviour and structural barriers to competition, which in turn contribute to selecting practice enforcement strategies and instruments, seek to produce specific outputs. These include enhanced competition, improved consumer choice, reduced barriers to entry, and increased compliance with competition law. The outputs are strengthened through knowledge production, research, and advocacy efforts that create awareness and influence the policy landscape. This work is underpinned by effective coordination and collaboration with other regulators and stakeholders, contributing to a harmonised approach to competition policy.

These outputs then contribute to intermediate outcomes including increased market access, enhanced market entry and participation, greater investment and innovation, and more competitive prices that reduces the cost of living for consumers and especially poor households. The Commission's organisational capabilities and effective talent management ensure these outcomes are achieved efficiently. This is further supported by improved data management systems and monitoring and evaluation frameworks that help quantify harm and impact.

The long-term results of these interventions are expected to contribute to outcomes that include increased participation by SMEs and HDPs, new firm entry into markets, expanded job opportunities, and ultimately a more effective and efficient economy. At the same time, these outcomes are realised through advocacy for the empowerment of consumers and stakeholders and a whole-of-government approach to competition matters. These outcomes collectively contribute to the Commission's ultimate goal of achieving economic growth, competitiveness, and broad participation by SMEs and HDPs, while also addressing cost of living concerns and promoting economic transformation. The theory of change emphasises that this transformation is achieved through the development of competitive firms, markets, and sectors, supported by a regional knowledge economy that fosters innovation.

Each element in this theory of change illustrates how activities and associated strategies progressively build upon each other to achieve the overarching goals of economic transformation and inclusive growth through a competitive economy.

Figure 1: Competition Commission Theory of Change

If we…

Enforce Competition Law
- Market inquiries
- Investigations
- Merger control
- Cartels

Research, Data & Analysis
- Consolidating data interventions
- Consolidate and retain knowledge
- Integrated data and information management system established
- M&E for quantification of harm and impact
- Management dashboards
- Explore the adoption of new tools (AI) and data sources

Inform, Collaborate & Advocate
- Create awareness
- Agenda setting continentally and globally
- Educate and train
- Collaborate with regulators in regulated sectors (address incoherence)

Organisational Capabilities
- Fully implement and capacitate the organisational redesign
- Effective talent management to attract and retain the right people with the appropriate expertise and experience
- Fully implement the Management Information System
- Ensure effective financial management and sustainability

So that we can…

Effective Competition
- Enhance competition
- Improve consumer choice
- Reduce BTE
- Compliance with competition law

Evidence-based Regulation
- Build our evidence base
- Understand the state of play and dynamics
- Communicate with stakeholders
- Identify price and competition trends and issues
- Ownership/ market share/ market concentration (levels, not dynamics)

Compliance with Competition Law
- Compliance
- Utilise the services of the commission
- Resolving constraints
- Supporting pro-competition policy implementation
- Influence policy landscape and agenda

Capable Organisation
- Enhance data-driven decision making
- Improve efficiency and productivity
- Appropriate mix of expertise and skills
- flexibly deploy resources to ensure expertise is focused on priorities
- Effective data and information management

So that we have…

Competitive Firms, Markets and Sectors
- Increased market access
- Market entry, expansion and participation
- Investment and innovation
- Increased job opportunities
- Competitive prices

Knowledge on Competition
- Data-driven decision-making (resource planning and allocation)
- Predictive analysis & modelling
- Influence public opinion and behaviour
- Empower consumers and stakeholders
- Value for money

Effective Coordination of Competition Policy
- Harmonization in practice
- Leveraging our economy-wide positioning (whole-of-government) approach/coordination on matters of competition policy and law
- Wall-to-wall collaboration

Effective Competition Regulator
- Improved organisational performance
- Increased sustainability
- Trust and confidence by stakeholders

So that we achieve …

Competition & Economic Transformation
- HDI and SMME (owned by HDIs) entry and participation
- New firms in markets
- Job opportunities
- Effective and efficient economy
- Competitive markets
- Economic transformation
- Cost of living

Capable Competition Enforcement
- Competition/ market intelligence
- Creates confidence
- Dynamic capabilities
- Frame appropriate and targeted interventions

So that enable …

Economic growth, competitiveness and broad participation by SMEs and Historically Disadvantaged Individuals

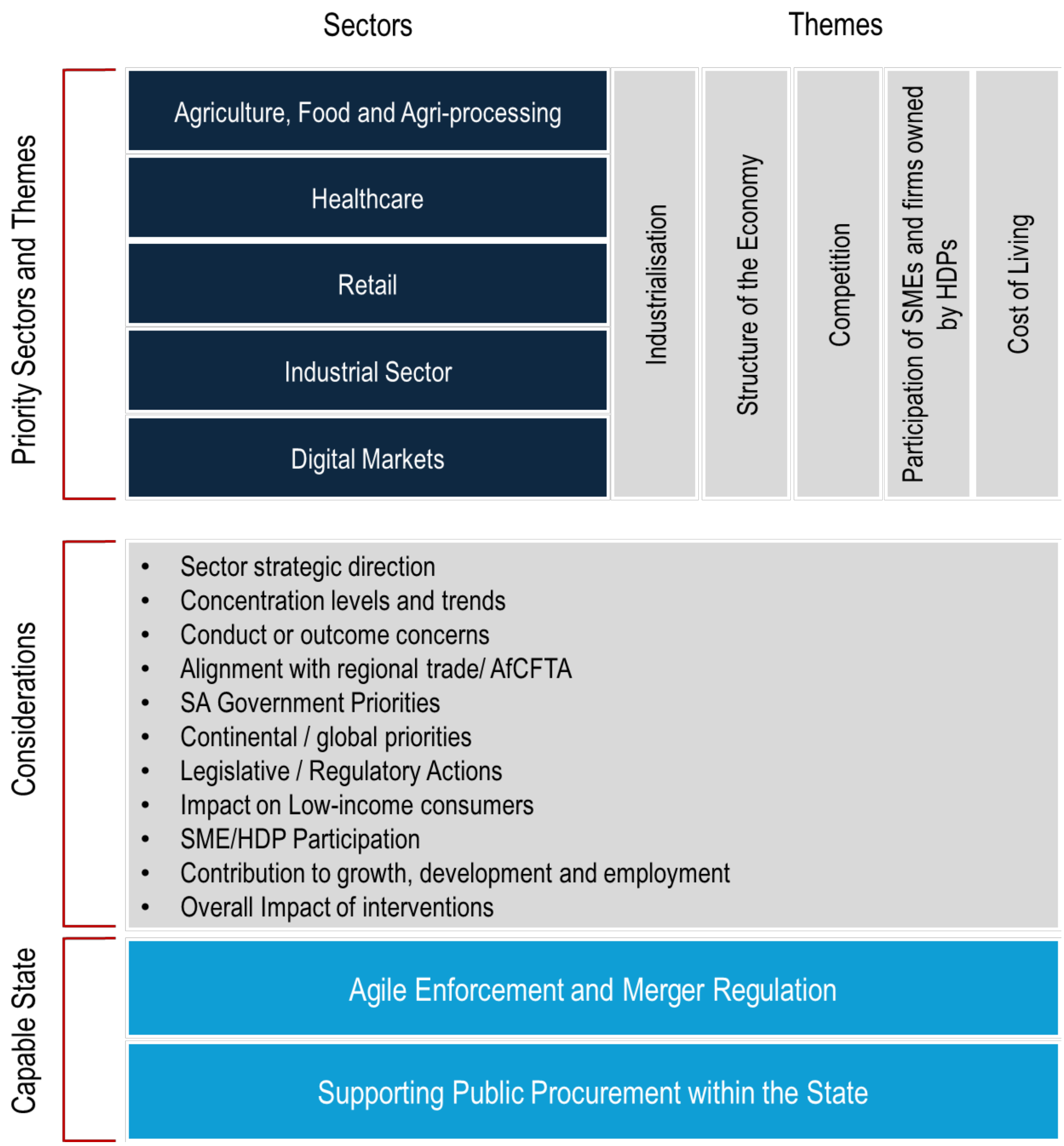
12 Prioritisation at the Commission

Prioritisation has been at the core of the strategy design of the Commission since 2018 and has sought to enable the Commission to deploy its resources in an efficient manner in the execution of its proactive and reactive work in pursuit of greater impact and outcomes that are aligned with the needs of its stakeholders, priorities of the government and its strategic focus. This approach enables the Commission to identify and select strategic sectors to focus its enforcement and advocacy work. Prioritisation takes into account the reality of resource constrained environment within which the Commission must execute its mandate and need for greater impact. The priorities identified for the 2025 to 2030 strategy cycle has been guided by:

(1) **High Impact** – the Commission would like to focus its resources and efforts towards greater impact and has considered the potential of its impact in the identification of sectors and themes for the focus of the Commission.
(2) **Competition issues** – the identification of sectors and themes by the Commission has also taken into account existing and likely competition issues.
(3) **Government priorities** – the Commission seeks to align with the priorities of the 7th Administration, the MTDP and the priorities of the dtic with the aim of supporting government in achieving its goals. Therefore, sector prioritisation takes into account government priorities in terms of sectors, goals and cross cutting themes.
(4) **Impact on low-income consumers –** the Commission will also focus on the impact of competition issues on low-income consumers, with priority sectors/themes guiding by this principle.

The prioritisation framework guides the proactive work of the Commission (e.g. self-initiations, market inquiries, advocacy, cartel detection) and improves the execution of the reactive work of the Commission (e.g. merger filings, complaints, leniency applications) to achieve the stated priorities of the government within the mandate of the Commission. The prioritisation framework will guide prioritisation at operational level and will consider the extent of the impact, e.g. high impact in the non-priority areas vs low impact in the priority areas, and impact on low-income consumers.

The prioritisation framework of the Commission has the following elements:



Guided by this framework, the Commission will focus on the following key issues over the 2025 – 2030 strategy cycle:

- The Commission is committed to fostering a competitive and inclusive economy that benefits all South Africans, with our programs aligned to the priorities of the 7th Administration to drive socio-economic change in South Africa, namely: inclusive growth and job creation, reduction of poverty and tackling high cost of living and building a capable, ethical and developmental state.
- In pursuit of the inclusive growth and job creation, the Department of Trade Industry and Competition has identified the implementation of Accelerated Industrial Policy as a key

priority in the 7th Administration. The Commission believes a pro-competition industrial policy will be beneficial to South Africa in line with various studies on this including those by the OECD. The Commission intends to support industrialisation by prioritising work with impact to industrialisation for quicker turnaround times and also initiate targeted interventions to deal with competition issues that affect industrialisation.

- The Commission will continue to support collaboration of firms through exemptions to realise improved complexity of manufacturing, localisation and exports to drive inclusive growth. The Commission will be improving its efficiencies in the finalisation of the exemptions to ensure the availability of this tool for improved collaboration learning from what has been achieved in various sectors.
- The Commission's contribution to the transformation of the South African economy will focus on the structure of the economy, participation of Small and Medium Enterprises (SMEs), participation of firms owned by Historically Disadvantaged Persons (HDPs) and geographic concentration of economic activity. In addition to this, the Commission will continue to support ownership of shares by employees in the companies they work in.
- The Commission is also seized with the imperative of reducing the cost of doing business and creating an environment that is conducive for entry and expansion by preserving the value of investments through promoting competition. The Commission will be focusing on ensuring its processes are more agile, predictable and easier to engage with so as to improve the environment within which business operates and the cost of doing business.

