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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**PARLIAMENTARY QUESTION 968**

**DATE OF PUBLICATION: 29 March 2018**

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

(1) (a) What number of (i) case backlogs does the Competition Commission have and (ii) days has each case been backlogged for, (b) what was the average time line, in days, from receiving a complaint to resolving a case in (i) 2015, (ii) 2016 and (iii) 2017 and (c) how does the commission monitor the (i) settlement agreements reached and (ii) progress on each agreement;

(2) have any cases been referred to the National Prosecuting Authority for prosecution; if so, what are the details of the cases? NW1061

**REPLY**

1. (a) What number of (i) case backlogs does the Competition Commission have and (ii) days has each case been backlogged for, (b) what was the average time line, in days, from receiving a complaint to resolving a case in (i) 2015, (ii) 2016 and (iii) 2017 and (c) how does the commission monitor the (i) settlement agreements reached and (ii) progress on each agreement

The Competition Commission advises that it has a total of 64 cases on backlog in cartel matters, with the periods of backlog differing by case, with the complexity of cases largely driving the period of the backlog.

The following table provides information on the average time taken for different cartel investigations as well as enforcement/other abuse of dominance and restrictive practices, for the past three years:

|  |  |  |  |
| --- | --- | --- | --- |
| Category | Average no. of days to complete all cases | | |
| 2015/16 | 2016/17 | 2017/18 |
| Cartels | 1044 days | 684 days | 1061 days |
| Enforcement Other- abuse of dominance, restrictive practices | 396 days | 329 days | 254 days |

All settlement agreements concluded between the Competition Commission (“the Commission”) and respondent firms are presented to the Competition Tribunal (“Tribunal”) for confirmation as consent orders of the Tribunal in terms of section 49D of the Competition Act 89 of 1998, as amended (“the Act”). Once so confirmed by the Tribunal, a consent order may in terms of section 64 of the Act, be served, executed and enforced as if it were an order of the High Court.

Where a settlement agreement contains an on-going commitment or undertaking by a respondent firm to pay penalties or to perform remedial action, performance is monitored by the legal and economic teams of the Commission.

(2) Have any cases been referred to the National Prosecuting Authority for prosecution; if so, what are the details of the cases?

The Commission has referred certain cases to the relevant criminal investigation agency for criminal investigation. The Commissioner advises that further details of the cases cannot be disclosed at this stage because they are subject to ongoing criminal investigation.

**-END-**