



competition commission
south africa

ANNUAL PERFORMANCE PLAN FOR 2020/21

BASED ON STRATEGIC PLAN 2020 – 2025

Submitted to the Department of Trade, Industry and Competition on 31 January 2020

ACCOUNTING OFFICER STATEMENT

As one of the three institutions established in terms of the Competition Act (Act No 89 of 1998) as amended, the Competition Commission has the power to investigate restrictive business practices, abuse of dominant positions and cartels. It also has the power to evaluate mergers and to conduct market inquiries in order to achieve equity and efficiency in the South African economy. For the previous planning cycle i.e. 2015- 2020, the Commission exercised this power through the establishment and implementation of various mechanisms and tools. Among the tools utilized one could count merger review, enforcement, advocacy and market inquiries. The Commission also focused its efforts in the key priority sectors to ensure high impact.

The Commission initiated five (5) market inquiries in the previous strategic period with the aim of uncovering competition concerns in those markets and coming up with appropriate remedies to restore competition and inclusive growth. The Commission completed the market inquiries in Liquefied Petroleum Gas (LPG), Grocery Retail, Private Healthcare, Data Services Costs and Public Passenger Transport. The recommendations from these market inquiries aim to deconcentrate markets, enable participation of small businesses in the economy and reduce costs of products and services for consumers.

During the past years, the authorities continued to build on its enforcement agenda with targeted abuse of dominance cases, as well as continued prioritisation of enforcement against cartels.

The Commission referred a case against Rooibos Ltd to the Tribunal for prosecution. Rooibos Ltd, South Africa's largest processor of rooibos tea, had secured for itself significant volumes of the tea farmed out of South Africa's Cederberg region which is known worldwide for its production of the unique caffeine-free tea containing high levels of anti-oxidants. Rooibos Ltd did this by introducing exclusionary contracting strategies in its dealings with rooibos farmers for the period 2014-2018. Specifically, farmers were required to supply up to half of their production to Rooibos Ltd. The Commission found that Rooibos Ltd's conduct forcibly locked farmers into supplying Rooibos Ltd and prevented its rivals from accessing supplies of rooibos tea for processing. The Commission observed that since the introduction of the exclusionary agreements Rooibos Ltd's volumes of rooibos tea purchased from farmers, which were in serious decline at the time, significantly escalated and its main rival's purchases of rooibos tea either declined or stagnated, thus threatening the competitive process in this market. This matter is yet to be finalized with the Tribunal.

During the period, the Commission has also seen its highest administrative penalty at R1.5 billion, which the Tribunal imposed on ArcelorMittal South Africa (ArcelorMittal) for contravening the Act. 2

The settlement agreement with ArcelorMittal finalized four complaints of collusion, information exchange and excessive pricing against ArcelorMittal for conduct that took place in the long steel, scrap metal, flat steel and wire mesh markets from at least 2003 to the time of the settlement.

The Commission also referred SA Airlink (Pty) Ltd (SA Airlink), a privately controlled regional feeder airline, to the Tribunal for prosecution on charges of excessive and predatory pricing on the Johannesburg-Mthatha airline route. The Commission's investigation subsequently found that SA Airlink contravened the Act by abusing its dominance from September 2012 to August 2016 in that it charged excessive prices on the Johannesburg-Mthatha route to the detriment of consumers. The Commission concluded that consumers would have saved between R89 million and R108 million had SA Airlink not priced excessively on this route. The Commission believes that lower prices would also have resulted in more passengers travelling by air on the route, possibly contributing to the local economy of Mthatha.

Our investigation also found that the airline engaged in predatory pricing by pricing below its average variable costs and average avoidable costs for some of its flights on the route. In the Commission's view the predatory pricing conduct of SA Airlink contributed to the exit of Fly Blue Crane, their only competitor at the time on the Johannesburg-Mthatha route. The effect of the predation is also likely to deter future competition from other airlines on this route.

Another major referral was against Computicket (Pty) Ltd (Computicket) and Shoprite Checkers (Pty) Ltd (Shoprite Checkers), where the Commission found that the firms were engaged in anti-competitive practices by concluding exclusive agreements with inventory providers for the provision of outsourced ticket distribution services for the entertainment industry. This covers events such as sports, cinemas, theatres, festivals and live events.

This complaint was similar to the case against Computicket which the Commission referred to the Tribunal in 2010, where both the Tribunal and the Competition Appeal Court ruled in favour of the Commission. The allegations in the current Computicket matter are of a similar nature to the ones in the first Computicket matter. The Commission has asked the Tribunal to impose an administrative penalty of 10% of the annual turnovers of both Computicket and Shoprite Checkers.

With regards to cartel enforcement, the Commission filed a referral with the Tribunal against eighteen (18) banks in which the Commission alleged that traders related to the banks had colluded in the market for the exchange of currency, specifically between the US dollar and South African Rand. The Commission supplemented the referral and sought to join a further five banks to the referral.

All of the respondent banks thereafter filed applications raising exceptions to the referral. The 3

grounds of exception were broadly that the Tribunal lacked jurisdiction over certain of the respondents, that the Commission had failed to plead sufficient facts in its referral to sustain a cause of action and that the joinder of the additional parties should not succeed.

The Tribunal identified three broad categories of respondent banks: local, local peregrini and pure peregrini. There were no issues of jurisdiction raised with regard to local banks. The pure peregrini banks were those international banks which had no presence in South Africa. The Tribunal found that it did not have jurisdiction to issue an order requiring the foreign banks (pure peregrini) to pay any administrative penalty. The Commission was also found to not have jurisdiction on pure peregrini banks.

The Tribunal however found that the Commission has jurisdiction over local peregrini banks, that the Commission could seek to extract an administrative penalty, but only to the extent that such a penalty was calculated on the turnover of the representative in the country.

Furthermore, following a cross country dawn raid, the Commission referred a complaint against fresh produce market agents (FPMA's), who acted as intermediaries between farmers and buyers of fresh produce, to the Tribunal alleging that they had engaged in collusion. The complaint against the fresh produce agents was brought to the Commission by the Department of Agriculture Forestry and Fisheries (DAFF) in July 2015.

The Commission found evidence that the FPMAs also agreed and/ or engaged in a concerted practice to fix the commission charged to farmers. The Commission found that the FPMAs charge farmers the same commission of 5% to 6% for potatoes and onions, 7.5% commission on all fruits and vegetables and up to 9.5% for fruits and vegetables without pallets. An estimated 80% of FPMAs in South Africa were members of an association known as the Institute of Market Agents South Africa (IMASA), which was used as a platform to discuss the commission charged and other strategic issues pertaining to the functioning of the fresh produce markets.

The Commission has also been robust in its advocacy activities to ensure broader awareness of the role of the Commission and compliance with the Competition Act. Most importantly, through advocacy efforts the Commission was able to provide inputs into crucial laws and policies such as the National Health Insurance (NHI), ICASA's Sports Broadcasting regulations and the Department of Agriculture, Forestry and Fisheries' (DAFF) draft policies for the allocation and transfer of fishing rights.

Through advocacy the Commission has also reached an understanding with schools and school uniform suppliers, following several complaints about school uniform prices and access to the market 4

for small suppliers of school uniforms. The investigation and advocacy into anti-competitive behaviour by school uniform suppliers was concluded in the previous strategic period. The probe established that a number of schools still had exclusive contracts with one supplier. These contracts didn't go through a competitive and transparent bidding process. Despite finding that the anti-competitive behaviour was rampant, the Commission was reluctant to drag these schools through protracted litigation and distract them from their main function, namely education. We engaged all stakeholders including private schools, suppliers, governing bodies and the government. We agreed on the implementation of school uniform guidelines which would lead to competition in the supply of school uniforms and lead to lower prices. This work will continue to be the focus of the Commission until there is full compliance.

The Commission reviewed many merger transactions which revealed different challenges, including major developments in public interest when reviewing mergers.

During the previous strategic period the Commission had an opportunity to consider the largest merger transaction between Anheuser-Busch InBev SA/NV (AB Inbev) and SABMiller Plc (SABMiller). This was a large global transaction, which raised a number of competition and public interest concerns for the South African market. The merger was subsequently approved subject to conditions addressing a wide range of public interest issues, including AB Inbev's divestiture of its shareholding in Distell and a commitment to make available, over a five-year period, an aggregate amount of R1 billion for investments in South Africa, focusing on agricultural outputs for barley, hops and maize, as well as to promote entry and growth of emerging and black farmers in South Africa.

The Commission also reviewed and recommended the approval, subject to conditions, of a merger in terms of which Sibanye Gold Limited t/a Sibanye-Stillwater (Sibanye) intended to acquire sole control of Lonmin Plc (Lonmin). Sibanye was a holder of mineral reserves and assets allowing it to produce gold and uranium, as well as small amounts of silver as a by-product from its gold production. Sibanye also held reserves and assets allowing it to produce concentrate containing certain Platinum Group Metals (PGMs). Sibanye's main operative PGM mining operations comprised the Kroondal Mine, the Rustenburg Mines, the Stillwater Mining located in the United States of America, and a 50% joint venture indirect interest in the Mimosa Mine located in Zimbabwe. Lonmin also owned various PGM mines/shafts and PGM reserves, various PGM exploration projects, tailings dams, concentrators, a smelting complex and PGM refining facilities, the majority of which were located in South Africa.

The transaction presented both horizontal and vertical overlaps. All in all, the Commission's investigation found that the proposed merger was unlikely to result in a substantial lessening or prevention of competition in any of the PGM markets affected. However, there were numerous

public 5

interest concerns arising from the proposed merger. Some of the public interest concerns were raised by other third parties such as the Association of Mineworkers and Construction Union (AMCU), Solidarity, United Association of South Africa (UASA), Mining Forum of South Africa (MFSA) and the Bapo ba Mogale Community, among others. The concerns arising were varied and included concerns about the negative impact of the merger on employment, concerns relating to procurement from historically disadvantaged persons, honouring existing arrangements with the Bapo ba Mogale Community and honouring of Social and Labour Plans. There were also concerns raised by third parties relating to the operations of Lonmin, that Sibanye does not seem to have an interest in investing in the Lonmin operations that have the potential to be mined and thereby preserve employment. The merger was approved subject to conditions remedying public interest concerns.

The Commission also brought certainty to the application of public interest considerations in merger regulation. The merger review process requires the Commission to take into account not only the impact a merger is likely to have on competition in the market, but also if it can be justified on public interest grounds in accordance with the Competition Act. The Commission published Public Interest guidelines which include the effect of the merger on a particular industrial sector or region; employment; the ability of small businesses, or firms controlled or owned by historically disadvantaged persons to become competitive; and the ability of national industries to compete in international markets. These guidelines aim to make the application of public interest considerations transparent and promote predictability in the analysis thereof.

The Competition Act has recently been amended in 2019 to, amongst other things, introduce provisions that clarify and improve the determination of prohibited practices relating to:

1. Restrictive horizontal and vertical practices.
2. Abuse of dominance and price discrimination.
3. Strengthening the penalty regime.
4. Introducing greater flexibility in the granting of exemptions that promote transformation and growth, strengthening 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.
5. Protecting and stimulating the growth of small and medium-sized businesses and firms owned and controlled by historically disadvantaged persons, while at the same time protecting and promoting employment and employment security.

Given the above amendments, the Commission reviewed its vision, mission and goals for the upcoming five years in order to focus on the revised mandate as provided in the Act. In this regard, the Commission has determined its vision as being to ensure, “a growing, deconcentrated and 6

inclusive economy” with its corresponding mission being “*to promote and maintain competition and advance public interest objectives to enhance economic participation for all South Africans*”. For the period 2020 – 2025, all Commission’s efforts, resources and energies will be dedicated towards activities in the seven priority sectors i.e. Food & Agro-processing, ICT & Digital Markets, Energy, Transport & Automotive, Construction Services, Property & Infrastructure, Banking and Financial Services, as well as Manufacturing.

In line with the above vision and mission, and in the relevant sectors as determined, the Commission will focus on enforcing and regulating towards economic growth and enhanced economic participation; advocating for improved compliance and pro-competitive public policy outcomes; and being a people-centric, high- performance organization.

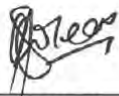
It is indeed our commitment to ensure that our plans for the next five years yield positive outcomes for the economy of South Africa.

Tembinkosi Bonakele
Competition Commissioner

Official Sign-Off

It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the Competition Commission under the guidance of Minister of the Department of Trade, Industry and Competition.
- Considers all the relevant policies, legislation and other mandates for which the Competition Commission is responsible.
- Accurately reflects the Impact, Outcomes and Outputs which the Competition Commission will endeavour to achieve over the period 2020 – 2025.



Mr. Amos Moledi
Chief Financial Officer

24.02.2020

Date:



Mr. Tembinkosi Bonakele
Commissioner

24.02.2020

Date:



Minister Ebrahim Patel MP
Minister of Trade, Industry and
Competition

17.04.2020

Date:

Abbreviations

Abbreviation	Full title
ACF	African Competition Forum
BRICS	Brazil, Russia, India, China and South Africa
Commission	Competition Commission South Africa
CSD	Corporate Services Division
CSR	Communications & Stakeholder Relations
DTI	Department of Trade and Industry
EDD	Economic Development Department
EXCO	Executive Committee
GDP	Gross Domestic Product
HMI	Health Market Inquiry
ICN	International Competition Network
IPAP	Industrial Policy Action Plan
ICT	Information and Communication Technology
KMS	Knowledge Management System
LSD	Legal Services Division
MOU	Memorandum of Understanding
MANCOM	Management Committee (Divisional Managers, Principals, Heads of Department)
MCD	Market Conduct Division
M&A	Mergers and Acquisitions
MSA	Medical Schemes Act
MTEF	Medium Term Expenditure Framework
NDP	National Development Plan
NEDLAC	National Economic Development and Labour Council
NGP	New Growth Path
OECD	Organization for Economic Cooperation and Development P&R Policy and Research
OTC	Office of the Commissioner
Tribunal	Competition Tribunal South Africa

