



**competition commission**  
south africa

**Media Statement**

**For Immediate Release**

**27 February 2023**

**COMMISSION PUBLISHES FINAL GUIDELINES ON THE EXCHANGE OF COMPETITIVELY SENSITIVE INFORMATION**

On Friday, 24 February 2023, the Competition Commission (Commission) published Guidelines on the Exchange of Competitively Sensitive Information in the Government Gazette. This follows requests from various stakeholders, including businesses and industry associations, for the Commission to clarify what constitutes permissible and impermissible information exchange.

The gazetted guidelines detail the type of information exchange that may potentially be harmful to competition and when such exchange may enhance efficiencies. In addition, the guidelines outline the Commission's general approach to determining whether information that is exchanged between firms that are competitors amounts to an exchange of competitively sensitive information in contravention of section 4 of the Competition Act No. 89 of 1998 (as amended).

The Commission wishes to thank all stakeholders who through a process of public participation and submissions, that started in July 2017 until November 2022, contributed to the discussion of the topic. Due consideration was given to all submissions received and the process culminated in the publication of the final Guidelines on the Exchange of Competitively Sensitive Information.

The Commission hopes that the guidelines will assist stakeholders to differentiate between the exchange of information that is likely or unlikely to raise competition concerns.

The guidelines can be accessed on the Commission's website at: <https://www.compcom.co.za/wp-content/uploads/2023/02/Final-Guidelines-on-the-exchange-of-Competitively-Sensitive-Information-February-2023.pdf>

**[ENDS]**

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