2026/2027

competitiontribunal
SOUTH AFRICA

ANNUAL PERFORMANCE PLAN
1 APRIL 2026 – 31 MARCH 2027

Foreword by Executive Authority

The Competition Tribunal's 2026/27 Annual Performance Plan (APP) sets out a clear programme of outputs and targets aimed at advancing the vision of the Tribunal's governing legislation and ensuring that competition policy continues to serve the broader developmental objectives of our country. Through the effective application of the Competition Act, the Tribunal plays a vital role in creating an inclusive economy in which a growing number of South Africans can meaningfully participate and contribute to shared prosperity.

A central responsibility of the Tribunal remains the careful balancing of competition considerations with public interest considerations in mergers. This balance is essential to supporting economic growth while advancing transformation and industrialisation as well as strengthening participation by historically disadvantaged individuals and firms.

In the year ahead, the dtic will continue to prioritise the accelerated implementation of industrial policy, particularly through sector-focused master plans that support economic expansion and job creation. The Tribunal plays a key supporting role in this process by ensuring that anti-competitive conduct does not undermine industrialisation efforts and that competition regulation continues to support sustainable economic growth. Strengthening domestic manufacturing, deepening localisation, and increasing exports will remain central priorities, and a competitive and inclusive market environment is essential to achieving these objectives.

The outputs contained in this APP remain aligned with the ongoing work of the dtic in promoting reindustrialisation, job creation, transformation and building a capable state. The advancement of Broad-Based Black Economic Empowerment (B-BBEE) remains a central pillar of government's economic transformation agenda. The work of the Tribunal in giving effect to public interest provisions is therefore of significant importance in ensuring that growth is inclusive, equitable, and sustainable over the long term.

I would like to express my appreciation to the management and governance structures of the Tribunal for their continued commitment and professionalism. I am confident that the institution will continue to execute its mandate effectively and align its work with government's broader economic and social priorities while remaining firmly within its statutory mandate.

The Competition Tribunal's 2026/27 Annual Performance Plan is hereby submitted in accordance with the Revised Framework on Strategic Plans and Annual Performance Plans.

Mr Parks Tau, MP
Minister of Trade, Industry, and Competition

Foreword by Deputy Minister

The Competition Tribunal's 2026/27 APP remains an important instrument in advancing South Africa's economic transformation and inclusive growth agenda. Through the execution of its mandate, the Tribunal continues to play a critical role in ensuring that competition policy supports national priorities aimed at promoting industrial development, job creation, and broader economic participation.

The work of the Tribunal directly supports the strategic objectives of the dtic and reinforces government's commitment to building a more dynamic, competitive, and equitable economy. By ensuring that markets remain open, fair, and accessible, the Tribunal contributes meaningfully to the empowerment of historically disadvantaged individuals and the growth of local enterprises.

Economic transformation, growth, and job creation remain at the centre of government's development agenda. The Tribunal's continued consideration of public interest factors in merger reviews and competition matters remains a powerful mechanism for promoting transformation and ensuring that the benefits of economic growth are more broadly shared across society.

Equally important is the role of good governance and institutional stability across the dtic and its entities, including the Tribunal. The Tribunal's continued commitment to sound governance, transparency, and accountability, as reflected in its consistently clean audit outcomes and institutional performance, contributes to the broader objective of building a capable and effective state.

The implementation of this 2026/27 APP will further strengthen the impact of the dtic's strategic priorities through deeper collaboration among its entities and stakeholders. I commend the leadership and staff of the Tribunal for their continued professionalism and dedication to their mandate, and I look forward to the continued progress that will be made in using competition regulation as a driver of economic transformation and inclusive growth.

Zuko Godlimpi, MP
Deputy Minister of Trade, Industry, and Competition

Foreword by Accounting Authority

This APP for the 2026/2027 financial year marks the second year of implementation of the Competition Tribunal's five-year strategic framework for the period 2025–2030. The APP serves as a key planning instrument, translating the Tribunal's long-term strategic priorities into defined outcomes, and targets to ensure the effective and efficient execution of its statutory mandate.

The Tribunal is an independent and impartial adjudicative body whose function is to hear and decide mergers and complaints of anticompetitive conduct under the Competition Act. While it cannot proactively set policy priorities, the Tribunal through its adjudicative functions contributes to the objectives set in the NDP, the dtic policy imperatives and overarching joint/integrated outputs (Industrialisation, Transformation and a Capable State) as well as the Growth and Inclusion Strategy (GAIN), within the parameters of its legislative mandate.

This APP is prepared in the context of an economic and geopolitical environment characterised by stagnant GDP growth and increased cost of living pressure. These developments have direct implications for economic activity and ultimately for consumers. This requires vigilance to ensure that our interventions in mergers and prohibited practises shield consumers from the effects of anti-competitive conduct.

Accordingly, the Tribunal's key priorities for the 2026/2027 financial year include to maintain high adjudicative efficiency, strengthening institutional capacity, and leveraging digital solutions to enhance the effectiveness our case management process.

The Tribunal remains capacity constrained at a member level. The Competition Act provides for a maximum of 15 Tribunal members who must have qualifications in law or economics. The current complement of two full-time members and four part-time members impacts the Tribunal's ability to execute its mandate efficiently. Increasing the number of full-time and part-time members will significantly enhance and improve efficiencies.

In response to the sustained growth in both the volume and complexity of matters before the Tribunal, we will place continued emphasis on building internal capacity. The Tribunal's mandate requires an institution that is agile, appropriately resourced, and equipped with the requisite expertise to adjudicate increasingly complex and high-stakes competition matters. To this end, ongoing training of both staff and members will continue to be prioritised ensuring better quality and consistency in decision making.

The enhancement of the Tribunal's case management system remains a strategic focus, with targeted technological interventions aimed at improving efficiency, transparency, and accessibility. The work done in the 2025/2026 financial year will continue as the Tribunal works towards implementing a new case management system. The incorporation of advanced technology including the responsible adoption of artificial intelligence will increase the Tribunal's efficient use of its limited resources.

While the volume and complexity of cases before the Tribunal have increased significantly over time, the institution's resources, particularly its human capital and budget, have remained relatively constant. The Tribunal's budget will increase by 0.1% over the MTEF period, which is below inflation. This will make it impossible for the Tribunal to fully implement its organisational structure adopted in the 2023. With these limited resources, ensuring that our adjudicative processes are efficient remains important.

The core outcome of the Tribunal is to adjudicate in a manner that promotes inclusive participation in markets and competitive conduct by market participants, in support of a transformed economy. This outcome is underpinned by two strategic pillars.

The first is Sound, Efficient and Responsive Adjudication. The seven KPIs linked to this strategic outcome speak to the management of cases and the delivery of decisions in a timely manner.

The second strategic pillar underpinning the Tribunal's outcomes is Transparent, Accountable and Sustainable entity which speaks to the Tribunal's governance. This is captured in the remaining 14 KPIs which are aimed at ensuring that the Tribunal conducts its affairs in a transparent manner, remains accountable, and ensures sustainability in its operations.

Optimisation of the budget is a key priority for the Tribunal as 70% of our total expenditure budget is allocated to staff costs. The Tribunal remains committed, through prudent financial management, sound procurement practices, and responsible employment policies, to continue upholding high standards of governance, sustaining its clean audit outcome. In 2024/2025, the Tribunal achieved its 9th consecutive clean audit, reflecting the strength of its governance arrangements and financial controls.

In conclusion, the Tribunal remains resolute in its commitment to fostering inclusive and competitive markets through sound, efficient and responsive adjudication and good governance, in the interests of all South Africans.

Mondo Mazwai
Chairperson, Competition Tribunal

Official sign-off

It is hereby certified that this Annual Performance Plan of the Competition Tribunal for the period 1st April 2026 to 31st March 2027 was:

i) Developed by the management of the Competition Tribunal under the guidance of the Accounting Authority – Ms. Mondo Mazwai.

ii) Prepared in line with the Competition Tribunal's Strategic Plan for the five-year period 2025/2026 – 2030/2031.

iii) Accurately reflects the performance targets the Competition Tribunal will endeavour to achieve over the 2026/2027 financial year.

Sarie Treeby

Signature: ______________________

Chief Financial Officer - Competition Tribunal

Date 30 March 2026

Ratshi Maphwanya

Signature: ______________________

Chief Operating Officer - Competition Tribunal

Date 30 March 2026

Mondo Mazwai

Signature : M Mazwai

Chairperson – Competition Tribunal

Date 30 March 2026

Approved by:

Mr Parks Tau, MP

Signature: ______________________

Minister Trade, Industry and Competition

Executive Authority of the Competition Tribunal

Date______________________

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Abbreviations and Acronyms

AfCFTA	African Continental Free Trade Area
AG	Auditor-General
APP	Annual performance plan
BBBEE	Broad-based black economic empowerment
Commission	Competition Commission
Competition Act	Competition Act 89 of 1998
CAC	Competition Appeal Court
COVID-19	Coronavirus Disease 2019
the dtic	Department of Trade, Industry and Competition
ERRP	Economic Reconstruction and Recovery Plan
EME	Exempted Micro Enterprise
ENE	Estimates of National Expenditure
ESKOM	Electricity Supply Commission, SA's electricity public utility
GNU	Government of National Unity
HDIs	Historically Disadvantage Individuals
HR Management	Human Resource Management
ICASA	Independent Communications Authority of South Africa
ICN	International Competition Network
ICT	Information and communications technology
IEAP	Integrated Economic Action Plan
IT	Information technology
Minister	Minister of Trade, Industry and Competition
MTEF	Medium Term Expenditure Framework
NDP	National Development Plan
NGO	non-government organisation
OECD	Organisation for Economic Co-operation and Development
PFMA	Public Finance Management Act
PPEs	Personal Protective Equipment
PWDs	Persons With Disability
RMC	Risk Management Committee
SADC	Southern African Development Community
SCM	Supply Chain Management
SMME	Small, medium, and micro-sized enterprise
TID	Technical indicator description

Tribunal	Competition Tribunal
WTO	World Trade Organisation

PART A: OUR MANDATE

1. Constitutional Mandate

The Competition Tribunal's constitutional mandate is contained in Section 34 of The Constitution of the Republic of South Africa, 1996 which states that "Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal and forum."

In 1999, the Competition Act 89 of 1998 (the Act) was promulgated, thereby establishing a Competition Commission (Commission), the Competition Tribunal (Tribunal), and a Competition Appeal Court (CAC). The Competition Tribunal is responsible for the adjudication of matters pertaining to restrictive practices, abuse of a dominant position and mergers.

In 2019, the amendments to the Act came into force. The amendments ushered in new provisions to strengthen the competition authorities in addressing persistently high levels of economic concentration and lack of inclusivity, to open up access to markets for small businesses to participate equitably in the economy.

2. Legislative Mandate

The Tribunal is an independent and impartial body with jurisdiction throughout South Africa. It is required to perform its functions without fear, favour or prejudice, subject only to the Constitution, the law, and its legislated mandate.

The Tribunal's purpose is to promote and maintain competition in the Republic in order to:

a) Promote efficiency, adaptability, and development of the economy.
b) Provide consumers with competitive prices and product choices.
c) Promote employment and advance the social and economic welfare of all South Africans.
d) Expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic.
e) Ensure that small and medium-sized enterprises have an equitable opportunity to participate in the economy.
f) Promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons; and
g) Detect and address conditions in the market for any particular goods or services, or any behaviour within such a market, which tends to impede, restrict or distort competition in connection with the supply or acquisition of those goods or services within the Republic.

3. Alignment to Government Policy Outcomes

In the implementation of its mandate, the Tribunal is guided by the priorities set out in the National Development Plan (NDP) 2030 at a broad level. The NDP was adopted in 2012 and sets out the long-term vision for the country and provides a broad strategic framework to guide government choices and actions required to transform the economy and society.

The NDP five-year implementation plan has been developed in order to advance and guide planning that is responsive to the attainment of NDP priorities. It allows for the co-ordination and alignment of priorities across spheres of government.

Following the elections in May 2024, a GNU was created which then formed the 7th administration. From the NDP priorities arose the 7th administration’s Medium Term Development Plan (MTDP) strategic priorities and focus areas, which are:

(i) Drive inclusive growth and job creation;
(ii) Reduce poverty and tackle the high cost of living; and
(iii) Build a capable, ethical and developmental state.

With this, the dtic introduced four core outcomes, setting a unified focus for all programs and entities within the dtic group. The goal was to concentrate efforts on top priorities across the group, enhance internal coordination, direct resources to critical areas, and improve execution efficiency by leveraging all entities within dtic. These core outcomes are:

(i) **Reindustrialisation** to drive industrial growth, attract investments, enhance local industries, and increase exports, particularly in processed critical minerals.
(ii) **Job creation** with focus on job for youth, women, and disadvantaged groups, and to train 500 000 unemployed youth in high-demand sectors.
(iii) **Transformation** to ensure economic empowerment programs benefit marginalized groups, reducing inequality and improving quality of life.
(iv) **Capable state** to enhance the impact of public policies.

These four outcomes remain key priorities under the 7th Administration, aligned with the MTDP’s strategic priorities.

In response to the above priorities, the ‘Blue Sky’ (Growth Path) strategy was developed by dtic focusing on the key challenges/constraints of the South African economy and direct interventions to achieve GDP growth of 3.6% by 2029. These included, but not limited to, reducing administrative costs such as electricity and transport, access to capital, red tape reduction, omnibus regulations, strategic market access, workforce readiness and skills and market concentration and economic inclusion.

The four tables that follow provide an alignment matrix between the Tribunal outcomes and the MTDP priorities, dtic outcomes and NDP priorities, respectively.

The Tribunal has aligned its two strategic outcomes, namely: **Sound, Efficient and Responsive Adjudication**; and **Transparent, Accountable and Sustainable Entity**, within the legal mandate of the entity, to dtic outcomes as mentioned in the tables below.

Table 1: Alignment of Tribunal outcomes with the dtic's Joint/Integrated Outputs

dtic's Joint/Integrated outputs[1]	Tribunal Outcomes	Tribunal Outcome Statement
1. **Re-industrialisation** – opportunities to grow the domestic market through localisation, sector partnerships (Masterplans), Green economy initiatives, investment expansion/promotion, African and Global exports.	**Sound, Efficient and Responsive Adjudication**	Through Sound, Efficient and Responsive Adjudication of matters across key sectors of the economy, the Tribunal contributes to the outcomes of industrialisation and economic transformation of **the dtic** (e.g. through the assessment of competition and public interest considerations in mergers, as appropriate)**.**
2. **Job creation –** opportunities to expand jobs in key sectors through dtic's industrial development and economic interventions, improved employability and skills of the unemployed youth and marginalised communities, growth of SMMEs and creation of green jobs in sustainable industries.		
3. **Transformation** - opportunities to promote BBBEE, worker empowerment, addressing economic concentration and SME promotion.		
4. **Capable State** - initiatives to build entity staff and governance capacity, participate in the shared services of **the dtic** and undertake internal business processes improvements.	**Sound, Efficient and Responsive Adjudication** **Transparent, Accountable and Sustainable entity**	Through Sound, Efficient and Responsive Adjudication of matters, the Tribunal aligns ethically through open and transparent communication of all case reasons including press releases and aligns capability to sound, consistent and responsive adjudication of all matters. Through Transparent Accountable, and Sustainable Entity, the Tribunal contributes through the ability to attract skilled and competent Tribunal staff, in-depth training practices, sound governance processes and efficient handling of cases.

[1]Linking of **the dtic's** outcomes to the NDP.

The Tribunal has aligned its two strategic outcomes, namely: **Sound, Efficient and Responsive Adjudication**; and **Transparent, Accountable and Sustainable Entity**, within the legal mandate of the entity, to NDP priorities as mentioned in the tables below.

Table 2: Alignment of the Tribunal's outcomes with the NDP's outcomes

NDP Outcome Number	NDP Outcomes	Tribunal Outcome	Tribunal Outcome statement
NDP Outcome 1	Economic transformation and job creation	**Sound, Efficient and Responsive Adjudication**;	Through Sound, Efficient and Responsive Adjudication of matters across all sectors of the economy, the Tribunal contributes to the outcomes of economic transformation and employment creation by the NDP and the dtic, more specifically in mergers.
NDP Outcome 2	Education, skills and health		Through Sound, Efficient and Responsive Adjudication of matters in these sectors the Tribunal contributes to the NDP outcomes.
NDP Outcome 6	A capable, ethical and developmental state	**Transparent, Accountable and Sustainable Entity**	Through transparent, accountable, and sustainable entity, the Tribunal contributes to a capable, ethical and developmental state.
NDP Outcome 7	A better Africa and World	**Sound, Efficient and Responsive Adjudication**;	Sound, Efficient and Responsive Adjudication and engagements in various forums (international, regional and local) on competition law and policy, as appropriate

The Tribunal has aligned its two strategic outcomes, namely: **Sound, Efficient and Responsive Adjudication**; and **Transparent, Accountable and Sustainable Entity**, within the legal mandate of the entity, to MTDP priorities as mentioned in the tables below.

