Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 694 | 7 April April | 2023 | No. 48407

ISSN 1682-5845

48407

9 771682 584003

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

Contents

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3271 **7 April 2023**

PUBLICATION OF THE STEEL MARKET INQUIRY DRAFT TERMS OF REFERENCE IN TERMS OF SECTION 43(B) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED)

Notice is hereby given that the Competition Commission ("Commission") will conduct an inquiry into the Steel market in terms of section 43B of the Competition Act, 89 of 1998, as amended (the Act). The Draft Terms of Reference ("the ToR") for the market inquiry are set out below for public comments.

In terms of sections 43B(2) and 43B(4) of the Act, the Commission must publish a notice in the Government Gazette announcing the establishment of the market inquiry, "*setting out the terms of reference for the market inquiry and inviting members of the public to provide information to the market inquiry" and "must include, at minimum, a statement of the scope of the inquiry, and the time within which it is expected to be completed*".

Public comments are invited on the draft scope of the inquiry on or before **Friday, 5 May 2023**. Written submissions can be sent to ccsa@compcom.co.za for attention of Ms Mapato Ramokgopa and Mr Tlabo Mabye.

competitioncommission south africa

SOUTH AFRICAN STEEL INDUSTRY INQUIRY

TERMS OF REFERENCE

DRAFT FOR PUBLIC COMMENTS

30 MARCH 2023

TABLE OF CONTENTS

1. INITIATION AND LEGAL BASIS OF THE MARKET INQUIRY

1.1. The Competition Commission ("the Commission") will conduct a market inquiry into the South African Steel Industry[1] ("the Steel Industry Inquiry"). The Steel Industry Inquiry is initiated in terms of section 43B(1)(a) of the Competition Act 89 of 1998 ("the Act"), as amended, on the basis that the Commission has reason to believe that there exist market features which impede, distort or restrict competition in the South African steel industry. These reasons are set out below along with the draft scope of the inquiry. Public comments are invited on the scope of the inquiry on or before **Friday, 5 May 2023**.

1.2. The Terms of Reference ("ToR") are published in terms of section 43B (2) of the Act read together with section 43B(4). In terms of section 43B(2) and section 43(B)(4) of the Act, the Commission must publish a notice in the Government Gazette announcing the establishment of the market inquiry at least 20 business days before the inquiry commences, *"setting out the terms of reference for the market inquiry and inviting members of the public to provide information to the market inquiry"* and *"must include, at minimum, a statement of the scope of the inquiry, and the time within which it is expected to be completed"*. In accordance with these provisions, this ToR sets out the draft scope for the Steel Industry Inquiry.

1.3. Although the ToR delimits the scope of the market inquiry as currently envisaged, additional and related matters not identified herein may arise during the conduct of the inquiry. If the Commission believes that the ToR should be amended in any way, either through the addition of new matters or exclusion of matters currently identified herein, the ToR may be amended in terms of section 43B (5) of the Act.

1.4. Upon completing the market inquiry and in accordance with section 43C of the Act, the Commission will publish a report of the inquiry in the Gazette and will also submit the report to the Minister of Trade Industry and Competition.

2. BACKGROUND TO SOUTH AFRICAN STEEL INDUSTRY

2.1. Steelmaking remains a key strategic industry for South Africa, representing 1.5% of the country's GDP and accounting for some 190 000 jobs. South Africa's crude steel production capacity is currently about 9.4Mt per annum, while iron making capacity is 5.8Mt per annum.[1] In 2021, South Africa was also noted as the 32nd largest crude steel producer in the world, with an output of 5.0Mt.[2] With regard to basic iron, South Africa produced 2.3Mt of iron in 2020, which accounted for 0.2% of global production, compared to 4.5Mt in 2019.[3]

