



competition commission
south africa


Presentation to the Portfolio Committee on Trade, Industry and Competition

Briefing by the Competition Commission on its 1st, 2nd and 3rd quarter financial and non-financial performance for the 2025/26 financial year

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25 March 2026

Outline of our Presentation



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- 02 About the Competition Commission
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About the Competition Commission

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

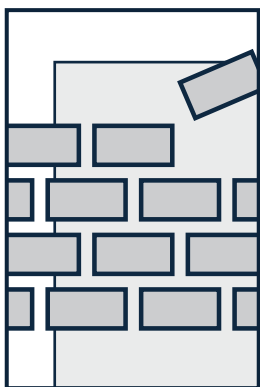
Purpose of the Competition Act

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

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

Core functions of the Competition Commission

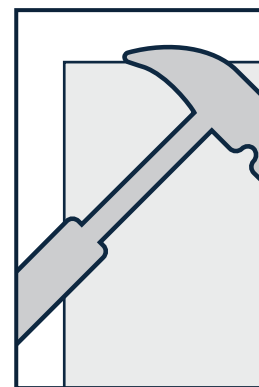
Our Core Toolbox is illustrated as follows:



Enforcement

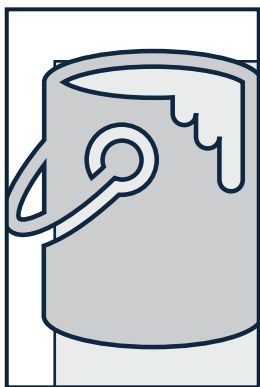
- Prosecution of anti-competitive behaviour, including:
 - Cartels
 - Abuse of dominance
 - Other prohibited conduct

Exemptions



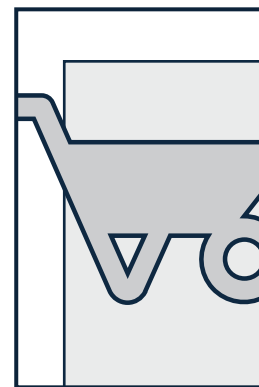
Mergers & Acquisitions

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



Market Inquiries

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



Advocacy

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

Introduction to our Strategy



Financial Year 2025/26 marks the first year of the Commission's new 5-year strategy cycle.



The focus of the Commission in this strategy cycle is on impactful and efficient investigations that deliver meaningful outcomes for all South Africans, support inclusive growth, job creation, contribute to the reduction of poverty and the cost of living.



A key driver is to unlock markets for improved participation especially for SMEs and historically disadvantaged persons, including women, youth, and people with disabilities.



The Commission will continue to collaborate with local, regional and international stakeholders, including DFIs within **the dtic** family, in joint efforts to remove red tape, reduce concentration and to develop pro-competitive laws and policies.

Strategic Direction of the Commission

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

Vision of the Commission



A competitive, dynamic, deconcentrated and inclusive economy.

Mission of the Commission



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

Strategic Goals of the Commission



- **Strategic Goal 1:** To stimulate economic dynamism by fostering competitive markets that result in inclusive economic growth.
- **Strategic Goal 2:** To contribute to economic transformation through competition policy interventions that facilitate market entry, enable business expansion, and promote effective market participation for diverse economic actors.
- **Strategic Goal 3:** To provide responsive leadership in competition policy and law through collaboration and leveraging advanced digital tools and professional expertise.

Strategic Outcomes

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

01

Improved dynamism and competitiveness of Markets



04

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



02

Agile enforcement of the Competition Act for improved compliance



05

Improved collaboration to advance the objectives of the Competition Act



03

Significant contribution to industrialisation and inclusive growth



06

Effective and well governed institution



07

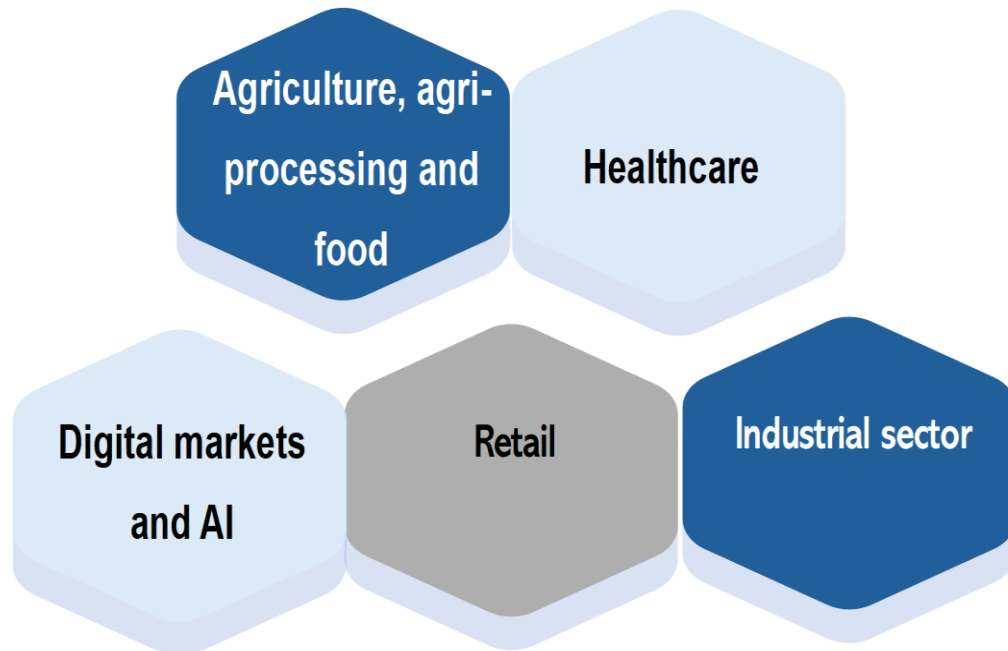
Strengthened capability for efficiencies in operations of the Commission