Table 3: Alignment to MTDP Priorities

MTDP Strategic Priorities	MTDP Outcomes	Tribunal Outcomes	Tribunal Outcome Statement
Strategic Priority 1 Drive inclusive growth and job creation.	Increased employment and work opportunities	**Sound, Efficient and Responsive Adjudication**	Through Sound, Efficient and Responsive Adjudication of matters across key sectors of the economy, the Tribunal contributes to the MTDP priority of inclusive growth and job creation as well as poverty reduction and tackling the high cost of living (e.g. through the assessment of competition and public interest considerations in mergers).
	Enabling environment for investment and improved competitiveness through structural reforms		
	Economic transformation and equitable inclusion of women, youth and persons with disabilities for a just society		
Strategic Priority 2 Reduce poverty reduction and tackle the high cost of living	Reduced poverty and improved livelihoods	**Sound, Efficient and Responsive Adjudication**	
Strategic Priority 3 Build a capable, ethical and developmental state	Combat priority offenses (economic, organised crime and corruption)	**Sound, Efficient and Responsive Adjudication**	Through Sound, Efficient and Responsive Adjudication of matters, the Tribunal aligns ethically through open and transparent communication of all case reasons including press releases and aligns capability to sound, consistent and responsive adjudication of all matters. Through Transparent Accountable, and Sustainable Entity, the Tribunal contributes through the ability to attract skilled and competent Tribunal staff, in-depth training practices, sound governance processes and efficient handling of cases.
	Improved governance and performance of public entities	**Transparent, Accountable and Sustainable entity**	
	An ethical, capable and professional public service		

4. Institutional strategies

The Tribunal has jurisdiction over competition matters across all sectors of the economy and adjudicates each case on its merits. It is a specialist adjudicative body whose function is to hear and decide competition cases. It is an administrative court of first instance for competition matters. Being a quasi-judicial body, it is a creature of statute and deals only with matters that it is ceased with.

The Tribunal, however, aligns its outcomes with those of the NDP, MTDP priorities, **the dtic** policy imperatives and the three regrouped overarching joint/integrated **dtic** outputs (Industrialisation, Transformation and a Capable State) in the identified sectors, within the confines of its mandate as set out in the Competition Act.

The two outcomes of the Tribunal are set out below and reflect the strategic requirements of the core and secretariat functions of the Tribunal.

Figure 1: Competition Tribunal Strategic Outcomes

The Tribunal has aligned its two strategic outcomes, namely: **Sound, Efficient and Responsive Adjudication**; and **Transparent, Accountable and Sustainable Entity**, within the legal mandate of the entity, to government policy outcomes as mentioned above.

5. Recent Court Rulings and their implications

There have been no recent court rulings by higher courts which may impact the work of the Tribunal.

PART B: OUR STRATEGIC FOCUS

6. Situational Analysis

6.1. Strategic focus

The quasi-judicial nature of the Tribunal precludes the Tribunal from setting pro-active outcomes or embarking on specific interventions which target any particular sector or emphasise any specific criterion in its decision-making. However, as discussed above, in adjudicating matters that are brought before it, the Tribunal can align its outcomes with those of the NDP and the MTDP within the confines of the Act.

The Tribunal's core business and therefore its strategic focus is the adjudication of mergers and prohibited practice cases brought before it either by the Commission or directly by aggrieved parties, or in some instances by higher courts.

Upon a matter being referred to it, the Tribunal will initiate proceedings to consider the matter in terms of the Competition Act and Rules and may:

a) authorise a merger, with or without conditions, or prohibit a merger.
b) adjudicate in relation to any conduct prohibited in terms of the Competition Act by determining whether prohibited conduct has occurred, and if so, impose a remedy provided for in the Competition Act.
c) hear appeals against decisions of the Commission in market inquiries, and in intermediate and small mergers; and
d) grant an order for costs.

The Tribunal is required to expeditiously decide on the matters brought before it. All Tribunal hearings are public, and written reasons are provided for all decisions and orders of the Tribunal. The Competition Act and Rules prescribe time frames for the issuing of orders and decisions which must be adhered to by the Tribunal.

The Tribunal's decisions have the same legal weight as judgments of the High Court and may be taken on appeal to the CAC and the Constitutional Court.

The Tribunal is enjoined to retain its independence and impartiality in the exercise of its powers and in carrying out its duties.

Whilst the adjudicative process remains the main strategic focus, the Tribunal also places emphasis on other key areas of administration namely:

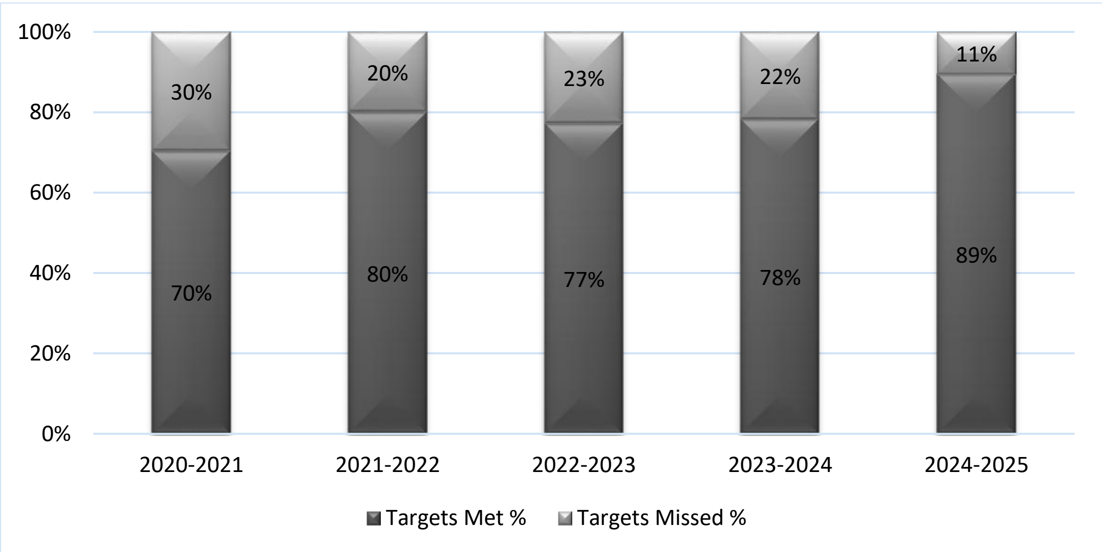
- Governance, risk, audit and compliance,
- Capacity building, and
- Effective financial management and reporting.

In addition, the Tribunal strives to be an accessible institution and to ensure that the public remains informed about the Competition Act and the Tribunal's functions and activities. All upcoming hearings and decisions of the Tribunal are communicated to the media and all of the Tribunal's decisions can be accessed by the general public from the Tribunal's website or its offices.

6.2. Performance overview

The Tribunal has consistently performed at a high level within its resource constraints. The figure below reflects the Tribunal's performance against applicable targets over the preceding strategic planning period (i.e. 2020-2021 to 2024-2025). Apart from the 2020/2021 (which was heavily influenced by the Covid-19 pandemic), the Tribunal has consistently met more than 75% of its targets. The Tribunal met 89% of its applicable targets in the past financial year.

Figure 2: Competition Tribunal Performance Against Applicable Targets (2020/2021-2024/2025)



The Tribunal has demonstrated strong performance in ensuring that merger cases are set down and adjudicated within the prescribed statutory timelines. This is important as mergers are the lifeblood of an economy making them not only critical but also time sensitive. An area of improvement is the timely completion of reasons in opposed cases, as well as the hearing of prohibited practice cases (such as cartels and abuse of dominance) that require longer durations (exceeding two weeks). The Tribunal has implemented measures to address this, including strengthening its case management framework through the appointment of more senior Case Managers to support Tribunal members. To further enhance operational efficiency, optimizing the gearing ratio between full-time and part-time adjudicating members remains critical. Continuous engagement with the dtic is underway regarding the appointment of both full-time and part-time members which should further strengthen the Tribunal's ability to execute its mandate.

6.3. Tribunal Case Load

Although demand for the Tribunal's services has grown substantially over the past 26 years, the number of cases generally fluctuates on an annual basis. Importantly, a lower number of matters heard in a given year does not equate to a reduced workload. By their nature, small and intermediate merger proceedings are increasingly contested and consequently more complex. Likewise, interim relief applications are legally and procedurally intricate, particularly as jurisprudence under the amended legislative framework continues to develop.

Tribunal hearings require extensive scrutiny of voluminous records and rigorous preparation, followed by sustained periods of time in formal proceedings. Accordingly, the Tribunal's workload cannot be meaningfully assessed through quantitative metrics alone. Instead, a qualitative evaluation of case complexity, intensity of preparation, and jurisprudential significance is required to fully appreciate the demands placed on the institution.

The tables below provide details regarding matters heard over the past five years and the current case load for the Tribunal respectively.

Table 4: Matters heard 2020/2021 to 2024/2025

Case Type	2020/21	2021/22	2022/23	2023/24	2024/25
Large merger	66	86	99	87	103
Intermediate/ small merger	2	1	1	5	
Complaints from the Commission	4	6	4	1	0
Consent Orders	63	30	19	22	19
Complaints from 3rd parties	0	0	1	0	0
Interim relief	1	2	2	7	3
Interlocutory/ procedural matters	16	34	73	28	34

The Tribunal is enjoined to conduct its hearings in accordance with the principles of natural justice which means affording all the parties an opportunity to access the record, to request discovery of documents, to file their papers including filing factual witness statements and economic expert witness statements before hearing the matter. These processes take time and are in the nature of legal proceedings.

Cases are received by the Tribunal through formal referrals from the Commission, applications from parties, or matters initiated in terms of the Act. Upon receipt, each case undergoes an initial review by Registry to ensure compliance with procedural requirements before being officially registered. Thereafter, the Chairperson assigns the case to a panel of three members, ensuring that at least one legally trained member is included.

For each matter, a timetable is set that makes provision for: interested third parties who wish to intervene, to do so; other interlocutory matters raised by parties and discovery processes; the filing of factual and expert witness statements; and hearing dates. Hearing dates depend, inter alia, on the availability of all parties, including panel member availability and the parties' legal representatives and economic experts.

The Tribunal hears matters as expeditiously as possible in accordance with the principles of natural justice. Mergers that raise very complex competition and public interest issues take longer to adjudicate due inter alia to intervention applications by interested third parties and complexity of cases. The Tribunal must balance the interests of workers, owners and consumers to the benefit all South Africans, as the Competition Act enjoins it to do.

The table below reflects the case roll as of December 2025 by type of case.

Table 5: Current roll of cases as of December 2025 (by type of case)

Case Type	On roll from previous period	Received	No of matters set down	Number heard	Withdrawn/ settled/ abandoned/ removed from roll	Orders issued[2]	Reasons issued	On roll at the end of period[3]
Mergers	**26**	26	29	30	1	35	41	**10**
Complaint Referrals	**102 (Note 1)**	6	0	1	2	0	0	**106**
Consent orders/ Settlement agreements	**4**	4	0	2	0	2	0	**6**
Interim Reliefs	**12**	2	0	2	0	0	0	**14**
Interlocutory/ Procedural Matters	**68 (Note 2)**	17	0	8	3	6	0	**78**
Exemption Appeals	**1**	0	0	0	0	0	0	**1**
Totals	**213**	**55**	**29**	**43**	**6**	**43**	**41**	**215**

Over the past few years, the Tribunal focused its efforts on finalising historic cases while also prioritising newer cases that come in (primarily mergers which are time sensitive). The historic cases are primarily attributable to disruptions caused by the COVID-19 pandemic, during which many cases were put on hold due inter alia to the prioritisation of COVID related cases and mergers. This was further exacerbated by the increase in volume and complexity of new cases. Post-pandemic economic recovery efforts and heightened regulatory scrutiny resulted in a surge of complaint referrals, merger reviews, and interlocutory applications. These cases often involve intricate legal and economic analyses, requiring extensive deliberation and longer time periods to adjudicate.

[2] Cases with orders issued will still be included in the roll if the reasons are still pending, except for consent orders in which no reasons are issued.
[3] Including dormant cases.

Prohibited practices constitute the bulk of the pending cases (i.e. 106 of 215 pending cases). Prohibited practice matters take longer to prosecute and decide due to, *inter alia*, the complexity of the legal and economic issues they raise as well as their adversarial nature. These cases require lengthy and time-consuming hearings, that together with the current limited number of panel members, results in no other cases being heard during this period.

A panel is constituted by three members (one of which must be a lawyer). While part-time members are generally able to assist with shorter hearings, they are often unavailable to sit in matters that require longer hearings, due to obligations in their full-time employment. Increasing the number of full-time members from two currently to six will improve the Tribunal's efficiencies.

6.4. Policy Environment

The Tribunal operates within a dynamic and evolving policy environment shaped by domestic statutory mandates, regional integration frameworks, and emerging global competition law trends. The Tribunal derives its authority from the Act, which establishes it as an independent adjudicative body. This legislative framework positions the Tribunal as a key institution in promoting competitive markets, protecting consumer welfare, and supporting inclusive economic participation.

Domestically, the Tribunal's work is influenced by the broader national policy architecture, including South Africa's economic development, industrialisation, and public-interest objectives. Amendments to the Competition Act have expanded the Tribunal's role in evaluating mergers, prohibited conduct, and public-interest considerations such as employment, ownership transformation, and effects on small and medium-sized enterprises.

The Tribunal also aligns its operations with the PFMA, National Treasury Regulations, and principles of administrative law, ensuring accountability, transparency, and procedural fairness.

Regionally and continentally, the Tribunal operates within an increasingly integrated African competition landscape. South Africa's participation in the Southern African Customs Union (SACU) and the Southern African Development Community (SADC) gives rise to interdependent competition jurisdictions and cooperative enforcement arrangements. In addition, the South African competition regime retains strong relations with the competition regime of the Common Market for Eastern and Southern Africa (COMESA). Furthermore, the adoption of the AfCFTA Protocol on Competition Policy in 2023 marks a significant milestone in continental competition regulation. While the AfCFTA Competition Authority and Tribunal are not yet operational, their future establishment underscores the importance of sustained engagement and policy alignment.

Internationally, global competition enforcement trends, including digital market regulation, data-driven economies, and heightened scrutiny of large multinational firms, continue to shape the Tribunal's adjudicative context. These developments reinforce the need for ongoing institutional agility, capability enhancement, and knowledge exchange with peer jurisdictions and international bodies.

6.5. Public policy and participation

The general approach of the Tribunal is to encourage participation of interested parties in its proceedings. This allows for less powerful parties to have access to justice and articulate their interests and maximizes the information available to the Tribunal. In the cases to date, the Tribunal has had representation from competitors, customers, franchisees, trade unions, industry associations, government department/entities and non-government organisations (NGO’s).

The Competition Act also allows for the Minister of Trade, Industry and Competition to make representations on public interest grounds in merger transactions. The amendments grant the Minister the right to appeal the Tribunal’s decisions where previously the Minister’s right was limited to review.

6.6. Stakeholder Profile

Numerous stakeholders may be impacted by the Competition Act. The Tribunal maintains effective relationships with key stakeholders with the aim of promoting consumer welfare of all South Africans.

The Tribunal’s external stakeholders may be categorised as follows:

a) Stakeholders with whom the Tribunal has direct contact in the course of fulfilling its functions. These include:
   - The Commission which refers and prosecutes cases before the Tribunal.
   - Complainants, respondents, interested third parties, expert witnesses and their legal representatives who participate in or have a direct interest in a case before the Tribunal. These may be local or international businesses, trade unions, the Minister, consumers, legal firms, or any other affected individual or organization.

b) Stakeholders with whom the Tribunal may not be in direct contact but who are affected by the Tribunal’s decisions. These include consumers, competitors, customers, and suppliers of firms directly affected by Tribunal decisions.

c) Sector–specific regulators who enjoy concurrent jurisdiction with the competition authorities, such as the Independent Communications Authority of South Africa (ICASA) and the National Energy Regulator of South Africa (NERSA).
d) Stakeholders to whom the Tribunal is accountable with respect to its functions. These include the dtic, Parliament, the Minister, National Treasury and the Auditor-General (AG).
e) Stakeholders who act as reputational agents in providing policy and peer feedback on the standard and quality of work in the Tribunal. These include the media/journalists/editors, the financial press, academics, the judiciary, other competition agencies, the Organisation for Economic Co-operation and Development (OECD), the World Trade Organisation (WTO), Southern African Development Community (SADC), the International Competition Network (ICN) and others.
f) Government stakeholders that the Tribunal may interact with, for example other government departments, state-owned entities, the Reserve Bank, and Parliament.

