

ECONOMIC DEVELOPMENT DEPARTMENT

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***competition*commission**
south africa

**AMENDED TERMS OF REFERENCE FOR THE DATA
SERVICES MARKET INQUIRY**

March 2019

1. BACKGROUND

The Competition Commission (“the Commission”) initiated a market inquiry into Data Services in South Africa in terms of Chapter 4A of the Competition Act, No. 89 of 1998 (as amended) (“the Act”) because it has reason to believe that there are features of the sector that prevent, distort or restrict competition, and/or to achieve the purposes of the Act.

The Commission gave notice in the Government Gazette¹ on 18 August 2017 announcing the establishment of the Data Services Market Inquiry (“the Inquiry”) in terms of Section 43B(2) of the Act. In terms of the notice, the Inquiry was expected to be completed by 31 August 2018. On 31 August 2018 the Commission gave notice in the Government Gazette² amending the timeline for completion of the Inquiry to 31 March 2019.

2. AMENDMENT OF THE TERMS OF REFERENCE

In terms of section 43B(5) of the Act, the Commission may, by way of an amendment to the Terms of Reference, amend the scope of the Inquiry, or the time within which the Inquiry is expected to be completed, by further notice in the Gazette.

Having regard to the comments, submissions and information gathered by the Inquiry to date, the Commission has decided to further amend the completion date. This is to allow for further analysis of extensive evidence gathered by the Inquiry (especially following the public hearings held from 17 October 2018 to 19 October 2018), further consultations with key stakeholders, and to finalise a report of its investigation. In terms of the amendment, the Inquiry will be completed by **31 December 2019**. The scope of the Inquiry remains unchanged.

3. NEXT STEPS

The Commission intends to release a provisional report by **30 April 2019**. The Commission will invite submissions on the provisional report. It will then engage in further consultations with key stakeholders before completing its assessment. Any changes to this timetable will be communicated by the Commission.

¹ Gazette No. 41054

² Gazette No. 41870