Table of Contents

ACCOUNTING OFFICER STATEMENT	2
INTRODUCTION.....	12
PART A: OUR MANDATE.....	15
1. RELEVANT LEGISLATIVE AND POLICY MANDATES	15
2. AMENDMENTS TO THE COMPETITION ACT	16
3. UPDATE TO RELEVANT COURT RULINGS.....	20
PART B: OUR STRATEGIC FOCUS.....	23
4. SITUATIONAL ANALYSIS	23
4.1 EXTERNAL ENVIRONMENT ANALYSIS.....	23
4.2 INTERNAL ENVIRONMENTAL ANALYSIS.....	30
4.2.1 ORGANIZATIONAL STRUCTURE	31
4.2.2 IMPROVING THE CASE MANAGEMENT PROCESS	31
4.2.3 THE PRIORITIZATION OF SECTORS.....	32
4.2.4 SCOPING STUDIES	38
4.2.5 MARKET INQUIRIES.....	38
4.2.6 IMPACT ASSESSMENTS.....	38
4.2.7 HUMAN CAPITAL MANAGEMENT	39
4.2.8 RESOURCE MANAGEMENT & COMPLIANCE.....	39
4.2.9 INFORMATION COMMUNICATION TECHNOLOGY (ICT) ENVIRONMENT	40
PART C: MEASURING OUR PERFORMANCE.....	41
5. INSTITUTIONAL PROGRAMS: PERFORMANCE INFORMATION.....	41
5.1 MERGERS & ACQUISITIONS DIVISION.....	41
5.2 CARTELS DIVISION.....	41
5.3 MARKET CONDUCT DIVISION	42
5.4 LEGAL SERVICES DIVISION.....	42
5.5 ECONOMIC RESEARCH DIVISION	43
5.6 ADVOCACY DIVISION	43
5.7 CORPORATE SERVICES DIVISION	44
5.8 FINANCE.....	45
5.9 OFFICE OF THE COMMISSIONER	45
6. MTEF OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS & TARGETS	46
7. ANNUAL INDICATORS AND QUARTERLY TARGETS - 2020/21	52

8. RESOURCE CONSIDERATIONS	57
8.1 EXPENDITURE ANALYSIS	57
9. UPDATED KEY RISKS	59
PART D: TECHNICAL INDICATORS DESCRIPTIONS 2020/21	62

List of Tables

TABLE 1: KEY COURT RULINGS - 2014-2019	20
TABLE 2: EXPENDITURE ANALYSIS AND ESTIMATES	57
TABLE 3: EXPENDITURE PER MAIN ITEM	58
TABLE 4: REVENUE	58

List of Figures

FIGURE 1: COMMISSION'S VISION, MISSION & GOALS	12
FIGURE 2: THE CASE PIPELINE PROCESS - ENFORCEMENT	32

INTRODUCTION

The Commission has developed its 2020/21 Annual Performance Plan (APP) based on the 2020 - 2025 Strategic Plan. The Commission has undertaken a thorough planning process leading to consolidation of its three main goals with specific focus on the key mandate areas. Given the recent amendments to the Competition Act it became necessary that the Commission incorporates some of the new objectives in its planning. In this regard, the Commission has defined three broad Strategic Outcome-Oriented goals together with 12 Outcomes.

Furthermore, in order to achieve the outcomes, the Commission has defined 32 Indicators as per the performance information appearing later in the plan.

Below is the vision, mission and the three goals, that the Commission will pursue in the next five years:

Figure 1: Commission's Vision, Mission & Goals

Vision

- ***A Growing, Deconcentrated and Inclusive Economy***

Our vision is for the realization of a growing economy wherein a higher volume of firms compete, concentration levels are low and wherein all citizens are able to participate.

Mission

- ***To promote and maintain competition and advance public interest objectives to enhance economic participation for all South Africans.***

The Commission exists to promote a competitive economy that fosters job-creation, industrialization and export promotion whilst expanding the opportunities for SMMES and the participation of blacks, youth and women in the economy.

Outcome-Oriented Goals

1. Enforcing and regulating towards economic growth and enhanced economic participation.
2. Advocating for improved compliance and pro-competitive public policy outcomes.
3. A people-centric, high- performance organization.

In order to achieve the above goals, the Commission will pursue the following outcomes:

1. Efficient and effective merger regulation & enforcement
2. Competitive, Contestable and Deconcentrated Markets
3. Improved public interest outcomes
4. Improved compliance & awareness
5. Improved understanding of market dynamics in priority sectors
6. Improved co-ordination on the application of economic policy and competition policy
7. Increased importance of developmental perspectives in domestic and international competition law discourse
8. Sound Corporate Governance
9. Secure, harmonious and conducive working environment
10. Highly motivated, engaged and productive workforce

This Annual Performance Plan for 2020/21 comprises four sections:

- A. Part A: Our Mandate – which deals with the mandate of the Commission at all levels i.e. from the constitutional mandate to specific legislations establishing the Commission as well as any related government policy.

- B. Part B: Our Strategic Focus – this section deals with the actual vision, mission, values and goals of the Commission. Furthermore, it deals with the situational analysis, both external and internal within the organization.

- C. Part C: Measuring our Performance – This section focusses on the actual measures of performance i.e. the outcomes to be achieved over the coming five-year period.

- D. Part D: Technical Indicator Descriptions – This section deals with the definitions of the indicators to enable to reader to understand the meaning of all indicators.

PART A: OUR MANDATE

1. Relevant Legislative and Policy Mandates

The Competition Commission is one of three institutions established in the Competition Act (Act No. 89 of 1998) (“Act”) alongside the Competition Tribunal and The Competition Appeal Court. The Competition Commission is an investigative and prosecutorial authority, the Tribunal is an adjudicative authority and the Competition Appeal Court is an appeal body over competition matters.

The Commission is empowered to investigate, control and evaluate restrictive business practices, abuse of dominant positions and mergers in order to achieve equity and efficiency in the South African economy. The stated purpose of the Competition Act is to promote and maintain competition in South Africa in order to achieve the following outcomes:

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

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

- Implement measures to increase market transparency;
- Implement measures to develop public awareness of the provisions of this Act.
- Investigate and evaluate alleged contraventions of Chapter 2;
- Grant or refuse applications for exemption in terms of Chapter 2;
- Authorize, with or without conditions, prohibit or refer mergers of which it receives notice in terms of Chapter 3;
- Negotiate and conclude consent orders in terms of section 63;

- Refer matters to the Competition Tribunal, and appear before the Tribunal, as required by this Act;
- Negotiate agreements with any regulatory authority to co-ordinate and harmonize the exercise of jurisdiction over competition matters within the relevant industry or sector, and to ensure the consistent application of the principles of this Act;
- Participate in the proceedings of any regulatory authority;
- Advise, and receive advice from, any regulatory authority;
- Over time, review legislation and public regulations, and report to the Minister concerning any provision that permits uncompetitive behaviour; and
- Deal with any other matter referred to it by the Tribunal.

2. Amendments to the Competition Act

The Competition Act was amended to, amongst other things, introduce provisions that clarify and improve the determination of prohibited practices relating to (1) restrictive horizontal and vertical practices, (2) abuse of dominance and price discrimination, (3) strengthening the penalty regime, (4) introducing greater flexibility in the granting of exemptions that promote transformation and growth, strengthening 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, (5) protecting and stimulating the growth of small and medium-sized businesses and firms owned and controlled by historically disadvantaged persons, while at the same time protecting and promoting employment and employment security. The amendments to the Competition Act have a direct impact on the Commission's operations.

Below is a summary of some of the key provisions in the amendments:

Price Discrimination

The new provision in section 9(3) states that: *“When determining whether the dominant firm’s action is prohibited price discrimination, the dominant firm must show that its action does not impede the ability of small and medium enterprises and firms controlled or owned by historically disadvantaged persons to participate effectively”*.

Excessive Pricing

The new provision in section 8(1)(d)(vii) states that: *“It is prohibited for a dominant firm to engage in any of the following exclusionary acts, unless the firm concerned can show technological efficiency or other pro-competitive gains which outweigh the anti-competitive effect of requiring a supplier*

which is not a dominant firm, particularly a small and medium business or a firm controlled or owned by a historically disadvantaged person, to sell its product to the dominant firm at a price which impedes the ability of the supplier to participate effectively”.

Refusal to Deal

The amendment in section 8(1)(d)(ii) states that: *“It is prohibited for a dominant firm to engage in any of the following exclusionary acts, unless the firm concerned can show technological efficiency or other pro-competitive gains which outweigh the anti-competitive effect of refusing to supply scarce goods or services to a competitor or customer when supplying those goods or services is economically feasible”.*

Predatory Pricing

The amendment in section 8(1)(d)(vi) states that: *“It is prohibited for a dominant firm to engage in any of the following exclusionary acts, unless the firm concerned can show technological efficiency or other pro-competitive gains which outweigh the anti-competitive effect of selling goods or services at predatory prices.*

- a. *predatory prices means prices for goods or services below the firm’s average avoidable cost or average variable cost;*
- b. *average avoidable cost means the sum of all costs, including variable costs and product-specific fixed costs, that could have been avoided if the firm had not produced an identified amount of additional output; and*
- c. *average variable cost means the sum of all the costs that vary with an identified quantity of a particular product, divided by the total produced quantity of that product”.*

Exemption Applications

The amendment in section 10(3)(b)(ii) states that: *“The Commission may grant an exemption only if the agreement or practice concerned, or category of agreements or practices concerned, contributes to the promotion of the effective entry into, participation in and expansion within a market by small and medium business, or firms controlled or owned by historically disadvantaged persons”.*

The amendment in section 10(10) states: “The Minister may, after consultation with the Commission, and in order to give effect to the purposes of this Act as set out in section 2, issue regulations in terms of section 78 exempting an agreement or practice or category of agreements or practices from the application of this Chapter”.

Merger Provisions

The amendments to section 12A (1) and 12A(1A) state that: *“When required to consider a merger,*

the Commission or Competition Tribunal must initially determine whether or not the merger is likely to substantially prevent or lessen competition. Despite its determination, the Commission or Competition Tribunal must also determine whether the merger can or cannot be justified on substantial public interest grounds”.

The amendment to section 12A(3) states that: *“When determining whether a merger can or cannot be justified on public interest grounds, the Commission or the Competition Tribunal must consider the effect that the merger will have on the ability of small and medium businesses, or firms controlled or owned by historically disadvantaged persons, to effectively enter into, participate in and expand within the market”.*

The amendment to section 17(1)(c) states that: *“Within 20 business days after notice of a decision by the Competition Tribunal in terms of [a merger], an appeal from that decision may be made to the Competition Appeal Court, subject to its rules, by the Minister on matters raised in terms of [public interest], where the Minister participated in the Commission’s or Tribunal’s proceedings in terms of section 18 or on application for leave to appeal to the Competition Appeal Court”.*

Market Inquiries

The amendments to 43A(3) read together with 43B(1), 43C(1) and (2) and with the powers in 43D(1) state that: *“The Commission may conduct a market inquiry at any time, subject to [certain procedural rules], if it has reason to believe that any feature or combination of features of a market for any goods or services impedes, distorts or restricts competition within that market; or to market for goods or services includes:*

- a. The structure of the market, including levels of concentration and barriers to entry in a market;*
- b. The outcomes observed in the market, such as ownership, prices, innovation, employment, and the ability of national industries to compete in international markets;
and*
- c. The conduct in that or any related market.*

In a market inquiry, the Commission must decide whether any feature, including structure and levels of concentration, of each relevant market for any goods or services impedes, restricts or distorts competition within that market. In making its decision in terms of subsection (1)(a), the Commission must have regard to the impact of the adverse effect on competition on small and medium businesses, or firms controlled or owned by historically disadvantaged persons. Subject to the provisions of any law, the Commission may, in relation to each adverse effect on competition, take action to remedy, mitigate or prevent the adverse effect on competition”.

Administrative Penalties

The amendment to section 59(1) states that: *“The Competition Tribunal may impose an administrative penalty for a prohibited practice, [including all types of restricted horizontal practices, restricted vertical practices, abuse of dominance and price discrimination. The amendments to sections 59(2A), 59(3)(d) and 3A state that:*

“An administrative penalty imposed in terms of subsection (1) may not exceed 25 per cent of the firm’s annual turnover in the Republic and its exports from the Republic during the firm’s preceding financial year if the conduct is substantially a repeat by the same firm of conduct previously found by the Competition Tribunal to be a prohibited practice.

When determining an appropriate penalty, the Competition Tribunal must consider the market circumstances in which the contravention had an impact upon small and medium businesses and firms owned or controlled by historically disadvantaged persons. In determining the extent of the administrative penalty to be imposed, the Competition Tribunal may increase the administrative penalty to include the turnover of any firm or firms that control the respondent, where the controlling firm or firms knew or should reasonably have known that the respondent was engaging in the prohibited conduct”.

Guidelines

The amendment to section 8(4) states that: *“The Commission must publish guidelines in terms of section 79 setting out the relevant factors and benchmarks for determining whether the practice set out in subsection (1)(d) (vii) impedes the ability of a firm which is not a dominant firm, particularly a small and medium business or a firm owned or controlled by a historically disadvantaged person, to participate effectively”.*

The new definitions say: *“Small business means a small firm determined by the Minister by notice in the Gazette, or if no determination has been made, as set out in the National Small Business Act, 1996 (Act No. 102 of 1996). Medium-sized business means a medium-sized firm as determined by the Minister by notice in the Gazette. Small and medium business means either a small business or a medium-sized business”.*

3. Update to Relevant Court Rulings

The table below summarizes key cases that have contributed to jurisprudence over the last 5 years.

Table 1: Key Court Rulings - 2014-2019

Item	Case	Contribution to Jurisprudence
Abuse of dominance		
1.	Competition Commission v Media 24	Average total cost (ATC) plus intention has no place in the scheme of section 8(c) of the Act. Average Avoidable Cost (AAC) may be regarded as an appropriate cost benchmark for a predation case based on section 8(c) of the Act
2.	Competition Commission v Computicket	Likely foreclosure test, i.e. foreclosure may be actual or potential.
3.	Sasol v Competition Commission	A price that is significantly less than the economic value falls short of being an excessive price
Cartel		
4.	Competition Commission v Primedia (Pty) Ltd & Avusa Limited	Element of Implementation required for collusive agreements entered into before the Competition Act came into force.
5.	Competition Commission v Omnico (Pty) Ltd & Coolheat Cycles Agencies	Passive participation in cartel conduct / distancing oneself from conduct.
Cartel - Initiation		
6.	Omnia Fertiliser Limited v Competition Commission	Restatement of Yara principles - valid referral of complaint on the basis of a tacit initiation.
7.	Power Construction	Validity of industry wide initiation. Re-affirm the principles in Woodlands that it is permissible to add a firm to an existing complaint, and Yara/Omnia principles that an initiation does not require any formality.
Leniency		
8.	Blinkwater Mill (Pty) Ltd v Competition Commission	Confirmation of Commission's discretion in applying its Corporate Leniency Policy.
9.	Competition Commission v Allens Meshco	A marker and leniency applications are separate and distinct from one another.
Single Economic Entity		

10.	Delatoy Investment v Competition Commission	A “group of firms” may constitute a “firm”.
Characterization		
11.	Dawn Consolidated Holdings (Pty) Ltd and Others v Competition Commission	Development of the principle of characterization.
	A’frica Pest Prevention cc v the Competition Commission	Characterization on the basis that an individual representing two different firms cannot collude with herself.
Administrative Penalty/Settlement		
12.	Competition Commission and ArcelorMittal South Africa Limited	Highest penalty imposed on a single firm in a settlement agreement.
13.	Competition Commission v Life Healthcare Group & Joint Medical Holdings Ltd	Highest penalty imposed for failure to notify and prior implementation of a merger.
14.	School Uniforms	The Commission entered into settlement agreements with major school groups which undertook to conduct their school uniform procurement processes in a fair and competitive manner.
Merger Notification		
15.	Competition Commission v Hosken Consolidated Limited and Tsogo Sun Holdings Ltd	Once a firm has acquired control over another firm in any of the instances contemplated by section 12(2)(a) – (g), the crossing of a further “bright line” does not result in the acquisition of control it did not have before.
16.	SOS SABC & Multichoice v Competition Commission	Confirmation of Commission’s powers to investigate the notifiability of mergers.
Merger control – conditions		
17.	Joyson/Takata merger	Merger control cannot be used to preserve the Commission’s ability to enforce its cartel prosecutorial functions, in unique circumstances such as when the target firm is likely to exit the market absent the merger.
Mergers – Public interest		
18.	Sibanye / Lonmin merger	Assessment of merger specific retrenchments – confirmation of Momentum principles, in that a rational process has to be followed in order to determine the number of potential job losses.