6.7. Strategic Planning Process

The strategic planning process calendar which includes meetings, strategic sessions and consultations that were held with regard to the development of a strategic plan and annual performance plan aligned to the recently approved framework and guidelines for strategic planning issued by the Department of Planning, Monitoring and Evaluation (DPME), are detailed in the table below:

Table 6: Strategic planning process calendar

Date	Meeting	Participants	Outcome of meeting
22 October 2025	22 October 2025	• Century Academy (Facilitator) • Tribunal Chairperson • Three Tribunal members (one full-time and two part-time member) • COO • CFO • Head of Case Management • Head of Registry • Human Resources Officer • IT Officer • Communications Officer	Strategic review and planning workshops
31 October 2025	Submission of draft APP 2025/2026 to **the dtic** for comments.		
31 January 2026	Submission of draft APP 2025/2026 to **the dtic**		

7. External environmental analysis

Understanding the external environment in strategic planning is essential for anticipating challenges, seizing opportunities, and making informed decisions. The PESTEL analysis is a common strategic tool used by organisations in trying to map out the external environment.

The table below reflects the Tribunal's PESTEL analysis.

Table 7: PESTEL Analysis

FACTOR	ITEMS
Political Factors	• International ○ Increased nationalism and political polarisation ○ Trade agreements and the impact on exports and imports, including AfCFTA ○ Growth of BRICS ○ Growth of the African Union ○ Role of international bodies, such as the UN, WHO, etc ○ 17 Sustainable Development Goals • National ○ Ongoing effects of state capture ○ Change is department administration ○ Policy uncertainty ○ Lack of social accord e.g., unions vs business
Economic Factors	• National government at the precipice of a sovereign debt crisis • Fluctuating merger activity. • Rising unemployment • Poor economic growth • Cost of living crises
Social Factors	• Public perception – poor understanding of what we do • Digital divide
Technological Factors	• Cyber security remains a global risk • Costs of implementing new technology • Impact of Artificial Intelligence on a global scale in all sectors and the economy
Environmental Factors	• Environmental degradation and climate change • Natural disasters e.g., floods • The shift to renewable energy
Legal Factors	• Amendments to the Competition Act • Increased regulation and compliance

FACTOR	ITEMS
	• International developments in competition law • High stakes, litigious behaviour • Regulator Prioritisation

A few of the pertinent factors from the Pestel analysis are considered in more detail below:

AfCFTA Competition Regime

South Africa is a State Party to the African Continental Free Trade Area (AfCFTA), which commenced trading on 1 January 2021. The primary objective of the AfCFTA is to establish a single continental market for goods and services, supported by the free movement of businesspersons, capital, and investments.

On 19 February 2023, the Assembly of Heads of State and Government of the African Union adopted three new protocols to the AfCFTA Agreement, namely the Protocols on Investment, Intellectual Property Rights, and Competition Policy.

The Protocol on Competition Policy provides for the establishment of the AfCFTA Competition Authority as an autonomous institution mandated to administer and enforce the competition-related provisions of the Protocol, including the power to adjudicate conduct matters and approve mergers. In addition, the Protocol establishes the AfCFTA Competition Tribunal as an autonomous adjudicative body responsible for hearing appeals against decisions of the AfCFTA Competition Authority. Although the AfCFTA Competition Protocol has been adopted, the Regulations necessary to give practical effect to the Authority's and Tribunal's powers (including merger thresholds, procedural rules, appeal mechanisms, institutional structure, financing) are still in draft form and have not yet been fully adopted.

It is not anticipated that the establishment of the AfCFTA Competition Tribunal will have direct operational implications for the South African Competition Tribunal in the short to medium term. Nonetheless, the Tribunal continues to monitor developments closely and, where appropriate, has contributed to relevant continental forums and engagements. In this regard, the Tribunal participated in the inaugural Heads of Entities Meeting held in Cape Town in May 2025, underscoring its commitment to supporting and shaping continental competition architecture.

Removal from Grey Listing

In February 2023, South Africa was placed on the Financial Action Task Force's (FATF) "Jurisdictions under Increased Monitoring" (commonly known as the "grey list") following identification of strategic deficiencies in its anti-money-laundering (AML) and counter-financing of terrorism (CFT) regime. The FAFT is an intergovernmental organisation founded in 1989 on the initiative of the G7 to develop policies to combat money laundering.

Being on the grey list signalled elevated risk to global financial institutions and investors, and triggered enhanced due diligence costs, slower cross-border payments, and increased compliance burdens. This exposed South African to potentially reduced attractiveness for foreign direct investment (FDI) and higher risk premiums on capital flows; elevated transaction costs for businesses engaging in international trade and finance, which could erode competitiveness; and weaker external perceptions of South Africa's financial governance integrity, which may influence credit ratings, bond yields and investor sentiment.

Grey-listing did not alter the Tribunal's statutory responsibilities, but it shaped the broader regulatory and economic environment in which the Tribunal operates, particularly in relation to investment flows, compliance culture, and institutional credibility as part of South Africa's broader regulatory framework.

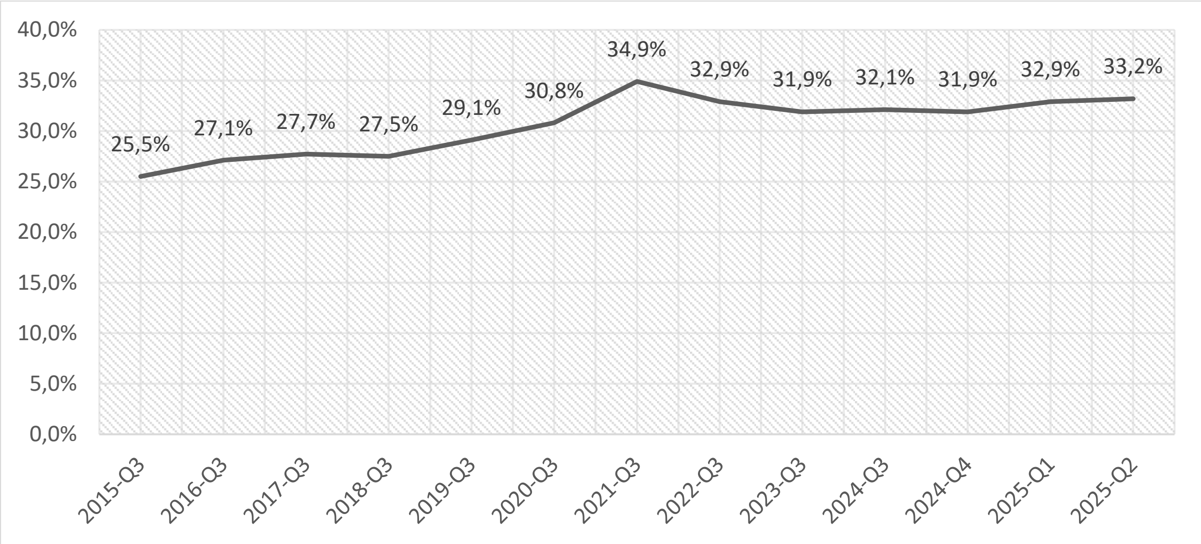
In June 2025, the FATF acknowledged that South Africa had substantially completed its action plan and warranted an on-site review ahead of delisting. This was followed by a formal announcement in October 2025 that South Africa had been removed from the FATF's grey list. This is likely to deliver clear and far-reaching benefits for the economy as its restores international confidence in South Africa's regulatory and institutional framework, reducing the heightened scrutiny and compliance costs faced by local banks and businesses when transacting across borders. This, in turn, is likely to ease the flow of foreign investment and trade, lower the cost of capital, and improve access to global financial markets. A clean FATF status also enhances South Africa's reputation as a credible and reliable investment destination, supporting economic growth, job creation, and broader financial inclusion.

Rising Unemployment

According to data from Statistics South Africa, the official unemployment rate was 33,2% in the second quarter of 2025.[4] As shown below, South Africa has experienced extended periods of high unemployment.

[4] See Stats SA Media Statement on the Quarterly Labour Force Survey Quarter 2: 2025. Available at https://www.statssa.gov.za/publications/P0211/Media%20Release%20QLFS%20Q2%202025.pdf

Figure 3: Unemployment Rate (Q3 2015 to Q2 2025)



Source: Stats SA

High unemployment in South Africa exacerbates economic hardships, limits consumer spending, and reduces market participation, especially in lower-income demographics. High unemployment rates can lead to market stagnation, as demand decreases and businesses struggle to sustain growth, particularly small and medium enterprises (SMEs). For the Tribunal, there's a growing responsibility to ensure that larger companies do not use their market power to stifle smaller competitors, preserving market diversity and opportunity for economic inclusivity, which is crucial in a country with rising joblessness. Further, in periods of high unemployment, it becomes even more important that the Tribunal fully consider the impact of mergers on employment in line with section 12A(3)(b) of the Act on a case-by-case basis

Impact of Artificial Intelligence (AI) on a Global Scale

Rapid advancements in AI, including machine learning, natural language processing, and generative technologies, are reshaping the global legal, regulatory, and economic landscape. These developments present both opportunities and responsibilities for adjudicative bodies such as the Tribunal, which operates within a complex evidence-based and procedurally rigorous environment.

AI technologies hold the potential to transform the Tribunal's internal operations, case management systems, and analytical capabilities, as well as influence the nature of matters brought before it. At the same time, reliance on AI raises governance, ethical, and procedural safeguards to ensure fairness, transparency, and the protection of constitutional and administrative-justice principles. AI offers several opportunities to improve the Tribunal's organisational efficiency and service delivery:

- **Enhanced Case Management Systems (CMS):** AI-enabled CMS solutions can automate document routing, smart-tag and categorise filings, track timelines, and support predictive scheduling, reducing administrative burden and improving turnaround times;
- **AI-Assisted Document Review:** AI tools can assist in processing large volumes of merger filings, evidence bundles, and legal submissions. Natural language search and automated summarisation may streamline briefing and reduce manual review time;
- **Automation of Routine Processes:** Chatbots and automated responses for basic procedural queries can improve accessibility for practitioners and the public while freeing internal resources;
- **Knowledge Management and Precedent Search:** AI-driven legal research engines can support deeper, faster analysis of Tribunal jurisprudence, Competition Appeal Court judgments, and international cases, strengthening the quality and consistency of decision-making; and
- **Transcription and Hearings Support:** AI-powered real-time transcription and translation tools can improve efficiency and accuracy in hearings, enhance accessibility and support hybrid proceedings.

These innovations align with the Tribunal's commitment to digital modernisation and improved public-service delivery and position it for greater agility in a rapidly evolving regulatory ecosystem.

With opportunity comes responsibility. AI deployment must be approached with governance discipline to safeguard against:

- Bias in data-driven systems and potential procedural inequity;
- Risks to confidentiality and personal information protection;
- Integrity concerns where automated tools inform legal analysis;
- Over-reliance on algorithmic outputs without judicial scrutiny; and
- Erosion of public trust should AI tools be seen as replacing adjudicative judgment.

Any adoption strategy should therefore be guided by principles of transparency, explainability, accountability, and human oversight, consistent with the Promotion of Administrative Justice Act (PAJA), constitutional values, and international best practice in judicial innovation.

Regulator Prioritisation

Notwithstanding its inability to target specific sectors or workstream, the Tribunal is also cognisant of the fact that its work is largely determined inter alia by the Commission's priorities. The work prioritised by the Commission will eventually culminate in referrals or appeals before the Tribunal. For this reason, the Tribunal pays attention to the Commission's prioritisation framework. These sectors include:

- Agriculture, Food and Agro processing
- ICT and Digital Markets
- Energy
- Transport and Automotive
- Construction Services, Property and Infrastructure
- Banking and Financial Services
- Manufacturing
- Healthcare

8. Internal environmental analysis

8.1. Five-year strategy

The Tribunal's five-year strategy for the period 2025-2030 was submitted to Parliament in April 2025. The five-year strategy sets out the Tribunal's strategic priorities over the next five years. Over the medium-term period, the Competition Tribunal will prioritise strengthening its institutional capacity to effectively execute its mandate in an environment of increasing case complexity, heightened public-interest considerations, and evolving competition law frameworks. While demand for Tribunal services has grown significantly, resourcing levels have remained largely unchanged. To maintain efficiency, enhance adjudicative excellence, and ensure continued responsiveness to economic and policy developments, the Tribunal has identified five core strategic focus areas for the MTDP period:

(i) Strengthening Adjudicative Capacity

The Tribunal needs to expand its complement of full-time and part-time members to address longstanding capacity constraints and support increased case volumes and complexity. The organisational review conducted in 2022/23 identified a significant under-capacity relative to comparable jurisdictions, as well as the need to strengthen legal and economic expertise within the adjudicative function. Over the planning period, the Tribunal will prioritise the appointment of additional full-time members, supported by skilled legal and economic professionals in the Case Management Division, to ensure timely, high-quality decisions and safeguard institutional resilience.

(ii) Enhancing Secretariat Capability

To support adjudicative activities, the Tribunal will continue implementing its revised organisational structure, which increases approved staffing from 35 to 68 positions over a phased period. Recruitment challenges stemming from fiscal constraints have delayed implementation; therefore, securing adequate funding and filling critical posts will be prioritised. This will strengthen internal governance, operational efficiency, and institutional support functions necessary to deliver on the Tribunal's constitutional and statutory responsibilities.

(iii) Expanding Office and Hearing Facilities

As staffing and member numbers increase, the Tribunal will require additional office and hearing-room space to ensure a functional, fit-for-purpose environment. Current premises within the dtic campus are fully utilised, inadequately accommodating current needs, let alone planned growth. The dtic has indicated that there is no additional office space within the dtic Campus to accommodate the Tribunal's growing needs. Importantly, additional courtrooms are required to support concurrent hearings and hybrid proceedings, contributing to improved case turnaround times and enhanced accessibility.

(iv) Advancing Knowledge Management and Digital Systems

Knowledge management is central to preserving institutional memory, supporting consistent jurisprudence, and maintaining high-quality decision-making. Over the planning cycle, the Tribunal will embed knowledge management as a core organisational value, appoint a dedicated Knowledge Management Manager, implement a modern case management system, and cultivate a culture of knowledge sharing. These investments will enable improved research capability, better judgement referencing, structured institutional learning, and efficient information retrieval.

(v) Strengthening Strategic Collaboration and International Partnerships

The Tribunal will deepen cooperation with domestic and international adjudicative bodies to share best practices, build capacity, and advance thought leadership in competition adjudication. This will involves forming closer relationships with fellow economic adjudicators in South Africa. Further, relationships with bodies such as the UK Competition Appeal Tribunal and participation in continental and global forums will be expanded. The Tribunal will also advocate for the creation of a dedicated international platform for competition adjudicators—within structures such as the ICN, BRICS+, UNCTAD, AfCFTA and OECD—to strengthen peer collaboration and global jurisprudential coherence.

8.2. SWOT Analysis

The narrative provided below provides a description of some of the more important issues that were identified as part of a detailed root cause analysis and SWOT analysis performed by the Tribunal during its strategic planning process. A SWOT analysis is a strategic tool for evaluating an organisation's internal environment, including its resource capabilities and deficiencies.

The Tribunal's internal strengths and weaknesses, together with the external opportunities and threats referenced earlier, were evaluated to provide a basis for re-aligning, re-prioritising and refining the Tribunal's goals and objectives. Table 6 below highlights the SWOT analysis conducted for the Tribunal.

Table 8: Internal environment - SWOT analysis

Strengths	Weaknesses
• Specialised expertise • Legislative backing • Transparency and independence • Contribution to economic growth • Precedent-setting role	• Lack of members • Resource constraints – budget and capacity • Prolonged Adjudication processes – opportunity costs with other matters when members are engaged in long hearings • Knowledge Management • Limited outreach and awareness • Dependence on other institutions • Technology gaps
Opportunities	**Threats**

• Technological integration • Increased collaboration with international bodies • Public education and outreach programs • Policy advocacy and law reforms	• Political and external pressures • Evolving market dynamics • Backlog and case load • Reputation management • Global economic uncertainty • Deterioration of staff morale

8.3. IT Strategy

Organizations globally, across both the public and private sectors, are being reshaped by the disruptive, digitally powered forces of the Fourth Industrial Revolution. For the Competition Tribunal of South Africa (Tribunal), this shift presents a critical imperative to evolve. The potential of Information and Communications Technology (ICT) to transform how the Tribunal performs its adjudicative and administrative functions has never been greater.

The Tribunal's IT Strategic Plan was developed at a time when the Tribunal stands at a critical juncture following the development of its five-year strategy for the period 2025 to 2030. In a rapidly evolving economic landscape, the Tribunal plays a pivotal role in adjudicating matters of national economic significance, balancing legal and economic expertise to deliver sound, transparent, and timely decisions.

The IT Strategic Plan 2025-2030 represents a significant step towards building a digitally transformed Tribunal. It moves beyond a traditional, operational IT plan to embrace a strategic, outcome-driven framework. Reflecting on new opportunities presented by technologies such as cloud computing, data analytics, and artificial intelligence, this strategy aims to position the Tribunal as a leader in the efficient and transparent administration of justice within the competition landscape both locally and beyond.

The strategy is built upon a comprehensive diagnostic of the Tribunal's current digital readiness and converges upon the pivotal intersections of technological strategy and operational efficacy with the ultimate focus on ensuring that the Tribunal's ICT infrastructure adequately supports adjudicative excellence. The vision is to enable a digitally transformed Tribunal that is accessible, efficient, and resilient.

