



***competition*tribunal**
SOUTH AFRICA

Q1, Q2 & Q3 Financial and Non-Financial Performance

PRESENTATION TO THE PORTFOLIO COMMITTEE ON TRADE,
INDUSTRY AND COMPETITION

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Chairperson

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11 March 2026

Who we are

- The Competition Tribunal (Tribunal) is an independent adjudicative body established in terms of section 26 of the Competition Act, No. 89 of 1998 (Act).
- The Tribunal has jurisdiction throughout the Republic of South Africa.
- The Tribunal is one of three independent institutions established in terms of the Act; these are:
 - The Competition Commission (Commission), which is the investigative and enforcement authority
 - The Competition Tribunal, which adjudicates on matters referred to it by the Competition Commission, and
 - A Competition Appeal Court (CAC), which considers appeals or reviews against Tribunal decisions.
- It functions like a court of first instance in balancing the interest of various stakeholders (consumers, workers, business and other) before it.

Mandate

Legislative Mandate

- The Tribunal adjudicates on competition matters (mergers and prohibited practices).
- It exercises its functions in accordance with the Act and the Constitution without fear, favour or prejudice.
- It does not set priorities – the quasi-judicial nature of the Tribunal precludes the Tribunal from setting pro-active outcomes or priorities.
- The Tribunal, however, aligns its outcomes with those of the NDP, GNU Strategic Priorities, the dtic policy imperatives and the three overarching joint/integrated dtic outputs (Industrialisation, Transformation and a Capable State), within the confines of its mandate as set out in the Competition Act.
- The two outcomes of the Tribunal in terms of its APP are set out below and reflect the strategic objectives of the core and secretariat functions of the Tribunal:

**SOUND, EFFICIENT AND
RESPONSIVE
ADJUDICATION**

**TRANSPARENT,
ACCOUNTABLE AND
SUSTAINABLE ENTITY**

Annual Performance Plan

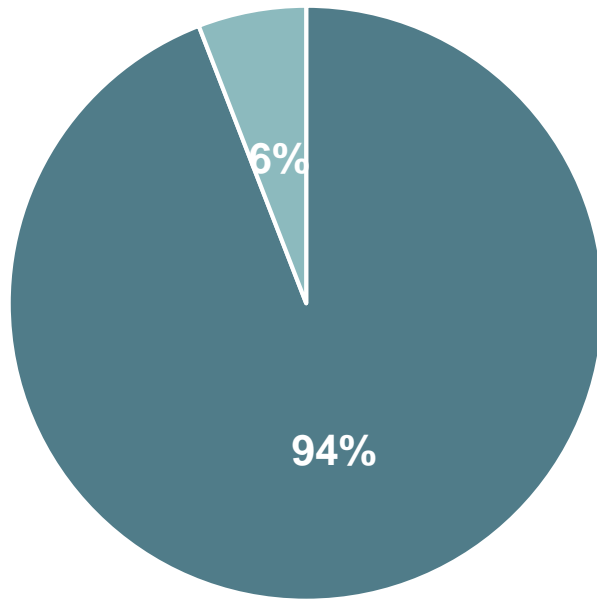
Institutional Programme Performance Information

- The Tribunal has identified two outcomes: Sound, Efficient and Responsive Adjudication; and Transparent, Accountable and Sustainable Entity.
- These outcomes enable the Tribunal to operate within its mandate as a credible institution within the public sector and pursue its commitment to keep the public informed.
- Seven outputs have been identified that will enable the Tribunal to achieve these two outcomes. In turn we have identified 21 indicators linked to these outputs that are measured quarterly and annually.

Tribunal Outcome	Output	Number of indicators
Outcome 1: Sound, Efficient and Responsive Adjudication	Effective case management procedures to ensure hearings are set down within legislated timeframes.	7 indicators
	Effective and timeous issuing of orders and reasons	
Outcome 2: Transparent, Accountable and Sustainable entity	Effective communication and information sharing	14 indicators
	Sound governance	
	Effective financial management	
	Transformation in procurement practices	
	Transformation, capacity development, retention and training	
	Improved knowledge management system	