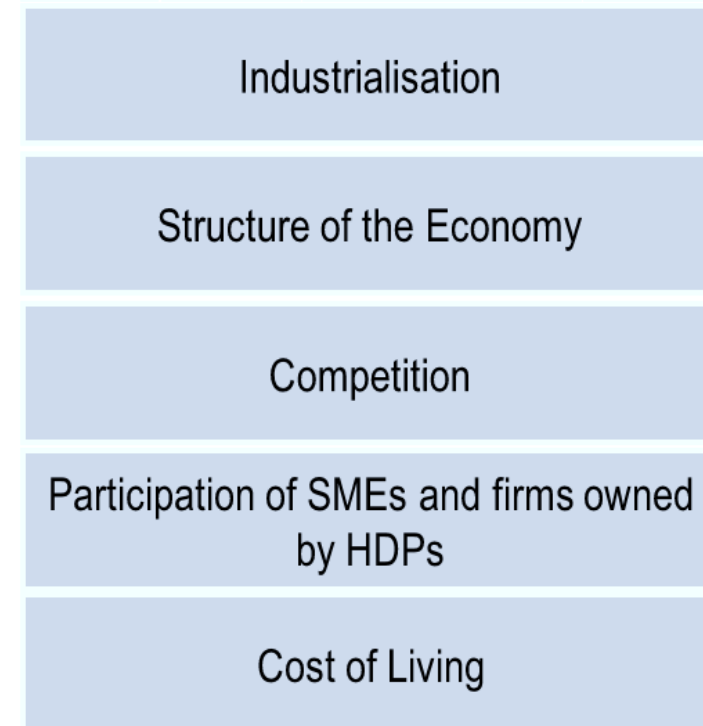
Priority Sectors and Priority Themes in this Strategy Cycle

The Commission, in its Strategic Plan 2025 – 2030, has prioritised the following sectors and themes:

Priority Sectors

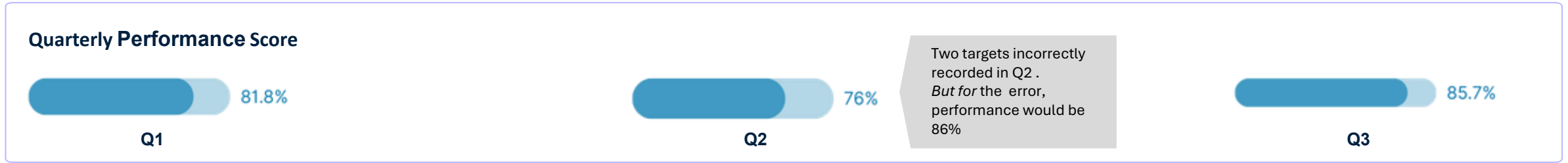


Priority Themes



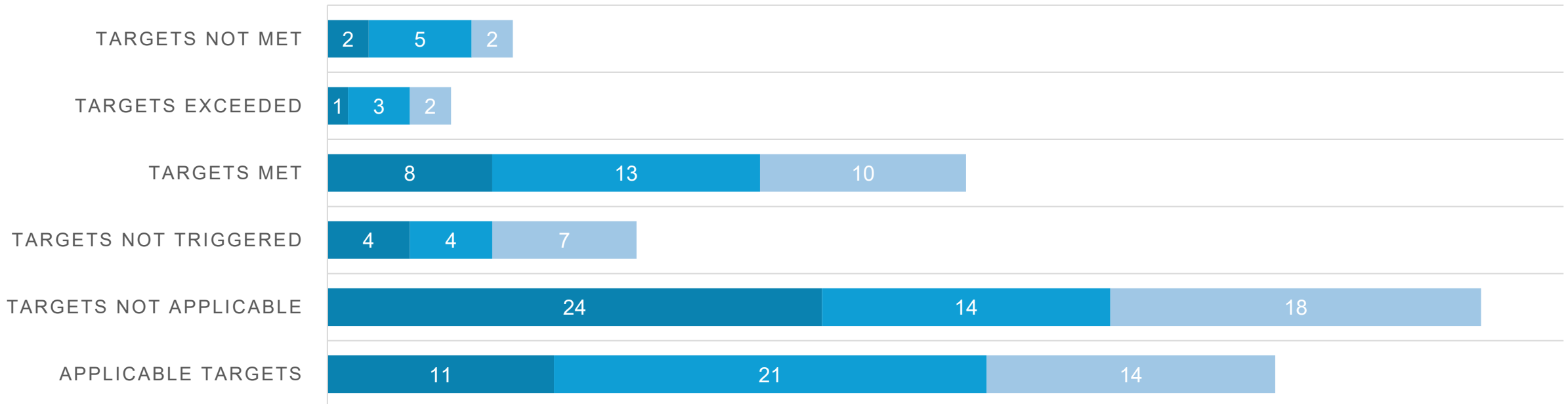
The Commission's priority sectors are aligned with the dtic priorities and seek to support industrialisation, jobs creation, inclusive growth and reduced cost of living.

