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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2570 OF 2024

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT, 2008 (ACT NO. 5 OF 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (ACT NO. 9 OF 2014)

THE AMENDMENT OF THE COMPULSORY SPECIFICATION FOR VC 9085, THE COMPULSORY SPECIFICATION FOR CEMENT

Following a request for public comments on a revised compulsory specification for cement, and consideration of representations made as well as relevant factors under Section 13(1)(b) of the National Regulator for Compulsory Specifications Act (Act No 5 of 2008), I hereby declare the amendment of **VC 9085**, *Compulsory Specification for Cement*, as set out in the attached schedule, with effect 12 months from the of publication of this notice.

EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

SCHEDULE

THE AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CEMENT (VC 9085)

1. SCOPE

This Compulsory Specification covers the requirements for the manufacture, marking, properties and performance of cement, intended for construction use, irrespective of whether distributed in bulk or bagged form.

2. DEFINITIONS

2.1 The definitions in the following South African National Standards (SANS) apply for the purposes of this Compulsory Specification unless the context indicates otherwise–

2.1.1 SANS 50197-1, *Cement - Part 1: Composition, specifications and conformity criteria for common cement* (hereinafter referred to as SANS 50197-1);

2.1.2 SANS 50413-1, Masonry cement - Part 1 *Composition, specifications and conformity criteria (hereinafter referred to as SANS 50413-1); and*

2.1.3 SANS 50197-2, Cement - Part 2: *Conformity evaluation* (hereinafter referred to as SANS 50197-2).

2.2 In addition to the definitions in 2.1, the following apply -

2.2.1 Applicant: a manufacturer or an importer seeking approval of cement. The applicant must be an established legal entity within the Republic of South Africa;

2.2.2 Approval: confirmation by the NRCS through the issuance of a Letter of Authority certificate in accordance with Annexure A of this Compulsory Specification that a particular cement manufacturing facility or a dispatching centre operated by an importer and a type of cement manufactured or supplied from therein satisfies the requirements of this Compulsory Specification;

2.2.3 Cement: a hydraulic binder used for construction purposes as defined in SANS 50197-1 for *Common cements* and SANS 50413-1 for *Masonry cement*.

2.2.4 Certification body: An accredited third-party conformity assessment body appointed by a manufacturer or importer to assess the conformity of cement against the requirements of this Compulsory Specification; and recognised by the Regulator in terms of the NRCS's Conformity Assessment Policy;

2.2.5 Experimental type approval permit: a temporary permit issued in terms of Section 14(5) of the NRCS Act, Act 5 of 2008 as amended, to grant permission

to a manufacturer to produce adequate quantities of a new type of cement for the purposes of conformity evaluation by a certification body in order to obtain product certification and thereafter approval by the NRCS;

2.2.6 **Importer:** An established legal entity within the Republic of South Africa that imports cement;

2.2.7 **Letter of Authority (LOA) certificate:** as defined in section 1 of the National Regulator for Compulsory Specifications Act of 2008 (Act No. 5 of 2008) as amended through the Legal Metrology Act (Act no. 9 of 2014); and issued in accordance with Annexure A of this Compulsory Specification;

2.2.8 **Manufacturer:** An entity that produces blends or packs cement or cement blends;

2.2.9 **Regulator:** The National Regulator for Compulsory Specifications as established by the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) as amended by Legal Metrology Act, 2014 (Act No.9 of 2014); and

2.2.10 **A type of cement**: A category of cement that does not differ in such essential respects as:

a) The facility used by the manufacturer for the production of the cement type and/or

b) Composition, strength class and physical and chemical properties.

3. SPECIFIC REQUIREMENTS

3.1 Common cements must comply with the latest edition of **SANS 50197-1,** and Masonry cement must comply with the latest edition of **SANS 50413-1**.

3.2 A manufacturer or an importer must appoint an accredited Certification body to perform functions in terms of the requirements of Sections 5 and 7, or Sections 9.3.1 and 9.3.2 of **SANS 50197-2**.

