

TABLED COMMITTEE REPORTS 6TH ADMINISTRATION MAY 2019 ONWARDS PORTFOLIO COMMITTEE ON TRADE, INDUSTRY AND COMPETITION [FORMER PC ON TRADE AND INDUSTRY]						
NO.	YEAR	TITLE	TABLE D	REPORT / CONCLUSIONS	RECOMMENDATIONS	UPDATE FROM THE DEPT.
1.	2019	Report of the Portfolio Committee on Trade and Industry on Budget Vote 25: Economic Development and on Budget Vote 34: Trade and Industry, dated 10 July 2019	ATC 190710	<p>Conclusions</p> <p>Having considered the information shared and reports from the Departments of Trade and Industry and of Economic Development and its entities with respect to their annual performance plans, the Committee has reached the following conclusions:</p> <p>While the Committee acknowledged the uncertainty regarding the merger between the two departments, it is of the view that these share a number of synergies and can strengthen each other's mandates to improve economic policy certainty, particularly in terms of economic transformation, investment promotion and facilitation and job creation. The Committee looks forward to a reviewed organisational structure and annual performance plan to improve alignment with government's objectives.</p> <p>The Committee welcomed government's initiatives to regenerate the domestic economy, with priority productive sectors through the new envisaged industrial strategy and focused allocations to support industrial competitiveness. It also supported that the Departments adopt a</p>	<p>Recommendations</p> <p>The Portfolio Committee on Trade and Industry, having considered the 2019 proposed Budget Vote 25: Economic Development and Budget Vote 34: Trade and Industry, recommends that the House adopts Budget Vote 25: Economic Development and Budget Vote 34: Trade and Industry.</p> <p>The Committee further recommends that the House request that the Minister of Trade and Industry should consider:</p> <p>Engaging with the Ministers of Finance and of Health to review the impact of the Health Promotion Levy on Sugary Beverages on the sugar industry and sugar cane growers.</p> <p>Tabling a Sugar Amendment Bill to address a lack of market diversification thus allowing for alternative products and the slow economic transformation in the industry.</p> <p>Supporting measures to protect the sugar industry from imports that may be allegedly dumped into the South African market and to improve the industry's competitiveness.</p>	

			<p>more evidence-based approach in developing this strategy.</p> <p>There is a recognition that industrial policy is cross-cutting and that coordination across departments is critical for its successful implementation. In this regard, efforts to ensure policy coherence and certainty is necessary to attract domestic and foreign direct investment to achieve inclusive economic growth and decent job creation.</p> <p>A strong social compact between the government, the private sector and labour cannot be underestimated in terms of creating a sustainable economy. Each party must contribute by providing an enabling regulatory environment, investment and increased productivity respectively.</p> <p>While the Committee acknowledged the Departments' initiatives to facilitate the ease of doing business, such as the establishment and roll-out of One-Stop Shops, it was of the view that the Ministry should review initiatives to ensure their efficacy.</p> <p>Although the tariff for sugar has been increased, the Committee remains concerned about the sustainability of the sugar industry and its impact on small-</p>	<p>Engaging the Minister of Finance with regards to the long-term budget allocation for the Manufacturing Competitiveness Enhancement Programme.</p> <p>Amending the Broad-based Black Economic Empowerment (B-BBEE) legislation to allow the B-BBEE Commission to be a listed entity in terms of the Public Finance Management Act (No. 1 of 1999) to enable it to operate autonomously. In addition, enhancing the economic empowerment of workers through ownership share schemes.</p> <p>Requesting the International Trade Administration Commission of South Africa to investigate the appropriateness of the applied tariff rate for sugarcane products.</p> <p>The Democratic Alliance, Economic Freedom Fighters and the African Christian Democratic Party abstained.</p> <p>Report to be considered.</p>	
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			<p>scale cane growers. The Committee welcomed the Minister's endeavours to develop an appropriate long-term strategy to ensure a sustainable sugar industry.</p> <p>The Committee was encouraged by the reported progress in addressing audit challenges facing the National Regulator for Compulsory Specifications and the South African Bureau of Standards, as these entities play a critical role in enabling industrialisation and trade as well as ensuring consumer and environmental protection. The DTI should report on the outcome of the interventions to address the Auditor-General's findings on a quarterly basis to ensure that these entities are on a path to a clean audit.</p> <p>The Committee recognised all efforts to strengthen intra-African trade and integration through the conclusion of the African Continental and Tripartite Free Trade Areas. This provides the foundation for African economic integration and increase intra-African trade that would benefit the South African economy. The Committee awaits the finalisation of the relevant annexes that would underpin these arrangements, such as the rules of origins and the schedules for tariff concessions.</p>		
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				<p>The Committee is encouraged to see ongoing negotiations with the United Kingdom, as it finalises its exit from the European Union, that would ensure a bilateral agreement beneficial for South Africa and members of Southern African Customs Union.</p> <p>Deepening economic transformation is imperative to alleviate income inequality among previously disadvantaged black people. The Committee welcomed the phased approach being taken with the B-BBEE policy and was especially encouraged by the progress that had been made with the first 100 black industrialists thus far.</p>		
2.	2019	Budgetary Review and Recommendation Report of the Portfolio Committee on Trade and Industry, dated 17 October 2019	ATC 191022	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the clean audits achieved by the Departments of Trade and Industry and of Economic Development, as well as 15 of its 17 entities, during the 2018/19 financial year.</p> <p>The Committee welcomed the progress made with respect to employment of women within the departments and within some of its entities over the last few years. However, the Committee</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade and Industry should consider:</p> <p>Engaging the Minister of Finance, to coordinate the monitoring and enforcement of local content requirements as underpinned by the Preferential Public Procurement Framework Act.</p> <p>Submitting the final reports on the forensic investigations undertaken by the National Regulator for Compulsory Specifications and the South African Bureau of Standards once these are completed.</p>	

			<p>encouraged all entities and boards reporting to the Minister of Trade and Industry to prioritise the appointment of women, particularly women from previously disadvantaged backgrounds, and people with disabilities to meet the employment equity targets of at least 50 percent and 3,1 percent respectively.</p> <p>Support for companies through incentives and funding from the Industrial Development Corporation that contribute towards industrialisation and economic development should not be underestimated. However, strategies should be implemented to improve the value for money from such interventions to ensure greater opportunities for job creation.</p> <p>The Committee welcomed the progress made in facilitating the beneficiation strategy and the development of at least five mineral-based value chains. There is a need for beneficiation of other natural resources, such as agriculture, to be advanced, as some of these alternative value chains offer greater job opportunities for lower skilled labour.</p> <p>The Committee welcomed the efforts by the Department of Trade and Industry to broaden beneficiation beyond the scope of iron-ore and steel, to include platinum metal groups,</p>	<p>Increasing the allocation to incentive programmes to facilitate deeper industrialisation, investment, industrial decentralisation and increased job opportunities.</p> <p>Increasing the government grant to the South African Bureau of Standards to facilitate small, medium and micro enterprises support and local content verification in the outer years of the Medium-Term Expenditure Framework.</p> <p>Assisting the National Regulator for Compulsory Specifications with its procurement process to implement the Information and Communication Technology modernisation project.</p> <p>Report to be considered.</p>	
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			<p>should include the National Treasury, the Department of Trade and Industry, the Economic Development Department, the South African Bureau of Standards and the Office of the Auditor-General. The Committee was of the view that local content requirements should be specified within the tender documents and in the final contract signed. Contracts should include the timelines for verification by the South African Bureau of Standards, as well as corrective and punitive measures if the winning bidder fails to comply.</p> <p>The Committee noted with concern the continued negative impact of administered prices and ageing municipal infrastructure on the implementation of industrial and beneficiation strategies and South Africa's ability to attract investment, as well as on the decentralisation of the economy. There is a need for holistic policy coordination and coherence, as well as effective implementation to address this.</p> <p>The Committee welcomed the engagement between the Economic Development Department and municipalities to address the challenges associated with electricity and its impact on the productive sectors of our economy, particularly in the steel and automotive sectors, as well as other sectors that have high energy users. The</p>		
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			<p>Committee encouraged the Department of Trade and Industry and the Economic Development Department to engagement other sectors in finding resolutions with respect to the provision and cost of electricity.</p> <p>The Committee welcomed the Economic Development Department's intervention to unblock the water challenges experienced at the Goldi Chicken processing plant. The Committee acknowledged challenges experienced within the broader poultry industry, including allegations of dumping, and supported measures to protect the domestic poultry industry against dumping where these allegations are established to be true.</p> <p>The One-Stop Shop concept has been developed to facilitate investment into South Africa by housing all the relevant national, provisional and local decision-making government departments and entities. This was to reduce red tape and expedite the establishment and operational phases of investors. However, the Committee noted that the processing and granting of visas remains a constraint for foreign direct investment. The Committee welcomed the initiative to introduce e-visas, as this may improve the turnaround time for these visa applications.</p>		
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			<p>The Committee welcomed the use of Special Economic Zones and the revitalisation of industrial parks as a means to decentralise and diversify the national industrial base from the economic hubs of Gauteng, KwaZulu-Natal and the Western Cape. The utilisation of industrial parks could serve as a catalyst for investment to revive rural and township economies.</p> <p>The Committee was encouraged by the Department of Trade and Industry's efforts to embark on consultations with provincial and local authorities on possible rebates to attract new investment to the industrial parks. The Department of Trade and Industry should brief the Committee on progress made in this regard within the next six months and every six months thereafter.</p> <p>The Committee expressed its concerns around the continued inability of the National Regulator for Compulsory Specifications to resolve its technical qualification on the revenue collected from levies over the last six years. This matter had been raised by the Office of the Auditor-General and the previous Committees and to date no resolution has been found. The Committee considered the failure to implement the Office of the Auditor</p>		
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			<p>General's recommendations as extremely serious and urged the National Regulator for Compulsory Specifications to find a solution.</p> <p>It would appear that this technical qualification was exacerbated by the National Regulator for Compulsory Specifications' inability to fill and retain critical senior management posts. The Committee urged the National Regulator for Compulsory Specifications to address the budgeted vacancies and to put measures in place to resolve the ongoing labour challenges and the negative organisational dynamics.</p> <p>The Committee was concerned that the National Regulator for Compulsory Specifications did not have internal capacity to compile its financial statements in accordance with the relevant financial reporting standards. This matter had been raised by the Office of the Auditor-General in the past.</p> <p>The Committee welcomed the proactive steps the National Regulator for Compulsory Specifications has taken to implement consequence management measures in relation to its tender processes to reduce irregular expenditure. However, effective internal control measures should be</p>		
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			<p>implemented to avoid similar incidences from reoccurring.</p> <p>The Committee noted that no significant progress had been made with respect to the Information and Communication Technology modernisation project. Failure to expedite the implementation of this project resulted in, once again, poor performance in the processing of Letters of Authority, and lack of coordination between its operational business units and support functions leading to poor record management, among others.</p> <p>The Committee was of the view that the National Regulator for Compulsory Specifications may not have the necessary capacity to effectively manage the procurement process to develop its Information and Communication Technology systems as part of the Information and Communication Technology modernisation project.</p> <p>The National Regulator for Compulsory Specifications should brief the Committee on its turnaround strategy by the end of November 2019 and on progress on its implementation of its turnaround strategy and on the Information and Communication Technology modernisation project every six months.</p>		
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			<p>The Committee welcomed the progress made by the South African Bureau of Standards since it had been placed under administration. This progress related to achieving a relative degree of financial and operational stability, and re-establishing proper functioning governance structures. However, the Committee recognised that the South African Bureau of Standards needed to continue implementing its turnaround strategy to ensure its ability to operate optimally. This was critical for it to continue to offer critical testing capacity for the public good and to reassert its position as a preferred service provider for conformity assessment services and laboratory testing. The South African Bureau of Standards should brief the Committee on progress made in this regard within the next six months and every six months thereafter.</p> <p>The Committee welcomed the proactive approach by the Acting Chief Executive Officer in relation to improving customer relations to ensure that the South African Bureau of Standards is able to reposition itself to target appropriate products and services that would address the needs of its stakeholders. This would assist the South African Bureau of Standards to re-establish its brand and to grow its revenue base. There is also a need for the South African Bureau of Standards to raise awareness of the benefits of</p>		
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			<p>standards conformity and quality assurance to business.</p> <p>The Committee acknowledged the important role the South African Bureau of Standards and its Design Institute could play in supporting small businesses by assisting them with conformity assessment and facilitating their design and commercialisation processes respectively.</p> <p>The Committee urged the South African Bureau of Standards to address its audit findings and put the necessary internal control systems in place to address these.</p> <p>The Committee welcomed the conclusion of some of the forensic investigations and awaited its tabling to Parliament, but would also request that the Minister of Trade and Industry submits the final reports on outstanding forensic investigations once these were completed.</p> <p>The Committee encouraged the Minister to intensify oversight over the National Regulator for Compulsory Specifications and the South African Bureau of Standards especially while these entities were in the process of implementing their turnaround</p>		
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				strategies and their audit action plans to restore good governance.		
3.	2019	Report of the Portfolio Committee on Trade and Industry on the Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the One Part and the United Kingdom of Great Britain and Northern Ireland, of the Other Part, dated 29 October 2019	ATC 191029	<p>The Portfolio Committee on Trade and Industry, having considered the request for approval by Parliament on the Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the One Part and the United Kingdom of Great Britain and Northern Ireland, of the Other Part, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Agreement.</p> <p>Report to be considered.</p>		
4.	2019	Report of the Portfolio Committee on Trade and Industry on the Departments of Trade and Industry and of Economic Development's Second Quarter Financial and Non-financial Performance for the 2019/20 Financial Year, dated 3 December 2019	ATC 191205	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee raised concerns with the continued contraction of economy, in particular the manufacturing and agricultural sectors, as these have the potential to contribute to job creation and poverty reduction.</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade and Industry should consider:</p> <p>Engaging the Minister of Small Business Development to develop a Masterplan to revitalise township and rural economies within two months of the adoption of the report.</p>	

			<p>Furthermore, the announcement by ArcelorMittal South Africa about the intention to close their Saldanha plant is unfortunate given the foreseen impact on job losses and industrialisation generally. The Committee acknowledged the historic efforts made by government and public entities to support ArcelorMittal South Africa and continued efforts to mitigate the impact of the foreseen closure of the Saldanha plant. In addition, the Committee was of the view that the broader steel industry was under pressure and the Steel and Metal Fabrication Masterplan should be fast-tracked.</p> <p>The Committee welcomed the progress in developing sector-specific Masterplans, as well as the collaborative approach being utilised to develop these. Furthermore, it requested that the Department of Trade and Industry provides a progress report on these processes.</p> <p>The Committee was of the view that it was essential to develop township and rural economies as part of facilitating inclusive economic growth and to effectively contribute to efforts to address inequality, unemployment and poverty. Therefore, it is necessary to also focus on a broader Masterplan that considers</p>	<p>Reviewing the salaries and boards being offered to Executives and board members of the public entities reporting to him and to submit a report on the findings within two months of the adoption of the report.</p> <p>Fast-tracking the Masterplan for the Steel and Metal Fabrication Sector that would facilitate increased participation from the downstream steel sector and table a progress report within two months of the adoption of the report.</p> <p>Adjusting and channelling unused funds from programmes under the Industrial Development Division to other incentives that require additional funding, in particular the Manufacturing Competitiveness Enhancement Programme and the Downstream Steel Competitiveness Fund.</p> <p>Submitting a report relating to the Department of Trade and Industry's progress in finalising the outstanding disciplinary cases within a month of the adoption of the report.</p> <p>Submitting the legislative programme for the next financial year within a month of the adoption of the report.</p> <p>Report to be considered.</p>	
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			<p>township and rural economic development.</p> <p>The Committee acknowledged the Minister's intervention in the Agro-processing Competitiveness Fund that could improve access to funds by more beneficiaries in a more targeted manner and lead to greater job creation opportunities in the agricultural sector.</p> <p>The Committee noted the progress made with the five Technical Working Groups addressing the ease-of-doing business, in particular progress in terms of starting a business. In addition, it acknowledged the establishment of the Inter-Departmental Committee addressing policies impeding the immigration regime. However, the Committee remained of the view that the process should be fast-tracked, particularly in relation to business visas and work permits for investors, and the finalisation of the critical skills visas list.</p> <p>The Committee welcomed the narrowing of the trade deficit with Brazil, Russia, India and China (BRIC) through trade and investment promotion and facilitation initiatives using the BRICS platform.</p>		
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5.	2020	<p>Report of the Portfolio Committee on Trade and Industry on the Departments of Trade and Industry and of Economic Development's Third Quarter Financial and Non-financial Performance for the 2019/20 Financial Year, dated 12 May 2020</p>	<p>ATC 200519</p>	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The continued contraction of the economy, specifically within the sectors that should drive the deepening of industrialisation, is a major concern for the Committee, as it would delay the impact of government's initiatives to address poverty, inequality, and job creation.</p> <p>Noting that jobs had decreased by 108 000, while the labour force had increased by 487 000, resulting in the unemployment rate increasing from 27,1% to 29,1% in 2019, the Committee was of the view that the Department of Trade and Industry accelerates the implementation of economic initiatives that are more labour-intensive rather than capital-intensive.</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade and Industry should consider:</p> <p>Engaging the relevant departments that would ensure effective coordination of government policy critical for the implementation of the industrial strategy, especially around securing the supply of water and of electricity to industries, and providing an update on progress in this regard within three months of adoption of the report.</p> <p>Developing targeted incentives for companies operating in industrial parks.</p> <p>Submitting a status report on the processing of Section 12i tax incentives and Automotive Investment Scheme applications within one month after the adoption of the report.</p>	

			<p>The Committee was specifically concerned that the sectors that are able to increase employment, namely, the agricultural, mining and manufacturing sectors have come under strain. The Committee requested that the Department of Trade and Industry works towards mitigating those factors that inhibit the growth of labour-intensive sectors that fall within its mandate.</p> <p>Widening the scope of beneficiation to leverage the comparative and competitive advantage South Africa has in relation to its natural resources.</p> <p>Challenges facing the steel and mining industry has contributed to uncertainty within the economy, and the potential job losses could contribute to a further contraction in the economy.</p> <p>The Committee welcomed the changes made to the Downstream Steel Industry Competitive Fund to address blockages companies were facing in accessing the Fund and addressing the high cost of steel products for these participating companies.</p> <p>Two of the Master Plans, namely for the poultry and the retail clothing, textile, leather and footwear industries, had been</p>	<p>Fast-tracking the measures to address the illicit trade in scrap metal such as the introduction of an export tax.</p> <p>Finalising the Social Economy Policy Framework in order to facilitate effective coordination across all spheres of government to support economic development of township and rural areas.</p> <p>Developing and implementing measures, in consultation with the Minister of Small Business Development, to mitigate the negative impact of mall developments on local small businesses in rural and township areas.</p> <p>Report to be considered.</p>	
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			<p>launched in the third quarter, which was welcomed by the Committee.</p> <p>However, the Committee encouraged the Department of Trade and Industry to fast-track the Masterplans for the Sugar industry, as well as the Steel and Metal Fabrication Sectors to stem the decline within these industries.</p> <p>The Committee welcomes the efforts to deepen rural and township development as it would contribute towards transformation of the economy. However, it is concerned about the unintended consequences of establishing malls within rural and township communities on local small, medium and micro enterprises.</p> <p>The Committee welcomed the announcement that the Social Economy Policy Framework for township and rural economies would be finalised in the next financial year.</p> <p>In light of the new African Continental Free Trade Agreement, the Committee was of the view that the Department of Trade and Industry should accelerate support for local manufacturing output as well as creating more beneficiary refining sites to maintain resource value chains within South Africa and additionally, reducing our reliance on supply chains</p>		
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			<p>from heavily affected and vulnerable countries.</p> <p>While the Committee acknowledged the narrowing of the trade deficit with the China, India and Russia countries, it remained concerned that this significant deficit was driven by manufactured imports. The Committee encouraged the Department of Trade and Industry to consider further measures to close the gap and to promote the export of South African goods in this regard.</p> <p>The Committee acknowledged the process of amalgamation between the Department of Trade and Industry and the Economic Development Department. The Committee appreciated that some of the programmes would be affected by this transition process. Therefore, the Committee would encourage the Minister to ensure a seamless transition that included a change management process.</p> <p>Notwithstanding the process of amalgamation and the rationale provided by the Economic Development Department for not achieving three of its targets, the Committee remained concerned that these targets were not met. It was of the view that the Department should ensure that the challenges encountered in implementing these key performance indicators were addressed urgently.</p>		
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6.	2020	Report of the Portfolio Committee on Trade and Industry on Budget Vote 39: Trade, Industry and Competition, dated 28 May 2020	ATC 200608	<p>Conclusions</p> <p>Having considered the information shared and reports from the Department of Trade, Industry and Competition with respect to its strategic and annual performance plans, the Committee has reached the following conclusions:</p> <p>The Committee welcomed the amalgamation of the two departments and appreciated the merged mandate that led to the rearrangement of programmes that complements/improves co-ordination and enhances the former roles of the two departments.</p> <p>Industrial financing remains a critical vehicle for the development of sustainable enterprises through the provision of incentives in support of national priorities. Given the importance of industrial financing (therefore, it receives the bulk of the budget allocation), especially in a contracting economy, the Committee noted with concern that the budget allocation for this programme will decrease significantly in the outer years of the Medium-Term Expenditure Framework.</p> <p>The Committee noted the discontinuation of the 12i tax allowance, as the DTIC indicated that this was related to a legislated</p>	<p>Recommendations</p> <p>The Portfolio Committee on Trade and Industry, having considered the 2020 proposed Budget Vote 39: Trade, Industry and Competition, recommends that the House adopts Budget Vote 39: Trade, Industry and Competition.</p> <p>The Committee further recommends that the House request that the Minister of Trade and Industry should consider engaging the Minister of Finance to enhance industrial and developmental financing to stimulate the economy in support of the Reimagined Industrial Strategy as implemented through the Master Plans.</p> <p>Report to be considered.</p>	
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			<p>termination date, and that an amendment to the termination date would only be possible if an additional budget was allocated by National Treasury. However, the Committee welcomed the undertaking of the DTIC to source alternative support measures that may be considered via a Generic Manufacturing Support Programme should an additional budget be allocated.</p> <p>The Committee welcomed continued efforts by the DTIC and the CIPC to ensure improved ease of doing business through business registration through the BizPortal. It also noted collaboration with the City of Johannesburg to improve other processes such as getting construction permits. In this regard, the Committee called on the DTIC to extend its efforts to other government departments and across all spheres of government to ensure ease of doing business.</p> <p>Reducing the administrative burden on business and improving the ease of doing business to create an enabling environment for investment and improve global competitiveness had been a major concern for this Committee. The Committee welcomed the initiatives by the DTIC, among others, to enhance the digital platform that would enable small, medium and micro enterprises to access the BizPortal through local banks.</p>		
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			<p>The Committee welcomed the collaborative approach in developing the Master Plans as part of the Reimagined Industrial Strategy, as only through a partnership with industry, labour and government could an environment be established to facilitate investment that leads to job-creation.</p> <p>The Committee urged the DTIC to finalise the negotiations on the modalities for the African Continental Free Trade to enable the implementation of the trade agreement, which is expected to increase intra-African trade.</p> <p>The Committee welcomed the DTIC's commitment to multilateralism and efforts to ensure that the developmental agenda remains a priority and in cases where the developmental agenda is compromised, South Africa should be guided by principles of regional economic integration and national security during the pandemic.</p> <p>Notwithstanding the clear objectives of section 11 of the National Credit Act, the Committee welcomed the cautionary approach the DTIC had taken in this regard.</p> <p>The Committee welcomed the DTIC's commitment that it would ensure compliance to the Broad-based Black</p>		
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				<p>Economic Empowerment Act and its Codes of Good Practice during the COVID-19 pandemic. It noted the fact that the DTIC is considering further measures to strengthen compliance and to redirect resources where necessary.</p> <p>Notwithstanding the approval of the budget and Annual Performance Plan as tabled, the Committee noted that an adjustment appropriation budget would be tabled to factor in the interventions to mitigate the impact of the COVID-19 pandemic. This may lead to a revision of the DTIC and its entities' Annual Performance Plans. It looked forward to engaging the DTIC on the new Annual Performance Plans once tabled.</p>		
7.	2020	Report of the Portfolio Committee on Trade and Industry on its oversight visit to the Western Cape on 11 February 2020, dated 19 June 2020	ATC 200623	<p>Conclusions</p> <p>The Committee raised the following issues:</p> <p>The Committee welcomed the Industrial Development Corporation's investment within the film industry and its concomitant positive impact on job creation and on small businesses, which support the film industry.</p> <p>However, the Committee was concerned that failure to increase the physical capacity of the Cape Town Film Studios and to develop other domestic studios</p>	<p>Recommendation</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade and Industry should consider engaging the Minister of Sports, Arts and Culture to initiate a programme to nurture the development of local content, including indigenous stories, to translate this into film and television production.</p> <p>Report to be considered.</p>	