Performance Overview



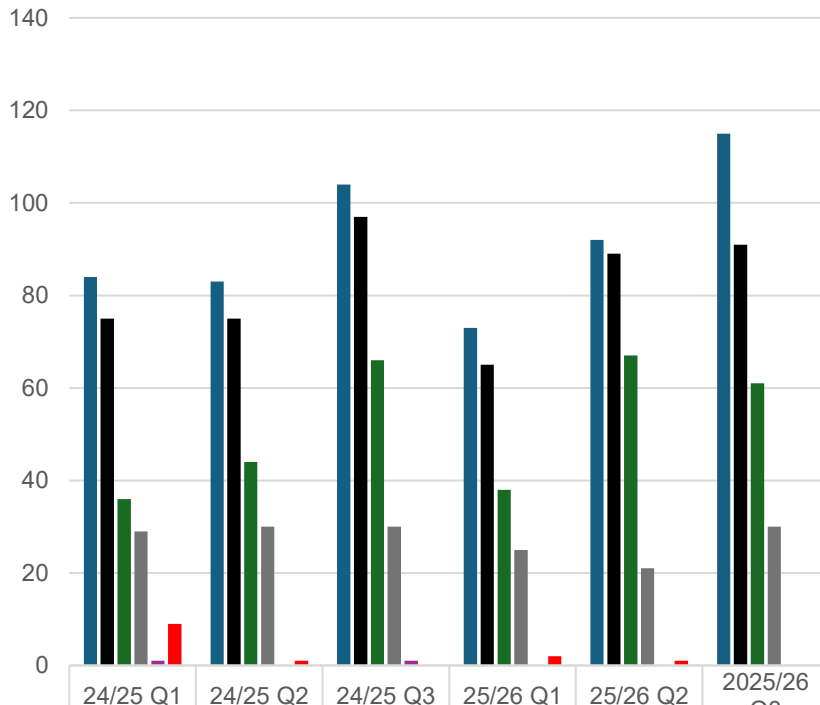
The details are outlined below:

