

## Section 16

**Issue raised in submissions in section 16:** as with section 15, the amendments, as drafted, may extend indefinitely the life of competition authorities' jurisdiction over conditions after issuing final decisions. The circumstances under which a revocation or amendment of conditions is permissible must be made clear.

### Ministry response:

1. The Ministry is agreeable with clarifying the circumstance under which a revocation or amendment of conditions is permissible.
2. To address a concern raised at the Portfolio Committee, the wording provided below limits the exercise of the power to the circumstances set out more explicitly now in the Bill.

### Suggested wording:

- (3) Upon application by the Competition Commission, the Competition Tribunal may ~~—(a)—~~ revoke its own decision to approve or conditionally approve a merger or in respect of a conditional approval, make any appropriate decision regarding any condition relating to the merger, including the issues referred to in section 12A(3)(b) and (c), and section 15, read with the changes required by the context, applies to a revocation or other decision in terms of this subsection.
- ~~(b) — make any appropriate decision regarding any condition relating to the merger, including the issues referred to in section 12A(3)(b) and (c).~~

## Section 18

**Issue raised in section 18:** The amendments in other parts of Chapter 3 on mergers require a change on Section 18, to make it clear that the Minister may participate as a party in any merger on public interest grounds.

### Suggested wording in section 18:

- (1) In order to make representations on any public interest ground referred to in section 12A(3), the *Minister* may participate as a party in any ~~intermediate or large~~ merger proceedings before the Competition Commission, Competition Tribunal or the Competition Appeal Court, in the *prescribed* manner.