The Commission will respond to these areas of focus though the following key interventions:

(a) Enforcement against conduct that reduces contestability of markets and competition within the economy, particularly on catalytic sectors/sectors linked to catalytic sectors and priority sectors of the Commission.
(b) Interventions that improve the participation of SMEs and firms owned by HDPs in the economy.
(c) Competition regulation for improved access to key inputs and reduction of cost of inputs for production of goods and services in prioritised areas.
(d) Competition regulation for improved market structure in prioritised markets in the economy.
(e) Reduction in cost of living and agile responses to deal with shocks that affect low-income households.

13 Situational Analysis

13.1 External Environment

13.1.1 Economic Outlook

The 2025 – 2030 strategic planning cycle is underpinned by a weak economic outlook forecasted to be at an average of 3.1% over the next five years. This is one of the lowest in decades. Thus, while global economic growth is expected to improve over the coming five years, the improvements are still lower when compared to rates recorded in the previous decades. There has been a consistent downward revision trend of growth forecasts by forecasters since the 2008-09 financial crisis, and the global economic outlook remains challenging in the 2025 – 2030 strategy cycle. Therefore, implementing this strategy will take place in the context of a pessimistic global economic outlook.

The South African economy is beginning to show off-shoots of growth, with the gross domestic product expected to rise to 1.3 percent in 2024[2] from 06 percent in 2023[3]. This follows sluggish Gross Domestic Growth (GDP) growth averaging only 0,8 percent between 2015-2023, significantly impacted by electricity supply constraints and infrastructure challenges, highlighting structural impediments to economic expansion.

Unemployment remains extremely high, currently estimated at 32.9 percent in the first quarter of 2024[4]. While headline inflation appears to be decelerating towards the mid-point of the target inflation range, at an estimated 4.9 percent[5], this is off the back of significantly high prices that typically characterise the South African economy. Household consumption expenditure continues to be under pressure, projected to be around 1.3 percent in 2024[6], and likely to remain challenging over the short- to medium-term. Given these conditions, consumer markets remain an important area of focus as cost-of-living challenges remain top of mind, and consumer spending is likely to be focused on essentials[7]. The cost-of-living concerns have become increasingly central to competition enforcement priorities. According to Statistics South Africa[8], consumer inflation peaked at 7.8% in July 2022, with food inflation reaching

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2 National Treasury. 2024. 2024 Budget Review Report Economic Outlook. Available at Microsoft Word - Ch2 (treasury.gov.za). pg 15.
3 African Development Bank Group. 2024. South African Economic Outlook. Available at South Africa Economic Outlook | African Development Bank Group (afdb.org)
4 Statistics South Africa. 2024. Quarterly Labour Force Survey. Available at P02111stQuarter2024.pdf (statssa.gov.za). pg 1.
5 National Treasury. 2024. 2024 Budget Review Report Economic Outlook. Available at Microsoft Word - Ch2 (treasury.gov.za). pg 15.
6 Ibid.
7 PwC. 2024. PwC's Voice of the Consumer Survey 2024. Available at PwC's Voice of the Consumer Survey 2024
8 https://www.statssa.gov.za/?p=16550

even higher levels, prompting the Competition Commission to intensify its focus on basic consumer goods markets and investigate potential price gouging. The Commission's Essential Food Pricing Monitoring reports have highlighted concerns about concentration in food value chains and their impact on consumer prices.

Although structural constraints, particularly in network industries such as logistics and energy, have, over the past, created significant economic uncertainty with the concomitant negative impact on investments, efforts to resolve these challenges are showing initial stages of turnaround and creating positive business confidence. This notwithstanding, the lacklustre growth in the number of small businesses is not sufficient to address the deficit in economic growth and participation in the economy. While small businesses are a key feature of high-performing economies, given their relative contribution to employment and value added, this is not the case in South Africa[9].

The energy transition will drive the demand for 'metals of the future', likely leading to renewed deal-making appetite in the mining, energy and resources sectors. Similarly, growth in the online economy and the increasing impact of artificial intelligence on business are likely to see the facilitation of entry by firms in various markets followed by a drive towards consolidation afterwards.

Some sectors are showing signs of growth, particularly industries such as fintech and insurance technology, logistics and delivery, agriculture, telecommunications, retail and the restaurant and hospitality sectors. However, key sectors such as construction, mining, and manufacturing are expected to remain subdued in the short-term[10].

The current conditions point to a likely renewed appetite for mergers and acquisitions as investors show cautious optimism about the future of the South African economy. This consolidation, mainly likely to be driven by market leaders, may lead to increased market concentration and its associated concerns regarding the prospects of economic transformation. Moreover, this consolidation is likely to be driven by the need for incumbents and dominant players to bolster their growth and diversification strategies[11], leading to potential concerns about leveraging market power from core markets into related or adjacent markets. The limited growth in the number and relative contribution (value added and profitability) of small businesses in the South African economy points to the need for a

[9] Trade and Industrial Policy Strategies. 2023. The State of Small Business in South Africa 2023. Available at TIPS - REB Special Edition - The State of Small Business in South Africa 2023.

[10] National Treasury. 2024. 2024 Budget Review Report Economic Outlook. Available at Microsoft Word - Ch2 (treasury.gov.za). pg 20.

[11] Hogan Lovells SA. September 2024. M&A activity in South Africa expected to remain muted in 2024. Available at M&A activity in South Africa expected to remain muted in 2024 (abizq.co.za)

concerted policy and regulatory effort to improve the ease of doing business and the development of strategies for scaling up support and strengthening small business development as part of an inclusive industrialisation programme.

13.2 Trade and Competition Policy Developments

The world has seen a shift towards digital platforms, where consumers and businesses complete most transactions through digital platforms. Moreover, the Covid-19 pandemic accelerated the shift towards digital platforms. Digital platforms have contributed to technological developments and have given rise to several new business models and novel products and services. Consequently, innovation has contributed to economic growth. Therefore, digital platforms present many opportunities for economies in terms of innovation and efficiency. However, challenges for competition authorities arise from this innovation - some risks and challenges come with digital markets. These risks prompted competition authorities to monitor the potential anti-competitive behaviour in these markets. Consequently, several countries have designed new regulatory frameworks; for example, countries such as Australia, Brazil, India and the United Kingdom base their newly designed frameworks on the European Union's Digital Markets Act.

The growth of digital markets and advances in artificial intelligence (AI) present unique opportunities and challenges for South Africa as it seeks to address deep-seated structural economic issues, including low growth, unemployment, inequality, and poverty. The digital economy offers a new frontier for economic diversification and can support a more agile, innovative business environment with lower entry barriers for SMEs. Digital platforms, for instance, make it easier for local entrepreneurs to reach wider markets and engage consumers in new ways, potentially creating employment opportunities and stimulating economic growth. However, if left unchecked, the growth of these markets could exacerbate existing inequalities, especially if dominant (global) firms dominate the market, pushing smaller players to the margins. This is a particular concern in South Africa, where high levels of concentration exist in several sectors, and where the cost of digital access remains prohibitive for many.

The rise of AI technologies could further intensify competition dynamics, offering efficiencies and innovative potential but also introducing risks related to monopolistic power and data dominance. Large multinational companies leading in AI development may leverage their resources to gain competitive advantages, limiting the ability of local businesses to compete effectively in this emerging sector. AI-driven tools can enable companies to gain insights into consumer behaviour, predict demand patterns, and even manipulate markets, raising concerns about unfair competitive practices and consumer exploitation. For a country like South Africa, which is working to foster a balanced and inclusive economy, it will be essential to develop competition regulations that address these emerging challenges.

Effective competition regulation in the digital and AI era will require South Africa to enhance its regulatory capabilities and adapt its competition instruments to keep pace with rapid technological changes. The Commission, for example, will need to explore new regulatory tools to address complex issues such as platform dominance and AI-induced anti-competitive practices. Promoting fair competition in digital markets will also involve collaboration with international counterparts, as many dominant digital firms operate across borders. The impact of these global developments on South Africa's structural transformation could be profound, either by empowering a more diverse and resilient economy if well-regulated or by entrenching existing inequalities if these challenges are not adequately addressed. Therefore, aligning competition regulation with digital and AI advancements is crucial for South Africa to harness the digital economy's potential as an inclusive economic growth engine and mitigate the risks associated with increased digital market concentration and data monopolisation.

In South Africa, the Commission completed the Online Intermediation Platforms Market Inquiry and decided not to design a new legal framework for the digital platforms. Instead, the Commission opted to leverage its existing tools and framework to deal with the competition concerns identified in the Inquiry. Therefore, while the Commission notes these factors in the external environment, which affect competition, it continues to adapt and leverage some of the important tools it has at its disposal to deal with these risks.

Geopolitical tensions are on the rise, and this affects trade between countries. The conflicts in Europe, the Middle East and Africa continue negatively affecting trade in many other countries. There is also a growing trend of protectionist policies in different countries, negatively affecting global trade. These tensions disrupt trade flows, heighten uncertainty, and drive-up costs across critical supply chains, particularly in energy and technology. For a country like South Africa, these dynamics amplify existing economic challenges, as slower global growth diminishes demand for South African exports and increases the cost of imports. The resulting volatility affects South Africa's structural transformation efforts by constraining its ability to generate sustainable growth, create employment opportunities, and address pervasive inequality and poverty.

The trade tensions between the U.S. and China have also led to a more fragmented global trading system, with competing trade blocs and heightened protectionist policies. This division can inhibit South Africa’s access to global markets, technology, and investment capital, which are essential for developing sectors that drive economic diversification and structural transformation. As the global economy divides along geopolitical lines, South Africa risks being caught in a competitive disadvantage, potentially limiting its access to markets and investment critical for modernising industries and improving economic competitiveness. Additionally, rising energy prices and disruptions in key imports like food and manufactured goods exacerbate inflationary pressures, reducing purchasing power for already vulnerable South African households.

These global developments underscore the importance of robust competition regulation within South Africa. Trade and competition policy are increasingly interlinked as geopolitical tensions shape global trade practices and influence market dynamics domestically. Competition authorities in South Africa must now navigate complex international influences that affect local market structures, including the risk of foreign firms dominating sectors crucial to the country’s economic transformation.

Strengthening competition regulation is vital to protecting South Africa’s small and medium enterprises (SMEs), ensuring competitive pricing, and promoting inclusive growth in a global environment where competition is skewed by geopolitical interests. By ensuring fair market conditions, South Africa’s competition regulators can support local industries, foster innovation, and address some of the socioeconomic challenges, even as global conditions remain uncertain and turbulent. There is an increasing need to promote the localisation of certain products during the 2025 - 2030 cycle. This will mitigate against the effect of imported inflation but also increase South Africa's production base and allow firms to take advantage of opportunities elsewhere.

Competition authorities across Africa are playing an important role in advocating for and enforcing competition policy. There has been a growing trend of sharing information and adopting consistent standards across countries. This is supported by the adoption of the Protocol on Competition Policy by the African Union Assembly of Heads of State and Government in February 2023. Furthermore, adopting the African Continental Free Trade Area (ACFTA) presents many opportunities for South African companies in terms of expanding exports to other African markets. However, to take advantage of opportunities in African markets requires a competitive and efficient domestic market. Therefore, there is a need to strengthen competition, remove barriers and improve productivity in the domestic market to enable firms to take advantage of the opportunities presented by ACFTA in the 2025 - 2030 cycle.