			<p>would most likely lead to minimal growth in the industry, which potentially could have a negative impact on its ability to attract additional work and thus its job creating capacity.</p> <p>The Committee noted the industry's acknowledgement of the positive impact of the Film and TV incentive programme on transformation. However, it was concerned that the sustainability of this growth would be dependent on the growth in the South African film industry's global market share.</p> <p>The advent of a number of live streaming service providers has led to an increased demand for content to be produced in a shorter space of time. This has exceeded the global supply of film studios and provides an opportunity for South Africa to grow its global market share, as well as the number and size of domestic film studios and production companies.</p> <p>While the Committee acknowledged the fiscal constraints and the need to spread the Film and TV incentive to a wide number of stakeholders, it was of the view that the incentive programme should be reviewed to consider either using a tax incentive or adjusting the cap to factor in the type of production and the amount being spent on it in South Africa. This was critical given the indirect economic benefits of foreign productions.</p>		
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				<p>The Committee acknowledged the technical assistance offered by the National Empowerment Fund and the Industrial Development Corporation to assist in developing RISE Uniforms and the Noodle Factory respectively.</p> <p>The Committee was concerned about the non-compliance with the occupational health and safety conditions at the RISE Uniforms' factory, in particular the lack of ventilation and an air cooling system.</p> <p>The Committee noted the challenges raised by the Noodle Factory regarding the impact and cost implications of loadshedding due to the loss of production time and inputs.</p>		
8.	2020	Report of the Portfolio Committee on Trade and Industry on their oversight visit to Gauteng from 4 to 5 February 2020, dated 19 June 2020	ATC 200623	<p>Concluding remarks</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the progress made with the implementation of the NRCS' turnaround strategy. It requested that the NRCS should continue to update it on the progress made and challenges encountered on a quarterly basis.</p>	<p>Recommendation</p> <p>Report to be considered.</p>	

			<p>However, the Committee remained concerned by the delays in implementing the ICT Modernisation Project. The Committee noted the appointment of an ICT consultant to assist the NRCS in the development, management and implementation of the ICT Modernisation Project. It urged the NRCS to fill the critical, funded vacancies necessary to ensure that this Project could be effectively implemented.</p> <p>Furthermore, the Committee remained concerned about the NRCS' financial reporting given the findings raised by the Auditor-General and that the Chief Financial Officer had resigned. It encouraged the NRCS to fill this vacancy urgently to resolve its financial reporting challenges.</p> <p>The Committee welcomed the implementation of the Enterprise Resource Planning to resolve financial system deficiencies. It requested the NRCS to monitor the implementation process to ensure that these deficiencies were fully resolved by March 2021.</p> <p>The Committee was concerned by the challenges expressed by the Legal Metrology Division regarding its laboratories' conditions. Currently, the laboratories were not ideally located and had challenges in terms of lighting and the effects of gravity, as well as the</p>		
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			<p>impact of electricity supply disruptions, which could affect the accuracy of its test results.</p> <p>In terms of the SABS, the Committee remained concerned about its financial sustainability and its ability to re-establish itself as a preferred certification and testing service provider, particularly in areas where it competed commercially. Nevertheless, the Committee was encouraged by the progress on the Turnaround Plan thus far but acknowledged that there were still significant challenges to be addressed to stabilise the institution.</p> <p>The Committee welcomed the improvements made to the plant room; however, it was of the view that the SABS should urgently prioritise the replacement of its network of auxillary pipelines to ensure that the efficiencies gained in the plant room could be transferred to the campus to ensure that appropriate laboratory conditions are maintained.</p> <p>The Committee welcomed the SABS' approach to seek strategic partnerships to develop and maintain its prioritised laboratories. This could assist in addressing the financial constraints facing the institution and in securing revenue.</p>		
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				<p>The Committee was concerned by the lack of clear policy direction by the Department of Communications, which had led to the establishment of the set-top boxes laboratory that has not been utilised over the last three years.</p> <p>The Committee noted the lack of capacity within the cement laboratory, which was exacerbated by delays due to electricity supply disruption. It was encouraged by the procurement process for new equipment that would increase the laboratory's capacity from processing 32 monthly samples to 90 monthly samples. However, there is a need to consider establishing an independent electricity supply for the laboratory to mitigate against the impact of continuous disruptions on the accuracy of its testing results.</p>		
9.	2020	Report of the Portfolio Committee on Trade and Industry on the Departments of Trade and Industry and of Economic Development's Fourth Quarter Financial and Non-financial Performance for the 2019/20 Financial Year, dated 24 June 2020	ATC 200625	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee noted the impact of the COVID-19 pandemic on the DTI and the EDD's ability to meet some of its economic targets, particularly for the Incentive Development and Administration, and Trade and Investment South Africa Programmes.</p>	<p>Recommendation</p> <p>Report to be considered.</p>	

			<p>The Committee welcomed the creation of 3 660 jobs through the Youth Employment Service (Y.E.S) with 154 companies participating in the Y.E.S programme, despite the current turbulent economic conditions facing the country.</p> <p>While the Committee acknowledged that there had been a lower than expected number of applications received for the incentive programmes, it remained concerned about the targets around jobs created not being achieved.</p> <p>Although the target with respect to the publication of a new iteration of the Industrial Policy Action Plan for the 2020/21 financial year was not met, the Committee recognised that this was due to a policy shift of implementing industrial policy through a Reimagined Industrial Strategy. It welcomed the collaborative approach in which Masterplans were being developed.</p> <p>The Committee welcomed the economic recovery support initiatives offered by the Industrial Development Corporation and the National Empowerment Fund to small businesses to assist them during the COVID-19 pandemic.</p> <p>The Committee noted that the under-expenditure in the Investment, Competition and Trade Programme was</p>		
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				<p>mainly due to the funding allocated for the Tirisano Construction Fund. This was due to a number of construction companies contributing to the fund going into business rescue due to the contraction in the domestic economy.</p> <p>The Committee welcomed the gazetting of the Regulations on the Competition Act related to price discrimination and buyer power in February 2020.</p> <p>The Committee welcomed the progress made in terms of the proposed export tax on ferrous and non-ferrous waste and scrap metal.</p>		
10.	2020	Report of the Portfolio Committee on Trade and Industry on the implications of the Adjustments Appropriation Bill [B10-2020] on Budget Vote 39: Trade, Industry and Competition, dated 16 July 2020	ATC 200717	<p>Conclusions</p> <p>Having considered the information shared and reports from the DTIC with respect to its strategic and annual performance plans, the Committee has reached the following conclusions:</p> <p>The Committee noted the significant reduction in the budget allocated to the DTIC, and the revised performance indicators and targets. While some programmes and targets had been decreased to accommodate the impact of the COVID-19 pandemic and the consequent lockdown restrictions, the Committee welcomed the DTIC's approach to maintain its core mandate and service delivery objectives.</p>	<p>Recommendation</p> <p>The Portfolio Committee on Trade and Industry, having considered the amendments to the 2020 Budget Vote 39: Trade, Industry and Competition, recommends that the House adopts the amendments related to Budget Vote 39: Trade, Industry and Competition in the Adjustments Appropriation Bill [B10-2020].</p> <p>Report to be considered.</p>	

				<p>The Committee also welcomed the R500 million set aside to support both companies in distress and companies expanding production of personal protective equipment in response to the impact of the COVID-19 pandemic and the lockdown.</p> <p>Notwithstanding the budget reduction, keeping the principles of the National Development Plan, such as economic transformation and inclusivity at the core of the revised annual performance was commended.</p> <p>The Committee noted the Minister's commitment that the DTIC would be assessing its current way of providing its services, including the shared service model initiative, and encouraged the DTIC to find more creative and innovative ways to achieve this. This would reduce its cost structure so that more resources could be channelled to financing businesses and would ensure that a complementary suite of support mechanisms were utilised to support the industrial base and the economy.</p> <p>Within the current economic environment facing South Africa, the Committee welcomed the development of options to fast-track the operationalisation of the</p>		
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			<p>African Continental Free Trade Area, thereby contributing to broadening participation and facilitating that potential benefits for the South African economy are delivered more rapidly.</p> <p>Preserving and protecting the industrial base is of paramount importance for the Committee. Therefore, the Committee supports the initiative of a centralised approach to the development of Special Economic Zones and Industrial Parks to maximise limited resources while providing the requisite skills often lacking within provinces to plan, develop, and manage Special Economic Zones.</p> <p>The Committee welcomed the initiative to enhance localisation through the development of support measures that would increase localisation of various personal protective equipment and other products.</p> <p>The Committee recognised that, as a result of a revised budget, the DTIC had to reconsider the development of the sectoral Masterplans which are at the core of the Reimagined Industrial Strategy. Hence, some of the Masterplans had been deferred to the 2021/22 financial year, such as for chemicals and plastics. However, the Committee welcomed the fact that the Masterplans for the steel, sugar and furniture sectors would be completed in</p>		
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				<p>this financial year. Furthermore, it emphasised that sectors that had high job creation and economic growth opportunities should be prioritised for the development of future Masterplans.</p> <p>Notwithstanding the reduced allocation for transfers to public corporations and private enterprises, the Committee welcomed the continued support for greenfield, including infant industries and brownfield investments and companies in distress in order to retain jobs and industrial capacity.</p> <p>The Committee welcomed the initiative to enhance the domestic industrial financing system to crowd in more funding for enterprises and streamline industrial support.</p>		
11.	2020	Budgetary Review and Recommendation Report of the Portfolio Committee on Trade and Industry, dated 19 November 2020	ATC 201120	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>Notwithstanding the impact of the Covid-19 pandemic, the Committee welcomed the fact that the DTI and the EDD and the majority of its entities had achieved clean audits, which according to the Office of</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade and Industry should consider:</p> <p>Engaging the relevant Ministers to ensure compliance and adherence with localisation, beneficiation and local content prescripts across government in line with the Economic</p>	

			<p>the Auditor-General was an indication of effective leadership. The Committee also welcomed the progress made by the South African Bureau of Standards in addressing its previous audit findings.</p> <p>The Committee welcomed the merger of the two departments into the new DTIC. The Committee also applauds the DTIC on the progress made in the reconfiguration process.</p> <p>The Committee welcomed the decisive measures implemented by the Government to stem the spread of the COVID-19 virus and welcomed the initial support measures implemented by the DTIC to mitigate against the negative impact on the economy. However, there is a need to ramp up industrial policy strategies to accelerate the recovery of the economy.</p> <p>The Committee welcomed the development and implementation of four of the Master Plans and was encouraged by the DTIC's progress in developing the outstanding Master Plans. However, there may be a need to reconfigure certain aspects to accommodate the effects of the pandemic.</p> <p>According to the DTIC, the launch of the Bizportal in 2019 alleviated the regulatory burden for the registration of companies,</p>	<p>Reconstruction and Recovery Plan of government.</p> <p>Fast-tracking the tabling of legislation.</p> <p>Expediting the necessary legislative changes to the Broad-based Black Economic Empowerment Act that would enable the listing of the Broad-based Black Economic Empowerment Commission as an independent entity.</p> <p>Report to be considered.</p>	
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			<p>as was evident with the increased number of company registrations since the 2018/19 financial year. The Bizportal could be modified to also facilitate the registration and certification of companies manufacturing and/or offering essential goods and services during the COVID-19 lockdown.</p> <p>A concern for the Committee was the slow progress in tabling its legislative programme, noting that the Liquor Amendment Bill and the Companies Amendment Bill, among others, had been outstanding since the fifth Parliament.</p> <p>The Committee welcomed the fact that the Industrial Development Corporation still retains a strong balance sheet and would continue to implement its industrial development mandate, notwithstanding Moody's Investors Service recent downgrading of the Industrial Development Corporation's long-term foreign currency ratings.</p> <p>The Committee welcomed the continued support by the DTIC of the economy through incentives and other non-financial measures thereby attracting investment and creating jobs.</p> <p>The Committee welcomed the DTIC's response regarding the plan to address the current impasse regarding the Broad-</p>		
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				<p>based Black Economic Empowerment Commission's independence. It was however concerned that there were no specific timeframes set for the process to amend the Broad-based Black Economic Empowerment Act.</p> <p>The Committee welcomes the active role the DTIC plays to secure investment commitments garnered at the Presidential Investment Conferences and to facilitate their implementation.</p> <p>The Committee welcomed the current support offered by the DTIC to its entities. However, there should be a closer oversight relationship and an early warning mechanism to detect and intervene in regard to possible challenges.</p> <p>The Committee encourages the DTIC to continue providing support to the National Regulator for Compulsory Specifications and the South African Bureau of Standards to ensure the implementation of their turnaround strategies.</p>		
12.	2020	Interim report of the Portfolio Committee on Trade and Industry on the request by the Minister of Trade, Industry and Competition to make a recommendation with	ATC 201203	<p>Report</p> <p>On 16 November 2020, the Speaker referred a letter dated 12 November 2020 from the Minister of Trade, Industry and Competition to the Portfolio Committee on Trade and Industry for consideration and report(see ATC dated 16 November</p>		

		<p>regard to a candidate for the position of the Chairperson of the Board of the National Lotteries Commission, dated 2 December 2020</p>	<p>2020).In his letter he requested that the relevant Committee of the National Assembly makes recommendations regarding the suitability of any or all of the three names of nominees that he shortlisted for appointment as Chairperson of the board of the National Lotteries Commission (NLC) in terms of section 3(3) of the Lotteries Act (Act No 57 of 1997). The Minister also requested that the Committee provides feedback by no later than 30 November 2020.</p> <p>In a letter dated 17 November 2020, the Economic Freedom Fighters (EFF) wrote to the Chairperson of the Committee indicating that in terms of section 3(3) of the Lotteries Act, they were of the view that the Committee should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto, and not the Minister submitting three names of shortlisted candidates for the Committee's consideration.</p> <p>On seeking legal guidance on whether the assertion by the EFF had any merit, the Committee received an opinion dated 18 November 2020, which was tabled in the Committee on 19 November 2020, and the Chairperson also informed the Committee about Prof T Madonsela's withdrawal of her nomination for consideration for the position of Chairperson of the board of the NLC.</p>		
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			<p>The legal opinion stated that “it appears that the shortlisting process, is the mandate of the Portfolio Committee on Trade and Industry. The Committee was further advised that it “should consider requesting the CV’s of all nominated candidates so that the committee may proceed in terms of its own process as required by the Act”.</p> <p>The Chairperson further indicated that he had requested that the Minister submit the redacted CVs of all 41 nominated candidates in a letter dated 18 November 2020.</p> <p>In a letter dated 22 November 2020, the Minister, “in deference to the opinion”, acceded to the Committee’s request to submit the CVs of all nominated candidates for its consideration with CVs tabled in the Committee on 24 November 2020. The Minister once again requested that the Committee adhere to the 30 November 2020 deadline.</p> <p>During its deliberations held on 24 and 25 November 2020, the Committee concurred with the opinion that it was the Committee that should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto.</p>		
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				<p>Informed by the opinion, the Committee concluded that it was not in a position to accommodate the request from the Minister to complete the process of nominating a candidate for position of Chairperson of the board of the NLC by 30 November 2020 and undertakes to conclude the process in the first term of 2021.</p>		
13.	2021	<p>Report of the Portfolio Committee on Trade and Industry on the request by the Minister of Trade, Industry and Competition to make recommendations around the suitability of candidates for the position of the Chairperson of the Board of the National Lotteries Commission, dated 12 March 2021</p>	<p>ATC 210312</p>	<p>Report</p> <p>On 16 November 2020, the Speaker referred a letter dated 12 November 2020 from the Minister of Trade, Industry and Competition to the Portfolio Committee on Trade and Industry for consideration and report(see ATC dated 16 November 2020).In his letter the Minister requested that the relevant Committee of the National Assembly makes recommendations regarding the suitability of any or all of the three names of nominees that he shortlisted for appointment as Chairperson of the board of the National Lotteries Commission (NLC) in terms of section 3(3) of the Lotteries Act (Act No 57 of 1997). The Minister also requested that the Committee provides feedback by no later than 30 November 2020.</p> <p>In a letter dated 17 November 2020, the Economic Freedom Fighters (EFF) wrote to the Chairperson of the Committee indicating that in terms of section 3(3) of the Lotteries Act, they were of the view that the Committee should shortlist</p>	<p>Recommendation</p> <p>In light of the above, the Committee recommends that the House requests the Minister of Trade, Industry and Competition to consider the following candidates for the position of Chairperson of the board of the National Lotteries Commission: Mr TTselane; Dr N Pityana; and Dr M Madzivhandila.</p> <p>Report to be considered.</p>	