The Tribunal's IT Strategy is guided by a set of core principles. These principles will ensure that our transformation journey aligns seamlessly with our organisational objectives and values.

- **Business Partner Centric:** ICT will be positioned as a trusted partner and enabler of the Tribunal's core business, working hand-in-hand with divisions such as Case Management, Registry, and other support functions. Rather than delivering technology in isolation, ICT will adopt a co-creation approach, ensuring that digital solutions are developed collaboratively with those who use them daily.
- **Artificial Intelligence and Data Driven:** Data will be treated as a strategic asset, implementing robust management practices to ensure quality, security, and accessibility for informed decision-making. Our digital future will also be intertwined with the continued development of artificial intelligence tools, with a particular focus on introducing artificial intelligence tools into our adjudicative processes through AI-assisted legal research and decision-making.
- **Resilient to Our Core:** Resilience will be embedded as a defining characteristic of our digital infrastructure, ensuring that the Tribunal remains operational and secure under all circumstances. This means designing systems with built-in redundancy, disaster recovery capabilities, and robust cybersecurity safeguards so that adjudicative and administrative processes can continue uninterrupted even in the face of unforeseen challenges such as cyberattacks, system failures, or external disruptions.
- **Cloud First:** Cloud-based solutions will be prioritised as the default option for all new and existing services. This approach allows us to leverage proven advantages in scalability, flexibility, and cost-efficiency, moving from capital-intensive infrastructure to an operational expenditure model. Suitable legacy systems will be migrated to the cloud to enhance resilience and enable remote work.
- **Secure by Design:** Security is a non-negotiable foundation of our digital strategy, not an afterthought. The Tribunal is entrusted with vast quantities of highly sensitive and confidential company information, the integrity and protection of which are paramount to our credibility and operational continuity. Therefore, cybersecurity and data privacy principles will be integrated from the initial design phase of every project and initiative.
- **Digital by Default:** Digital solutions will be championed as the primary and preferred method for all service delivery and internal processes.
- **Simplicity & Usability:** The Tribunal is committed to ensuring that all our digital solutions are intuitive, user-friendly, and accessible.
- **Reuse-Buy-Build:** the Tribunal will follow a disciplined and pragmatic hierarchy when procuring technology solutions: First Reuse, then Buy, and only then Build. We will first seek to leverage and extend existing systems and shared services within the Tribunal or across government to avoid duplication. If no suitable internal solution exists, we will prioritize purchasing and configuring Commercial-Off-The-Shelf (COTS) software or

Software-as-a-Service (SaaS) to meet our needs efficiently. Custom development will be considered only as a last resort for unique, mission-critical requirements that cannot be met otherwise.

- **Enterprise Value:** Every digital initiative, regardless of size, will be evaluated based on its contribution to the Tribunal's overarching mission and strategic goals. The Tribunal will move beyond viewing IT as a cost centre and instead assess investments based on the value they create, whether through enhanced adjudicative efficiency, improved service delivery, reduced operational risk, or cost avoidance.

These guiding principles collectively steer our organisation towards a successful and transformative digital future.

8.4. Tribunal Structure

i. Tribunal Chairperson

The Chairperson of the Tribunal is the Accounting Authority of the Competition Tribunal. The Chairperson therefore has “hands on” involvement in the day-to-day management of the Tribunal which is consistent with the Chairperson’s responsibility as Accounting Authority of the institution and is consistent with her powers in terms of the Competition Act. Certain responsibilities have been delegated to the Chief Operating Officer and Divisional Heads. The Chairperson retains ultimate accountability in terms of the PFMA.

The organogram in **Annexure A** illustrates the current structure of the organisation.

Annexure B and C details the names and positions held by Tribunal employees and provide some statistics pertaining to the profile of the secretariat. 81% of the current employees are black with 66% being female. Currently the Tribunal does not employ any persons with disabilities.

ii. Tribunal members

The Competition Act mandates that Tribunal members collectively represent a broad section of South Africa’s population and possess expertise in competition law, economics, commerce, industry, or public affairs. Tribunal members, appointed by the President for five-year terms, adjudicate cases of significant economic and public interest, with panels requiring at least one legally trained member. The amended Act increased the number of Tribunal members from 11 to 15 in anticipation of a growing workload, allowing the Minister to appoint acting part-time members.

Currently, the Tribunal has two full-time members (the Chairperson and one other member), four part-time members. To enhance efficiency, the Tribunal requires at least six full-time members. Vacancies have led to delays, and financial constraints further threaten its ability to fill critical roles.

The majority of the 2025/26 allocation of retention surplus will be towards member appointments. The budget for the appointment of members was mostly impacted by the budget reductions imposed in 2023/24 over the medium-term period and there is currently insufficient budget for the appointment of members. As an interim measure, the surplus retention will be used until additional budget is provided.

iii. Tribunal Secretariat

The Tribunal's secretariat provides administrative and operational support within the Tribunal. The revised structure recommends increasing a Tribunal staff complement from 35 to 68 positions in total, which as previously stated will be filled over a three-year period. The Tribunal intends to fill these positions in a phased manner over the MTEF period. In prior financial years, the Tribunal prioritised 10 positions, of which five have since been filled. Subsequently, National Treasury issued cost containment guidelines in September 2023, which included a moratorium on the filling of positions and delayed the ability of the Tribunal to fill the prioritised positions.

The Tribunal organogram currently provides for the following five divisions as expanded on below:

- The Office of the Chief Operating Officer
- The Finance and SCM Division
- The Case Management Division
- Registry
- The Corporate Services Division

Office of the Chief Operating Officer

The Office of the COO plays a critical role in overseeing the operational strategy of the Tribunal. It ensures that all activities align with the Tribunal's strategic goals and promotes efficiency across the organisation. The COO's office coordinates the functions of various divisions, monitors performance, and drives the implementation of key initiatives to achieve the Tribunal's objectives.

Finance and SCM

The Finance and Supply Chain Management (SCM) division is led by the CFO and is responsible for the Tribunal's financial planning, budgeting, and procurement functions. It ensures compliance with relevant legislation and regulations, manages the allocation of resources efficiently, and oversees transparent and effective procurement processes to support the Tribunal's operational needs.

Case Management

The Case Management Division focuses on the seamless handling of cases, from initial filings to final adjudication. It ensures that cases are processed efficiently and transparently, enabling the Tribunal to deliver consistent and timely outcomes. This division works closely with other departments to manage workflows and provide the necessary support for the adjudication process.

Registry

The Registry serves as the central hub for case-related documentation and communication. It maintains accurate records, facilitates the submission of legal filings, and ensures smooth communication between the Tribunal and external stakeholders. The Registry's meticulous record-keeping is essential for ensuring transparency and accountability in the Tribunal's processes.

Corporate Services

The Corporate Services Division provides essential administrative and support services to enable the Tribunal to function effectively. This includes managing human resources, IT systems, facilities, and other operational support functions. By ensuring that the necessary infrastructure and resources are in place, Corporate Services plays a vital role in supporting the Tribunal's mission.

iv. Capacity Development

The Tribunal is committed to capacity building and recognises that proactive steps need to be taken to train and develop staff given the significant skills gap in South Africa. This is consistent with maximizing the human resource potential of all employees, which is necessary to ensure efficiency and performance excellence.

Training includes in-house and on the job training with respect to the case management system and is undertaken to aid staff with the development of experience and skills in the area of competition law and economics.

External training service providers are utilized for specialised training courses. Furthermore, exposure to international best practice in competition law and policy is facilitated through attendance at international conferences/workshops, and visits by international experts.

Tribunal members in particular need to keep abreast of the extensive international case law in the field as well as legal and economic analysis in academic and practitioner journals in order to be able to perform their duties adequately. With the recent recruitment process undertaken by dtic to appoint full-time members, it is even more imperative that a robust training process is initiated.

Inducting new Tribunal members is critical to ensure they understand the Tribunal's processes and the legal-economic principles required for complex case evaluations. Familiarity with these foundations enables members to handle intricate market analyses confidently, ensuring consistent, inclusive, and transparent decision-making. Effective onboarding also allows new members to contribute meaningfully from the start, reinforcing the Tribunal's role in promoting competitive markets amid local and global economic challenges.

The Tribunal facilitates this process by identifying the training needs of the Tribunal members and continues to facilitate the attendance of Tribunal members at international meetings/conferences (like International Competition Network (ICN) conference/working groups, and the OECD Competition Committee meetings).

These meetings provide the Tribunal members with a forum to benchmark their work and to keep up to date with aspects of competition, economics and law. The budget provides for representation at these conferences and forums.

Full time Tribunal members will continue to lecture university students and will remain active in international bodies such as the ICN. The Tribunal co-founded the ICN, a network of competition authorities from across the world, with the aim of building. The network now comprises of over 100 jurisdictions, from 14 at inception.

Since 2006 the Tribunal and the Commission have been observer members of the Competition Committee of the OECD, a body at the international cutting edge of new developments in competition law and policy. The budget provides for attendance on an annual basis at two of these meetings.

v. Personnel

The Tribunal is committed to transformation, especially achieving employment equity at the workplace. The Tribunal values diversity and adheres to the constitutional principles of equality and non-discrimination in all its policies, procedures and activities. These principles are adhered to with respect to the recruitment and selection of staff and human resource development.

As can be seen in the organisational structure attached as **Annexure A**, the Tribunal has a fairly flat structure, with limited hierarchy of positions to which professional staff can aspire. However, some mechanisms have been developed in order to ensure the retention of skilled staff and to provide some career progression albeit limited.

Finding experienced staff members in the highly specialised field of competition law and economics remains a challenge since the private sector tends to offer more attractive salaries than what the Tribunal can afford. However, the opportunities presented by being able to work closely with Tribunal members and gain valuable knowledge and experience from a regulatory perspective, assist in attracting staff members of a high quality to the Tribunal.

vi. Internship

The Tribunal is a small organisation and is therefore limited in its ability to offer a substantial number of internships. Despite this, the Tribunal has been able to prioritise the opportunity for two interns via its graduate internship programme in the Case Management division and one intern in Human resource management. The Tribunal will continue, subject to the availability of budget, to use the internship programme to provide short-term employment opportunities to unemployed youth which exposes them to valuable work experience.

9. FINAL MTEF SUBMISSION

9.1. Financial requirements and resources

The Tribunal's expenditure requirements (inclusive of capital expenditure) over the Medium-Term Expenditure Framework (2026/2027 – 2028/2029) is estimated to be **R211.9m**. The Tribunal has budgeted to fund this from the three revenue sources:

- National Treasury and **the dtic** approved grant funding of **R136.4m**.
- Expected filing fee revenue of **R69.5m**; and
- Interest in cash holdings of **R6.00m**.

In recent years the grant allocated has grown at approximately the rate of inflation as opposed to changes in the Tribunal's operational requirements and additional obligations in line with the 2019 amendments to the Competition Act.

9.1.1. Filing fees

In terms of a Memorandum of Understanding between the Commission and the Tribunal, the Tribunal receives 30% of all fees filed with the Commission for large mergers and 5% of the fees filed for intermediate mergers.

As indicated throughout this document there is significant uncertainty regarding both the volume of mergers and the value of the filing fees expected by the Commission. So, while the MTEF budget is drawn, using the Commissions estimates as a basis, it is possible that we may need to reconsider the budget in the next financial year.

The Commission has made a proposal to the dtic on both the increase in the filing fee thresholds and the filing fees. An increase in the Commission's filing fee thresholds for merger applications will have direct financial implications for the Tribunal. Higher thresholds may result in a reduction in the number of mergers notified to the Commission, particularly among smaller and intermediate mergers, thereby decreasing the volume of cases referred to the Tribunal for adjudication. This could, in turn, lead to a decline in filing fee revenue transferred from the Commission, impacting the Tribunal's ability to sustain its operations at current levels.

In order to curb the potential financial impact of the increase in thresholds, the Commission will also be proposing an increase in the filing fee per merger. This adjustment aims to balance the anticipated reduction in the number of filings and maintain revenue stability for both the Commission and the Tribunal. However, this process is still underway and remains uncertain at this stage. The financial planning process will therefore need to take into account this uncertainty and assess the potential net effect of these changes to ensure that the Tribunal's adjudicative capacity and operational effectiveness are not compromised.

In addition to the above, the Tribunal has made a proposal to the Commission for an increase in filing fee allocation to the Tribunal. The increased filing fee allocations seeks to address the budget shortfall required to increase additional capacity at the Tribunal (members and Senior Competition Counsel positions).

Regarding the above, the Tribunal's funding model would need to be revised due to the uncertainty of the filing fees and the increased operational requirements of the Tribunal.

Table 9 Summary of the Budget estimates over the MTEF period

CATEGORY	Final 2025/0206	2026/2027	2027/2028	2028/2029	TOTAL
REVENUE					
FILING FEES	23,154,599	23,154,599	23,154,599	23,154,599	69,463,797
GRANT	46,799,000	43,822,000	45,570,000	46,987,000	136,379,000
INTEREST RECEIVED	2,000,000	2,000,000	2,000,000	2,000,000	6,000,000
TOTAL REVENUE	**71,953,599**	**68,976,599**	**70,724,599**	**72,141,599**	**211,842,797**

Annexure D provides a graphical representation of the historic funding and expenditure pertaining to the Tribunal's activities. **Annexure E** reflects the Statement of Financial Performance over the MTEF period included in the ENE submitted in July 2025. **Annexure F** contains a summarized version of the Tribunal's budgetary requirements over the three-year planning period (from 2026/2027 to 2028/2029 budget). **Annexure G** provides the details of the 2026/2027 budget.

9.1.2. Budgeting

As indicated earlier the Tribunal, being an adjudicative body, is reactive as opposed to proactive in terms of the cases brought before it. This in turn means that management is unable to accurately predict the number of cases to be heard on an annual basis.

Budgeting accurately therefore is not possible as many of the line items are based on an estimated number of cases for the financial year. In addition, the Tribunal makes provision for legal fees, as it is possible that particular cases may require the Tribunal to seek legal opinion. Both these factors mean that, inevitably, variances in actual expenditure as opposed to budgeted expenditure arise. The trend over the last five years has been towards actual expenditure being more closely equated to the budget and resulting in smaller variances (as illustrated in the table 9 below) and the Tribunal strives for this trend to continue.

In the 2023/24 financial year, National Treasury had instructed national departments, and the entities to apply more stringent measures to reduce the government spending, improve spending efficiencies and maintain a sustainable fiscal framework. This had resulted in an immediate reduction of the Tribunal's grant allocation for the 2023/24 financial year and all subsequent years.

A reduction of the Tribunal's budget by R4.3 million in the 2023/24 financial year coupled with a further reduction in our budget by R15.4 million over the MTEF period translated to a reduction of 10% to 12% overall to the Tribunal's budget. This reduction had a substantial impact on the ability of the Tribunal to deliver on its mandate. 72% of the Tribunal's costs are on personnel. There is a need for more resources and capacity. The nature of the Tribunal's work is human capital intensive.

The reduction in the budget means that the Tribunal will not be able to fill critical vacancies in the Tribunal as planned and budgeted for, but it also means that we will not be able to sustain the costs of those new employees that have already been appointed in line with the proviso as stated above.

Furthermore, the reductions in budget deferred some of the critical initiatives that the Tribunal had identified for this period, such as the capacitation and growth of the organisation as per the organisational review and identifying additional office space.

From a funding perspective, the Tribunal receives about 60% of its funding from government grants and 40% from filing fees. Filing fees generated are not always in direct correlation to the activity levels of the Tribunal and are therefore unpredictable. In the past, other than the budget reductions imposed, the grant allocation has increased based on inflationary rates and not as per our operational requirements.

The above funding constraints together with the budget reductions further impact the ability of the Tribunal to meet its mandate effectively and efficiently at a time when the effects of the amendments to the Act are now manifesting in real cases.

Table 10 Expenditure against budget for the period 2019/2020 to 2024/2025

Year	Actual expenditure incl. of capital	Budget (in R'm)	% Budget spent	% Budget underspend/ overspend
2019/2020	R49	R60	82.51%	17.49% underspend
2020/2021	R46	R50	92.34%	8% underspend
2021/2022	R45	R58	78.73%	21% underspend
2022/2023	R62	R60	103.73%	4% overspend
2023/2024	R68	R59	115.43%	15% overspend
2024/2025	R66	R63	105.40%	5% overspend

PART C: MEASURING OUR PERFORMANCE

10. Institutional Programme Performance Information

The Tribunal is aiming to achieve 21 outputs aligned over the 2026/2027 financial year.

10.1. Outcomes, Outputs, Performance Indicators and Targets

In this section we identify the outputs that will assist the Tribunal to achieve its stated outcomes in each of the Tribunal's focus areas, namely Sound, Efficient and Responsive Adjudication and Transparent, Accountable and Sustainable Entity. Indicators to measure the performance/achievement of the outputs against agreed targets are given. Where applicable annual targets are cascaded down to quarterly targets. If the target is applicable in 2026/2027 or was applicable in prior years, performance against these targets is reflected in the matrix. If the indicator is new but there is existing information regarding the prior performance against the indicator, it is also reflected in the matrix (even if it is not an audited outcome).

