



OEM Mining Supply Forum: Member application Form & Anti Collusion measures

15 October 2019

a. Overview

Since inception of the Mining Forum on 15 March 2019, all the companies that formed the Forum, have clearly indicated that the Forum need to adopt a strong anti-collusion regime.

b. Background

The Forum engaged with the Deputy Commissioner: Competition Commission in terms of Competition Law Implications for procurement, supply & enterprise development in the mining industry at its formation meeting in March 2019.

c. The Forum members have resolved to:

- Ensure that the OEM Forum structure is set up with a clear agenda and purpose.
- Ensure that the OEM Forum engenders transparency by keeping detailed records, minutes, recordings and other relevant documentation and activities.
- Ensure that the OEM Forum meetings have agendas circulated beforehand if any problematic items are included, note your objections in writing.
- The OEM Forum must engender a strong competition culture both collectively and across individual firms and ensure that members undertake regular competition law compliance training for all relevant personnel.
- Have regard to the Competition Commission's draft guidelines on information exchange particularly paragraph 7.3.2.2. which provides general guidance for participation by firms that are competitors, in discussions with Government aimed at the development of local suppliers and local supply chains.
- Commence all meeting with an anti- collusion statement and the chairperson will suspend all discussions at any meeting which may be considered being anti- competitive.

Note: No individual OEM information will be disclosed to dti/DMR, other OEM's or any other party.



d. All OEM Mining Forum meetings, workshops and construction is set up and convened not to:

- Use the OEM Forum to engage in outright collusion in contravention of section 4(1)(b) of the Act (price fixing, market allocation, collusive tendering)
- Discuss or exchange any competitively sensitive information with competitors i.e. trade, business or industrial information which has an economic value to a firm and its business strategy and is generally not available or known by others
- Share any confidential information and which is not in the public domain collated for competitors by independent third parties with competitors within the Forum
- Exchange information beyond what is strictly necessary to achieve the purposes of implementing and engaging with government in relation to the Mining Charter and the Implementation Guidelines
- Share information publicly or within the Forum that is not disaggregated so that firm specific information can be inferred from the information, bearing in mind the salient features of a market including products homogeneity, levels of market concentration, symmetry and stability of market shares of competitors, barriers to entry.
- The type of data and information shared must carry the lowest risks to competition and be indispensable for creating any efficiency gains resulting from the exchange.

e. OEM Forum Constitution

The Secretariat, its associates and/or any service provider or employee associated with the Secretariat will maintain a strict confidential protocol with all members of the OEM Forum and may need to enter into non-disclosure agreements with any OEM member.

The Secretariat will not disclose any information of any individual member of the OEM Forum to any other OEM Forum member, any third party or in any manner which may harm or cause any reputational or operational risk to any OEM Forum member.

The Secretariat will restrict the dissemination and collation of information obtained from OEM Forum members in such a manner that it will not breach any anti-competitive legislation or regulation, or which may demonstrate collusion amongst OEM Members.

Note: No individual OEM information will be disclosed to dti/DMR, other OEM's or any other party.



The meetings of the OEM Forum do not conform to, or do not have the intention to have any anti-competitive or collusion intentions or activities amongst the OEM's, multinationals and competitors. No discussion of product, price, distribution or availability will be entertained.

The OEM Forum will have a management oversight board consisting of 5 elected members, of which one will be from the Secretariat.

The function of the management oversight board will be to oversee and measure the activities of the Secretariat in terms of its performance during the last year, have oversight of the finance and institute good governance and protocols to support and protects all members.

OEM Member Application

Name of OEM: _____

Person representing OEM: _____

Designation/position: _____

Email address: _____ Cell phone: _____

Last FY Turnover (ZAR): _____ Vat number: _____

Address: _____

Note: No individual OEM information will be disclosed to dti/DMR, other OEM's or any other party.



_____ as an OEM company operating as a supplier in the South African mining industry, in principle supports the Constitution of OEM Forum as an industry body, which has as its main objective to identify, consult, and synchronise the challenges and solutions of the Mining Charter procurement element as a collective with the dti/DMR and other industry stakeholders, and to develop a common methodology and alternatives for local content obligations and measurement.

Yes/No _____

Signed: _____

Name: _____

Please complete this form and return to johan@oemforum.co.za

Johan Streuderst: 0824560070

Note: No individual OEM information will be disclosed to dti/DMR, other OEM's or any other party.