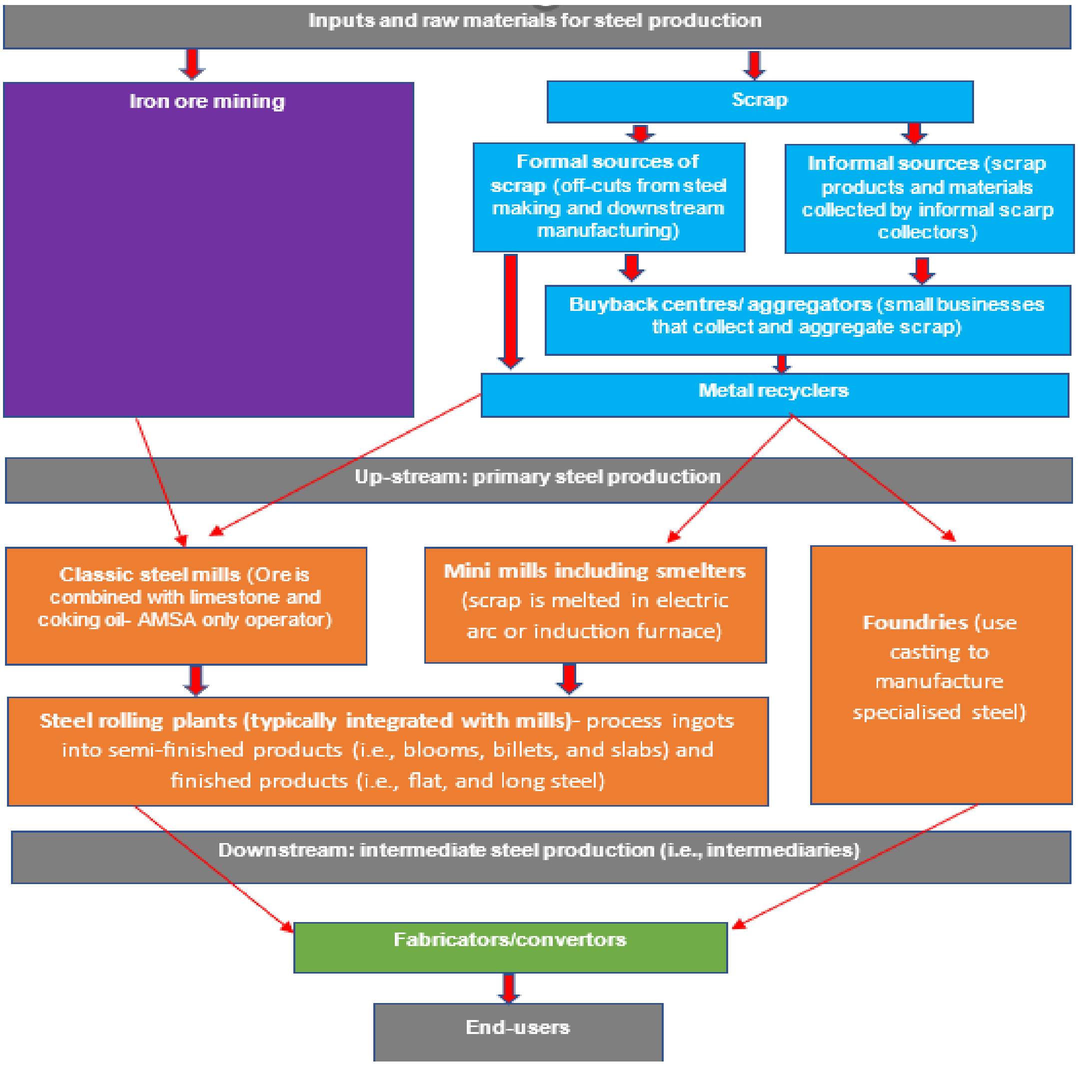
2.2. In terms of the Commission's prioritization framework for competition law enforcement, intermediate industrial products have been identified as a priority sector. Steel is an essential input into many strategic and core segments of the economy. As such, the South African steel markets and steel value chains and the competitive dynamics therein, are one of the Commission's key focus areas for competition regulation and enforcement.

Steel Industry Value Chain

2.3. The steel industry has a direct link with iron ore mining and scrap industries. The two main inputs in steel production are iron ore and scrap metal, including other additional inputs such as coking coal, liquified natural gas and manganese. Mining companies of iron ore and scrap dealers all supply inputs to steel manufacturers and who convert the iron ore and scrap metal into steel products which are later used as inputs into various end user industries such as construction, mining, and automotives. The figure below illustrates the South African steel supply chain and value chain.