■ Q1 ■ Q2 ■ Q3



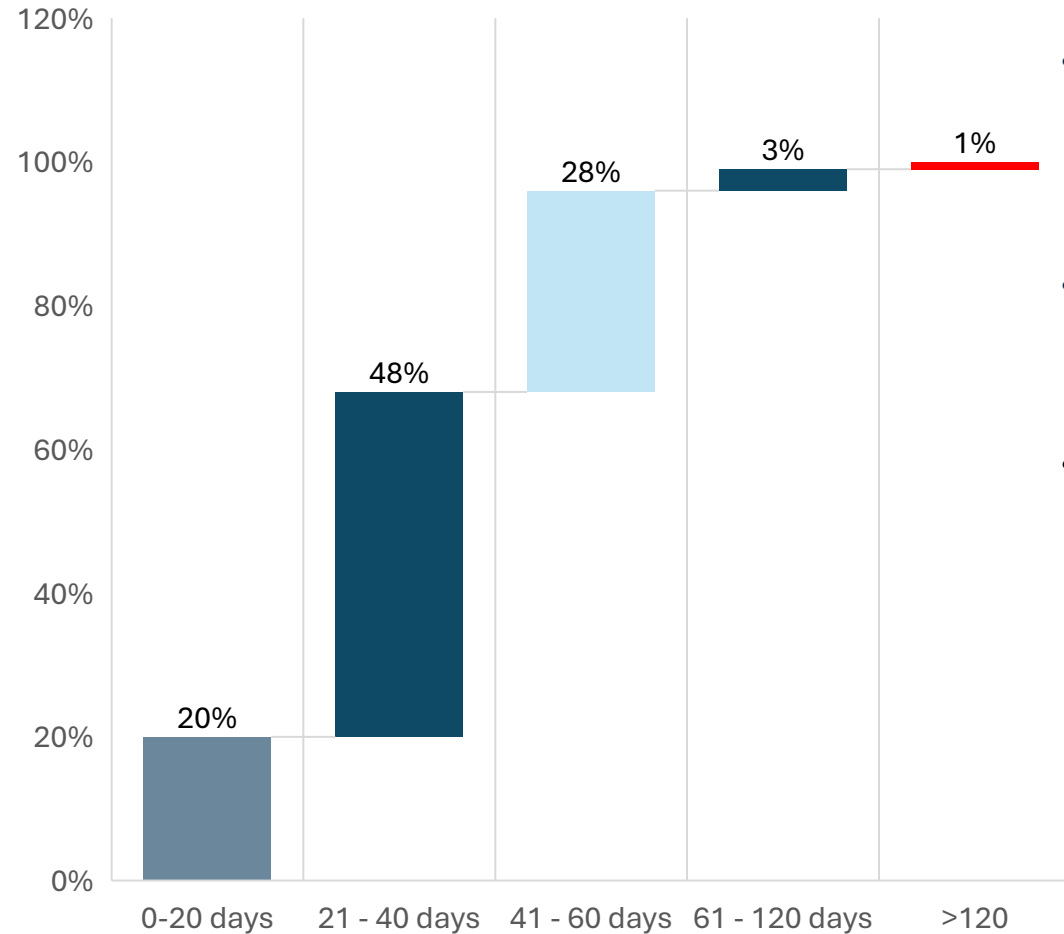
Merger Control

Merger Activity by Quarters (2024/25 v 2025/26)



	24/25 Q1	24/25 Q2	24/25 Q3	25/26 Q1	25/26 Q2	2025/26 Q3
Notified	84	83	104	73	92	115
Finalised	75	75	97	65	89	91
Approved Without Conditions	36	44	66	38	67	61
Conditional Approval	29	30	30	25	21	30
Prohibited	1	0	1	0	0	0
Abandoned	9	1	0	2	1	0

Merger Assessment Completion Times (Q1 – Q3)



- **68%** of all mergers in Q1 – Q3 completed in 2 months (40 days)
- **96%** of all mergers completed in 3 months
- Two mergers >120 days:
 - Canal+/ MCG
 - Pepkor/ Shoprite Furniture

Merger Control (cont.)

Estimated value of Public Interest Conditions (Q1 – Q3 2025/26)



- ESOP have an estimated value of R469 155 881

- HDPs have an estimated value of R1 077 445 290,75

- CAPEX has an estimated value of R72 395 100 000

- Other commitments to the promotion of SMMEs and HDP owned firms, including skills development commitments is R29 261 361 154



The public interest assessment continues to focus on transforming markets and lowering barriers to entry to ensure the sustainable incorporation of small and black-owned firms into the value chains of large or market – leading incumbents.

Overall, through merger regulation, the Commission has imposed job related conditions or commitments with a positive net contribution of 12672 on jobs.

Merger Control – Conditions Monitoring

- The Commission currently has 662 merger conditions on its monitoring list.
- The Commission is focusing on strengthening and resourcing its Conditions Monitoring function to ensure the transformative and protective conditions imposed on mergers are monitored in a timely and effective manner in support of workers, firms, and new entrants.

Case Study: Groupe Canal+ S.A / Multichoice Group Limited

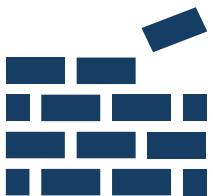
- The Groupe Canal+ SAS (Canal+) / MultiChoice Group Limited (MCG) merger was approved by the Competition Tribunal with conditions on 22 July 2025.
- Shortly after approval, the Commission received several complaints and noted media reports suggesting that the merged entity had “requested” a 20 – 30% discount from local suppliers (including HDPs and SMEs), with threats of contract cancellation for non-compliance, and has frozen payments pending the discount.
- The Commission’s Merger Conditions Monitoring Team immediately informed the merged entity that this may amount to a breach of the Merger Conditions which required the merged entity to *continue procuring services from HDPs and SMEs on no less favourable terms and conditions as applicable before the merger.*
- As a result, the merged entity took corrective action, reimbursed firms wrongly subjected to price reductions, and committed to proactively engage staff on the protections afforded by the conditions.

Merger Control – Pre-Merger Filing Consultation Guidelines

- The Commission has taken initiative to review its merger filing and review processes and has identified various opportunities to improve the efficiency of merger regulation processes.
- Some of the issues identified include complex competition analysis, significant public interest concerns, finalisation of appropriate remedies and conditions, and complexities in identifying appropriate purchasers by business rescue practitioners. All these factors contribute to delays in finalisation of merger transactions.
- To facilitate the expeditious assessment of merger transactions, the Commission published Draft, followed by Final Pre-Merger Filing Consultation Guidelines in terms of section 79(1) of the Competition Act.
- The Pre-Merger Filing Consultation Guidelines will enable parties to the merger to voluntarily consult the Commission in an informal, non-binding, and confidential pre-merger filing process. The aim of the consultation process is to facilitate the efficient and timely assessment of merger transactions once they are formally filed.
- Any firm, or authorised representative of such firm proposing to enter into an acquisition, merger or amalgamation, as defined under section 12 of the Competition Act, may seek a pre-merger filing consultation with the Commission to discuss a merger raising complex competition issues and/or significant public interest concerns in line with Guidelines.

The Commission is focusing on improving efficiencies in its work. Pre-Merger Filing Consultation Guidelines is one of the Commission's efforts to reduce the time it take to finalise merger transactions.