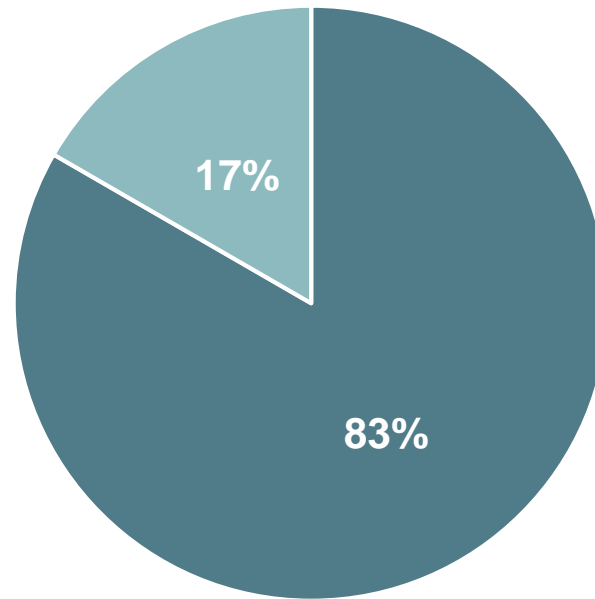
Quarterly performance overview

Quarter 1 2025/26



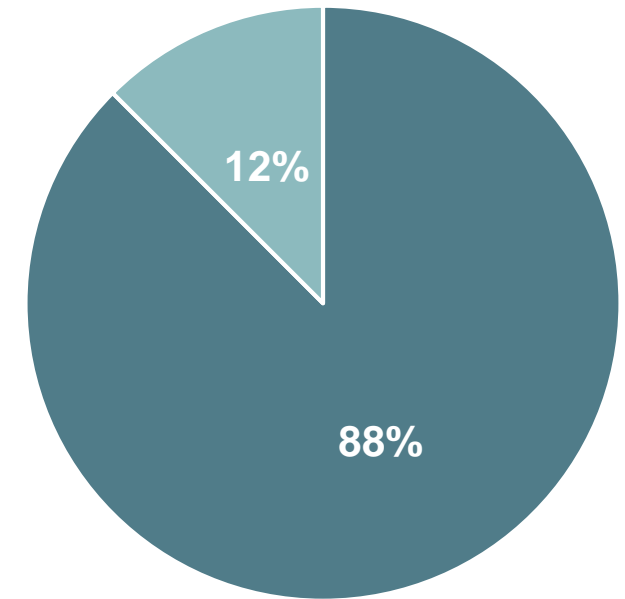
■ Achieved ■ Not achieved

Quarter 2 2025/26



■ Achieved ■ Not achieved

Quarter 3 2025/26



■ Achieved ■ Not achieved

OVERALL YTD ACHIEVEMENT: 88%

MATTERS HEARD

Matters Heard	Q1	Q2	Q3	% Share
Mergers	17	31	30	63%
Complaint Referrals	2	1	1	3%
Consent orders/ Settlement agreements	6	6	2	11%
Interim Reliefs	0	2	2	3%
Interlocutory/ Procedural Matters	11	5	8	19%
Exemption Appeals	0	0	0	0%
Totals	36	45	43	100%

* Excludes ongoing cases (240 active cases and 24 cases which are currently not active)

Performance Overview

- In 2024/2025, the Tribunal had a total of 21 KPIs and we achieved 89% of these. We heard:
 - 159 matters - 103 of these were mergers.
 - 100% of the orders (decisions) within 10 business days.
 - 91% of reasons within 20 business days.
- In 2025/2026 Q1, Q2 & Q3 the Tribunal has a total of 21 key performance indicators and our performance to date is 88%. We have so far heard:
 - 124 matters - 78 of these were mergers.
 - 100% of the orders (decisions) within 10 business days.
 - 84% of reasons within 20 business days.

Quarterly performance

Outcome1: Sound, Efficient and Responsive Adjudication

<i>SOUND, EFFICIENT AND RESPONSIVE ADJUDICATION</i>									
		Annual target	Quarter 1		Quarter 2		Quarter 3		Status YTD
OUTCOME	OUTPUT INDICATOR	2025/26	Target	Actual	Target	Actual	Target	Actual	
EFFECTIVE CASE MANAGEMENT PROCEDURES TO ENSURE HEARINGS ARE SET DOWN WITHIN LEGISLATED TIMEFRAMES	Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.	92%	92%	100%	92%	96%	92%	100%	✓
	Percentage of merger orders issued to parties within 10 business days following conclusion of the hearing.	92%	92%	100%	92%	100%	92%	100%	✓
	Percentage of reasons for mergers issued to parties within 20 business days of order being issued.	80%	80%	86%	80%	94%	80%	78%	✓
EFFECTIVE AND TIMEOUS ISSUING OF ORDERS AND REASONS	Reasons for prohibited practice cases are issued to parties within 120 business days following conclusion of the hearing	70%	70%	100%	70%	0%	70%	Target not triggered. No reasons issued.	✗