			<p>persons so nominated by the interested parties and make recommendations to the Minister in relation thereto, and not the Minister submitting three names of shortlisted candidates for the Committee's consideration.</p> <p>On seeking legal guidance from the Legal Services Division of Parliament on whether the assertion by the EFF had any merit, the Committee received an opinion dated 18 November 2020, which was tabled in the Committee on 19 November 2020. The Chairperson also informed the Committee about Prof T Madonsela's withdrawal of her nomination for consideration for the position of Chairperson of the board of the NLC.</p> <p>The legal opinion stated that "it appears that the shortlisting process, is the mandate of the Portfolio Committee on Trade and Industry". The Committee was further advised that it "should consider requesting the CVs of all nominated candidates so that the committee may proceed in terms of its own process as required by the Act".</p> <p>The Chairperson further indicated that he had requested that the Minister submit the redacted CVs of all 41 nominated candidates in a letter dated 18 November 2020.</p>		
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			<p>In a letter dated 22 November 2020, the Minister, “in deference to the opinion”, acceded to the Committee’s request to submit the CVs of all nominated candidates for its consideration with CVs tabled in the Committee on 24 November 2020. The Minister once again requested that the Committee adhere to the 30 November 2020 deadline.</p> <p>During its deliberations held on 24 and 25 November 2020, the Committee concurred with the opinion that it was the Committee that should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto.</p> <p>Informed by the legal opinion, the Committee concluded that it was not in a position to accommodate the request from the Minister to complete the process of nominating a candidate for position of Chairperson of the board of the NLC by 30 November 2020 and undertook to conclude the process in the first term of 2021.</p> <p>Due to changes in the Parliamentary Programme, the Committee met on 24 February 2021 and shortlisted the following candidates to be interviewed: Rev F Chikane; Mr T Dlamini; Ms B Fergusan; Dr M</p>		
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				<p>Madzivhandila; Dr N Pityana; Mr A Trikamjee; Mr T Tselane; Mr G Xaba.</p> <p>On 9 March 2021, the eight shortlisted candidates were interviewed.</p> <p>On 10 March 2021, the Committee deliberated and resolved that the names of the following four candidates be submitted to their respective party causes for discussion: Mr T Dlamini; Dr M Madzivhandila; Dr N Pityana; Mr T Tselane.</p> <p>In terms of section 3(3) of the Lotteries Act, “The member contemplated in section 3(1) (a) of the Act, shall be appointed only after the Minister has by notice in the Gazette and in not less than two newspapers circulating in every province invited interested parties to nominate persons suitable for appointment as chairperson and the relevant committee of the National Assembly has made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated, having due regard to the functions of the board”.</p>		
14.	2021	Report of the Portfolio Committee on Trade and Industry on the request by the Minister of Trade, Industry and Competition	ATC 210317	<p>Report</p> <p>On 16 November 2020, the Speaker referred a letter dated 12 November 2020 from the Minister of Trade, Industry and</p>	<p>Recommendation</p> <p>In light of the above, the Committee recommends that the House requests the Minister of Trade, Industry and Competition to</p>	

		<p>to make recommendations around the suitability of candidates for the position of the Chairperson of the Board of the National Lotteries Commission, dated 12 March 2021</p>	<p>Competition to the Portfolio Committee on Trade and Industry for consideration and report(see ATC dated 16 November 2020).In his letter the Minister requested that the relevant Committee of the National Assembly makes recommendations regarding the suitability of any or all of the three names of nominees that he shortlisted for appointment as Chairperson of the board of the National Lotteries Commission (NLC) in terms of section 3(3) of the Lotteries Act (Act No 57 of 1997). The Minister also requested that the Committee provides feedback by no later than 30 November 2020.</p> <p>In a letter dated 17 November 2020, the Economic Freedom Fighters (EFF) wrote to the Chairperson of the Committee indicating that in terms of section 3(3) of the Lotteries Act, they were of the view that the Committee should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto, and not the Minister submitting three names of shortlisted candidates for the Committee's consideration.</p> <p>On seeking legal guidance from the Legal Services Division of Parliament on whether the assertion by the EFF had any merit, the Committee received an opinion dated 18 November 2020, which was tabled in the Committee on 19 November 2020. The Chairperson also</p>	<p>consider the following candidates for the position of Chairperson of the board of the National Lotteries Commission: Mr T Tselane; Dr N Pityana; and Dr M Madzivhandila.</p> <p>The Democratic Alliance objected to the adoption of the report with the African Christian Democratic Party abstaining.</p> <p>Report to be considered.</p>	
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			<p>informed the Committee about Prof T Madonsela's withdrawal of her nomination for consideration for the position of Chairperson of the board of the NLC.</p> <p>The legal opinion stated that "it appears that the shortlisting process, is the mandate of the Portfolio Committee on Trade and Industry". The Committee was further advised that it "should consider requesting the CVs of all nominated candidates so that the committee may proceed in terms of its own process as required by the Act".</p> <p>The Chairperson further indicated that he had requested that the Minister submit the redacted CVs of all 41 nominated candidates in a letter dated 18 November 2020.</p> <p>In a letter dated 22 November 2020, the Minister, "in deference to the opinion", acceded to the Committee's request to submit the CVs of all nominated candidates for its consideration with CVs tabled in the Committee on 24 November 2020. The Minister once again requested that the Committee adhere to the 30 November 2020 deadline.</p> <p>During its deliberations held on 24 and 25 November 2020, the Committee concurred with the opinion that it was the</p>		
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			<p>Committee that should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto.</p> <p>Informed by the legal opinion, the Committee concluded that it was not in a position to accommodate the request from the Minister to complete the process of nominating a candidate for position of Chairperson of the board of the NLC by 30 November 2020 and undertook to conclude the process in the first term of 2021.</p> <p>Due to changes in the Parliamentary Programme, the Committee met on 24 February 2021 and shortlisted the following candidates to be interviewed: Rev F Chikane; Mr T Dlamini; Ms B Fergusan; Dr M Madzivhandila; Dr N Pityana; Mr A Trikamjee; Mr T Tselane; Mr G Xaba.</p> <p>On 9 March 2021, the eight shortlisted candidates were interviewed.</p> <p>On 10 March 2021, the Committee deliberated and resolved that the names of the following four candidates be submitted to their respective party causes for discussion: Mr T Dlamini; Dr M Madzivhandila; Dr N Pityana; Mr T Tselane.</p>		
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				<p>In terms of section 3(3) of the Lotteries Act, “The member contemplated in section 3(1) (a) of the Act, shall be appointed only after the Minister has by notice in the Gazette and in not less than two newspapers circulating in every province invited interested parties to nominate persons suitable for appointment as chairperson and the relevant committee of the National Assembly has made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated, having due regard to the functions of the board”.</p>		
15.	2021	<p>Report of the Portfolio Committee on Trade and Industry on the Department of Trade, Industry and Competition’s Second and Third Quarter Financial and Non-Financial Performance for the 2020/21 Financial Year, dated 17 March 2021</p>	<p>ATC 210422</p>	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the positive economic outlook projected for 2021 which was positively affected by the easing of lockdown restriction as well as the aggressive and urgent implementation of targeted interventions as outlined in the Economic Reconstruction and Recovery Plan (ERRP), including sectoral masterplans which are expected to mitigate the effects of South Africa’s underlying structural constraints.</p>		

				<p>The Committee welcomed the study undertaken by the DTIC on the impact of the COVID-19 pandemic on employment. The study showed that the economic shock caused by the COVID-19 pandemic, had adverse effects on a significant number of industries such as tourism, alcoholic beverages, and agriculture, both individually and through their linkages with other sectors. However, Statistic South Africa's recently released data showed a significant rebound in employment as the lockdown was progressively eased.</p> <p>The Committee recognised the importance of trade relations with countries of the South but noted that such relations must support South Africa's industrialisation drive.</p> <p>Trade relations between South Africa and the United Kingdom were not affected by its the exit from the European Union. This was a result of the SACUM-UK Economic Partnership Agreement (EPA) which was developed and negotiated by the DTIC and ratified by Parliament prior to their exit. Therefore, the Committee welcomed this smooth transition.</p> <p>The Committee applauded the collaboration between government, labour and business to establishment the</p>		
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			<p>Personal Protective Equipment Local Manufacturing Partnership (LMP). This partnership ensured that local manufacturers were able to respond to the demands by building manufacturing and export capacity of Personal Protective Equipment. It was further encouraged by the cooperative work done between the DTIC and DoH and its entities in this regard.</p> <p>While the Committee was encouraged by government's continued support of companies in strategic industries, it remained concerned that notwithstanding its support for the steel industry, it continues to shed jobs while making increased profits.</p> <p>The Committee was encouraged by the work done by the DTIC and the National Treasury towards the designation of poultry products. It requested that the DTIC accelerated the finalisation of the designation.</p> <p>The Committee welcomed the collaboration between the DTIC and the local municipalities to facilitate the designation of Special Economic Zones. The Committee encouraged the DTIC to continue to work with all stakeholders, across government, to facilitate the designation and functioning of SEZs.</p>		
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16.	2021	Report of the Portfolio Committee on Trade and Industry on the President's reservations regarding the Copyright Amendment Bill and the Performers' Protection Amendment Bill, dated 14 May 2021	ATC 210514	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having reconsidered the Copyright Amendment Bill (CAB) [B13B-2017] and the Performers' Protection Amendment Bill (PPAB) [B24B-2016] (introduced in the National Assembly as sec 75 Bills), as well as the President's reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020), and having conferred with the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour, reports as follows:</p> <p>In a letter dated 16 June 2020, the President of the Republic of South Africa informed the National Assembly that he had reservations about the constitutionality of the Copyright Amendment Bill [B13B-2017] and the Performers' Protection Amendment Bill [B24B-2016] (National Assembly –sec 75) and that, consequently, he was referring both Bills back to the National Assembly for reconsideration in terms of section 79(1) of the Constitution of the Republic of South Africa, 1996 (Constitution).</p> <p>The President's reservations related to the following, that:</p>	<p>Recommendation</p> <p>After deliberations, the Committee recommends: That the National Assembly should consider–</p> <p>rescinding its decision, on 5 December 2018, to pass the Copyright Amendment Bill [B13B-2017] and the Performers' Protection Amendment Bill [B24B-2016] as section 75 Bills;</p> <p>referring the Bills [B13B-2017] and [B24B-2016] referred to in 4.1 above to the Joint Tagging Mechanism to consider whether it agrees with the President's reservation that the Bills should have been tagged as section 76 Bills;</p> <p>referring the Bills [B13-2017] and [B24-2016] to the Portfolio Committee on Trade and Industry to correct the procedural and substantive concerns in the manner proposed by it, and for report; and</p> <p>agreeing to the Committee, in addressing the reservations it supports and how it intends correcting it, incorporating in its work the proceedings and all the previous work of the Committee up to the Second Reading of the Bill.</p>	
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			<p>The Bills had been incorrectly tagged as section 75 Bills. He was of the view that they should be section 76 Bills because of provisions that substantially affect two areas listed in schedule 4 to the Constitution, namely cultural matters and trade. Specific areas where this might have been the case were:</p> <p>In the CAB, sections 6A, 7A, 8A, 39(cG) and (cl), 22(3), 7B-F and 22A provide for how copyright may be traded. The CAB further affects cultural matters since indigenous works will become eligible for payment of royalties. The definition of “indigenous work” and the fact that the CAB was referred to the House of Traditional Leaders for comments support the view that the CAB deals with cultural matters. The PPAB affects performances and performers of “traditional works” including cultural expressions or knowledge, and the rights in these performances. It further regulates the manner in which related performances are made and shared.</p> <p>The retrospective provisions contained in the CAB may constitute arbitrary deprivation of property. This specifically related to clauses 5, 7 and 9 inserting sub-sections 6A(7), 7A(7) and 8A(5) into the CAB. These provisions applied retrospectively resulting in copyright owners being entitled to a lesser share of the fruits of their property than was</p>	
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			<p>previously the case. The impact of these provisions reaches far beyond the authors it seeks to protect – those that live in poverty as a result of not having been fairly protected in the past. The retrospective provisions would deprive copyright owners of property without sufficient reason and would therefore result in substantial and arbitrary deprivation of property. In addition, the uncertainty created by its unlimited retrospective operation, how assignment by multiple authors would work or what would happen if the owner of the copyright was a non-profit organisation aggravates the situation.</p> <p>The “fair use” provisions as amended had not been put out for further public comment. The President referred to the substantial amendments that had been effected to various sections of the CAB following public hearings in August 2017, including section 12A, which deals with fair use of a work or a performance of a work. These amendments had not been put out for public comment before the final version of the CAB had been published. The changes made to this particular section were material to the scheme as a whole and the failure to consult, in the face of such materiality of the amendments, could render the provisions constitutionally invalid.</p> <p>The CAB conferred substantial discretionary powers on the Minister in</p>		
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			<p>sub-sections 6A(7)(b), 7A(7)(b) and 8A(5)(b), which could well constitute an impermissible delegation of legislative authority. These sections permit the Minister to make key decisions regarding the deprivation of property (copyright) from those to whom it was assigned in the past. It also has the effect that there is no participation process to which legislation is generally subjected. The CAB in this regard also failed to provide for an oversight role for the National Council of Provinces (NCOP). The decision-making process in the CAB is in fact within the domain of the National Assembly and is therefore impermissible delegation.</p> <p>The copyright exceptions might constitute reasonable grounds for constitutional challenges. This related to the following:</p> <p>The CAB introduces copyright exceptions in the new sections 12A to 12D, 19B and 19C. These sections may encounter constitutional challenges for the following reasons: Sections 12A, 12B(1)(a)(i), 12B(1)(c), 12B(1)(e)(i), 12B(1)(f), 12D, 19C(3), 19C(4), 19C(5)(b) and 19C(9) may constitute deprivation of property. Sections 12A and 12D may further violate the right to freedom of trade, occupation and profession. These sections may also be in conflict with the World Intellectual Property</p>	
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			<p>Organization (WIPO) Copyright Treaty and the WIPO Performance and Phonograms Treaty, both of which had been signed by South Africa, although they are yet to be acceded to.</p> <p>There was also a contention that the CAB breached the Three-Step test, first established under article 9(2) of the Berne Convention, to which South Africa is bound in terms of section 231(5) of the Constitution. This test involves that an exception or limitation shall only cover special cases; shall not conflict with the normal exploitation of the work; and shall not unreasonably prejudice the legitimate interests of the rights-holder.</p> <p>The remitted Bills might not comply with international treaty obligations specifically in relation to the WIPO Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.</p> <p>The Committee, having considered the President's reservations, reports as follows:</p> <p>The Committee, after due consideration and having decided to rather err on the side of caution, agrees with the President's reservation that both Bills should have been tagged as section 76</p>	
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			<p>legislations and resolved that it would request the House to submit the Bills to the Joint Tagging Mechanism for reconsideration of its classification and to specifically consider whether both Bills should be dealt with in terms of section 76 of the Constitution.</p> <p>With respect to the President's reservation regarding public participation in relation to sections of the CAB, including section 12A, which deals with the fair use of a work or the performance of a work, the Committee agrees with the President's reservation and would accordingly request further submissions and that the relevant clauses be advertised for public comment.</p> <p>With respect to the President's reservation that clauses 5, 7 and 9 of the CAB, inserting sub-sections 6A(7), 7A(7) and 8A(5) with retrospective effect, may constitute arbitrary deprivation of property, the Committee agrees with the President's reservation and would accordingly amend the affected clauses to provide for prospective operation only.</p> <p>With regard to the President's reservations that the CAB confers substantial discretionary powers on the Minister, which may well constitute an impermissible delegation of legislative authority, the Committee was of the view that with the deletion of sub-section 6A(7)</p>		
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			<p>in clause 5, sub-section 7A(7) in clause 7 and sub-section 8A(5) in clause 9, the reservation becomes moot. The Committee accordingly does not have to agree or disagree with the President's reservation related to impermissible delegations as the delegations are already deleted.</p> <p>With regard to the President's reservation that the copyright exceptions may constitute reasonable grounds for constitutional challenges, the Committee does not have to agree or disagree with the President's reservation as it is recommending a call for further comments. Constitutionality of these clauses will thus in any event be revisited and any necessary amendments effected.</p> <p>With respect to the President's reservations that the remitted Bills may not comply with international treaty obligations specifically in relation to the WIPO Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, the Committee is of the view that the reservation related to international treaties can be dealt with in conjunction with the call for public comments to be done on other reservations. In considering such inputs, the Committee may then appraise itself of</p>	
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				whether the Bills do indeed comply with these treaties or not and, if necessary, effect amendments to the Bills.		
17.	2021	Report of the Portfolio Committee on Trade and Industry on Budget Vote 39: Trade, Industry and Competition, dated 14 May 2021	ATC 210514	<p>Conclusions</p> <p>Having considered the information shared and reports from the DTIC with respect to its strategic and annual performance plans, the Committee has reached the following conclusions:</p> <p>The Committee welcomed the introduction of Joint Key Performance Indicators, which should ensure better coordination between programmes of the department and entities to support industrialisation, trade under the African Continental Free Trade Agreement, economic recovery, and building a capable state.</p> <p>The Committee supported the DTIC's efforts to maximise its reduced budget by leveraging non-financial tools and its development finance institutions' balance sheets to support inclusive economic growth. In particular, the Committee noted the introduction of monitoring systems for localisation and beneficiation; implementation of the Economic Reconstruction and Recovery Plan; and export barriers.</p>	<p>Recommendations</p> <p>The Portfolio Committee on Trade and Industry, having considered the 2021 proposed Budget Vote 39: Trade, Industry and Competition, recommends that the House adopts Budget Vote 39: Trade, Industry and Competition.</p> <p>The Democratic Alliance abstained.</p> <p>Report to be considered.</p>	

			<p>The Committee was encouraged by the DTIC's processes to ensure equity and fairness in the adjudication of incentives and non-financial support offered to businesses including those under the Black Industrialists Programme.</p> <p>The Committee welcomed the DTIC's plan to contribute to the District Development Model, which is a government-wide integrated district-based approach aimed at addressing service delivery challenges, improving localisation and job creation, promoting and supporting local businesses, while ensuring the participation of local communities.</p> <p>The Committee remained concerned about the impact of the COVID-19 regulations on various sectors and highlighted the need for the DTIC to monitor the protracted impact on these sectors.</p> <p>The Committee raised concerns about South Africa's skewed trade relations with countries. It requested the DTIC to consider measures to manage such trading relationships to promote more balanced trade.</p> <p>The Committee welcomed measures to improve South Africa's Ease of Doing Business ranking such as the</p>		
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			<p>development and upkeep of the Ease of Doing Business website.</p> <p>While the DTIC has measures to improve the Ease of Doing Business and there are inter-governmental Technical Working Groups, the Committee noted the need for improved coordinated efforts with other departments to further improve the Ease of Doing Business.</p> <p>The Committee welcomed the implementation of the African Continental Free Trade Agreement, as it presents an opportunity for South Africa to strengthen regional integration and trading relations, attract and facilitate investment, and improve access to markets for African goods.</p> <p>The Committee commended the continued contribution of the DTIC and its entities to the implementation of the Economic Recovery and Reconstruction Plan.</p> <p>The Master Plans for the sugar value chain; retail clothing, textiles, leather and footwear; automotive; steel and metal fabrication; furniture; and poultry sectors have been developed and are being implemented by the DTIC. The Committee welcomed this and called on the DTIC to fast track the development of</p>		
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				<p>the remaining Master Plans to assist the chemicals; and plastic sectors.</p> <p>The Committee is encouraged by the DTIC’s progress on broadening participation through ownership. It particularly supports the DTIC facilitating the design and implementation of worker ownership schemes by the private sector.</p>		
18.	2021	Report of the Portfolio Committee on Trade and Industry on the President’s reservations on the Performers’ Protection Amendment Bill, dated 14 May 2021	ATC 210519	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having reconsidered the Performers’ Protection Amendment Bill (PPAB) [B24B-2016](introduced in the National Assembly as a sec 75 Bill),as well as the President’s reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020, p 3-13), and having conferred with the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour thereon, reports as follows:</p> <p>In a letter dated 16 June 2020, the President of the Republic of South Africa informed the National Assembly that he had reservations about the constitutionality of the Performers’ Protection Amendment Bill [B24B-2016](National Assembly –sec 75)and that, consequently, he was referring the Bill back to the National Assembly for</p>	<p>Recommendations</p> <p>After deliberations, the Committee recommends: That the National Assembly should consider–</p> <p>rescinding its decision, on 5 December 2018, to pass the Performers’ Protection Amendment Bill [B24B-2016] as a section 75 Bill;</p> <p>referring the Bill [B24B-2016] referred to in 4.1 above to the Joint Tagging Mechanism to consider whether it agrees with the President’s reservation that the Bill should have been tagged as a section 76 Bill;</p> <p>referring the Bill [B24B-2016] to the Portfolio Committee on Trade and Industry to correct the procedural and substantive concerns in the manner proposed by it, and for report; and agreeing to the Committee, in addressing the reservations it supports and how it intends correcting it, incorporating in its work the proceedings and all the previous work of the Committee up to the Second Reading of the Bill.</p>	

			<p>reconsideration in terms of section 79(1) of the Constitution of the Republic of South Africa, 1996 (Constitution).</p> <p>The President's reservations related to the following, that:</p> <p>The Bill had been incorrectly tagged as a section 75 Bill. He was of the view that it should be a section 76 Bill because of provisions that substantially affect the area of cultural matters as listed in schedule 4 to the Constitution. This might have been the case as the Bill affects performances and performers of "traditional works" including cultural expressions or knowledge, and the rights in these performances. It further regulates the manner in which related performances are made and shared.</p> <p>The Bill might not comply with international treaty obligations specifically in relation to the WIPO Performance and Phonograms Treaty.</p> <p>The Committee, having considered the President's reservations, reports as follows:</p> <p>The Committee, after due consideration and having decided to rather err on the side of caution, agrees with the President's reservation that the Bill</p>	Report to be considered.	
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				<p>should have been tagged as a section 76 Bill and resolved that it would request the House to submit the Bill to the Joint Tagging Mechanism for reconsideration of its classification and to specifically consider whether the Bill should be dealt with in terms of section 76 of the Constitution.</p> <p>With respect to the President's reservations that the Bill may not comply with international treaty obligations specifically in relation to the WIPO Performance and Phonograms Treaty, and the Committee is of the view that the reservation related to international treaties can be dealt with in conjunction with a call for public comment. In considering such inputs, the Committee may then appraise itself of whether the Bill does indeed comply with treaties or not and, if necessary, effect amendments to the Bill.</p>		
19.	2021	Report of the Portfolio Committee on Trade and Industry on the President's reservations regarding the Copyright Amendment Bill, dated 14 May 2021	ATC 210519	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having reconsidered the Copyright Amendment Bill (CAB) [B13B-2017](introduced in the National Assembly as a sec 75 Bill), as well as the President's reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020, p 3-13), and having conferred with the Select Committee on Trade and Industry, Economic Development, Small Business</p>	<p>Recommendations</p> <p>After deliberations, the Committee recommends: That the National Assembly should consider—</p> <p>rescinding its decision, on 5 December 2018, to pass the Copyright Amendment Bill [B13B-2017] as a section 75 Bill; referring the Bill [B13B-2017] referred to in 4.1 above to the Joint Tagging Mechanism to consider whether it agrees with the President's</p>	