Opening markets to greater participation by SMMEs and HDPs

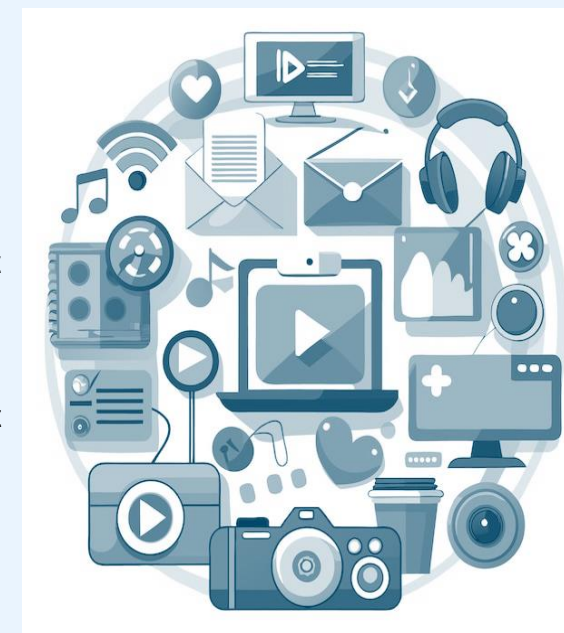


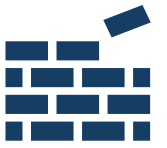
One of the Commission's key areas of focus in the next 5 years is the lowering / removal of barriers to entry that protect large incumbents and keep small and innovative rivals out of markets. The contributions of all core divisions to this overarching objective are set out below:

MARKET INQUIRIES

MEDIA & DIGITAL PLATFORMS MARKET INQUIRY (report released on 13 November 2025)

- Findings:
 - Global platforms like Google, Meta, Microsoft, TikTok, X and AI companies such as OpenAI dominate key gateways through which South Africans access information;
 - In terms of social media, platforms such as Meta (Facebook, Instagram, and WhatsApp), YouTube, X and TikTok play a massive role in distributing news to South Africans, particularly within community and vernacular audiences;
 - AI chatbots and large language models have scraped online news content without compensation raising significant questions about the future value of original journalism.
- The MDPMI's remedies and recommendations are designed to restore fairness, transparency, and sustainability in South Africa's media ecosystem.
- Agreements on remedies were reached with Google, YouTube, Meta, TikTok and Microsoft which will be implemented immediately.
- **R688 million Media Support Package** agreed with Google and YouTube, to fund national, community, and vernacular media.
- Google will extend transparency measures from the EU, improving visibility into advertising costs and publisher payments, and will remove self-preferencing practices within its ad systems.
- All social media to grant automatic access to their monetisation programmes for the media and support to maximise viability and revenue.





1

Removal of exclusionary abuse by Pailpac

- Pailpac is a dominant firm in the production of injection moulded plastic containers. It entered into long-term exclusive agreements with large paint manufacturers which required or induced paint manufacturers not to deal with Pailpac's competitors.
- This reduced competition and kept smaller firms from competing effectively with Pailpac.
- After a successful investigation, the Commission entered into a settlement agreement with Pailpac which entailed the removal of exclusive agreements, thus eliminating barriers to entry and participation, particularly for small and emerging competitors.
- As part of the settlement, Pailpac committed R150,000,000 towards the development and support of SMMEs and HDPs.

2

Referral of price discrimination by Brady SA

- Brady SA is a dominant firm that sells labelling consumables used in fibre cable installation and within the broader telecommunications sector.
- Brady has 'affiliated' distributors which procure from it on substantially preferential terms compared to 'non-affiliated' distributors who are largely smaller and black-owned firms.
- This directly disadvantages these small and black-owned firms, and impedes their ability to grow and compete in the market

3

Initiation of buyer power complaint against Bolt

- Bolt appears to be imposing unfair pricing conditions onto its suppliers (drivers) who are small and medium sized businesses (SMEs) and/or firms controlled or owned by HDPs. Suppliers, in this regard, are independent drivers that transport riders (consumers) who have procured e-hailing taxi services through the Bolt e-hailing platform.
- This investigation may be an important test of the relatively new 'buyer power' provisions.

Opening markets to greater participation by SMMEs and HDPs

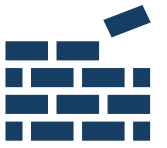


Initiation of complaints against Eurolab and Dischem

- On 30 September 2025, the Commissioner initiated two (2) separate but related complaints against Dischem Oncology Distribution (Pty) Ltd (Dischem) and Eurolab (Pty) Ltd (Eurolab) concerning alleged exclusionary and exploitative practices.
- The Commission has information that gives rise to a reasonable suspicion that Dischem and Eurolab, have (and continue to) engage in likely anti-competitive conduct by (a) entering into exclusive supply arrangements, (b) charging excessive prices for oncology medication; and (c) providing rebates to healthcare practitioners in order to incentivise the prescription of Eurolab's products.
- These allegations relate to drugs such as (i) Lenalidomide, (ii) Bortezomid, (iii) Pemetrexed and (iv) Capecitabine. These practices may be in contravention of sections 8(1)(a), 8(1)(d)(i), 5(1), and 8(1)(c) of the Competition Act.