Civil claims for loss or damage		
19.	Premier Foods (Pty) LTD v Norman Manoim NO, Competition Commission and Others	Victims of collusive conduct may obtain certificates to institute civil claims for loss or damage if relevant firm has been cited and there is an adverse finding against such firm.
	Access to information	
20.	Group 5 v the Competition Commission	The term “any person” in Commission’s Rule 15 includes a litigant, and a litigant is entitled to access the Commission’s record, save for any documents that are restricted ¹ .
Tribunal Rules		
21.	Goodyear v the Competition Commission	The Tribunal’s rules do not alter substantive law. They remain subordinate to the Act. Tribunal’s rules do not have the legislative standing to negate an agreement reached between the Commission and the complainant to extend the period of investigation in terms of the Act.

¹ This has now changed, as Commission’s Rule 15 was amended on 25 January 2019

PART B: OUR STRATEGIC FOCUS

4. Situational Analysis

4.1 External Environment Analysis

4.1.1 Economic Developments and Outlook

South Africa's economic growth has slowed significantly over the past six years and continues to fall well short of what is needed to address the country's triple challenge of unemployment, poverty and inequality. After recording robust growth of 6% in 2007, the country fell into recession in 2009 following the 2008 Global Financial Crisis. Growth seemed to recover relatively well following the recession, rebounding to 2.8% in 2013 along with the recovery in global economic growth. However, while the global economy, including the country's emerging market peers, continued a recovery trajectory, South Africa's economy started to slow significantly, with growth falling to 0.8% in 2018.

The weak growth path has continued into 2019, with the economy recording no growth during the first half of the year following a contraction in the first quarter which was offset by a rebound of the same magnitude in the second quarter. National Treasury revised its growth estimates lower for 2019, from 1.5% at the time of the 2019 Budget to 0.5% during the tabling of the Medium-Term Budget Policy Statement (MTBPS) in October 2019. It further expects the economy to remain weak in the medium term, with growth expected to rebound to a mere 1.7% in 2022 and to average only 1.5% between 2020 and 2022. South Africa's expected growth outcomes fall well below global averages below expected growth for developing and emerging countries and Sub-Saharan Africa, which is expected to be 3.9% and 3.2% respectively in 2019 and to rebound to 4.8% and 3.9% in 2022.

Political and policy uncertainty over the past few years has weighed significantly on business, investor and consumer confidence, leading to overall weakness in economic activity. This weakness has been compounded by supply side shocks such as drought conditions, electricity supply outages, elevated industrial protest actions, and rising costs of electricity and other administered prices. The weak growth environment, along with bailouts for state owned enterprises (SOEs) such as Eskom, and the public service wage bill has put significant pressure on government finances, limiting its ability to support growth. Since the 2019 Budget, the public finances have deteriorated from the combination of lower revenue and increased spending, widening the budget deficit to an average of 6,2% over the next three years, with debt estimated

to reach 71.3% of GDP by 2022/23.

The weak growth environment has resulted in very low levels of private sector investment spending along with lackluster employment creation. The country created just over 2.5 million jobs between the first quarter of 2010 and the third quarter of 2019, well below the New Growth Path objective of creating 5 million jobs between 2010 and 2020. The official unemployment rate also rose to an 11-year high of 29.1% in the third quarter of 2019 - a far cry from the National Development Plan's goal of reducing the unemployment rate to 14% by 2020. The unemployment rate for women remains higher than of men (27.7% vs. 30.9%), while the unemployment rate of African (32.8%) remains higher than that of Coloureds (23.5%), Indians (13.3%) and Whites (7.4%). More worrisome is the elevated level of the unemployment rate of the youth, at 58.2% for those aged 15-24 years and 36.1% for those aged 25-34 years. Living standards have also deteriorated, with growth in real GDP per capita falling from 3.9% in 2007 to -0.6% in 2018.

The country's relative competitiveness has also declined over the past few years as it lagged behind its peers in implementing the necessary structural reforms required to enhance competitiveness. While South Africa's global competitiveness ranking by the World Economic Forum improved from 67th out of 140 countries in 2018 to 60th out of 141 countries in 2019 due to some improvements in health conditions and institutional quality rankings, the country's ranking is significantly worse than its pre-crisis level of 45th out of 125 countries in 2006/07. Similarly, the World Bank's ranking of South Africa's ease of doing business has also deteriorated significantly from its pre-crisis rank of 29th out of 175 countries in 2007 to 82nd out of 190 countries in 2019. The 2020 Doing Business report shows that South Africa's ranking deteriorated by two notches to 84th out of 190 countries.

Despite subdued domestic inflation in 2019 and further monetary accommodation to the economy, risks to South Africa's growth prospects remain skewed to the downside in the medium term. The ensuing slowdown in global economic growth emanating from the ongoing trade tensions and uncertainty around Britain's withdrawal from the European Union (also termed Brexit) could further weigh on the country's growth. Domestically, further disruptions to the country's electricity supply, renewed labour unrests, operational and financial challenges at state-owned enterprises as well as fiscal challenges pose a downside risk to the country's growth outlook.

4.1.2 The Economic Policy Framework

Although South Africa has, over the past decade, adopted a wide range of policy initiatives aimed

at boosting economic growth and addressing the country's structural challenges, the country has seen very limited progress emanating from these initiatives and their implementation. This has partly been due to high levels of political uncertainty related to the so-called state capture phenomenon across various levels of government and SOEs as well as uncertainty about the country's economic policies including those related to mining and land. This uncertainty has greatly contributed to poor economic outcomes over the past few years, which has delayed the country from making significant progress towards attaining its long-term growth objectives as set out in the National Development Plan (NDP). Government has, since 2018 and under the leadership of President Cyril Ramaphosa, undertaken to address issues around state capture, to provide clarity around the country's economic policies and has accelerated its structural reform agenda in order to reverse the country's weak growth trajectory and to accelerate its long term growth objectives in order to move the country towards its 2030 vision of eliminating poverty and reducing inequality.

In September 2018 President Cyril Ramaphosa announced an economic stimulus and recovery plan aimed at igniting economic activity, restoring investor confidence, preventing further job losses and creating new jobs, and addressing some urgent challenges affecting the conditions faced by vulnerable groups. The measures announced in the plan give priority to areas of economic activity that will have the greatest impact on youth, women and small businesses and that will speedily unlock the country's short and long-term growth prospects. The five broad areas set out by the plan are: 1) implementation of growth enhancing economic reforms; 2) reprioritization of public spending to support job creation; 3) the establishment of an Infrastructure Fund; 4) addressing urgent and pressing measures in education and health; and 5) investing in municipal infrastructure improvement.²

A few interventions announced in the stimulus and recovery plan that may be relevant for the Competition Commission are to:

- reduce the cost of doing business, to boost exports and to make South African industry more competitive by reviewing various administered prices, starting with electricity, port and rail tariffs;
- expand procurement from small businesses and cooperatives, as well as using trade measures within WTO rules to protect poultry and other sensitive sectors and as well as a vigorous crackdown on illegal imports;

² <https://www.gov.za/speeches/president-cyril-ramaphosa-economic-stimulus-and-recovery-plan-21-sep-2018-0000>

- provide a stimulus package to support black commercial farmers with the aim of increasing their entry into food value chains through access to infrastructure like abattoirs and feedlots; and
- initiate the process for the allocation of high demand radio spectrum to enable licensing and unlock significant value in the telecommunication sector, increase competition, promote investment, and reduce data costs which will provide relief for poor households. Progress has been made in this regard, with the July 2019 release of the policy directive for spectrum licensing³ being followed by the release of the Information Memorandum by the Independent Communications Authority of South Africa (ICASA) during November 2019, providing an overview on the licensing process for the assignment of high demand spectrum.⁴

The aforementioned interventions align with some of the NDP objectives over which the Commission can have an impact on, such as increasing trade and export opportunities; promoting competition in regulated markets and advancing sectors with high growth potential; as well as addressing issues related to abuse-of-dominance and restrictive business practices, amongst others. The National Development Plan Five Year Implementation Plan provides a medium-term roadmap which will guide the realization of the 2030 NDP objectives. It will also form the basis for developing five-year institutional plans that align with the NDP goals.⁵

In August 2019, the National Treasury released a discussion document around the country's economic reform agenda titled "Economic Transformation, Inclusive Growth, and Competitiveness: Towards and Economic Strategy for South Africa". The paper identifies key growth reforms that can contribute towards economic transformation, inclusive growth, and competitiveness. These reforms, which align to the Commission's focus on competition in South Africa, are organized around five broad themes, which are drawn from the priorities identified in the NDP, namely:

- modernising network industries such as transport, energy, water, and communication in order to promote competitiveness and inclusive growth;
- enhancing competition as a lever for inclusive growth and economic transformation by encouraging the growth of smaller firms, the entry of new firms, and growth in innovation and productivity. This requires reducing anti-competitive practices and barriers to entry in order to facilitate the entry of SMMEs and improve competition amongst incumbent firms;

³ <https://www.gov.za/speeches/president-cyril-ramaphosa-economic-stimulus-and-recovery-plan-21-sep-2018-0000>

⁴ ICASA. 2019. *ICASA is ready to engage stakeholders on the process leading up to the licensing of high demand spectrum*

⁵ Department of Planning, Monitoring and Evaluation, Revised Framework for Strategic Plans and Annual Performance Plans and Concept Note on the NDP Five Year Implementation Plan, October 2018

- adopting deliberate policy measures and interventions that can bias economic growth towards employment-intensive sectors such as agriculture and services sectors such as construction, retail, and tourism;
- implementing focused and flexible industrial and trade policy to promote competitiveness and facilitate long-run growth; and
- growing exports and improving export competitiveness, which requires better integration into global and regional value chains.

Following the announcement of the government's national budget in February 2019, the MTBPS was tabled in October 2019 detailing government's fiscal goals and projections for the economy, as well as setting out measures to boost the economy, narrow the fiscal deficit and raise the quality of spending, particularly on large infrastructure projects. The MTBPS covers a package of economic reforms largely focused around balancing the budget, promoting investment and economic growth, stabilizing SOE's and improving spending efficiency and reducing waste.⁶

As a first step, government is focused on stabilizing the public finances which involves the reduction of the revenue deficit via decreases to departmental baselines and slower spending growth in the outer year of the medium-term expenditure framework (MTEF). These reductions, however, require additional measures to narrow the deficit and improve the composition of spending. Government has proposed a fiscal target of achieving a main budget primary balance by 2022/23 which will involve adjustments exceeding R150 billion in total over the medium term. Critical elements to achieving the fiscal target include the reduction in the growth of the public-service wage bill, increasing tax collection via the consideration of additional tax measures and following a sustainable plan for SOEs.

For government to promote investment and growth, the MTBPS includes both short-term reforms, which do not require significant resources, and medium-term reforms. The short-term growth reforms include supporting tourism, diversifying power generation, expanding telecommunications services and reducing the cost of doing business in South Africa. Medium-term improvements are to be prioritized in transport, water, telecommunications, and industrial and trade policy. In terms of public-sector infrastructure projects, the 2019 MTPBS allocated R3.4 billion over a three-year period for these projects, including school facilities, student housing and health infrastructure.

The MTBPS acknowledges that several large SOEs are struggling due to governance failures,

⁶ National Treasury. 2019. Medium Term Budget Policy Statement, 30 October 2019, page 3 -7.

poor operational performance and unsustainable debt levels. While government is on board to assist these entities, as it has increased spending to meet its obligations for guaranteed debt, a program of reforms is being carried out to strengthen their governance and operations. In terms of managing the Eskom risk and ensuring a financially viable electricity utility, the MTBPS states that faster progress is required to effect separation of Eskom into three entities, while the reduction of Eskom's debt burden will only be considered once it cuts costs and starts unbundling. Government has made provisional support of R49 billion available in 2019/20, R56 billion in 2020/21 and R33 billion in 2021/22. Other SOE's, including South African Airways (SAA), the South African Broadcasting Corporation (SABC), Denel and South African Express, have further added to spending pressure on government where these entities have amounted to an expenditure of R10.8 billion in 2019.

The MTBPS outlines some funding shifts and measures to improve efficiency and reduce wasteful expenditure. In order to improve efforts to combat corruption and enhance revenue collection, government will provide an additional R1.3 billion to the National Prosecuting Authority and an additional R1 billion to the South African Revenue Service for the period 2019/20 to 2022/23. Further reforms include the consolidation of overlapping agencies, the disposal of unused land and other assets, and the acceleration of the new Road Accident Benefit Scheme.

In conclusion, the South African economy faces many challenges with regards to poverty, inequality and rising unemployment which has resulted in declining economic growth. For South Africa to see a turnaround in its medium-term economic outlook and an improvement in expected long-run growth, the MTBPS states that an increase in state capacity and economic competitiveness is required. The policy statement acknowledges that both macroeconomic and microeconomic policy have a role to play in ensuring the structure of the economy promotes competition and facilitates access. Low inflation and sustainable fiscal policy serve to lower the cost of borrowing and support investment, while microeconomic policy ensures an efficient, well-regulated business environment that facilitates investment, innovation and the creation of new businesses. The Commission is therefore well-placed to drive the economy forward and play an active role in the formulation of economic policy, particularly in relation to creating an environment of inclusive economic growth.

4.1.3 Global and Regional Competition Policy Developments

At both a global and regional level, there is an impetus towards harmonization of competition policy and greater cooperation between competition authorities with regards to cross-border mergers and cartel investigations. A memorandum of understanding (MOU) signed in May 2016,

between the competition authorities of all BRICS member states, has paved the way for deepened cooperation and coordination and has contributed to a diversification of perspectives and voices on competition policy, given the increasing importance of these emerging economies to the global economy.

The Commission actively participates in the BRICS Working Groups on pharmaceuticals, food value chains, automotive and digital markets, where research is undertaken collaboratively from a developing economy perspective. The digital markets working group, provides an opportunity for authorities to strengthen their understanding of these new markets, which are poised as the markets of the future. It is evident that regulators need to adapt their capacity and tools in order to better respond to merger and enforcement cases which arise in these markets.