1 Who Owns Whom report on Manufacture of Basic Iron and Steel in South African, May 2022.
2 Who Owns Whom report on Manufacture of Basic Iron and Steel in South African, May 2022.
3 Who Owns Whom report on Manufacture of Basic Iron and Steel in South African, May 2022

Figure 1: South African Steel Value Chain



Source: South African Steel and Metal Fabrication Master Plan, 1.0

3. RATIONALE FOR THE STEEL INDUSTRY INQUIRY

3.1. The purpose of the Steel Industry Inquiry is to examine whether there are any features in the steel industry which impede, distort or restrict competition in the South African steel industry. The section that follows provides the basis upon which the Commission has reason to believe that there may be a feature or combination of features in the steel industry that impede, distort or restrict competition in the steel industry. The Commission endeavours to use competition law and policy in a manner that proactively regulates markets in the steel industry.

Challenges facing the South African Steel Industry

3.2. In 2014, the South African steel industry was ranked nineteenth in terms of global crude steel production and is the largest producer on the African continent, producing more than half of continent's steel output.[4] For the year 2018 and 2019, the World Steel Association ranked South Africa number 27th globally, for the production of crude steel.[5] In 2021, South Africa was ranked as the 32nd largest crude steel producer in the world, with an output of 5.0Mt.[6] This clearly indicates that South Africa's competitiveness in the production and supply of steel is declining.

3.3. It has been noted post the 2009 financial crisis, that the industry's contribution to the overall local GDP has fallen considerably[7]. Although basic iron and steel products contributed R20.5bn or 0.4% to South Africa's GDP in 2021, factors such as poor economic growth, high input costs, inconsistent supply of electricity, poor performance and high costs of rail and port services, both with regard to (1) the sourcing of iron ore and (2) the movement of finished product via rail to domestic markets, port and export to Africa over land, reduced production due to the availability of cheaper imports, challenging trading conditions, high tariffs and lack of infrastructural developments are preventing the basic iron and steel manufacturing and wholesale industry, from contributing more.[8]

3.4. The South African steel production declined by 17.8% year on year in August 2019 to an estimated 434,000 tonnes according to figures from the World Steel Association. In 2019, South African crude steel accounted for 0,33% of total global steel production. In 2020, South Africa accounted for 0,21% of global crude steel production.[9]

[4] Merchantec Research on Steel Industry Supply Analysis: Deliverable 1 document (the document can accessed here Steel.Industry.Supply.Analysis.23.09.14.pdf (solidariteit.co.za)
[5] World Steel Association's world steel figure 2018 and 2019 (the document be accessed here World Steel in Figures 2020i.pdf
6 Who Owns Whom report on Manufacture of Basic Iron and Steel in South African, May 2022.
7 South Africa - gross domestic product (GDP) 2027 | Statista
8 Who Owns Whom Report on the Manufacture of Basic Iron and Steel in South Africa, May 2022
[9] https://www.worldsteel.org/steel-by-topic/statistics/annual-production-steel-data/P1_crude_steel_total_pub/CHN/IND

3.5. Employment in the steel industry has also been on a downward spiral. A 35% loss of jobs has been noted between 2010 and 2019 in the manufacture of basic iron and steel products. The loss in employment has been exacerbated by the impact of Covid 19 pandemic since 2020.

Scoping study conducted by the Commission in the Steel Industry

3.6. The Steel Industry Inquiry seeks to identify any feature and or combination of features in the domestic market that may distort competition and/or are contributing to decline in the competitiveness of the South African steel industry. The objective of the Steel Industry Inquiry is to identify and assess such features.

3.7. The primary purpose of the scoping research study was to scope competition issues in the steel value chain. The scoping research was based on the Commission's previous and ongoing investigations through merger control, enforcement, and publicly available information.

3.8. The sections below highlight some of the key findings and competition concerns arising out of the scoping research study.

A. ***Inputs and Raw Materials***

3.9. The key inputs in steel production include iron ore and coking coal. The findings in respect of these key inputs are summarized below:

Iron ore

3.10. The domestic iron ore industry has the potential to be globally competitive owing to the high quality of iron ore produced. South Africa is also geographically well situated to export iron ore to the global market and thus quite export oriented[10]. The iron ore sector is however characterised by limited companies operating in the market. The

[10] https://www.angloamericankumba.com/~/media/Files/A/Anglo-American-Kumba/investor-presentation/iron-steel-2final.pdf pg., 1.