The development of regional competition regulation within Africa holds strategic importance for South Africa and other African nations engaged in the African Continental Free Trade Area (AfCFTA). The adoption of the Protocol on Competition Policy as part of AfCFTA reflects a pivotal shift in how competition issues are addressed across African markets, where domestic firms often operate regionally. This approach recognises the interconnected nature of African economies, where markets often transcend national borders, and positions regional competition as a critical driver of economic integration. For South Africa, with its significant regional economic influence, aligning with and supporting regional competition regulation is essential for advancing fair market practices that benefit domestic industries and foster structural transformation.

Regional competition regulation enables African competition authorities to collectively address cross-border competition issues that impact regional trade, such as monopolistic practices by large multinational companies that operate across multiple African countries. Coordination with regional competition authorities provides a harmonised framework that ensures that firms can compete equitably while also promoting the growth of local and small enterprises across the continent. By fostering competitive regional markets, regional competition regulation contributes to a stronger, integrated African economy that can create more employment opportunities, support industrialisation, and enhance economic resilience. For South Africa, this translates into a regulatory environment that not only protects its domestic market but also promotes sustainable economic growth and transformation across the region.

13.3 Firm Behaviour

One issue that continues to evolve is characterisation, which remains a challenge for the Commission. The business and legal fraternity are pushing for characterisation when assessing cartel conduct. This issue of cartel characterisation is receiving attention from the Commission as it affects the investigation and prosecution of cartel cases.

Following implementation of the amendments to the Competition Act, particularly public interest issues, there is some resistance from business in meeting the public interest requirements in merger review. The merging parties are mostly disagreeable with public interest conditions proposed by the Commission, which therefore extend the length of merger investigations and, in some instances, compromise the turnaround times.

Furthermore, to resolve the issues while growing into the amended public interest, negotiating merger conditions with the merging parties has become more complex and lengthier, with some compromises on merger conditions during negotiations, which may affect achieving the intended outcomes.

The Commission continues to resolve some cases at the screening level, which facilitates more competition and participation by SMEs.

13.4 Internal Environment

13.4.1 Organisational Capacity

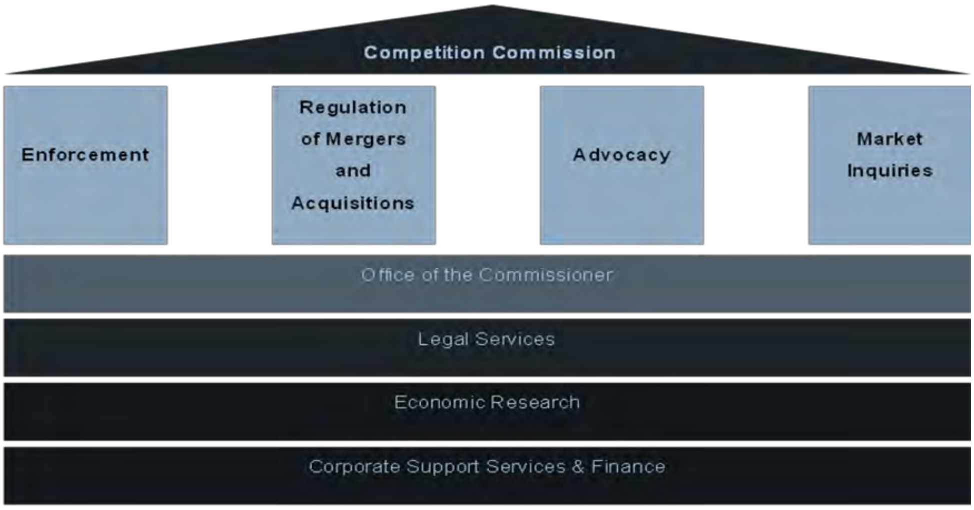
(a) Organisational Design

The Commission reviewed its organisational design and structure during the previous strategy cycle as it sought to respond to the impact of the amendments to the Competition Act that introduced far-reaching changes to the Competition Act, giving competition authorities a greater scope to advance the objectives of the Competition Act; notably, this included the promotion of competition and economic transformation through addressing, inter alia, the structures and deconcentrating of markets, in addition, greater participation by SMEs and HDPs.

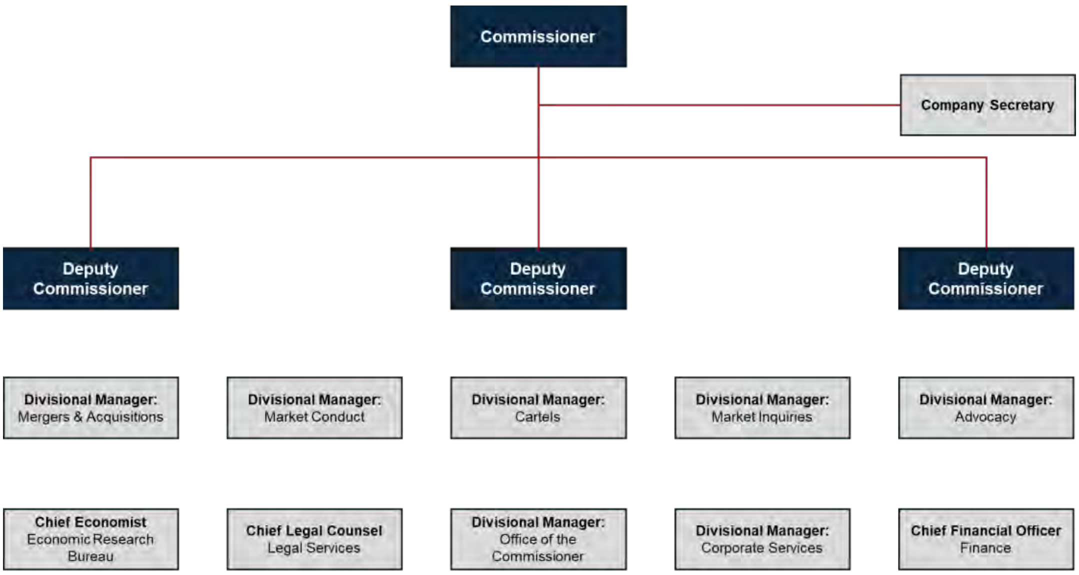
The review process found that there was an increase in scope of work due to the Competition amendment Act, which increased the Commission's scope of work through expanded powers in some areas and the introduction of public interest provisions. The amendments changed the resource intensity of some of the areas of the Commission including in Mergers and Acquisitions regulation and in conducting Market Inquiries. The other factor was an economic decline that resulted in an increase in workload beyond the expectations of the Commission.

This process resulted in a functional structure benchmarked with competition authorities elsewhere in the world and some regulators and public institutions domestically. This functional structure sought to increase capacity at the Commission within the fiscal envelope of the Commission in the medium term.

The operating model for the Commission that resulted from the process can be illustrated as follows:



This model created the following divisions: core enforcement work conducted through Cartels, Market Conduct, Mergers & Acquisitions, Market Inquiries (expected to be operationalised before the end of the 2020-2025 strategy cycle) and Advocacy divisions; this work is supported by the Economic Research Bureau division (providing economic expertise) and the Legal Services Division (providing legal expertise). The Finance and Corporate Services divisions provide shared services/corporate services like finance, Human Capital and Information and Communications Technology and other corporate support services. The Office of the Commissioner provides coordination and specialised support in various areas, including corporate governance, strategy, communication, stakeholder relations and international relations. The current organisational structure is illustrated below:



This Strategic Plan may necessitate a review of the Organisational Structure to take into account the need to capacitate the Commission to respond with greater agility to the new priorities of the 7^{th} Administration while also responding to the changing environment within which the Commission is conducting its work. A well-designed structure ensures that specialised expertise and skills are strategically aligned with priority areas. This alignment will allow the Commission to respond dynamically to market developments, undertake timely investigations, and conduct robust market inquiries essential for detecting and addressing anti-competitive practices. By structuring teams to focus on key priorities, the competition authority can optimise its resources and enhance accountability within its ranks. Furthermore, this strategic design allows for flexible resource allocation, so teams can adapt as new priorities emerge—especially in response to evolving market conditions, such as increased digitalisation.

(b) Human Capital and Human Capital Management

The attraction and retention of the right people at the Commission is critical to realising the Commission's mandate. At the core of this is a compelling Employee Value Proposition that attracts the best talent, ensures engagement of these employees and ensures high retention rates of talented and high performing employees. The Commission has conducted a number of interventions related to career management, including skills audit of the current employees and designed measures to improve succession planning/ career mobility. This investment in talent development ensures that staff are not only equipped to investigate and resolve competition issues in traditional sectors but are also prepared to tackle emerging challenges in areas like digital markets and artificial intelligence.

In line with its talent management framework, the Commission has also sought to improve its Performance Management System to create a high-performing agency where high-performing employees are recognised, rewarded and motivated. The remuneration and rewards framework of the Commission is one of the key tenets of the Employee Value Proposition of the Commission and is currently being refined to ensure effectiveness. The work done at the Commission is specialised, requiring a deep understanding of Competition Law and Economics coupled with applying these in different operational areas of the Commission. It is quite challenging to source people who are appropriately skilled and ready to operate effectively within the Commission's environment. A succession pool is required to ensure business continuity and sustainable high-performance levels at the Commission. Thus, developing the framework and its effective implementation remains key for organisational success.

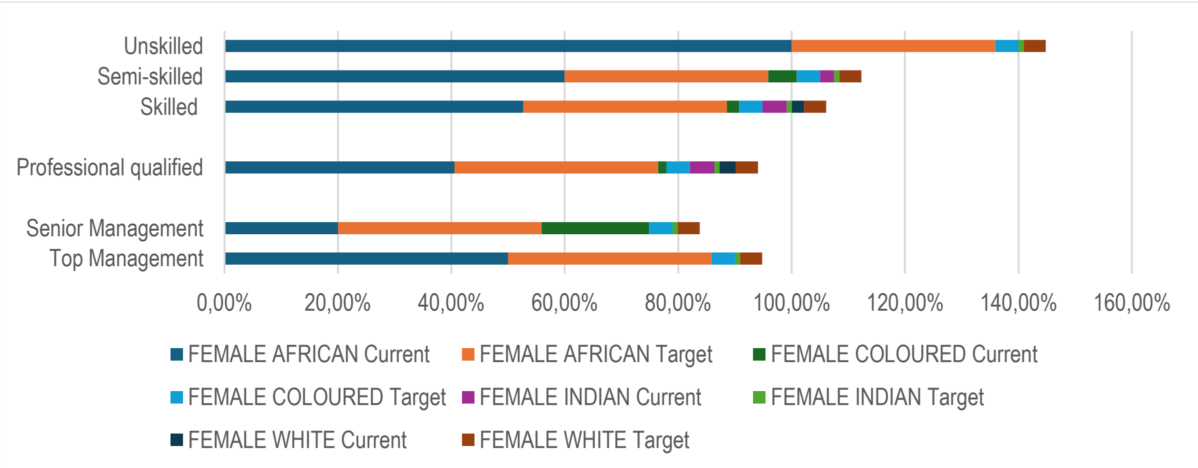
Another policy framework that has been developed and its implementation will be intensified is the Human Capital Development Strategy (HCDS). The HCDS is intended to ensure that the Commission optimises its human capital, resources, systems and processes to be an effective agency. Furthermore, it aims to ensure that the Commission builds strong, reliable, and integrated information management systems underpinned by the best in-range IT platform, which allows data to be securely shared, stored, and managed. The Commission will continue implementing this Strategy during the 2025 – 2030 cycle.