			<p>Development, Tourism, Employment and Labour, reports as follows:</p> <p>In a letter dated 16 June 2020, the President of the Republic of South Africa informed the National Assembly that he had reservations about the constitutionality of the Copyright Amendment Bill[B13B-2017] and that, consequently, he was referring the Bill back to the National Assembly for reconsideration in terms of section 79(1) of the Constitution of the Republic of South Africa, 1996 (Constitution).</p> <p>The President’s reservations related to the following, that:</p> <p>The Bill had been incorrectly tagged as a section 75 Bill. He was of the view that it should be a section 76 Bill because of provisions that substantially affect two areas listed in schedule 4 to the Constitution, namely cultural matters and trade. Specific areas where this might have been the case were:</p> <p>Sections 6A, 7A, 8A, 39(cG) and (cl), 22(3), 7B-F and 22A provide for how copyright may be traded. Indigenous works will become eligible for payment of royalties which affects cultural matters. The definition of “indigenous work” and the fact that the Bill was referred to the House of</p>	<p>reservation that the Bill should have been tagged as a section 76 Bill; referring the Bill [B13B-2017] to the Portfolio Committee on Trade and Industry to correct the procedural and substantive concerns in the manner proposed by it, and for report; and agreeing to the Committee, in addressing the reservations it supports and how it intends correcting it, incorporating in its work the proceedings and all the previous work of the Committee up to the Second Reading of the Bill.</p> <p>This report replaced the previous report on the Copyright Amendment Bill and the Performers’ Protection Amendment Bill dated 14 May 2021.</p> <p>Report to be considered.</p>	
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			<p>Traditional Leaders for comments support the view that it deals with cultural matters.</p> <p>The retrospective provisions contained in the Bill may constitute arbitrary deprivation of property. This specifically related to clauses 5, 7 and 9 inserting sub-sections 6A(7), 7A(7) and 8A(5). These provisions applied retrospectively resulting in copyright owners being entitled to a lesser share of the 'fruits of their property than was previously the case. The impact of these provisions reaches far beyond the authors it seeks to protect – those that live in poverty as a result of not having been fairly protected in the past. The retrospective provisions would deprive copyright owners of property without sufficient reason and would therefore result in substantial and arbitrary deprivation of property. In addition, the uncertainty created by its unlimited retrospective operation, how assignment by multiple authors would work or what would happen if the owner of the copyright was a non-profit organisation aggravates the situation.</p> <p>The "fair use" provisions as amended had not been put out for further public comment. The President referred to the substantial amendments that had been effected to various sections of the Bill following public hearings in August 2017, including section 12A, which deals with fair use of a work or a performance of a</p>		
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			<p>work. These amendments had not been put out for public comment before the final version of it had been published. The changes made to this particular section were material to the scheme as a whole and the failure to consult, in the face of such materiality of the amendments, could render the provisions constitutionally invalid.</p> <p>The Bill conferred substantial discretionary powers on the Minister in sub-sections 6A(7)(b), 7A(7)(b) and 8A(5)(b), which could well constitute an impermissible delegation of legislative authority. These sections permit the Minister to make key decisions regarding the deprivation of property (copyright) from those to whom it was assigned in the past. It also has the effect that there is no participation process to which legislation is generally subjected. The Bill in this regard also failed to provide for an oversight role for the National Council of Provinces (NCOP). This decision-making process is in fact within the domain of the National Assembly and is therefore impermissible delegation.</p> <p>The copyright exceptions might constitute reasonable grounds for constitutional challenges. This related to the following:</p> <p>The Bill introduces copyright exceptions in the new sections 12A to 12D, 19B and</p>		
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			<p>19C. These sections may encounter constitutional challenges for the following reasons: Sections 12A, 12B(1)(a)(i), 12B(1)(c), 12B(1)(e)(i), 12B(1)(f), 12D, 19C(3), 19C(4), 19C(5)(b) and 19C(9) may constitute deprivation of property. Sections 12A and 12D may further violate the right to freedom of trade, occupation and profession. These sections may also be in conflict with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performance and Phonograms Treaty, both of which had been signed by South Africa, although they are not yet acceded to. There was also a contention that the Bill breached the 'Three-Step' test, first established under article 9(2) of the Berne Convention, to which South Africa is bound in terms of section 231(5) of the Constitution, 1996. This test involves that an exception or limitation shall only cover special cases; shall not conflict with the normal exploitation of the work; and shall not unreasonably prejudice the legitimate interests of the rights-holder.</p> <p>The Bill might not comply with international treaty obligations specifically in relation to the WIPO Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.</p>		
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				<p>The Committee, having considered the President's reservations, reports as follows:</p> <p>The Committee, after due consideration and having decided to rather err on the side of caution, agrees with the President's reservation that the Bill should have been tagged as a section 76 Bill and resolved that it would request the House to submit the Bill to the Joint Tagging Mechanism for reconsideration of its classification and to specifically consider whether the Bill should be dealt with in terms of section 76 of the Constitution, 1996.</p> <p>With respect to the President's reservation regarding public participation in relation to sections of the Bill, including section 12A, which deals with the fair use of a work or the performance of a work, the Committee agrees with the President's reservation and would accordingly request further submissions and that the relevant clauses be advertised for public comment.</p> <p>With respect to the President's reservation that clauses 5, 7 and 9 of the Bill, inserting sub-sections 6A(7), 7A(7) and 8A(5) with retrospective effect, may constitute arbitrary deprivation of property, the Committee agrees with the</p>		
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			<p>President's reservation and would accordingly amend the affected clauses to provide for prospective operation only.</p> <p>With regard to the President's reservations that the Bill confers substantial discretionary powers on the Minister, which may well constitute an impermissible delegation of legislative authority, the Committee was of the view that with the deletion of sub-section 6A(7) in clause 5, sub-section 7A(7) in clause 7 and sub-section 8A(5) in clause 9, the reservation becomes moot. The Committee accordingly does not have to agree or disagree with the President's reservation related to impermissible delegations as the delegations are already deleted.</p> <p>With regard to the President's reservation that the copyright exceptions may constitute reasonable grounds for constitutional challenges, the Committee does not have to agree or disagree with the President's reservation as it is recommending a call for further comments. Constitutionality of these clauses will thus in any event be revisited and any necessary amendments effected.</p> <p>With respect to the President's reservations that the Bill may not comply with international treaty obligations specifically in relation to the WIPO</p>		
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				<p>Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, the Committee is of the view that the reservation related to international treaties can be dealt with in conjunction with the call for public comments to be done on other reservations. In considering such inputs, the Committee may then appraise itself of whether the Bill do indeed comply with these treaties or not and, if necessary, effect amendments to it.</p>		
20.	2021	Report of the Portfolio Committee on Trade and Industry on its oversight visit to KwaZulu-Natal and Gauteng on 3 to 6 August 2021, dated 20 August 2021	ATC 210820	<p>Conclusions</p> <p>The Committee raised the following issues:</p> <p>The Committee noted with concern the nature of the unrest, where it would appear that a first group of rioters had gained access to buildings and premises targeting ATMs, and safes holding cash and other valuables before the masses arrived. This gave the impression that there could have been an orchestrated attempt to destabilise the economy.</p> <p>The resultant direct socio-economic impact on manufacturers, small and micro businesses, informal traders and on workers has already been significant in terms of lost property and loss of income. This loss is still ongoing, as</p>	<p>Recommendation</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider engaging the Minister of Finance on whether additional public funding could be sourced to assist affected businesses in the areas.</p> <p>Report to be considered.</p>	

			<p>many businesses are still recovering and re-establishing themselves where possible. Therefore, this cost to the economy is expected to escalate going forward, especially as manufacturers may lose their domestic market share due to a short-term increase in imports to meet the resultant local demand. Further, the Committee noted that the cost to the economy would be additional job losses.</p> <p>There has also been a knock-on effect on businesses that have not been directly impacted by the unrest, as they have experienced challenges with either lower demand for their products or the ability to access supplies required for production.</p> <p>The Committee is concerned about the impact on the healthcare sector in particular healthcare for patients with chronic illnesses, and the vaccination roll-out programme with several pharmaceutical manufacturers and distribution centres being targeted. This will have a negative effect on the government's efforts to facilitate economic recovery.</p> <p>Furthermore, the Committee is concerned that business confidence may have declined leading to disinvestment, especially by foreign investors/multinationals, and the impact of this on the broader economy.</p>		
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				<p>In addition, the Committee is of the view that black economic empowerment and economic transformation has been dealt a massive a blow, as many of these businesses were not insured.</p> <p>Affected communities were also negatively impacted, as they would no longer have access to certain services and products locally.</p> <p>Where businesses were insured by the SASRIA, the delay in processing these claims may compromise their ability to re-establish themselves. This would lead to an even higher impact on unemployment levels.</p> <p>The Committee welcomed government's announcement for dedicated financial support of R3,75 billion for the areas affected by the unrest.</p> <p>Given that many businesses directly affected by the unrest have lost critical documentation that would ordinarily be required for financial applications, the DTIC and its development finance institutions should review how best to process these applications from affected businesses.</p>		
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			<p>The Committee was of the view that while it is necessary to comply with the strict requirements to ensure accountability, in such cases, flexibility is required to allow affected businesses to access funding thus ensuring that recovery and rebuilding can be fast tracked. The Committee also noted that given the fact that medium-sized enterprises were struggling to comply with these requirements, the impact on smaller enterprises to comply may be greater.</p> <p>However, this flexibility should not compromise its due diligence processes, and financial and other support should be provided swiftly to qualifying businesses.</p> <p>The Committee was of the view that the DTIC should engage the private sector regarding support for the recovery efforts of businesses that have been affected by the destruction and loss of property.</p> <p>Furthermore, as far as possible, government should ensure that available finance should be allocated and disbursed to affected businesses to facilitate the speedy reconstruction and recovery of the economy in the affected areas.</p> <p>The Committee encouraged closer inter-governmental cooperation to ensure an effective and holistic response to the</p>		
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				<p>affected businesses so that these local economies can be rebuilt in the shortest time possible.</p> <p>The Committee also noted that the role of the State is to protect and defend its citizens and property; however, the recent unrest has shown significant shortcomings, which resulted in the loss of lives and would have a negative impact on the broader economy. In this regard, the Committee was concerned that the South African Police Service had not adequately dealt with the unrest.</p> <p>The Committee is of the view that law enforcement should investigate the alleged instigators' attempt to destabilise the economy.</p> <p>Furthermore, the Committee would welcome a comprehensive review on factors that contributed to the recent unrest in KwaZulu-Natal and Gauteng.</p> <p>The Committee would like to encourage private businesses to explore developing preventative mechanisms that would ensure their protection. This should include insurance and security, among others, to mitigate against possible future unrest.</p>		
21.	2021	Interim report of the Portfolio Committee on	ATC 211119	Report	Recommendation	

		<p>Trade and Industry on the Copyright Amendment Bill [B 13B-2017] (National Assembly – sec 76), dated 19 November 2021</p>	<p>The Portfolio Committee on Trade and Industry, having reconsidered the Copyright Amendment Bill [B 13B-2017] (retagged in the National Assembly as a sec 76 Bill) (Announcements, Tablings and Committee Reports, 18 June 2021) and the President’s reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020, pp 3-13), reports as follows:</p> <p>The Bill seeks to amend the Copyright Act, 1978, (Act No. 98 of 1978) so as to define certain words and expressions; to allow for further limitations and exceptions regarding the reproduction of copyright works; to provide for the sharing of royalties in copyright works; to provide for the payment of royalties in respect of literary, musical, artistic and audiovisual works; to provide for resale royalty rights; to provide for recordal and reporting of certain acts; to provide for the accreditation of collecting societies; to provide for a mechanism for settlement of disputes; to provide for access to copyright works by persons with disabilities; to provide for the licensing of orphan works; to strengthen the powers and functions of the Copyright Tribunal; to provide for prohibited conduct in respect of technological protection measures; to provide for prohibited conduct in respect of copyright management information; to provide for protection of digital rights; to provide for</p>	<p>The Committee recommends that the National Assembly grants permission in terms of Assembly Rule 286(4)(c) for it to amend other provisions of the Copyright Act, 1978 (Act No. 98 of 1978).</p> <p>Report to be considered.</p>	
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			<p>certain new offences; and to provide for matters connected therewith.</p> <p>The President's reservations referred, among others, to the following:</p> <p>The "fair use" provisions as amended had not been put out for further public comment.</p> <p>The copyright exceptions might constitute reasonable grounds for constitutional challenges.</p> <p>The Bill might not comply with international treaty obligations specifically in relation to the World Intellectual Property Organisation (WIPO) Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.</p> <p>In a report dated 14 May 2021, adopted by the Committee for the National Assembly's consideration and adoption, the Committee outlined how it intended to correct any procedural defects, by calling for further public comments in relation to 1, 2 and 3 above.</p> <p>On 1 June 2021, the National Assembly adopted the Committee's report in which, the Committee outlined how it intended to</p>		
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			<p>correct any procedural defect. (Minutes of Proceedings, National Assembly, dated 1 June 2021)</p> <p>Consequently, the Committee re-advertised the relevant clauses and called for further submissions with respect to points 1, 2 and 3 above. The Committee received 91 submissions for its consideration in this regard.</p> <p>Based on the inputs received, the Committee intends going beyond amending the sections in the Act, as envisaged in the Copyright Amendment Bill [B 13B-2017].</p> <p>The additional provisions to be considered are as follows:</p> <p>New definitions related to personal copies, to exceptions for persons with disability, and to broadcasting; and Making the new exclusive rights of 'communication to the public', 'making available' and 'distribution' applicable to published editions and computer programmes.</p> <p>National Assembly Rule 286(4)(c) provides that a committee may, if it is considering a Bill that amends provisions</p>		
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				of the legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation.		
22.	2021	Budgetary Review and Recommendation Report of the Portfolio Committee on Trade and Industry, dated 19 November 2021	ATC 211119	<p>CONCLUSIONS</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee supports the measures implemented by Government to mitigate the impact of the COVID-19 pandemic, notwithstanding views expressed that the response to the pandemic had a devastating impact on the economy as the restrictions were considered too stringent. It also welcomed the opportunities for innovation presented such as the capability to produce Personal Protection Equipment and vaccines locally for domestic consumption and export to countries in Africa and the world. It emphasised the importance of vaccine equity and the waiver of patent rights being considered at the World Trade Organization to ensure universal access to vaccines. It supported the DTIC's efforts in this regard. Furthermore, there was a need to educate citizens about the importance of vaccination, while acknowledging their constitutional right to bodily and psychological integrity.</p>	<p>RECOMMENDATIONS</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider reviewing the Broad-Based Black Economic Empowerment Act (Act No. 46 of 2013) with the intention of establishing a Broad-Based Black Economic Empowerment Tribunal with powers to rule on and sanction prohibited conduct under the legislation.</p> <p>The Democratic Alliance, the Economic Freedom Fighters, and Freedom Front Plus reserve their position on the report.</p> <p>Report to be considered.</p>	

			<p>The Committee supports localisation and beneficiation as key pillars to the industrial policy, as there is a need for South Africa to diversify its export basket from mainly filled with raw materials to more value-added goods. However, it agrees that the policy should be applied strategically to harness available export opportunities and to facilitate job creation and decent wages.</p> <p>The Committee supports the continued efforts to transform the economy, notwithstanding views expressed to the contrary that the economic transformation process may be susceptible to corruption and has not been broad-based. It emphasised that Broad-Based Black Economic Empowerment remains a critical policy instrument to enable structural change in ownership and management patterns in the economy and to realise a more equitable society. However, it is essential that institutions, such as the Broad-Based Black Economic Empowerment Commission, are strengthened to monitor Broad-Based Black Economic Empowerment transactions and sanction unethical behaviour in this regard.</p> <p>The Committee welcomed the undertaking by the DTIC to focus on rural economic development and to strengthen its mechanisms to support local and provincial governments, especially in rural provinces as part of the</p>		
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			<p>District Development Model, revitalisation of industrial parks and development of special economic zones.</p> <p>The Committee supported the DTIC and its development institutions' refocus on and integration of their work on the District Development Model through the collaboration with provincial and local government and direction of more resources towards rural communities for their upliftment and empowerment.</p> <p>The Committee welcomed the progress made with regard to the implementation of the South African Sugarcane Value Chain Master Plan.</p> <p>Furthermore, the Committee welcomed the publication of amendments to regulations governing the sugar industry to promote economic transformation within the sugar industry, as well as the inclusion of small-scale cane growers into the wider sugarcane value-chain to ensure their sustainability. It was of the view that this should include the development of black-owned millers.</p> <p>The Committee supports the collaboration with the Department of Mineral Resources and Energy on developing policies around bio-fuels which would enable the sugar industry to diversify and beneficiate sugarcane</p>	
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			<p>crops in this manner as part of developing alternative value chains. Contribute to the development of an alternative value chain for the sugar industry. Apart from ensuring the sustainability of the industry in the long-run, it would also support South Africa's commitment towards climate change.</p> <p>The Committee acknowledged that unemployment remains a big challenge; however, it noted the measures being implemented by the DTIC to grow the industrial economy, which should contribute towards job creation. The Committee encouraged the DTIC to consider offering more support to small and medium enterprises, especially those owned by women and youth as they could play a major role in job creation.</p> <p>The Committee raised concerns regarding the impact of the unstable electricity supply as a major constraint for sustained economic growth. Failure to address this could lead to disinvestment, slow economic growth and the inability to address the country's unemployment challenges. However, the Committee welcomed the initiative of some industry players to develop alternative energy sources and manufacture greener products, such as hybrid vehicles, that not only would contribute to a greener energy grid and support economic growth but would also contribute to the</p>		
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				<p>protection of South Africa's export market. The Committee encouraged the DTIC to consider developing a specific incentive to fund projects supporting the green economy.</p> <p>The Committee welcomed the progress made with regard to the finalisation of the Rules of Origin provisions as this is pivotal to the implementation of the African Continental Free Trade Agreement. It encouraged the speedy conclusion of these negotiations to enable member countries to start benefitting from trade within the larger market.</p> <p>The Committee noted with concern the ongoing qualified audit outcomes of the NRCS. It implored the DTIC to assist the NRCS to resolve the matter by monitoring and supporting the NRCS' implementation of its new financial system, which is intended to address the reporting of levy revenue.</p>		
23.	2021	Report of the Portfolio Committee on Trade and Industry on the Department of Trade, Industry and Competition's Fourth Quarter Financial and Non-Financial Performance for the 2020/21 Financial Year,	ATC211 119	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee noted that despite the improved global economic outlook, risks remain which may potentially compromise South Africa's economic</p>		

		<p>dated 12 November 2021</p>	<p>recovery. These risks relate to the development and spread of new variants, as a result of the delay in vaccine procurement and distribution.</p> <p>The Committee recognised the negative socio-economic impact of the COVID-19 pandemic, especially with regard to the rising unemployment levels, especially among the youth. The Committee welcomes the DTIC's support provided to the Youth Employment Scheme (YES) as well as support given to youth-owned or managed businesses.</p> <p>Corruption, state capture and the unstable supply of electricity remains of concern to the Committee, as the failure to address corruption in all its forms may further compromise economic growth.</p> <p>The Committee noted that despite significant public investment, private investment lagged behind which had been worsened by the second wave of COVID-19 infections for the period under review.</p> <p>The Committee was of the view that the above-mentioned factors could slow down the domestic economic recovery and may lead to further fiscal constraints.</p>		
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				<p>To mitigate the socio-economic impact of the COVID-19 pandemic, the Committee encouraged the DTIC to persist in its implementation of the interventions as mandated by the Economic Reconstruction and Recovery Plan and to consider creative ways to reach and include businesses in more rural provinces.</p> <p>The Committee noted with concern the decline in domestic investment during the fourth quarter despite significant increases in investments by public corporations and government. It, however, welcomed the investment by companies such as Bader SA (Pty) Ltd, Sizabantu Piping Systems (Pty) Ltd, and firms within the poultry industry.</p> <p>The Committee welcomed the collaborative social compact between government, business and organised labour on the various master plans spearheaded by the DTIC as part of the Economic Reconstruction and Recovery Plan, and to further mitigate against the decline in economic growth due to the COVID-19 pandemic.</p>		
24.	2021	Budgetary Review and Recommendation Report (BRRR) of the Portfolio Committee on	ATC 211119	Conclusions	Recommendations	
					Informed by its deliberations, the Committee recommends that the House requests that the	

