



*competitiontribunal*  
SOUTH AFRICA

**TRIBUNAL'S DIRECTIVE FOR HEARING CASES**

1. This directive replaces the Tribunal Chairperson's Directive of 9 June 2020.
2. It is necessary to amend the 9 June 2020 Directive in order to clarify the modes of hearings in the Tribunal.

**MODES OF TRIBUNAL HEARINGS**

3. The general principle is that the Tribunal shall conduct all hearings in person (physical hearings), in public, as the default mode.
4. Virtual hearings may be conducted on a case-by-case basis at the discretion of the presiding Tribunal member of the case. This may, for example, apply to situations where there is no dispute between the parties, or the case is of a non-complex nature and does not require evidence.
5. A combination of in-person and virtual hearings may be conducted at the discretion of the presiding Tribunal member of the case, after consideration of the circumstances of each case, including factors relevant to achieving an effective and efficient hearing.

6. The Tribunal will inform the parties of the format of the hearing when the case is set down.

### **HEARINGS IN CHAMBERS**

7. The Tribunal panel may at its discretion decide on cases in chambers, based on the pleadings and documents in the record, without the need for any oral submissions, for example in the case of Phase 1 and Phase 2 large mergers (classified as such by the Competition Commission) and unopposed extension applications.
8. The Tribunal may however request additional written submissions or information from the parties. In such circumstances, the parties will be advised of the format to be adopted in determining a case, when the case is set down.

### **ACCESS TO THE HEARING ROOM**

9. The spread of the Covid virus remains a threat and the Tribunal will continue to implement measures for the safety of all persons who attend physical hearings. The Tribunal may accordingly, in its discretion, limit the number of persons allowed in the Tribunal's hearing room.

### **TYPES OF CASES THAT SHALL BE HEARD VIA PHYSICAL HEARINGS BY DEFAULT**

10. Complaint referrals.
11. Phase 3 large mergers. This is a reference to complex mergers that are opposed, classified as such by the Commission.
12. Large mergers (whether opposed or unopposed) where factual and expert evidence may be given.

13. Small and Intermediate merger consideration applications, where factual and expert evidence may be given.
14. Interim relief applications.

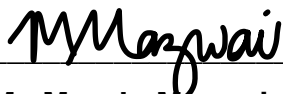
## **TYPES OF CASES THAT MAY BE HEARD VIA VIRTUAL HEARINGS**

15. Any unopposed matter.
16. Urgent applications.
17. Consent orders and settlement agreements.
18. Phase 1 large mergers. This is a reference to unopposed, non-complex mergers, classified as such by the Commission.
19. Phase 2 large mergers. This is a reference to unopposed, complex mergers, classified as such by the Commission.
20. Opposed extension applications in respect of large mergers.
21. Amendment and variation applications.
22. Interlocutory applications such as discovery applications.
23. Pre-hearing conferences.
24. Requests for the extension of filing deadlines. Such requests must be made in writing and will be determined in chambers on a case-by-case basis.

## **FILING OF DOCUMENTS**

25. A notice or document may be delivered in any manner set out in Table CTR 1 to the Rules for the Conduct of Proceedings in the Competition Tribunal.

26. All documents filed electronically must be filed via email with the Registrar of the Tribunal at [ctsa@comptrib.co.za](mailto:ctsa@comptrib.co.za) or [registry@comptrib.co.za](mailto:registry@comptrib.co.za) . Mimecast, Dropbox or WeTransfer may be used for large files.
27. For urgent matters the Registrar may be contacted on [TebogoM@comptrib.co.za](mailto:TebogoM@comptrib.co.za) or 074 766 4965.



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**Ms Mondo Mazwai**  
**Tribunal Chairperson**  
**Date: 23 May 2023**