The establishment of a BRICS Competition Research Centre is underway. The BRICS Competition Research Centre is a partnership between the BRICS competition authorities to promote the study of competition policy, law and enforcement to advance a perspective relevant both to the interests and concerns of the BRICS countries as well as to the developing economies. The work of the BRICS Competition Research Centre should advance a developmental discourse on competition policy, regulation and enforcement, with the aim of supporting the attainment of inclusive economic growth and innovative competition regulation and enforcement which address developmental economic needs. A further aim of the BRICS Competition Research Centre is to strengthen collaboration in respect of enforcement, information exchange and capacity building.

At the regional level, South Africa signed the Tripartite Free Trade Area (TFTA) in July 2017. Negotiations followed to create an African Continental Free Trade Area (ACFTA) by 2017 where it was hoped that all 54 African Union states will become members of the free trade area. The operational phase of the ACFTA was subsequently launched during the 12th Extraordinary Session of the Assembly of the African Union in Niamey, Niger on 7 July 2019.

The main objectives of the ACFTA are to create a single continental market for goods and services, with free movement of businesspersons and investments, and thus pave the way for accelerating the establishment of the Customs Union. It will also expand intra-African trade through better harmonization and coordination of trade liberalization and facilitation and instruments across the RECs and across Africa in general. The ACFTA is also expected to enhance competitiveness at the industry and enterprise level through exploitation of opportunities for scale production, continental market access and better reallocation of resources. The ACFTA will be governed by five operational instruments, i.e. the Rules of Origin; the online negotiating forum; the monitoring and elimination of non-tariff barriers; a digital payments system and the

African Trade Observatory. Phase 2 of the TFTA negotiations, which include policies of investment, competition and intellectual property rights is still ongoing.

The Commission has noted the development in the TFTA and the ACFTA as it has implications on competition policy in the regional environment.

In the SADC region, there are now 11 functioning competition authorities out of 15 member states. Lesotho and Angola have draft competition laws, while Mozambique has a law but no functioning institution. The Democratic Republic of Congo has neither a law nor an institution. There is an increase in the enforcement of competition laws throughout the SADC region, accompanied by higher levels of cooperation and coordination between authorities. The Commission has signed (Memorandum of Understanding) MOUs with three of its fellow SADC authorities (Seychelles, Namibia and Mauritius) and an MOU with Swaziland is pending.

The Commission signed a MOU on cooperation between SADC competition authorities in May 2016. SADC competition authorities meet at least once a year in the SADC Competition and Consumer Law and Policy Committee. The Committee's Working Groups on Mergers (led by Botswana), Cartels (led by Zambia and South Africa) and Research (led by the African Competition Forum) have undertaken a program of work since its establishment in 2016 and continue to cooperate especially on cross-border cartel investigations. Detailed cooperation frameworks for merger review and cartel investigations were adopted in December 2016. Research undertaken by the Cartels Working Group shows the need for better harmonization of legislation relating to cartel investigations within SADC member states.

4.2 Internal Environmental Analysis

An assessment of the key internal factors in the organizational environment which contribute to the Commission's performance is articulated below. It should be noted that the interventions aimed at developing an enabling environment that effectively supports the performance of the Commission has been impacted by the organization's funding constraints. A key decision taken by the Commission to address its constrained funding environment is that initiatives that require sourcing of external expertise (outsourcing) will be limited to mission-critical interventions during 2019/20.

4.2.1 Organizational Structure

The Commission has reviewed the design of its organization structure, to ensure alignment with its strategy and to consider amendments to the Competition Act. The following considerations have been made in reviewing the structure:

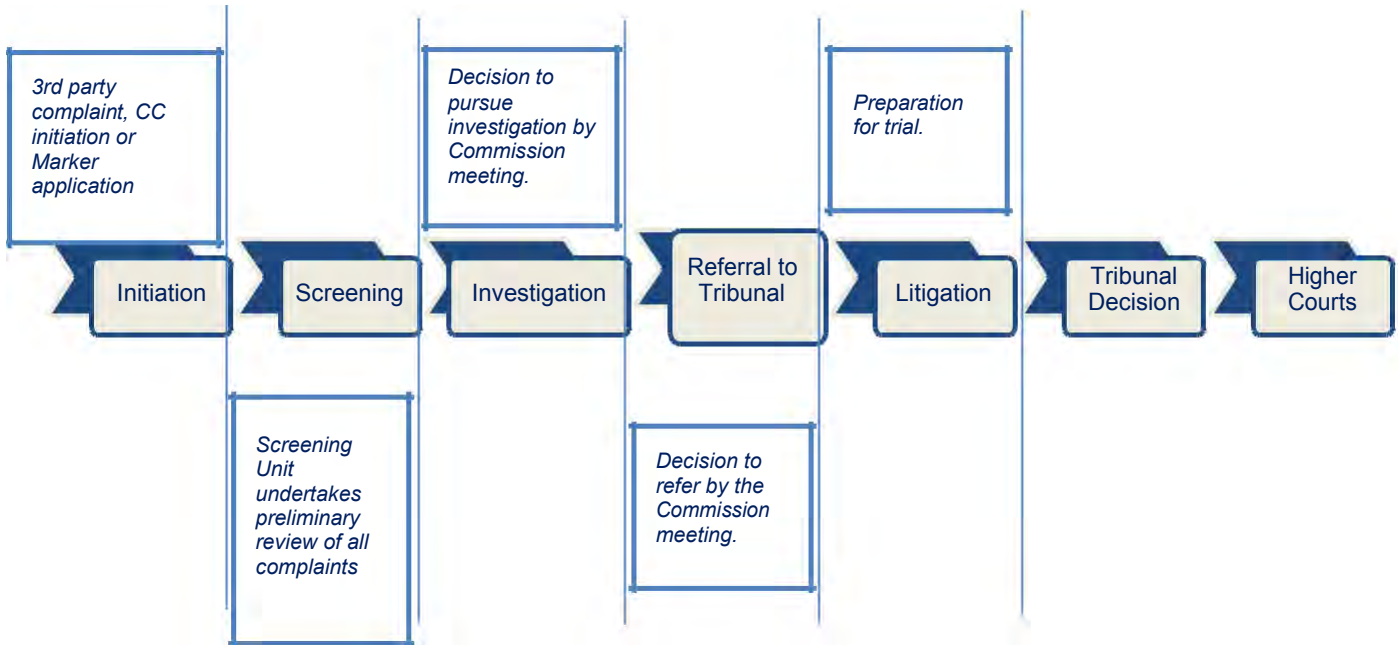
- Capacitating the organization to effectively perform market enquiries under the expanded mandate.
- Increase capacity for the litigation of cases internally, to reduce the outsourcing of core functions.
- Increase the capacity for provision of economic expertise.
- Increasing capacity investigation of abuse of dominance, restrictive practices and cartel conduct. This is to ensure the efficient and timely resolution of cases.
- Capacitate end-support functions in relation to Advocacy (education, awareness) and corporate services (Registry, IT, Finance and HR).

The proposed organizational structure will be presented to the Ministry for decision.

4.2.2 Improving the Case Management Process

The way cases are managed involves an interface between the core and support divisions, whose work and contribution to cases is vetted and decided upon at various levels of the organization, culminating at the Commission meeting. This is referred to as the case pipeline process. There are many checks and balances in this process, with vetting of process and divisions happening at every stage. The Commission meeting makes final decisions at key points in the process, particularly concerning decisions to initiate cases and decisions to refer cases to the Tribunal. An example of the pipeline process for enforcement cases is depicted in the diagram below.

Figure 2: The Case Pipeline Process - Enforcement



There are several constraints in the Commission’s workflow, including ‘bottlenecks’ arising in the process and challenges related to litigation. In the 2016/17 APP, the Commission reported that in order to minimize bottlenecks in the Case Pipeline process, the role of prosecuting cartels has been shared and consolidated between the Cartels and Legal Services divisions. The Cartels Division has assumed a role beyond investigation by performing a prosecutorial role and will continue doing so. The handling of both investigations and prosecutions by the same teams obviates the need for a handover of cases from investigators to prosecutors, which has proven to be a major source of inefficiency.

4.2.3 The Prioritization of Sectors

‘Prioritization’ refers to the Commission’s approach of identifying and selecting strategic sectors in which it will focus its enforcement and advocacy work. This principle was adopted in 2008 and has served the organization well with regards to its enforcement and advocacy initiatives. The selection of priority sectors has allowed for effective allocation of resources and it has ensured the alignment between the focus areas of the Commission and those of Government. The identification and defining of priority sectors also benefited the Commission in its relationships with partners and stakeholders, allowing for greater collaboration and synchrony on economic policy. Prioritization has also allowed for targeted impact of the Commission’s work in significant areas of the economy.

The Commission’s Prioritization Framework is based on several factors, namely: (i) the impact on the

consumer welfare for low-income earners; (ii) the prevalence of anti-competitive conduct or outcomes in a particular sector or industry; and (iii) government's economic priorities as captured in economic policy. In this strategy period, the Commission has also considered markets which are concentrated and/or have low levels of participation (inclusion).

The Commission's priority sectors for the 2020 – 2025 Strategic Planning period are summarized in the table below. The priority sectors are identified for enforcement action or advocacy or market inquires or for other tools such as impact assessments. A brief rationale on the identified sector is provided, with an indication of the potential sub-sectors which the Commission may focus on.

Table 3: Priority Sectors

Sector	Rationale	Sub-sectors
<p>1. Agriculture, Food & Agro-processing</p>	<p>The sector continues to be a priority due to its significance on the lives of South Africans, particularly the impact of high prices on the poor. The sector has huge potential for job creation and SME participation but is characterized by developing and legacy competition concerns. The Commission intends to address issues of access (entry) and participation in the value chain, with a focus on fresh produce markets, retail and processing levels. The issue of land (agriculture) and economic participation will also be a focus area. The Commission’s work in this sector will be through enforcement and advocacy tools (including research and impact assessments) but considers the sector as suitable for market inquiries as well.</p>	<ul style="list-style-type: none"> • Meat (red meat, poultry, fish) • Fresh Produce (Fruits & vegetables) • Dairy value chain • Breads and cereals
<p>2. ICT & Digital Markets</p>	<p>Digital markets entail technology-driven businesses, including platform-based business models. These are typically multi-sided markets with high network effects and economies of scale of such size that it renders competition issues more complex. Digital markets are characterized by high rates of investment and innovation, which lead to rapid technological progress in the sector, and to increased disruptive innovation, in many other markets that adopt to technological changes. The increasing prominence of the digital economy requires competition authorities to devote more time in understanding the dynamics emerging, and to regulate in a manner that strikes a balance between supporting the efficiencies and consumer benefits often arising whilst addressing anti-competitive outcomes such as concentration and abuse of dominance. The competition issues arising in digital markets intersect with other regulations (e.g. privacy laws, intellectual property, financial regulation, tax, labour etc.) and thus require a coordinated approach among regulators. The Commission will be contributing to the policy discourse in regulating these markets whilst also monitoring for anti-competitive conduct. A market inquiry may be an ideal tool to use to probe this sub-sector.</p> <p>South Africa’s ICT market is highly concentrated, both at the wholesale and retail levels. The Commission has established that data prices are very high, particularly for mobile prepaid data. There is also lack of competition in</p>	<ul style="list-style-type: none"> • ICT infrastructure • Data • Broadcasting • Platforms, Big Tech, FinTech & E-commerce • Infant industries

Sector	Rationale	Sub-sectors
	<p>subscription television broadcasting services, with one dominant player in the market. The market remains concentrated, even after issuing of various licenses by the sector regulator. As such, the Commission will continue its focus on the ICT sector.</p>	
<p>3. Energy</p>	<p>The South African energy sector is highly regulated and is currently the subject of policy reforms in most of its sub-sectors. The Commission will be monitoring the unbundling of Eskom and the effect of the restructuring on the market. Competition issues of focus will also include the ability of IPPs to access the grid and distribution channels, the relationships between Eskom, Independent Power Producers and municipalities. Further, pricing dynamics in the electricity market/value chain will be monitored.</p> <p>Other areas within the energy sector the Commission is prioritizing is Gas, including ensuring implementation of LPG market inquiry recommendations.</p>	<ul style="list-style-type: none"> • Renewables/ IPPs • Electricity IPPs • Gas (LPG, Natural Gas)
<p>4. Transport & Automotive</p>	<p>A well-integrated and efficiently functioning transport system is key to enabling and unlocking economic growth, and an important mechanism in fighting poverty, given its financial significance on poor households. The South African transport system (roads, railway and ports) is diverse and largely regulated by SOEs, national, provincial and local governments. The sector is characterized by inefficiencies due to apparent lack of coordination between different spheres of government. The recommendations arising from the market inquiry into Public Passenger Transport will be important in addressing some of the challenges in the transport network.</p> <p>Ongoing investigations into Ports and Rail will also continue, with the aim of addressing behavioural and legacy issues arising in these sub-sectors.</p> <p>The Commission will also continue its enforcement work in the automotive sector during the strategy period, with an emphasis on enforcement action in automotive aftermarkets. The work in automotive aftermarkets work is a result of more than a decade of complaints from the public regarding parts distribution, retail and service/repairs of vehicles. Component manufacturing will also remain a focus area.</p>	<ul style="list-style-type: none"> • Automotive Aftermarkets: services & repairs, short-term insurance • Automotive Components • Ports & Rail • Public Passenger Transport

Sector	Rationale		Sub-sectors
5. Construction services, Property & Infrastructure	<p>In the recent past, the Commission undertook extensive work in the construction sector in relation to anti-competitive conduct that manifested prior to 2010 FIFA world cup construction projects. The Commission has succeeded in prosecuting firms for their anti-competitive conduct in this sector. The government also prioritized this sector and has successfully reached pro-transformation settlement agreements with various market participants. However, competition problems persist, with the Commission still receiving complaints relating to conduct in the various sub-sectors of construction services. The Commission also continues to investigate several bid-rigging complaints, and this continues to be a focus for advocacy and enforcement action.</p> <p>During this period, the Commission will also pay attention to Built Environment professionals: their role in construction projects and the role of the Councils with regards to promoting entry and participation.</p> <p>Another area of focus will be residential estates with regards to the rules and practices of role-players, which may have competition implications.</p>		<ul style="list-style-type: none"> • Construction services • Residential estates • Property finance • Built Environment Professionals • Bid-rigging
6. Banking & Financial Services	<p>The banking and finance sector have the potential to contribute towards greater inclusion of historically marginalized groups – by extending access to banking and insurance services, by helping to promote and mobilize household savings, and by easing broader access to credit. The sector also has a crucial role as a provider of potentially dynamic intermediate services. The Commission will continue its enforcement focus in addressing contraventions of the Act which arise, including the banking cartel relating to foreign exchange market.</p> <p>The Commission will also follow policy reforms in the national payments system to identify competition issues which can be advocated for. Equally, reforms that are underway in the Audit Profession which have a competition element will be monitored.</p>		<ul style="list-style-type: none"> • Banking • Property finance • Insurance • Audit Profession
7. Manufacturing	<p>The manufacturing sector is important for the South African economy given its contribution towards the GDP and the number of employees that the sector absorbs. Manufacturing includes Intermediate Industrial Inputs (IIP) used to manufacture different outputs in various sectors. The Commission's study into concentrated markets revealed that</p>		<ul style="list-style-type: none"> • Chemicals, pesticides and agrochemicals • Forestry/paper/pulp/cor

Sector	Rationale	Sub-sectors
	<p>the sector is highly concentrated. During this strategy period, greater focus would be in the value chains of various industries in the broader manufacturing sector, particularly where there is high concentration. A market inquiry may be an ideal tool to use to probe into these value chains.</p>	<p>rugated packaging</p> <ul style="list-style-type: none"> • Steel/ fabricated metals • Plastic
<p>8. Healthcare</p>	<p>The healthcare sector is undergoing major policy reforms with the proposal of a National Health Insurance. Commission will be advocating for the recommendations arising in the Market Inquiry on Private Healthcare, which are crucial to the achievement of an efficient universal healthcare system as proposed in the NHI. Equally, mergers in this sector, will be monitored to prevent further concentration, particularly in relation to facilities. The investigation into various pharmaceutical drugs will continue in this period.</p>	<ul style="list-style-type: none"> • Facilities • Pharmaceuticals

4.2.4 Scoping Studies

Scoping studies refer to research and analysis the Commission undertakes in selected markets in order to gain insights before initiating a formal inquiry or investigation. Candidate markets are largely drawn from the patterns and trends emerging from the Commission's enforcement work, public complaints and the priority sectors of the Commission. The outcomes of a scoping study can lead to several actions, which include an investigation, a market inquiry, advocacy intervention or no action at all.