		<p>Trade, Industry and Competition, dated 19 November 2021</p>	<p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee supports the measures implemented by Government to mitigate the impact of the COVID-19 pandemic, notwithstanding views expressed that the response to the pandemic had a devastating impact on the economy as the restrictions were considered too stringent. It also welcomed the opportunities for innovation presented such as the capability to produce Personal Protection Equipment and vaccines locally for domestic consumption and export to countries in Africa and the world. It emphasised the importance of vaccine equity and the waiver of patent rights being considered at the World Trade Organization to ensure universal access to vaccines. It supported the DTIC's efforts in this regard. Furthermore, there was a need to educate citizens about the importance of vaccination, while acknowledging their constitutional right to bodily and psychological integrity.</p> <p>The Committee supports localisation and beneficiation as key pillars to the industrial policy, as there is a need for South Africa to diversify its export basket from mainly filled with raw materials to more value-added goods. However, it agrees that the policy should be applied strategically to harness available export</p>	<p>Minister of Trade, Industry and Competition should consider reviewing the Broad-Based Black Economic Empowerment Act (Act No. 46 of 2013) with the intention of establishing a Broad-Based Black Economic Empowerment Tribunal with powers to rule on and sanction prohibited conduct under the legislation.</p> <p>The Democratic Alliance, the Economic Freedom Fighters, and Freedom Front Plus reserve their position on the report.</p> <p>Report to be considered.</p>	
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			<p>opportunities and to facilitate job creation and decent wages.</p> <p>The Committee supports the continued efforts to transform the economy, notwithstanding views expressed to the contrary that the economic transformation process may be susceptible to corruption and has not been broad-based. It emphasised that Broad-Based Black Economic Empowerment remains a critical policy instrument to enable structural change in ownership and management patterns in the economy and to realise a more equitable society. However, it is essential that institutions, such as the Broad-Based Black Economic Empowerment Commission, are strengthened to monitor Broad-Based Black Economic Empowerment transactions and sanction unethical behaviour in this regard.</p> <p>The Committee welcomed the undertaking by the DTIC to focus on rural economic development and to strengthen its mechanisms to support local and provincial governments, especially in rural provinces as part of the District Development Model, revitalisation of industrial parks and development of special economic zones.</p> <p>The Committee supported the DTIC and its development institutions' refocus on and integration of their work on the</p>		
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			<p>District Development Model through the collaboration with provincial and local government and direction of more resources towards rural communities for their upliftment and empowerment.</p> <p>The Committee welcomed the progress made with regard to the implementation of the South African Sugarcane Value Chain Master Plan.</p> <p>Furthermore, the Committee welcomed the publication of amendments to regulations governing the sugar industry to promote economic transformation within the sugar industry, as well as the inclusion of small-scale cane growers into the wider sugarcane value-chain to ensure their sustainability. It was of the view that this should include the development of black-owned millers.</p> <p>The Committee supports the collaboration with the Department of Mineral Resources and Energy on developing policies around bio-fuels which would enable the sugar industry to diversify and beneficiate sugarcane crops in this manner as part of developing alternative value chains. contribute to the development of an alternative value chain for the sugar industry. Apart from ensuring the sustainability of the industry in the long-run, it would also support South Africa's commitment towards climate change.</p>		
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				<p>The Committee acknowledged that unemployment remains a big challenge; however, it noted the measures being implemented by the DTIC to grow the industrial economy, which should contribute towards job creation. The Committee encouraged the DTIC to consider offering more support to small and medium enterprises, especially those owned by women and youth as they could play a major role in job creation.</p> <p>The Committee raised concerns regarding the impact of the unstable electricity supply as a major constraint for sustained economic growth. Failure to address this could lead to disinvestment, slow economic growth and the inability to address the country's unemployment challenges. However, the Committee welcomed the initiative of some industry players to develop alternative energy sources and manufacture greener products, such as hybrid vehicles, that not only would contribute to a greener energy grid and support economic growth but would also contribute to the protection of South Africa's export market. The Committee encouraged the DTIC to consider developing a specific incentive to fund projects supporting the green economy.</p>		
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				<p>The Committee welcomed the progress made with regard to the finalisation of the Rules of Origin provisions as this is pivotal to the implementation of the African Continental Free Trade Agreement. It encouraged the speedy conclusion of these negotiations to enable member countries to start benefitting from trade within the larger market.</p> <p>The Committee noted with concern the ongoing qualified audit outcomes of the NRCS. It implored the DTIC to assist the NRCS to resolve the matter by monitoring and supporting the NRCS' implementation of its new financial system, which is intended to address the reporting of levy revenue.</p>		
25.	2022	Report of the Portfolio Committee on Trade and Industry on the Public Protector Report (No. 37 of 2018-19) on a systemic investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibus taxis to transport members of the public for reward, dated 22 March 2022	ATC 220322	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having considered the <i>Public Protector Report (No. 37 of 2018-19) on a systemic investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibus taxis to transport members of the public for reward</i>, and whether the Minister had complied with the remedial actions determined by the Public Protector, reports as follows:</p> <p>On 7 May 2019, the <i>Public Protector's Report (No. 37 of 2018-19) on a systemic</i></p>		

			<p><i>investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibuses taxis to transport members of the public for reward was referred to the Portfolio Committee on Trade and Industry for consideration and report, with specific reference to matters falling within its ambit (Announcements, Tablings and Committee Reports, 7 May 2019, pp 3).</i></p> <p>The Committee was required to consider whether it was satisfied with the remedial action taken by the Minister of Trade, Industry and Competition to take urgent and appropriate steps to harness and foster good, effective and efficient working relations between the National Regulator of Compulsory Specifications (NRCS) and the South African Bureau of Standards (SABS), as well as to ensure that these two entities complement each other in the interests of government, members of the public and any other applicant who may be in need of their services.</p> <p>Therefore, it should be noted that the purpose of this report is not to discuss the merits and demerits of the findings of the Public Protector with regard to its investigation, but to focus on and determine whether the remedial action identified by the Public Protector has been implemented, and whether the</p>		
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			<p>Committee was satisfied with the steps taken by the Minister in this regard.</p> <p>Furthermore, it should be noted that the remedial action determined by the Public Protector is binding, until set aside by a court of law on judicial review; therefore, compliance with the remedial action is mandatory.</p> <p>The Department of Trade, Industry and Competition (DTIC), together with the NRCS and the SABS briefed the Committee on 23 February and 9 March 2022 respectively, where they expressed a view on the findings, the DTIC's decision to not take the remedial action or some of the findings on judicial review, and further highlighted the steps taken by the Minister to address the remedial action determined by the Public Protector.</p> <p>In their presentations on 23 February 2022, the NRCS and the SABS informed the Committee that no remedial actions were directed at them. However, in their view, the Public Protector's report contained a number of factual and legal inaccuracies, which would have supported a position to take the report under review.</p> <p>As the NRCS and the SABS are entities reporting to the DTIC, they informed the Committee that these two entities had sought permission from the DTIC to take</p>		
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			<p>the report under judicial review within 30 days of its publication.</p> <p>However, the DTIC informed the Committee that “as no direct adverse findings were made against the Department” or the entities reporting to it, it was of the view that in the spirit of cooperative governance it would not be supportive of such an approach. Therefore, as a result of this decision not to take the matter under judicial review, the Minister is in effect bound to implement the determined remedial action.</p> <p>In light of the above, the Committee then requested the DTIC and its entities to brief the Committee on 9 March 2022 on the steps taken by the Minister in addressing the remedial action as prescribed in the report.</p> <p>The DTIC informed the Committee that the Minister had subsequently complied with the remedial action and had facilitated the creation of a Memorandum of Understanding (MOU) that formalised the areas of cooperation and collaboration between the NRCS and the SABS.</p> <p>As a result of the MOU, a Joint Working Committee comprising of representatives of both entities was established to:</p> <p>(l) Manage cooperation and consultation</p>		
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				<p>on matters dealt with by both entities; (II) Implement mutually agreed programmes and projects; and (III) Share information.</p> <p>Furthermore, the DTIC informed the Committee that joint management meetings between the NRCS and the SABS had been instituted to deal with operational issues to further foster collaboration and cooperation.</p> <p>The DTIC informed the Committee that it would continue to monitor the implementation of the MOU to ensure ongoing compliance with the remedial action from the Public Protector.</p> <p>Therefore, the Committee, having considered all the facts presented to it, was satisfied with the steps taken by the Minister and was of the view that he had complied with the remedial action as prescribed by the Public Protector.</p>		
26.	2022	Report of the Portfolio Committee on Trade and Industry on the Department of Trade, Industry and Competition's Second and Third Quarter Financial and Non-Financial Performance for the 2021/22 Financial Year, dated 16 March 2022	ATC 220322	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee noted that although there had been an 85 per cent achievement in the second quarter, with six targets not met, and as a result such a decline in performance is significant. The</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider developing an incentive to support the establishment of film studios in other provinces.</p> <p>Report to be considered.</p>	

			<p>Committee was of the view that all the directorates concerned should work on the respective mandates to achieve maximum success.</p> <p>Given the importance of industrialization to develop and grow the economy, the Committee urged the DTIC, in conjunction with relevant government departments and entities, to continue to address structural reforms needed to drive both foreign and local investment.</p> <p>The Committee was of the view that Special Economic Zones are important to stimulate the economy by creating economies of scale and jobs, particularly for the surrounding areas/communities. Therefore, the investment in infrastructure and top structures supporting these Special Economic Zones is imperative. Much support and focus should be targeted at Special Economic Zones in rural and under-developed provinces to assist them to attract investment through the implementation of the District Development Model. The Committee emphasised that a seamless, inter-governmental approach across the three spheres of government was critical to ensure the success of the Special Economic Zones Programme.</p> <p>The Committee urged the DTIC to accelerate the revitalisation of Industrial</p>		
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			<p>Parks and to ensure that this infrastructure investment is secured to ensure that they can facilitate entrepreneurial and employment opportunities in rural areas. In the view of the Committee, this should significantly contribute to industrialisation, beneficiation and localisation imperatives.</p> <p>Although the Committee welcomed that several Master Plans had been signed and agreed to, it was of the view that it would be equally important to focus on the implementation thereof and to raise awareness of their relevance in growing the economy and creating jobs.</p> <p>The Committee noted with concern the continued underspending in the Industrial Financing programme. It encouraged the DTIC to find mechanisms to reduce the time lag between the approval and disbursement of funds, such as providing non-financial support to beneficiaries to meet their disbursement requirements.</p> <p>The Committee is concerned about the lack of uptake of the Film and Television Incentive Programme in terms of the call and increased support for local content. It has observed that there is a need for funding for local content in the sector. It further noted that it is important to raise awareness among both local screenwriters and producers that funding</p>		
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			<p>for local content, in particular South African stories, is available and encouraged the DTIC to continue with its efforts in this regard.</p> <p>The Committee was concerned about the financial sustainability of black industrialists and implored the DTIC to ensure that non-financial support was provided to ensure the longevity of these companies. Similarly, as mentioned above, the Black Industrialist Scheme is notably not attracting a lot of rural-based black industrialists and there is a need to mitigate such a gap.</p> <p>The Committee noted the extensive work done by the DTIC and the Southern African Customs Union Member States' counterparts in preparing for the finalisation and implementation of the African Continental Free Trade Area. It further noted the need for effective implementation of the industrialisation and regional economic integration programmes, which will directly benefit intra-African trade and regional development.</p> <p>The Committee emphasised that while mergers may not be prevented, there is a need for the DTIC and the Competition Commission to ensure that mergers are effectively regulated to prevent over-concentration in the market. Excessive concentration may negatively impact on</p>		
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				<p>consumers and create barriers to trade for smaller competitors or suppliers.</p> <p>While the Committee acknowledges the administrative and other support offered by the DTIC to the Broad-based Black Economic Empowerment Commission, it remains concerned that the Commission is a trading entity rather than an independent entity. It is of the view, that this classification inhibits the Commission's powers and access to financial and human resources, hence its ability to execute its mandate.</p>		
27.	2022	Report of the Portfolio Committee on Trade, Industry and Competition on Budget Vote 39: Trade, Industry and Competition, dated 12 May 2023	ATC 230512	<p>Conclusions</p> <p>Having considered the information shared and reports from the DTIC with respect to its budget, and strategic and annual performance plans, the Committee has reached the following conclusions:</p> <p>The Committee welcomed the DTIC's new approach to the APP, which now focused on the impact of the DTIC's work rather than merely outputs. This should ensure that the DTIC's activities were better co-ordinated and geared towards creating an enabling environment to bolster the economy and stimulate job creation.</p> <p>However, the impact of the energy crisis on the broader economy was expected to</p>	<p>Recommendations</p> <p>The Portfolio Committee on Trade, Industry and Competition, having considered the proposed 2023 Budget Vote 39: Trade, Industry and Competition, recommends that the House adopts Budget Vote 39: Trade, Industry and Competition.</p> <p>In addition, it recommended that the Minister of Trade, Industry and Competition should consider reviewing the various prescribed income sources of the entities falling under his mandate, in accordance with the relevant legislation, with the intention of increasing existing income sources and introducing new ones, where applicable. The Minister should submit a progress report in this regard within six months of the adoption of this report.</p> <p>Report to be considered.</p> <p>The Democratic Alliance abstained.</p>	

			<p>inhibit industrialisation, beneficiation, and the attraction of foreign direct investment. This would limit the ability of the DTIC's programmes to facilitate economic growth and job creation. The Committee encouraged the DTIC to strengthen collaboration and coordination with the relevant departments to resolve the energy crisis and mitigate its impact on the manufacturing sector. In particular, the Committee was of the view that the DTIC should continue engagements with the Department of Mineral Resources and Energy, and the Department of Public Enterprises on the new energy vehicle roadmap and the finalisation of the green hydrogen commercialisation framework.</p> <p>Given the regulatory adjustments being considered and adopted by the European and other major auto markets, the implementation of a policy on energy vehicles would be premature. Therefore, the Committee welcomed the DTIC's cautionary approach to publishing the White Paper on Energy Vehicles in South Africa. This would afford government the time to consider the European and other markets' regulatory adjustments and adjust its policy accordingly. In doing so, this should provide the necessary certainty to the domestic automotive industry, and ensure that South African energy vehicles meet the requirements in these markets.</p>		
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			<p>The Committee noted that education and the development of practical skills was critical to enable the industrialisation of the economy. However, it encouraged the DTIC to engage the relevant departments and tertiary education institutions to ensure that there was alignment between their policies and/or material, and the skills required by the economy, particularly the manufacturing sector.</p> <p>The Committee welcomed the amendments to the Companies Act through the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, which should assist in addressing state capture. It encouraged the DTIC to finalise the regulations in this regard.</p> <p>The Committee encouraged the ongoing negotiations in terms of the review of the Economic Partnership Agreement, and the African Growth Opportunity Act, as it recognised the strategic economic partnerships with the European Union and the United States of America, among others.</p> <p>The Committee was concerned by the impact of the European Union's pending implementation of the Carbon Border Adjustment Mechanism on South Africa's exports. While the Committee acknowledged the need to reduce global</p>		
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			<p>carbon emissions to mitigate the impact of climate change, this unilateral approach could be perceived as a protectionist measure. The Committee supported the government's position that a multilateral rules-based approach should be developed in this regard to ensure the maintenance of a fair global trading system.</p> <p>The Committee encouraged the DTIC to embark on education and awareness programmes targeting small, medium and micro enterprises, women, people living with disabilities and youth-owned enterprises, especially in rural areas, on the financial programmes being offered by the DTIC and its development finance institutions, and the support available to assist them in this regard.</p> <p>The Committee welcomed the R200 billion in investment pledges, and encouraged the DTIC to ensure that these materialised into capital investment projects for the creation of jobs.</p> <p>The Committee acknowledged the role of the private sector to support industrialisation and the implementation of the Re-imagined Industrial Strategy. This has been evidenced by its pivotal role in enhancing and implementing Master Plans. However, the Committee emphasised that there was a need for</p>		
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			<p>additional support and investment from the private sector.</p> <p>The Committee was concerned that while the DTIC had invested in the maintenance and refurbishment of certain industrial parks, there had been limited reciprocal commitment from provinces to support the ongoing maintenance of their parks. It supported the position that the conditions of this funding should be reconsidered to ensure that this investment was sustainable.</p> <p>The Committee welcomed the Competition Authorities' efforts to reduce and address price discrimination as a barrier to entry for small, medium and micro enterprises, as these players were important job creators and were critical for the transformation of the economy. Furthermore, it noted the DTIC's consideration of mechanisms to lock in larger firms to support smaller players in the market.</p> <p>The Committee welcomed the DTIC's collaboration with the South African Revenue Service in addressing illicit trade. It noted the recent court ruling by the Supreme Court of Appeal in favour of the South African Revenue Service regarding the seizure of imported clothing that had been under-declared.</p>		
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				<p>The Committee noted that certain entities have unfunded mandates given legislative changes. In addition, transfers to most entities had not substantively increased over the last few financial years. Given the ongoing fiscal constraints, the Committee urged the DTIC to review the prescribed income sources, such as levies or fees for services rendered, available to entities to ensure that they were able to effectively fulfil their legislative mandates.</p>		
28.	2022	<p>Second Report of Portfolio Committee on Trade and Industry on Request by Minister of Trade, to recommend suitable candidates for appointment as the Chairperson of the Board of the National Lotteries Commission, dated 24 May 2022</p>	<p>ATC 220525</p>	<p>Report</p> <p>The Minister of Trade, Industry and Competition submitted a request to the National Assembly (NA) in November 2020, requesting a recommendation on suitable candidates for appointment as the Chairperson of the National Lotteries Commission (NLC).</p> <p>In terms of section 3(3) of the Lotteries Act, "The member contemplated in section 3(1)(a) of the Act, shall be appointed only after the Minister has by notice in the Gazette and in not less than two newspapers circulating in every province invited interested parties to nominate persons suitable for appointment as chairperson and the relevant committee of the National Assembly has made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated,</p>	<p>Recommendations</p> <p>Therefore, the Committee recommends that the House consider the following candidates for recommendation to the Minister of Trade, Industry and Competition, for the position of the Chairperson of the Board of the National Lotteries Commission: Rev F Chikane, Mr T Dlamini; Dr N Pityana; Mr T Tselane.</p> <p>The Democratic Alliance and the Freedom Front Plus voted against adopting the report with the Economic Freedom Fighters abstaining.</p> <p>Report to be considered</p>	

			<p>having due regard to the functions of the board”.</p> <p>The Committee published its initial report on this Request and made recommendations on suitable candidates for the position of the Chairperson of the Board of the NLC (see Announcements, Tablings and Committee Reports, 17 March 2021, p 12).</p> <p>The Committee empowered by NA Rule 166(1)(b), resolved to report on the matter to the Assembly given the process it undertook to ensure an open and transparent process, as required by the Act. However, in terms of the NA Rule 351(1), the report lapsed on the last sitting day of the NA for the 2021 annual session.</p> <p>The Committee was also subsequently informed that one of the recommended candidates, Dr M Madzivhandila had passed away.</p> <p>On 22 March 2022, the NA revived the report of the Portfolio Committee on Trade and Industry on the Request by the Minister of Trade, Industry and Competition to make recommendations on the suitability of candidates for the position of the Chairperson of the Board of the NLC (Minutes of Proceeding of the National Assembly, 22 March 2022, p 1), and referred it back to the Committee for further consideration.</p>		
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				In light of the developments since the initial report was published, and drawing from the same open and transparent process undertaken by the Committee, it resolved that the names of Rev F Chikane and Mr T Dlamini be added to the list.	
29.	2022	Report of the Portfolio Committee on Trade and Industry on their oversight visit to Gauteng and Mpumalanga from 19 to 22 April 2022, dated 31 May 2022	ATC 220608	<p>Concluding remarks:</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the processes implemented by the NRCS to resolve the inaccurate estimation of levy revenue, which has resulted in a recurring audit qualification. The Committee is of the view that the various undertakings by the NRCS should eliminate future audit qualifications.</p> <p>The Committee welcomed the significant progress that had been made by the NRCS with regard to the implementation of its ICT modernisation project, with its key goal to improve the efficiency of the NRCS' services to its customers.</p> <p>The processing of LOAs has benefitted from the modernisation process, with 92 percent of applications finalised within 120 days. The Committee welcomed the implementation of the Risk-Based Approach, which resulted in low-risk</p>	