Commission through its enforcement interventions has noted potential competition concerns relating to the conduct of firms in relation to pricing including the impact of international commodity markets on the price of iron ore. Other competition concerns arising from this level of the value chain, observed through the Commission's investigations, include possible barriers to entry and expansion faced by emerging iron ore miners which include *inter-alia* access to essential logistics infrastructure. Below are competition concerns identified in relation to iron ore as one of the inputs in steel production.

Market concentration and market power

3.11. The Commission's concentration tracker report noted that the largest three market participants in the mining of iron ore account for more than 95% of total ore mined in the country based on 2018 estimates. The largest player has a share of more than 55% of the market and the second largest player accounted for just under a quarter of the market in 2019. The third-largest iron ore miner held a market share of just under 15%[11].

3.12. Also taking into consideration the levels of production (capacity and low production costs) of large players in the market versus other smaller iron ore producers, there is a need for assess whether incumbents may have the ability to act without constraint from their competitors or customers, and therefore possess some degree of market power.

Pricing dynamics

3.13. The pricing of iron ore plays an important role on the competitiveness of the steel producers. It remains unclear from a competition perspective as to whether a price set relative or close to what may be achievable in international markets bears any reasonable relation to production costs and/or any other competitive price that may be used as a benchmark. As a result, there is a need to assess the pricing mechanisms followed by iron ore producers in South Africa.

[11] https://www.compcom.co.za/wp-content/uploads/2021/12/Concentration-Tracker-Main-Report-1.pdf , pg. 204-205.

Access to logistics infrastructure and impact on emerging iron ore miners

3.14. The transportation of iron ore from mines to steel plants is another key part of the viability of any local steel production. Sufficient port capacity and the availability of rail transport as well as the efficiency thereof are key to the value chain. Transnet's role in provision of rail capacity is paramount to unlocking local supply and competition in the global market. Sishen–Saldanha railway line (also known as the ORYX line) runs from Sishen mine in the Northern Cape to Saldanha Bay in the Western Cape and allows iron ore to be delivered at AMSA's Saldanha facility (until 2019) or exported to the international markets.

3.15. Information received by the Commission in the past revealed that there are contractual arrangements with respect to allocations of capacity on the ORYX line. The competition concerns likely to arise in this regard, is whether such allocations are done in a competitive and non-discriminatory manner, and whether such arrangements do not have the potential to affect and impede participation and expansion of emerging miners to export iron ore.

3.16. In addition, the Commission has in the past, received numerous complaints that relate to differentiated pricing where larger rail customers appear to receive lower rates for rail infrastructure and better terms than emerging miners. As a result, there is a need to assess how rail capacity is allocated and how such allocation impacts on the ability of emerging miners to enter and participate in the supply of iron ore.

Other barriers to entry and expansion associated with production and supply of iron ore

- *Regulatory barriers*

3.17. Mining companies in the iron ore market face regulatory barriers with respect to mining rights and compliance with environmental impact regulations. South Africa's minerals market is regulated by the Department of Mineral Resources and Energy. To start mining of iron ore, the following must be obtained: mineral rights to mine iron ore. In terms of environmental considerations, the mining of iron ore, especially surface mining, has a severe impact on the environment including soil erosion, dust, noise, and water pollution, and impact on local biodiversity. Mining companies must, therefore, undertake measures to minimize their impact on all aspects of the environment before a mining right can be granted. Therefore, there is a need to assess whether the regulatory requirements constitute some of the features that may be distorting competition within the market for supply of iron ore.

Coking Coal

3.18. In previous investigations, the Commission found that in addition to iron ore, coking coal has a significant percentage contribution to the production costs of iron and steel. The primary use of hard coking coal is to produce coke which is used as a reductant in steel production. To achieve this, coking coal is baked in an oven without oxygen where the coal becomes ‘plastic’ before re-solidifying into coke particles.

3.19. This means that in addition to iron ore, as a raw material, coking coal is also a vital input into the steelmaking process. Previous investigations have also uncovered that South African steel manufacturers rely significantly on imported coking coal since this input is not manufactured on a large scale in South Africa. However, the South African steel industry’s reliance on imported coking coal which attracts import taxes, could negatively impact the sustainability of steel production in South Africa. Moreover, reliance on imports in some markets allows local producers to set their prices at import parity levels.