3.3 An importer must meet the requirements for an intermediary as set out in Section 9 of **SANS 50197-2** and appoint an accredited Certification Body to perform the requirements given in section 5.1 of **SANS 50197-2** and tasks given in Sections 9.3.1 and 9.3.2 of **SANS 50197-2**.

3.4 A type of cement must be approved in accordance with the requirements of Annexure A of this Compulsory Specification.

3.5 An LOA certificate that was granted for a type of cement must still be valid when the type of cement is being manufactured, imported, sold or supplied in the market.

3.6 A manufacturer must apply in accordance with Annexure B of this Compulsory Specification for a temporary experimental type approval permit to produce adequate quantities of a new type of cement for the purposes of conformity evaluation by a certification body in order to obtain product certification.

3.7 An importer must perform the tasks of the intermediary prescribed in Section 9 of SANS **50197-2.**

3.8 An importer must notify the NRCS in advance of every consignment to be imported. The consignment may be made up of a number of smaller deliveries of the same cement product, as in the case of deliveries by road.

3.9 A manufacturer or an importer and their appointed Certification Body shall each undertake in writing to immediately report any failure to conform to the requirements of this Compulsory specification, of whatever nature, to the Regulator.

3.10 The Holder of an approval must notify the NRCS of every modification to the type of cement itself, its conformity evaluation processes and information that must appear on each bag of cement prior to implementation by means of an application for an extension of approval in accordance with item A.4 of this Compulsory Specification.

3.11 The Holder of the approval must satisfy the requirement as set out in Regulation 2 relating to the payment of fees in the form of levies as published by Government Notice no R. 924 (Government *Gazette* no. 33615) of 15 October 2010.

4. REQUIREMENTS FOR PACKAGING AND MARKINGS

4.1 The packaging of cement must be marked in accordance with the following requirements: -

4.1.1 The NRCS Approval Number assigned to the particular type of cement in the relevant Letter of Authority certificate issued in accordance with Annexure A of this Compulsory Specification must be legibly and indelibly marked on the packaging of the cement in the following format:

"NRCS Approval" followed by the appropriate LOA number

4.1.2 In the case of unapproved cement covered by an experimental type approval permit, the **permit identification number** assigned to the particular type of

cement in the relevant permit issued in accordance with Annexure B of this Compulsory Specification must be legibly and indelibly marked on the packaging of the cement;

4.1.3 The standard (SANS) under which the cement was manufactured;

4.1.4 Markings as required in Clause 6 of **SANS 50413-1** for Masonry cements;

4.1.5 The standard designation in accordance with Clause 8 of SANS **50197-1**, for common cements;

4.1.6 The manufacturer's name and either his trade name or trademark, and the name of the importer if different from the manufacturer;

4.1.7 Identity of the factory where the cement was produced;

4.1.8 A date or code that provides traceability to the day of packing, or despatch in the case of bulk cement;

4.1.9 Manufacturer's guidelines for the use of the type and grade of cement: and precautions to be observed in its use;

4.1.10 For masonry cement, a statement indicating its intended use in the following manner: "***MASONRY CEMENT, INTENDED TO BE USED FOR PREPARATION OF MORTAR AND PLASTER ONLY***";

4.1.11 For common cement, information must be given on the product, label, packaging and/or commercial documents in accordance with an example given in Figure ZA.1 of **SANS 50197-1**, if applicable;

4.1.12 For masonry cement, information must be given on the product, label, packaging and/or commercial documents in accordance with an example given in Figure ZA.1 of **SANS 50413-1**, if applicable;

4.2 The mass of the contents must be marked in accordance with the applicable requirements of **SANS 289**, *Labelling requirements for prepackaged products (prepackages) and general requirements for the sale of goods subject to legal metrology control.*

5. EXCLUSIONS

5.1 For the purposes of this Compulsory Specification, the following requirements are excluded: -

5.1.1 All references and requirements related to the CE Conformity Mark in **SANS 50197-1, SANS 50197-2 and SANS 50413-2;**

5.1.2 All references to a notified body in **SANS 50197-1;**

5.1.3 Clause 9.3.3 of SANS **50197-2**.

5.2 All references to European Standard in SANS 50197-1, SANS 50197-2 and SANS 50413-2 shall be read to mean SANS.

6. TRANSITIONAL ARRANGEMENTS REGARDING CONFORMITY TO REFERENCED SOUTH AFRICAN NATIONAL STANDARDS (SANS)

6.1 For the purposes of this Compulsory Specification, a new edition of a referenced SANS shall become effective six (6) months from the date of publication.