			<p>products being processed much quicker, as well as the implementation of the 30 days' cancellation policy for applicants who failed to address findings within 30 days from the date that the finding had been raised.</p> <p>The Committee encouraged the NRCS to continue enhancing its capabilities in the processing of LOAs and to ensure that there is sufficient capacity to conduct inspections in the market.</p> <p>The Committee furthermore welcomed the NRCS' undertaking to complete its modernisation process during the 2022/23 financial year with (i) the implementation of the Central Regulatory and Workflow System, (ii) the enhancement of ICT Governance and Cybersecurity Controls, (iii) the implementation of phase 2 of the Enterprise Resource Planning system which includes modules on Audit, Risk and Legal, and (iv) the implementation of the Customer Contact Centre Solution.</p> <p>The Committee noted the NRCS' recent efforts to increase stakeholder engagements to raise consumer awareness of its programmes, especially within vulnerable rural communities. The Committee welcomed its inclusive approach towards these engagements by soliciting the assistance of local councillors, and local traditional leaders,</p>	
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			<p>as well as the local police, to assist and facilitate such community engagements to ensure successful community participation and engagement.</p> <p>The Committee was concerned by the NRCS' underfunded and unfunded mandates in terms of legal metrology, processed meats and the National Building Regulations and Standards. It urged the Minister to facilitate the development of appropriate funding mechanisms of these mandates, where necessary, and to publish the relevant regulations in this regard.</p> <p>The Committee welcomed the progress made by the SABS since it had been placed under administration in 2018. The turnaround strategy has yielded significant results with the initial stabilisation of the organisation, addressing its operational challenges and placing the SABS on a new strategic course going forward.</p> <p>The Committee appreciated the success of its sales and marketing strategy that has contributed to the improvement of the financial performance of SABS Commercial, the retention of more clients, and the growth of its client base.</p> <p>The Committee welcomed the launch of the local content grading system in</p>		
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			<p>support of the Re-imagined Industrial Strategy to drive localisation. This system is critical to verify compliance with local content designations to grow the manufacturing base, and create jobs.</p> <p>The Committee acknowledged the recent capital expenditure by the SABS to address some of its infrastructure challenges, and the significant investment in maintenance at the Groenkloof Campus. However, it noted the urgency with which the SABS has to address its ageing auxillary pipeline networks and its financial constraints to replace the pipelines.</p> <p>The Committee applauded the SABS' use of alternative funding models and mechanisms to upgrade some of its laboratories, such as the Pump Testing Laboratory, which has had a positive effect on its competitiveness and ability to save on its electricity and water bills.</p> <p>The Committee remained concerned about the impact of ongoing theft of electricity cables off-campus on the operations of laboratories that require sustained conditions over longer periods of time, as this has negatively affected the SABS' ability to retain some of its client base.</p>		
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			<p>The Committee encouraged the SABS to explore solutions, such as the rerouting of Eskom's electricity cables and alternative energy generation options, to resolve the impact of unreliable electricity supply and to reduce its electricity bill.</p> <p>The Committee was concerned that the SABS Commercial directors, namely the Co-administrators and the Chief Financial Officer, were unable to obtain directors' liability insurance, while it remained under administration. This gap created a high personal risk for these officials in their decision-making capacity on behalf of SABS Commercial. Therefore, it urged the Minister to finalise the appointment of the Board and a Chief Executive Officer to rectify the situation.</p> <p>The Committee acknowledged the improvement in the SABS' relationship between its management and the labour union. It encouraged the SABS to strengthen its labour relations and to continue consulting labour in an open and transparent manner.</p> <p>The Committee welcomed the joint management meetings instituted between the NRCS and the SABS to deal with operational issues to further foster collaboration and cooperation.</p>		
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			<p>The Committee was concerned by the slow progress in the development of the Nkomazi SEZ since its designation in 2018. There also appeared to be disparities in terms of reporting by the Mpumalanga Department of Economic Development and Tourism and the DTIC on the progress made in developing the SEZ, such as the status of the SEZ Entity and the number of investors in the pipeline, which was a concern to the Committee.</p> <p>The Committee was of the view that there was no clear plan that outlined the cost of and timeframes for developing the Nkomazi SEZ, as well as the strategy to attract investors.</p> <p>Given the lack of legislative certainty on the legal status of communal land, the Committee was concerned about the security of land tenure of traditional land that would form part of the SEZ, as it may negatively impact on the case for attracting investment.</p> <p>The Committee welcomed the support by the DTIC to revitalise Industrial Parks to stimulate the rural economies and create rural employment.</p> <p>However, the Committee was concerned by the Mpumalanga Economic Growth Agency's inadequate management and</p>		
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			<p>human resource capacity at Ekandustria, and the lack of financial resources to maintain the Park.</p> <p>Furthermore, the Committee was concerned about the debt owed to the City of Tshwane for bulk electricity supply. It was of the view that the Mpumalanga Department of Economic Development and Tourism should expedite the partnership with the City of Tshwane regarding the maintenance of the electricity infrastructure to address distribution losses. In addition, the Committee encouraged the Mpumalanga Economic Growth Agency to implement its collection policies to assist with its cash flow to pay this debt and keep its account with the City of Tshwane current.</p> <p>The Committee was of the view that the DTIC, in conjunction with the relevant national and provincial departments, should facilitate the establishment of a partnership between the Mpumalanga Economic Growth Agency and the City of Tshwane to ensure that there is effective cooperation in relation to the operations of the Industrial Park. The ownership of the industrial park must be resolved.</p> <p>The Committee noted the Mpumalanga Economic Growth Agency's proposed strategy to develop public-private partnerships to attract financial resources</p>		
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			<p>and technical know-how to revitalise and modernise the Industrial Park.</p> <p>The Committee was concerned by the impact of planned and unplanned maintenance at Eskom's Tutuka Power Station on the operations of Mixcorp, one of the Station's service providers. Eskom's failure to address its ongoing infrastructure challenges has inadvertently impacted on the sustainability of this black, youth-owned business, as its revenue is directly linked to Eskom's demand for coal and the tonnage of coal the business handles in this regard. This affected Mixcorp's ability to service its loan with the IDC and to retain its employees.</p> <p>The Committee emphasised that there is a need for collaboration among departments and government entities to ensure effective implementation of inter-governmental policies to support the development of the industrial base, as well as the decentralisation and transformation of the economy. State-Owned Enterprises play an important role, as drivers of the economy and enterprise development, in this regard.</p> <p>The Committee urged the DTIC and the development finance institutions such as the Industrial Development Corporation and the National Empowerment Fund to offer non-financial support to black</p>		
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			<p>industrialists in navigating and resolving challenges emanating from structural constraints in the economy.</p> <p>The Committee also acknowledged the benefits that the regulations under the Department of Mineral Resources and Energy and the Mining Charter, in relation to the safety equipment requirements for mines, have created in terms of manufacturing and employment opportunities for the private sector.</p> <p>The Committee commended the addition of primary agriculture as one of the Industrial Development Corporation's priority sectors in support of the Poultry Master Plan. Furthermore, the Committee welcomed the partnerships being developed by the Industrial Development Corporation with the private sector to leverage financing in support of the primary agricultural sector and to overcome barriers to market access for emerging farmers. The Committee was of the view that financial support in this regard was critical, as the agricultural sector has the ability to significantly increase job opportunities.</p> <p>The Committee welcomed the support offered by the Support Programme for Industrial Innovation for technological developments, especially to small and medium enterprises. It noted that once the products being developed under the</p>		
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				Support Programme for Industrial Innovation are ready for market, these can be leveraged to promote economic transformation in sectors.		
30.	2022	Second Report of the Portfolio Committee on Trade and Industry on the President's reservations regarding the Copyright Amendment Bill, dated 10 June 2022	ATC 220610	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having reconsidered the Copyright Amendment Bill [B13B-2017] (retagged as a sec 76 Bill) (Announcements, Tablings and Committee Reports, 18 June 2021), and following its report to the National Assembly (Announcements, Tablings and Committee Reports, 19 May 2021, pp 89-91) on how it intended to address the President's reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020, pp 3-13), reports as follows:</p> <p>The Bill seeks to amend the Copyright Act, 1978 (Act No. 98 of 1978), so as to define certain words and expressions; to allow for further limitations and exceptions regarding the reproduction of copyright works; to provide for the sharing of royalties in copyright works; to provide for the payment of royalties in respect of literary, musical, artistic and audiovisual works; to provide for resale royalty rights; to provide for recordal and reporting of certain acts; to provide for the accreditation of collecting societies; to provide for a mechanism for settlement of disputes; to provide for access to copyright works by persons with</p>	<p>C. Recommendations</p> <p>The Portfolio Committee on Trade and Industry recommends that the House adopts this report and approves the second reading of the Copyright Amendment Bill [B13C-2017].</p> <p>The Democratic Alliance and Freedom Front Plus supported the report as an accurate reflection of the Committee's proceedings on the Bill. However, they do not support the Bill.</p> <p>The Economic Freedom Fighters abstained.</p> <p>Report to be considered.</p>	

			<p>disabilities; to provide for the licensing of orphan works; to strengthen the powers and functions of the Copyright Tribunal; to provide for prohibited conduct in respect of technological protection measures; to provide for prohibited conduct in respect of copyright management information; to provide for protection of digital rights; to provide for certain new offences; and to provide for matters connected therewith.</p> <p>The President's reservations referred, among others, to the following:</p> <ol style="list-style-type: none"> 1.The "fair use" provisions as amended had not been put out for further public comment. 2.The copyright exceptions might constitute reasonable grounds for constitutional challenges. 3.The Bill might not comply with international treaty obligations specifically in relation to the World Intellectual Property Organization (WIPO) Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. <p>A. Process followed by the Committee on the Copyright Amendment Bill:</p> <p>On 1 June 2021, the National Assembly adopted the Committee's report in which the Committee outlined how it intended to correct any procedural defect (Minutes of</p>		
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			<p>Proceedings, National Assembly, 1 June 2021).</p> <p>On 4 June 2021, the Committee placed adverts in national and regional newspapers inviting stakeholders and interested parties to submit written submissions with reference only to clause 13 (sections 12A, 12B, 12C and 12D), clause 19 (section 19B) and clause 20 (section 19C) of the Copyright Amendment Bill [B13B-2017].</p> <p>The Committee also invited stakeholders and interested parties to submit written submissions with reference to the alignment of the Copyright Amendment Bill [B13B-2017] with the obligations set out in international treaties. The Committee received 91 submissions in this regard.</p> <p>Furthermore, in preparation for the public hearings, the Committee held a workshop on 3 and 4 August 2021 to provide the new members of the Committee with a conceptual framework of copyright and related rights, with a focus on the artist resale right (resale royalty right in the Copyright Amendment Bill [B13B-2017]) and performers' rights for sound recordings and audiovisual works. The workshop also covered key theoretical concepts and practices in these areas, as well as the international framework for protecting copyright and related rights.</p>		
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			<p>On 11 and 12 August 2021, the Committee held public hearings to consider the submissions received in relation to the Committee's call in respect of the President's reservations.</p> <p>The submissions received from stakeholders on the President's reservations were substantive in nature and raised a number of complex legal and policy matters for the Committee and the Department of Trade, Industry and Competition to consider. This required careful consideration given the international reach, and the impact on domestic constituencies, as well as to ensure that the process was constitutionally sound.</p> <p>In light of the above, the Minister of Trade, Industry and Competition submitted a letter requesting that the Department be afforded additional time to consider the complex legal and policy matters raised in the submissions in order to provide an informed response in line with the constitutional parameters of the process.</p> <p>On 11 and 12 November 2021, the Committee received a response with regard to the oral and written submissions received in relation to the President's reservations from the Department and Parliament's Constitutional and Legal Services Office respectively.</p>		
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			<p>On 16 November 2021, informed by the inputs received from the Department and Parliament's Constitutional and Legal Services Office, and its deliberations, the Committee determined that it may be required to seek permission from the National Assembly to consider matters that fall outside the scope of the Amendment Bill. These matters would be permissible notwithstanding the limitations of the process, as it was within the scope of the reservation pertaining to alignment with international treaties. The Committee resolved that Members should be given an opportunity to consult their respective party caucuses on these clauses before taking final positions in this regard.</p> <p>The additional provisions to be considered were as follows:</p> <ul style="list-style-type: none">•New definitions related to personal copies, to exceptions for persons with a disability, and to broadcasting; and•Making the new exclusive rights of 'communication to the public', 'making available' and 'distribution' applicable to published editions and computer programmes. <p>On 19 November 2021, the Committee adopted its report seeking permission from the National Assembly in terms of Assembly Rule 286(4)(c) for it to amend other provisions of the Copyright Act.</p> <p>Furthermore, the Committee informed by its subsequent deliberations resolved on 30 November 2021 that, subject to the</p>		
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			<p>National Assembly granting the Committee permission to amend other provisions of the Copyright Act, it would advertise the new clauses, as well as re-advertise some existing clauses on which material amendments had been proposed, and call for further submissions in this regard.</p> <p>The additional provisions to be considered were as follows:</p> <ul style="list-style-type: none"> •New definitions: ‘authorized entity’; ‘broadcast’; and ‘lawfully acquired’; •Clause 1(i): The definition of ‘technological protection measure’ due to the inclusion of ‘product’ and ‘design’ and the deletion of paragraph (b); •The amended definition of ‘technological protection measure circumvention device or service’; •New clause: Amendments to sections 11A and 11B: Making the new exclusive rights of ‘communication to the public’, ‘making available’ and ‘distribution’ applicable to published editions and computer programmes; •Clause 13: Section 12A(d): New paragraph (d) making the four factors in paragraph (b) applicable to exceptions in sections 12B, 12C, 12D, 19B and 19C; •Section 12B(1)(c) and new 12B(2) providing for new provisions related to ephemeral rights; •Section 12B(3)(b) providing for the factors related to the exception for personal copies to not apply to any other exception that permits a copy to be made; 		
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			<ul style="list-style-type: none"> •Sections 12C(2) and 12D(1)(b), (c) and (d): Adding the wording of the three step test as additional factors against which the exceptions must be tested; •Clause 20: Section 19C(4): The words 'commercial purpose' are deleted as it is duplicating subsection (1), however removing only those words provides a different meaning to the wording of subsection(4); •Section 19D(3) and (4)(b) incorporating treaty wording in respect of importing or exporting accessible format copies; •Clause 27: Section 27(5A), (5B) and (5C): New subsection (5A) and (5C), and amended subsection (5B) providing for offenses in respect of digital rights, technological protection measures, and copyright management information; and •Clause 33: Section 39(2): New subsection (2) requiring the Minister to make regulations providing for processes and formalities related to the authorization or recognition of an 'authorized entity'. <p>On 1 December 2021, the National Assembly granted the Committee permission to inquire into amending other provisions of the Copyright Act (Minutes of Proceedings, National Assembly, 1 December 2021).</p> <p>On 4 December 2021, the Committee placed adverts in national and regional newspapers inviting stakeholders and interested parties to submit written</p>		
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			<p>submissions with reference to abovementioned provisions. The Committee received 53 submissions in this regard.</p> <p>On 6 May 2022, the Committee received a response on the written submissions received in relation to the additional provisions as captured above from the Department and Parliament's Constitutional and Legal Services Office respectively.</p> <p>The Committee continued with its deliberations on 11, 17, 18 and 25 May 2022 considering the inputs and responses from the Department and Parliament's Constitutional and Legal Services Office to the additional clauses advertised.</p> <p>On a number of clauses, no consensus was reached. In this regard, the Democratic Alliance, the Freedom Front Plus and the African Christian Democratic Party objected to the amendment of the following clauses:</p> <ul style="list-style-type: none">•Clause 1 – Definitions of 'accessible format copy', 'authorized entity', 'broadcast', 'technological protection measure', and 'technological protection measure circumvention device'•Clause 5 – removal of retrospective provision and related delegations to the Minister	
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			<ul style="list-style-type: none">•Clause 7 – removal of retrospective provision and related delegations to the Minister as well as gender neutral drafting•Clause 9 – removal of retrospective provision and related delegations to the Minister•Clause 11 – gender neutral drafting•New Clause – amendment of sections 11A and 11B on rights in respect of published editions and computer programmes to allow for digital works•Clause 13 – copyright exceptions in relation to sections 12A to 12D•Clause 19 – gender neutral drafting•Clause 20 – gender neutral drafting and amendments to section 19D•Clause 21 – gender neutral drafting•Clause 23 – gender neutral drafting•Clause 24 – gender neutral drafting•Clause 25 – gender neutral drafting•Clause 27 – offences in terms of communication/making available, technological protection measure and copyright management information•Clause 29 – prohibited conduct and exceptions in respect of technological protection measures, and gender neutral drafting•Clause 31 – gender neutral drafting•Clause 33 – Section 39(2) regarding regulations in respect of recognising entities in terms of persons with a disability and correction of a cross reference.•Clause 35 – gender neutral drafting		
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			<p>Furthermore, the Economic Freedom Fighters objected to amendment of the following clauses:</p> <ul style="list-style-type: none"> •Clause 5 – removal of retrospective provision and related delegations to the Minister •Clause 7 – removal of retrospective provision and related delegations to the Minister as well as gender neutral drafting •Clause 9 – removal of retrospective provision and related delegations to the Minister <p>B. Minority views were expressed on the following aspects contained in this report:</p> <ul style="list-style-type: none"> • The Democratic Alliance and the Freedom Front Plus were concerned that, although it is not a legislative prescript, a Socio-Economic Impact Assessment Study of the copyright exceptions in Sections 12A, 12B, 12C, 12D, 19B, 19C and 19D, as well as the other new provisions in the Bill, had not been conducted before the Bill was adopted. •Academics provided training to the Committee to enhance Members' understanding of Copyright law. The Committee also considered inputs from all academics who made submissions during the call for comments. The Democratic Alliance was, however, of the view that the Committee relied too much 		
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			<p>on the Department and a specific group of academics during the process and raised this as a concern.</p> <ul style="list-style-type: none">• The Democratic Alliance was of the view that communication from stakeholders, received after the period for submissions on the Bills were closed, that had been withheld was a concern. The Democratic Alliance was of the view that communication from stakeholders to the Chairperson had been distributed to the Committee after the clause by clause on the Bill had been finalised.•The Democratic Alliance expressed a concern that parties had not been given sufficient opportunity to make submissions with regard to the option available to the Committee, as expressed in Rule 203(3)(c), which would have allowed the Committee to recommend to the House that it should rescind its previous decision to pass the Bill, and reject the Bill. The Committee had considered a discussion on, and proposal to proceed under paragraph (c), as well as the proposal to proceed under paragraph (b), which allows for the Bill to be amended. The Committee had voted to amend the Bill and not to reject it.•The Freedom Front Plus was of the view that the Bill is fundamentally flawed and that a clause by clause consideration of amendments to address the President's		
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			<p>reservations would not enhance the Bill further. In light of the above, it had recommended that the Committee should have opted to apply Rule 203(3)(c) recommending to the House that it should rescind its previous decision to pass the Bill, and reject the Bill.</p> <ul style="list-style-type: none">•The Freedom Front Plus disagreed with the Committee that the consultation periods had been sufficient, and was of the view that the periods, which they view as too short given the complex nature of the Bill, had inhibited members of the public to comment. It expressed a concern that the Bill may face a Constitutional Court challenge in this regard.•The Economic Freedom Fighters was of the view that the deletion of the retrospectivity clause from the Bill would result in the continuation of the exploitation of artists, singers and performers guaranteeing that they would continue to live in poverty and die as paupers. The Bill did not adequately address the plight of actors, as currently actors are not earning royalties. This Bill does not correct the fact that actors are freelancers and not workers hence they are not protected by the Labour Relations Act, 1995 (Act No. 66 of 995).•The Economic Freedom Fighters also expressed concern at the process being		
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				limited by the Committee in terms of Joint Rule 203.		
31.	2022	Second Report of the Portfolio Committee on Trade and Industry on the President's reservations on the Performers' Protection Amendment Bill, dated 10 June 2022	ATC 220610	<p>Report</p> <p>The Portfolio Committee on Trade and Industry, having reconsidered the Performers' Protection Amendment Bill [B24B-2016] (retagged as a sec 76 Bill) (Announcements, Tablings and Committee Reports, 18 June 2021) and following its report to the National Assembly (Announcements, Tablings and Committee Reports, 19 May 2021, p 89-91) on how it intended to address the President's reservations on the constitutionality thereof (Announcements, Tablings and Committee Reports, 24 June 2020, pp 3-13), reports as follows:</p> <p>The Bill seeks to amend the Performers' Protection Act, 1967 (Act No. 11 of 1967) so as to insert, delete or substitute certain definitions; to provide for performers' economic rights; to extend moral rights to performers in audiovisual fixations; to provide for the transfer of rights where a performer consents to fixation of a performance; to provide for the protection of rights of producers of sound recordings; to broaden the restrictions on the use of performances; to extend the application of restrictions on the use of performances to audiovisual fixations; to provide for royalties or equitable remuneration to be payable when a performance is sold or rented out; to provide for recordal and reporting of</p>	<p>C. Recommendations</p> <p>The Portfolio Committee on Trade and Industry recommends that the House adopts this report and approves the second reading of the Performers' Protection Amendment Bill [B24C-2016].</p> <p>The Democratic Alliance and Freedom Front Plus supported the report as an accurate reflection of the Committee's proceedings on the Bill. However, they do not support the Bill.</p> <p>The Economic Freedom Fighters abstained.</p> <p>Report to be considered.</p>	