The Commission believes that the mental health and well-being of its staff is key to its success and sustainability, hence the establishment of the Mental Wellness Policy. The policy is aimed at ensuring that the Commission promote and maintains the mental wellbeing of all employees. The goal of the policy is to:

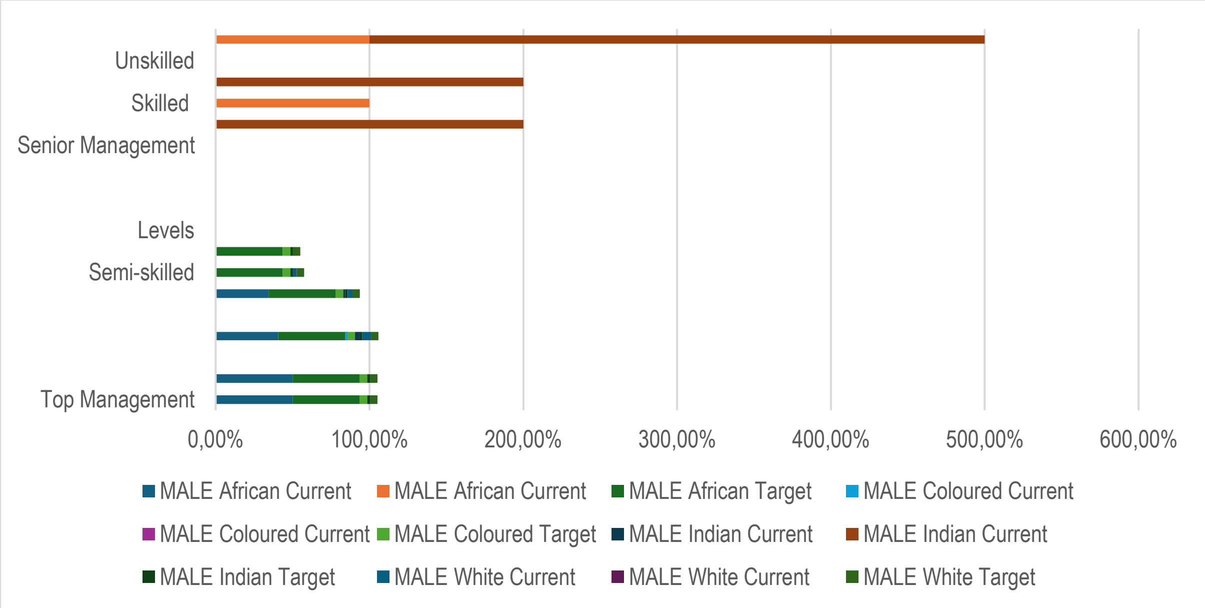
(a) build and maintain a workplace environment and culture that supports mental health and wellbeing and prevents discrimination (including bullying and harassment).
(b) increase employee knowledge and awareness of mental health and wellbeing issues and behaviours.
(c) reduce stigma around depression and anxiety in the workplace.
(d) facilitate employee's active participation in a range of initiatives that support mental health and wellbeing.

The Commission is implementing the policy, and employees are highly participating in various initiatives. In the new strategy cycle, the Commission will continue to look after and promote employees' mental well-being. One of the key issues that the Commission continues to grapple with is building and maintaining a workplace that aligns with the requirements of equity, below is a summary of where the Commission is currently operating:

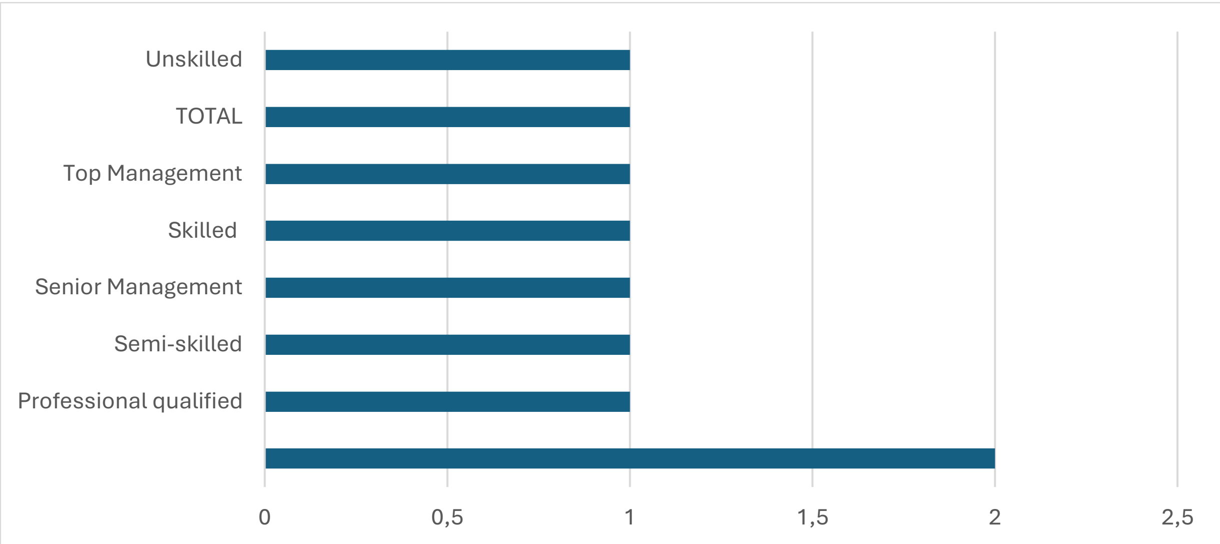
- **Female Profile**



- **Profile of Men**



- **People with Disabilities**



In line with the Commission's strategy to ensure employment equality through race and gender, particularly in leadership positions, the Commission has increased the number of African females in top management, from 0% in 2019/20 to 50% in 2024/25. However, on senior management positions, the Commission recorded 55.56% for African females in 2019/20 and this figure has decreased to 20% in 2024/25. Overall, the Commission's proportion of the total male workforce was at 56.10% in 2019/20, and this shifted to a higher female workforce of 59.35% by 2023/24. Therefore, there has been improvement in the Commission's gender equality targets.

13.4.2 Organisational Policies, Business Processes and Systems

The Commission's information and communication technology environment was reviewed, and an Information and Communications Technology (ICT) strategy was developed and approved in the 2020 - 2025 cycle. The review proposed modernising the Commission's infrastructure and services to effectively enable the organisation's work. During the period under review, the Commission will continue to use Artificial Intelligence (AI) to watch market activity, monitor cartel activities, automate tasks, improve decision-making, and personalise user experiences. Moreover, the rollout of 5G and the development of even faster networks like 6G is expected to transform how organisations connect and access information. Thus, the ICT strategy has been developed in anticipation of these changes that might come during the period under review.

The Management Information System (MIS) was developed and will be implemented during the period under review. The MIS is a seamless, fully integrated, and secure business system application with minimum customisation, initiated to improve organisational performance. Its implementation presents several opportunities for the organisation, including recording every activity a user does throughout a working day in the order that work is done, all while labelling their activity correctly.

The following key milestones were achieved as part of developing the Commission's knowledge management and registry operations:

(a) Records Management as a Governance Tool: Compliance with records and information management legislation: National Archives and Records Services Act, Promotion of Access to Information Act, Promotion of Administrative Justice Act, Protection of Personal Information Act, Competition Act, Electronic Communications and Transactions act.
(b) Case administration support. Compliance with Competition Act Rules.
(c) Fee Income administration in compliance with the Competition Act Rules.
(d) The unit operated optimally during Covid 19 despite the increased workload.
(e) Provision of Information Resource Centre (IRC) services to support case work.

13.4.3 Facilities and Security

Significant progress was made in enhancing occupational health and safety (OHS), security, and operational efficiency. A key accomplishment was the establishment of the OHS Committee, a cornerstone in driving safety initiatives across the organisation. Alongside this, developing an OHS policy statement and various policies and procedures laid the foundation for a safe and healthy work environment. Targeted hazard identification and risk assessment activities, such as ergonomics and indoor air quality assessments, were also introduced to manage workplace health risks proactively.

Security enhancements during this period included the appointment of a Security Manager who actively collaborates with the State Security Managers Forum under the State Security Agency (SSA), helping to safeguard both assets and personnel. Policies and procedures to strengthen security were developed, and infrastructure improvements were made for critical areas. Additionally, a comprehensive threat and vulnerability assessment was conducted to identify and close security gaps, further reinforcing the organisation’s protection.

Operational achievements also supported employee well-being and organisational efficiency. Additional space and parking were acquired to accommodate staff needs, while efficiency mechanisms were introduced to streamline the handling of queries. Furthermore, an alliance was formed with dtic tenants to align safety protocols across the dtic campus, reinforcing a cohesive approach to security and health standards. These initiatives collectively underscore the organisation’s commitment to a secure and supportive work environment.

13.4.4 Financial Management and Sustainability

The Commission has consistently achieved a clean financial and performance audit, illustrating good decision-making structures and governance. Sound financial management is essential for the Commission to operate effectively within the fiscal constraints of government. Prudent financial management is a foundation, requiring careful budgeting, spending, and tracking to ensure resources are allocated optimally to fulfil the authority’s mandate. By adopting stringent cost-saving practices, the authority aligns with government-wide cost-containment measures to minimise non-essential spending, thereby ensuring that resources are concentrated on critical priorities like enforcement, compliance, and advocacy. Such measures also help prevent budget overruns, allowing for more strategic use of available funds.

Managing reserves is another crucial aspect, as maintaining adequate reserves enables the Commission to mitigate risks associated with unexpected costs, ensuring stability and continuity in its operations. This fiscal discipline protects the Commission from potential financial shocks that impede its enforcement and regulatory activities. In parallel, effective cash flow management ensures that the authority can meet its obligations consistently and operate smoothly by balancing income with expenditures over the fiscal period. Furthermore, leveraging resources from other institutions where feasible amplifies the authority's capacity without escalating costs. By drawing on external resources, the authority can access expertise and operational support that would otherwise require substantial investment, enhancing its ability to regulate effectively while adhering to sound financial principles. Together, these financial management strategies enable the Commission to maintain a sustainable operational model, reinforce financial discipline, and optimise its impact within the broader goals of public service efficiency and accountability.

PART C:

MEASURING OUR PERFORMANCE

14 Institutional Performance Information

14.1 Impact Statement

Impact Statement of the Commission	Significant contribution to competitive markets that results in reduced prices, increased industrialisation (resulting in more investments, increased jobs, etc) for improved participation of SMEs and firms owned by HDPs in the economy through agile enforcement, merger regulation and advocating for a pro-competition environment.

