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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7029 **27 January 2026**

DRAFT AMENDMENT OF THE DETERMINATION OF MERGER THRESHOLDS AS SET OUT IN GENERAL NOTICE 1003 OF 2017

INVITATION FOR PUBLIC COMMENTS

By virtue of the powers vested in me in terms of section 11 of the Competition Act, 89 of 1998, as amended, I, Mr. Mpho Parks Tau, Minister of Trade, Industry and Competition, in consultation with the Competition Commission, hereby publish for public comments the draft amendment of the Determination of Merger Thresholds as set out in Part A of General Notice 1003 of 2017 (published in Government Notice No. 41124 of 15 September 2017) as set out in the Schedule hereto.

The Method of Calculation set out in Part B of the General Notice 1254 of 2017 (published in Government Notice No. 41245 of 10 November 2017) shall remain unchanged.

Stakeholders and interested persons are invited to submit comments in writing on the proposed amendment within a period of 30 business days of the publication of this notice to the Minister of Trade, Industry and Competition, for the attention of Dr Ivan Galodikwe, email IGalodikwe@thedtic.gov.za OR hand delivered at 3rd Floor, Block E, 77 Meintjies Street, Sunnyside, 0132.



MR MPHO PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION
Date:23/01/2026

THE COMPETITION ACT (ACT 89 OF 1998)

Determination of Merger Thresholds

Notice is hereby given that, in terms of section 11 of the Competition Act, 1998 (Act 89 of 1998), the Minister of Trade, Industry and Competition, in consultation with the Competition Commission, intends to:

a) amend the Merger Thresholds set out in General Notice 1003 of 2017 published by Government Notice No.41124 of 15 September 2017; and

b) make a new Determination of Merger Thresholds as set out in this Notice.

The Method of Calculation set out in General Notice 1003 of 2017 published by Government Notice No. 41124 of 15 September 2017 shall remain unchanged.

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

____ Words underlined with a solid line indicate insertions in existing enactments.

SCHEDULE

Part A

Determination of Thresholds (1 - 4)

Definitions

1. In this notice, any word or expression to which a meaning has been ascribed in the Act bears the same meaning as in the Act unless the context indicates otherwise, and -

[“G.A.A.P” means generally accepted accounting practice in South Africa;]

"I.F.R.S" means International Financial Reporting Standards;

"the Act" means the Competition Act, 1998 (Act 89 of 1998); and

"transferred firm" means –

(a) a firm, or the business or assets of the firm, that as a result of a transaction in any circumstances set out in section 12 of the Act, would become directly or indirectly controlled by an acquiring firm; and

(b) any other firm, or business, or assets of the firm, the whole or part of whose business is directly or indirectly controlled by a firm contemplated in paragraph (a).

Lower thresholds

2. The lower threshold required to be determined in terms of section 11 of the Act is reached in respect of a merger if the value of that merger equals or exceeds both of the values set out in sub-items (1) and (2) –

(1) Either –

(a) the combined annual turnover in, into or from the Republic of the acquiring firms and the transferred firms valued below **[R600 million (six hundred million Rand)]** R1 billion (one billion Rand); or

(b) the combined assets in the Republic of the acquiring firms and the transferred firms are valued at less than **[R600 million (six hundred million Rand)]** R1 billion (one billion Rand); or

(c) the annual turnover in, into, or from the Republic of the acquiring firms plus the assets in the Republic of the transferred firms are valued at less than **[R600 million (six hundred million Rand)]** R1 billion (one billion Rand);

(d) the annual turnover in, into, or from the Republic of the transferred firms plus the assets in the Republic of the acquiring firms are valued at less than **[R600 million (six hundred million Rand)]** R1 billion (one billion Rand).

(2) Either -

(a) the annual turnover in, into or from the Republic, of the transferred firms is less than **[R100 million (one hundred million Rand)]** R175 million (one hundred and seventy-five million Rand); or

(b) the asset value of the transferred firm is less than **[R100 million (one hundred million Rand)]** R175 million (one hundred and seventy-five million Rand).

Higher thresholds

3. The higher threshold required to be determined in terms of section 11 of the Act is reached in respect of a merger if the value of that merger equals or exceeds both of the values set out in sub-items (1) and (2):

(1) Either -

(a) the combined annual turnover in, into, or from the Republic of the acquiring firms and the transferred firms is valued at or above **[R6.6 billion (six billion six hundred million Rand)]** R 9,5 billion (nine billion five hundred million Rand); or

(b) the combined assets in the Republic of the acquiring firms and the transferred firms are valued at or above **[R6.6 billion (six billion six hundred million Rand)]** R 9,5 billion (nine billion five hundred million Rand); or

(c) the annual turnover in, into, or from the Republic of the acquiring firms plus the assets in the Republic of the transferred firms are at or above **[R6.6 billion (six billion six hundred million Rand)]** R 9,5 billion (nine billion five hundred million Rand); or

(d) the annual turnover in, into, or from the Republic of the transferred firms plus the assets in the Republic of the acquiring firms are at or above **[R6.6 billion (six billion six hundred million Rand)]** R 9,5 billion (nine billion five hundred million Rand).

(2) Either -

(a) the annual turnover in, into, or from the Republic, of the transferred firms is valued at or above **[R190 million (one hundred and ninety million Rand)]** R 280 million (two hundred and eighty million Rand); or

(b) the asset value of the transferred firm is valued at or above **[R190 million (one hundred and ninety million Rand)]** R 280 million (two hundred and eighty million Rand).

4. The provisions of the Act in respect of:

(a) a small merger, apply to a merger if it falls below either value of the lower threshold;

(b) an intermediate merger, applies to a merger if -

i. it equals or exceeds both values of the lower threshold;
but
ii. falls below either value of the higher threshold; and

(c) a large merger, apply to a merger if it equals or exceeds both values of the higher threshold.

ENDS

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