

## South Africa

[Please introduce here the name of  
your country]

### COMPETITION FRAMEWORK

Competition Law	<ul style="list-style-type: none"><li>- In South Africa, competition law is governed by the Competition Act No. 89 of 1998 which entered into force on November 30 1998</li><li>- The amendments made to the act are the following:</li><li>- Amended by National Health Insurance Act 20 of 2023</li><li>- Amended by Financial Sector Laws Amendment Act 23 of 2021</li><li>- Amended by Competition Amendment Act 18 of 2018</li><li>- Amended by Financial Markets Act 19 of 2012</li><li>- Amended by Competition Amendment Act 1 of 2009</li><li>- Amended by Co-operative Banks Act 40 of 2007</li><li>- Amended by Competition Second Amendment Act 39 of 2000</li><li>- Amended by Competition Amendment Act 15 of 2000</li><li>- Amended by Competition Amendment Act 35 of 1999</li></ul> <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>The Competition Commission and the Competition Tribunal are the main authorities in South Africa</p> <p><u>Competition Commission:</u> The Competition Commission is responsible for investigating and prosecuting anti-competitive behavior in South Africa. It acts as an investigator and prosecutor, looking into potential violations of the Act. It is an independent body that reports to the Department of Economic Development. The Commission's main functions, set out in section 21 of the Act, are: Investigate and prosecute restrictive horizontal and vertical practices; Investigate and prosecute abuse of dominant positions; Decide on mergers and acquisitions applications; Conduct formal inquiries in respect of the general state of competition in a particular market; Grant or refuse applications for exemption from the application of the Act; Conduct legislative reviews; and Develop and communicate advocacy positions on specific competition issues.</p> <p>Website: <a href="https://www.compcom.co.za/">https://www.compcom.co.za/</a></p> <p><u>Competition Tribunal:</u> The Competition Tribunal acts as an impartial judge on competition matters within South Africa. It operates independently, basing its decisions on the Act, the Constitution, and a commitment to fairness. The Competition Tribunal, an independent body, holds public hearings to decide on these matters. A panel of at least three members reviews each case and has the power to approve, conditionally approve, or block mergers, rule on prohibited practices, and award costs.</p> <p>Website: <a href="https://www.comptrib.co.za/">https://www.comptrib.co.za/</a></p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

<p>How many agencies are responsible for competition enforcement?</p>	<p>South Africa's Competition Act (Act No. 89 of 1998) sets up a three-part system to enforce fair competition in the market. This system consists of independent bodies: the Competition Commission, the Competition Tribunal, and the Competition Appeal Court (CAC).</p> <p>Each independent body has a set of rules which can be found in the website of the Competition Commission</p> <p>Competition Commission:  The Competition Commission is responsible for investigating and prosecuting anti-competitive behavior in South Africa;  The Competition Commission acts as an investigator and prosecutor, looking into potential violations of the Act;  It is an independent body that reports to the Department of Economic Development;  The Commission's main functions, set out in section 21 of the Act, are;  Investigate and prosecute restrictive horizontal and vertical practices;  - Investigate and prosecute abuse of dominant positions;  - Decide on mergers and acquisitions applications;  - Conduct formal inquiries in respect of the general state of competition in a particular market;  - Grant or refuse applications for exemption from the application of the Act;  - Conduct legislative reviews; and;  Develop and communicate advocacy positions on specific competition issues.</p> <p>Competition Tribunal:  The Competition Tribunal functions like a court, hearing cases presented by the Commission.</p> <p>Competition Appeal Court: The CAC serves as the appeals court, reviewing decisions made by the Tribunal.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>According to Section 3 of the Competition Act, if the Competition Law applies to an industry that already has another regulator, then both this law and the other regulator's rules apply to anti-competitive behavior (covered in Chapters 2 and 3) in that industry.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>The Competition Act (Act 89 of 1998, as amended) applies equally to industries, or sectors within them, even if another regulatory body oversees them. This creates concurrent jurisdiction for competition matters. The Competition Commission can establish Memorandums of Understanding (MoUs) with other regulators to manage situations where competition issues overlap with their regulatory responsibilities.</p> <p>Currently, there are 29 MOU's signed with South African regulatory bodies</p>

	<i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i>
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**DISAGGREGATED FUNCTIONS—  
PROSECUTORIAL MODEL**

Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	<i>[Answer: Yes or No]</i>  Yes	<p>The Commission initiates and conducts investigations into potential breaches of competition laws.</p> <p>Then, the Competition Tribunal adjudicates competition cases. It has the power to either uphold or modify the findings of the Competition Commission. Additionally, the Tribunal handles disputes regarding confidential information. If a party disagrees with the Tribunal's decision, they can appeal to the Competition Appeal Court</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
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Are disputes presented for decision to judiciary authorities?	<i>[Answer: Yes or No]</i>  Yes	<p>The Competition Appeal Court handles appeals against the decisions of the Competition Tribunal. It reviews decisions, considers appeals, and can set aside, amend, or confirm the Tribunal's decisions. The Judge President of the Competition Appeal Court is responsible for supervising and directing the court's work(Competition Act, Chapter 4, Part C).</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
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Do private rights of action to challenge competition law infringements exist in your jurisdiction	<i>[Answer: Yes or No]</i>  Yes	<p>According to the Competition Act (section 65), individuals who have suffered loss or damage as a result of a prohibited practice can commence an action in a civil court for the assessment and awarding of damages.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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**\* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

**THE COMPETITION COMMISSION**

**STATUS OF THE COMPETITION AUTHORITY**

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.	<p>According to Chapter 4. Section 21 of the Competition Act, The Competition Commission shall undertake a continuous review of legislation and public regulations, with the obligation to report to the Minister any provision that may facilitate uncompetitive.</p> <p><i>[Introduce the relevant provisions]</i></p>

		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	There is no provision that states that The decisions of the Competition Commission can be directly vetoed by a ministry yet, Chapter 3. section 18 of the Competition Act states the Minister can join merger reviews before the Competition Commission, Tribunal, or Appeal Court to advocate for public interests outlined in section 12A(3).  [Introduce the relevant provisions]
		√	The authority has to report on an annual basis to the executive.	According to Chapter 4, section 41 of the Competition Act, no later than six months after the Commission's fiscal year ends, the Commissioner submits an annual report to the Minister, which is then submitted to the National Assembly  [Introduce the relevant provisions]
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	According to Chapter 4, section 41 of the Competition Act, no later than six months after the Commission's fiscal year ends, the Commissioner submits an annual report to the Minister.  [Introduce the relevant provisions]
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	There is no obligation for the Commission to respond to the parliament but according to section 21 of the Competition Act, the Minister is obligated to table in Parliament any report submitted pursuant to subsection (1)(k), under section 43E(1)  [Introduce the relevant provisions]
		√	Its activities are monitored by an independent auditor or by oversight committees.	According to sections 40 and 41 of the Competition Act, the activities of the Competition Commission are monitored by the Auditor General, who audits the Commission's financial records each year  [Introduce the relevant provisions]
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	The Competition Appeal Court has the authority to review any decision of the Competition Tribunal and to consider appeals arising from the Tribunal's decisions:  According to section 61 of the

			<p>Competition Act, Parties affected by a Competition Tribunal decision can challenge it by appealing the decision directly to the Competition Appeal Court or by requesting the Competition Appeal Court to review the decision.</p> <p>[Aside from the relevant provisions please mention the judicial authority charged with the review]</p>
		X	<p>Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?</p> <p>There is no provision in the Competition Act that mentions an independent authority other than the judiciary for reviewing or controlling the decisions of the Competition Authority.</p> <p><i>[Aside from the relevant provisions, please mention the authority charged with the review]</i></p>
		<p><b>Other obligations/comments:</b> Please introduce any other obligation or comment that you consider relevant.</p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i></p>	
<b>Independence</b>		Please, answer "Yes" or "No"	
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<p>According to Section 22 of the Competition Act, the Minister appoints a Commissioner with relevant experience in economics, law, commerce, industry, or public affairs for a five-year term. Additionally, the Minister has the authority to remove the Commissioner from office under two conditions:</p> <p>Automatic Removal: Disqualification applies if the Commissioner encounters any of the situations outlined in section 28(3)(a) to (d). Discretionary Removal: Outside of automatic removal, the Minister can only dismiss the Commissioner for the following reasons:</p> <ul style="list-style-type: none"> <li>- serious misconduct;</li> <li>- permanent incapacity;</li> <li>- ongoing in any activity that may undermine the integrity of the Competition Commission.</li> </ul> <p>Additionally, according to section 23 of the Competition Act, he Minister appoints at least one Deputy Commissioner, and may appoint additional ones, with relevant experience in economics, law, commerce, industry, or public affairs. These deputies assist the Commissioner in carrying out the Competition Commission's functions.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is "no", explain briefly why in your opinion the criteria are not clear or transparent]</i></p>	
Does the executive have powers to decide on specific cases based on public interest?	Yes	<p>According to Chapter 3, Section 18 of the Competition Act, The Minister can join merger reviews by the Competition Commission, Tribunal, or Appeal Court to argue for public interests outlined in section 12A(3).</p>	