14.2 Measuring Outcomes

The outcomes of the Commission over the next five years will be as follows:

Strategic Goal 1: To stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth Cross Cutting Outcomes				
outcome	**Outcome Indicator**	**Baseline**	**5 Year Target**	**Strategic Contribution**
1. Agile enforcement of the Competition Act for improved compliance.	1. Agile regulation of Mergers & Acquisitions in the Economy	N/A	• 3 Reviews in merger thresholds to improve regulatory focus • 5 red tape reviews to improve efficiencies.	Capable State
	2. Effective monitoring compliance with mergers & acquisitions and enforcement conditions and remedies from inquiries.	4	• 10 No. of evidence-based impact reviews on firm entry, transformation and competitiveness as a result of conditions imposed by the Commission.	Capable State and Investment Promotion

2. Significant contribution to industrialisation and inclusive growth.	3. Efficient investigation of complaints and proactive work of the Commission	4	• 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 market-wide interventions initiated in the economy to ensure improved competition including removal of barriers to entry (including access to finance), market access, access to upstream inputs and reduced concentration levels in the economy. • No. of cartel investigations completed, including high impact cartel cases dealing with market access, access to intermediate industrial inputs and concentration in the economy	Addressing exclusionary conduct Enforcement to address the high costs of living Enforcement to enable inclusive growth (removing barriers that hinder the inclusion of SMEs and HDPs) markets Enforcement to address the high costs of living

	4. High success rates on prosecution of cases at the Tribunal and other courts	≥80%	• % 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.	Decartelisation of Markets Capable State Enforcement to address the high costs of living Markets Capable State Enforcement to address the high costs of living out exclusivity on a critical input, market access for SMMEs, export promotion, lower cost of critical inputs (pricing remedies) Enforcement to address the high costs of living out exclusivity on a critical input, market

3. Improved dynamism and competitiveness of Markets	5. Reduced barriers to entry and expansion, measured by the number of pro-competitive interventions implemented that results in increased participation of new entrants in targeted markets.	N/A	• No. of advocacy interventions on concentration levels, initiatives to remove entry barriers, and the impact of the Commission's interventions in priority sectors. • No. of initiatives 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.	Capable State Effective Competition regulation

	6. Enhanced monitoring and advocacy on economic concentration, measured by the publication of reports, policy recommendations, and stakeholder engagements on market concentration trends.	N/A	• Number of initiatives to monitor concentration of the Economy.	Capable State Effective Competition regulation

	7. Enhancement of a pro-competition environment through contributions to reviews in legislation, policy, and regulatory frameworks, measured by the number of legislative or policy reforms influenced, and pro-competitive regulations adopted in priority sectors.	N/A	• No. of interventions for pro-competition laws, government policies, government regulations and government programs.	Capable State Effective Competition regulation
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				
4. Participation of SMEs and firms owned by HDPs.	8. Improved support for enterprises owned by women, youth, and people with disabilities, and enterprises operating in townships and rural areas.	N/A	• No. of barriers removed in markets to improve participation in the economy by enterprises owned by women, youth, and people with disabilities, and enterprises in townships and rural areas.	Effective Competition Regulation

	9. 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.	N/A	• Number of initiatives to monitor concentration of the Economy. • No. of advocacy interventions on concentration levels, initiatives to remove entry barriers, and the impact of the Commission's interventions in priority sectors.	Capable State Effective Competition regulation Effective Competition regulation Reduced cost of living
	10. Advocate for pro-competition laws, policies, regulations and government programs in priority sectors.	N/A	• No. of pro-competition laws, government policies, government regulations and government programs.	Collaboration with government to ensure competition law compliance.
	11. Advocate for improved awareness, understanding and compliance with the Competition Act.	N/A	• 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. • 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. •	Collaboration to ensure competition law compliance. business and business certainty Reduced cost of living

5. Improved collaboration to advance the objectives of the Competition Act.	12. Successful initiatives in collaboration with government to further the objectives of the Competition Act.	N/A	• No. of collaborative interventions with other dtic entities, other regulators and the rest of government in furtherance of the objectives of the Competition Act. • No. of Collaborative research initiatives conducted with the dtic and its agencies to reduce red tape, deal with market access, access to upstream inputs and levels of concentration in the economy.	Collaboration with government
	13. Success initiatives in collaboration with international stakeholders	N/A	• 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.	Thought leadership and knowledge management Effective global competition regulation.
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	14. Improved agility of our business processes	100%	• % of supplier invoices paid within 20 days.	Building a capable, ethical and

governed institution.				developmental state
	15. Compliance with laws, regulation, policies and processes applicable to the operations of the Commission	Clean Audit	• Audit Outcome • Compliance with BBEEE Legislation	Building a capable, ethical and developmental state
	16. Safe and conducive working environment for employees of the Commission.	4	• No of initiatives to promote compliance with relevant legislation, policies and standards on OHS.	Building a capable, ethical and developmental state
	17. Digitalisation of key processes at the Commission for improved efficiency.	N/A	• No. of digitalised key processes of the Commission including processes related to merger regulation.	Building a capable, ethical and developmental state
7. Strengthened capability for efficiency and effectiveness.	18. Highly engaged, productive and high performing employees of the Commission	1%	• % of HR spend in learning and development. • % retention rate of staff complement. • % of staff reached through training initiatives.	developmental state ethical and developmental state

14.3 Explanation of planned Performance for the next five-years

The achievement of the planned performance in this strategy cycle will be enabled by:

- effectively implementing the Prioritisation Framework
- drawing on the experience and insights to enhance merger regulation,
- using market inquiries as a strategic tool
- using a combination of the enforcement, regulatory and advocacy instruments
- ensuring a highly effective competition authority
- review of merger thresholds
- full implementation of the organisational structure

The Commission will enhance its impact by rigorously implementing the Prioritization Framework to optimise resource allocation across enforcement activities. This involves systematically evaluating potential cases based on clearly defined criteria, including likelihood of successful prosecution, precedent-setting value, deterrent effect, and alignment with strategic priorities. By developing and consistently applying sophisticated screening tools and assessment matrices, the Commission will more effectively identify high-impact cases while maintaining flexibility to respond to emerging competition concerns. This data-driven approach to case selection ensures that limited resources are directed toward enforcement activities that will generate the greatest public benefit and establish important legal precedents.

Building on lessons from previous merger evaluations, the authority can strengthen its merger regulation approach, particularly regarding public interest conditions. By documenting best practices and challenges from past cases, the Commission can refine its methodologies for crafting more effective and enforceable conditions. Additionally, implementing improved monitoring and compliance verification systems ensures that merged entities fulfil their public interest commitments, creating tangible benefits for local industries and entrepreneurs.

Market inquiries are a powerful strategic tool for comprehensive market analysis and reform. By selecting sectors with significant competition concerns and consumer impact, as guided by the Prioritisation Framework, the Commission can conduct in-depth investigations that illuminate structural barriers, identify anti-competitive practices, and develop evidence-based recommendations. To produce actionable findings, these inquiries should incorporate advanced economic analysis, stakeholder engagement, and international best practices. The resulting recommendations can range from specific behavioural remedies to broader regulatory reforms, providing a solid foundation for market-wide interventions that address systemic competition issues. The Commission has established the Market Inquiry division which will be responsible for conducting market inquiries and monitoring implementation recommendations from the inquiry. The Market Inquiry division is at its infancy stage, therefore the Commission will continue to rotate resources to support the division until it is fully capacitated. The Commission will prioritise filling the positions in Market Inquiry given its strategic nature and anticipated impact from market inquiries.

Maximising impact requires competently combining enforcement, regulatory, and advocacy instruments while building institutional capability. The Commission will strategically sequence interventions, using enforcement actions to address immediate violations while pursuing regulatory reforms and advocacy initiatives to address underlying market dynamics. This coordinated approach requires developing strong internal capabilities, including specialised technical expertise, robust data analytics capacity, and effective stakeholder engagement skills. Additionally, establishing formal coordination mechanisms with sector regulators ensures consistent policy implementation across the regulatory landscape. By investing in staff development, technology infrastructure, and knowledge management systems, while maintaining high standards of governance and transparency, the Commission will build the credibility and capabilities needed to promote competitive markets that benefit all stakeholders effectively.

In the 2025 – 2030 strategy the Commission has set tighter targets for enforcement matters to assist in lowering the cost of doing business by fast tracking fewer complex matters, to demonstrate commitment to a capable and ethical state and to facilitate timely impact on consumers and business. In order to achieve the more efficient enforcement targets would require increased number of employees and investment in capacity building and training, which requires agility and substantial financial resources.

15 Key Risks of the Commission

Risk, as it relates to our strategy, is the possibility of unforeseen circumstances or occurrences that could have an adverse impact on the execution of the Commission's mandate, strategy, and strategic goals. It includes uncertainty that may result from both external (such as but not limited to regulatory changes or economic downturns) and internal (such as but not limited to operational inefficiencies) factors. The Commission frequently evaluates the external and internal environments to identify emerging risks. It uses a flexible framework that enables risk to be quickly reassessed when circumstances change. To detect risks early and modify a mitigation strategy appropriately, the Commission keeps lines of communication open with stakeholders and uses insights and real-time data to guide strategic modifications and risk assessments, making sure that decisions are grounded in the most recent information. For high-impact risks, we implement contingency plans that ensure an immediate response to unanticipated challenges. The Commission has witnessed that incorporating different techniques improves our resilience and adaptability by enabling it to better detect and manage risks in a constantly changing environment.

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
1.	Policy and Regulatory Uncertainty	1.Government Policy Changes: Frequent changes in government policies, including shifts in leadership or political priorities, can lead to uncertainty 2.Conflicting Legal Interpretations can result in inconsistent decision-making and policy implementation. 3.Challenges in Case Precedent: A	1.Ongoing Engagement with Government and Stakeholders 2. Legislative Reforms 3.Clear Legal Guidelines and Policy Documents 4.Training and Capacity Building 5.Building a Comprehensive Body of Case Law	**HIGH RISK**	1. Ongoing Engagement with Government and Stakeholders: The Commission regularly engages with the government, other regulatory bodies, and stakeholders. This collaboration ensures that policy changes align with competition law objectives and provide clear guidance to

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
		lack of clear precedents or inconsistent judicial interpretations can contribute to uncertainty in how future cases might be handled.			businesses. By participating in policy formulation processes, the Commission can anticipate and address the impact of political shifts or policy changes. 2. Legislative Reforms: The Commission works closely with the Department of Trade, Industry and Competition (the dtic) to amend and update the Competition Act to ensure it remains relevant as and when necessary. 3. Clear Legal Guidelines and Policy Documents: The Competition Commission publishes guidelines and policy papers to provide clarity on how competition law should be

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					interpreted and applied. These documents serve as a reference point for businesses, legal practitioners, and courts, reducing ambiguity around legal provisions and their application. 3. Training and Capacity Building: Providing training programs for legal practitioners and Commission staff helps ensure that the interpretation of competition law remains consistent across the board. This proactive approach fosters alignment in legal interpretations, reducing discrepancies in decision-making. 4. Building a Comprehensive Body of Case Law: Over time, the Commission

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					works on establishing a solid body of case law through carefully adjudicated cases that provide clear precedents. This body of work helps address future uncertainties by providing guidance on how similar cases should be approached.
2.	Protracted Litigation	1.Complex and Lengthy Legal Processes 2. Strategic Litigation by Parties Involved (Deliberate Delay Tactics by defendants/parties involved) 3. Backlog of Cases: If the Competition Tribunal or other courts have a backlog of cases, it can result in delays in scheduling hearings and making decisions.	Prioritisation of cases: Commission Meetings	**HIGH RISK**	1(a) Preliminary Assessments: To reduce unnecessary delays, implement a thorough initial case screening process to determine whether a case should proceed. Cases that lack sufficient evidence or merit can be identified early to avoid resource-intensive proceedings.

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					1 (b)Establish a robust case management system that sets timelines and milestones for each stage of a case can ensure the timely progression of investigations and litigation. 1 © Develop standardized procedures and templates for handling complex cases, ensuring efficiency in gathering evidence, expert testimonies, and legal analysis. 2. Provide clear guidelines for settlement negotiations, offering transparency regarding potential outcomes for companies who cooperate early in the process.