Scoping studies are a mechanism which the Commission uses to generate its own work. Scoping studies are in fact, the catalytic agent to the principle of sector prioritization – for they enable the Commission to initiate work in the targeted sectors, without undue reliance on public complaints. Undertaking scoping studies in targeted markets ensures strategic focus - both with regards to the allocation of resources and assessment of desired impact.

Scoping studies are a fundamental pillar to the Commission's strategic performance. The intention behind the intended scoping studies is to generate actionable research which can lead to enforcement of cartel or abuse of dominance conduct.

4.2.5 Market Inquiries

The Commission has statutory powers to undertake Market Inquiries. A market inquiry *“means a formal inquiry in respect of the general state of competition in a market for particular goods or services, without necessarily referring to the conduct or activities of any particular firm”*⁷.

Since 2014 when the statutory powers were promulgated, the Commission has completed market inquiries into the Private Healthcare sector (2010), Grocery Retail (2019), Data Costs (2019) and LPG (2016). It is currently conducting an inquiry into Public Land Based Passenger Transport at the time of writing.

There are many lessons learnt on the running of market inquiries which the Commission intends to draw on and improve on the function when initiating further market inquiries in the future. This is particularly important considering the expanded market inquiry mandate arising from the 2019 amendments to the Competition Act.

4.2.6 Impact Assessments

⁷ Competition Amendment Act 1 of 2009, s43A

The Commission considers impact assessments as a strategic tool in its regulatory toolbox, for which recent amendments to the Competition Act further enable this function. 'Impact assessments' refers to the economic studies the Commission undertakes to evaluate its work. The purpose of undertaking impact assessments is to demonstrate to stakeholders the harm of anti-competitive conduct and the gains arising to the public from the Commission's interventions. Impact assessments are carried out under three main categories, namely:

- a) Estimation of the impact of anti-competitive conduct;
- b) Ex-post evaluation of specific enforcement interventions; and
- c) Evaluation of the broader impact.

The outcomes of impact assessments are seldom an exact exercise as the relationship between competition law enforcement and economic outcomes is often complicated by various exogenous factors. In the past few years, the Commission has sought to quantitatively demonstrate the results of its work by undertaking several impact assessments. The Commission will continue to undertake impacts assessments in its priority sectors during the 2019/20 financial year.

4.2.7 Human Capital Management

The attraction and retention of the right skills is an area in which the Commission intends to remain vigilant. The Commission has initiated multiple human resource interventions aimed at addressing issues of succession planning, career mobility, remuneration, reward and engagement. These efforts include the review of the Performance Management System, which was completed in the 2017/18 financial year.

Capacity-building is another critical investment the Commission is making, having offered staff access to more focused training, multi-skilling opportunities, competency ladders and mentoring and coaching. Addressing these human capital issues, requires a capable Human Resource function which can transcend beyond an administrative role to a strategic one. As such, the HR department has re-engineered its business delivery model, applying a business partnership approach. This is a capability which it will continue consolidating in the 2019/20 period. The Commission also intends to invest in learning and development, with the target for 2019/20 being to spend 1% of the human resources budget on learning and development activities and initiatives.

4.2.8 Resource Management & Compliance

The Commission aims to maintain prudent resource-management and governance. The Commission will also continue its compliance with the cost-containment measures introduced by the National

Treasury.

The lack of adequate office and parking space has led to the Commission moving six of its divisions to the Trevena campus, located near the dti campus in Sunnyside. The location of the Commission's staff across different buildings creates logistical and security difficulties.

4.2.9 Information Communication Technology (ICT) Environment

A comprehensive review of the Commission's ICT environment was completed in the 2016/17 financial year. The aim of the review was to make proposals for the modernization of the Commission's IT infrastructure and services to effectively enable the work of the organization. The review focused on assessing the adequacy and effectiveness of the current ICT, specifically the Infrastructure Architecture, the Platforms/Software Infrastructure and Internal Security. The review found that the Commission's ICT environment consists of disparate systems that are not integrated; the core business system does not support the business vision and strategic objectives; does not support the people nor the process; the CSD is inadequately capacitated; and IT Governance needs to be improved. The implementation of a fully integrated, efficient and adequate ICT environment was recommended that:

- a) embodies standardization, ensuring work can be conducted uniformly, but efficiently;
- b) ensures business processes are integrated, ensuring that duplication is removed;
- c) supports continuous improvement as part of the transformation journey;
- d) embeds workflow to ensure that documents flow through the authorizations hierarchy as defined by the user ensures audit and facilitates electronic processing thereof to ensure efficiency; and
- e) provides robust, up-to-date security and audit trail capabilities.

The first phase of implementation was scheduled for commencement in the 2016/17 financial year and subsequent phases were due to be completed during 2019/20, in order to give effect to the recommendations. The project was not implemented to financial constraints. Considering such constraints, the approach that will be adopted by the Commission is to focus on providing basic tools-of-trade to support the ICT environment and implement upgrades on some of the current dated systems in a phased approach depending on resource availability.

PART C: MEASURING OUR PERFORMANCE

5. Institutional Programs: Performance Information

The Commission undertakes its work through the following main programs or divisions:

5.1 Mergers & Acquisitions Division

The Mergers & Acquisitions (M&A) division is tasked with ensuring that merger transactions do not lead to a substantial lessening of competition to the detriment of consumers and the public interest in terms of Chapter 3 of the Competition Act. The Commission has the authority to approve, conditionally approve, or prohibit intermediate mergers, while recommendations are made to the Tribunal in respect of large mergers. Small mergers may be notified to the Commission on a voluntary basis although the Commission may in certain circumstances require that the small merger be notified.

It is difficult to predict merger activity with certainty, since merger activity is an outcome of market conditions and firm activity. The Commission has over the years set targets with regards to the key outputs of mergers approved, mergers approved with conditions and mergers prohibited against the total number of mergers notified based on observed trends. These assumptions have sometimes been incorrect, as they are largely outside of the control of the Commission. The Commission has thus developed performance indicators that are within its control, and thus has set merger targets in relation to turnaround times.

Merger regulation plays an important role in preventing anti-competitive structures in the economy. The Commission will continue to monitor the compliance of firms against merger remedies and conditions imposed, during this period. Compliance monitoring is an important step in ensuring that public interest and competition outcomes are realized in the economy.

The M&A program also analyses mergers in priority sectors as an input into the enforcement work of the Commission and monitor and analyze merger trends with a view to assessing merger activity that leads to job losses. Further, with the support of Legal Services, the program also monitors and litigates against the implementation of mergers prior to their approval.

5.2 Cartels Division

The Cartels Division focuses on investigating and prosecuting cartel activities in terms of Section 4(1)(b) of the Competition Act and administers the Commission's Corporate Leniency Program. Cartel conduct

includes price fixing, market allocation and collusive tendering or bid rigging.

The Commission has had significant successes with uncovering cartel conduct through its Corporate Leniency Program. The Fast Track Construction Settlement Project, for example, provided the Cartels Division with the necessary experience to manage large scale interventions into cartel activity in priority sectors.

As mentioned earlier, the Cartels Division has been re-configured to undertake both investigations and prosecutions to improve the efficiency of the case pipeline.

5.3 Market Conduct Division

The Market Conduct Division program focuses on restrictive vertical practices and the abuse of dominant positions. Abuse of dominance includes excessive pricing, price discrimination, refusal to deal with competitors and predatory pricing. In addition, market inquiries are now located here.

During 2019/20, the Market Conduct program will continue its focus on establishing a more proactive approach to investigating abuse of dominance cases in terms of Section 8 and 9 of the Competition Act. The division will initiate and complete several of these in prioritized sectors. The conducting of Market Inquiries will be a strategic tool to enable the division to probe and gain insights into complex markets which have a high impact on the economy and consumers at large.

The Commission has undertaken a process of rationalizing and streamlining the number of cases under investigation. The capacity within the Market Conduct Division, to focus on abuse of dominance contraventions, is available and will, through effective leadership and performance management be harnessed to ensure that it becomes an effective instrument of competition regulation during this period.

5.4 Legal Services Division

The Legal Services Division (LSD) is responsible for managing all the Commission's litigation before the Tribunal, Competition Appeal Court (CAC), High Court, Supreme Court of Appeal (SCA) and the Constitutional Court. The division represents the Commission in courts, in briefing attorneys and counsel, and directing and managing the Commission's strategy in respect of litigation. Legal support is also provided to analyzing merger applications. The division serves as the exit point for the recommendation of large mergers to the Competition Tribunal and merger decisions which are appealed. The division is also responsible for negotiating and concluding settlement agreements, with the input of other divisions. The settlement process enables the Commission to conclude cases speedily and in the least costly manner.

In 2020/21, the Legal Services division will continue its focus on improving its level of success in the courts. Successful prosecution or settlement of cases is an important indicator of success for the Commission. In line with the overall strategy of the Commission, the Legal Services Division is expected to progressively shift towards insourcing a proportion of litigation of cases by the Commission and will focus on litigation of complex cases in-house.

5.5 Economic Research Division

The Economic Research Bureau provides economics support for complex cases and policy issues. The division helps the Commission evaluate the economic impact of its actions by undertaking impact assessment studies.

The key operational responsibilities of the division are to ensure economic research on sectors and policy issues identified by the Commission as priority areas; perform sound economic analysis for enforcement cases, merger cases and market inquiries and provide economic policy, regulation and legislative-related research.

5.6 Advocacy Division

The Advocacy Division is responsible for undertaking preliminary investigations of complaints received from the public. The division also advances strategic cases, which could not be resolved through enforcement, through advocacy initiatives. The focus of the division is also on advocacy work arising from Market Inquiries.

One of the functions of the division is Stakeholder Relations, aimed at fostering collaborative relationships with the Commission's key stakeholders. The Commission will continue to maintain relations with Small and Medium Enterprises (SMEs) and Trade Unions during 2019/20 while focusing on key constituencies within Government and business. This includes joining the outreach program of the Portfolio Committee on Economic Development, where appropriate. Furthermore, there will be strategic interactions with economic partners on areas of commonality.

Another function of the Advocacy Division is Policy Analysis; that is to contribute to Government policy and regulations in order to promote competitive outcomes, whilst also generating sector-based research on competition issues in order to analyze trends which will inform the Commission's approach.

In addition to the above, the International Relations department is also located within the Advocacy

Division. Participation in important international networks and fora will continue during 2010/20 as it provides the Commission with an opportunity to both follow international competition developments, and promote the consistent application of competition principles, while promoting the importance of developmental perspectives in domestic and international competition law discourses. The Commission aims to strengthen strategic bilateral relations with key foreign competition agencies, particularly its African and BRICS counterparts, through identified research projects and continued case cooperation. The Commission will continue to contribute to the building of strong competition institutions in the region through capacity building and technical assistance initiatives.

The Advocacy Division also houses the Communications function, which has the aim of creating public awareness about the Commission's work and advocating and advancing competition. A much more proactive approach to media engagement will be consolidated during this period.

5.7 Corporate Services Division

The Corporate Services Division (CSD) has two primary functions, namely, the management of Human Capital as well as Systems and Information.

CSD plays a critical role in ensuring that staff are motivated and committed to the Commission through its recruitment and selection processes, employee wellbeing, remuneration, learning and development, labour relations and strategic interventions.

CSD also comprises other functions including IT, Registry, the Resource Centre, and Security and Facilities. IT should understand the problems and needs of the Commission as the basis for determining how IT can be used to bring about improvements for the business, leading to improved business processes, improved information systems, new or improved computer applications and knowledge sharing.

The priorities for the business unit are focused on managing the Commission's high retention rate through relevant HR policies and practices, whilst also investing in Learning & Development initiatives. Further, the division intends to source appropriate office space that is OHS compliant and to relocate staff during this period.

The Security and Facilities unit is responsible for ensuring a safe and secure environment for all the Commission staff and visitors. The unit oversees security enabling and guarding services, including access control, within the proper guidelines and procedural responsibilities that will ensure a secure physical environment.

The Resource Centre forms part of the Commission's knowledge management strategy, while Registry (formerly located in the OTC) is responsible for document management.

5.8 Finance

The Finance Division provides financial management, supply chain management and asset management support services. The key financial management services include budget development, implementation and monitoring, effective financial management, procurement, management of resources, financial reporting and performance management.

Emphasis is placed on continuously improving the budgeting process in a manner that reflects the strategic priorities of the Commission, cash flow management, timeous financial reporting and ensuring that policies and activities comply with regulatory frameworks and guidelines. Compliance with statutory and regulatory frameworks remains an important focus as well as improving the data analysis and reporting functions. In its continuous pursuit to maintain a clean audit, the Finance department has set a target for a clean audit for the entire strategic period.

5.9 Office of the Commissioner

The primary role of the Office of the Commissioner (OTC) is oversight on the implementation of the Commission's strategic goals and objectives. In addition to crafting and setting the strategic direction of the Commission and providing necessary insight and guidance, the Office of the Commissioner will ensure that appropriate processes, procedures and structures are in place to enable all programs to achieve against its stated objectives. The primary mechanism to achieve this is the continued operation of the corporate governance program, which enables and supports sound corporate governance within the institutions.

