Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 729 13 March Maart 2026 No. 54319

PART 1 OF 2

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ISSN 1682-5845

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NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (*GPW*).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as **@gpw.gov.za**

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at **www.gpwonline.co.za**
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: **Annamarie.DuToit@gpw.gov.za**

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: **Bonakele.Mbhele@gpw.gov.za**

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: **Daniel.Legoabe@gpw.gov.za**

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2026

*The closing time is **15:00** sharp on the following days:*

- **23 December,** Tuesday for the issue of Friday **02 January 2026**
- **02 January,** Friday for the issue of Friday **09 January 2026**
- **09 January,** Friday for the issue of Friday **16 January 2026**
- **16 January,** Friday for the issue of Friday **23 January 2026**
- **23 January,** Friday for the issue of Friday **30 January 2026**
- **30 January,** Friday for the issue of Friday **06 February 2026**
- **06 February,** Friday for the issue of Friday **13 February 2026**
- **13 February,** Friday for the issue of Friday **20 February 2026**
- **20 February,** Friday for the issue of Friday **27 February 2026**
- **27 February,** Friday for the issue of Friday **06 March 2026**
- **06 March,** Friday for the issue of Friday **13 March 2026**
- **13 March,** Friday for the issue of Thursday **20 March 2026**
- **20 March,** Friday for the issue of Friday **27 March 2026**
- **26 March,** Thursday for the issue of Thursday **02 April 2026**
- **01 April,** Wednesday for the issue of Friday **10 April 2026**
- **10 April,** Friday for the issue of Friday **17 April 2026**
- **17 April,** Friday for the issue of Friday **24 April 2026**
- **22 April,** Wednesday for the issue of Thursday **30 April 2026**
- **30 April,** Thursday for the issue of Friday **08 May 2026**
- **08 May,** Friday for the issue of Friday **15 May 2026**
- **15 May,** Friday for the issue of Friday **22 May 2026**
- **22 May,** Friday for the issue of Friday **29 May 2026**
- **29 May,** Friday for the issue of Friday **05 June 2026**
- **05 June,** Friday for the issue of Friday **12 June 2026**
- **11 June,** Thursday for the issue of Friday **19 June 2026**
- **19 June,** Friday for the issue of Friday **26 June 2026**
- **26 June,** Friday for the issue of Friday **03 July 2026**
- **03 July,** Friday for the issue of Friday **10 July 2026**
- **10 July,** Friday for the issue of Friday **17 July 2026**
- **17 July,** Friday for the issue of Friday **24 July 2026**
- **24 July,** Friday for the issue of Friday **31 July 2026**
- **31 July,** Friday for the issue of Friday **07 August 2026**
- **06 August,** Thursday for the issue of Friday **14 August 2026**
- **14 August,** Friday for the issue of Friday **21 August 2026**
- **21 August,** Friday for the issue of Friday **28 August 2026**
- **28 August,** Friday for the issue of Friday **04 September 2026**
- **04 September,** Friday for the issue of Friday **11 September 206**
- **11 September,** Friday for the issue of Friday **18 September 2026**
- **17 September,** Thursday for the issue of Friday **25 September 2026**
- **25 September,** Friday for the issue of Friday **02 October 2026**
- **02 October,** Friday for the issue of Friday **09 October 2026**
- **09 October,** Friday for the issue of Friday **16 October 2026**
- **16 October,** Friday for the issue of Friday **23 October 2026**
- **23 October,** Friday for the issue of Friday **30 October 2026**
- **30 October,** Friday for the issue of Friday **06 November 2026**
- **06 November,** Friday for the issue of Friday **13 November 2026**
- **13 November,** Friday for the issue of Friday **20 November 2026**
- **20 November,** Friday for the issue of Friday **27 November 2026**
- **27 November,** Friday for the issue of Friday **04 December 2026**
- **04 December,** Friday for the issue of Friday **11 December 2026**
- **10 December,** Thursday for the issue of Friday **18 December 2026**
- **17 December,** Thursday for the issue of Thursday **24 December 2026**
- **23 December,** Wednesday for the issue of Thursday **31 December 2026**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

Extraordinary Gazettes

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

Notice Submission Process

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

APPROVAL OF NOTICES

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions: **E-mail:** submit.egazette@gpw.gov.za

For queries and quotations, contact: Gazette Contact Centre: **E-mail:** info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka: **E-mail:** subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058
Fax: 012-323-9574

DEPARTMENT OF AGRICULTURE

NO. 7220 **13 March 2026**

ANIMAL IDENTIFICATION ACT, 2002 (ACT No. 6 OF 2002)

REGULATIONS: AMENDMENT

The Minister of Agriculture, acting under section 18(1)(f) of the Animal Identification Act, 2002 (Act No. 6 of 2002), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R 209 of 10 March 2006.

Substitution of Table 1 of the Regulations

2. The table in the Annexure is hereby substituted for Table 1 of the Regulations.

TABLE 1

FEES PAYABLE

Purpose	Amount payable per application
1. Registration of an animal identification mark (Reg. 3(2))	R220 per application
2. Transfer of the registration of an animal identification mark (Reg.6(2))	R220 per application
3. Copy of animal identification certificate	R220 per application
4. Application for duties of pound master in terms of section 14 of the Act (Reg. 8(1))	R220 per application
5. Application for registration as marking operator (Reg. 7(2))	R210 per application
6. Registered post (optional)	Determined by service provider

DEPARTMENT OF HEALTH

NO. 7221 **13 March 2026**

EXTENSION OF THE IMPLEMENTATION DATE OF GROUP I, CATEGORY A AND B, AND GROUP II HAZARDOUS SUBSTANCES DECLARATIONS PUBLISHED IN GOVERNMENT *GAZETTE* NO. 52449, NOTICE NO. 6093 OF 4 APRIL 2025

The Minister of Health hereby, in terms of section 2(1)(a) of the Act, extend the implementation date of the Declarations of Group I, Category A and B, and Group II Hazardous Substances, published in Government *Gazette* No. 52449, Notice No. 6093 of 4 April 2025 with a further period of 18 months from the publication of this Notice.

