

NOTICE 447 OF 2014
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") acting on behalf of the Engineering Council of South Africa ("ECSA") has applied to the Competition Commission ("the Commission"), to be exempted from the provisions of Chapter 2 of the Competition Act. The CBE is a statutory body established in terms of section 2 of the Council for the Built Environment Act, Act No. 43 of 2000 ("the CBE Act"). The function of the CBE is to oversee the conduct of professional councils regulating professionals working in the various built environment professions.

The exemption application relates to the Identification of Work ("IDOW") rules of ECSA. The IDOW is a policy instrument that was developed by ECSA to regulate and/or identify the work that professionals falling under the engineering field are allowed to undertake, based on the professional's skills and competencies. The exemption application was filed under Schedule 1 Part A read with Part B of the Competition Act.

The exemption application is based on the premise that the IDOW rules are (i) necessary to maintain professional standards or the ordinary function of the profession in terms of Schedule 1, Part A of the Competition Act and (ii) provided for in the Built Environment legislative framework. In particular, the CBE relies on section 4(q) of the CBE Act, which gives it the responsibility to liaise with the Commission on behalf of the professional councils regarding the development and implementation of the IDOW rules.

In terms of Schedule 1 Part A (2) of the Competition Act:

"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 the Competition 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."*

Notice regarding the above application is hereby published in terms of Schedule 1 Part A (3) of the Competition Act to allow interested parties or stakeholders to make written representations to the Commission as to why the application should or should not be granted. All representations must reach the Commission within 20 business days from the date of the publication of this notice.

Representations should be emailed to mbongisenin@compcom.co.za / tlabom@compcom.co.za. Alternatively, they can be posted to the Commission for the attention of Mr Mbongiseni Ndlovu / Mr Tlabo Mabye

Competition Commission of SA
Enforcement and Exemptions Division
Private Bag X23
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Kindly make use of Case Number: 2014Apr0123 when making representations and/or correspondences with the Commission. For enquiries, please contact Mr Mbongiseni Ndlovu at (012) 394 5165 or Mr Tlabo Mabye at (012) 394 3403.