

NOTICE 933 OF 2012**COMPETITION COMMISSION****APPLICATION FOR AN EXEMPTION**

Notice is hereby given in terms of Schedule 1 of the Competition Act, No. 89 of 1998, as amended ("the Competition Act"), that the Council for the Built Environment ("the CBE"), has applied to the Competition Commission ("the Commission"), on behalf of its members, namely the Professional Councils, to be exempted from provisions of Chapter 2 of the Competition Act. These Professional Councils are:

Professional Council
South African Council for the Project and Construction Management Professions(SACPCMP)
South African Council for the Landscape Architectural Profession(SACLAP)
South African Council for Property Valuers Profession(SACPVP)
South African Council for the Architectural Profession(SACAP)
Council for the Quantity Surveying Profession(SACQSP)

The CBE is a statutory body established in terms of section 2 of the Council for the Built Environment Act No. 43 of 2000, as amended ("the CBE Act") and regulates the activities of the above-mentioned Professional Councils. These Professional Councils are mandated to represent the interests of their registered professionals and are required to report to the CBE.

The CBE seeks to exempt the Professional Councils' rules relating to the Identification of Work ("the IDOW rules") from the provisions of Chapter 2 of the Competition Act. The IDOW rules provide for the reservation of work for certain registered professionals with a certain level of competency in their respective professions. The effect of the IDOW rules is that certain unregistered professionals are prevented from performing work identified for any category of the registered professionals. Thus, the IDOW rules may substantially lessen or prevent competition.

The CBE relies on the grounds set out in Schedule 1 Part A of the Competition Act. Item 2, Part A of Schedule 1 states,

"The Competition Commission may exempt all or part of the rules of a professional association from the provisions of Part A of Chapter 2 of

this Act for a specified period if, having regard to internationally applied norms, any restriction contained in those rules that has the effect of substantially preventing or lessening competition in a market is reasonably required to maintain-

- (a) *professional standards; or*
- (b) *the ordinary function of the profession.”*

In accordance with the provisions of item 3 (a), Part A of Schedule 1 of the Competition Act, notice is hereby given of the above application/s to allow interested parties or stakeholders to make written representations to the Commission as to why the exemption should not be granted. All representations must reach the Commission within 20 business days from the date of the publication of this notice.

Such representations should be directed to either:

Mr Mbongiseni Ndlovu / Mr Itumeleng Lesofe
Competition Commission of SA
Enforcement and Exemptions Division,
Private Bag X23,
Lynnwood Ridge, 0040

Tel: (012)3945165/ (012)3943287

Email: mbongisenin@compcom.co.za / itumelengl@compcom.co.za

In all correspondences kindly refer to specific professional councils as they appear in the above table.