			<p>certain acts and to provide for an offence in relation thereto; to extend exceptions from prohibitions to audiovisual fixation and sound recordings and include exceptions provided for in the Copyright Act, 1978 (Act No. 98 of 1978); to provide for the Minister to prescribe compulsory and standard contractual terms as well as guidelines for a performer to grant consent under this Act; to provide for prohibited conduct and exceptions in respect of technological protection measures and copyright management information respectively; to provide for further offences and penalties; to substitute certain expressions; to provide for transitional provisions; and to provide for matters connected therewith.</p> <p>The President's reservations referred, among others, that the Bill may not comply with international treaty obligations specifically in relation to the World Intellectual Property Organization Performance and Phonograms Treaty.</p> <p>A. Process followed by the Committee on the Performers' Protection Amendment Bill:</p> <p>On 1 June 2021, the National Assembly adopted the Committee's report in which the Committee outlined how it intended to correct any procedural defect (Minutes of Proceedings, National Assembly, 1 June 2021).</p>		
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			<p>On 4 June 2021, the Committee placed adverts in national and regional newspapers inviting stakeholders and interested parties to submit written submissions with reference to the alignment of the Performers' Protection Amendment Bill [B24B-2016] with the obligations set out in international treaties. The Committee received 91 submissions in this regard.</p> <p>Furthermore, in preparation for the public hearings, the Committee held a workshop on 3 and 4 August 2021 to provide the new members of the Portfolio Committee on Trade and Industry with a conceptual framework of copyright and related rights. One of the focus areas was in respect of performers' rights in respect of sound recordings and audiovisual works. The workshop also covered key theoretical concepts and practices in these areas, as well as the international framework for protecting copyright and related rights.</p> <p>On 11 and 12 August 2021, the Committee held public hearings to consider the submissions received in relation to the Committee's call in respect of the President's reservations.</p> <p>The submissions received from stakeholders on the President's reservations were substantive in nature</p>		
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			<p>and raised a number of complex legal and policy matters for the Committee and the Department of Trade, Industry and Competition to consider. This required careful consideration given the international reach, and the impact on domestic constituencies, as well as to ensure that the process going forward was constitutionally sound.</p> <p>In light of the above, the Minister of Trade, Industry and Competition submitted a letter requesting that the Department be afforded additional time to consider the complex legal and policy matters raised in the submissions in order to provide an informed response in line with the constitutional parameters of the process.</p> <p>On 11 and 12 November 2021, the Committee received a response with regard to the oral and written submissions received in relation to the President's reservations from the Department and Parliament's Constitutional and Legal Services Office respectively.</p> <p>On 19 November 2021, the Committee adopted its report seeking permission from the National Assembly in terms of Assembly Rule 286(4)(c) for it to amend other provisions of the Copyright Act. As certain clauses of the Performers' Protection Amendment Bill [B24B-2016]</p>		
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			<p>are subject to the promulgation of the Copyright Amendment Bill [B13B-2017], the Committee agreed that it would consider both Bills simultaneously. Thus, the consideration of the Performers' Protection Amendment Bill [B24B-2016] was subject to the conclusion of the process with respect to the Copyright Amendment Bill [B13B-2017].</p> <p>On 1 December 2021, the National Assembly granted the Committee permission to inquire into amending other provisions of the Copyright Act (Minutes of Proceedings, National Assembly, 1 December 2021).</p> <p>On 4 December 2021, the Committee placed adverts in national and regional newspapers inviting stakeholders and interested parties to submit written submissions on the additional proposed provisions to the Copyright Act. The Committee received 53 submissions in this regard.</p> <p>On 6 May 2022, the Committee received a response with regard to these written submissions received from the Department and Parliament's Constitutional and Legal Services Office respectively.</p> <p>The Committee continued with its deliberations on 11, 17, 18 and 25 May</p>		
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			<p>2022 considering the inputs and responses from the Department and Parliament's Constitutional and Legal Services Office to the additional clauses advertised.</p> <p>On 8 June 2022, the Committee formally considered the amendments to the Performers' Protection Amendment Bill [B24B-2016], as a result of the President's reservations. On a number of clauses, there had been no consensus reached. In this regard, the Democratic Alliance, the Freedom Front Plus and the African Christian Democratic Party objected to the amendment of the following clauses:</p> <ul style="list-style-type: none"> •Clause 2 – gender neutral drafting •Clause 3 – remuneration in terms of performers in relation to audiovisual works and sound recordings, as well as gender neutral drafting •Clause 4 – gender neutral drafting •Clause 5 – gender neutral drafting •Clause 6 – correcting a typographical error •Clause 7 – removal of reference to the Electronic Communications and Transactions Act and gender neutral drafting <p>B. Minority views were expressed on the following aspects contained in this report:</p> <ul style="list-style-type: none"> •The Democratic Alliance expressed a concern that parties had not been given 		
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			<p>sufficient opportunity to make submissions with regard to the option available to Committee as expressed in Rule 203(3)(c) which would have allowed the Committee to recommend to the House that it should rescind its previous decision to pass the Bill, and reject the Bill. The Committee did consider a discussion on, and proposal to proceed under paragraph (c), as well as the proposal to proceed under paragraph (b), which allows for the Bill to be amended. The Committee voted to amend the Bill and not to reject it.</p> <ul style="list-style-type: none">•The Freedom Front Plus was of the view that the Bill is fundamentally flawed and that a clause by clause consideration of amendments to address the President's reservations would not enhance the Bill further. In light of the above, it had recommended that the Committee should have opted to apply Rule 203(3)(c) recommending to the House that it should rescind its previous decision to pass the Bill, and reject the Bill.•The Freedom Front Plus disagreed with the Committee that the consultation periods had been sufficient, and was of the view that the periods, which they view as too short given the complex nature of the Bill, had inhibited members of the public to comment. It expressed a concern that the Bill may face a Constitutional Court challenge in this regard.		
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				<ul style="list-style-type: none"> •The Economic Freedom Fighters also expressed concern at the process being limited by the Committee in terms of Joint Rule 203. •The Economic Freedom Fighters was of the view that the Bill did not adequately address the plight of actors, as currently actors are not earning royalties. Furthermore, that this Bill did not correct the fact that actors are freelancers and not workers hence they are not protected by the Labour Relations Act, 1995 (Act No. 66 of 1995). 		
32.	2022	Report of the Portfolio Committee on Trade and Industry on the Department of Trade, Industry and Competition's Fourth Quarter Financial and Non-Financial Performance for the 2021/22 Financial Year, dated 24 August 2022	ATC220 902	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee was of the view that unemployment remains a challenge and welcomed efforts by the DTIC and business to address this.</p> <p>The Committee supports the implementation of the Master Plans as a tool of government, working with organised labour and business to unlock investments, increase exports, industrialise, and structurally transform the South African economy.</p> <p>The Committee was concerned about the continuous underspending and the impact it may have on the DTIC's programmes, as it may hamper the</p>	[Report for information purposes]	

			<p>implementation thereof, as well as the development imperatives of government.</p> <p>The Committee was concerned about the impact of the illegal exportation of scrap metal and its impact on the theft of infrastructure. The Committee encouraged the DTIC, in conjunction with the South African Police Service and other relevant government departments, to expedite the development of additional measures to discourage scrapyards owners from purchasing stolen cables and other public infrastructure, including a possible ban on the export of scrap metal.</p> <p>The Committee noted that there had been limited uptake of the Film and Television Incentive for the production of local stories. It was of the view that the DTIC should continue promoting the incentive to local producers given the multiplier effect on the upstream and downstream industries.</p> <p>The Committee was concerned about the impact that the national lockdown has had on black industrialists. It encouraged the DTIC to promote the Black Industrialist Programme to ensure greater uptake and to offer non-financial support to black industrialists to ensure their sustainability. Furthermore, the Committee requested the DTIC to reconsider the formulation of its key performance indicators in respect of its incentives to include clear targets regarding the number of black</p>		
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			<p>industrialists to be approved for each financial year.</p> <p>The Committee welcomed the DTIC's proactive approach in monitoring the tender advertisements and bid documents to ensure that they specify the local content requirements for designated goods and services, and measures to ensure that government departments and entities implement these requirements.</p> <p>The Committee acknowledged the DTIC's efforts to engage the National Treasury on the development of the new Public Procurement Bill in relation to localisation.</p> <p>The Committee welcomed the DTIC's efforts to ensure beneficiation and black participation in the renewable and clean energy sector to assist in addressing South Africa's energy challenges.</p> <p>The Committee noted the ongoing challenges with the Tirisano Construction Fund resulting in underspending. It encouraged the DTIC to engage the relevant construction companies to find a solution to this matter.</p> <p>The Committee encouraged the Minister to expedite the finalisation of the appointment process for the Director-General position, which has been vacant for over a year, as well as other senior management positions. It also emphasised that the DTIC's</p>		
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				<p>organisational structure design process should be completed to ensure that the structure is fit for purpose and that the necessary posts can be filled. It was of the view that this was critical to ensure the stability and strategic direction of the DTIC.</p> <p>Given challenges faced by some of the DTIC's entities, the Committee was concerned by the slow progress in conducting the review of the entities' governance framework. It encouraged the DTIC to allocate the necessary resources to ensure that this review could be concluded and that the necessary changes to the governance framework are implemented.</p>		
33.	2022	Budgetary Review and Recommendation Report of the Portfolio Committee on Trade, Industry and Competition, dated 16 November 2022	ATC 221116	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the positive impact of the investment pledges made since 2018 as a result of the investment drive initiated by President Ramaphosa, with the completion of a number of projects, such as the investment by Mercedes Benz and Sappi. It would appear that the initial goal to raise R1,2 trillion investment over the five years would most likely be exceeded, with R1,1 trillion investment pledged to date. The commitment by the DTIC to link investment pledges to actual investment</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider:</p> <p>Developing a strategy and implementation plan to effectively utilise the current tariff concessions as contained in the African Growth and Opportunity Act as it relates the automotive sector, as well as agricultural and agro-processed goods; and submitting a progress report to the National Assembly within six months after the adoption of the report.</p>	

			<p>projects is appreciated. However, it is critical that the pledges translate into actual investment and jobs created.</p> <p>The Committee is of the view that both public and private sector investment is critical to drive the development of a country's economy and contributes to economic growth. Furthermore, investment by the public sector is essential as it promotes and facilitates economic growth through the creation, expansion, and upgrading of public infrastructure. Therefore, the Committee welcomes investment by government through its public sector entities that would contribute to the expansion and growth of the economy thereby creating significant job opportunities.</p> <p>Notwithstanding the cost of the pandemic and the Russian-Ukraine War, among other recent global phenomena, the South African economy has been buffered by the pockets of industrial resilience that emerged during this time. The Committee was of the view that the localisation policy assisted in companies being able to expand their operations in this regard. The Committee welcomed the fact that since 2019 localisation focused on strategic industries, defined by their capacity to be labour-absorbing, providers of critical goods, or significant export earners. This demonstrated the need to intensify localisation to circumvent the over-reliance on imports,</p>	<p>Finalising the review of the entities' Governance Framework; and reporting to the National Assembly on the status of the Review within six months of the adoption of the report.</p> <p>Report to be considered.</p>	
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			<p>and to create additional economic opportunities for SMEs.</p> <p>The Committee was concerned about the impact of the localisation policy on the broader economy, particularly price inflation for consumers, as this may not be factored in during the review of the policy. Therefore, the DTIC should provide it with regular reports on the socio-economic impact of the localisation policy, such as the contribution towards the economy, impact on prices and jobs created as a result of this policy choice.</p> <p>The Committee remained concerned of the economic impact of ongoing load-shedding on the manufacturing sector. It welcomed the DTIC's support to contribute to government's initiatives to address the energy crisis, in particular the recent financial support to companies manufacturing components for renewable energy supply.</p> <p>The revitalisation of Industrial Parks is of vital importance to the Committee as it views the development of industrial parks as a key vehicle to promote and develop local and rural economies. However, there is a need to effectively maintain their infrastructure and allocate appropriate human and sufficient financial resources to ensure that they are able to attract and retain investment, including financial incentives for SMEs</p>		
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			<p>investing in these parks. This requires a coordinated drive among national, provincial and local governments, with a particular focus on under-developed rural provinces.</p> <p>Furthermore, the Committee also welcomed the policy review underway on the role of the private sector in the ownership, management and operation of industrial parks as this may improve the effectiveness of the industrial parks.</p> <p>The Committee acknowledged the importance of Special Economic Zones created in order to facilitate economic growth in certain geographic regions by leveraging tax and business incentives to attract foreign direct investment and technological advancement. Their job creation potential should not be underestimated, hence the Committee is of the view that national government should actively intervene in ensuring that they operate optimally and are sufficiently resourced.</p> <p>The Committee welcomed the progress made with regard to the Auto Green Paper and acknowledged the need to source funding for the implementation of this proposed policy. The completion of the process, in the view of the Committee, is critical to position South Africa's automotive manufacturing sector to remain sustainable given the transition</p>		
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			<p>into electro-mobility solutions and technologies.</p> <p>The Committee encouraged the DTIC to finalise the Draft Policy Proposals on Measures to Restrict and Regulate Trade in Ferrous and Non-Ferrous Metals Waste, Scrap and Semi-Finished Ferrous and Non-Ferrous Metal Products to Limit Damage to Infrastructure and the Economy to ensure certainty for the upstream and downstream industries.</p> <p>The Committee welcomed the establishment of the Quick Response Team comprising officials from the Chinese Embassy, the DTIC, the South African Revenue Service and the International Trade Administration Commission of South Africa to address illegal imports from China, as this eroded domestic economic opportunities and the reindustrialisation efforts, as well as slowing down socio-economic improvements among the poor. Furthermore, the Committee applauded the efforts by the DTIC that secured the re-opening of the Chinese market to South African oysters.</p> <p>The Committee supported the position that African Growth and Opportunity Act should be extended beyond 2025, and encouraged the Minister to secure South Africa's inclusion in any extension of African Growth and Opportunity Act.</p>		
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				<p>The European Union is one of South Africa's most significant trading partners in terms of the value of exports. Therefore, the Committee was concerned that it had not received a status update in terms of the progress of the review of the Southern African Development Community-European Union Economic Partnership Agreement.</p> <p>The Committee was concerned about the high levels of economic concentration in the economy, which is an impediment to structural transformation. In particular, it had been concerned about economic concentration in the real estate sector and encouraged the Competition Commission to consider whether there is a need to initiate a market inquiry in this regard.</p> <p>The Committee welcomed the proposed shift in broad-based black economic empowerment to focus on the empowerment of all workers and on black industrialists. It also recognised the need to place a greater emphasis on merit for strategic positions, while growing the requisite technical skills and capabilities of all South Africans.</p> <p>Furthermore, the Committee is encouraged by the DTIC's efforts to reduce red-tape and eliminate corruption</p>		
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			<p>and the maladministration of projects, as this will improve the ease of doing business and ensure resource allocation efficiency to facilitate new entrants into the market and to promote economic growth and job creation.</p> <p>The Committee urged the Minister to expedite the appointment processes for the Director-General of the DTIC and the Commissioner of International Trade Administration Commission of South Africa.</p> <p>The Committee was of the view that the absence of a permanent Chief Executive Officer and a board contributed to the ongoing challenges facing the South African Bureau of Standards, including its ability to address its infrastructure challenges. It was concerned that this may contribute to it not being able to strategically deliver on its mandate to develop standards in the industrial priority sectors and offer compliance assurance services. Therefore, the Committee urged the Ministry to urgently address the appointment of members of the Board, and to ensure that the Chief Executive Officer is subsequently appointed, as well as to ensure that it has sufficient financial resources to address its aging infrastructure challenge.</p> <p>The Committee welcomed the improvement in the National Regulator</p>		
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			<p>for Compulsory Specifications' audit outcome in the 2021/22 financial year to an unqualified audit with findings. This represented significant progress in addressing the challenges around estimating its levy revenue, which had resulted in qualified audit outcomes over the previous financial years.</p> <p>The Committee was encouraged by the financial support provided by the National Empowerment Fund and the Industrial Development Corporation in promoting entrepreneurial development by supporting Small and Medium Enterprises. However, it would further encourage that these development finance institutions continue assisting applicants through the application process and to ensure that they speedily resolve funding-related enquiries.</p> <p>The Committee welcomed the progress made in the forensic investigations initiated by the Minister and the Special Investigating Unit into allegations of corruption and maladministration involving the National Lotteries Commission. It also welcomed the preservation orders obtained by the SIU in an attempt to recover the stolen funds that had been meant for the upliftment of the poor. However, it would implore the Special Investigating Unit to complete its investigation into the allegations of corruption and maladministration at the National Lotteries Commission.</p>		
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				<p>Furthermore, the Committee was encouraged by the significant changes underway at the National Lotteries Commission and welcomed the appointment of the new Chairperson, Prof N Pityana, and other board members who have a strong governance record.</p> <p>The Committee was concerned about the DTIC's general oversight of its entities in relation to governance. It would, therefore, encourage the urgent completion of the review process of the entities' Governance Framework to identify the challenges in this area that should be addressed.</p>		
34.	2023	Report of the Portfolio Committee on Trade, Industry and Competition on Budget Vote 39: Trade, Industry and Competition, dated 12 May 2023	ATC 230512	<p>Conclusions</p> <p>Having considered the information shared and reports from the DTIC with respect to its budget, and strategic and annual performance plans, the Committee has reached the following conclusions:</p> <p>The Committee welcomed the DTIC's new approach to the APP, which now focused on the impact of the DTIC's work rather than merely outputs. This should ensure that the DTIC's activities were better co-ordinated and geared towards creating an enabling environment to bolster the economy and stimulate job creation.</p>	<p>Recommendations</p> <p>The Portfolio Committee on Trade, Industry and Competition, having considered the proposed 2023 Budget Vote 39: Trade, Industry and Competition, recommends that the House adopts Budget Vote 39: Trade, Industry and Competition.</p> <p>In addition, it recommended that the Minister of Trade, Industry and Competition should consider reviewing the various prescribed income sources of the entities falling under his mandate, in accordance with the relevant legislation, with the intention of increasing existing income sources and introducing new ones, where applicable. The Minister should submit a progress report in this regard within six months of the adoption of this report.</p>	

			<p>However, the impact of the energy crisis on the broader economy was expected to inhibit industrialisation, beneficiation, and the attraction of foreign direct investment. This would limit the ability of the DTIC's programmes to facilitate economic growth and job creation. The Committee encouraged the DTIC to strengthen collaboration and coordination with the relevant departments to resolve the energy crisis and mitigate its impact on the manufacturing sector. In particular, the Committee was of the view that the DTIC should continue engagements with the Department of Mineral Resources and Energy, and the Department of Public Enterprises on the new energy vehicle roadmap and the finalisation of the green hydrogen commercialisation framework.</p> <p>Given the regulatory adjustments being considered and adopted by the European and other major auto markets, the implementation of a policy on energy vehicles would be premature. Therefore, the Committee welcomed the DTIC's cautionary approach to publishing the White Paper on Energy Vehicles in South Africa. This would afford government the time to consider the European and other markets' regulatory adjustments and adjust its policy accordingly. In doing so, this should provide the necessary certainty to the domestic automotive industry, and ensure that South African</p>	<p>Report to be considered.</p> <p>The Democratic Alliance abstained.</p>	
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			<p>energy vehicles meet the requirements in these markets.</p> <p>The Committee noted that education and the development of practical skills was critical to enable the industrialisation of the economy. However, it encouraged the DTIC to engage the relevant departments and tertiary education institutions to ensure that there was alignment between their policies and/or material, and the skills required by the economy, particularly the manufacturing sector.</p> <p>The Committee welcomed the amendments to the Companies Act through the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, which should assist in addressing state capture. It encouraged the DTIC to finalise the regulations in this regard.</p> <p>The Committee encouraged the ongoing negotiations in terms of the review of the Economic Partnership Agreement, and the African Growth Opportunity Act, as it recognised the strategic economic partnerships with the European Union and the United States of America, among others.</p> <p>The Committee was concerned by the impact of the European Union's pending</p>		
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			<p>implementation of the Carbon Border Adjustment Mechanism on South Africa's exports. While the Committee acknowledged the need to reduce global carbon emissions to mitigate the impact of climate change, this unilateral approach could be perceived as a protectionist measure. The Committee supported the government's position that a multilateral rules-based approach should be developed in this regard to ensure the maintenance of a fair global trading system.</p> <p>The Committee encouraged the DTIC to embark on education and awareness programmes targeting small, medium and micro enterprises, women, people living with disabilities and youth-owned enterprises, especially in rural areas, on the financial programmes being offered by the DTIC and its development finance institutions, and the support available to assist them in this regard.</p> <p>The Committee welcomed the R200 billion in investment pledges, and encouraged the DTIC to ensure that these materialised into capital investment projects for the creation of jobs.</p> <p>The Committee acknowledged the role of the private sector to support industrialisation and the implementation of the Re-imagined Industrial Strategy. This has been evidenced by its pivotal</p>		
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			<p>role in enhancing and implementing Master Plans. However, the Committee emphasised that there was a need for additional support and investment from the private sector.</p> <p>The Committee was concerned that while the DTIC had invested in the maintenance and refurbishment of certain industrial parks, there had been limited reciprocal commitment from provinces to support the ongoing maintenance of their parks. It supported the position that the conditions of this funding should be reconsidered to ensure that this investment was sustainable.</p> <p>The Committee welcomed the Competition Authorities' efforts to reduce and address price discrimination as a barrier to entry for small, medium and micro enterprises, as these players were important job creators and were critical for the transformation of the economy. Furthermore, it noted the DTIC's consideration of mechanisms to lock in larger firms to support smaller players in the market.</p> <p>The Committee welcomed the DTIC's collaboration with the South African Revenue Service in addressing illicit trade. It noted the recent court ruling by the Supreme Court of Appeal in favour of the South African Revenue Service</p>		
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				<p>regarding the seizure of imported clothing that had been under-declared.</p> <p>The Committee noted that certain entities have unfunded mandates given legislative changes. In addition, transfers to most entities had not substantively increased over the last few financial years. Given the ongoing fiscal constraints, the Committee urged the DTIC to review the prescribed income sources, such as levies or fees for services rendered, available to entities to ensure that they were able to effectively fulfil their legislative mandates.</p>		
35.	2023	Report of the Portfolio Committee on Trade, Industry and Competition on its oversight visit to Gauteng and Limpopo from 31 January to 3 February 2023, dated 3 May 2023	ATC 230516	<p>Concluding remarks</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>In light of South Africa's commitment to the World Trade Organisation's Trade Facilitation Agreement and the recent African Continental Free Trade Agreement, the Committee was concerned by the under-funding of the South African Revenue Service, and its limited human resources. This under-resourcing undermined the ability of the South African Revenue Service to implement its mandate, especially in relation to facilitating trade and combatting illicit trade.</p>	<p>Recommendation</p> <p>Informed by its deliberations, the Committee recommended that the House requests that the Minister of Trade, Industry and Competition should consider determining a timeframe, in consultation with the National Lotteries Commission, for ending the moratorium on proactive funding. This should also include legislative amendments (i.e. legislation or regulations) around the process in considering proactive funding.</p> <p>Report to be considered.</p>	

