



DRAFT PROGRAMME

SIXTEENTH ANNUAL COMPETITION LAW, ECONOMICS & POLICY CONFERENCE

DATE: 31st August 2022 to 1st September 2022 **VENUE:** @Sandton Hotel, Sandton, SA

MC: Mpumi Tshabalala and Songezo Mabece

THEME: EFFECTIVE COMPETITION LAW ENFORCEMENT AND POLICY DEVELOPMENT FOR SUSTAINABLE, GROWING AND INCLUSIVE MARKETS

DAY 1: Wednesday, 31 st August 2022	
08:00 – 9:00	Registration
09:00 – 09:30	Conference Opening Address & Welcomes: Tembinkosi Bonakele (Commissioner, CCSA)
09:30 – 10:30	Keynote speech: Honourable Minister Ebrahim Patel (Minister of Trade, Industry and Competition)
10:30 – 10:40	TEA BREAK
10:40 - 12:00	PLENARY SESSION 1: Competition Regulation and Policy Development for Sustainable, Growing and Inclusive Markets
Background	<i>South Africa is currently facing constrained economic growth. Weak economic transformation, challenges of inequality, unemployment, low investment levels and over-regulation have been identified as some of the key contributing factors to South Africa's dire situation. There's need for an analytical comprehensive in-depth discussion on how government, business and labour can work together to alter the Country's trajectory - to an economy that grows and does so sustainably. The Panellists will set out the key economic questions and debate the decisions required from government, firms and labour and the role of competition authorities in creating this ideal South Africa.</i>
Speakers	Moderator: Dr Thando Vilakazi (Member, Tribunal) Panellists: Christopher Malikane (Professor, Wits), Simon Roberts (Professor, UJ), Haroon Bhorat (Professor, UCT), Zwelinzima Vavi (General Secretary, SAFTU)
12:00 – 13:00	The Competition Round Table: The Concentration Tracker Report
Background	<i>A study of merger filings identified persistent concentration in the SA economy which resulted in amendments to the Act designed to promote for effective enforcement of abuse of dominance, including as against SMEs and HDPs, deter conduct through higher fines and enable pro-competitive measures through market inquiries including structural breakups. The recently</i>

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	<p>released concentration tracking report confirms the earlier findings but also finds that markets with presumptively dominant firms are more likely to increase in concentration over time rather than reduce. During the pandemic competition law enforcement tools have been used to reduce gouging of essential products to relieve consumers. However, to date they have not resulted in structural changes to reduce concentration. The amendments which can be seen through, for instance, the public interest provisions, is an example of government's intention of using competition policy to reform concentrated markets and ensure an inclusive and transformative economy. Focused effort by different stakeholders using the tools they have is critical in changing this picture for the better. This Round Table will discuss what is to be done to deal with this problem? What tools are best placed to deal with this problem?</p>
Speakers	<p>Moderator: Ayabonga Cawe (Advisor, DTIC Minister and the PEAC)</p> <p>Panellists: Pamela Mondliwa (Advisor, SA Finance Minister), James Hodge (Chief Economist, CCSA), Tanya van Meelis (Acting DDG, DTIC)</p>
13:00 – 13:45	LUNCH BREAK
13:45 – 15:05	<p>PLENARY SESSION 2: The AfCFTA Competition Protocol: Mapping the road ahead.</p>
Background	<p>On 1 January 2021, the African Continental Free Trade Area (AfCFTA) took effect following the signature of the agreement by 54 of the 55 members of the African Union. This agreement creates the world's largest free trade area since the establishment of the World Trade Organisation and presents several opportunities for the continent including the doubling of the manufacturing capacity of the continent to \$ 1 trillion, creating more than 14 million jobs. The creation of the AfCFTA is likely to have significant impact on competitiveness, industrialization, and competition in markets within the continent and in South Africa. The Competition fraternity in the continent has taken a proactive approach in ensuring that competition in markets becomes an essential element in the foundations and operationalization of the AfCFTA. This session will map out the competition protocol for the AfCFTA.</p>
Speakers	<p>Moderator: Mapato Ramokgopa (Divisional Manager, CCSA)</p> <p>Panellists: Hardin Ratshisusu (Deputy Commissioner, CCSA), Eleanor Fox (Professor, NYU), Willard Mwemba (CEO, COMESA), Mahmoud Momtaz (Chair, Egyptian Competition Authority), Chris Charter (Cliff Dekker Hofmeyr), Malik Diallo (Head Trade Remedies, AfCFTA)</p>
15:05 – 15:20	TEA BREAK
15:20 – 16:40	<p>PLENARY SESSION 3: Global food crisis and competition policy responses</p>
Background	<p>The world is transitioning from a period of food abundance to that of food scarcity. While the world population has doubled in recent decades, the volume of food trade has increased sixfold. This means that many countries are becoming less self-sufficient in food supplies. The price spikes cause governments to raise export barriers to prevent food shortages in domestic markets. By disrupting global food supplies, price volatility undermines regional food security and contributes to social instability. Labelled 'a year of unprecedented hunger' by the UN World Food Program, 2022 is defying governments to fend off 'an impending food catastrophe' as the UN Secretary General called it. The panellists will discuss how healthy competition in global food markets can contribute to food security and what role competition authorities may play in bringing about a more stable market environment.</p>
Speakers	<p>Moderator: Alexey Ivanov (Director, BRICS Competition)</p> <p>Panellists: Shri Yogesh Kumar Dubey (CCI), Andrey Tsyganov (Deputy Head, FAS Russia), Guo Qia (Deputy Head, (SAMR China)</p>