10.1.1. Adjudication

Table 11: Outcomes / outputs / indicators / targets related to adjudication

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Sound, Efficient and Responsive Adjudication	**1. Effective case management procedures to ensure hearings are set down within legislated timeframes.**	Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.	90%	94%	98%	99%	92%	92%	92%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Sound, Efficient and Responsive Adjudication	**2. Effective and timeous issuing of orders and reasons**	Percentage of merger orders issued to parties within 10 business days following conclusion of the hearing[5].	100%	100%	100%	100%	92%	92%	92%
		Percentage of reasons for mergers issued to parties within 20 business	88%	81%	91%	84%	80%	80%	80%

[5] The hearing is considered concluded after information (if any) is submitted, post the hearing.

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		days of order being issued.							
		Percentage of Reasons[6] for prohibited practice cases issued to parties within 120 business days following the	0%	25%	No reasons issued	33%	70%	70%	70%

[6] In exceptional cases an order may be issued before reasons but in most instances orders and reasons are issued simultaneously and therefore reasons date is taken as
the indicator. Furthermore, the target has been adjusted to accommodate the approximate cases that fall into this category.

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		conclusion of the hearing.							
Sound, Efficient and Responsive Adjudication	**3. Effective and timeous issuing of orders, and reasons**	Percentage of procedural matter[7]orders issued to parties within 45 business days of following conclusion of a hearing.	57%	40%	87%	92%	70%	70%	70%

[8] Not all procedural/interlocutory matters require reasons to be issued.

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		Percentage of orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of a hearing.	100%	100%	94%	75%	95%	95%	95%
		Percentage of reasons in interim relief	0%	33%	0%	No reasons Issued so far.[8]	70%	70%	70%

[8] Target was previously percentage of reasons in interim relief matters issued to parties within 30 business days following conclusion of a hearing.

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		matters issued to parties within 40 business days following conclusion of a hearing.							

Adjudication represents the core business of the Tribunal. The Competition Act provides for the Tribunal to regulate two broad areas of competition, mergers and acquisitions on the one hand and prohibited practices on the other.

Outcomes, outputs, indicators and targets for this focus area are indicated in matrix format in the tables that follow. These have been aligned with **the dtic**'s joint/integrated outcomes of Delivery/Capable State, Industrialisation and Economic Transformation within the ambit of the Competition Act, which in turn align with the NDP and ERRP.

Table 12: Annual and Quarterly Targets Related to Adjudications

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.	92%	92%	92%	92%	92%
Percentage of merger orders issued to parties within 10 business days following conclusion of the hearing.[9]	92%	92%	92%	92%	92%
Percentage of reasons for mergers issued to parties within 20 business days of order being issued.	80%	80%	80%	80%	80%
Percentage of reasons for prohibited practice cases are issued to parties within 120 business days following conclusion of the hearing	70%	70%	70%	70%	70%
Percentage of procedural matter[10] orders issued to parties within 45 business days following conclusion of the hearing.	70%	70%	70%	70%	70%
Percentage of orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing	95%	95%	95%	95%	95%
Percentage of reasons in interim relief matters issued to parties within 40 business days following conclusion of the hearing.	70%	70%	70%	70%	70%

[9] The hearing is considered concluded after information (if any) is submitted, post the hearing.
[10] Not all procedural/interlocutory matters require reasons to be issued.

10.1.2. Communication

The purpose of this focus area within the Tribunal is to provide a focussed process to create and enhance awareness of the work of the Tribunal. The outcomes, outputs, indicators and targets are detailed in matrix format in Table 12 below.

Table 13: Outcomes / outputs / indicators / targets related to communication

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Transparent, Accountable and Sustainable Tribunal	**Effective communication and information sharing**	Percentage of press releases of final merger decisions issued within 3 business days of the order date and after finalisation of	99%	100%	99%	98%	90%	90%	90%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		confidentiality claims.							
		Percentage of press releases for final prohibited practice decisions (excluding interlocutories) issued within 3 business days of the order date and after finalisation of	100%	100%	No prohibited practice decisions issued	100%	90%	90%	90%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		confidentiality claims.							

Table 14: Annual and Quarterly Targets Related to Communication

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of press releases of final merger decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	90%	90%	90%
Percentage of press releases for final prohibited practice decisions (excluding interlocutories) issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	90%	90%	90%

10.1.3. Governance

The main purpose of governance as a focus area/function within the Tribunal is to ensure that the entity is managed in a sound, accountable and transparent way. The focus area/function is also responsible for compliance with statutory requirements.

Table 15: Outcome / output / indicator / target related to governance

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Transparent, Accountable and Sustainable Tribunal	**Sound governance**	Percentage of prior financial year audit findings (internal and external) resolved in terms of agreed timelines with auditors	100%	100%	100%	100%	100%	100%	100%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		Audit Outcome	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion

Table 16: Annual and Quarterly Targets Related to Sound Governance

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of prior financial year audit findings (internal and external) resolved in terms of agreed timelines with the auditors.	100%	100%	100%	100%	100%
Audit Outcome	Unqualified audit opinion	N/A	Unqualified audit opinion	N/A	N/A

10.1.4. Financial management

The purpose of the financial management function/focus area is to ensure the optimal management of financial resource allocation and utilisation. The function is also responsible for ensuring compliance with financial reporting requirements.

Table 17: Outcome / Output / Indicator / Targets Related to Financial Management

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Transparent, Accountable and Sustainable Tribunal	**1. Effective financial management**	Percentage of expenditure against budget	96%	112%	102%	90%	90%	90%	90%
	2. Effective financial management	Percentage of supplier invoices paid within 20 days from date of acceptance.	New indicator		100%	96%	90%	90%	90%
	3. Transformation in procurement practices	Percentage of expenditure	97,15% of expenditure	98.66% of expenditure	99,63% of expenditure spent on	127% of expenditure spent on suppliers based on the B-BBEE levels 1-4,	100% of expenditure spent on suppliers	100% of expenditure spent on suppliers	100% of expenditure spent on suppliers

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		on B-BBEE suppliers	spent on supplier s between the B-BBEE levels 1-4, 22,32% of which was on women, youth or PWDs	spent on supplier s between the B-BBEE levels 1-4, 42% of which will be on women, youth or PWDs	suppliers between the B-BBEE levels 1-4, 39.85% of which will be on women, youth or PWDs	46.49% of which will be on women, youth or PWDs.	based on the B-BBEE levels 1-4, 20% of which will be on women, youth or PWDs.	based on the B-BBEE levels 1-4, 20% of which will be on women, youth or PWDs.	based on the B-BBEE levels 1-4, 20% of which will be on women, youth or PWDs.
	4. Transformation in procurement practices	Percentage of expenditure on EME and	New Indicator	55.41% of expendit ure on	44.02% of expenditu re on	36.14% of expenditure on suppliers that are	30% of expenditur e on suppliers	30% of expenditur e on suppliers	30% of expenditur e on suppliers

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		QSE suppliers		suppliers that are classified as EME suppliers	suppliers that are classified as EME suppliers	classified as EME suppliers	that are classified as EME and QSE suppliers	that are classified as EME and QSE suppliers	that are classified as EME and QSE suppliers

Table 18: Annual and Quarterly Targets Related to Financial Management and Transformation in Procurement

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of expenditure against budget	90%	90%	90%	90%	90%
Percentage of supplier invoices paid within 20 days from date of acceptance.	90%	90%	90%	90%	90%
Percentage of expenditure on B-BBEE suppliers	100% of expenditure spent on suppliers based on the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	100% of expenditure spent on suppliers based on the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	100% of expenditure spent on suppliers based on the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	100% of expenditure spent on suppliers based on the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	100% of expenditure spent on suppliers based on the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs
Percentage of expenditure on EME and QSE suppliers	30% of expenditure on suppliers that are classified as EME and QSE suppliers	30% of expenditure on suppliers that are classified as EME and QSE suppliers	30% of expenditure on suppliers that are classified as EME and QSE suppliers	30% of expenditure on suppliers that are classified as EME and QSE suppliers	30% of expenditure on suppliers that are classified as EME and QSE suppliers

10.1.5. Transformation, human capacity development and training

The purpose of the transformation, human capacity development and training function/focus area is to ensure that the Tribunal effectively leverages employee skills by recruiting, retaining and development of high-quality performing people in terms of the Employment Equity plan, in line with **the dtic**'s joint/integrated outputs of a Transparent, Accountable and Sustainable Tribunal. The outcome/output/indicators/targets associated with this function/focus area are illustrated in matrix format in Table 15 below.

Table 19: Outcomes / outputs / indicators / targets related to transformation, human capacity development and training

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Transparent, Accountable and Sustainable Tribunal	Transformation, human capacity development, retention and training	Percentage of staff retention	90%	94%	91%	99%	80%	80%	80%
		Percentage of staff training expenditure against total employee costs	New Indicator	2%	2%	0%	1%	1%	1%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		Number of staff capacity building/training initiatives conducted	New Indicator				4	4	4
		Number of interns provided with opportunities within the Tribunal	2	2	2	3	2	2	2
		Percentage of employment equity representation of employees from the	New indicator	94%	94%	93%	75%	75%	75%

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
		designated groups							

Table 20: Annual and Quarterly Targets Related to transformation, human capacity development and training

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of staff retention	80%	80%	80%	80%	80%
Percentage of staff training expenditure against total employee costs	2%	N/A	N/A	N/A	2%
Number of staff capacity building/training initiatives conducted.	Four (4) staff capacity building/training workshops conducted	1	1	1	1

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Number of interns provided with opportunities within the Tribunal	Two Interns	2	2	2	2
Percentage of employment equity representation of employees from the designated groups	75%	75%	75%	75%	75%

10.1.6. Improved knowledge management

As noted above, the Tribunal's recently developed five-year IT Strategy has prioritised improving knowledge management through the modernisation of the Tribunal's systems, focusing on leveraging technology to enhance efficiency, streamline workflows, and improve case management processes. This includes upgrading the Case Management System (CMS) with advanced functionalities such as automation, real-time case tracking, artificial intelligence, enhanced document management, and improved data security. These technological improvements will ensure seamless access to information, facilitate better reporting, and support knowledge management, ultimately strengthening the Tribunal's operational capabilities.

Table 21: Outcomes / outputs / indicators / targets related to modernisation and technological improvements

<table>
<tr><th rowspan="2">OUTCOME</th><th rowspan="2">OUTPUT</th><th rowspan="2" colspan="2">OUTPUT INDICATOR</th><th colspan="3">AUDITED ACTUAL PERFORMANCE</th><th>ESTIMATED PERFORMANCE</th><th colspan="3">MTEF PERIOD TARGETS</th></tr>
<tr><th>2022/23</th><th>2023/24</th><th>2024/25</th><th>2025/26</th><th>2026/27</th><th>2027/28</th><th>2028/29</th></tr>
<tr><td>Transparent, Accountable and Sustainable Tribunal</td><td>Improved knowledge management</td><td>Enhancement of case management system</td><td>New indicator</td><td colspan="4">Feasibility study conducted on current CMS system and requirements</td><td>Approve and initiate the design and development phase of the</td><td>Implementation of new CMS.</td><td></td></tr>
</table>

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
							CMS in line with project implementation plan		

Table 22: Annual and Quarterly Targets Related to modernisation and technological improvements

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Enhancement of case management system	Approve and initiate the design and development phase of the CMS in line with project implementation plan	N/A	Approve project implementation plan	N/A	50% completion of design and development phase of the CMS in line with project implementation plan

10.2. Explanation of planned performance over the medium-term period

The two outcomes identified in the Strategic Plan enable the Tribunal to operate within its mandate as a credible institution within the public sector and pursue its commitment to keep the public informed. Seven outputs have been identified that will enable the Tribunal to achieve these two outcomes. In turn we have identified 21 indicators linked to these outputs that are measured quarterly and annually.

The scorecards reflected under paragraph 8.1 above reflect the specific outcomes, the outputs aligned to each outcome, output indicators and targets assigned for the three-year period. Where possible it also reflects performance in the prior periods and the estimated performance for 2025/2026.

The targets set by the Tribunal against the outcomes and outputs related to the adjudicative process in particular are generally constant over the three-year period as the Tribunal is a service organisation providing a constant level of service to its clients.

Targets have been set at less than 100% as non-performance is not always attributable to the Tribunal but sometimes due to the request of the parties who may have valid reasons for the delays. In addition, the complexity of matters may result in delays in the issuing of reasons.
In attaining the outcomes and the output indicators the Tribunal identified, a number of strategic interventions will be implemented over the MTEF period.

To achieve **"Sound, Efficient and Responsive Adjudication"** the following interventions may be implemented:

- Compile regular case updates on significant developments within the Competition Act.
- Conduct bi-weekly case management meetings.
- Maintain a process whereby Case Managers check files regularly.
- Continuous development and improvement of a practice whereby Case Managers play a stronger oversight role in the whole case management process.
- Conduct regular training sessions; and
- Improve the case management system for ease of search and reporting functionality.

The Tribunal aims to be a "**Transparent, Accountable and Sustainable Entity"** and in order to achieve that the following interventions may be implemented:

- Review effectiveness of communication with various stakeholders.

- Establish mechanisms or processes for knowledge transfer.
- Review and enhance the employee performance management system.
- Conduct a skills and competency audit that informs the training and capacity development plan.
- Development, adherence and regular reporting against an annual institutional procurement plan.
- Periodic institutional benchmarking against similar institutions or professions.
- Conduct quarterly performance review workshops before finalising and submitting the quarterly reports.
- Review and update the employee and Tribunal member induction process.
- Investigate and conclude a financial model for the Tribunal with **the dtic** and National Treasury.
- Development and implement a competency evaluation framework.
- Implement skills development and HR retention strategy and plan; and
- Conduct regular internal climate surveys.

11. Financial considerations and the 2026/2027 budget

11.1. Expenditure Estimates

A final detailed one-year budget for the **2026/2027** year is included in **Annexure G.**

As stated in the Strategic Plan, the Tribunal is an adjudicative body and hence is reactive in terms of the cases brought before it. It is therefore not possible to accurately predict the number of cases to be heard annually. This means that budgeting accurately becomes difficult as many of the line items are based on an estimated number of cases to be heard in that year. The net result is that variances in actual expenditure, as opposed to budgeted expenditure, do arise.

In drafting the 2026/2027 final budget, the Tribunal has considered the main assumptions listed below. The Tribunal's budget is an operational budget and is not programme or project driven. 73% of the budget is allocated to personnel expenses (excluding fees payable to part-time Tribunal members).

The main assumptions made in drafting the 2026/2027 budget are as follows:

i) The budgets included in the ENE were drawn based on the average consumer price index (CPI) of 4.2%.

ii) The leasing fee payable to **the dtic** is in line with the 2025/2026 actual costs.

iii) Cost of living increase for all Tribunal staff has been based on the average CPI.

iv) Part-time member expenditure is based on a daily rate of R9 000.00 + CPI for 7 part-time members for hearing days (actual and preparation days) and retainer costs equivalent to 10 days per member, annually. The daily rate has not been increased in the past 10 years and a request to revisit this will be progressed with the dtic.

Table 16 below illustrates the Tribunal's budget allocation across the various expenditure categories for both the current and the next financial year.

Table 23 Percentage budget allocation across category expenditure for 2025/2026 and 2026/27 financial years

CATEGORY	2025/2026	2025/2026 % of Total Expenditure	2026/2027	2026/2027 % of Total Expenditure
EXPENDITURE				
PERSONNEL	49,362,435	73%	50,042,639	73%
PT TRIBUNAL MEMBERS	4,000,000	6%	4,000,000	6%
TRAINING	500,000	1%	500,000	1%
CONFERENCE/SEMINARS	111,580	0%	126,579	0%
SHARED SERVICES CCSA	849,013	1%	884,927	1%
FACILITY FEE/LEASE	5,816,509	9%	6,107,334	9%
CONSULTING	94,419	0%	98,413	0%
LEGAL FEES	59,012	0%	61,508	0%
TRANSCRIPTION SERVICES	940,320	1%	982,446	1%
AUDIT EXPENSES	1,358,370	2%	1,419,361	2%
RECRUIT COSTS	42,740	0%	44,548	0%
ADMIN EXPENSES	891,466	1%	929,175	1%
DEPRECIATION	600,750	1%	626,162	1%
AMORTISATION	427,962	1%	446,065	1%
IT EXPENSES	2,500,000	4%	2,500,000	4%
REPAIRS/MAINTENANCE	34,022	0%	35,461	0%
APPEALS COURT	165,000	0%	171,980	0%
CAPITAL EXPENDITURE	-	-	-	
TOTAL EXPENDITURE	**67,753,599**	**100%**	**68,976,599**	**100%**

Approximately **73%** of the Tribunal's 2026/2027 budget will be spent on personnel expenses which includes full time member costs. If fees paid to the part-time Tribunal members are included in this category, this increases to **79%.** "Shared service fee" refers to the payments made to the Commission for shared services (in terms of a Memorandum of Understanding), accounting for **1%** of the budget.