			<p>The Committee noted that the nature of the South African Revenue Service's mandate was for it to collect revenue for the State and, therefore, it should not purely be treated as a cost centre. Therefore, government should invest in efficiency improvements to optimise the South African Revenue Service's ability to collect revenue to benefit the fiscus, and to detect and address non-compliance.</p> <p>Given the South African Revenue Service's modernisation drive, the Committee appreciated the need for technological upgrades to its infrastructure to improve its efficiency and to reduce corruption. This would require the upskilling/reskilling of existing customs officials and the recruitment of highly skilled staff, such as auditors and data analysts.</p> <p>The Committee welcomed the progress the South African Revenue Service has made in combatting illicit trade in spite of its limited resources. However, it was concerned that communities adjacent to borders may be complicit in enabling illicit trade. It therefore encouraged the South African Revenue Service to continue investing in education and awareness programmes targeting these communities to ensure that they understand the broader socio-economic implications of illicit trade. In addition, the Committee encouraged the South</p>		
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			<p>African Revenue Service to build partnerships with these communities to combat illicit trade.</p> <p>Furthermore, it implored the South African Revenue Service to strengthen its co-ordination efforts with other government departments and entities that play an active role in facilitating trade, such as the Border Management Authority, the Department of Home Affairs, the National Regulator for Compulsory Specifications and the Department of Trade, Industry and Competition.</p> <p>One of the key facets to enabling the sustainability of industrial parks is the ability to increase the occupancy rate and to earn rental income. However, this would require the Limpopo Economic Development Agency, as the owner of these industrial parks, to improve, maintain and invest in top structures of the factories/warehouses and bulk infrastructure, such as water, electricity and waste management, within its Industrial Parks. Thus, it could attract further investors, charge higher rents in proportion to the improved infrastructure, and could also have greater discretion to apply its developmental mandate in relation to start-ups. In this regard, funds should be ring-fenced by Limpopo Economic Development Agency for the maintenance and improvement of its</p>		
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			<p>Industrial Parks infrastructure, as well as the provision of security services.</p> <p>The Committee noted that the Limpopo Jewellery Incubator Hub incorporated work space that it sub-let to small, medium and micro enterprises, as part of its incubation programme. This was to train small, medium and micro enterprises about the associated operating costs and to bridge the rental affordability gap, as the cash flow of most small, medium and micro enterprises that it housed was irregular; thus affecting their ability to afford rentals in the Industrial Parks. The Committee encouraged the Limpopo Economic Development Agency to review its rental model for small, medium and micro enterprises, to include smaller spaces for small, medium and micro enterprises and possibly sub-letting options to assist, in particular start-ups, with the affordability of rentals.</p> <p>Furthermore, there was a call for the various stakeholders, such as the Department of Trade, Industry and Competition, the Department of Small Business Development, the Small Enterprise Finance Agency, the National Empowerment Fund, and Provincial Governments to find a sustainable solution in this regard.</p>		
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			<p>In addition, the Committee was concerned by the negative impact of municipal service delivery challenges, in particular the supply of water, on the operation of small, medium and micro enterprises within the industrial parks, and the broader local economy, particularly on the ability to retain business investment in rural areas.</p> <p>The Committee welcomed the visit by the Deputy Minister from the Department of Planning, Monitoring and Evaluation in the Presidency to the Nkowankowa Industrial Park last year.</p> <p>In this regard, the Committee requested the DTIC, the Local Authorities and the Limpopo Economic Development Agency to engage with Peppadew to see how they could assist to resolve the bulk water supply challenge for Peppadew and the broader Industrial Park. Failure to do so could result in the closure of Peppadew and the loss of thousands of jobs.</p> <p>The Committee commended Peppadew for its commitment to transformation and the upliftment of the surrounding communities. It encouraged Peppadew to pursue the proposed franchise model to expand production through smaller black manufacturing plants.</p>		
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			<p>The Committee encouraged better coordination between all spheres of government to ensure the viability of industrial parks.</p> <p>The Committee welcomed the progress made in the development of the northern side of the Musina-Makhado Special Economic Zone. It would continue its monitoring of the development bi-annually. It also welcomed the efforts by the Musina-Makhado Special Economic Zone Operator to involve local communities in the development of the Special Economic Zone.</p> <p>With regard to the National Lotteries Commission, the Committee was of the view that notwithstanding the call to expedite the investigation process, the Special Investigating Unit should follow due processes and take the necessary time to conclude its investigations. As investigations were being concluded, the Special Investigating Unit should refer matters to the National Prosecuting Authority for prosecution.</p> <p>With the proposed Revised Research-Based (Pro-active) Funding Model, the Committee supported the approach that the Board identifies specific strategic areas to be researched to inform the relevance of funding such projects. It was also important to consider how pro-active funding could assist with the triple</p>	
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			<p>challenges of poverty, inequality and unemployment in this regard.</p> <p>While the Committee welcomed the Commission's process to adopt a new approach with regard to pro-active funding, it emphasised that any policy changes around the proactive funding should be accompanied by the necessary legislative amendments. This would provide the necessary legal certainty for future decisions around proactive funding. However, the Committee remained concerned about the indefinite timeframe for the moratorium on pro-active funding.</p> <p>The Committee welcomed the recognition by the Commission that its due diligence with respect to pre- and post-monitoring of grant-funded projects had been flawed. It acknowledged the proposed changes to strengthen monitoring including the consideration of geographical markers to improve the location of projects, particularly in rural areas. Furthermore, it welcomed the Commission's commitment to move from "sample" monitoring to monitoring of all projects and to build its monitoring and auditing capacity.</p> <p>Notwithstanding the progress report around the filling of vacancies, the Committee expressed its concern around the continued failure to fill these critical</p>		
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				positions. Given the negative perceptions by most South Africans regarding the Commission, it was imperative that the appointment processes regarding these senior executives were expedited.		
36.	2023	Report of the Portfolio Committee on Trade, Industry and Competition on the Department of Trade, Industry and Competition's Third Quarter Financial and Non-Financial Performance for the 2022/23 Financial Year, dated 31 May 2023	ATC 230602	<p>Conclusions</p> <p>Having considered the information shared and reports from the DTIC with the respect to its third quarter financial and non-financial performance for the 2022/23 financial year, the Committee has reached the following conclusions:</p> <p>The Committee noted the challenges being experienced in attracting and retaining fixed direct investment, partially due to the energy crisis. It welcomed the DTIC's shift to actively contribute to the announced Electricity Action Plan to assist power-generating companies to navigate the different legislative processes and improve turnaround times by assisting investors to submit applications through a single window process in mitigating the energy challenges, even though energy generation falls outside of its mandate.</p> <p>The Committee welcomed the work of the DTIC Group in terms of its energy crisis plan. In particular, it noted the (i) draft regulations developed in conjunction with the Competition Commission to assist companies in developing a collaborative approach to meet the energy challenges;</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider publishing an annual report on the progress made in terms of the levels of beneficiation within the economy.</p> <p>Report to be considered.</p>	

			<p>and (ii) the 13 standards developed and published by the South African Bureau of Standards related to alternative energy generation and energy efficiency measures.</p> <p>The Committee recognised the need to localise alternative energy components to ensure that South Africa has productive capacity in this regard in order to insulate it from external shocks. However, it encouraged the DTIC to monitor the cost of this to ensure that the growing industry becomes competitive and does not unduly increase the cost of alternative energy given the current electricity crisis/need to augment energy generation over the short to medium term.</p> <p>The Committee was of the view that higher levels of beneficiation are essential to effectively diversify South Africa's export basket. However, it was unclear how the DTIC was monitoring the levels of beneficiation.</p> <p>The Committee welcomed the inter-governmental collaboration to address the scourge of public infrastructure being stolen and/or damage for resale or export as scrap metal. It urged the DTIC to continuously monitor the situation to ensure that measures being implemented are effective, in particular the temporary scrap metal ban.</p>		
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				<p>The Committee was concerned by ongoing issues regarding South African citrus exports and the introduction of additional phyto-sanitary requirements to address False Codling Moth. It agreed that this was a protectionist measure by the European Union and supported the government in initiating World Trade Organisation consultations with the European Union to address the matter.</p> <p>The Committee noted the ongoing review process of the Economic Partnership Agreement between the Southern African Development Community and the European Union, as well as the issues expressed for consideration by the two parties.</p> <p>The Committee recognised that South Africa was not immune to the impact of geopolitical conflicts on the global economy, in particular the inflationary effect on prices of food and fuel. It noted the ongoing efforts by the Competition Commission to ensure that, in particular, there was no price gouging of food prices.</p> <p>The Committee welcomed ongoing negotiations for the renewal of the United States' African Growth and Opportunity Act, and the continued preferential</p>		
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				<p>access of South African exports to the United States.</p> <p>The Committee encouraged the Minister to expedite the appointment of the director-general of the Department.</p> <p>The Committee urged the DTIC to finalise the development of the oversight framework for the governance of entities, as well as the establishment of the Entity Oversight Unit.</p>		
37.	2023	Report of the Portfolio Committee on Trade, Industry and Competition on the Department of Trade, Industry and Competition's Fourth Quarter Financial and Non-Financial Performance for the 2022/23 Financial Year, dated 6 September 2023	ATC 230913	<p>Conclusions</p> <p>Based on its deliberations, the Committee drew the following conclusions:</p> <p>The Committee welcomed the approach to mergers to ensure job retention as far as possible given the high level of unemployment in South Africa, as well as other socio-economic factors being considered.</p> <p>The Committee remained concerned about the prevalence of fronting and its negative impact on economic transformation. It encouraged the Department and the Broad-Based Black Economic Empowerment Commission to continue working with the relevant law enforcement authorities to strengthen the enforcement of the B-BBEE Act in this regard.</p>	<p>Recommendation</p> <p>Report to be considered.</p>	

			<p>The Committee was concerned by the slow implementation of the National Credit Amendment Act of 2019. It encouraged the DTIC in conjunction with the National Credit Regulator and the National Consumer Tribunal to finalise the implementation of the Act.</p> <p>The Committee welcomed the DTIC's initiatives to facilitate greater collaboration between the relevant educational institutions and industry to develop the necessary skills required by industry.</p> <p>The Committee noted that the Industrial Development Corporation was administering the Social Employment Fund, which creates part-time jobs, especially for graduates, to gain on-the-job training. It was of the view that such programmes were critical to enable graduates to obtain much needed work experience.</p> <p>The Committee welcomed the beneficiation initiatives regarding batteries and platinum in terms of the manufacturing of catalytic converters, however, it was of the view that more could be done as beneficiation might be the catalyst to address unemployment.</p> <p>The Committee supported the government's position in terms of the United States' African Growth and Opportunity Act and sought a speedy resolution of the negotiations to retain South Africa as a beneficiary.</p>		
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				<p>The Committee welcomed the establishment on the New BRICS Development Bank and its focus on offering financial support for infrastructure projects.</p> <p>The Committee supported South Africa's accession to the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment, as it would facilitate greater and easier trade in terms of the African Continental Free Trade Agreement.</p>		
38.	2023	Report of the Portfolio Committee on Trade, Industry and Competition on its study visit to the Republic of Korea, dated 5 September 2023	ATC 230913	<p>Key observations</p> <p>Based on its engagements, the Committee made the following key observations:</p> <p>Through the Committee's meetings with various government officials and agencies, it became clear that the political environment in which the industrialisation programme was implemented, was under President P Chung-hee's dictatorial leadership. As a result, the way their industrialisation programme was implemented may not work for countries that operate on democratic principles, such as South Africa.</p> <p>The South Korean government adopted a multi-pronged approach to achieve its export-driven industrial policy; it took into</p>	<p>Recommendations</p> <p>Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider:</p> <p>Engaging with the relevant Ministries to consider the development of a government-led vocational training strategy to ensure the supply of sector-specific skills that would promote and enhance its current industrialisation drive.</p> <p>Engaging institutions of higher learning, both locally and internationally, in conjunction with the relevant Ministries, to encourage the establishment of satellite campuses and/or programmes within Special Economic Zones to support sector-specific skills development for each Special Economic Zone.</p>	

			<p>consideration all factors necessary to enable industrialisation including infrastructure development, FDI, and business buy-in, as well as skills development.</p> <p>During President Chung-hee's administration, the government prioritised industrialisation and strengthening its ties with the US and Japan, as key elements for South Korea's economic development and sustained growth.</p> <p>Given its lack of natural resources and low industrial base, the development of the South Korean economy was dependent on the social compact between government and business.</p> <p>The South Korean government had made an intentional decision to identify and select industries that would serve as the catalysts for industrialisation. It did so by focusing on these industries' capabilities rather than the nation's lack of mineral resources.</p> <p>South Korea had benefited from a trading environment that was more accommodating because of the less restrictive rules of the General Agreement on Tariffs and Trade prior to the establishment of the World Trade Organisation (WTO) in 1995. Prior to 1995, their industrial and trade policies could be implemented with minimal opposition regarding trade regulations, specifically localisation strategies could</p>	<p>Promoting public-private partnerships in the ownership and/or management of Special Economic Zones and its enabling infrastructure, such as for water, energy and waste management.</p> <p>Establishing good governance structures within Special Economic Zones to prevent corrupt activities and maladministration of Special Economic Zones, and to ensure effective implementation to improve investor confidence and attract investment.</p> <p>Establishing an inter-governmental co-ordinating body, including provincial and local representatives, reporting to him/her to monitor progress in the development of Special Economic Zones and to unblock challenges as they may arise.</p> <p>Report to be considered.</p>	
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			<p>be applied to both private and public sectors. Subsequently, local procurement strategies can only be applied to the public sector in accordance with the WTO rules.</p> <p>In addition, the Japanese and US governments supported the South Korean economy. The Treaty on the Basic Relations between Japan and the Republic of Korea, which was signed in 1965 and restored diplomatic relations between South Korea and Japan, led to the transfer of skills and support of expatriates who invested in the industrialisation programme. The US granted unlimited access to its markets for its goods during this period.</p> <p>Workers' rights were severely curtailed during this time. At the start of the industrialisation in the 1970s, there had been no trade unions nor collective bargaining permitted. Therefore, during the period, when there were no labour laws in place, the government was free to implement any policies it deemed necessary to acquire low-cost labour without providing any form of worker protection. However, this gave rise to labour movements that fought to secure greater protection for workers.</p> <p>The government provided support to business owners at the time to ensure their participation in the nation's industrial development, and their support for the development of new industrialists. In this regard, the government developed and</p>		
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			<p>implemented policies to ensure the strengthening of the domestic industry to ensure that the support provided improved industries' competitiveness, rather than protecting them from competition.</p> <p>The government acknowledged that to promote economic growth, investments in infrastructure, machinery, human resources, and innovation would be necessary to meet its industrial goals. As a result, it made it easier to create products that were globally competitive.</p> <p>As a result of its investment in innovation, South Korea was able to develop new industries in which it could have a competitive advantage, and in some cases, became the world leader within those industries.</p> <p>Furthermore, investment in education and training was critical to ensure industrialisation and sustainable economic growth. Therefore, government focused on all levels of education namely primary, secondary, and tertiary. Particularly, to create the skills and expertise required by the economy, it established relationships between vocational training institutions, universities, and government.</p> <p>It has promoted innovation and skills development within FEZs by linking or locating specific universities that specialise in the focus areas of each FEZ. Furthermore, government has</p>		
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			<p>provided specific financial support for small and medium enterprises for research and development.</p> <p>The government recognised that it had to promote the value of vocational training to influence social perception at the time. Therefore, government provided the necessary incentives to encourage students to pursue vocational training in areas identified as critical for economic development.</p> <p>South Korea's array of free trade agreements with individual countries and economic blocks, including with China, along with its transportation and logistics hubs placed it in a favourable position to be a key trading gateway to Asia and the world.</p> <p>Good governance was essential to South Korea's economic development since it ensured businesses performed well, increased output, and unlocked new opportunities. Additionally, it decreased risk, promoted quicker growth, and increased reputational clout.</p> <p>This increased accountability and transparency was underpinned by greater coordination among all relevant departments and entities, as well as at national and local government led by the President at the time.</p> <p>The development of the Korean industrial policies has been people centred. Therefore, social buy-in by all citizens</p>		
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			<p>and business was critical for the success of the implementation of the industrial policies.</p> <p>Despite changes in administration, the approach to South Korea's industrial policy and the focus on identified sectors remained consistent with adjustments to address changes in the landscape, such as technological advances. This had been essential to its sustained economic success.</p> <p>In its designation of FEZs, it was critical for the South Korean government to ensure that the necessary transportation infrastructure was in place. To facilitate the easy movement of manufactured goods, each FEZ is situated near a port, an airport, or both. Access to ports and airports is essential, as South Korea's strategic goal is to serve as an international trading hub for exports to China and Japan.</p> <p>Coordination and support among the various levels of government were critical elements for the success of FEZs.</p> <p>Within FEZs, labour laws are flexible, namely there are no mandatory requirements for people with disabilities, regulations protecting temporary workers are relaxed, and unpaid public holidays for employees are permitted.</p> <p>Support for international investors located within FEZs includes easing of tax and foreign exchange laws. Investors,</p>		
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			<p>for instance, are permitted to conduct transactions up to US\$100,000 without any obligation to report such transactions. Investors could be eligible for a tax rebate or receive a waiver from tariffs when importing capital goods for five years.</p> <p>South Korea's FEZs attract more domestic than foreign investors. This illustrates the flexibility and incentives provided by FEZs that local businesses can take advantage of if they relocate to a FEZ.</p> <p>The South Korean FEZs establish communities and facilities for the employees and owners of companies located within the FEZ to ensure that they do not have to travel far to work and amenities.</p> <p>South Korea does not focus on the number of FEZs it has established but rather on their effectiveness in contributing to industrialisation and economic growth. It attributes each FEZs' success on its location and quality of infrastructure. Where FEZs are not as successful, the government implements the necessary changes to support their efficient development. The government is also considering the expansion of successful FEZs and/or their infrastructure.</p> <p>Foreign investors can identify an area where they intend to be located to be considered by the government for</p>		
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				<p>designation. Upon designation, this area would attract specific incentives as well.</p> <p>There appears to be a strong public-private partnership approach in South Korea in terms of the development and operation of public infrastructure. Examples of these are the establishment of the electromagnetic wave testing for electric vehicles.</p> <p>In the case of the Busan Port, there is a public-private partnership at the Busan Port with the government owning the port and its infrastructure and private companies operating the port. This is facilitated through contracts between the Busan Port Authority and the private companies for the provision of services at the port.</p>		
39.	2023	Budgetary Review and Recommendation Report of the Portfolio Committee on Trade, Industry and Competition, dated 25 October 2023	ATC 231030	<p>The Committee welcomed the DTIC's achievement of a clean audit report for the 2022/23 financial year, as well as the improvement in the audit outcomes of its entities, in particular the National Regulator for Compulsory Specifications' achievement of a clean audit outcome since its inception.</p> <p>Further, it noted that there has been progress in resolving audit concerns and improving governance within the DTIC's entities. It acknowledged the appointment of new boards at the National Lotteries Commission and the South African Bureau of Standards. This is expected to enhance the governance and operations at the two institutions.</p>	Informed by its deliberations, the Committee recommends that the House requests that the Minister of Trade, Industry and Competition should consider monitoring the cost of poultry feed and ascertain whether there is any anti-competitive behaviour in the poultry feed sector.	

			<p>In addition, the Committee welcomed appointments at other entities, such as the Commissioners of the Broad-Based Black Economic Empowerment Commission, the International Trade Administration Commission of South Africa, the National Lotteries Commission, the Competition Commission and the Companies and Intellectual Property Commission, as well as the Chief Executive Officer of the Export Credit Insurance Corporation of South Africa and the Tribunal Members of the Companies, Competition and National Consumer Tribunals.</p> <p>The Committee acknowledged the impact of loadshedding and the ongoing conflicts, especially between Ukraine and Russia, on the broader economy.</p> <p>For the 2022/23 financial year, the Committee noted that the DTIC had achieved 97 percent of its non-financial performance targets and spent 99,6 percent of its adjusted budget allocation.</p> <p>The Committee welcomed the investment pledges received and the realisation of investments such as the upgrading of the Isuzu plant to produce the new D Max bakkie. However, it encouraged the DTIC to develop a reporting model to monitor the impact of the investment projects realised from the pledges received at the Presidential Investment Conferences, particularly in terms of new jobs created, and to ensure</p>		
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			<p>that the spatial spread of projects is inclusive of all provinces and rural areas. The DTIC should also continue to ensure that these investment pledges translate into actual investment projects.</p> <p>The Committee remained concerned about the impact of loadshedding on the manufacturing sector but welcomed the measures introduced by the DTIC and the Industrial Development Corporation to mitigate against the challenges faced by industries and to facilitate finding alternative energy resources.</p> <p>The Committee noted the impact of the avian influenza on the implementation of the Poultry Sector Master Plan, and on the cost of poultry products for consumers. It was also concerned about possible anti-competitive behaviour by poultry feed producers given the high cost of feed. These two factors would have a negative impact for food security, of particularly poorer households, and for small-scale poultry farmers.</p> <p>The Committee welcomed the ongoing engagement between the DTIC, the Department of Health and the National Treasury to find an amicable solution to the impact of the Health Promotion Levy on the sugarcane industry.</p> <p>The Committee was of the view that there was a need to develop an index to monitor the levels of beneficiation of natural resources.</p>		
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			<p>officials. The Committee urged the Minister to expedite the appointment of these vacancies.</p> <p>-The Committee welcomed the DTIC initiatives to provide the youth with opportunities through internships to gain experience and develop the necessary skill required in a developmental state, hopefully leading to permanent employment.</p>		
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