



# PROGRAMME

## SEVENTEENTH ANNUAL COMPETITION LAW, ECONOMICS & POLICY CONFERENCE

**DATE:** 28 and 29 September 2023 | **VENUE:** The Canvas Riversands Conference Centre, Fourways

**MC:** Karabo Motaung and Ofentse Motshudi

**THEME:** Towards competitive markets, transformation and deconcentration

### DAY 1: 28 September 2023

08:00 – 08:30	<b>Registration</b>
08:30 – 09:00	<b>Conference Opening Address &amp; Welcome:</b> Doris Tshepe (Commissioner, CCSA)
09h00 – 09h45	<b>Keynote speech:</b> Honourable Minister Ebrahim Patel (Minister of Trade, Industry and Competition)
09h45 – 10h00	<b>TEA BREAK</b>
10h00 – 11h30	<b>PLENARY SESSION 1:</b> <b>AfCFTA in practice - exploring the way forward since the adoption of the Competition Protocol</b>
	<i>The Competition Protocol of the African Continental Free Trade Area (AfCFTA) has been signed and adopted by the African Union, ushering in a new era of cooperation amongst competition agencies operating in the free trade area and the establishment of a Continental Competition Authority (CCA). This panel will explore the practical implications of the adoption and implementation of enforcement of CCA and how it is likely to impact national, regional and continental markets and enforcement. Panellists will discuss the direction they think the CCA should take on jurisdiction and cooperation with regional and national authorities including designing the boundaries where-when-how CCA's and regional or national competition authorities' role and accountability will unfold.</i>

DAY 1: 28 September 2023

	<p><b>Moderator: Mr Hardin Ratshisusu, Deputy Commissioner, CCSA</b></p> <p><b>Panellists:</b> Malick Diallo (AfCFTA Secretariat); Isaac Tausha (COMESA), Tanya van Meelis (DTIC); Molly Askin (U.S. Federal Trade Commission); Tony Ehrenreich (COSATU); Wangombe Kariuki (Consultant: Competition and Trade)</p>
11h30 – 13h00	<p><b>PLENARY SESSION 2</b></p> <p><b>Sector focus: Inflation and competition enforcement in food and agro-processing</b></p>
<b>Background</b>	<p>Food inflation has been persistently high since the beginning of Covid, in large part a product of different economic shocks from export restrictions, supply chain constraints, fuel and fertiliser price shocks and global commodity market movements. However, analysts globally have identified that so-called ‘greedflation’ and ‘rocket and feather’ behaviour has worsened food inflation, from a level and persistence perspective. The structure of modern, globally traded agricultural markets have also been identified as making food products particularly susceptible to such shocks (e.g. the role of fuel and fertiliser as a cost driver). The panel will explore in an SA context whether there is a basis to be concerned about such behaviour and the incremental impact on food inflation, and whether market structure makes the sector less resilient. The panel will also explore how competition enforcement may best engage the issues around food inflation.</p>
<b>Speakers</b>	<p><b>Moderator: James Hodge, Chief Economist, CCSA</b></p> <p><b>Panellists:</b> Wandile Sihlobo (Agbiz), Neva Makgetla (TIPS); Prof Reena Das Nair (UJ); Alexey Ivanov (BRICS Competition Law Centre), Isaac Tausha (COMESA),</p>
13h00 – 14h00	LUNCH BREAK
14h00 – 15H30	<p><b>PLENARY SESSION 3:</b></p> <p><b>Pursuing deconcentration and transformation in merger control</b></p>
<b>Background</b>	<p>Merger control seeks to prevent increases in concentration that result in a prevention or lessening of competition. The last few years have highlighted several challenges for merger control in achieving this objective. This includes serial acquisition strategies prevalent in sectors such as retail grocery and pharmacy where difficulties exist in developing the amendments on merger creep. Another has been the selection of the most problematic purchasers in Business Rescue processes for failing firms, and calls for pre-notification in such cases. There is also the dynamic competition role that public interest provisions can play in both de-concentrating the economy, whilst also transforming its ownership structure. This panel will explore these challenges and how best to take merger control forward if it is to more effectively prevent undue concentration and contribute to de-concentration.</p>
<b>Speakers</b>	<p><b>Moderator: Wiri Gumbie, Principal Analyst, CCSA</b></p> <p><b>Panellists:</b> Chris Charter (CDH and ACLP Chair), Ratshidaho Maphwanya (CCSA), Michelle le Roux (Advocates Group 621); Lisa D. DeMarchi Sleight, (Bureau of Competition, U.S. Federal Trade Commission)</p>
15h30 – 15h45	TEA BREAK
15h45 – 17h00	<b>Showcasing Advocacy Initiative: Study of women in business</b>