The healthcare sector remain a strategic priority for the Commission as it impacts a fundamental human right and impacts the cost of living of South African consumers. Efficient, fair and competitive markets are critical as South Africa moves towards the implementation of NHI

Opening markets to greater participation



Highlights on Enforcement of the Competition Act

Referral of Visa Inc. and Visa Sub – Saharan Africa and Mastercard International Incorporated

- The Commission completed 2 complaints in the financial and digital sector against Visa and Mastercard for enforcement of rules and the imposition of fines by the respondents for the processing of cross-border payments by South African banks.
- The investigation revealed the following anti-competitive effects associated with the alleged conduct: (i) higher transactional fees to South African consumers; and (ii) the impediment of alternative payment providers to participate and expand in the relevant market(s).
- The conduct is in contravention of Sections 8(1)(d)(i) and 8(1)(c) of the Competition Act. The Commission has decided to refer the complaints to the Tribunal for prosecution.

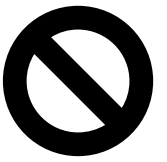
Opening markets to greater participation



Referral of the JSE Limited for Abuse of Dominance

- On 26 October 2022, the Commission received a complaint from A2X (Pty) Limited (“A2X”) against the Johannesburg Stock Exchange Limited (“JSE”) for alleged contraventions of abuse of dominance conduct.
- The JSE is the largest primary exchange in Africa, and A2X entered the market in 2017 as a secondary exchange.
- A2X alleged that the JSE used various forms of exclusionary conduct to slow its expansion in the secondary trading market. Key conduct complained of includes the JSE’s objection to A2X’s FAP trade solution, restrictive and asymmetric application of MP Trade rules, refusal to allow reverse MP Trades, and limited access to brokers’ position data.
- The Commission investigated the matter and found the practices by the JSE to have constrained cross-platform trading, increased costs for brokers, and delayed A2X’s growth and ability to reach break-even in contravention of Section 8(c) of the Competition Act.
- The Commission has decided to refer the complaints to the Tribunal for prosecution.
- The Commission seeking an administrative penalty, the Commission is looking at remedies intended to foster greater cross-platform trading and enable competition between JSE and A2X.
- The intention is to get a remedy(s), for the short term, that would see A2X or any new entrant grow through changing the environment to foster greater cross-platform trading, whilst the FSCA is reviewing the Financial Markets Act (FMA).
- The Commission has also engaged with other regulators on the matter, including Financial Services Conduct Authority (“FSCA”).

Promoting Rivalry to Deconcentrate Markets



Settlement agreement with WesBank, Toyota Financial Services South Africa (TFSSA) and others

- The Commission reached a settlement agreement with and WesBank, a division of FirstRand Bank (WesBank), Toyota Financial Services South Africa (TFSSA), Toyota Motor Corporation (TMC), Toyota Financial Services UK PLC (TFSUK), and Toyota South Africa Motors (Pty) Ltd (TSA) [the Respondents].
- In terms of the settlement agreement, the Respondents will pay an administrative penalty of R30m to the National Revenue Fund. The Respondents also agreed to remove restrictions that prevented Wesbank from financing Toyota motor vehicles purchased from authorised Toyota dealerships or TSA.
- The impact of this settlement agreement is that it introduces competition between Wesbank and TFSSA in the market for Toyota vehicle finance and thereby providing customers with a choice when selecting vehicle financiers to finance vehicles purchased from authorised Toyota dealerships or TSA.

Bid Rigging in Public Procurement



Referral of Special Investigating Unit vs EOH Mthombo (Pty) Ltd and Systems, Applications and Products South Africa (Pty) Ltd

- The Special Investigating Unit (SIU) filed a complaint against EOH Mthombo (Pty) Ltd (EOH) and SAP South Africa (Pty) Ltd (SAP) for allegedly engaging in price fixing and collusive tendering when responding to a request for quotation (RFQ) from the Department of Water and Sanitation (DWS).
- The Commission found evidence of price fixing and collusive tendering in contravention of sections 4(1)(b)(i) and (iii) of the Competition Act. The matter was referred to the Tribunal for prosecution.
- Bid rigging in public procurement inflates costs at which government procure goods and services and drain public resources meant to render services to the public, particularly the poorest. The Commission's intervention in this matter helped DWS not to award a tender at inflated price.

Interventions in Student Private Accommodation



Investigation of Price Fixing in Private Student Accommodation

- The Department of Higher Education & Training (“DHET”) filed a complaint against private accommodation providers that provide accommodation to students funded by the National Student Financial Aid Scheme (“NSFAS”).
- The complaint is about the alleged collusive behavior in the market for the provision of student accommodation, particularly the provision of student accommodation to NSFAS funded students.
- The DHET alleges that private accommodation providers are charging the same prices / rental rate for student accommodation which amount to price fixing in contravention of section 4(1)(b)(i) of the Competition Act.
- The Commission is still investigating the complaint, the Commission has also initiated an advocacy intervention in student private accommodation to improve awareness and compliance with the Competition Act.

