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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**PARLIAMENTARY QUESTION: 1995**

**DATE OF PUBLICATION: 23 SEPTEMBER 2016**

**Dr M J Cardo (DA) to ask the Minister of Economic Development:**

Whether, with reference to the Public Protector’s Report No 21 of 2013 / 14 entitled Docked Vessels, the Competition Commission received a request from the Public Protector to investigate alleged collusive conduct by entities within a certain group (name furnished); if so (a) when was the specified request received and (b) what action has been taken by the Competition Commission? NW 2306E

**REPLY**

I am advised by the Office of thr Competition Commissioner of the following in respect to the question:

“On the 12th of March 2014, the Competition Commission (“Commission”) received information from the Public Protector contained in the “Docked Vessels” Report No. 21 of 2013/14 dated December 2013. The information suggested that Sekunjalo Investments Limited (“Sekunjalo Investments”), Sekunjalo Marine Services Consortium, Premier Fishing SA (Pty) Ltd (“Premier Fishing”) and Premier Fishing Consortium may have entered into an agreement to collude by discussing and coordinating the preparation of their respective bids to the Department of Agriculture, Forestry and Fisheries (“DAFF”) in respect of a tender to supply marine patrol services to DAFF.

The Commission conducted an investigation and found that Premier Fishing is a wholly owned subsidiary of Sekunjalo Investments and Sekunjalo Marine Services is a division of Sekunjalo Investments. Further, the Commission’s investigation revealed that Sekunjalo Marine Services Consortium and Premier Fishing Consortium are controlled by Sekunjalo Investments. Therefore, the firms suspected of collusive conduct are constituent firms within a single economic entity as contemplated in section 4(5) of the Competition Act 89 of 1999 as amended (“the Act”). Section 4(1) (b) of the Act, which prohibits collusive agreements such as the one alleged in this case, does not apply to constituent firms within a single economic entity.

Based on the above findings, the Commission decided not to refer the matter to the Competition Tribunal for prosecution. The Public Protector was informed about the outcome of the Commission’s investigation on the 1st September 2016.”

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