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					3. Develop a clear framework for prioritizing cases based on their urgency or importance. High-impact or high-profile cases
3.	Perception of inadequate Independence of the Commission	Ineffective Public Reporting: If the Commission fails to regularly publish reports, maintain an open dialogue with the public, or provide evidence of its impartiality, it may contribute to the perception that it operates without accountability or transparency.	The Commission's website where reports are published on a regular basis Regular updates on the work of the Commission on social platforms Detailed Annual reports Regular Stakeholder Engagement and Public Consultation through Advocacy work	**HIGH RISK**	Develop a Structured Communication Plan: a clear communication plan outlining the frequency, content, and channels of communication will assist to mitigate this risk. This could include regular reports, press releases, public briefings, and social media updates. The communication plan should ensure that the public receives timely, relevant,

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					and comprehensive information about the Commission's activities, decisions, and reasoning.
4.	Cross-Border and International Market Dynamics	1. The difficulty of detecting and proving cartel behaviour across multiple countries, combined with the lack of coordinated enforcement, enables these illicit activities to thrive.	Participation in organisation such as the ICN, OECD, etc.	**HIGH RISK**	International Cooperation: Work with other competition authorities globally to address cross-border market concentration and ensure that multinational firms do not exploit their global dominance in ways that harm local competition.
5.	Geopolitical Risk	1.Trade Wars and Protectionism 2. Sanctions and Diplomatic Tensions 3. Regulatory Divergence Between Jurisdictions 4. Shifts in Global Trade Agreements: Changes in global trade rules, such as the potential	International Cooperation and Coordination		Use the Antitrust Networks to collaborate through international organizations such as the International Competition Network (ICN) and the OECD's Competition Committee.

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
		collapse of multinational agreements like the WTO or trade pacts like the EU, can shift the competitive landscape.			
6.	Resource Constraints & Inadequate Capacity	1.Short supply of Specialized expertise: economists and competition lawyers, and sectoral experts. 2. The struggle to attract and retain qualified professionals due to uncompetitive salaries, 3. Lack of career advancement opportunities	Human Capital Recruitment Strategy Learning and development programmes Revised organisational Structure	**HIGH RISK**	Advocate for sufficient budget allocations from the government by demonstrating the value of competition law enforcement to the economy Invest in recruitment and retention strategies to attract and retain skilled professionals, including economists, legal experts, and investigators. Create a clear career development path and offer competitive compensation packages to

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					enhance retention. Foster continuous professional development programs to ensure staff remain well-equipped to handle emerging market challenges.
7.	Corruption or Unethical Conduct	1.Weak governance structures, insufficient oversight, and lack of robust policies to prevent conflicts of interest or unethical behaviour may allow corruption to persist.	Fraud Prevention Policy and Plan Awareness Campaigns	HIGH RISK	Develop a comprehensive code of ethics and conduct that clearly outlines expectations for staff behaviour, conflicts of interest, and reporting mechanisms for unethical conduct. Ensure that all staff members are trained on these ethical guidelines
8.	Potential Loss of Public Trust on the Commission	1.Perceived Lack of Transparency 2. Failure to Address Public Concerns or Criticism: If the Commission fails to engage with or	Proactive Communication and Media Relations Public Education and Awareness Campaigns	HIGH RISK	Transparency through clear communication of decisions, Continuous assessment and improvement of the quality of our

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
		respond adequately to public concerns, criticisms, or feedback, it may be seen as disconnected from the public's interests. 3. Negative Publicity or Scandals	through Advocacy work		work and efficiency and review of consistency in enforcement.
9.	Uncertainty on the Funding Allocation to the Commission	Limited or Competing Public Funds Insufficient Strategic Planning or Long-Term Budgeting/Poor financial management or inefficient budgeting practices	Financial Management Policies Procurement Plans Budget allocations	HIGH RISK	Scenario planning, robust prioritisation and continuous improvement in planning and monitoring of implementation. Develop a multi-year financial requirement over a 3–5-year period. Align annual budgeting processes with long-term strategic goals. Ensure that the annual budget request reflects the commission's strategic priorities, and that the funding allocation

NO	RISK NAME	POTENTIAL CONTRIBUTING FACTORS OR ROOT CAUSE	CURRENT INTERNAL CONTROLS	RESIDUAL RISK SEVERITY	MITIGATION PLAN
					matches the planned objectives.
10.	Cybersecurity Threats and Data Breaches	Inadequate Security Measures Poorly Managed User Access and Permissions Insufficient training on cybersecurity best practices or failure to foster a culture of security awareness can leave employees vulnerable to attacks such as phishing, spear-phishing, and other social engineering tactics.	IT Policies Training and awareness campaigns on cyber security	HIGH RISK	Implement robust cybersecurity measures, including encryption, firewalls, intrusion detection systems, and secure communication protocols. Regularly update and patch systems to protect against vulnerabilities. Conduct periodic security audits and penetration testing to identify and address potential weaknesses. Establish a clear incident response and disaster recovery plan

PART D:

TECHNICAL INDICATOR DEFINITION (TID)

16 TIDS

Below is the summary of Technical Indicator Definitions:

Outcome	Outcome Indicator	KPI No.	Key Performance Indicators	Definition	Accountable Program
Strategic Goal 1: To stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth					
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 transactions required to be filed (that do not raise competition and public interest issues) with the Commission to ease regulatory burden of businesses in South Africa.	**Definition:** • The indicator refers to the Commission's interventions to cut red tape and therefore reduce the number of mergers and acquisitions transactions (that do not raise competition and public interest concerns) that need to be filed with the Commission. This could include interventions such as revisions to the merger thresholds. **Purpose/ Importance:** • Reduced regulatory burden and improved ease of doing business resulting in faster conclusion of mergers and acquisitions in the economy. • Reducing regulatory burden to improve regulatory effectiveness by focusing only on cases most likely to raise concerns **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by the approval of a report by the Commission Meeting/EXCO on an intervention that will reduce the number of merger/acquisition transactions that must be filed	ERB, LSD & M&A

		2.	% reduction in turnaround times on Merger Regulation to reduce red tape.	**Definition:** • The indicator measures the efficiency of the Commission in its merger review process. • The indicator refers to a 5% reduction in average times it takes for the Commission to make a decision/recommendation in all merger cases. • The Turnaround time for each case is determined by calculating the number of business days following the day of notification until the decision date. The filing date is the date recorded by Registry on form CC4(1). The decision date is the date on form CC15, CC16, or CC17. • However, if a Notice of Incomplete merger filing (Form CC13(2)) or a Notice of false or misleading Information (Form CC13(4)) is issued, the turnaround times are calculated from the business day following the receipt of a Complete Filing or Corrected Information. • The average turnaround time for all cases is calculated by adding the turnaround times for all cases completed within a quarter and dividing the total by the number of transactions. **Purpose/ Importance:** • Effectiveness of the state in regulating mergers and acquisitions in the economy. • Reduction of red tape in merger review. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on outcomes of a review on merger thresholds. • Achievement of this target is denoted by a report to the	ERB, LSD & M&A

				Commission Meeting/EXCO reporting on achievement of the target.	

	2. Effective monitoring compliance with mergers & acquisitions and enforcement conditions and remedies from inquiries.	3.	To establish and implement a pre-merger notification process to facilitate expeditious assessment of merger transactions.	**Definition:** • A pre-merger notification process is refers steps and guidelines developed to assist and enable external stakeholders to file mergers and acquisitions transactions with the Commission without difficulties. **Purpose/ Importance:** • Effectiveness of the state in regulating mergers and acquisitions in the economy. • Reduction of red tape in merger review. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by approval by the Commission Meeting/EXCO for the publication for public comment of a pre-merger notification process.	LSD, ERB & M&A.

	3. Effective monitoring compliance with mergers & acquisitions and enforcement conditions and remedies from inquiries.	4.	No. of interventions to evaluate compliance by parties with conditions and remedies imposed by the Commission focusing on firm entry, transformation and competitiveness.	**Definition:** • The Commission can approve mergers subject to certain conditions being met by the merging parties; or can impose remedies which the merging parties must fulfil. • The Commission can also complete enforcement investigations (including cartels) and exemption applications subject to certain conditions being met by the parties; or can impose remedies which the parties must fulfil. • The Commission can complete mergers and enforcement investigations subject to certain conditions remedies aimed at improving employee shareholding, participation of SMEs and HPDs the economy. • The indicator refers to the monitoring of the implementation of such conditions or remedies and reporting on the outcomes of the Commission's interventions from its enforcement activities, imposed conditions and remedies. **Purpose/ Importance:** • The effectiveness of conditions and remedies imposed is only evident in their application. Remedies are also legally binding to the parties. It is thus important that the Commission monitors the compliance with the conditions and the developments or changes in employee shareholding, SME and HDP participation following its enforcement interventions. **Collection of Data/Method of Calculation:** • All cases approved with conditions or remedies are collected on a	Cartels, MCD, MID & M&A.

				divisional database. • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on conditions compliance monitoring as regards the immediately preceding quarter. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	

2. Significant contribution to industrialisation and inclusive growth.	4. 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.	**Definition:** • The KPI refers to the number of Market Conduct investigations initiated, which fall within the Commission's pre-determined priority sectors (see section on Prioritisation within the APP) as well as other sectors linked to the priority sectors. **Purpose/Importance:** • Abuse of dominance and restrictive vertical practices have a stifling effect on the economy, particularly in critical sectors. The initiation of a case is the first step towards the prosecution of the conduct. **Collection of Data/ Method of Calculation**: • The Commission initiates investigation based on its own research and intelligence or based on complaints received from members of the public. • The initiation of a case is evidenced minutes of the Commission meeting's decision to initiate. • A list of initiated cases is kept in the Data Compilation Template (DCT) of the division.	MCD
		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	**Definition:** • Market Inquiries are a general inquiry into the state of competition in a market, the levels of concentration in and structure of a market for particular goods or services, without necessarily referring to the conduct or activities of any particular named firm which the Commission undertakes under provisions in the Competition Act. **Purpose/ Importance:** • A Market Inquiry allows the Commission to undertake an in- depth	MID

			concentration levels in the economy.	probe of a market to understand competition dynamics, without initiating an investigation into particular conduct. **Collection of Data/ Method of Calculation:** • The achievement of the indicator is determined by the decision of the Commission Meeting to initiate a Market Inquiry.	
		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 upstream inputs and reduced concentration levels in the economy.	**Definition:** • The completion of a Market Inquiry refers to the submission of a Final Report on the inquiry to the Commission Meeting for decision. **Purpose/ Importance:** • Completed Market Inquiries provide findings and actionable recommendations, which have an impact on the public, consumers, Government and on the markets. Completion of Market Inquiries also demonstrate efficiency. **Collection of Data/ Method of Calculation:** • The achievement of the indicator is denoted by the approval of the final market inquiry report approved by the Commission or EXCO meeting.	MID

		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.	**Definition:** • The target refers to cartel cases which the Commission has decided to refer to the Tribunal for prosecution and cases which the Commission has decided to non-refer. • High impact investigation refers to cartel cases that have positive impact on SMEs, HDPs, markets, other firms and consumers. **Purpose/Importance:** • Completing the investigation of cases ensures that those parties whom the Commissions alleges to be engaged in cartel activities can respond to the charges before the Tribunal, in fulfilment of the mandate of the Competition Act. **Collection of Data/Method of Calculation:** The achievement of the target is evidenced by minutes of the Commission meeting to refer or non-refer cartel cases to the Tribunal. **Definition:** • Winning means, the relief sought by the Commission is upheld partially or in full or variation thereof by the Tribunal or the courts. • The percentage of cartel cases, where a final decision of the Tribunal and or the courts has been attained, which the Commission wins within the reporting period. • The target is not met if the Commission's case is dismissed by the Tribunal or the courts in its entirety. • Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • This definition excludes cases which are under appeal or review at the courts at the time of reporting, or within a reasonable time after	Cartels

				issuing of the judgment. • The indicator includes cartel cases completed through settlement agreements confirmed by the Tribunal or courts. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/ Importance:** • It is the Commission's goal to successfully prosecute cartelists. Success at the Tribunal and courts confirms the rigor applied by the Commission and the correctness of its decisions. **Collection of Data/ Method of Calculation:** • The indicator is determined from orders of the Tribunal and/or the Courts where cartel cases are under litigation. • Orders of the Tribunal/courts are accessible to the general public and the Commission keeps records thereof. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. • The data is captured on the divisional DCT, which indicates the date of the judgment and whether the judgment is in favour of not in favour of the Commission. Orders/ decisions of the Tribunal and/or the courts are accessible to the general public and the Commission keeps records thereof.	