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	Khanyisa Qobo (CCSA), Betty Mkatshwa (CCSA), Kuhle Majola (CCSA), Dr. Euginia Kula (Business Women Organisation of South Africa), and Bernadette Zeleir (Johannesburg Chamber of Commerce and Industry)
18h00 – 22h00	Gala dinner - Accolades Boutique Venue, 72 Dale Road, President Park, Midrand, Gauteng 1685

DAY 2: 29 September 2023

08h30 – 09h00	Registration
09h00 – 09h45	<b>View from the Tribunal</b> Mondo Mazwai (Chairperson, CTSA)
09h45 – 10h45	<b>Has the Competition Act survived its challenges, 25 years later?</b> Norman Manoim, Judge President CAC
10h45 – 11h00	TEA BREAK
11h00 – 12h30	<b>PLENARY SESSION 4:</b> <b>Sector focus: Developing competitive energy markets</b>
<b>Background</b>	<i>The electricity crisis has highlighted the lack of resilience and pricing concerns with energy markets that are unduly concentrated. However, the energy crisis has also removed obstacles to market reforms, such as the unbundling of Eskom and the end of licence restrictions on generation, and spurred investment in alternative energy sources, in particular renewables but also gas (natural, LPG and LNG). As a consequence, future energy markets are likely to be more diversified in energy sources, and potentially more competitive. This panel will explore the path to developing a more competitive and resilient energy market, including necessary reforms and the potential obstacles and how those may be overcome.</i>
<b>Speakers</b>	<b>Moderator: Dr Liberty Mncube, Tribunal Member, CTSA</b> <b>Panelists:</b> Prof Prathaban Moodley, (SANEDI); Khanyisa Qobo (CCSA), Dr Pierre Horna (UN-ESCAP) online; Mark Niefer (U.S. Department of Justice)
12h30 – 13h30	LUNCH BREAK
13h30 – 15h00	<b>PLENARY SESSION 5:</b> <b>Sector focus - competition enforcement priorities in the path to NHI</b>
<b>Background</b>	<i>The passing of the National Health Insurance (NHI) Bill has set South Africa on a path to a single national health insurance for all citizens. Whilst there will be a single purchaser for health services, the NHI will purchase from private providers of primary and tertiary healthcare, pharmaceutical companies, consumables, medical equipment and devices. The market structure and strength of competition within these markets will impact on the NHI and the transition to NHI. Higher costs of care as a result of less competitive markets will slow the transition and increase the cost of the NHI. However, in some areas the single purchaser may resolve some of the competition concerns itself. The panel will focus on where competition</i>

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	enforcement should focus in the critical transition path to the NHI in order to make the NHI itself successful.
	<p><b>Moderator: Mapato Ramokgopa, Divisional Manager, CCSA</b></p> <p><b>Panellists:</b> Prof Nicolas Crisp (NDoH), Fatima Hassan (HJI) online, Dr Rajesh Patel (BHF), Dr Siphon Kabane (Head CMS), Phumelele Makatini (CEO of HFA); Dr Ntuthuko Bhengu (Alchemy Health Technologies)</p>
15h00 – 15h15	TEA BREAK
15h15 – 16h45	<p><b>PLENARY SESSION 6:</b></p> <p><b>Development of appropriate legal standards</b></p>
<b>Background</b>	<p><i>There is considerable global debate on appropriate legal standards within competition law, in part by the challenges of digital markets, but importantly also within the context of developing countries. The recent amendments to the Competition Act sought to change the legal and liability standards for abuse of dominance provisions in the context where these had proved inappropriate for the challenges faced by the economy. Cases under the prima facie standard have set some precedent around the interpretation of those legal standards. More recently, the Constitutional Court in Mediclinic set out some legal standards for interpreting the constitutional requirements within competition law. This panel will discuss how the amendments and ConCourt rulings are shaping the legal standards and where these may go in future.</i></p>
<b>Speakers</b>	<p><b>Moderator: Mpumi Tshabalala, Senior Legal Counsel, CCSA</b></p> <p><b>Panellists:</b> Bukhosibakhe Majenge (CCSA), Jerome Wilson (Advocates Group 621), Ngwako Maenetje SC (Duma Nokwe Group of Advocates), Tembeka Ngcukaitobi SC (Duma Nokwe Group of Advocates), Andrey Tsyganov (FAS)</p>
16h45 – 17h00	<p><b>Conference closing</b></p> <p><b>Deputy Commissioner: Hardin Ratshisusu</b></p>
17h00 till late	<b>Networking Cocktail</b>