Costs associated with audits (internal, external audit fees and audit committee expenses) account for **2%** of the budget while administrative expenses account for **1%** of the budgeted expenditure.

11.2. Relating Expenditure Estimates to Outcomes and Outputs

The Tribunal, being an adjudicative body that responds to matters brought before it, is not project or programme driven and for this reason the budget is primarily an operational/administrative budget.

The Tribunal's strategic outcomes and associated outputs relate primarily to its mandate and core business but also include strategic outcomes and outputs related to oversight and financial management.

Table 20 below indicates the allocation of the annual budget across the two outcomes. The Tribunal has managed to allocate **79.37%** of the annual budget across the two outcomes.

Table 24: Budget allocation by outcome

Outcome	Budget R'000	% of budget
Sound, Efficient and Responsive Adjudication	37,276	54%
Accountable, transparent and sustainable entity	30,877	45%
Other expenditure	1,051	2%
Total	**69,204**	**100%**

11.3. Reconciling targets with the budget and MTEF

As indicated above the Tribunal has allocated 99% of its budget against the stated strategic outcomes. In addition, the budget is further divided by output with linkages to the six identified focus areas as illustrated in table 19 below.

Table 25: Budget allocation by focus areas, output and outcome

FOCUS AREA	OUTPUTS	BUDGET
Sound, Efficient and Responsive Adjudication	Effective and timeous issuing of orders and reasons	32,749,023
	Effective case management procedures to ensure hearings are set down within legislated timeframes	8,960,940
Communication	Effective communication and information sharing	2,704,204
Business Process, Governance, Financial Management, Human Resources	Effective record management	2,008,274
	Sound governance	2,561,665
	Effective financial management	4,098,620
	Capacity development, retention and training	1,842,369
Other expenses	Administration (incl. depreciation)	14,125,294
	Capital Expenditure	-
	Competition Appeal Court	153,210
	TOTAL BUDGET	69,203,599

At present, the adjudication and case management costs include the total salaries of the full-time Tribunal members and all Case Managers/researchers and registry staff despite the fact that they may perform functions that are not specifically case related.

The Tribunal's electronic case management system (CMS), currently in operation, enables it to extract data related to the cost of hearings and thereby determine, to some extent, the ratio between case and non-case related work. Over time, the Tribunal will investigate this issue further in order to arrive at a more accurate costing of the Tribunal's core business. The Tribunal will, on a quarterly basis, report on progress with regards to the achievement of targets and costs to **the dtic**, National Treasury and to other stakeholders.

11.4. The Competition Appeal Court

The Competition Act set up a triad of institutions (the Commission, the Tribunal and the CAC) with exclusive jurisdiction over competition matters (specifically, chapters 2 and 3 of the Competition Act).

The CAC is a specialised division of the High Court comprising at least 3 Judges, each of whom must be a Judge of the High Court. The CAC may review or consider an appeal arising from any Tribunal decision.

CAC Judges are appointed by the President, on the advice of the Judicial Services Commission. The tenure of office, remuneration and terms and conditions of service of a Judge of the High Court is not affected by his/her appointment to the CAC. The Registrar of the Tribunal (and CAC) liaises with the Judicial Services Commission over the appointment of CAC Judges and is responsible for the training function of the Judges. The Tribunal secretariat provides the registry function for the CAC and the registrar of the Tribunal acts as the Registrar of the CAC.

At present the Tribunal includes the CAC as a line item in its budget and is responsible for the financing of administrative aspects of the CAC, excluding for personnel expenses. As is the case with the Tribunal, it is difficult to predict the number of appeals that may be lodged against Tribunal decisions and as a result budgeting becomes difficult and variances do occur. All expenditure associated with training or overseas travel has been reduced as some CAC hearings will take place online. The budget is therefore R 150,000.

Table 26 Percentage CAC budget allocation across expenditure categories

CATEGORY	2026/2027 BUDGET
Local travel	20%
Administrative expenses	70%
Conferences attendance and overseas travel	0%
High Court meetings/training	10%
Total	**100%**

PART D: TECHNICAL INDICATOR DESCRIPTORS (TID)

12. Technical Indicator descriptors by focus area

12.1. Adjudication

Outcome	Sound, Efficient and Responsive Adjudication
1. Indicator Title	Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.
Definition	This performance indicator measures the efficiency of the Tribunal in scheduling a pre-hearing date or hearing date for mergers within the stipulated timeframe.
Source of data	➢ Merger referral documents received by the Tribunal. ➢ Request for consideration received by the Tribunal. ➢ Set down notices issued by the Tribunal. ➢ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Hearing calendar. ➢ Transcriptions.
Method of Calculation/ Assessment	The method of calculation is a percentage calculated as follows: Percentage of mergers set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of a merger referral = (a/b) x 100, were a = total number of mergers set down for the beginning of a hearing or pre-hearing within 10 business days b = total number of mergers set down.

Outcome	Sound, Efficient and Responsive Adjudication
	In terms of the Rules of the Tribunal, the time period for scheduling a prehearing may be extended to a period of 10 business days by the Chairperson, and a further extension may be granted subject to agreement with the parties. In those cases where such an extension has been granted, the extended period will be used in the calculation.
Means of Verification	➢ Workflows built into CMS either prevents further updating or alerts the user if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data. against source document and ensure accuracy. ➢ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Registry Administrator completes the performance information report quarterly using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information. and quarterly reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact. on stipulated timeframes and targets. ➢ Tribunal has aligned to **the dtic**'s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➢ Those parties and counsel are available. Time periods are subject to the availability of the parties and counsel and may be extended depending on the circumstances of each case.

Outcome	Sound, Efficient and Responsive Adjudication			
Disaggregation of Beneficiaries (where applicable)	• N/A			
Spatial Transformation (where applicable)	• N/A			
Calculation Type	• Percentage			
Reporting Cycle	• Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (quarterly and annually			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	97%/0%	80%/65%	90%	85%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	85%	92%	92%	92%

Outcome	Sound, Efficient and Responsive Adjudication
2. Indicator Title	Percentage of merger orders issued to parties within 10 business days following conclusion of the hearing
Definition	This performance indicator measures the efficiency of the Tribunal in issuing decisions for mergers. Tribunal's decisions are contained in an "order".
Source of data	➢ Orders issued by the Tribunal to merger parties. ➢ Any correspondence and notices received and issued between the Tribunal, the Commission and parties.

Outcome	Sound, Efficient and Responsive Adjudication
	➢ Case Management System (electronic case management system run by the Tribunal hereinafter referred to as CMS) reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Hearing calendar. ➢ Press releases referring to decisions made by the Tribunal. ➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation is a percentage, and it is calculated as follows: Percentage of merger orders issued within ten business days following conclusion of the hearing = (a/b) x 100, Where: a = total number of orders for mergers issued within ten business days of the last hearing date b = total number of orders for mergers issued. Calculated as at the date of the last information received by the Tribunal.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Registry Administrator will contact the staff member required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to the Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. ➢ The same processes explained above are followed annually thus providing further opportunity to review monthly information and reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.

Outcome	Sound, Efficient and Responsive Adjudication			
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➢ The Tribunal has aligned to **the dtic**'s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➢ The Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➢ That all information is received on conclusion of the physical (or virtual) hearings			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator ➢ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually)			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	100%/100%	95%/70%	100%	85%

Outcome	Sound, Efficient and Responsive Adjudication			
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	85%	92%	92%	92%

Outcome	Sound, Efficient and Responsive Adjudication
3. Indicator Title	Percentage of reasons for mergers issued to parties within 20 business days of order being issued.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons for the decisions (through an order) it makes within stipulated time frames
Source of data	➢ Reasons issued by the Tribunal. ➢ Orders issued by the Tribunal. ➢ Official correspondence and notices received and issued by the Tribunal. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflects turnaround times. ➢ Hearing calendar. ➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation used is a percentage and the percentage is calculated as follows: Percentage of reasons for mergers issued to parties within 20 business days = (a/b) x 100, Where: a = total number of reasons for mergers issued to parties within 20 business days of the date the order was issued, b = total number of reasons for mergers issued.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder.

Outcome	Sound, Efficient and Responsive Adjudication
	➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source. document and ensure accuracy. ➢ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Quarterly Registry Administrator completes the performance information. report using QlikView reports as the basis for data collection. ➢ The same processes explained above are followed annually thus providing further opportunity to review monthly information. and reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➢ The Tribunal has aligned to **the dtic**'s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A

Outcome	Sound, Efficient and Responsive Adjudication			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry staff Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually).			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	72%/100%	70%/50%	75%	88%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	75%	80%	80%	80%

Outcome	Sound, Efficient and Responsive Adjudication
4. Indicator Title	Percentage of reasons[11] for prohibited practice cases issued to parties within 120 business days following conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons for prohibited practice cases in the stipulated timeframes.
Source of data	➢ Reasons in prohibited practice cases issued to parties. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times.

[13] In exceptional cases an order may be issued before reasons but in most instances orders and reasons are issued simultaneously and therefore reasons date is taken as the indicator.

Outcome	Sound, Efficient and Responsive Adjudication
	➢ Press releases. ➢ Hearing calendar. ➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation is a percentage and is calculated as follows: Percentage of reasons for prohibited practices issued within 120 business days of last hearing date= (a/b) x 100, Where: a = total number of reasons for prohibited practices issued within 120 business days following conclusion of the hearing, b = total number of reasons for prohibited practices issued. In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Registry Administrator will contact the staff member required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. ➢ The processes explained above are followed annually thus providing further opportunity to review monthly information and quarterly reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function.

Outcome	Sound, Efficient and Responsive Adjudication			
	➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➢ The Tribunal has aligned to **the dtic**'s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of complaints, where applicable.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator ➢ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually)			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	No reasons issued/0%/67%	75%/65%/65%	0%	75%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	65%	70%	70%	70%

Outcome	Sound, Efficient and Responsive Adjudication
5. Indicator Title	Percentage of procedural matter[12] orders issued to parties within 45 business days following conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing orders for procedural matters within the stipulated timeframes.
Source of data	➢ Orders in procedural matters issued to parties. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Hearings calendar. ➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation used is a percentage and it is calculated as follows: Percentage of procedural matters orders issued to parties within 45 days of the last hearing date = (a/b) x 100, Were a = total number of orders for procedural matters issued within 45 business days following conclusion of the hearing. b = total number of orders for procedural matters issued. In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review..

[14]While we refer to procedural matters they include interlocutory applications.

Outcome	Sound, Efficient and Responsive Adjudication			
	➢ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.			
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator ➢ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually)			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	90%	65%	57%	65%

Outcome	Sound, Efficient and Responsive Adjudication			
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	65%	70%	70%	70%

Outcome	Sound, Efficient and Responsive Adjudication
6. Indicator Title	Percentage of orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing orders for consent orders and settlement agreements in the stipulated timeframes.
Source of data	➢ Consent order or settlement agreement issued by the Tribunal. ➢ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Hearings calendar. ➢ Press releases. ➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation is a percentage and is calculated as follows: Percentage of orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing= (a/b) x 100, Where: a = total number of orders for consent orders and settlement agreements issued within 10 business days following conclusion of the hearing, b = total number of orders for consent orders and settlement agreements issued.

Outcome	Sound, Efficient and Responsive Adjudication
	In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder.. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Registry Administrator will contact staff member required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage

Outcome	Sound, Efficient and Responsive Adjudication			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator ➢ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually)			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	92%	75%	75%	100%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	80%	95%	95%	95%

Outcome	Sound, Efficient and Responsive Adjudication
7. Indicator Title	Percentage of reasons in interim relief matters issued to parties within 40 business days following the conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons in interim relief matters to parties within stipulated timeframes.
Source of data	➢ Reasons issued for interim relief cases. ➢ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➢ CMS reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Hearing calendar. ➢ Press releases.

Outcome	Sound, Efficient and Responsive Adjudication
	➢ Transcriptions.
Method of Calculation / Assessment	The method of calculation is a percentage and is calculated as follows: Percentage of reasons for interim relief issued to parties within 40 business days following conclusion of the hearing = (a/b) x 100, Where: a = total number of reasons in interim relief issued to parties within 40 business days following conclusion of the hearing, b = total number of reasons for interim relief issued to parties. In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.
Means of Verification	➢ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➢ The Registry Administrator extracts monthly reports from QlikView and saves them in the shared folder.. ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Registry Administrator will contact staff member required to input missing data or make corrections on CMS. ➢ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➢ The Registrar reviews monthly reports each month and records their name and date as proof of review.. ➢ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. ➢ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	➢ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➢ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets.

Outcome	Sound, Efficient and Responsive Adjudication			
	➢ The Tribunal has aligned to **the dtic**'s joint/integrated outputs. ➢ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	➢ Data collection, filing/archiving collected data – Registry Administrator ➢ Data extraction – Registry Administrator ➢ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually).			
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	0%	65%	0%	65%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	65%	70%	70%	70%

12.2. Communication

Outcome	Transparent, Accountable and Sustainable Entity
8. Indicator Title	Percentage press releases of final merger decisions issued within 3 business days of order date and after finalization of confidentiality claims.
Definition	This indicator measures the percentage of final merger decisions for which a press release was issued during the financial year per quarter and cumulatively for the year to date
Source of data	➢ Press releases issued by the Communications Manager ➢ Merger orders issued by the Tribunal. ➢ Any correspondence between the Communications Manager and stakeholders i.e. case managers and members ➢ Information from Mailchimp, the electronic database through which press releases are issued, and the Tribunal website. ➢ Case Management System (electronic case management system run by the Tribunal hereinafter referred to as CMS) reports. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Tribunal press release lists
Method of Calculation / Assessment	Percentage final merger decisions in which a press release is issued by the Tribunal = (a/b) x 100 Where: a = total number of final merger decision press releases issued during the delivery period, b = total number of final merger decisions issued during the delivery period.
Means of Verification	➢ Quarterly Communications Reports ➢ Quarterly dashboard reports ➢ Press releases published on Tribunal website ➢ Mailchimp press release database ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Electronic email files maintained for an entire financial year and therefore no risk of duplication of source documents which can lead to inaccuracies in data capturing. In addition, same source documents are used for quarterly and annual review.

Outcome	Transparent, Accountable and Sustainable Entity			
Assumptions	➢ Tribunal has the necessary financial resources and capabilities. ➢ Confidentiality claims by parties have been resolved.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The target is met or exceeded			
Indicator Responsibility	Communications Manager			
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	90%	77%	99%	90%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	90%	90%	90%	90%

Outcome	Transparent, Accountable and Sustainable Entity
9. Indicator Title	Percentage press releases – for final prohibited practice decisions (excluding interlocutory matters) issued within 3 business days of order date and after finalization of confidentiality claims.
Definition	This indicator measures the percentage of final prohibited practice decisions (excluding interlocutory matters) for which a press release was issued during the financial year.

Outcome	Transparent, Accountable and Sustainable Entity
Source of data	➢ Press releases issued by the Communications Manager. ➢ Prohibited practice orders issued by the Tribunal. ➢ Any correspondence between the Communications Manager and stakeholders i.e. case managers and members. ➢ Information from Mailchimp, the electronic database through which press releases are issued. ➢ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➢ Tribunal press release lists.
Method of Calculation/ Assessment	Percentage of press releases issued for final prohibited practice decisions issued by the Tribunal = (a/b) x 100 Where: a = total number of final prohibited practice decision press releases issued during the delivery period, b = total number of final prohibited practice decisions issued during the delivery period.
Means of Verification	➢ Quarterly Communications Reports ➢ Quarterly dashboard reports ➢ Press releases published on Tribunal website ➢ Mailchimp press release database ➢ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➢ Electronic email files maintained for an entire financial year and therefore no risk of duplication of source documents which can lead to inaccuracies in data capturing. In addition, same source documents are used for quarterly and annual review.

Outcome	Transparent, Accountable and Sustainable Entity			
Assumptions	The Tribunal has been issuing press releases for final merger decisions for many years within stipulated timeframes and therefore if all systems, processes and procedures are maintained the outcome will be achieved, pending the finalisation of confidentiality claims.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	The target is met or exceeded			
Indicator Responsibility	Communications Manager			
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	71%	0%	100%	90%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	90%	90%	90%	90%

12.3. Governance

Outcome	Transparent, Accountable and Sustainable Entity
10. Indicator Title	Percentage of prior financial year audit (internal and external) findings resolved in terms of agreed timelines with auditors.