3.20. From a competition perspective, it may be important to consider the factors that relate to access and availability of coking coal for the steel production process; the prices at which this key input is made available to South African steel manufacturers;[12] and whether there are any policy interventions which can be considered to encourage entry into the South African coking coal manufacturing market and if there are any support structures that can be put in place to assist potential entrants to overcome the

[12] Some steel manufacturers have turned to other African countries such as Zimbabwe for the supply of coking coal.

barriers which they face.

B. ***Upstream Primary Steel Production***

3.21. Competition concerns that have been identified in this level of the value chain, particularly in relation to steel mills, include: market concentration, pricing and barriers to entry.

Market Concentration

3.22. The scoping study conducted by the Commission revealed that there are just three blast furnace plants in South Africa which primarily use iron ore in steel production (although about 20-30% of scrap is added too) and all of them are owned by one company. In addition, there are six electric arc furnaces in the country which produce steel using scrap. These electric arc furnaces are owned by six different companies.

3.23. The market structure of steel production in South Africa has not changed much since the formation of Iscor Ltd ("Iscor"). Iscor was established as a state-owned company in 1927, under The Iron and Steel Industrial Corporation Act No. 11 of 1928 (the "ISIC")[13] . In 1953, Iscor started a new mining operation, in Sishen Iron Ore Company ("Sishen"). In 1977 Iscor started production in Newcastle integrated steelworks and long products mill. That same year the Sishen railroad, linking the company's open pit mine to the coast was completed, and Iscor began exporting iron ore with initial exports of 1.6 million tons. The company benefitted from a large degree of government protection, restricting imported steel and favouring Iscor's moves into the export market. In the early 1990s, when Iscor went through financial strain, a joint venture with the South African government's Industrial Development Corporation (the "IDC"), allowed for the expansion of a new steel production plant at Saldanha[14] from 1996 to 1999. Iscor remained a parastatal until the late 1980s, enjoying its dominant position under state protection, with up to 85 percent of the domestic steel market.[15]

[13] http://www.arcelormittalsa.com/portals/0/the-history-of-arcelormittal-south-africa.pdf.Accessed 25 June 2014.
[14] Saldanha is mainly export orientated, located in the Western Cape and produces flat steel.
[15] http://www.fundinguniverse.com/company-histories/iscor-limited-history. Accessed 06 March 2023.

3.24. In 2001 the company was forced to break into its mining and steel components. The "unbundling" formed iron ore mining as Kumba Resources ("Kumba") and steel making as Iscor now known as AMSA.[16] Currently, AMSA is still the leading steel producer with an annual capacity of 7 million tons.[17] The flat steel market has been dominated by AMSA for over 70 years largely due to significant state support.[18]

3.25. AMSA operated three steel plants prior to 2020 namely; Newcastle; Vanderbijlpark and Saldanha Bay. AMSA took the decision in 2019 to close Saldanha Bay steel plant. Up until 2019, Saldanha Steel had been operating at a loss. The Saldanha Bay plant produced 1.2 million tons of steel per annum with a staff compliment of 568 employees. The closure of Saldanha Bay Steel resulted in significant job losses.

Price settging mechanisms and impact on downstream metal fabricators

3.26. The pricing behavior of upstream suppliers, in relation to the supply of long and flat steel, may have a direct impact on the ability of downstream metal fabricators to be competitive in their respective markets.

3.27. As mentioned above, the largest upstream supplier of input materials to metal fabricators in South Africa is AMSA, which is also the largest steel producer in sub-Saharan Africa.[19]

Barriers to entry and ownership of steel mills

3.28. Some of the information in possession of the Commission (although not conclusive), suggests that entry barriers in upstream level of steel production may be high. The barriers may range between high and very high depending on the type of facility or

[16] http://www.arcelormittalsa.com/Company/History.aspx. 24 June 2014A controlling stake of Iscor was acquired in August 2004 by Anglo-Dutch steel producer LNM holdings. Later that year Ispat International acquired LNM holdings. In 2005, the company began trading as Mittal Steel. In 2006 Mittal Steel ultimately became ArcelorMittal South Africa following the acquisition by Mittal and the subsequent merger with Arcelor.
[17] Who we are (arcelormittalsa.com). Accessed 06 March 2023.
[18] K. Barzeva *et.al.* "Competitive Dynamics and Barriers to entry in the Scrap and Metal Steel Industries" 29 November 2013.
19 Our company (arcelormittalsa.com)

steel mill required[20]. High capital costs may be required to establish a steel plant. It appears most companies must generate their own start-up capital when entering the market. There is also an indication of high cost of equipment owing to considerable reliance on imported machinery and equipment in this industry. These factors have the potential to increase the capital requirements for entry and sustainability in various markets in the upstream level[21].

