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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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ECONOMIC DEVELOPMENT DEPARTMENT

NO. 940

06 SEPTEMBER 2018



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

**AMENDED TERMS OF REFERENCE FOR MARKET  
INQUIRY: Private Healthcare Sector  
August 2018**



*AMENDED TERMS OF REFERENCE FOR  
MARKET INQUIRY: Private Healthcare  
Sector August 2018*

## 1. BACKGROUND

On 29 November 2013, the Commission, acting under Chapter 4A of the Competition Act, 89 of 1998 (as amended) (the Act), published a notice that it would be conducting the Health Market Inquiry (HMI) as well as a Terms of Reference (TOR) for the Inquiry. The Commission decided to undertake such an inquiry on its own initiative because it has reason to believe that there are features of the sector that prevent, distort or restrict competition, and in order to promote competition in furtherance of the purpose of the Act.<sup>a</sup>

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 amended the Inquiry completion date to 15 December 2016. This was extended to 15 December 2017, in the government gazette published on 9 December 2016<sup>b</sup>. The Inquiry completion date was further amended to 31 August 2018 in a government gazette published on 8 December 2017.<sup>c</sup>

The Inquiry published its provisional findings and preliminary recommendations on 5 July 2018. Stakeholders have until 7 September 2018 to provide substantiated comments and submissions on the Inquiry provisional report and preliminary recommendations.

Following the publication of the Inquiry provisional report, the Inquiry received several requests for extensions for submissions from various stakeholders and has considered these on a case by case basis. Moreover, the Inquiry received various requests for access to underlying data and information, considered in preparing the provisional report, through the Data Room. The Data room process is still ongoing.

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

<sup>b</sup> Amended Terms of Reference for Market Inquiry: Private Healthcare Sector, Government Gazette no. 40480.

<sup>c</sup> Amended Terms of Reference for Market Inquiry: Private Healthcare Sector, Government Gazette no. 41311.



*AMENDED TERMS OF REFERENCE FOR  
MARKET INQUIRY: Private Healthcare  
Sector August 2018*

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## **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.

The scope of the Inquiry remains the same.

The data access process and extensive engagements that are required in respect of the provisional report, necessitates a further amendment to the Inquiry completion date. All comments and submissions made on the provisional report, will be considered, and if necessary, the report will be revised with the view to publishing the final report and recommendations.

In terms of the amendment, the final Inquiry report and recommendations, will be completed by **30 November 2018**.

Further details regarding the amendment to the administrative timetable will be made available on the Inquiry website.

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