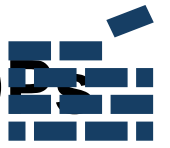
Interventions in Student Private Accommodation



Advocacy in Student Private Accommodation

- The Commission identified the need to raise awareness, empower consumers, guide accommodation providers, higher education institutions and all other stakeholders involved in the provision, accreditation, funding and regulation of student accommodation in South Africa about competition principles and why they matter in the student accommodation market.
- The need to raise awareness in this area emanated from several complaints received by the Commission from the Department of Higher Education and Training (DHET), The National Student Financial Aid Scheme (NSFAS) and students from tertiary institutions regarding potential anti-competitive conduct in the student accommodation market.
- The advocacy intervention of the Commission on Student Accommodation is expected to result in the issuing a Practice Note that will essentially be a guideline to ensure compliance with the Competition Act by all market players in the sector and promote participation of SMEs in the market.

Opening markets to greater participation by SMMEs and HDPs



1 A Collaborative Roundtable on Supporting Spaza Shops

- The purpose of the roundtable was to share and showcase available government and private sector programmes established to support spaza shop development.
- Key stakeholders from government, regulatory bodies, development institutions, the financial sector, industry associations, and digital innovators participated.



2 Monitoring Grocery Retail Market Inquiry Remedies for Impact

- Large retailers reported progress in improving payment terms, with many now offering seven-day payment cycles for SMEs and HDPs.
- However, further work is required to ensure effectiveness of enterprise and supplier development programmes, transformation initiatives, and equitable access to shelf space.



3 Outreach to support women entrepreneurs

- Commission participated in a multi-stakeholder forum led by the Dept of Women, Children and People with Disabilities focused on celebrating female entrepreneurship.
- The Commission shared its contributions to supporting female entrepreneurs ranging from research in the area, conditions imposed in mergers and investigations to promote fair competition.



Interventions to reduce the High Cost of Living



Interventions to reduce the High Cost of Living

- The Commission published Cost of Living Report, which focuses on essential food items and incorporates additional key non-food items that impact the cost of living for households particularly low-income households.
- This analysis plays a crucial role in identifying the economic pressures experienced by various socio-economic groups in a time of fluctuating prices and growing inequality. It also serves as input into investigation prioritisation processes.
- Prices for electricity and water, have surged by 68% and 50% respectively over the past 5 years, well above overall inflation.
- The cost of state primary and secondary education has started to outstrip general inflation, rising by around 42% in the past five years.
- There are persistent inefficiencies in price transmission within the food value chain.
- Rising inflation in essential goods and services continues to outpace wage growth, eroding household purchasing power and intensifying financial vulnerability.

Promoting Awareness and Compliance



Training on Pro-competitive Procurement in Public Entities

- The Commission provided training workshops for procurement officials in the Supply Chain Management units of various entities within **the dtic**.
- The Commission also provided training workshops for procurement officials at Umgeni Local Municipality Enterprise Development Forum in KwaZulu-Natal.
- The workshops focused on the Competition Act, further expanding on pro-competitive public procurement practices. Key discussion points included:
 - Restrictive practices under the Competition Act; and
 - Competition concerns that may arise in the public procurement process including bid rigging, collusion facilitated by cross directorships and shareholding, collusive conduct by spouses, collusive conduct by joint ventures/ economic interest groupings, excessive pricing and predatory pricing.

The Commission will continue to focus on promoting bid rigging awareness in light of the renewed focus on infrastructure-led growth

Promoting Awareness and Compliance



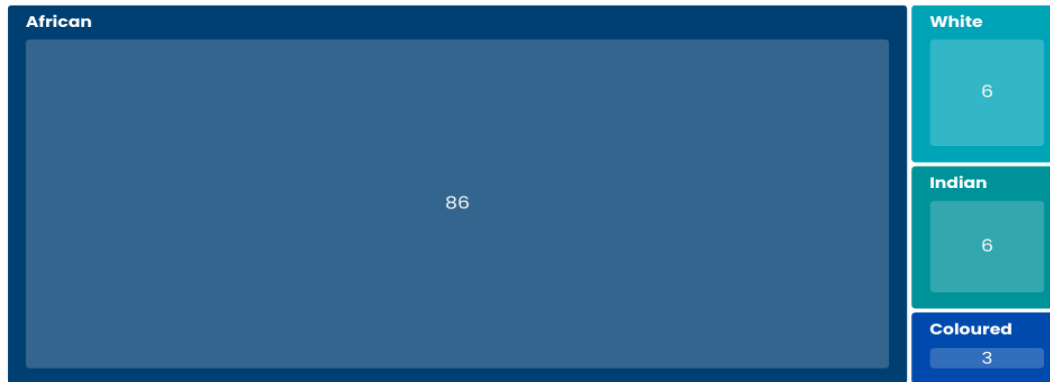
Guidelines on the Commission's handling of Confidential Information

- As part of its investigative mandate, the Commission is empowered to request information from any market participants or parties in any regulatory processes before it. The Competition Act grants any person (juristic or natural), the right to claim confidentiality on information submitted to the Commission.
- Therefore, the Commission saw a need to provide guidance to merger parties, complainants, respondents, intervenors, market inquiry participants, exemption applicants and third parties on the Commission's handling of confidential information.
- The Commission published the final Guidelines on the Commission's handling of Confidential in terms of section 79(1) of the Competition Act.
- The Guidelines provide information to external stakeholders, including small businesses about the processes applicable to claiming information as confidential, they clarify how any party claiming confidentiality may do so effectively, how regimes of access to confidential information work, and outline the approach taken by competition authorities to access applications brought by requestors seeking access to confidential information.