6.2 When a new edition of a referenced SANS is published, products originally approved in accordance with the previous edition of that standard may have their approval extended for up to a year from the effective date of the new standard, subject to the requirements of Annexure A of this Compulsory Specification, unless declared otherwise by the Minister.

6.3 The Letters of Authority (LOA) Certificates that were issued by the National Regulator for Compulsory Specifications (NRCS) for approved types of cement in accordance with VC 9085, the Compulsory Specification for Cement published by Government Notice No. R. 544 (Government Gazette 30023) of 6 July 2007 shall expire in 5 years from the date of publication of this Compulsory Specification.

ANNEXURE A
(NORMATIVE)
APPROVAL OF CEMENT

A1. APPLICATION FOR APPROVAL

A1.1 A manufacturer or an importer must apply for the approval of each and every type of cement before it is imported, sold or supplied in the market.

A1.2 The application shall include the following information:

A1.2.1 Details of the type of cement for which approval is sought and the standards (SANS) to which it is claimed to conform;

A1.2.2 Identification (name of the plant, physical location, contact details, etc.) of the manufacturing plants for which approval is sought;

A1.2.3 A copy /copies of product certification certificate(s) issued by a Certification Body appointed in accordance with 3.2 of this Compulsory Specification and in terms of Sections 5.2, 5.3 and 5.4 of **SANS 50197-**2, or in terms of Section 5.5 of **SANS 50197-2**, as relevant;

A1.2.4 Markings and other information to be printed on the packaging, with a breakdown of any codes indicating factory or packing plant of origin and/or date of packaging; and

A1.2.5 Any additional information relevant to the application for clarification purposes as may be requested by the NRCS.

A1.3 An application for LOA must be accompanied by the relevant fee (s) required in accordance with the latest publication of the Regulations relating to the payment of levy and fees with regard to compulsory specifications as amended; published under section 14(3) (b) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008).

A2. APPROVAL OF CEMENT

A2.1 The NRCS shall grant approval for an application submitted in accordance with A1 when satisfied that the type of cement meets the requirements of this Compulsory Specification, and all applicable fees and levies have been paid in full.

A2.2 The NRCS shall assign a unique Approval Number to each in respect of each type of cement approved;

A2.3 **The** NRCS shall confirm the approval granted for compliance with the requirements of this VC by issuing to the applicant a Letter of Authority certificate (LOA) bearing the unique Approval Number referred to in **A2.2** of this Compulsory Specification.

A2.4 The validity period of an LOA issued in accordance with **A2.3** of this Compulsory Specification shall be five consecutive years from the date of issue. The LOA shall expire or be rendered invalid immediately thereafter unless it is renewed with the Regulator in accordance with the requirements of item **A2.3** of this compulsory specification.

A2.5 The LOA certificate is the sole proof of approval by the Regulator.

A.3 RENEWAL OF LOA CERTIFICATES

A3.1 The approval granted by the NRCS in terms of A2.3 shall be reviewed every 5 years to confirm continued adherence to the prescribed approval conditions for the specific type of cement.

A3.2 The Holder of an approval must apply for the renewal of an LOA certificate for a type of cement at least three (3) calendar months prior to the date of expiration of the current LOA certificate. The application for renewal must include the following information as a minimum:

- **i.** The details of the Holder of the approval;
- **ii.** The description of the type(s) of cement.
- **iii.** The LOA numbers to be renewed;
- **iv.** A valid product certification certificate for the type of cement as required by paragraph A1.2.3 of this Compulsory Specification.

