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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**PARLIAMENTARY QUESTION 3610**

**DATE OF PUBLICATION: 23 November 2018**

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

What (a) number of forensic service providers did the Competition Commission appoint to assist with dawn raids since 1 April 2015, (b) is the name of each forensic service provider, (c) number of dawn raids did each service provider conduct and (d) was the cost to the Competition Commission in each case? NW4181E

**REPLY**

The Competition Act provides for the Competition Commission to enter and search premises of persons who may have information relating to an investigation in terms of the Act. These enter and search actions by the Commission are a vital part of the gathering of information on prohibited actions, including participation in cartel activities, price fixing and tender rigging and they constitute a highly specialised activity and hence trust in a service provider is essential.

The Commission therefore relies on proven expertise as the results of such actions in the form of the evidence gathered that are subject to challenge and scrutiny by the courts. I have been advised that the Commission has been trying to increase the number of potential providers and has been bringing in other service providers to ensure that there is adequate expertise.

Of the 12 enter and search actions that have been undertaken since 1 April 2015, three have been referred to the Tribunal for prosecution. Nine of the 12 are still under investigation by the Commission. In the case against the Furniture Removals Companies, 25 of the 30 respondents have already settled with the Commission for a total of R15 069 172.

Since 2008, enter and search actions have contributed to successful cartel investigations which have resulted in R463 million in settlements and penalties imposed by the Competition Tribunal.

Since 1 April 2015, there are five (5) forensic service providers that have been utilised, namely:

1. Century Technical Solutions (Pty) Ltd,
2. Exactech (Pty) Ltd,
3. Matlama Consulting (Pty) Ltd,
4. eCybersystems (Pty) Ltd, and
5. Itsamaya Consulting.

Prior to 1 April 2015, the Commission had used the services of Exactech (Pty) Ltd, Matlama Consulting (Pty) Ltd, Cyanre, Computer LAB and Forensic Investigation Recovery Management (Pty) Ltd. Currently Century Technical and Exactect are still the preferred providers, given their expertise, but the other service providers are building their capacity.

A total of 12 enter and search actions have been undertaken since 1 April 2015.

Of these 12, each service provider participated in the following:

1. Century Technical Solutions (Pty) Ltd - 12 of the 12 enter and search actions
2. Exactech (Pty) Ltd - 11 of the 12 enter and search actions
3. Matlama Consulting (Pty) Ltd - 4 of the 12 enter and search actions
4. eCybersystems (Pty) Ltd - 3 of the 12 enter and search actions, and
5. Itsamaya Consulting - 1 of the 12 enter and search actions.

(d) The costs per enter and search action are as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | Enter and search actions | **Date of action** | **Service Provider/s** | **Cost to CC** | **Total per Raid** |
| 1 | CC v Human Communications and Others | 23 September 2015 | Century Technical Solutions (Pty) Ltd | R275 700,00  | **R275 700.00** |
|  |  |  |  |  |  |
| 2 | CC v Furniture Removal Companies | 30 September 2015  | Century Technical Solutions (Pty) Ltd  | R3 693 086,00 | **R5 131 767.04** |
| Exactech (Pty) Ltd  | R1 309 295,70 |
| Matlama Consulting (Pty) Ltd  | R129 385,44 |
|  |  |  |  |  |  |
| 3 | CC v Totalgaz and Others | 14 October 2015 | Century Technical Solutions (Pty) Ltd | R397 176,00 | **R933 417.83** |
| Exactech (Pty) Ltd | R10 486,83 |
| Matlama Consulting (Pty) Ltd  | R525 755,00 |
|  |  |  |  |  |  |
| 4 | CC v Glassfit and Others | 23 March 2016 | Century Technical Solutions (Pty) Ltd  | R2 690 273,01 | **R4 747 743.30** |
| Exactech (Pty) Ltd | R1 016 679,60 |
| Matlama Consulting (Pty) Ltd  | R1 040 790,69 |
|  |  |  |  |  |  |
| 5 | CC v PG Bison and Sonae  | 31 March 2016 | Century Technical Solutions (Pty) Ltd  | R2 225 250,00 | **R3 326 335.06** |
| Exactech (Pty) Ltd | R1 101 085,60 |
|  |  |  |  |  |  |
| 6 | CC v Mpact and Others | 26 May 2016 | Century Technical Solutions (Pty) Ltd  | R1 005 700,00 | **R1 583 149.93** |
| Exactech (Pty) Ltd | R341 114,20 |
| Matlama Consulting (Pty) Ltd  | R236 335,73 |
|  |  |  |  |  |  |
| 7 | CC v Maersk and Others | 28 September 2016 | Century Technical Solutions (Pty) Ltd  | R1 917 956,00 | **R4 130 992.54** |
| Exactech (Pty) Ltd | R2 213 036,54 |
|  |  |  |  |  |  |
| 8 | CC v Wilmar Continental Edible Oils and Fats (Pty) Ltd & Others | 08 December 2016 | Century Technical Solutions (Pty Ltd  | R1 619 004,00 | **R3 017 837.08** |
| Exactech (Pty) Ltd  | R1 398 833,08 |
|  |  |  |  |  |  |
| 9 | CC v Fresh Produce Market Agents | 23 March 2017 | Century Technical Solutions (Pty Ltd  | R3 496 379,78 | **R8 966 439.38** |
| Exactech (Pty) Ltd  | R5 470 059,60 |
|  |  |  |  |  |  |
| 10 | CC v Feedlots Association of South Africa and its Members  | 14 June 2017 | Century Technical Solutions (Pty Ltd  | R4 504 140,00 | **R11 574 533.60** |
| Exactech (Pty) Ltd  | R3 693 011,60 |
| eCybersystems (Pty) Ltd  | R3 377 382,00 |
|  |  |  |  |  |  |
| 11 | CC v Automatic Sprinkler Inspection Bureau and its Members | 03 August 2017 | Century Technical Solutions (Pty Ltd  | R5 487 504,00 | **R12 374 792.49** |
| Exactech (Pty) Ltd  | R1 975 524,00 |
| eCybersystems (Pty) Ltd  | R4 777 680,00 |
| Itsamaya Consulting  | R134 084,49 |
|  |  |  |  |  |  |
| 12 | CC v Altech UEC South Africa (Pty) Ltd and Others | 16 November 2017 | Century Technical Solutions (Pty Ltd  | R 659 893.96 | **R1 710 768.34** |
| Exactech (Pty) Ltd  | R 536 603,68 |
| eCybersystems (Pty) Ltd  | R514 270,70 |
|  | **Grant Total**  | **R57 773 476.59** |

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