Conclusion

3.29. The Steel Industry Inquiry will therefore seek to determine if there are market features impeding competition at the inputs level of the value chain particularly in respect of market concentration, pricing of inputs, and barriers to entry and expansion. Iron ore has been identified as one of the key inputs in steel production and as a result, the Steel Industry Inquiry will have to assess the challenges facing emerging iron ore miners. In addition, the Steel Industry Inquiry will assess pricing of iron ore in South Africa and whether such pricing raises any competition concerns owing to cost implications to local steel producers.

3.30. Coking coal is also a significant cost driver in steel production. Further, coking coal market segment is highly concentrated considering that there is only one major producer locally, and about 50% of this input is imported. The Steel Industry Inquiry will also look at the possible impact this may have on the competitiveness of upstream primary steel production.

3.31. The scoping study conducted by the Commission revealed that it does not appear as though there has been significant greenfield investment in recent years with regards to steel plants in South Africa. The majority of steel mills and/or steel plants in the different product market segments are owned by AMSA conferring its dominant position in the production of steel.

3.32. The Commission is of the view that the Steel Industry Inquiry targeted at inputs and

[20] Cape Gate (Pty) Limited v. Cape Gate Fence and Wire Works (Pty) Limited merger, Case No: 2016May0238
[21] Cape Gate (Pty) Limited v. Cape Gate Fence and Wire Works (Pty) Limited merger, Case No: 2016May0238; Robor (Pty) Ltd (“Robor”) and Masteel Service Centres South Africa Proprietary Limited (“Macsteel”) v. Masteel in respect of its tubes and pipes business (being acquired by Robor) and Robor (being acquired by Macsteel), Case No: 2018Jun0035.

upstream level of the value chain may assist in identifying and addressing some of the features that may be distorting competitiveness and/or competition in the steel industry.

3.33. There is information to suggest that there may be some import duties protecting steel producers in South Africa and it is important to assess the impact of such duties on the domestic downstream steel market.

3.34. The main objective of the Steel Industry Inquiry is to achieve the purposes outlined in section 2 of the Act which provides that *"the purpose of this Act is to promote and maintain competition in the Republic in order-*

(a) to promote the efficiency, adaptability and development of the economy;
(b) to provide consumers with competitive prices and product choices;
(c) to promote employment and advance the social and economic welfare of South Africans;
(d) to expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic;
(e) to ensure that small and medium-sized enterprises have an equitable opportunity to participate in the economy; and
(f) to promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons.

4. SCOPE OF THE STEEL INDUSTRY INQUIRY

4.1. Consistent with section 43B of the Act, the Steel Industry Inquiry will focus on whether there are any steel industry features that may impede, distort or restrict competitiveness of the industry. The Steel Industry Inquiry will be confined to only two levels of the steel value chain; namely:(i) the raw materials and inputs; and (ii) the upstream steel production level. In addition, the inquiry will focus on the impact of these levels of the value chain on the domestic downstream steel market.

4.2. The themes of the inquiry will be categorised as follows:

Inputs and raw materials level of the value chain

4.3. Specific focus will be on iron ore and coking coal. With respect to iron ore, the inquiry's objective will be on fostering effective competition and elimination of barriers to entry and expansion by considering the following:

4.3.1. Assessment of key transport and logistics infrastructure required by emerging iron ore miners and other exporters. This will encompass assessment of allocation of rail and port capacity including arrangements and agreements in place between Transnet and large suppliers of iron ore;

4.3.2. Price setting mechanisms of iron ore (i.e. the pricing of iron ore which is set relative to export prices and its impact of the competitiveness of the steel industry); and