A3.3 The renewed LOA certificate issued in accordance with **A3.2** shall bear the same unique approval number that was assigned to the original (initial) LOA issued for the specific type of cement in accordance with **A2.3** of this Compulsory Specification.

A4. EXTENSION OF APPROVAL

A4.1 The Holder of an LOA may apply for an extension of approval by the NRCS to modify (change/amend) or extend (include new technical information pertaining to packaging material and brand names; except for the material composition of the cement) in the original approval conditions of an already approved type of cement.

A4.2 The application for the extension approval will be in accordance with item **A1** (Application for Approval) of this Compulsory Specification.

A4.3 The NRCS may require further evidence of conformity demonstrating compliance with this Compulsory specification.

A4.4 Confirmation or refusal of approval specifying the modifications must be communicated by the procedure specified in **A2** of this Compulsory Specification.

A4.5 The NRCS issuing the extension of approval must assign a series number for such an extension and inform thereof by means of an LOA certificate in the format in **Annex A** to this Compulsory Specification.

A4.6 The validity period of an LOA APPROVAL EXTENDED certificate must be the same as the original (initial) LOA certificate issued for the type of cement in accordance with **A2.3** of this Compulsory Specification.

A4.7 The NRCS must communicate the reason(s) for the refusal of an extension of an approval, where applicable.

A5. WITHDRAWAL OF APPROVAL

A5.1 The NRCS may withdraw the approval granted to the applicant for a type of cement granted in accordance with this Compulsory Specification by notifying the applicant in writing if the requirements have not been met or the approval conditions have not been maintained.

A5.2 The NRCS shall withdraw the approval granted to a type of cement in the event the Holder of the LOA fails to apply for the renewal of an LOA certificate, and thus the LOA expires or becomes invalid after the stated validity period by notifying the Holder of the concerned LOA of the withdrawal in writing.

A5.3 Any LOA withdrawn in accordance with items **A5.1** or **A5.2** of this Compulsory Specification as applicable is not renewable after the formal notice of withdrawal is issued.

ANNEXURE B
(NORMATIVE)
EXPERIMENTAL TYPE APPROVAL PERMITS FOR CEMENT

B1. APPLICATION FOR A PERMIT FOR EXPERIMENTAL TYPE APPROVAL OF CEMENT

B1.1 The applicant shall apply to the Regulator for an experimental type approval permit in terms of section 14(5) of Act No. 5 of 2008 (hereinafter referred to as "a permit") before the commencement of the manufacturing of such cement by completing and submitting a prescribed application form that shall be obtained from the NRCS.

B1.2 The application form shall include the following information: -

B1.2.1 Details of the type of cement for which the permit is being sought and the standards (SANS) to which it will conform;

B1.2.2 Identification (name of the plant, physical location, contact details, etc.) of the manufacturing plants for which approval is sought;

B1.2.3 Evidence of the appointment of a Certification Body appointed in accordance with 3.2 of this Compulsory Specification i.e. a copy of the agreement with the certification body, a letter from the certification body confirming the appointment or any other document acceptable to the NRCS;

B1.2.4 Markings and other information to be printed on the packaging, with a breakdown of any codes indicating factory or packing plant of origin and/or date of packaging; and

B1.2.5 Any additional information relevant to the application for clarification purposes, as may be requested by the NRCS.

B2. THE ISSUANCE OF THE PERMIT FOR EXPERIMENTAL TYPE APPROVAL

B2.1 The NRCS shall issue a permit for an application submitted in accordance with **B1** when satisfied that there are adequate arrangements to conduct conformity evaluation of the new type of cement against the requirements of this Compulsory Specification and that all applicable fees have been paid in full.

B2.2 The NRCS shall issue a permit bearing a unique identification number and a validity period not exceeding a period of 12 months from the date the permit is issued to each type of experimental cement approved in terms **B2.1** of this Compulsory Specification.