Quarterly performance

Outcome1: Sound, Efficient and Responsive Adjudication

SOUND, EFFICIENT AND RESPONSIVE ADJUDICATION

OUTCOME	OUTPUT INDICATOR	Annual target	Quarter 1		Quarter 2		Quarter 3		Status YTD
		2025/26	Target	Actual	Target	Actual	Target	Actual	
EFFECTIVE AND TIMEOUS ISSUING OF ORDERS AND REASONS	Percentage of procedural matter orders issued to parties within 45 business days following conclusion of the hearing.	70%	70%	100%	70%	86%	70%	100%	✓
	Percentage orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing	95%	95%	100%	95%	33%	95%	100%	✗
	Percentage of decisions/orders/reasons in interim relief matters issued to parties within 30 business days of last hearing date.	70%	70%	Target not triggered. No reasons issued.	70%	Target not triggered. No reasons issued.	70%	Target not triggered. No reasons issued.	–

Quarterly performance

Outcome 2: Transparent, Accountable and Sustainable Tribunal





TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL

OUTCOME	OUTPUT INDICATOR	Annual target	Quarter 1		Quarter 2		Quarter 3		Status YTD
		2025/26	Target	Actual	Target	Actual	Target	Actual	
EFFECTIVE COMMUNICATION AND INFORMATION SHARING	Percentage of press releases of final merger decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	100%	90%	95%	90%	95%	✓
	Percentage of press releases of prohibited practice decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	Target not triggered.	90%	100%	90%	100%	✓
SOUND GOVERNANCE	Percentage of prior financial year audit findings (internal and external) resolved in terms of agreed timelines with the auditors.	100%	100%	100%	100%	100%	100%	100%	✓
	Audit Outcome	Unqualified audit opinion	No target	No target	Unqualified audit opinion	Unqualified audit opinion	No target	No target	✓

Quarterly performance

Outcome 2: Transparent, Accountable and Sustainable Tribunal

TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL

		Annual target	Quarter 1		Quarter 2		Quarter 3		Status YTD
OUTCOME	OUTPUT INDICATOR	2025/26	Target	Actual	Target	Actual	Target	Actual	
EFFECTIVE FINANCIAL MANAGEMENT	Percentage of expenditure against budget	90%	90%	91%	90%	90%	90%	92%	
	Percentage of supplier invoices paid within 20 days from date of acceptance.	90%	90%	91.57%	90%	100%	90%	93%	
TRANSFORMATION IN PROCUREMENT PRACTICES	Percentage of expenditure on B-BBEE suppliers	100% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which will be on women, youth or PWDs (WYPWDs).	100% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which will be on WYPWDs.	115% of expenditure spent on suppliers between the B-BBEE levels 1-4, 36.87% of which will be on WYPWDs.	100% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which will be on WYPWDs.	128% of expenditure spent on suppliers between the B-BBEE levels 1-4, 41.54% of which will be on WYPWDs.	100% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which will be on WYPWDs.	127% of expenditure spent on suppliers between the B-BBEE levels 1-4, 41% of which will be on WYPWDs.	
	Percentage of expenditure on EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	52.47% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	36.14% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	46.49% of expenditure on suppliers that are classified as EME suppliers	

Quarterly performance

Outcome 2: Transparent, Accountable and Sustainable Tribunal

<i>TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL</i>									
		Annual target	Quarter 1		Quarter 2		Quarter 3		Status YTD
OUTCOME	OUTPUT INDICATOR	2025/26	Target	Actual	Target	Actual	Target	Actual	
TRANSFORMATION, CAPACITY DEVELOPMENT, RETENTION AND TRAINING	Percentage of staff retention	80%	80%	100%	80%	96%	80%	100%	✓
	Percentage of staff training expenditure against total employee costs	2%	2%	0%	2%	0%	2%	1%	✗
	Number of capacity building workshops for Case Managers and Tribunal members.	One annual capacity building workshop	No target	No Target	No target	No target	No target	No target	–
	Number of interns provided with opportunities within the Tribunal	2	2	2	2	3	2	3	✓
	Percentage of employment equity representation of employees from the designated groups	75%	75%	94%	75%	93%	75%	93%	✓
IMPROVED KNOWLEDGE MANAGEMENT	Enhancement of case management system	Feasibility study conducted on current CMS system and requirements	No target	No Target	No target	No target	No target	No target	–