4.3.3. Barriers to entry and expansion including regulatory requirements.

4.4. With respect to coking coal, the inquiry's objective will be on addressing supply constraints and addressing costs of procuring this input by considering the following:

4.4.1. Supply constraints;

4.4.2. Pricing of coking coal;

4.4.3. Localization, entry and expansion of coking coal supply; and

4.4.4. Offtake agreements in place.

Upstream steel production

4.5. With respect to the upstream steel production level, the inquiry's objective will be on addressing the barriers to entry and expansion as well as promoting competition for the benefit of the economy and consumers. At this level of the of the value chain, the inquiry will focus on the following:

4.5.1. Review of ownership patterns of steel mills in South Africa and the state of competition;

4.5.2. Measures to promote entry and expansion of steel producers, in particular firms owned by small and medium businesses and/or firms controlled or owned by historically disadvantaged persons;

4.5.3. Challenges faced by steel producers and factors surrounding the closure of some steel mills; and

4.5.4. Price setting mechanisms (including pricing trends in South Africa vs international pricing – and South Africa's price stickiness); and further consider pricing to downstream players and the role that traders play in price setting.

4.5.5. Assessment of historical and current industrial policies in place to support the steel producers. The focus will be on *inter-alia:*

4.5.5.1. Evaluation of the extent to which historical and current industrial policies have been used by steel producers to promote the competitiveness of the industry and overall benefit to the economy;

4.5.5.2. The role of tariffs and trade remedies in the steel industry; and

4.5.5.3. The impact of import duties on the downstream steel industry.

4.5.6. Impact of the upstream steel producers' behaviour on the downstream market - including availability of supply, pricing, quality etc.

5. OUTCOME OF THE INQUIRY

5.1. In terms of section 43C of the Act, if the Commission establishes that there is an adverse effect on competition, it must determine the action that must be taken. In addition, it must determine:

5.1.1. whether it must make recommendations to any Minister, regulatory authority or affected firm to take action to remedy, mitigate or prevent the adverse effect on competition; and

5.1.2. if any such action must be taken, the action that must be taken in respect of what must be remedied, mitigated or prevented.

5.2. In terms of section 43D of the Act, the Commission has a duty to remedy adverse effects on competition. The Commission may, in relation to each adverse effect on competition, take action to remedy, mitigate or prevent the adverse effect on competition.

5.3. Any action taken in terms of remedying an adverse effect on competition must be reasonable and practicable, taking into account relevant factors, including:

5.3.1. the nature and extent of the adverse effect on competition;

5.3.2. the nature and extent of the remedial action;

5.3.3. the relation between the adverse effect on competition and the remedial action;

5.3.4. the likely effect of the remedial action on competition in the market that is the subject of the market inquiry and any related markets;

5.3.5. the availability of less restrictive means to remedy, mitigate or prevent the adverse effect on competition; and

5.3.6. any other relevant factor arising from any information obtained by the Commission during the market inquiry.

5.4. Further, on the basis of information obtained during the Inquiry, the Commission may initiate a complaint and enter into a consent order with any respondent, with or without conducting any further investigation;

5.4.1. initiate a complaint against any firm for further investigation;

5.4.2. initiate and refer a complaint directly to the Competition Tribunal without further investigation;

5.4.3. take any other action within its powers in terms of the Act recommended in the report of the Inquiry; or

5.4.4. take no further action.

5.5. Any interested person who is materially and adversely affected by a determination of the Commission in terms of the above outcomes, may, within the prescribed period, appeal against that determination to the Competition Tribunal.

6. THE STEEL INDUSTRY INQUIRY TIMELINES AND PROCESS

6.1. The public is invited to submit comments on these draft Terms of Reference by **5 May 2023**. Written submissions can be sent to ccsa@compcom.co.za for attention of Ms Mapato Ramokgopa and Mr Tlabo Mabye. All submissions will be reviewed, and a final Terms of Reference published by the Commission.

6.2. The Steel Industry Inquiry will commence 20 days after the publication of the final Terms of Reference and the final report will be completed within 18 months as per the statutory requirements of 43B(2) and 43B(4)(a) respectively. Details on the administrative phases of the inquiry along with Guidelines for Participation will be made available on the Commission's website once the final Terms of Reference are published. At that point, members of the public and businesses will be invited to provide written representations and information to the inquiry.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065