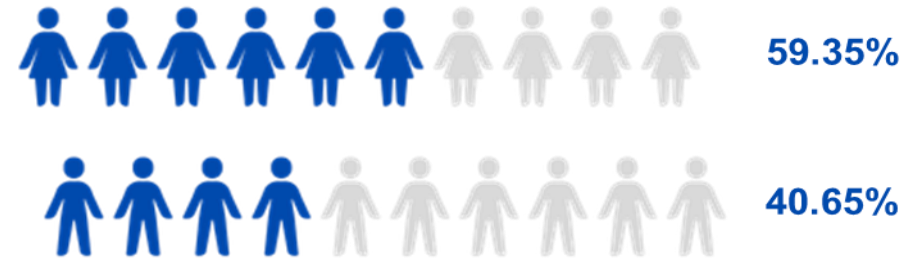
Capability of the Competition Commission to execute its mandate

- The profile of our Human Capital can be illustrated as follows:

Racial Profile of Employees



Gender Profile of Employees

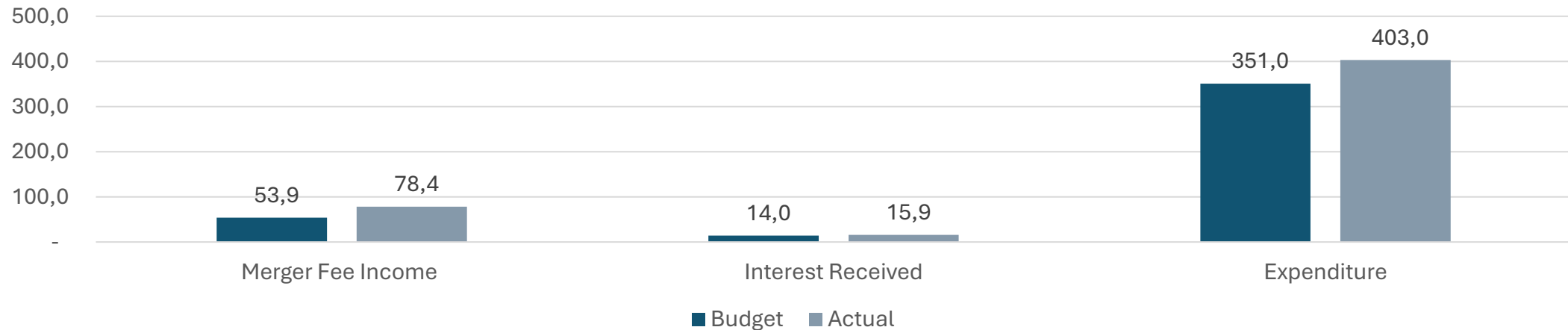


- The Commission has a 2 year Cadet programme which employed 22 graduates from different universities. In addition, the Commission has introduced a 6 months learnership programme to equip graduates with necessary training to obtain their qualifications.
- The Commission continues to implement its digitalisation strategy with a focus on:
 - Management Information System: The Management Information System (MIS) will be developed and implemented during the period under review.
 - Digitisation of key processes like Merger Regulation: The Commission is currently looking at various options to improve the digitalisation of our Merger Regulation process.

Highlights on Financial Information

- The Commission continues to ensure prudent financial management in a constrained fiscal environment; the following are worth highlighting:

- Budget Management:**



- Additional expenditure of R58 million has been spent against prior year commitments.
- Prior year surplus funds of R29 million was approved by National Treasury for carry forward into the current year.
- Projects and programmes are underway to facilitate expenditure in Q4.

Conclusion

- The Commission is committed to focus on impactful competition regulation geared at achieving the objectives of the Competition Act and contribution to the priorities of government in general and **the dtic** in particular.
- We continue to prioritise our resources towards the achievement of greater outcomes in our priority sectors and priority strategic themes, this entails enhancing our enforcement capabilities and improving multidisciplinary monitoring to ensure the effective implementation of remedies and conditions designed to promote competition and public interest.
- Initiatives focused at continuous improvement of the productivity and performance of our staff and efficiency of our processes continue to preoccupy the staff and management of the Commission as we seek to build a more agile and outcomes-oriented organisation.
- The Commission play its part and continue to deploy its toolbox to support the government as it grapples with economic challenges affecting consumers (particularly low-income consumers) and firms (particularly SMEs and firms owned by HDPs). This is particularly demonstrated through the remedies and conditions from merger regulation, enforcement and also market inquiries.
- Our commitment to not just meeting our targets, but impactful regulation of Competition in the South African economy is being boosted by our focus in measuring our impact in the economy to guide our prioritisation (in planning) and more effective monitoring of our work.



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THANK YOU

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