	5. High success rates on prosecution of cases at the Tribunal and other courts	9.	% of cartel cases won at the Tribunal.	**Definition:** • Winning means, the relief sought by the Commission is upheld partially or in full or variation thereof by the Tribunal or the courts. • The percentage of cases, where a final decision of the Tribunal and or the courts has been attained, which the Commission wins within the financial year. • This definition excludes cases which are under appeal or review at the time of reporting, i.e. a Tribunal or other court decisions in favour or against the Commission cannot be counted if it is under appeal or review at the time or reporting) or within a reasonable time after issuing of the judgment. • Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • The indicator includes enforcement cases (excluding cartels and market inquiries) completed through settlement agreements confirmed by the Tribunal or courts. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • It is the Commission's goal to successfully prosecute contraveners and to ensure that market conduct remedies and exemption decisions are upheld by the Tribunal and the courts. Success at the courts confirms the rigour applied by the Commission and the correctness of its decisions. **Collection of Data: Method of Calculation** • The indicator is determined from the number of final Tribunal or	Cartels

				court orders issued (excluding cases under appeal or review at the time of reporting) where enforcement cases were under litigation. • Orders of the Tribunal/courts are accessible to the general public and the Commission keeps records thereof. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. • The data is captured on the divisional DCT, which indicates the date of the judgement and whether the judgement is in favour of not in favour of the Commission.	
		10.	% of cartel cases won at the courts.	Orders/ decisions of the Tribunal and/or the Courts are accessible to the public and the Commission keeps records thereof. **Definition:** • The percentage of the Commission's decisions on contested Large Mergers, reconsideration applications, prior implementation cases and merger reviews which are upheld at the Tribunal and at the courts. • This definition excludes cases which are under appeal or review in the courts at the end of the reporting period. i.e., a Tribunal or CAC decision in favour or against the Commission cannot be counted if it is under appeal or review at the time of reporting or within a reasonable time after issuing of the judgment. • This definition includes cases where the Commission recommendation/decision is subsequently amended through (a) negotiations between the Commission and parties and ultimately	

				approved by the Tribunal, and (b) amended through a decision by the Tribunal or the courts. • The indicator includes cases completed through settlement agreements confirmed by the Tribunal or courts. Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • The rationality of Commission's decisions is best tested by the Tribunal and the Courts. Decisions upheld by the Tribunal and the Courts confirm the rigour applied by the Commission and the correctness of its decisions. **Collection of Data/Method of Calculation:** • The achievement of the indicator is evidenced by the decision of the Tribunal and/or the courts which pertain to mergers taken within the reporting period. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. Orders/ decisions of the Tribunal and/or the Courts are accessible to the public and the Commission keeps records thereof.	

		11.	% of market conduct cases won at the Tribunal.	**Definition:** • Winning means, the relief sought by the Commission is upheld partially or in full or variation thereof by the Tribunal or the courts. • The percentage of cases, where a final decision of the Tribunal and or the courts has been attained, which the Commission wins within the financial year. • This definition excludes cases which are under appeal or review at the time of reporting, i.e. a Tribunal or other court decisions in favour or against the Commission cannot be counted if it is under appeal or review at the time or reporting) or within a reasonable time after issuing of the judgment. • Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • The indicator includes enforcement cases (excluding cartels and market inquiries) completed through settlement agreements confirmed by the Tribunal or courts. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • It is the Commission's goal to successfully prosecute contraveners and to ensure that market conduct remedies and exemption decisions are upheld by the Tribunal and the courts. Success at the courts confirms the rigour applied by the Commission and the correctness of its decisions. **Collection of Data: Method of Calculation** • The indicator is determined from the number of final Tribunal or	LSD
		12.	% of market conduct cases won at the courts.		

				court orders issued (excluding cases under appeal or review at the time of reporting) where enforcement cases were under litigation. • Orders of the Tribunal/courts are accessible to the general public and the Commission keeps records thereof. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. • The data is captured on the divisional DCT, which indicates the date of the judgement and whether the judgement is in favour of not in favour of the Commission. Orders/ decisions of the Tribunal and/or the Courts are accessible to the public and the Commission keeps records thereof.	
		13.	% of merger decisions upheld by the Tribunal.	**Definition:** • The percentage of the Commission's decisions on contested Large Mergers, reconsideration applications, prior implementation cases and merger reviews which are upheld at the Tribunal and at the courts. • This definition excludes cases which are under appeal or review in the courts at the end of the reporting period. i.e., a Tribunal or CAC decision in favour or against the Commission cannot be counted if it is under appeal or review at the time of reporting or within a reasonable time after issuing of the judgment. • This definition includes cases where the Commission recommendation/decision is subsequently amended through (a) negotiations between the Commission and parties and ultimately	LSD
		14.	% of merger decisions upheld by the courts.		

				approved by the Tribunal, and (b) amended through a decision by the Tribunal or the courts. • The indicator includes cases completed through settlement agreements confirmed by the Tribunal or courts. Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • The rationality of Commission's decisions is best tested by the Tribunal and the Courts. Decisions upheld by the Tribunal and the Courts confirm the rigour applied by the Commission and the correctness of its decisions. **Collection of Data/Method of Calculation:** • The achievement of the indicator is evidenced by the decision of the Tribunal and/or the courts which pertain to mergers taken within the reporting period. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. Orders/ decisions of the Tribunal and/or the Courts are accessible to the public and the Commission keeps records thereof.	

		15.	% of interlocutory decisions upheld by the Tribunal.	**Definition:** • The percentage of the Commission's decisions on interlocutory applications upheld at the Tribunal and at the courts. • This definition is limited to interlocutory applications that may have a strategic impact on a case such as exception applications, jurisdictional challenges, dismissal applications, and reviews excludes process applications/considerations such as discovery, extensions, • Excludes cases which are under appeal or review in the courts at the end of the reporting period. i.e., a Tribunal or CAC decision in favour or against the Commission cannot be counted if it is under appeal or review at the time of reporting or within a reasonable time after issuing of the judgment. • This definition includes cases where the Commission recommendation/decision is subsequently amended through (a) negotiations between the Commission and parties and ultimately approved by the Tribunal, and (b) amended through a decision by the Tribunal or the courts. • Matters completed through settlement agreements are also included. • Where the Commission case is partially upheld by the Tribunal or other courts this target is met. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • The rationality of Commission's decisions is best tested by the Tribunal and the courts. Decisions upheld by the Tribunal and the	LSD & Cartels
		16.	% of interlocutory decisions upheld by the courts.		

				courts confirm the rigor applied by the Commission and the correctness of its decisions. **Collection of Data/Method of Calculation:** • The achievement of the indicator is evidenced by the decision of the Tribunal and/or the courts which pertain to interlocutory applications taken within the reporting period. • Quarterly results must denote actual wins/losses as at the end of the quarter calculated as a percentage. • The annual result must denote actual wins/losses as at year- end for the FY, and not as a cumulative result of the quarterly performance. Orders/ decisions of the Tribunal and/or the courts are accessible to the public and the Commission keeps records thereof.	
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					

3. **Participation of SMEs and firms owned by HDPs**.	6. 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 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.	**Definition** • The Commission is proactive in advocacy work aimed at supporting enterprises owned by women, youth, and people with disabilities, and enterprises operating in townships and rural area. • The indicator refers reporting on the interventions, including outreach, awareness, education & training initiatives conducted with women, youth, and people with disabilities, and enterprises in townships and rural areas. • The indicator also refers to implementation of the findings/outcomes/recommendations from the studies conducted with women, youth, and people with disabilities, and enterprises in townships and rural areas. **Purpose/ Importance:** • The Commission is committed to supporting and promoting participation of women, youth, and people with disabilities, and enterprises in townships and rural areas in the economy. It is thus important that the Commission is proactive in initiatives to promote participation of women, youth, and people with disabilities, and enterprises in townships and rural areas. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on interventions by the Commission received by enterprises owned by women, youth, and people with disabilities, and enterprises in townships and rural areas. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding	Advocacy

				quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	

4. Improved dynamism and competitiveness of Markets.		18.	Number of initiatives to monitor concentration of the Economy.	**Definition:** • The Commission is proactive in research work and studies aimed identifying areas of concentration within the economy, and recommending the appropriate interventions. • The indicator refers to reporting on the interventions, including research, publications, amongst others, aimed at monitoring concentration in the economy. **Purpose/ Importance:** • The Commission monitors concentration in several markets to identify potential anti-competitive conduct including abuse of dominance and cartels. This work assists the Commission in identifying cases to be initiated for investigation or market inquiries. This work will also assist the Commission to identify the areas of advocacy. **Collection of Data/ Method of Calculation:** • The achievement of this indicator is evidenced by a report on initiatives to monitor concentration of the economy noted at the Commission or EXCO Meeting	ERB

	7. 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.	**Definition:** • The KPI refers to the Commission's advocacy interventions targeted at removing concentration and entry barriers in priority sectors. **Purpose/ Importance**: • The Commission undertakes advocacy and investigations, merger review and Market Inquiries in pre-defined market to remove entry barriers and reduce concentration levels. • This work will facilitate competitive markets. **Collection of Data/ Method of Calculation:** • The achievement of this indicator is evidenced by a report noted at the Commission or EXCO Meeting.	Advocacy, ERB