Current Challenges

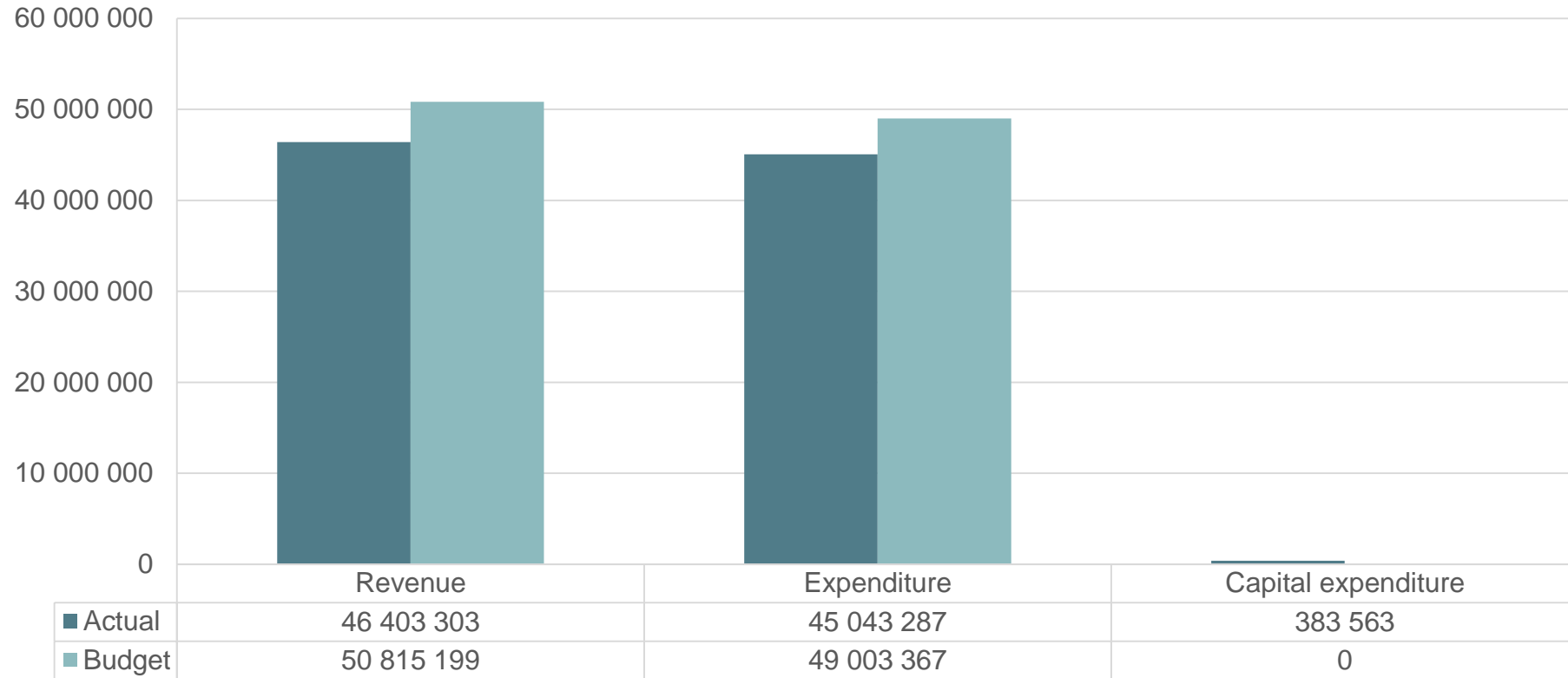
Capacity

- Full-time members are appointed by the President on recommendation of the Minister dtic for a period of five years.
- Maximum number of members in terms of the Act is 15 (including the Chairperson) and not less than three.
- Current capacity is two full-time members (including Chairperson) – one lawyer, one economist and four part-time members – two lawyers, two economists, who are only remunerated for cases they sit on.
- This will reduce to three part-time members from 1 April 2026 (due to expiry of term of one member).
- While we have performed well in dealing with uncontested mergers, for contested mergers and prohibited practices which run for a longer periods, there is insufficient capacity to handle these simultaneously with uncontested mergers (and other case management activities such as pre-hearings and others). These challenges were exacerbated the unavailability of part-time members to sit for long periods of time due their full-time job commitments.
- Ongoing caseload (240 active cases and 24 cases which are not currently active).
- Recently receiving new cases under the amendment where there is no case precedent (e.g. exemption appeals and market inquiry appeals).
- Each case requires three members of which one must be a lawyer.
- Increasing the number of full-time members from two to seven will reduce capacity constraints and improve efficiencies.