		<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i>
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	According to Chapter 3, section 14(3) of the Competition Act, in merger related decisions, the Competition Commission must make its decision public. This includes: (a) publishing a notice of the decision in an official government publication (Gazette) and (b) providing written reasons for the decision in two situations: (i) if they prohibit the merger or approve it with conditions, or (ii) if a party involved in the merger requests them. To ensure transparency, the Tribunal publishes its reasoning behind each decision on its website.  <i>[Please introduce the relevant provisions]</i>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	According to Chapter 4, Section 40 of the Competition Act, the Commission gets its funding from several sources: (a) money allocated by Parliament, (b) fees charged under the Act, (c) any interest earned by investing or depositing extra funds, and (d) any other income they receive.  <i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	According to Chapter 4, Section 40 of the Competition Act, the Commission gets its funding from several sources: (a) money allocated by Parliament, (b) fees charged under the Act, (c) any interest earned by investing or depositing extra funds, and (d) any other income they receive.  <i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>

### GOVERNANCE OF THE COMPETITION AUTHORITY

Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate Body According to Section 19(2) of the Competition Act, the Competition Commission consists of the Commissioner and two or more Deputy Commissioners  <i>[Answer “single chairman” if the directive organ of the authority is composed of one person. Answer “collegiate body” if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Directive Body]</i>
How are the members of the Authority's directive organ chosen?	According to Section 19(2) of the Competition Act, the Commissioner as well as the Deputy Commissioners are appointed by the Minister  <i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>
Is there a fixed period during which removal is prohibited?	No Even though removal is not prohibited during a certain period of time, according to section 22(5), The Commissioner can resign by submitting a written notice to the Minister, with one month's advance notice.  <i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>
Is the tenure of the heads renewable?	Yes According to section 22, re-appointment of the Commissioner for an additional term is possible upon expiry.  <i>[Please, introduce the relevant provisions]</i>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes The Minister appoints a Commissioner with relevant experience in economics, law, commerce, industry, or public affairs for a five-year term  <i>[If your answer is “yes”, please make reference to the qualifications required by law and the relevant provisions]</i>

### ARCHITECTUREA

Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<p>According to section 20 of the Competition Act, the Competition Commission is established as an independent body, subject solely to the authority of the Constitution and the law.</p> <p><i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i></p>	
<b>POLICY DUTIES</b>			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<p><i>[Answer with X/✓ as it applies]</i></p> <p style="text-align: center;">✓</p>	<p><b>Concurrent consumer protection mandate.</b></p> <p>South Africa has a Consumer Commission as well as a Consumer Protection Act</p>
		<p><i>[Answer with X/✓ as it applies]</i></p> <p style="text-align: center;">✓</p>	<p><b>Concurrent IP mandate.</b></p> <p>South Africa has a series of mandates on intellectual property including the Copyright Act, the Patents Act, the Trade Marks Act, and the Designs Act which are enforced by the The Companies and Intellectual Property Commission</p>
		<p><i>[Other mandates: Include any other mandates entrusted to the Competition Authority]</i></p>	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>South Africa's Competition Commission has a dedicated unit, the Cartels Division, to crack down on anti-competitive practices.</p> <p>This division enforces Section 4(1)(b) of the Competition Act, which prohibits collusion among competitors.</p> <p>The Cartels Division tackles this problem by investigating complaints, prosecuting offenders, and administering a corporate leniency program.</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>The Competition Authority has the power to investigate unilateral conduct, including abuse of dominance. The Competition Act establishes in Chapter 2, part B the prohibition of abuse of dominance.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>According to Chapter 3, Section 13 B of the Competition Act, the Competition Commission may direct an inspector to investigate any merger.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>	

Is the notification of merger transactions mandatory?	Yes	<p>According to chapter 3, section 13A a party to an intermediate or a large merger must notify the Competition Commission of that merger, in the prescribed manner and form</p> <p>While notification for small mergers isn't mandatory, the Commission holds the power to request it within six months of the merger's completion (section 13 of the Competition Act)</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>According to section 13A(3), for mergers that must be notified (intermediate and large), parties cannot implement the merger until it has been approved, conditionally approved, or prohibited by the Competition Commission or the Competition Tribunal</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>According to Chapter 3, Section 13 B of the Competition Act, the Competition Commission may direct an inspector to investigate any merger.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>According to Chapter 3, section 15 of the Competition Act, the Competition Commission can revoke its own decision to approve or conditionally approve a merger. If the decision to approve a merger was based on incorrect information, obtained by deceit, or if a firm has breached an obligation attached to the decision, the Competition Commission may revoke the approval and prohibit the merger.</p> <p>Additionally, the Competition Tribunal can make decisions regarding conditions related to mergers and enforce remedies as necessary</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>The Competition Act in Chapter 5, Part B, allows authorities to search for evidence of anti-competitive practices.</p> <p>Judges or magistrates can issue warrants permitting searches of specific properties if they believe a crime has occurred, is ongoing, or is likely to happen there, or if evidence is being stored there.</p> <p>These warrants detail the location, who can search (inspector or police officer), and their authorized actions (listed elsewhere in the Act). Warrants expire after one month or upon specific events.</p> <p>Warrant executions are generally restricted to daytime hours unless nighttime permission is granted.</p> <p>In some instances, inspectors can search properties other than residences without a warrant.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>According to Section 10A(3), upon identifying potential complex monopoly conduct within a market, the Competition Commission has the authority to investigate that market directly, bypassing the complaint process outlined in Chapter 5.</p>