Outcome	Transparent, Accountable and Sustainable Entity
Definition	The Tribunal will report on the number of audit findings made in the prior year and then report on the number resolved in terms of the agreed timelines with auditors.
Source of data	➢ Internal and external audit reports. ➢ Follow up audits. ➢ Internal and external audit findings tracker.
Method of Calculation / Assessment	Percentage of prior financial year audit findings resolved = (a/b) x 100, Where: a = total number of prior year internal and external audit findings resolved in the current financial year, b = total number of prior year internal and external audit findings which have reached their due date.
Means of Verification	➢ Audit trackers maintained by the Tribunal verify progress made against audit findings. ➢ Follow up audit conducted annually by internal audit tests the documented action and indicates the number of prior period internal audit findings resolved. ➢ External audit in management report documents resolution of prior year audit findings.
Assumptions	The Tribunal has required processes in place to evaluate resolution of audit findings and progress is addressed in external/internal audits
Disaggregation of Beneficiaries (where applicable).	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage

Outcome	Transparent, Accountable and Sustainable Entity					
Reporting Cycle	Quarterly and annually					
Desired performance	To have 100% resolution of internal and external audit findings which have reached their due date.					
Indicator Responsibility	CFO and COO					
Baseline *Estimated performance	2021/22			2021/22	2022/23	2023/24*
	100%			100%	100%	100%
Annual Targets	2024/25	2025/26	2026/27	2027/28		
	100%	100%	100%	100%		

Outcome	Transparent, Accountable and Sustainable Entity
11. Indicator Title	Audit Outcome.
Definition	This performance indicator measures the extent to which the Tribunal has adequate and effective controls in order to avoid material findings.
Source of data	➢ Findings reflected in internal and external audit reports. ➢ Procurement documentation (RFQ's/RFP's)
Method of Calculation / Assessment	Target not calculated. Qualitative statement but value of material findings will be reflected
Means of Verification	➢ Value can be verified in GL in Pastel accounting system. ➢ Final audit report by Auditor-General.
Assumptions	All applicable policies and procedures will be followed in order to prevent findings of this nature.

Outcome	Transparent, Accountable and Sustainable Entity			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Target is not calculated but the value of material findings can be determined.			
Reporting Cycle	Annual			
Desired performance	To meet the target			
Indicator Responsibility	Procurement Officer, Head of Finance, CFO and COO			
Baseline	**2020/21**	**2021/22**	**2022/23**	**2023/24***
***Estimated performance**	No findings	No findings	No findings	Unqualified audit opinion
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion

12.4. Financial management

Outcome	Transparent, Accountable and Sustainable Entity
12. Indicator Title	Percentage of expenditure against budget.
Definition	Actual expenditure against budget is measured. It may not be possible to spend 100% of the budget (given factors outside the Tribunal's control, e.g. The budget is based on an estimate of case load. This, however, provides guidance for future budget preparation and focus areas.
Source of data	➢ Approved budget ➢ Expenditure against budget ➢ Pastel accounting system

Outcome	Transparent, Accountable and Sustainable Entity				
Method of Calculation / Assessment	Actual expenditure for the financial year expressed as a percentage of approved annual budget = (a/b) x 100 Were a = actual expenditure incurred for the financial year under review, b = approved budget for the financial year under review, It can be expressed inclusive of capital expenditure and exclusive of capital expenditure.				
Means of Verification	➢ Monthly, quarterly and annual financial statements that reflect both expenditure and approved budget. ➢ Pastel accounting system contains all figures that are captured into the financial system.				
Assumptions	➢ The Tribunal has, in the past, not spent its entire budget and therefore does not anticipate a 100% spend. ➢ Accurate calculation is dependent on a system and processes that are accurate and updated regularly				
Disaggregation of Beneficiaries (where applicable)	N/A.				
Spatial Transformation (where applicable)	N/A.				
Calculation Type	Percentage.				
Reporting Cycle	Quarterly and annually				
Desired performance	To meet or exceed the target but not to be more than 100% of budget				
Indicator Responsibility	Head of Finance and CFO				
Baseline ***Estimated performance**	**2020/21**		**2021/22**	**2022/23**	**2023/24***
	-9 %		-10%	-10%	90%
Annual Targets	**2024/25**	**2025/26**		**2026/27**	**2027/28**
	90%	90%		90%	90%

Outcome	Transparent, Accountable and Sustainable Entity
13. Indicator Title	Percentage of supplier invoices paid within 20 days from date of receipt/acceptance.
Definition	Percentage of supplier invoices paid within 20 days from date of receipt/acceptance. The purpose of the indicator is to ensure an efficient supply chain service which does not disadvantage the service providers, most importantly the SMEs and HDPs.
Source of data	➢ Invoice listing ➢ Proof of payment
Method of Calculation / Assessment	Number of invoices paid within 20 days from receipt or acceptance/total number of invoices for the financial year which have reached 20 days = (a/b) x 100 Were a = Number of invoices paid within 20 days from receipt/acceptance, b = total number of invoices for financial year which have reached 20 days.
Means of Verification	➢ Monthly, quarterly and invoice listings reflecting dates received/accepted. ➢ Approved bank batches/statements with proof of payments
Assumptions	➢ Invoices are correct and confirmed that goods were received, or services were rendered satisfactorily. ➢ Accurate calculation is dependent on a system and processes that are accurate and updated regularly
Disaggregation of Beneficiaries (where applicable)	N/A.
Spatial Transformation (where applicable)	N/A.
Calculation Type	Percentage.
Reporting Cycle	Quarterly and annually
Desired performance	100%
Indicator Responsibility	CFO

Outcome	Transparent, Accountable and Sustainable Entity				
Baseline	2020/21		2021/22	2022/23	2023/24
*Estimated performance	New indicator		New indicator	New indicator	New indicator
Annual Targets	2024/25	2025/26		2026/27	2027/28
	90%	90%		90%	90%

Outcome	Transparent, Accountable and Sustainable Entity
14. Indicator Title	Percentage of expenditure on B-BBEE suppliers
Definition	100% of expenditure spent on suppliers based on the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.
Source of data	Quarterly reports compiled by the Finance Division
Method of Calculation / Assessment	Actual expenditure on B-BBEE suppliers for the financial year multiplied by the relevant BBBEE level, expressed as a percentage of total expenditure on suppliers= [(axb)/c) x 100 Were a = actual expenditure on B-BBEE suppliers incurred for the financial year under review, b = BBBEE level percentage of supplier as per certificate/CSD, c = total expenditure on suppliers incurred for the financial year (excl. government departments expenditure). It can be expressed inclusive of capital expenditure and exclusive of capital expenditure.
Means of Verification	Quarterly reports send to **the dtic**
Assumptions	➢ The Finance Division to collect and analyse the relevant data and complete the quarterly report.
Disaggregation of Beneficiaries (where applicable)	N/A

Outcome	Transparent, Accountable and Sustainable Entity			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	To meet the target			
Indicator Responsibility	CFO, COO			
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24**
		4 Quarterly reports sent to **the dtic**		80% of expenditure spent on suppliers between the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	100% of expenditure spent on suppliers based on the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.			

Outcome	Transparent, Accountable and Sustainable Entity
15. Indicator Title	Percentage of expenditure on EME and QSE suppliers.
Definition	30% of expenditure spent on suppliers that are classified as EME and QSE, excluding dtic office rental.
Source of data	Quarterly reports compiled by the Finance Division
Method of Calculation / Assessment	• Actual expenditure on EME suppliers and QSE for the financial year expressed as a percentage of total expenditure on suppliers= (a/b) x 100 Were a = actual expenditure on EME and QSE suppliers incurred for the financial year under review,

Outcome	Transparent, Accountable and Sustainable Entity			
	b = total expenditure on suppliers incurred for the financial year (excl. government departments expenditure) Can be expressed inclusive of capital expenditure and exclusive of capital expenditure. • Measured at end of quarter and annually			
Means of Verification	Quarterly reports send to **the dtic**			
Assumptions	➢ The Finance Division to collect and analyse the relevant data and complete the quarterly report.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly and annually			
Desired performance	To meet the target			
Indicator Responsibility	CFO, COO			
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	New indicator	New indicator	New indicator	30% of the expenditure is spent on suppliers that are classified as EME suppliers.

Outcome	Transparent, Accountable and Sustainable Entity			
Annual Targets	2024/25	2025/2026	2026/27	2027/28
	30% of expenditure is spent on suppliers that are classified as EME suppliers.		30% of expenditure is spent on suppliers that are classified as EME and QSE suppliers.	

12.5. Transformation, Human capital development and training

Outcome	Transparent, Accountable and Sustainable Entity
16. Indicator Title	Percentage of staff retention.
Definition	Monitoring that the retention rate remains at an acceptable level (the target) and therefore ensures that the Tribunal is adequately capacitated to provide technical and administrative support to the adjudication process.
Source of data	➢ Tribunal's payroll system ➢ Summary reports compiled by the HR Manager
Method of Calculation / Assessment	Percentage of staff = (a/b) x 100 Where: a = total headcount of existing full-time staff at start of quarter b = total headcount of full-time staff at end of quarter • Measured at end of quarter and year to date
Means of Verification	➢ Head count of full-time staff vs funded posts ➢ Compensation of employee's budget ➢ Approved structure ➢ Summary reports by the HR Manager
Assumptions	➢ The Tribunal has sufficient budget allocated for the funded secretariat positions. ➢ That optimal capacity exists through a low vacancy rate.

Outcome	Transparent, Accountable and Sustainable Entity			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Non-Cumulative (simple count)			
Reporting Cycle	Measured quarterly but report annually against target.			
Desired performance	To meet and not exceed the retention rate			
Indicator Responsibility	HR Manager			
Baseline	**2020/21**	**2021/22**	**2022/23**	**2023/24***
***Estimated performance**	19.23%	12%	90%	80%
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	80%	80%	80%	80%

Outcome	Transparent, Accountable and Sustainable Entity
17. Indicator Title	Percentage of staff training expenditure against total employee costs.
Definition	The indicator measures the employee training expenditure as a percentage of total employee costs.
Source of data	➢ Tribunal's payroll system ➢ Summary reports compiled by the HR Manager ➢ Annual financial reports compiled by the Finance Division
Method of Calculation / Assessment	• Percentage of training expenditure = (a/b) x 100 Where:

Outcome	Transparent, Accountable and Sustainable Entity				
	a = total training expenditure incurred for the year b = total employee cost expenditure incurred for the year Measured annually				
Means of Verification	➢ Annual report sent to **the dtic**				
Assumptions	➢ The Finance Division to collect and analyse the relevant data and complete the quarterly report.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Numerical				
Reporting Cycle	Annually				
Desired performance	To meet the target				
Indicator Responsibility	COO				
Baseline ***Estimated performance**	**2020/21**		**2021/22**	**2022/23**	**2023/24***
	New indicator		New indicator	New indicator	2%
Annual Targets	**2024/25**	**2025/26**		**2026/27**	**2027/28**
	2%	2%		1%	1%

Outcome	Transparent, Accountable and Sustainable Entity
18. Indicator Title	Number of staff capacity building/ training initiatives/workshops conducted.
Definition	This performance indicates whether capacity building and training initiatives have been held whereby Case Managers and Tribunal members receive the requisite training in Competition law and economics to expand their skills and increase their level of

Outcome	Transparent, Accountable and Sustainable Entity
	competency in their specific field. These include the annual capacity building workshop, formal internal training workshops, external training workshops and other formal training for case management and/or Tribunal members.
Source of data	➢ HR summary report compiled by HR Manager ➢ Training report completed by staff attending the workshop
Method of Calculation / Assessment	Simple count
Means of Verification	➢ Training reports completed by delegates. ➢ Tribunal accounting system reflects transactions pertaining to conference attendance. ➢ Attendance register
Assumptions	➢ The field of competition law is wide, complex and constantly evolving. Tribunal members and staff must be kept abreast of national and international developments in competition law and economics. ➢ Assumption that there are skilled and competent facilitators with knowledge of case law. ➢ Assumption that there are sufficient financial resources for the Tribunal to host such a workshop and cover all expected costs
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Non-cumulative (simple count)
Reporting Cycle	Quarterly and annually
Desired performance	To meet the required target

Outcome	**Transparent, Accountable and Sustainable Entity**				
Indicator Responsibility	Head of Case Management				
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***	
	Removed due to COVID-19	100%	One annual capacity building workshop	One annual capacity building workshop	
Annual Targets	**2024/25**	**2025/26**		**2026/27**	**2026/27**
	One annual capacity building workshop	One annual capacity building workshop		Four (4) staff capacity building/training initiatives/workshops conducted	Four (4) staff capacity building/training initiatives/workshops conducted

Outcome	**Transparent, Accountable and Sustainable Entity**
19. Indicator Title	Number of interns provided with opportunities within the Tribunal
Definition	This performance indicator measures the extent to which the Tribunal has provided work opportunities to at least two interns for the financial year.
Source of data	➢ Payroll system ➢ HR summary reports compiled by the HR Manager

Outcome	Transparent, Accountable and Sustainable Entity			
Method of Calculation / Assessment	Simple head count			
Means of Verification	➢ Actual head count ➢ Signed offer and appointment letters. ➢ Signed contracts. ➢ Personnel expenditure against budget			
Assumptions	➢ Assumption that the candidates applying for the positions met the internship requirements. ➢ Assumption that the Tribunal has financial resources to employ these interns. ➢ Assumption that there is the required space and technological resources required to employ these interns			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Non-cumulative (simple count)			
Reporting Cycle	Measured Quarterly and Annually against target			
Desired performance	To meet the required target			
Indicator Responsibility	HR Manager			
Baseline *Estimated performance	**2020/21**	**2021/22**	**2022/23**	**2023/24***
	2	2	2	2
Annual Targets	**2024/25**	**2025/26**	**2026/27**	**2027/28**
	2	2	2	2

Outcome	Transparent, Accountable and Sustainable Entity				
20. Indicator Title	Percentage of employment equity representation of employees from the designated groups				
Definition	Maintain 75% of employment equity representation of employees from the designated groups.				
Source of data	➢ Quarterly HR reports compiled by the HR Manager				
Method of Calculation / Assessment	• Percentage of employment equity representation of employees from designated groups = (a/b) x 100 Where: a = total number of employees represented from designated groups for the quarter b = total number of employees for the quarter Measured at end of quarter and annually				
Means of Verification	➢ Quarterly reports completed and submitted to **the dtic**.				
Assumptions	➢ HR Manager collects and analyses the data and compiles a quarterly report.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Percentage				
Reporting Cycle	Quarterly report to **the dtic** but reported on annually.				
Desired performance	To meet the required target				
Indicator Responsibility	HR Manager, COO				
Baseline ***Estimated performance**	**2020/21**		**2021/22**	**2022/23**	**2023/24***
	New indicator		1 report	85%	75%
Annual Targets	**2024/25**	**2025/26**		**2026/27**	**2026/27**

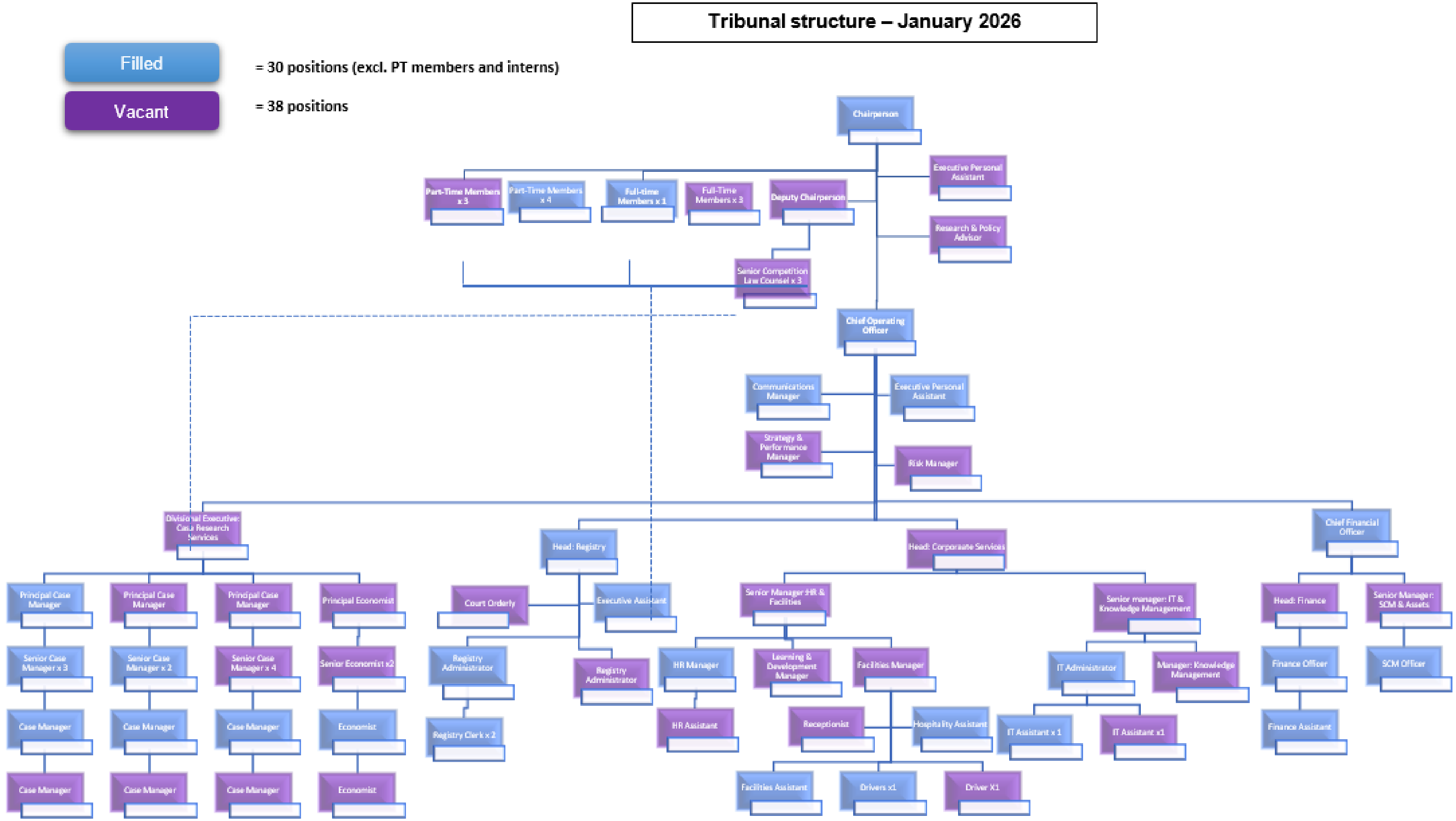
Outcome	Transparent, Accountable and Sustainable Entity			
	75%	75%	75%	75%