Quarterly performance

Q3 YTD Financial performance

Q3 YTD FINANCIAL PERFORMANCE



Quarterly performance

Q3 YTD Financial performance

CATEGORY	ACTUAL YTD	BUDGET YTD	VARIANCE	% VARIANCE
Total Revenue	46,403,303	50,815,199	(4,411,896)	(9%)
Fees earned	15,862,000	17,365,949	(1,503,949)	(9%)
Interest Income	854,739	1,500,000	645,261	(43%)
Grant received	31,949,250	31,949,250	-	-
Other Income	88,564	-	88,564	100%
Less: Total Expenditure excl. capex	45,043,287	49,003,367	3,960,080	8%
Employee related costs	29,582,709	35,789,312	6,206,604	17%
Other operating costs	15,460,578	13,214,055	(2,246,524)	(17%)
Net Operating Surplus/(Deficit) excl. capex	1,360,016	1,811,832	(451,816)	(25%)
Less: Capital Expenditure	383,563	-	(383,563)	100%
Operating Surplus/(Deficit) incl. capex	976,453	1,811,832	(835,379)	(46%)

Quarterly performance

Q3 YTD Financial performance

Revenue

- The Tribunal had less cash surpluses available for investment, resulting in less interest being earned.
- Lower than anticipated number of merger filings, resulting in reduced revenues.
- An additional grant of R4.2 million was allocated by the dtic on 5 December 2025, which has not yet been received.

Expenditure

- The underspending is attributable to full time Tribunal members, CFO, senior case manager and senior competition law counsel vacancies.

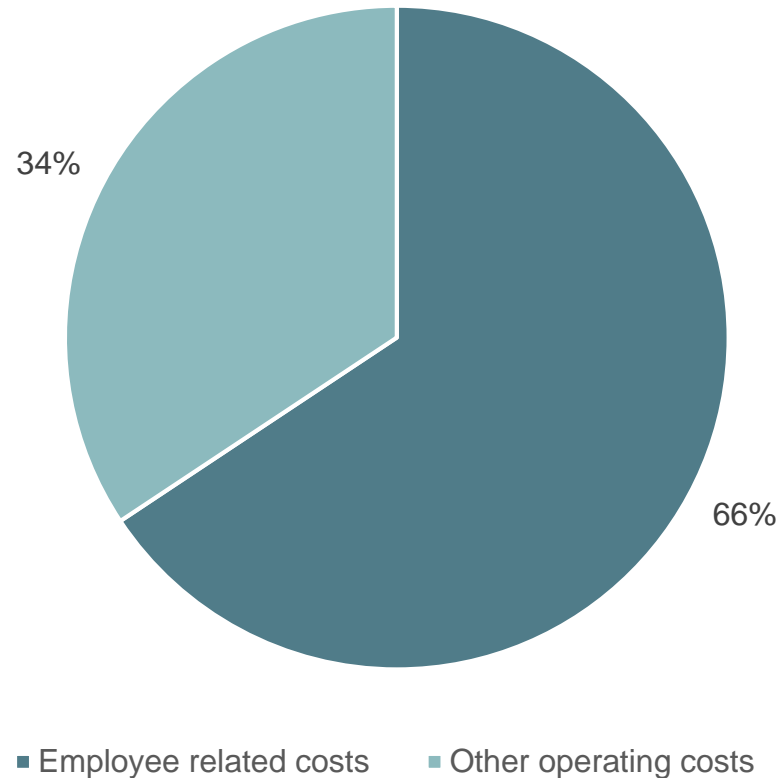
Capital expenditure

- Purchases of computer equipment. This was budgeted and contracted in the prior year; however, delivery only took place in the current financial year. Payment is to be affected in the current year.