6. MTEF Outcomes, Outputs, Performance Indicators & Targets

Outcome	Outputs	Accountable Program	No.	KEY PERFORMANCE INDICATORS	Annual Targets			Estimated performance 2019 / 20	MTEF Period		
					Audited/ Actual performance				2020/21	2021/22	2022/23
					2016/17	2017/18	2018/19				
STRATEGIC GOAL 1: ENFORCING AND REGULATING TOWARDS ECONOMIC GROWTH AND ENHANCED ECONOMIC PARTICIPATION											
1. Efficient and effective merger regulation & enforcement	a) Mergers and Acquisitions decisions	M&A	1.	Average turnaround time for Phase 1 merger investigations.	17 days	20 days	17 days	≤ 20 days	≤ 20 days	≤ 20 days	≤ 20 days
		M&A	2.	Average turnaround time for Phase 2 merger investigations.	45 days	45 days	41 days	≤ 45 days	≤ 45 days	≤ 45 days	≤ 45 days
		M&A	3.	Average turnaround time for Phase 3 intermediate and small merger investigations.	56 days	58 days	57 days	≤ 60 days	≤ 60 days	≤ 60 days	≤ 60 days
		M&A	4.	Average turnaround time for 90% of Phase 3 large merger investigations.	116 days	153 days	119 days	≤ 120 days	≤ 120 days	≤ 120 days	≤ 120 days
	b) Market Conduct	Market Conduct &	5.	% of market conduct	94%	93%	≥75%	≥75%	≥60%	≥60%	≥60%

Outcome	Outputs	Accountable Program	No.	KEY PERFORMANCE INDICATORS	Annual Targets						
					Audited/ Actual performance			Estimated performance 2019 / 20	MTEF Period		
					2016/17	2017/18	2018/19		2020/21	2021/22	2022/23
	Investigations	Advocacy		investigations completed within 12 months.							
	c) Cartel Investigations	Cartels	6.	No. of cartel investigations completed.	N/A	28	3	15	10	10	10
2. Competitive, Contestable and Deconcentrated Markets	a) Abuse of dominance and restrictive case investigations	Market Conduct	7.	No. of cases initiated in prioritized sectors.	4	5	1	2	2	2	2
	b) Cartel prosecutions	Cartels & LSD	8.	% of cartel cases won at the Tribunal and the courts.	100%	85%	≥75%	≥75%	≥75%	≥75%	≥75%
	c) Prosecution of Abuse of dominance and restrictive practices	LSD	9.	% of market conduct cases won at the Tribunal and the courts in relation to abuse of dominance, restrictive practices and exemption litigation.	100%	100%	≥70%	≥70%	≥70%	≥70%	≥70%

Outcome	Outputs	Accountable Program	No.	KEY PERFORMANCE INDICATORS	Annual Targets						
					Audited/ Actual performance			Estimate performance 2019 / 20	MTEF Period		
					2016/17	2017/18	2018/19		2020/21	2021/22	2022/23
	d) Merger litigation	LSD	10.	% of merger decisions upheld by Tribunal and/or courts.	100%	92%	67%	≥75%	≥75%	≥75%	≥75%
3. Improved public interest outcomes	a) Exemption application decisions	Market Conduct	11.	% of exemption applications completed within 12 months.	100%	0%	≥75%	≥75%	≥75%	≥75%	≥75%
	b) Compliance monitoring for merger conditions	M&A	12.	% of imposed merger remedies and conditions monitored.	100%	100%	100%	100%	100%	100%	100%
STRATEGIC GOAL 2: ADVOCATING FOR IMPROVED COMPLIANCE AND PRO-COMPETITIVE PUBLIC POLICY OUTCOMES											
4. Improved compliance & awareness	a) Domestic outreach initiatives	Advocacy	13.	No. of education, training and outreach initiatives conducted.	N/A	5	4	2	6	6	6
		Advocacy & OTC	14.	Number of awareness publications on the Competition Act.	N/A	N/A	N/A	N/A	6	6	6
	b) External Guidelines on the	LSD & ERB	15.	No. of Guidelines on the application of the Act issued to	N/A	0	1	1	2	1	1

Outcome	Outputs	Accountable Program	No.	KEY PERFORMANCE INDICATORS	Annual Targets						
					Audited/ Actual performance			Estimated performance 2019 / 20	MTEF Period		
					2016/17	2017/18	2018/19		2020/21	2021/22	2022/23
	application of the Act			stakeholders							
	c) Advisory Opinions	LSD	16.	% of advisory opinions issued within 60 days.	N/A	N/A	N/A	N/A	≥90%	≥90%	≥90%
5. Improved understanding of market dynamics in priority sectors	a) Industry Scoping Studies	ERB	17.	No. of industry scoping studies conducted in prioritized sectors.	5	4	1	1	1	1	1
	b) Market inquiries	Market Conduct	18.	No. of market inquiries initiated.	0	2	0	0	1	1	1
		Market Conduct	19.	No. of market inquiries completed.	1	0	0	4	0	1	1
	c)	Advocacy & ERB	20.	Implementation Report on Market Inquiry recommendations	0	0	0	0	4	4	4
	d) Impact assessments on Commission decisions or competition policy	ERB	21.	No. of impact assessment studies completed.	5	4	1	1	1	1	1
	e) Advocacy in priority sectors	Advocacy	22.	No. of advocacy cases completed in priority sectors	N/A	N/A	N/A	N/A	4	4	4
6. Improved co-	a) Strategic	Advocacy	23.	No. of workshops or	N/A	6	4	2	2	2	2

Outcome	Outputs	Accountable Program	No.	Annual Targets							
				KEY PERFORMANCE INDICATORS	Audited/ Actual performance			Estimated performance 2019 / 20	MTEF Period		
					2016/17	2017/18	2018/19		2020/21	2021/22	2022/23
Coordination on the application of economic and competition policy	Partnerships with relevant stakeholders			seminars on competition, trade, industrial policy and/or regulatory matters hosted.							
		OTC	24.	No. of strategic activities undertaken in collaboration with universities.	N/A	1	2	2	2	2	2
	Policy Responses	Advocacy	25.	No. of submissions or responses to policy or regulation.	N/A	6	4	4	4	4	4
	Research & Thought Leadership	ERB	26.	No. of research and thought leadership insights published.	N/A	N/A	N/A	N/A	4	4	4
7. Increased importance of developmental perspectives in domestic and international competition law discourse	a) Collaboration with regional and international partners	Advocacy	27.	No. of research projects and/or publications undertaken with African, BRICS and international partners.	8	8	4	4	4	4	4

Outcome	Outputs	Accountable Program	No.	Annual Targets							MTEF Period		
				KEY PERFORMANCE INDICATORS	Audited/ Actual performance			Estimated performance 2019 / 20	MTEF Period				
					2016/17	2017/18	2018/19		2020/21	2021/22	2022/23		
STRATEGIC GOAL 3: A PEOPLE-CENTRIC AND HIGH-PERFORMANCE ORGANIZATION													
8. Sound Corporate Governance	a) Audit Outcome	Finance	28.	Audit Opinion.	Unqualified Audit	Clean audit	Unqualified Audit	Clean Audit	Clean Audit	Clean Audit	Clean Audit		
9. Secure, harmonious and conducive working environment	a) Conducive Facilities & Efficient Security	CSD	29.	Relocate staff to appropriate office space.	N/A	N/A	N/A	N/A	1	-	-		
		CSD	30.	% implementation of the OHS compliance plan.	N/A	N/A	N/A	N/A	100%	100%	100%		
10. Highly engaged, motivated and productive workforce	a) Talent Management	CSD	31.	% of HR spend in learning and development.	N/A	N/A	1.5%	1%	1%	1%	1%		
		CSD	32.	% retention rate of staff complement.	95%	98%	≥98%	≥90%	≥90%	≥90%	≥90%		
		OTC	33.	No. of staff reached through training academy initiatives.	N/A	N/A	N/A	N/A	100	120	220		

7. Annual Indicators and Quarterly Targets - 2020/21

Outcome	Outputs	Accountable Program	No.	Performance Indicator	Annual Target	Q1	Q2	Q3	Q4
STRATEGIC GOAL 1: ENFORCING AND REGULATING TOWARDS ECONOMIC GROWTH AND ENHANCED ECONOMIC PARTICIPATION									
1. Efficient and effective merger regulation & enforcement	a) Mergers and Acquisitions decisions	M&A	1.	Average turnaround time for Phase 1 merger investigations.	≤ 20 days	≤ 20 days	≤ 20 days	≤ 20 days	≤ 20 days
		M&A	2.	Average turnaround time for Phase 2 merger investigations.	≤ 45 days	≤ 45 days	≤ 45 days	≤ 45 days	≤ 45 days
		M&A	3.	Average turnaround time for Phase 3 intermediate and small merger investigations.	≤ 60 days	≤ 60 days	≤ 60 days	≤ 60 days	≤ 60 days
		M&A	4.	Average turnaround time for 90% of Phase 3 large merger investigations.	≤ 120 days	≤ 120 days	≤ 120 days	≤ 120 days	≤ 120 days
	b) Market Conduct investigations	Market Conduct & Advocacy	5.	% of market conduct investigations completed within 12 months.	≥60%	≥60%	≥60%	≥60%	≥60%
	c) Cartel investigations	Cartels	6.	No. of cartel investigations completed.	10	3	3	2	2
2. Competitive, Contestable and Deconcentrated Markets	a) Investigation of Abuse of dominance and restrictive	Market Conduct	7.	No. of cases initiated in prioritized sectors.	2	0	1	0	1

Outcome	Outputs	Accountable Program	No.	Performance Indicator	Annual Target	Q1	Q2	Q3	Q4
	practices								
	b) Cartel prosecutions	Cartels & LSD	8.	% of cartel cases won at the Tribunal and the courts.	≥75%	≥75%	≥75%	≥75%	≥75%
	c) Prosecution of Abuse of dominance and restrictive practices	LSD	9.	% of market conduct cases won at the Tribunal and the courts in relation to abuse of dominance, restrictive practices and exemption litigation.	≥70%	≥70%	≥70%	≥70%	≥70%
	d) Merger litigation	LSD	10.	% of merger decisions upheld by Tribunal and/or courts.	≥75%	≥75%	≥75%	≥75%	≥75%
3. Improved public interest outcomes	a) Exemption application decisions	Market Conduct	11.	% of exemption applications completed within 12 months.	≥75%	≥75%	≥75%	≥75%	≥75%
	b) Compliance monitoring for merger conditions	M&A	12.	% of imposed merger remedies and conditions monitored.	100%	100%	100%	100%	100%
STRATEGIC GOAL 2: ADVOCATING FOR IMPROVED COMPLIANCE AND PRO-COMPETITIVE PUBLIC POLICY OUTCOMES									
4. Improved compliance & awareness	a) Domestic outreach initiatives	Advocacy	13.	No. of education, training and outreach initiatives conducted.	6	1	2	2	1
		Advocacy & OTC	14.	Number of awareness publications on the Competition	6	2	2	1	1

Outcome	Outputs	Accountable Program	No.	Performance Indicator	Annual Target	Q1	Q2	Q3	Q4
				Act.					
	b) External Guidelines on the application of the Act	LSD & ERB	15.	No. of Guidelines on the application of the Act issued to stakeholders.	2	0	0	1	1
	c) Advisory Opinions	LSD	16.	% of advisory opinions issued within 60 days.	90%	90%	90%	90%	90%
5. Improved understanding of market dynamics in priority sectors	a) Industry Scoping Studies	ERB	17.	No. of industry scoping studies conducted in prioritized sectors.	1	0	1	0	0
	b) Market inquiries	Market Conduct	18.	No. of market inquiries initiated.	1	0	0	1	0
		Market Conduct	19.	No. of market inquiries completed.	0	0	0	0	0
	c)	Advocacy & ERB	20.	Implementation Report on Market Inquiry recommendations	4	1	1	1	1
	d) Impact assessments on Commission decisions or competition policy	ERB	21.	No. of impact assessment studies completed.	1	0	0	0	1

Outcome	Outputs	Accountable Program	No.	Performance Indicator	Annual Target	Q1	Q2	Q3	Q4
	e) Advocacy in priority sectors	Advocacy	22.	No. of advocacy cases completed in priority sectors	4	1	1	1	1
6. Improved co-ordination on the application of economic policy and competition policy	a) Strategic Partnerships with relevant stakeholders	Advocacy	23.	No. of workshops or seminars on competition, trade, industrial policy and/or regulatory matters hosted.	2	0	1	1	0
		OTC	24.	No. of strategic activities undertaken in collaboration with universities.	2	0	1	1	0
	b) Policy Responses	Advocacy	25.	No. of submissions or responses to policy or regulation.	4	1	1	1	1
	c) Research & Thought Leadership	ERB	26.	No. of research and thought leadership insights published.	4	0	1	2	1
7. Increased importance of developmental perspectives in domestic and international competition law discourse	d) Collaboration with Regional & International partners	Advocacy	27.	No. of research projects and/or publications undertaken with African, BRICS and international partners.	4	1	1	2	0
STRATEGIC GOAL 3: A PEOPLE-CENTRIC AND HIGH-PERFORMANCE ORGANIZATION									
8. Sound Corporate Governance	a) Audit Outcome	Finance	28.	Audit Opinion.	Clean Audit	-	Clean Audit	-	-

Outcome	Outputs	Accountable Program	No.	Performance Indicator	Annual Target	Q1	Q2	Q3	Q4
9. Secure, harmonious and conducive working environment	a) Conducive Facilities & Efficient Security	CSD	29.	Relocate staff to appropriate office space.	1	0	0	0	1
		CSD	30.	% implementation of the OHS compliance plan.	100%	100%	100%	100%	100%
10. Highly engaged, motivated and productive workforce	a) Talent Management	CSD	31.	% of HR spend in learning and development.	1%	0	0	0	1%
		CSD	32.	% retention rate of staff complement.	≥90%	≥90%	≥90%	≥90%	≥90%
		OTC	33.	No. of staff reached through training academy initiatives	100	25	25	25	25

8. Resource Considerations

Below are the Competition Commission’s budgetary estimates (MTEF) for the next three-year period of its Strategic Plan. These estimates are drawn from the intended work programs of the Commission for the period, as per the 2020-2025 Strategic Plan and Annual Performance Plan.