		<i>[Please, mention the relevant provisions]</i>	
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>According to section 49E of the Competition Act, which was inserted by section 30 of Act 18 of 2018, the Competition Commission shall establish a leniency policy outlining the types of leniency available, the criteria for granting leniency, application procedures, and potential conditions attached to a leniency decision. This policy will be published in the Gazette. Consequently, in accordance with the established leniency policy, the Competition Commission has the authority to grant leniency, with or without conditions.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>	
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>According to section 74, any person convicted of an offense under the Act is liable to a fine or imprisonment. Specifically, for a contravention of section 73(1) or section 73A, the penalties can include a fine not exceeding R500,000 or imprisonment for up to 10 years, or both. For other offenses, the penalties can include a fine not exceeding R10,000 or imprisonment for up to six months, or both.</p> <p>Additionally, according to section 73A (4), if the Commission offers a leniency program they cannot prosecute someone for a violation if the Commission has certified that person's cooperation deserves leniency.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>	
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>According to Section 79A of the Competition Act, following consultation with the Competition Commission, the Minister has the authority to issue regulations.</p> <p><i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<p>According to section 78 of the Competition Act, the Minister must consult with the Competition Commission and publish a notice in the Gazette before making the regulations under sections 4, 5, 8, and 9.</p> <p><i>[if the answer is yes, include relevant provisions]</i></p>	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines?	Non-Binding	X	<i>[Guidelines on the calculation of fines]</i>
		<i>[Answer with X/ ✓ as it applies]</i>	
		✓	<i>[Guidelines on merger control]</i>
		<i>[Answer with X/ ✓ as it applies]</i>	
		X	<i>[Guidelines on the economic analysis of abuse of dominance cases]</i>
		<i>[Answer with X/ ✓ as it applies]</i>	

		<i>as it applies]</i>
Can the Competition Authority issue binding regulation on competition?	No	There is no provision that states the Commission's power to issue binding regulations on competition.  <i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>
<b>Research &amp; Reporting</b>		
Can the Competition Authority carry out market studies?	Yes	According to Chapter 4A, Section 43 the competition Commission is empowered to carry out market studies. The Commission can conduct market inquiries into the state, nature, and form of competition in a market, which includes investigating and evaluating competition levels and trends within particular sectors  <i>[If the answer is "yes", include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	No	The document does not provide specific information about whether the Competition Authority is required to report to the legislature on the results of market studies. However, it does mention the reporting obligations to the Minister, who may then relay information to the legislature if deemed necessary.  <i>[If the answer is "yes", include relevant provisions]</i>
<b>DECISION-MAKING FUNCTIONS</b>		
<b>Aggregated Functions</b>		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	The investigation is carried out by the Competition Commission, while the adjudication and final findings are made by the Competition Tribunal.  <i>[If the answer is "yes", include relevant provisions]</i>
Does the Competition Authority impose punishments?	Yes	According to Chapter 5, Section 59 The Competition Tribunal has the power to impose administrative penalties for prohibited practices.  These penalties can be significant, potentially reaching up to 10% of a firm's annual turnover in South Africa and its exports from South Africa during the firm's preceding financial year. In cases of repeat offenses, this penalty can increase to 25%  Additionally, according to Chapter 7, section 74, any person convicted of an offense in the terms of the Act will have a penalty imposed.  The severity of the punishment depends on the specific offense.  Violations of Section 73(1) or 73A can result in a hefty fine of up to R500,000, imprisonment for up to 10 years, or both.  For any other offense under the Act, the penalty is a maximum fine of R10,000, imprisonment for up to six months, or both.  <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	There is a separation of functions within the Competition Authority.  The Competition Commission is responsible for investigating complaints and conducting market inquiries. However, the final adjudication or finding of guilt is carried out by the Competition Tribunal. This separation ensures an independent and impartial review of the

		<p>findings made by the investigative body</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
Can the Competition Authority's decisions be appealed to a court?	Yes	<p>The decisions of the Competition Authority can be appealed to a court.</p> <p>The Competition Appeal Court has the jurisdiction to review and consider appeals arising from decisions made by the Competition Tribunal.</p> <p>The Competition Appeal Court can confirm, amend, set aside, or remit matters for further hearing by the Competition Tribunal</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		