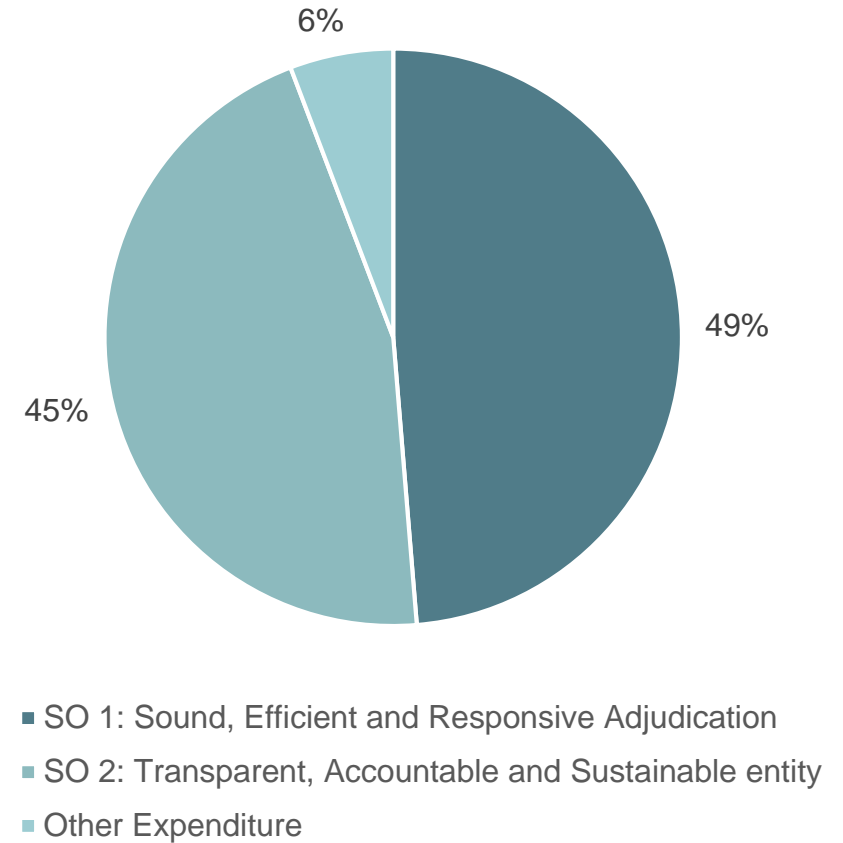
Quarterly performance

Q3 YTD Financial performance

Expenditure per Class



Expenditure per Strategic Objective



Quarterly performance

Q3 YTD Financial performance per Strategic Objective

OUTCOME	ACTUAL YTD	BUDGET YTD	VARIANCE YTD	VARIANCE %
Sound, Efficient and Responsive Adjudication	21,934,039	25,917,144	(3,983,105)	(15.37%)
Transparent, Accountable and Sustainable entity	20,500,827	21,802,704	(1,301,877)	(5.97%)
Other Expenditure	2,608,421	1,283,519	1,324,902	103.22%
Total	45,043,287	49,003,367	(3,960,080)	(8.08%)

Sound, Efficient and Responsive Adjudication

- The underspending is attributable to full time Tribunal member vacancies. Part time members are currently being utilised, while the recruitment process is underway.
- Key vacancies in the Case manager; and Senior competition law counsel positions.

Transparent, Accountable and Sustainable entity

- Savings were realised due to the following:
 - Fewer hours billed during the Tribunal's year end audit
 - Vacant CFO position.