B2.3 The permit in accordance with B.2.2 shall be granted with the following conditions of issue: -

B2.3.1 The permit is applicable only to the type of cement as identified in it;

B2.3.2 The permit is valid for the stated period and may not be extended;

B2.3.3 The permit is issued without alterations and is only for use by the person to whom it is addressed and may not be given, sold, ceded and/or traded to any party;

B2.3.4 Should a consumer complaint be received by the NRCS regarding the safety of the type of cement in respect of which the permit is granted and in the absence of acceptable corrective action, the NRCS reserves the right to revoke it with immediate effect;

B2.3.5 Should the applicant permit breach any of the conditions or terms stipulated and agreed upon in this document, including any other document involved within this process, the CEO shall have the right to revoke the permit;

B2.3.6 Records of all distributed cement that fall under the permit shall be maintained for traceability purposes and be made available to the NRCS upon request;

B2.3.7 The permit does not cover modifications to the type of cement as identified in it. Any modifications to the type of cement itself, its label and product information sheet shall be formally notified accordingly to the NRCS prior

to implementation. Such modifications shall require a new application for a permit;

B2.3.8 The cement produced shall comply with the compulsory specification except for the permitted nonconformity covered by the permit; and

B2.3.9 The applicant to whom a permit is issued must perform the following duties:

a) Submit all auto-control results as and when generated by the certification body;

b) Provide samples when directed by the NRCS to verify compliance;

c) Ensure that product certification is achieved within the period agreed with the NRCS; and

d) Apply for approval in accordance with Annexure A of this Compulsory Speciation before the validity period of the permit granted lapses; or submit an application for a new permit in the case where the permit expires before the achievement of product certification.

B2.4 The NRCS may impose any other additional condition to those **in B2.3** as may be necessary and relevant; to manage any other risk associated with the distribution or use of the product identified during the assessment of the application of the permit.

B3. WITHDRAWAL OF EXPERIMENTAL TYPE APPROVAL PERMIT

The NRCS may withdraw the permit granted to the applicant for a type of cement granted in accordance with this Compulsory Specification by notifying the applicant in writing if the requirements have not been met or the approval conditions have not been maintained.

ANNEXURE C

NORMATIVE REFERENCES

C1. This Compulsory Specification incorporates dated or undated references, provisions from other publications that are mandatory for its context and application. Some of these references are cited at the appropriate places in the text, and others indicate Legislation and Regulations that are generally applicable.

C2. For dated references, subsequent amendments to or revisions of any of these publications apply to this Compulsory Specification only when incorporated in it by amendment or revision; and for undated references, the latest edition of the publication referred to applies.

C3. The following documents are mandatory for the context and application of this Compulsory Specification: -

C3.1 National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), as amended through the Legal Metrology Act (Act no. 9 of 2014);

C3.2 Legal Metrology Act, 2014 (Act No.9 of 2014);

C3.3 Regulations in terms of section 36 of the National Regulator for Compulsory Specifications Act, 2008 published in Government Notice No. R. 924 (*Government Gazette* No. 33615) of 15 October 2010;

C3.4 Regulations relating to the gazetting of levy periods as amended published in Government Notice No. R. 101 (*Government Gazette* No. No. 38479) of 20 February 2015;

C3.5 The latest publication of Regulations Relating to the payment of levies and fees with regard to Compulsory Specifications under section 14(3) (b) of National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

C3.6 NRCS's Conformity Assessment Policy (NRCS- CPO 112); as may be amended from time to time.

C3.7 The NRCS's Sales permit and permit for experimental type approval application handling policy and procedure (NRCS-CPP 129-00); as may be amended from time to time.

C3.8 **SANS 50197-1**, Cement- Part 1: *Composition, specifications and conformity criteria for common cements;*

C3.9 **SANS 50413-1**, Masonry cement- Part 1: *Composition, specifications and conformity criteria;* and

C3.10 **SANS 50197-2**, *Cement Part 2: Conformity evaluation.*

C3.11 **SANS 289**, Labelling requirements for prepackaged products (prepackages) and general requirements for the sale of goods subject to legal metrology control.

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