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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1294

04 DECEMBER 2020



***competition*commission**
south africa

**AMENDED RECOMMENDATION TIMELINES FOR THE
DATA SERVICES MARKET INQUIRY**

December 2020

1. BACKGROUND

The Competition Commission (“the Commission”) initiated a market inquiry into Data Services in South Africa in terms of Chapter 4A of the Competition Act, No. 89 of 1998 (as amended) (“the Act”) because it had reason to believe that there are features of the sector that prevent, distort or restrict competition, and/or to achieve the purposes of the Act.

The Commission gave notice in the Government Gazette¹ on 18 August 2017 announcing the establishment of the Data Services Market Inquiry (“the Inquiry”) in terms of Section 43B(2) of the Act. The Commission released its final report for the Inquiry on 2 December 2019, and published the final report in the Government Gazette² as required by Section 43C(1) on 6 December 2019.

2. AMENDMENT OF RECOMMENDATIONS

By way of this notice, the Commission amends its recommendations in order to extend the recommended timelines for certain recommendations.

Specifically, the recommendation for legislative changes to be effected to the Electronic Communications Act by the Department of Telecommunications and Postal Services (now the Department of Communications and Digital Technologies) within 12 months³, is amended to a time period of 24 months. Accordingly, the recommendation for regulatory changes to be effected by the Independent Communications Authority of South Africa (“ICASA”) is amended to a time period of 30 months, from the current 18 months in the final report of the Inquiry⁴. This provides for 24 months for the legislative changes and a further 6 months for the regulatory actions require of ICASA.

¹ Gazette No. 41054

² Gazette No. 42891

³ See Data Services Market Inquiry Final Report, para. 54, 735

⁴ See Data Services Market Inquiry Report, para. 53.1, 734.1

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