12.6. Improved Knowledge Management

Outcome	Transparent, Accountable and Sustainable Entity
21. Indicator Title	Enhancement of case management system
Definition	This indicator measures the progress made in the design and development of the new CMS in line with the approved implementation plan. The enhancement of the CMS is crucial for streamlining case management workflows, reducing case turnaround times, improving transparency, and ensuring seamless tracking of cases from initiation to resolution. It supports the Tribunal's broader strategic goals of digital transformation and operational efficiency.
Source of data	➢ Implementation of the design and development phase of the CMS in line with project implementation plan
Method of Calculation / Assessment	Quantitative
Means of Verification	➢ Approved implementation plan ➢ Approved progress report ➢ Procurement documentation (RFQ's/RFP's, signed SLA)
Assumptions	➢ Availability of budget and resources for system upgrades ➢ Successful integration with existing IT infrastructure ➢ Timely initiation of procurement processes
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Not applicable
Reporting Cycle	Annual

Outcome	Transparent, Accountable and Sustainable Entity				
Desired performance	Target met				
Indicator Responsibility	COO and IT Manager				
Baseline ***Estimated performance**	**2020/21**	**2021/22**	**2022/23**	**2023/24***	
	New indicator				
Annual Targets	**2024/25**		**2025/26**	**2026/27**	**2027/28**
	New indicator		Feasibility study conducted on current case management system and requirements	Approve and initiate the design and development phase of the CMS in line with project implementation plan	Implementation of new CMS

Annexure A: Structural Organogram[16]



Annexure B: Members of the Competition Tribunal

Chairperson

- Mondo Mazwai (BJuris, LLB), from 2013 to 31 July 2029 (second term as Chairperson)

Deputy Chairperson

- Vacant

Full-time Members

- Andreas Wessels (BCom, BCom Hons, MCom (Economics)), from 01 August 2024 to 31 July 2029 (fourth term as full-time Member)
- Vacant- 3 x Members

Part-time Members

- Andiswa Ndoni (BProc, LLB, Post Graduate Diploma Business Management, Cert-Corporate Governance) from 01 August 2009 to 31 July 2029 (fourth term)
- Imraan Valodia (BCom Hons, MSc, DEcon) from 01 January 2013 to 31 January 2028 (thirdterm)
- Thando Vilakazi (BSc, MCom, PhD) from 01 August 2019 to 31 July 2029 (second term)
- Geoff Budlender from 01 January 2023 to 15 March 2025 (second term)

Annexure C: Competition Tribunal Secretariat

Office of the Chairperson

1) Vacant – Research & Policy Advisor (New)
2) Vacant - Executive Personal Assistant (New)
3) Vacant – Special Competition Law Counsel
4) Vacant - Special Competition Law Counsel (New)

Office of the COO

1) Ratshi Maphwanya - Chief Operating Officer
2) Lufuno Ramaru - Executive Administrator (Chairperson, COO)
3) Gillian de Gouveia- Communications Manager
4) Vacant – Strategy & Performance Officer (New)
5) Governance, Compliance and Risk Manager (New)

Case Management

1) Jabulani Ngobeni - Head of Case Management
2) Vacant - Principal Case Manager - Legal (New)
3) Vacant – Principal Case Manager – Economist (New)
4) Nomakhosi Mthethwa-Motsa - Senior Case Manager
5) Princess Ka-Siboto - Senior Case Manager
6) Vacant – Senior Case Manager (New)
7) Andriza Liebenberg – Senior Case Manager
8) Juliana Munyembate – Senior Case Manager
9) Matshidiso Tseki – Senior Case Manager
10) Ofentse Motshudi – Case Manager
11) Sinethemba Mbeki – Case Manager
12) Tarryn Simpson-Case Manager
13) Thabiso Poswa - Economist

Registry

1) Tebogo Mputle- Head: Registry
2) Sibongile Moshoeshoe- Registry Administrator
3) Themba Chauke- Registry Clerk
4) Nkuli Mpepuka- Executive Assistant
5) Cyriel Mpaketsane- Registry Assistant
6) Vacant – Court Orderly

7) Vacant - Registry Administrator (New)

Corporate Services

1) Vacant – Head: Corporate Services
2) Vacant – Senior Manager: IT & Knowledge Management (New)
3) Bellah Kekana - Human Resources Manager
4) Sabinah Monareng - Facilities and Support Services Assistant
5) Maggie Mkhonto - Hospitality Assistant
6) Enos Sekhabi – Driver
7) Vacant – Receptionist (New)
8) Colin Venter - IT Support and Network Administrator
9) Rendani Neswiswi - IT Assistant

Finance

1) Sarie Treeby – Chief Financial Officer
2) Vacant- Head: Finance
3) Tumelo Kekana - Financial Officer
4) Ongezwa Dlulane- Financial Assistant
5) Patricia Froude- Procurement Officer

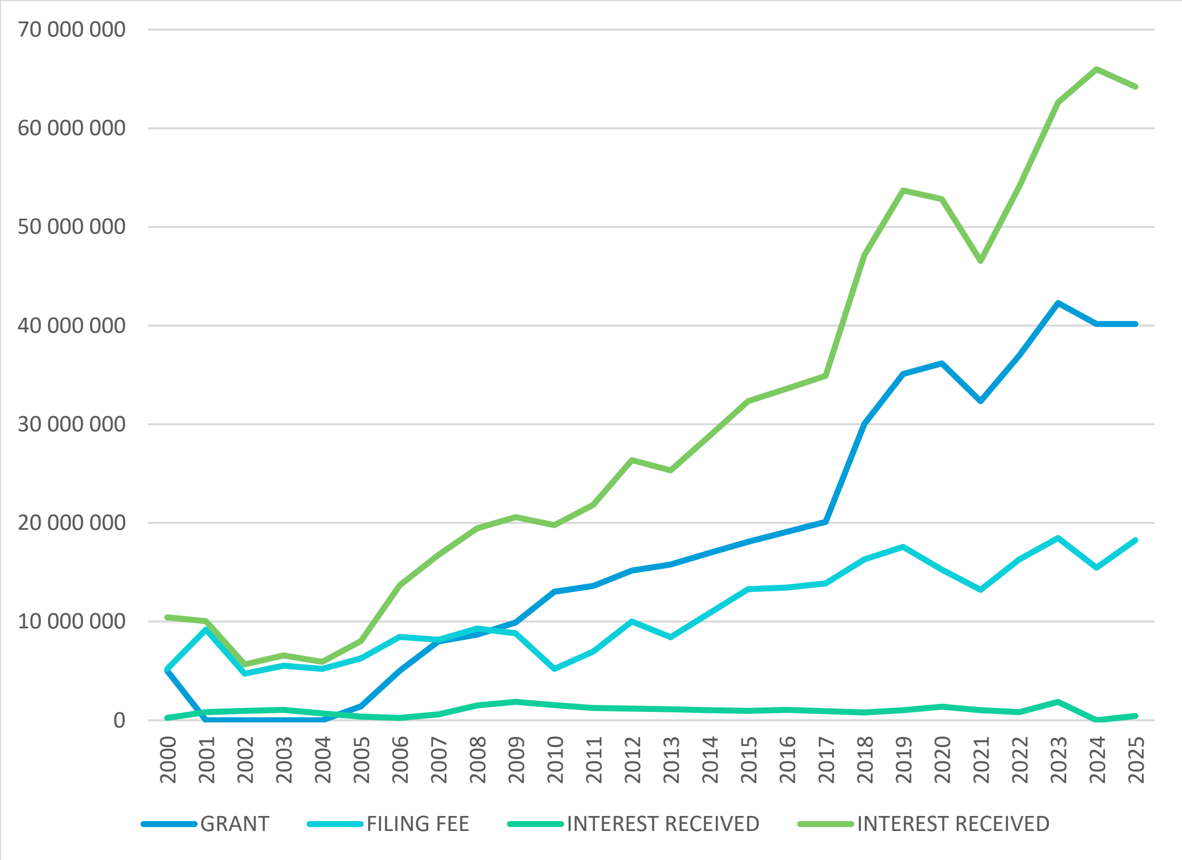
The approved organisational structure of 68 positions as reflected in **Annexure A** above will be phased in over the MTEF, and ten of the new positions was prioritised in 2024/25 financial year as reflected in the divisional staff list above, of which five were filled. The rest of the positions will be filled in the outer years in line with the availability of funding.

Gender and Race Composition – full-time staff

Gender	Black	White	Coloured	Asian	Total	Percentage
Male	**9**	**2**	**0**	**0**	**11**	**37%**
Female	**14**	**4**	**1**	**0**	**19**	**63%**
Total	**23**	**6**	**1**	**0**	**30**	**100%**
Percentage	**77%**	**20%**	**3%**	**0%**	**100%**	

Annexure D: Historical Representation of Expenditure and Funding

Figure 4 Representation of the Tribunal historical funding and expenditure (2000-2025)



Annexure E: Statement of Financial Performance – MTEF July 2025

Statement of financial perfomance	Audited outcome	Audited outcome	Audited outcome	Approved budget	Average growth rate (%)	Expen-diture/ total: Average (%)	Medium-term estimate			Average growth rate (%)	Expen-diture/ total: Average (%)
R thousand	2022/23	2023/24	2024/25	2025/26	2022/23-2025/26		2026/27	2027/28	2028/29	2025/26 - 2028/29	
Revenue											
Tax revenue	–	–	–	–	–	–	–	–	–	–	–
Non-tax revenue	**20,358**	**18,288**	**18,683**	**25,155**	7.3%	33.4%	**25,155**	**25,155**	**25,155**	–	35.8%
Sale of goods and services other than capital assets	18,472	15,461	18,257	23,155	7.8%	30.5%	23,155	23,155	23,155	–	32.9%
Sales of goods and services produced by entity	18,472	15,461	18,257	23,155	7.8%	30.5%	23,155	23,155	23,155	–	32.9%
of which:											
Administrative fees	*18,472*	*15,461*	*18,257*	*23,155*	7.8%	30.5%	*23,155*	*23,155*	*23,155*	–	32.9%
Sales by market establishment	–	–	–	–	–	–	–	–	–	–	–
Other sales	–	–	–	–	–	–	–	–	–	–	–
Sales of scrap, waste, arms and other used current goods	–	–	–	–	–	–	–	–	–	–	–
Other non-tax revenue	1,886	2,827	426	2,000	2.0%	2.9%	2,000	2,000	2,000	–	2.8%
Transfers received	**42,286**	**38,433**	**40,159**	**42,599**	**0.2%**	**66.6%**	**44,049**	**46,041**	**48,123**	**4.1%**	**64.2%**
Total revenue	**62,644**	**56,721**	**58,842**	**67,754**	**2.6%**	**100.0%**	**69,204**	**71,196**	**73,278**	**2.6%**	**100.0%**
Expenses											
Current expenses	**61,156**	**65,978**	**64,213**	**67,754**	**3.5%**	**100.0%**	**69,204**	**71,196**	**73,278**	**2.6%**	**100.0%**
Compensation of employees	37,824	41,082	41,994	49,246	9.2%	65.5%	48,840	50,800	51,960	1.8%	71.4%
Goods and services	22,377	23,898	21,185	17,425	-8.0%	32.9%	19,232	19,218	20,087	4.9%	27.0%
Depreciation	907	947	1,034	1,029	4.3%	1.5%	1,075	1,118	1,169	4.3%	1.6%
Interest, dividends and rent on land	48	50	1	54	4.2%	0.1%	57	60	63	4.9%	0.1%
Transfers and subsidies	–	–	–	–	–	–	–	–	–	–	–
Total expenses	**61,156**	**65,978**	**64,213**	**67,754**	**3.5%**	**100.0%**	**69,204**	**71,196**	**73,278**	**2.6%**	**100.0%**
Surplus/(Deficit)	**1,488**	**(9,257)**	**(5,371)**	–	**-100.0%**		–	–	–	–	

Annexure F: Summarised Three-Year Budget 2026/2027 – 2028/2029

CATEGORY	2025/2026	2026/2027	2027/2028	2028/2029	TOTAL
REVENUE					
FILING FEES	23,154,599	23,154,599	23,154,599	23,154,599	**69,463,797**
GRANT	**46,799,000**	**43,822,000**	**46,041,000**	**48,122,974**	**137,985,974**
OTHER INCOME					**-**
INTEREST RECEIVED	2,000,000	2,000,000	2,000,000	2,000,000	**6,000,000**
TOTAL REVENUE	**71,953,599**	**68,976,599**	**71,195,599**	**73,277,573**	**213,449,771**
EXPENDITURE					
PERSONNEL	49,362,434	50,042,639	51,998,746	53,389,263	**155,430,648**
PT TRIBUNAL MEMBERS	4,000,000	4,000,000	4,000,000	4,000,000	**12,000,000**
TRAINING	500,000	500,000	500,000	522,750	**1,522,750**
CONFERENCE/SEMINARS	111,580	126,579	142,212	148,683	**417,475**
SHARED SERVICES CCSA	849,013	884,927	922,359	964,326	**2,771,612**
FACILITY FEE/LEASE	5,816,509	6,107,334	6,107,334	6,385,218	**18,599,886**

CONSULTING	94,419	98,413	102,576	107,243	**308,233**
LEGAL FEES	59,012	61,508	64,110	67,027	**192,645**
TRANSCRIPTION SERVICES	940,320	982,446	1,026,460	1,073,164	**3,082,070**
AUDIT EXPENSES	1,358,370	1,419,361	1,483,090	1,550,571	**4,453,022**
RECRUIT COSTS	42,740	44,548	46,432	48,545	**139,525**
ADMIN EXPENSES	891,466	929,175	968,480	1,012,545	**2,910,200**
DEPRECIATION	600,750	626,162	652,649	682,344	**1,961,155**
AMORTISATION	427,962	446,065	464,934	486,088	**1,397,087**
IT EXPENSES	2,500,000	2,500,000	2,500,001	2,613,751	**7,613,752**
REPAIRS/MAINTENANCE	34,022	35,461	36,961	38,643	**111,066**
APPEALS COURT	165,000	171,980	179,254	187,410	**538,644**
CAPITAL EXPENDITURE	-	-	-	-	**-**
TOTAL EXPENDITURE	**67,753,599**	**68,976,599**	**71,195,599**	**73,277,572**	**213,449,768**
SHORTFALL/ ADDITIONAL GRANT	**4,200,000**	**0**	**0**	**1**	**-**

Annexure G: Detailed Two Year Budget – 2026/2027

CATEGORY	2025/2026	2025/2026 % of Total Expenditure	2026/2027	2026/2027 % of Total Expenditure
EXPENDITURE				
PERSONNEL	49,362,435	73%	50,042,639	73%
PT TRIBUNAL MEMBERS	4,000,000	6%	4,000,000	6%
TRAINING	500,000	1%	500,000	1%
CONFERENCE/SEMINARS	111,580	0%	126,579	0%
SHARED SERVICES CCSA	849,013	1%	884,927	1%
FACILITY FEE/LEASE	5,816,509	9%	6,107,334	9%
CONSULTING	94,419	0%	98,413	0%
LEGAL FEES	59,012	0%	61,508	0%
TRANSCRIPTION SERVICES	940,320	1%	982,446	1%
AUDIT EXPENSES	1,358,370	2%	1,419,361	2%
RECRUIT COSTS	42,740	0%	44,548	0%
ADMIN EXPENSES	891,466	1%	929,175	1%
DEPRECIATION	600,750	1%	626,162	1%
AMORTISATION	427,962	1%	446,065	1%
IT EXPENSES	2,500,000	4%	2,500,000	4%
REPAIRS/MAINTENANCE	34,022	0%	35,461	0%
APPEALS COURT	165,000	0%	171,980	0%
CAPITAL EXPENDITURE	-	-	-	
TOTAL EXPENDITURE	**67,753,599**	**100%**	**68,976,599**	**100%**