	8.	20.	No. of interventions to reduce the high cost of living including monitoring of prices of essential goods and services in priority sectors.	**Definition:** • The Commission conduct several interventions to contribute to reduction in high cost of living, including monitoring prices of essential goods and services **Purpose/ Importance:** • The Commission undertakes price monitoring studies to assess markets for potential anti-competitive conduct including price gauging. This work assists the Commission in identifying cases to be initiated. **Collection of Data/ Method of Calculation:** The achievement of this indicator is evidenced by a report essential goods and services in priority sectors noted at the Commission or EXCO Meeting	ERB
	9.	21.	No of completed exemptions aimed at unlocking joint investments, contributing to the re-industrialisation of the economy focusing on priority sectors.	**Definition** • An exemption application is 'completed' once the Commission Meeting has taken a decision to grant or not to grant an exemption to the applicant/s. The Commission Meeting's decision is then published in the Government Gazette. • The indicator refers to completion of exemption applications in priority sectors, and/or exemptions that contribute to re-industrialisation or unlocks investments. **Purpose/ Importance** • The Competition Act provides for firms to apply to the Commission for exemption of compliance to the Competition Act, under specific circumstances. • The granting of exemptions can unlock investments, contribute to re-industrialisation. **Collection of Data/ Method of Calculation:** • The achievement of the target is evidenced by minutes of the Commission meeting, which indicate the Commission's decision to	

				either grant or refuse to grant an exemption.	
	10. 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.	**Definition** • The Commission is proactive in advocacy work aimed at ensuring that laws, policies and regulations are aligned with the Competition Act. • The indicator refers reporting on the interventions, including outreach, awareness, education & training initiatives conducted with government to ensure alignment and pro-competitive landscape. **Purpose/ Importance:** • The Commission is committed to collaborating with government to ensure that laws, regulations and policies are pro-competitive. It is thus important that the Commission is proactive in identifying and contributing into pro-competitive policies and regulations. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on interventions by the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	Advocacy

	11.	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.	**Definition** • The Commission conduct advocacy interventions to encourage competition and competition law compliance in several markets. • The indicator refers to the Commission's advocacy interventions in energy sector, including input pricing in the energy value chain. The indicator refers reporting on the interventions, including amongst others, outreach, awareness, education & training initiatives. **Purpose/ Importance:** • The Commission undertakes price monitoring studies to assess markets for potential anti-competitive conduct including price gauging. This work assists the Commission in identifying cases to be initiated. **Collection of Data/ Method of Calculation:** The achievement of this indicator is evidenced by a report advocacy interventions noted at the Commission or EXCO Meeting.	Advocacy & ERB

	12.	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.	**Definition** • The Commission is proactive in advocacy work aimed at ensuring that awareness and compliance with the Competition Act. • The indicator refers reporting on the interventions, including outreach, awareness, education & training initiatives conducted with private sector to ensure there is awareness and compliance with the Competition Act. **Purpose/ Importance:** • The Commission is committed to collaborating with private sector, including associations to ensure that that there is awareness and compliance with the Competition Act. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on interventions by the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	Advocacy

	13. Advocate for improved awareness, understanding and compliance with the Competition Act.	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.	**Definition:** • The Commission conduct interventions to encourage competition and competition law compliance. • Guidelines are detailed explanatory directives on the Commission's enforcement approach to any aspect of the Competition Act. This includes revisions to existing Guidelines along with new Guidelines. **Purpose/ Importance:** • As the custodian of the Competition Act, the Commission issues Guidelines to stakeholders to guide them on the application of the Competition Act in particular circumstances. **Collection of Data/ Method of Calculation:** • The attainment of the target is denoted by approval of the Guidelines at the Commission Meeting or EXCO.	LSD & ERB
		26.	No. of impact assessment studies in line with 21A of the Act where the Commission has intervened.	**Definition:** • 'Impact Assessment Studies are economic studies which have been undertaken by the Commission to measure the impact of its work on markets or regulation in terms of section 21A of the Competition Act. **Purpose/ Importance:** • The Commission seeks to measure the impact of its decisions in particular sectors qualitatively and quantitatively on consumers and the economy, to ensure its effectiveness, and to assess the quality of its decision-making. **Collection of Data/ Method of Calculation:**	ERB

				The achievement of the indicator is denoted by an impact assessment report which has been noted at the Commission Meeting or EXCO meeting.	
5. Improved collaboration to advance the objectives of the Competition Act.	14. Successful initiatives in collaboration with 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.	**Definition** • The Commission is proactive in collaborating with other dtic agencies in order to contribute into achieving key government priorities. • The indicator refers reporting on collaborative work conducted with the dtic agencies to contribute into achieving government priorities. **Purpose/ Importance:** • The Commission is committed to strategically collaborate with dtic entities to contribute into the achievement of key government priorities. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on collaborative work of the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	Advocacy

	15.	28.	No. of collaborative research initiatives conducted with the dtic and its agencies to reduce red tape, deal with market access, access to upstream inputs and levels of concentration in the economy.	**Definition** • The Commission is proactive in collaborating with other dtic agencies in order to contribute into achieving key government priorities. • The indicator refers reporting on collaborative work conducted with the dtic agencies to contribute to reducing red tape, red tape, deal with market access, access to upstream inputs and levels of concentration in the economy. **Purpose/ Importance:** • The Commission is committed to strategically collaborate with dtic entities to contribute into the achievement of key government priorities. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on collaborative work of the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	
	16.	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	**Definition** • The Commission is proactive in collaborating with other regulators in order to contribute into achieving key government priorities. • The indicator refers reporting on collaborative work conducted with regulators to contribute to reducing red tape, red tape, deal with market access, access to upstream inputs and levels of concentration in the economy. **Purpose/ Importance:** • The Commission is committed to strategically collaborate with	

			concentration in the economy and competition issues.	regulators to contribute into the achievement of key government priorities. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on collaborative work of the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	
	17. Success 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.	**Definition** • The Commission is proactive in collaborating with regional and international competition agencies and institutions. • The indicator refers reporting on collaborative work conducted with regional and international competition agencies and institutions. **Purpose/ Importance:** • The Commission is committed to strategically collaborate with regional and international competition agencies and institutions to contribute to the development of competition law and economics globally. **Collection of Data/Method of Calculation:** • Achievement of this target is denoted by a report to the Commission Meeting/EXCO reporting on collaborative work of the Commission. • The report must be submitted to Commission Meeting/EXCO within the month following the end of the immediately preceding	ERB and OTC

				quarter. For example, the Quarterly Report for Conditions imposed in Q1 (April – June in FYx), must be submitted before the end of July in FYx.	
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.	18. Improved agility of our business processes	31.	% of supplier invoices paid within 20 days.	**Definition** • The KPI includes payment of suppliers of the Competition Commission, as guided by National Treasury. **Purpose** • The purpose of the indicator is to ensure an efficient supply chain services which does not disadvantage the service providers, most importantly the SMEs and HDPs. **Method of Calculation & Collection of Data/Evidence** • The indicator will be calculated as a percentage of payments paid to service providers. • Of the payments made in the quarter/year, what percentage was paid within 20 days?". • The turnaround time only start when all the relevant and valid information required by the Commission has been submitted to the central email address. • The measure will be valid invoices sent to the central email address. Achievement of this target is denoted by the report (Finance Report) submitted to the Commission/EXCO meeting.	Finance

	19. Compliance with laws, regulation, policies and processes applicable to the operations of the Commission	32.	Audit Outcome	**Definition:** The target refers to audit outcomes where all areas are unqualified, with no material reportable matters. **Purpose/ Importance:** • The Commission seeks to achieve a clean audit in the financial year, as a demonstration of effective resource management. **Collection of Data/ Method of Calculation:** • The achievement of this indicator is denoted by a clean audit opinion from the Auditor General Report regarding the financial period under review. • The target is measured annually.	Finance & OTC
	20.	33.	Compliance with BBEEE Legislation	**Definition:** • The indicator refers to compliance with BBEEE Legislation. • **Purpose/ Importance:** • The purpose of the indicator is to ensure that the Commission is compliant with BBEEE Legislation in its processes. **Collection of Data/ Method of Calculation** • Achievement of this target is denoted by the report on instances of compliance noted at the Commission/EXCO meeting.	
	21. Safe and conducive working environment for employees	34.	No of initiatives to promote compliance with relevant legislation, policies and standards on OHS.	**Definition:** • Anticipation, recognition, evaluation, and control of hazard’s arising in the Commission offices that could impair the health and wellbeing of our employees and visitors. The Commission has an annual OHS compliance plan which denotes quarterly compliance plan (internal	CSD

	of the Commission.			& legislated). **Purpose/ Importance:** • The purpose of the indicator is to ensure that the Commission offices comply with the occupational health and safety laws. **Collection of Data/ Method of Calculation** • The indicator will be reported to EXCO on a quarterly basis and the cumulative total will be reported at the end of the financial year. • A quarterly report is issues to report on progress against legislation and/or the OHS Compliance Plan. • Achievement of this target is denoted by the report on instances of compliance with the OHS Act and the internal OHS compliance plan for the Commission/EXCO.	
	22. 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.	**Definition:** • The Commission aims to enhance its efficiency and capability by enhancing its processes to improve the overall organisation performance and stakeholder experience. • Digitalisation refers to improvement of the Commission's internal and external processing including communication with stakeholders, merger filing and complaint filing. **Purpose/ Importance:** • The purpose of the indicator is to ensure the Commission's operate efficiently and effectively. • The indicator will enable the Commission to minimise human error and to improve its information management.	CSD

				Collection of Data/ Method of Calculation • The achievement of this indicator is denoted by a completed digitised process approved at EXCO or the Commission Meeting. • Achievement of this target is denoted by the report noted at EXCO or the Commission Meeting.	
7.	23.	36.	No. of reforms on legislation and regulations to improve efficiencies and cut red tape.	**Definition:** • The indicator refers to the Commission's review and amendments of regulations and legislation aimed at reducing red tape **Purpose/ Importance:** • Reducing regulatory burden to improve regulatory effectiveness by focusing only on cases most likely to raise concerns **Collection of Data/Method of Calculation:** Achievement of this target is denoted by the approval of a report by the Commission Meeting/EXCO on reforms on legislation and regulations.	
8. Strengthened capability for efficiency and effectiveness.	24. Highly engaged, productive and high performing employees of the Commission	37.	% of HR spend in learning and development.	**Definition:** • The Commission aims to spend overall 1% of its salary's costs on learning and development initiatives per annum. **Purpose:** • The purpose of the indicator is to ensure that the Commission supports the development of its employees and can build an internal talent pipeline. **Collection of Data/ Method of Calculation:** • The indicator will be reported to EXCO on a quarterly basis and the cumulative total will be reported at the end of the financial year. The	

				reason for not setting a quarterly target is because learning and development is cyclical.	
		38.	% retention rate of staff complement.	**Definition:** • The Commission is instituting programs to maintain high staff-retention levels. • The indicator denotes percentage of achievement greater than, or equal to the target. **Purpose/Importance:** • The Commission seeks to ensure sustainable delivery and impact by retaining its employees. **Collection of Data/ Method of Calculation:** • The baseline from which this indicator is measured is the Total Staff Complement at the beginning of the Quarter. The indicator excludes graduate trainees. • The indicator will be reported to EXCO on a quarterly basis and the cumulative total will be reported at the end of the financial year. **Quarterly performance** • Is measured as follows: Baseline (i.e., staff complement as beginning of Quarter) minus number of staff who have left in the Quarter divided by Baseline multiply by 100. **Annual performance** Is measured as the average of the four quarters (i.e. (Q1+Q2+Q3+Q4) / 400 x 100.	CSD

		39.	% of staff reached through training initiatives.	**Definition:** • The KPI measures the percentage of staff, out of the total staff complement, that trained through the over the year. **Purpose:** • The purpose of the indicator is to ensure that the Commission supports the development of its employees and can build internal talent. **Method of Calculation** • The indicator is calculated as a total number of employees who have attended training offered through or in collaboration with the OTC. The achievement of the target is measured as follows: total staff trained / total staff complement as at end of Q4 x 100. **Collection of Data/Evidence** • The achievement of the target is denoted by a final report at EXCO in Q4 reporting on training attendance over the year, in relation to the target set. • Evidence includes attendance registers signed by each employee who attended the training or electronic evidence of attendance in case of virtual training.	CSD

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