

COMPETITION COMMISSION POLICY

2024

REV 001

ASPASA acknowledges that we interact with various small surface mines on multiple platforms. The main aim of the Association is to share compliance related information and leading practices. A few key aspects will be shared in this policy to ensure that ASPASA or a member of ASPASA partake in any anti-competitive activity.

Associations

The Competition Commission recognizes the existence of industry associations and the fact that they fulfil an important role in disseminating information to the industry. Sharing of information will be related to compliance with the various law, leading practices and incident shares. The Competition Act does not prohibit the exchange of information. The type of information shared within the Association will not contradict the items listed below.

The Competition Commission Act 89 of 1998 specifically prohibits the following in Section 4:

- Horizontal agreements – collusive arrangements between competitors, that includes:
 - directly or indirectly fixing a purchase or selling price or any other trading condition.
 - dividing markets by allocating customers, suppliers, territories, or specific types of goods or services; or
 - collusive tendering.
- Vertical agreements – collusive arrangements between suppliers, producers and their clients
- Abuse of dominant position – illegal use of market power by a company with more than 45% market share

Before every meeting all members of the Association will be reminded to not partaking in any anti-competitive behaviour with the following read and agreed upon:

The participants of this meeting agree not to engage in or discuss any of the following (not exhaustive):

- *Fixing prices and/or trading conditions*
- *Allocating or dividing markets, customers, suppliers and/or territories*
- *Collusive tendering or bidding*
- *Competitively sensitive business information*
- *Output levels*
- *Sales volumes*

- *Purchase and selling prices, costs, and/or terms and conditions of supply*
- *Matters relating to individual customers or suppliers*
- *Advertising policies that reinforce uniformity of prices and products*
- *Business plans*
- *Joining of force to "hurt" a competitor*

A copy of the Competition Commission Act and this policy will be made available to all members.

This policy will be reviewed annually and revised when necessary.



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