

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
COMPETITION AMENDMENT
BILL**

[B 31B—2008]

*(As agreed to by the Portfolio Committee on Trade and Industry
(National Assembly))
(The English text is the official text of the Bill)*

[B 31C—2008]

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AMENDMENTS AGREED TO

COMPETITION AMENDMENT BILL
[B 31B—2008]

CLAUSE 3

1. On page 4, in line 10, to omit “these Acts” and to substitute “*this Act*, and that other national legislation”.

CLAUSE 4

1. On page 4, in line 35, to omit “parallel conscious” and to substitute “conscious parallel”.
2. On page 4, after line 42, to insert the following subsection:

(2) For the purposes of subsection (1)(b) ‘conscious parallel conduct’ occurs when two or more firms in a concentrated market, being aware of each other’s action, conduct their business affairs in a cooperative manner without discussion or agreement.
3. On page 4, in line 51, to omit “(2)” and to substitute “(3)”.
4. On page 4, in line 53, to omit “(4)” and to substitute “(5)”.
5. On page 5, from line 11, to omit “the Tribunal”.
6. On page 5, in line 12, to omit “(3)” and to substitute “(4)”.
7. On page 5, in line 16, to omit “(3)” and to substitute “(4)”.
8. On page 5, in line 17, to omit “(4)” and to substitute “(5)”.

CLAUSE 5

1. On page 5, in line 34, to omit “the National Assembly” and to substitute “[**the National Assembly**] Parliament”.

CLAUSE 12

1. On page 8, from line 48, to omit subsection (2) and to substitute:

(2) For the purpose of subsection (1)(b), ‘knowingly acquiesced’ means having acquiesced while having actual knowledge of the relevant conduct by the firm.
2. On page 9, in line 7, after “subsection (4)”, to insert “,”.
3. On page 9, in line 27, to omit “in the absence of evidence to the contrary, conclusive” and to substitute “*prima facie*”.