8.1 Expenditure Analysis

The maintenance of the administrative activities of the Competition Commission is human resource based. This is evident from the high financial requirements for human resources and administrative activities. The implementation of the Commission’s policy on strategic priority sectors and prioritization will further require substantial input during this period. The following table summarizes the projected estimates by strategic objectives:

Table 2: Expenditure Analysis and Estimates

EXPENDITURE PER STRATEGIC OBJECTIVE	2020/21 ANNUAL BUDGET	2021/22 ANNUAL BUDGET	2022/23 ANNUAL BUDGET
Goal 1: Enforcing and Regulating towards economic growth and enhanced economic participation	238 992 000	256 858 000	267 593 000
Goal 2: Advocating for improved compliance and pro-competitive public policy outcomes	21 680 000	24 358 000	25 376 900
Goal 3: A people-centric and high-performance organization	156 572 000	157 767 000	163 527 100
TOTAL	417 244 000	438 983 000	456 497 000

The Mergers & Acquisitions, Market Conduct, Cartels, Legal Services, Economic Research Bureau and Advocacy are the core programs directly involved with the implementation of the Competition Act. Nonetheless, support activities such as Administration spend more than 80% of their resources offering support to the core activities. The following table summarizes the projected expenditure per division:

The financial resources have been allocated to ensure that the Commission focuses on the identified strategic areas. As is customary, financial revisions are done during the financial year, and any adjustments are effected accordingly.

Table 3: Expenditure per Main Item

TOTAL EXPENDITURE PER MAIN ITEM	2020/21 ANNUAL BUDGET	2021/22 ANNUAL BUDGET	2022/23 ANNUAL BUDGET
Human Resources	254 121 018	274 450 700	296 406 756
Premises & Equipment	40 680 624	44 719 289	49 191 218
Other Operational	9 816 966	10 307 814	10 823 205
Research & Information	2 109 915	2 225 379	2 358 902
IT and Systems Development	2 820 444	2 974 791	3 153 278
Educational Awareness	6 672 189	7 005 799	7 356 089
Case Related Costs	40 230 750	42 242 288	44 354 402
Capital Expenditure	2 409 150	2 504 989	2 668 038
Depreciation	3 626 901	3 825 381	4 016 650
Other Program Costs	54 756 043	48 726 570	36 168 462
TOTAL	417 244 000	438 983 000	456 497 000

- The staff complement is expected to increase by an additional 4% above inflation from 2022/23, occasioned by the additional mandate arising from the new amendments.
- Other program costs will decrease as the Health Market Inquiry reaches its conclusion.

Table 4: Revenue

Revenue	2020/21 Annual Budget	202/22 Annual Budget	2022/23 Annual Budget
Mergers and Acquisitions*	83 685 000	88 288 000	93 582 000
Government Grant	331 559 000	348 695 000	360 915 000
Interest Received	2 000 000	2 000 000	2 000 000
TOTAL	417 244 000	438 983 000	456 7 000

*We have provided an estimate of merger fees based on the actual cases filed in 2018/19.

9. Updated Key Risks

Outcome	Key Risks	Risk Mitigation
<p>1. Efficient and effective merger regulation & enforcement</p> <p>2. Competitive, Contestable and Deconcentrated Markets</p> <p>3. Improved public interest outcomes</p>	Loss or collapse of cases	<ul style="list-style-type: none"> • Pleading (insist on pleading where cause of action is disclosed sufficiently) • Default application (proceed with default application where respondent does not have good reasons for not responding) • Establishment of partnerships with criminal law enforcement agencies / Memoranda e.g. NPA / SAPS • Performance management system and training • Continuous improvement of case management processes i.e. cases are subjected to the Commission's internal decision-making process • Knowledge management system (KMS) • Assessment of legal strategy in order to fast-track cases
<p>4. Improved compliance & awareness</p> <p>5. Improved understanding of market dynamics in priority sectors</p>	Non-compliance with legislation and regulations	<ul style="list-style-type: none"> • Policies and procedures • Governance structures • Compliance Framework has been approved. Implementation is underway • An internal risk management system has been developed by Commission IT. • Develop a compliance universe • Monitoring and reporting on compliance risks to the Risk and Governance (quarterly), EXCO (monthly) and Audit and Risk Committee (quarterly)

Outcome	Key Risks	Risk Mitigation
6. Improved co-ordination on the application of economic policy and competition policy	Inadequate capacity to perform our functions (both human and tools & equipment)	<ul style="list-style-type: none"> • Approval of organizational structure • Review of HR policies and procedures • Review, finalization and implementation of learning and development strategy • Procurement of appropriate IT tools and software.
7. Increased importance of developmental perspectives in domestic and international competition law discourse 8. Sound Corporate Governance	Fraud and corruption	<ul style="list-style-type: none"> • Annual declaration of conflict of interest from all staff members • Delegation of authority and segregation of duties • Toll-free Fraud and Corruption Hotline • Fraud and risk awareness drive to staff and the public including consequence management (bi-annual) • Bi-annual review of declarations of interests and gifts, and reporting to Risk and Governance and Audit & Risk Committees • Reviews strengthening and implementation of policies and procedures
9. Secure, harmonious and conducive working environment 10. Highly motivated, engaged and productive workforce	Inadequate information security	<ul style="list-style-type: none"> • Mirroring of all documents/files in the document management system • Encryption of data on laptops • Intrusion, detection and prevention systems (Firewalls) • Attack monitoring system • Regular backups including off-site back- ups and information storage • Surveillance cameras and access controls to information storage areas • SLA on issues of access, vetting with service providers • Policies and procedures (development, review, implementation and monitoring)

Outcome	Key Risks	Risk Mitigation
11. Improved Organizational Efficiency		<ul style="list-style-type: none"> • Compliance monitoring with legislation (e.g. National Archives and Record Services Act, Promotion to Access of Information Act, Competition Act etc.) • Access control • Delegation of Authority (segregation of duties)
	Inadequate business continuity management	<ul style="list-style-type: none"> • Daily and weekly back-ups (backup tapes are stored offsite and three sets of backups is available at any given point of time). • Incremental backups are made on case, financial and HR systems every hour to ensure that data is not lost. • Evacuation drills are conducted. • Consideration of the recommendations from the business continuity needs assessment reports. • Creating awareness regarding the business continuity risk (quarterly)
	Inadequate and non-compliant office space	<ul style="list-style-type: none"> • Sourcing of appropriate office space • Implementation of the OHS Plan

PART D: TECHNICAL INDICATORS DESCRIPTIONS 2020/21

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
STRATEGIC GOAL 1: ENFORCING AND REGULATING TOWARDS ECONOMIC GROWTH AND GREATER ECONOMIC PARTICIPATION					
1. Efficient and effective merger regulation & enforcement	a) Merger & acquisition decisions	1.	Average turnaround time for Phase 1 merger investigations.	<p>Definition:</p> <ul style="list-style-type: none"> The Commission classifies merger notifications into ‘phases’, according to the complexity of the cases. Phase 1 investigations are non-complex. Phase 2 investigations require slightly more complex analysis and are unlikely to raise serious competition concerns. Phase 3 investigations require complex analysis, either because of the complex nature of the products and markets, the structure of the relevant markets or the public interest issues the transaction gives rise to. Indicators 1-3 refer to the amount of time the Commission takes to decide in a merger review process. Indicator 4 refers to the amount of time the Commission takes to decide in 90% of Phase 3 (L) merger cases. Indicator 3 includes both small and intermediate mergers. 	M&A
		2.	Average turnaround time for Phase 2 merger investigations.		M&A
		3.	Average turnaround time for Phase 3 intermediate merger investigations.		M&A
		4.	Average turnaround time for 90% of Phase 3 large merger investigations.		M&A

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> • The Average Turnaround time for indicators 1- 3 is calculated by adding the time taken for decisions on all cases and dividing the total by the total number of cases decided. • To calculate the Average Turnaround time for indicator 4, Phase 3 (L) merger cases must be sorted by turnaround time, the top 10% of cases must be excluded and the Average calculated for the remaining 90% of cases. • The target is met if the outcome is less than or equal to the service standard. <p style="text-align: center;">Purpose/Importance:</p> <ul style="list-style-type: none"> • The indicator is a measure of process efficiency. Efficient merger review is important for service-delivery, particularly given the financial and economic implications of mergers. <p>Collection of Data/Method of Calculation:</p> <ul style="list-style-type: none"> • Turnaround times are determined by calculating the number of business days following the day of notification until the decision date. The average is calculated by the total number of days divided by the number of transactions. • The Mergers divisions has a database of cases generated as and 	

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>when filed with the Commission.</p> <ul style="list-style-type: none"> • If a Notice of Incomplete merger filing (Form CC13(2)) is issued the turnaround times are calculated from the business day following the receipt of a Complete Filing. 	

	b) Market Conduct Investigations	5.	% of market conduct investigations completed within 12 months.	<p>Definition:</p> <ul style="list-style-type: none"> • The ‘completion’ of a case refers to Commission’s decision to refer the case to the Tribunal for prosecution or to its decision to non-refer the case (i.e. not to pursue the case further), including cases completed by the screening unit. • ‘Completed’ cases include cases concluded at the ‘screening’ stage. • Market conduct investigations include section 5, 8 and 9 cases, and exclude cartel cases. • The indicator excludes cases that are placed on hold. • The indicator denotes percentage of achievement greater than, or equal to the target. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> • The Competition Act stipulates a time frame of 12 months within which the investigation of a complaint from members of the public must be finalized. However, it does not stipulate time limits within which to complete investigations initiated by the Commission. Due to the complex nature of investigations, certain matters may take longer than 12 months to finalize. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • The target is calculated as follows: <i>“Of the cases completed in the quarter/year, what percentage was completed within 12 months?”</i> • <i>The 12 months include the time taken by the screening unit to</i> 	Market Conduct & Advocacy
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				<p><i>screen the case.</i></p> <ul style="list-style-type: none">• Minutes of the CC meeting will denote the decision for referral or non-referral of the investigations.• The baseline for the calculation of third-party complaints is the actual date of receipt of the complaint.• For Commission's own initiation, the baseline for calculation is the completed and signed CC1 form.• Annual performance is calculated as an average % of total number of cases completed within 12 months.	
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STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
	c) Cartel Investigations	6.	No. of cartel investigations completed.	<p>Definition:</p> <ul style="list-style-type: none"> The target refers to cartel 1) cases which the Commission has decided to refer to the Tribunal for prosecution, 2) cases which the Commission has decided to non-refer. <p>Purpose/Importance:</p> <ul style="list-style-type: none"> 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. <p>Collection of Data/Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of the target is evidenced by minutes of the CC meeting to refer or non-refer cartel cases to the Tribunal. 	Cartels
2. Competitive, Contestable and Deconcentrated Markets	a) Abuse of dominance and restrictive case investigations		No. of cases initiated in prioritized sectors.	<p>Definition:</p> <ul style="list-style-type: none"> The KPI refers to the number of Market Conduct investigations initiated, which fall within the Commission's pre-determined priority sectors (see section on Prioritization within the APP). <p>Purpose/Importance:</p> <ul style="list-style-type: none"> Abuse of dominance has 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- a core business of the Commission. 	Market Conduct

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • 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 CC meeting's decision to initiate. • A list of initiated cases is kept in the Data Compilation Template (DCT) of the division. 	
	b) Cartel Prosecutions	8.	% of cartel cases won at the Tribunal and the courts.	<p>Definition:</p> <ul style="list-style-type: none"> • 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 CAC in its entirety. • Where the Commission case is partially upheld by the Tribunal or other courts this target is met. 	LSD & Cartels

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> • This definition excludes cases which are under appeal or review at the courts at the time of reporting. • The indicator includes cartel cases completed through settlement agreements, pre and post referral. • The indicator denotes percentage of achievement greater than, or equal to the target. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • It is the Commission's goal to successfully prosecute cartelists. Success at the Tribunal and Courts confirms the rigour applied by the Commission and the correctness of its decisions. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • 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. • The annual result must denote <i>actual wins/losses</i> as at year- end for 	

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>the FY, and not as a cumulative result of the quarterly performance.</p> <ul style="list-style-type: none"> The data is stored on a shared database on the KMS. The data is captured on the divisional DCT, which indicates the date of the decision to refer or non-refer the case. This date will be subtracted from the baseline date to determine whether target has been achieved or not. Annual performance is calculated as an average of the four quarters (i.e. $Q1+Q2+Q3+Q4/400 \times 100$) 	
	c) Prosecution of Abuse of dominance, restrictive practices and exemption applications	9.	% of market conduct cases won at the Tribunal and the courts in relation to abuse of dominance, restrictive practices and exemption litigation.	<p>Definition:</p> <ul style="list-style-type: none"> 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 CAC decision in favour or against the Commission cannot be counted if it is under appeal or review at the time or reporting). 	LSD

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> • 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, both pre- and post- referral. • The indicator denotes percentage of achievement greater than, or equal to the target. <p>Purpose/Importance:</p> <ul style="list-style-type: none"> • 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 <p>Collection of Data: Method of Calculation</p> <ul style="list-style-type: none"> • The indicator is determined from the number of final Tribunal or 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. 	

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> 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. 	

	d) Merger Litigation	10.	% of merger decisions upheld by Tribunal and/or courts.	<p>Definition:</p> <ul style="list-style-type: none"> • 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. • 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, pre and post referral. • 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. <p>Purpose/Importance:</p>	LSD
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			<ul style="list-style-type: none">• 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. <p>Collection of Data/Method of Calculation:</p> <ul style="list-style-type: none">• The achievement of the indicator is evidenced by the date on which the order/ decision of the Tribunal and/or the Courts which pertain to mergers was taken, which must be within the reporting period.• Orders/ decisions of the Tribunal and/or the Courts are accessible to the general public and the Commission keeps records thereof.	
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STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
<p>3. Improved public interest outcomes</p>	<p>a) Exemption application decisions</p>	<p>11.</p>	<p>% of exemption applications completed within 12 months.</p>	<p>Definition</p> <ul style="list-style-type: none"> An exemption application is ‘completed’ once the Commissioner’s meeting has taken a decision to grant or not to grant an exemption to applicants. The Commissioners’ decision is then published in the Government Gazette. The indicator denotes percentage of achievement greater than, or equal to the target. <p style="text-align: center;">Purpose/ Importance</p> <ul style="list-style-type: none"> The Competition Act provides for firms to apply to the Commission for exemption of compliance to the Act, under specific circumstances. The granting of exemptions can facilitate exports, bring about stability or growth in key industries or promote the participation of SMEs. It is important that decisions on applications are taken judiciously. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The 12 months is calculated from date in which the application is received by the Commission’s Registry department, to the date of the CC meeting decision. The achievement of the target is evidenced by minutes of the CC 	<p>Market Conduct</p>

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>meeting, which indicate the CC's decision to either grant or refuse to grant an exemption.</p> <ul style="list-style-type: none"> The Commission reports on the time it has taken to process exemption applications which it has taken a decision on. This number may differ from the pool of applications received in the quarter, some of which may not be decided upon at quarter-end. 	
	b) Compliance monitoring for merger conditions	12.% of imposed merger remedies	and conditions monitored.	<p>Definition:</p> <ul style="list-style-type: none"> 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 indicator refers to the monitoring of the implementation of such conditions or remedies. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> The effectiveness of merger 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 of the parties thereto. <p>Collection of Data/Method of Calculation:</p> <ul style="list-style-type: none"> All cases approved with conditions or remedies are collected on a divisional database. 	M&A

