



PROGRAMME

FIFTEENTH ANNUAL COMPETITION LAW, ECONOMICS & POLICY CONFERENCE

DATE: 20 – 22 October 2021 • **PLATFORM:** Online via Zoom

MC's: Mpumi Tshabalala & Simphiwe Gumede

THEME: ECONOMIC RECOVERY AND RECONSTRUCTION – THE ROLE OF COMPETITION POLICY

DAY 1: Wednesday, 20 October 2021	
09:30 – 11:00	OPENING SESSION
09:30 – 09:45	Conference Opening Address & Welcome: Tembinkosi Bonakele (Commissioner, CCSA)
09:45 – 10:15	Launch of the Research Grant Programme James Hodge (Chief Economist, CCSA)
10:15 – 11:00	Keynote speech: Prof Somadoda Fikeni (Commissioner, PSC)
11:00 - 11:15	TEA BREAK
11:15 – 12:45	PLENARY SESSION 1: Lessons from the pandemic for future competition regulation
Background	<i>Competition agencies had to respond to the Covid-19 crisis as it unfolded yet each agency's response held within it the seeds of change in the way we should approach competition regulation in the future. Panellists in this session will discuss how the pandemic has influenced their current and future thinking on competition regulation and policy; investigative and judicial procedures; agency operations as well as competition enforcement.</i>
Speakers	Moderator: Yasmin Carrim (Tribunal Member, CTSA) Panellists: Mondo Mazwai (Chairperson, CTSA); Hardin Ratshisusu (Deputy Commissioner, CCSA); Francis Kariuki (Director – General, CAK).
12:45 - 13:30	LUNCH BREAK

13:30 - 14:30	<p>ACADEMIC SESSION 1 A - Competition enforcement in sectors that are critical for economic recovery (including the digital economy) Discussant: Grashum Mutizwa (Principal Analyst, CCSA)</p> <p>Academic papers:</p> <ul style="list-style-type: none"> Regional markets, competition and sustainability concerns in key food products: competition policy for recovery and resilience by Grace Nsomba, Simon Roberts, Ntombi Tshabalala Principles for setting merchant discount rates and interchange by Ryan Hawthorne, Sha'ista Goga, Nicola Wills, Zubair Patel, Gareth McHardy and Rory Macmillan Digitalisation in Africa: Developments and regulatory challenges from an ICT perspective by Sha'ista Goga and Ryan Hawthorne COVID-19 and beyond: Rethinking industrial and competition policy by Nishal Robb and Thando Vilakazi 	<p>ACADEMIC SESSION 1 B - The regulation of highly concentrated markets</p> <p>Discussant: Jason Aproskie (Principal Economist, CCSA)</p> <p>Academic papers:</p> <ul style="list-style-type: none"> The Impact of Entry on Competition in the South African Mobile Data Market: a Case Study on Rain Mobile by Rearabetsoe Karabo Motaung Lack of Transformation and Competition in the Electricity and Petroleum and Liquid Fuels Sectors: A South African Situation by Mashaole Nkgapele Regulating Data Markets through Open Banking: Lessons for South Africa by Godknows Giya, Salma Kagee and Tankiso Thibane Telecommunications in South Africa: enforcement of competition by Ewan Sutherland
15:00 - 17:00	<p>PLENARY SESSION 2: Building capable state institutions to support inclusive growth</p>	
Background	<p><i>Capable institutions are critical in the achievement of a growing and inclusive economy in South Africa. This session takes stock of challenges, progress and achievements over the last few years in South Africa. The session will also look at the experiences of the United States of America and Mexico.</i></p>	
Speakers	<p>Moderator: Prof Busani Ngcaweni (Principal, National School of Government) Panelists: Portia Derby (Group Chief Executive, Transnet), Alejandra Palacios Prieto (Former Commissioner, COFECE), Tembinkosi Bonakele (Commissioner, CCSA)</p>	

DAY 2: Thursday, 21 October 2021	
09:00 – 09:10	<p>Welcome: Tembinkosi Bonakele (Commissioner, CCSA)</p>
09:10 – 10:00	<p>Keynote speech: Retired Judge President Dennis Davis</p>
10:00– 11:00	<p>Keynote speech: Honourable Minister Ebrahim Patel (Minister of Trade Industry and Competition)</p>
11:00 – 11:15	<p>STRETCH BREAK</p>
11:15 – 13:15	<p>PLENARY SESSION 3: Competition enforcement in sectors that are critical for economic recovery (including the digital economy)</p>

