

ECONOMIC DEVELOPMENT DEPARTMENT

NO. 1514

09 DECEMBER 2016



***competition*commission**  
***south africa***

**AMENDED TERMS OF REFERENCE FOR MARKET  
INQUIRY: Private Healthcare Sector  
December 2016**



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MARKET INQUIRY: Private Healthcare  
Sector December 2016

## 1. BACKGROUND

The Competition Commission (“the Commission”) initiated an inquiry into the private healthcare sector (“the Inquiry”) in terms of Chapter 4A of the Competition Act, 89 of 1998 (as amended) (“the Act”) because it has reason to believe that there are features of the sector that prevent, distort or restrict competition.<sup>a</sup> The Commission further believes that conducting this Inquiry will assist in understanding how it may promote competition in the healthcare sector, in furtherance of the purpose of the Act.<sup>b</sup>

The Commission gave notice in the Government Gazette (“the Gazette”) on 29 November 2013 announcing the establishment of the Inquiry.<sup>c</sup> The scope and timeframes for the Inquiry were set out in the Terms of Reference (“TOR”) as required by section 43B(4) of the Act.

The Inquiry has been in operation since 6 January 2014 and was initially set to be completed on 30 November 2015. In October 2015, the Commission gave a further notice in the Gazette to amend the Inquiry completion date to 15 December 2016.

The scope of the Inquiry, complexity of the issues, as well as the delays in collecting and analysing information and data have had a significant impact on the Inquiry and necessitated a revised deadline for completion of the work of Inquiry.

## 2. AMENDMENT OF THE TERMS OF REFERENCE

In terms of section 43B(5) of the Act, the Commission may, by way of an amendment to the TOR, amend the scope of the Inquiry, or the time within which the Inquiry is expected to be completed, by further notice in the Gazette.

Having regard to the information and data currently before the Inquiry, the content and scope of the Inquiry remains unchanged. However, in light of the size and complexity of the Inquiry, as well as the

<sup>a</sup> Section 43B(1)(i).

<sup>b</sup> Section 43B(1)(ii).

<sup>c</sup> Section 43B (2). See Terms of Reference, *Gazette No. 37062 of 29 November 2013*.



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delays experienced in the provision of critical data by stakeholders which affected the finalisation of data collection, data processing as well as the Inquiry analyses, the Commission has decided to amend the completion date.

In terms of the amendment, the final Inquiry report, which may include recommendations, will be completed by **15 December 2017**.

Further details regarding the revised administrative phases along with the revised administrative timelines will be made available on the Inquiry website.