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16:40 – 17:20	<p>Book launch: Global Food Value Chains and Competition Law' (Cambridge University Press, 2022)</p> <p>Edited by: Ioannis Lianos, Alexey Ivanov, and Dennis Davis with contributions from a large international group of authors coordinated by the BRICS Competition Law and Policy Centre.</p> <p>Speakers: Eleanor Fox (Professor, NYU), Ioannis Lianos (President, HCC), Dennis Davis (Professor, UCT), Pierre Regibeau (Chief Economist, DG Comp), Simon Roberts (Professor, UJ), Claudio Lombardi (Lecturer, Aberdeen University)</p>
17:30 – 20:30	Gala Dinner

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08:30 – 08:55	Registration
09:00 – 09:30	In conversation with Doris Tshepe (Commissioner, CCSA)
09:30 – 10:50	<p>PLENARY SESSION 4: Building State Institutions: Looking back over the last 9 years and lessons for South Africa</p>
Background	<p>The competition authorities have in different platforms been recognized as high performing State institutions. As Tembinkosi Bonakele bids farewell to competition regulation, we look back on his leadership over the past 9 years and draw lessons from his term on establishing and maintaining a capable State institution. The panelists will also exchange learnings with other State institutions that have earned the respect of their peers, such as the Competition Authority of Kenya and insights based on experiences from the United States. Key stakeholders will weigh in with their perspectives of what makes a capable State institution; what the Competition Commission has done well; and what the Commission can do better in future to improve on its performance.</p>
Speakers	<p>Moderator: Mondo Mazwai (Chairperson, Tribunal)</p> <p>Panellists: Tembinkosi Bonakele (Former Commissioner, CCSA), Francis Kariuki (Head of Competition Authority, Kenya), Bill Kovacic (Professor, GWU)</p>
10:50 – 11:05	TEA BREAK
11:05 – 12:25	<p>PLENARY SESSION 5: Characterizing Horizontal Agreements</p>
Background	<p>The characterization debate has resurfaced in recent times in the Dawn Consolidated Holdings and the Tourvest matters that have come before the courts. Considering earlier decisions on horizontal agreements, such as the SAB matter and ANSAC matter, the question arises as to what the appropriate approach to horizontal agreements should be. The Panel will deliberate on how competition authorities should characterize horizontal agreements and on the effect of characterization on the authorities' future capacity to investigate and prosecute cartels and the ultimate effect of characterization on market conduct and the economy.</p>
Speakers	<p>Moderator: Bukhosibakhe Majenge (Chief Legal Counsel, CCSA)</p> <p>Panellists: Makgale Mohlala (Divisional Manager, CCSA), Isabella Kentridge (Counsel, Thulamela Chambers), Tembeka Ngcukaitobi (SC, Duma Nokwe Group), Michelle le Roux (SC, Group 621), Bill Kovacic (Professor, GWU)</p>
12:25 – 12:40	LUNCH BREAK
12:40 – 14:00	<p>PLENARY SESSION 6: Digital markets: Do we have the correct toolbox?</p>
Background	<p>The increasing levels of regional integration and globalization of markets, especially within the digital economy, has seen a rise in cross border conduct / cartel cases and multi-jurisdictional</p>

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	notification of mergers. Even where conduct by a single firm does not have a multi-jurisdictional impact, jurisdictions are increasingly dealing with common conduct issues in national markets. Cooperation between various jurisdictions can ensure more efficient and effective enforcement of competition laws and avoid unnecessary inconsistencies and duplication of effort. With properly established linkages, jurisdictions can develop and maintain trust and transparency, support and facilitate efficient and effective international business compliance with competition laws. In this session, panellists will share insights on the necessary and optimal forms of cooperation amongst agencies for effective enforcement against global tech firms.
Speakers	Moderator: James Hodge (Chief Economist, CCSA) Panellists: Daryl Dingley (Partner, Webber Wentzel), Pierre Horna (Legal affairs Officer, UNTACD), Andrey Tsyganov (Deputy Head, FAS Russia), Yogesh Kumar Dubey (CCI), Helen Kean Redpath (Associate, BRG)
14:00 – 14:15	TEA BREAK
14:15 – 14:40	Competition Hourglass: EU Digital market experiences Presenter: Ioannis Lianos (President, HCC)
14:40 – 15:05	Competition Hourglass: Preliminary OPMI Report Presenter: James Hodge (Chief Economist, CCSA)
15:05 – 16:25	PLENARY SESSION 7: Role of competition regulation in promoting inclusivity for employees and firms – Unpacking section 12A (3) (c) and section 12A (3) (e) of the Act
Background	The amendments can be seen, through the public interest provisions, as an example of government's intention of using competition policy to correct for the skewed distribution in ownership and ensure an inclusive and transformative economy. Section 12A(3)(c) and Section 12A(3)(e) are two such provisions. Section 12A(3)(c) requires that considerations be given on effect that proposed transactions will have on “the ability of small and medium businesses, or firms controlled or owned by historically disadvantaged persons, to effectively enter into, participate in or expand within the market” . Whilst Section 12A(3)(e) requires that considerations be given on the effect that proposed transactions will have on “the promotion of greater spread of ownership, in particular to increase the levels of ownership by historically disadvantaged persons and workers in firms in the market” . In this session, panelists will discuss the interpretation of these provisions as well as the design principles of ESOPs or HDI ownership, to ensure uniformity (in terms of value and funding modes) and transformation as desired by these provisions.
Speakers	Moderator: Ngwako Maenetje (SC, Ngwako Group) Panellists: Lebogang Mabidikane (Member, ACP), Tamara Paremoer (Divisional Manager, CCSA), Narias Moloto (GS, NACTU), Liberty Mncube (Competition Tribunal Member), Tony Ehrenreich (Regional Secretary WC, COSATU)
16:25 – 17:00	Conference Closing: Mondo Mazwai (Chairperson of the Competition Tribunal)
17:30 – 20:00	Networking Session