Other expenditure

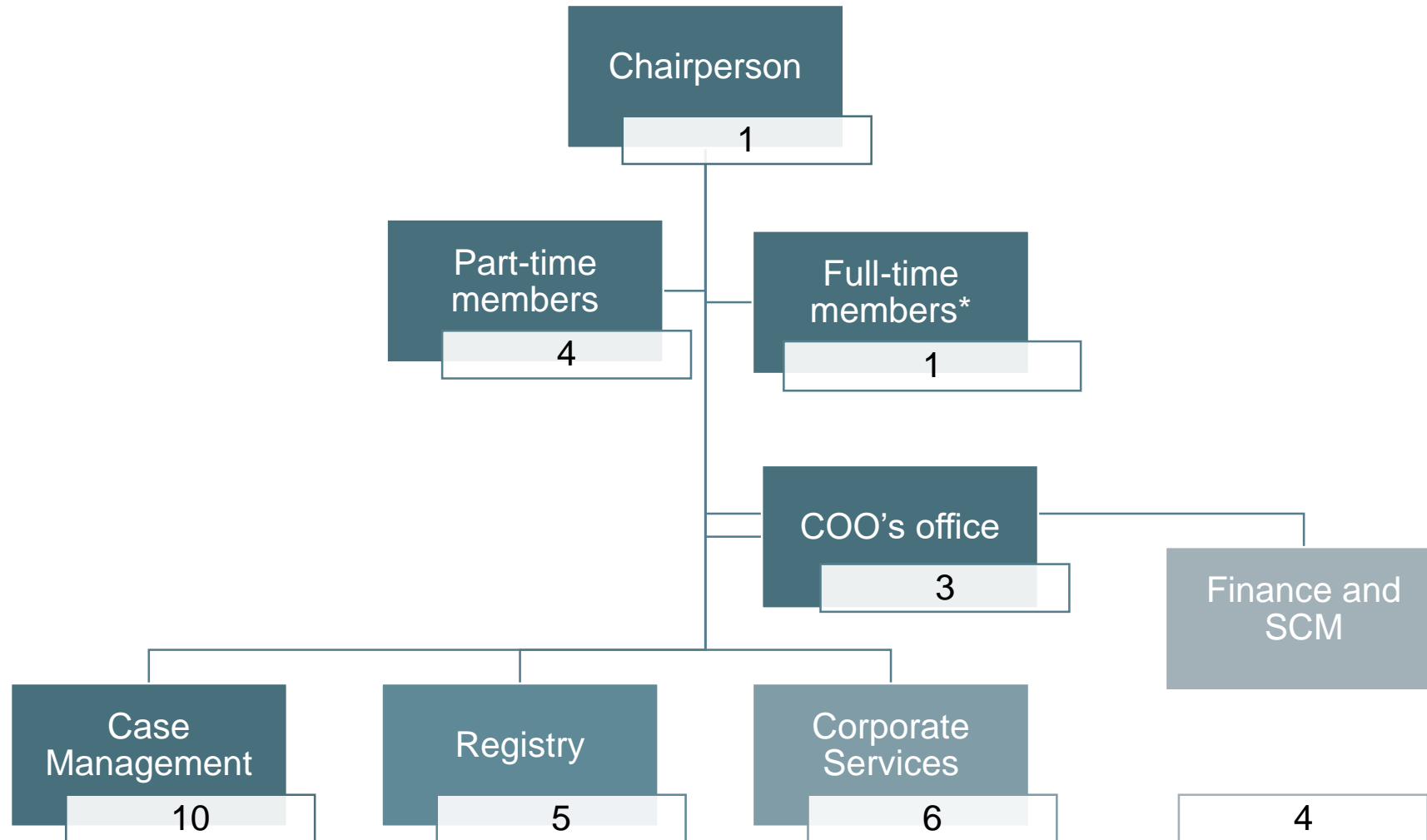
- Over expenditure attributable to hosting and maintenance of website, due to the enhancing of the Competition Appeal Court website platform.

Current Challenges

Funding

- The Tribunal operates on a lean budget and funding has not increased in proportion with the increased mandate and complexity of matters.
- Only inflationary adjustments have been made to the budget since inception.
- The Tribunal receives 64% of its funding from the grant and 36% from filing fees.
- Filing fees fluctuate depending on merger activity. This creates unpredictability as the Tribunal is a human capital-intensive organisation with 70% of its cost being incurred on personnel.
- Budget reductions and cost containment measures introduced have placed significant pressure on the ability to perform against the Tribunal's targets and planned expansion.
- Ongoing discussions with the dtic on sustainable funding and the Commission on the percentage share of filing fees received by the Tribunal.

CAPACITY - ORGANISATIONAL STRUCTURE



* Total staff complement: 30 (excluding 4 part-time members and 2 interns)

Human Capital

- Organisational review conducted in 2022/23, identified the need for additional capacity.
- 69 positions on the approved organogram, 35 positions funded and 34 unfunded positions.
- The Tribunal will implement this in a staggered approach.

EMPLOYMENT DEMOGRAPHICS						
Gender	Black	White	Coloured	Asian	Total	Percentage
Male	9	2	0	0	11	37%
Female	14	4	1	0	19	63%
Total	23	6	1	0	30	100%
Percentage	77%	20%	3%	0%	100%	

QUESTIONS & THANK YOU