



competition commission
south africa

Media Statement

For Immediate Release

28 September 2023

INVITATION FOR PUBLIC COMMENT ON THE DRAFT REVISED PUBLIC INTEREST GUIDELINES

The Competition Commission of South Africa (Commission) calls on all stakeholders and interested parties to submit comments on the draft revised Public Interest Guidelines related to merger control that were published today.

In February 2019, the Competition Act 89 of 1998 was amended to address concentration and the lack of transformation in the South African economy. The public interest provisions in merger control were amended to specifically include public interest grounds to address ownership, control, and support of small businesses and firms owned or controlled by historically disadvantaged persons.

The draft revised guidelines outline the Commission's approach to the public interest assessment as envisaged in section 12A of the Act and aim to provide certainty to merger parties and the legal fraternity about the Commission's approach to the public interest assessment.

The draft revised guidelines now clarify that the competition and public interest assessment are equal in status and that a public interest assessment is mandatory in all merger transactions, whether or not they are likely to result in a substantial lessening or prevention of competition.

The Commission encourages all interested parties, including businesses, legal experts, industry associations, and concerned citizens to review the draft guidelines and submit their comments within 30 days of the publication of the notice of the draft revised Public Interest Guidelines in the Government Gazette. Comments should be submitted to the Mergers & Acquisitions Division for the attention of Ms. Phillipine Mpane, email: phillipinem@compcom.co.za.

The draft revised guidelines can be accessed [here](#).

[ENDS]

Issued by:

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