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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 299

Mr M M Mdluli (DA) to ask the Minister of Trade, Industry and Competition:

How has the Competition Commission dealt with the matter of a certain bus company (name furnished) relating to potential breach of the Competition Act, Act 89 of 1998, due to alleged (a) restrictive horizontal practices, such as price fixing and market division, (b) restrictive vertical practices, such as exclusive supply agreements and minimum retail pricing and (c) abuse of dominance, such as excessive pricing and refusal to supply, where there breaches of the specified Act? NW420E

REPLY:

The Competition Commission investigates complaints on prohibited practices in the Competition Act, including abuse of dominance, exclusionary acts and refusal to give competitors access to essential facilities.

Following an extensive investigation, the Commission referred a complaint to the Competition Tribunal against the Passenger Rail Agency of South Africa (PRASA) and its subsidiary, Autopax Passenger Services. The complaint included allegations of abuse of dominance, such as charging excessive fees and providing favourable terms to Autopax.

The following are worth noting on this matter:

- **Intervention Applications:** Intercape, along with other bus operators like Eagle Liner and Eldo Coaches, filed intervention applications to participate in the Tribunal proceedings. These applications were based on their direct interest in the outcome of the complaint.

- **Ongoing Legal Proceedings:** The matter has been set down for hearings, and the Tribunal has recognised Intercape as a participant in the case. This allows Intercape to access documents, participate in the discovery process, lead evidence, and cross-examine witnesses.

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