Background	<i>The impact of Covid-19 and the necessary measures to contain it have had a devastating economic impact, especially on employment, small business and the fiscus. Government, business and labour are working on a social compact around a recovery plan to stimulate growth and restore employment levels in a constrained fiscal environment. This session will identify sectors that matter most for accelerated economic growth and meaningful recovery and discuss the role that competition policy and enforcement should play.</i>
Speakers	Moderator: Professor Fiona Tregenna (Tribunal member, CTSA) Panellists: Dr Thando Vilakazi (Executive Director, CCRED); Them bani Biyam (CEO, OrderIn); Professor Simon Roberts (University of Johannesburg); Tanya van Meelis (Acting DDG, DTIC); Khanyisa Qobo (Divisional Manager, CCSA)
13:15 – 13:45	LUNCH BREAK
13:45 – 14:15	Celebrating Professor Eleanor Fox Tembinkosi Bonakele (Commissioner, CCSA); Mondo Mazwai (Chairperson, CTSA); Yasmin Carrim (Tribunal member, CTSA)
14:15 – 15:00	Lecture by Professor Eleanor Fox
15:00 – 15:30	MOU signing ceremony South Africa and Barbados
15:30 – 15:45	MOU signing ceremony CCSA and Information Regulator
15:45 – 16:30	Launch of ACF Aviation Report ACF member countries

DAY 3: Friday, 22 October 2021	
09:30 – 10:00	Book Launch: Native Merchants. The building of the black business class in South Africa by Phakamisa Ndzamela and discussed by Adv Tembeka Ngcukaitobi
10:00 – 10:30	Address by Adv Tembeka Ngcukaitobi on Constitutionalism and access to Healthcare
10:30 – 12:30	PLENARY SESSION 4: The pharmaceutical industry: access to vaccines, diagnostic kits and related products during and after the Covid-19 pandemic
Background	<i>Covid19 shone the spotlight on the pharmaceutical industry and its long standing norms of patent protection and all the rights and responsibilities that come with it. This session will explore whether the benefits that have accrued to society, from the industry, tally with the potential harms that may have arisen from monopoly protections. The session seeks to learn from the development and distribution of Covid19 vaccines in order to inform the future role of competition regulation in the pharmaceutical industry. As part of the discussion we seek to answer (1) who should determine the pricing of these vaccines and related products, (2) how pricing is determined; and (3), do we have the right balance between the right to healthcare and intellectual property rights.</i>

Speakers	<p>Moderator: Retired Judge President Dennis Davis</p> <p>Panellists: Fatima Hassan (Head – Health Justice Initiative); Dr Clive Ondari (Director of Health Products, Health, Norms and Standards, WHO); James Hodge (Chief Economist, CCSA); Greg Harman (Managing Director, BRG)</p>	
12:30 – 13:00	LUNCH BREAK	
13:00 - 14:00	<p>ACADEMIC SESSION 2A – Lessons from pandemic enforcement for economic recovery enforcement</p> <p>Discussant: Thembaletu Buthelezi (Principal Economist, CCSA)</p> <p>Academic papers:</p> <ul style="list-style-type: none"> Block Exemptions as a tool for economic recovery and reconstruction: Lessons from the Covid-19 Block Exemptions - by Khalirendwe Ranenyeni, Qhawe Mahlalela, and Queen Khetsi Analysis of the impact of COVID-19 on micro, small and medium-sized enterprises in South Africa - by Grace Nsomba, Ntombi Tshabalala and Thando Vilakazi Demand in excessive pricing investigations: a comparative international view - by Willem Boshoff Pricing Enforcement During Crisis Periods – What Is The Best Way? - by Anthony Felet and Amy Wagner 	<p>ACADEMIC SESSION 2B – The role of public interest in recovery, including SMEs, transformation and other social goals (e.g. environmental, resilience, gender)</p> <p>Discussant: Reena das Nair (Associate Professor, UJ)</p> <p>Academic papers:</p> <ul style="list-style-type: none"> An Economic Perspective on the new South African Buyer Power Provision and Enforcement Guidelines - by Zoë van der Hoven, Kagiso Zwane and Paul Anderson Prioritising gendered public interest considerations by Betty Mkatshwa, Mpumelelo Tshabalala and Sonia Phalatse Rapidly increasing concentration in the South African retail pharmacy sector: a point of no return? by Yongama Njisane and Tankiso Thibane
14:00– 15:50	<p>PLENARY SESSION 5: The role of public interest in economic recovery and transformation</p>	
Background	<p><i>This session seeks to look at the role of public interest in economic transformation. The panel will debate issues emanating from the recent amendments and conflicting views emerging on the meaning, interpretation and scope of public interest factors, particularly the factor covering black economic empowerment.</i></p>	
Speakers	<p>Moderator: Bukhosibakhe Majenge (Chief Legal Counsel, CCSA)</p> <p>Panellists: Lindiwe Madonsela (Senior Manager, BBBEE Commission); Pamela Mondliwa (Senior Managing Consultant, BRG); Tamara Paremoer (Divisional Manager, CCSA)</p>	
15:50– 16:00	<p>CONFERENCE CLOSING: Mondo Mazwai (Chairperson, CTSA)</p>	