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> • Reports are received when due from the merging parties. 	
STRATEGIC GOAL 2: ADVOCATING FOR IMPROVED COMPLIANCE AND PRO-COMPETITIVE PUBLIC POLICY OUTCOMES					
4. Improved compliance & awareness	a) Domestic outreach initiatives	13.	No. of education, training and outreach initiatives conducted.	<p>Definition:</p> <ul style="list-style-type: none"> • Stakeholders refers to government officials, trade unions/ federations, organizations representing business and consumers and the general public. • Education, training and Outreach programs refers to educations initiatives which aim to improve stakeholder understanding or competition law and to promote compliance to the Act. • Workshops or outreach programs conducted refer to those initiated by the Commission. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • Stakeholder education and awareness on competition law and policy is an advocacy mandate of the Commission. Stakeholders are taught about how to effectively participate in the Commission’s processes. • The Commission engages in outreach programs as part of reaching members of the public and publicizing its work and to promote compliance. 	Advocacy

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of this indicator is evidenced by a post-event report noted at the CC Meeting. 	
		14.	Number of awareness publications on the Competition Act.	<p>Definition:</p> <ul style="list-style-type: none"> Publications refers to training material including pamphlets, presentations, newsletters, booklets, reports etc. which are used in the process of improving stakeholders' understanding of the competition act <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> Stakeholder education and training on competition law and policy is an advocacy mandate of the Commission. Stakeholders are taught about how to effectively participate in the Commission's processes. The Commission engages in education and training and publications as part of reaching members of the public and publicizing its work and to promote compliance. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of this indicator is evidenced by a Commission Meeting approved publication being uploaded on the Commission's website of distributed to the public. 	Advocacy & OTC

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
	b) External Guidelines on the application of the Act	15.	No. of Guidelines on the application of the Act issued to stakeholders.	<p>Definition:</p> <ul style="list-style-type: none"> Guidelines are detailed explanatory directives on the Commission's policy approach to any aspect of the Competition Act. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> As the custodian of the Competition Act, the Commission issues Guidelines to stakeholders to guide them on the application of the Act in particular circumstances. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The attainment of the target is denoted by the publication of the Guidelines in the Gazette. The achievement of this indicator is evidenced by report/guidelines noted at the CC Meeting. Details of timelines will be on divisional DCT. 	LSD & ERB
	c) Advisory Opinions	16.	% of advisory opinions issued within 60 days.	<p>Definition:</p> <ul style="list-style-type: none"> Non-binding advisory opinion is a written guidance issued by the Commission. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> The purpose of the advisory Opinion is to assist the requestor to comply with the provisions of the Act. <p>Collection of Data/ Method of Calculation:</p>	LSD

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> The number of advisory opinions issued by the Commission in the relevant reporting period within the service standard. The turnaround time for issuing the advisory opinion will only begin to run from the date that all the relevant information required by the Commission has been submitted. If all the relevant information required by the Commission has not been submitted, the turnaround time will not commence. The achievement of this indicator is evidenced by an advisory opinion noted at the CC Meeting. 	
5. Improved understanding of market dynamics in priority sectors.	a) Industry scoping studies	17.	No. of industry scoping studies conducted in prioritized sectors.	<p>Definition:</p> <ul style="list-style-type: none"> A scoping study is a report which comprises an economic study of a market or industry, largely to identify potential competition issues which the Commission can further probe. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> The Commission undertakes scoping studies to assess markets for potential anti-competitive conduct. This work assists the Commission in identifying not only cases to be initiated but also informs potential market inquiries to be initiated. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of this indicator is evidenced by a scoping study report noted at the CC Meeting. 	ERB
	b) Market	18.	No. of market inquiries initiated.	<p>Definition:</p>	Market Conduct

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
	inquiries			<ul style="list-style-type: none"> Market Inquiries are a general inquiry into the state of competition in a market, which the Commission undertakes under provisions in the Act. The Initiation of a market inquiry refers to the publication of final Terms of Reference in the Government Gazette. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> A market inquiry allows the Commission to undertake an in-depth probe of a market in order to understand competition dynamics, without initiating an investigation into conduct. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of the indicator is determined by the decision of the Commission Meeting to initiate the Market Inquiry. 	
		19.	No. of market inquiries completed.	<p>Definition:</p> <ul style="list-style-type: none"> The 'completion' of a market inquiry refers to the submission of a Final Report on the inquiry to the Commissioner. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> The Final Report of a market inquiry can have actionable recommendations, which have an impact on the public, on Government or on the market. <p>Collection of Data/ Method of Calculation:</p>	Market Conduct

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> The achievement of the indicator is denoted by the approval of the final report by the CC meeting. 	
		20.	Implementation Report on Market Inquiry recommendations	<p>Definition:</p> <ul style="list-style-type: none"> The Commission conduct Market Inquiries with recommendations that require implementation post the market inquiry. The indicator refers to the monitoring of the implementation of such recommendations. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> The effectiveness of Market Inquiries is only evident in the implementation of the recommendations. It is thus important that the Commission monitors the implementation of the Market Inquiry recommendations. <p>Collection of Data/Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of the indicator is denoted by an implementation report which has been approved/ noted at the CC meeting. 	Advocacy & ERB
	c) Impact assessments on Commission decisions or	21.	No. of impact assessment studies completed.	<p>Definition:</p> <ul style="list-style-type: none"> 'Impact Assessment Studies are economic studies which have been undertaken by the Commission to measure the impact of its work on markets or regulation. 'Completed' refers to impact assessment studies which have served at the CC meeting. 	ERB

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
	competition policy.			<p>Purpose/ Importance:</p> <ul style="list-style-type: none"> The Commission seeks to qualitatively and quantitatively measure the impact of its decisions sectors on consumers and the economy, to ensure its effectiveness. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of the indicator is denoted by an impact assessment report which has been approved/ noted at the CC meeting. 	
	d) Advocacy in priority sectors	22.	No. of advocacy cases completed in priority sectors	<p>Definition:</p> <ul style="list-style-type: none"> The KPI refers to the number of advocacy case completed which fall within the Commission's pre-determined priority sectors. Advocacy cases refers to those cases or projects initiated by the Commission or resulting from a complaint in which the competition or regulatory issue is to be addressed through non-enforcement, but through advocacy processes. <p>Purpose/Importance:</p> <ul style="list-style-type: none"> Anti-competitive conduct has a stifling effect on the economy, particularly in critical sectors. The initiation of an advocacy case seeks to address competition concerns even where the Commission does not seek the prosecution of the conduct. <p>Collection of Data/ Method of Calculation:</p>	Advocacy

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> • The Commission initiates advocacy cases based on its own research and intelligence or based on complaints received from members of the public. • The initiation of an advocacy case is evidenced by minutes of a Commission Meeting decisions to pursue advocacy. • A list of initiated advocacy cases is kept in the Data Compilation Template (DCT) of the division. 	
6. Improved co-ordination on the application of economic policy and competition policy.	a) Strategic Partnerships with relevant stakeholders.	23.	No. of workshops or seminars on competition, trade, industrial policy and/or regulatory matters hosted.	<p>Definition:</p> <ul style="list-style-type: none"> • Workshops or seminars which have been hosted by the Commission within the themes competition, trade industrial policy and/or regulatory matters. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> • The Commission will partner with other economic role- players on competition, trade and industrial policy matters. This work will result in the sharing of ideas, alignment of priority sectors, alignment of policy actions, understanding of each other's priorities, amongst others. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • The achievement of this indicator is evidenced by a post-workshop/seminar memorandum noted at the CC meeting. 	Advocacy

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> The workshop/ seminar must have transpired within the reporting period, even if it is noted by the CC meeting in a subsequent reporting period. 	
		24.	No. of strategic activities undertaken in collaboration with universities.	<p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The decision on which universities the Commission partners with at a point in time will be in the Commission meeting minutes. The achievement of the target is evidenced by minutes of the CC meeting, noting a report which reflects joint activities undertaken with universities. 	OTC
	b) Policy Responses	25.	No. of submissions or responses to policy or regulation.	<p>Definition:</p> <ul style="list-style-type: none"> The KPI relates to written input which reflects the views of the Commission on a policy or regulatory matter. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> The Commission undertakes competition assessment of policy and regulation, according to s.21 of the Act. In addition to informing the Minister of anti-competitive legislation, the Commission submits written responses to the relevant policymakers. 	Advocacy

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<ul style="list-style-type: none"> Responding to policy or regulatory matters can lead to the promotion of competition which is a core mandate of the Commission. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The achievement of this indicator is evidenced by an approval of a written submissions or policy responses by the CC meeting, within the reporting period. The achievement of the target is applicable only to the initial version/ iteration of the submission/ policy response noted by the Commission meeting (in instances where there are multiple, revised iterations of the same). 	
	c) Research & Thought Leadership	26.	No. of research and thought leadership insights published.	<p>Definition:</p> <ul style="list-style-type: none"> Research and thought leadership insights are economic studies undertaken by the Commission on current and emerging issues related to competition policy (incl. the state and role of competition) and competition law enforcement (incl. toolkits and techniques). 'Published' refers to research and thought leadership studies which have been published by the Commission (including 	ERB

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>platforms such as Commission books and working papers published on the Commission's website), published by an international organization or university, published by leading industry online publications (CLI, GCR, CPI), conference papers, book chapters and academic journal articles.</p> <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • The Commission undertakes research into competition policy and law enforcement issues in order to develop a deeper, evidence-based understanding of current / emerging debates in these fields in order to develop informed positions on these issues. • The Commission also aspires to take a thought leadership role in shaping some of the debates in these fields, both locally and internationally. This includes bringing a development perspective to the competition policy field. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • The achievement of the indicator is the publishing of the research or thought leadership insight as defined. 	
7. Increased importance of developmental perspectives	a) Collaboration with regional and international	27.	No. of research projects and/or publications undertaken with African, BRICS and international partners.	Definition: <ul style="list-style-type: none"> • The indicator refers to the Commission undertaking research projects and/or publications in collaboration with African, BRICS and international partners. 	Advocacy

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
<p>in domestic and international competition law discourse.</p>	<p>partners.</p>			<ul style="list-style-type: none"> • Research and publications refers to joint research on competition issues; joint publication of papers, newsletters. • African partners pertain to bilateral partnerships and multilateral/regional bodies such as the African Competition Forum, COMESA and AfCFTA. • ‘BRICS’ partners pertain to the BRICS member states. • International partners pertain organizations such as OECD, UNCTAD, ICN, <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • Through practical collaboration with its African, BRICS and international counterparts, cooperation is deepened, and advances made in increasing developmental perspectives in domestic and international competition law discourse. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> • The achievement of this indicator is evidenced by reports or memos noted at CC meeting. • Research is a conglomerate final submission to the relevant body, e.g. BRICS • Research includes papers, joint research, newsletters, but exclude responses to surveys/ questionnaires. 	

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
STRATEGIC GOAL 3: A PEOPLE-CENTRIC HIGH-PERFORMANCE ORGANIZATION					
8. Sound Corporate Governance	Audit Outcome	28.	Audit opinion.	<p>Definition:</p> <ul style="list-style-type: none"> The target refers to audit outcomes where all areas are unqualified, with no material reportable matters. <p>Purpose/ Importance:</p> <ul style="list-style-type: none"> The Commission seeks to achieve a clean audit in the financial year, as a demonstration of effective resource management. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> 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
9. Secure, harmonious and conducive working environment	Conducive Facilities & Efficient Security	29.	Relocate staff to appropriate office space.	<p>Definition:</p> <ul style="list-style-type: none"> Appropriate office space means office building and infrastructure that complies with Occupational Health and Safety (OHS) laws. Target is met when the Commission employees have been moved out of Trevenna campus, to an alternative office building which complies with the OHS laws. 	CSD

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • To ensure that the Commission staff' is working in a healthy, safe, and conducive working environment. <p>Collection of Data/ Method of Calculation</p> <ul style="list-style-type: none"> • Staff relocation outside of Trevenna office buildings • New lease agreement between the Commission and the lessor of the new office space • Minutes of EXCO or the CC meeting noting the relocation of staff from Trevenna campus 	
		30.	% implementation of the OHS compliance plan.	<p>Definition:</p> <ul style="list-style-type: none"> • Anticipation, recognition, evaluation and control of hazards arising in the Commission offices that could impair the health and wellbeing of our employees and considering the possible and its visitors. <p style="text-align: center;">Purpose/ Importance:</p> <ul style="list-style-type: none"> • Achievement of this target is denoted by the report on instances on non-compliance with the Act or the internal OHS plan for the Commission. <p>Collection of Data/ Method of Calculation</p> <ul style="list-style-type: none"> • A quarterly report is issues to report on progress against legislation 	CSD

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				or the internal plan.	
10. Highly engaged, motivated and productive workforce	a) Talent management	31.	% of HR spend on Learning and Development.	<p>Definition:</p> <ul style="list-style-type: none"> The Commission aims to spend overall 1% of its human resources costs on learning and development initiatives per annum. <p>The purpose:</p> <ul style="list-style-type: none"> The purpose of the indicator is to ensure that the Commission supports the development of its employees and can build an internal talent pipeline. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> 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. 	CSD
		32.	% retention rate of staff complements.	<p>Definition:</p> <ul style="list-style-type: none"> The Commission is instituting programs to maintain high staff-retention levels. The indicator denotes percentage of achievement greater than, or equal to the target. 	CSD

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>Purpose/Importance:</p> <ul style="list-style-type: none"> The Commission seeks to ensure sustainable delivery and impact by retaining its employees. <p>Collection of Data/ Method of Calculation:</p> <ul style="list-style-type: none"> The baseline from which this indicator is measured is the Total Staff Complement at the beginning of the Quarter. The indicator <i>excludes</i> graduate trainees. <p>Quarterly performance is measured as follows: Baseline (i.e. staff complement as beginning of Quarter) <i>minus</i> number of staff who have left in the Quarter <i>divided by</i> Baseline <i>multiply by</i> 100.</p> <p>Annual performance is measured as the average of the four quarters (i.e. $(Q1+Q2+Q3+Q4) / 400 \times 100$).</p>	
		33.	No. of staff reached through training academy initiatives	<p>Definition:</p> <ul style="list-style-type: none"> Measures the number of people trained by the academy over a period of time. <p>Purpose:</p> <ul style="list-style-type: none"> The purpose of the indicator is to ensure that the Commission supports the development of its employees and is able to build an internal talent. 	OTC

STRATEGIC OUTCOMES	OUTPUTS	No.	KEY PERFORMANCE INDICATORS	TECHNICAL INDICATOR DESCRIPTION	ACCOUNTABLE PROGRAM
				<p>Collection of Data/ Method of Calculation</p> <ul style="list-style-type: none"> • Calculate the number of people who have attended training offered through the Commission’s Academy • Each employee will only be counted once and would not be counted for the additional training attended. • Evidence include attendance register signed by each employee who attended the training 	