For more information, please contact Ms B Makhafola on Belinda.Makhafola@health.gov.za

DR PAKISHE AARON MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 17/1/2026

DEPARTMENT OF HEALTH

NO. 7222 **13 March 2026**

OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973 (ACT NO. 78 OF1973): INCREASE OF PENSION BENEFITS

I, Dr PA Motsoaledi, Minister of Health, hereby in terms of Section 105A of the Occupational Diseases in Mines and Works Act, 1973 (Act 78 of 1973), with the concurrence of the Minister of Finance, increase the benefits which are payable from the State Revenue Account of the Compensation Fund as follows:

1. Increase pension benefits by CPI of 4.3% per pensioner beneficiary per month with effect from 1 April 2025; and

2. Increase the one-sum benefit payable to the widow of the deceased pensioner from R54 982 to R57 346 with effect from 1 April 2025.

DR PA MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 6/4/2025

DEPARTEMENT VAN GESONDHEID

NO. 7222 **13 Maart 2026**

WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1973 (WET NO. 78 VAN 1973): VERHOGING VAN PENSIOEN VOORDELE

Ek, Dr PA Motsoaledi, Waarnemende Minister van Gesondheid, ingevolge Artikel 105A van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet 78 van 1973), met die instemming van die Minister van Finansies, verhoog hiermee die pensioen voordele wat betaalbaar is uit die Staatsrekening van die Vergoedingsfonds as volg:

1. Die pensioen per bevoordeelde pensioenaris word vanaf 1 April 2025 verhoog met VPI van 4.3% per maand; en

2. Die enkelbedrag voordeel betaalbaar aan die weduwee van die afgestorwe pensioenaris word verhoog vanaf 1 April 2025 van R54 982 na R57 346.

DR PA MOTSOALEDI, LP
MINISTER VAN GESONDHEID
DATUM: 6/4/2025

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 7223 **13 March 2026**

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)

NOTICE TO CANCEL THE REGISTRATION OF EMPILWENI EDUCATION (PTY) LTD AS A REGISTERED PRIVATE HIGHER EDUCATION INSTITUTION

NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997.

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, hereby publish in terms of Regulation 18 (1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 read with sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997), my decision to issue a Notice to Cancel the registration of Empilweni Education (Pty) Ltd as a registered private higher education institutions since it has failed to submit Annexures N, Q, T, T1, T2 and U, for the 2024 annual report, as required by Section 57(2)(b) of the Act read with the Regulation 27(1)(i)(ii), and as a consequence, it has failed to discharge the responsibilities of a private higher education institution as contemplated in Chapter 6 of the Regulations. Empilweni Education (Pty) Ltd has also ceased to meet the eligibility criteria for registration as stipulated under Section 1 of the Act since it has not enrolled students on its higher education programme since 2021.

Dr N Sishi
Director-General: Higher Education and Training
Date: 2025/11/10

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 7224 **13 March 2026**

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)

NOTICE ISSUED ON THE CANCELLATION OF THE REGISTRATION OF CITY VARSITY (PTY) LTD AS A REGISTERED PRIVATE HIGHER EDUCATION INSTITUTION

NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997.

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, hereby publish in terms of Regulation 18(1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 (the Regulations) read with Sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended) (the Act), my decision to cancel the registration of City Varsity (Pty) Ltd as a registered Private Higher Education Institution, with immediate effect, since it has ceased to meet the eligibility criteria for registration as required by Section 1 of the Act, it has failed to submit the following documents: a certified copy of the auditor's report as required by Section 57(2) of the Act, the auditor's report on student data, graduation booklets, auditor's report on programmes, SAQA report on programmes, occupational health and safety audit report, evidence on non-discrimination, proof of maintenance of the financial surety or guarantee, record of academic achievement, register of students' complaints and grievances and the Tax Clearance certificate. City Varsity (Pty) Ltd has thus failed to fulfil the eligibility criteria and the requirements for registration contemplated in the Act and Chapter 3 of the Regulations and it has failed to discharge its responsibilities as required by Chapter 6 of the Regulations.

Dr N Sishi
Director-General: Higher Education and Training
Date: 27/01/2026

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATIONS

NO. 7225 13 March 2026

Asian Infrastructure Investment Bank

Articles of Agreement

Full text of the Agreement is available from:

https://www.aiib.org/en/about-aiib/basic-documents/_download/articles-of-agreement/basic_document_english-bank_articles_of_agreement.pdf

CHAPTER IX

STATUS, IMMUNITIES, PRIVILEGES AND EXEMPTIONS

Article 44 Purposes of Chapter

1. To enable the Bank to fulfill its purpose and carry out the functions entrusted to it, the status, immunities, privileges and exemptions set forth in this Chapter shall be accorded to the Bank in the territory of each member.

2. Each member shall promptly take such action as is necessary to make effective in its own territory the provisions set forth in this Chapter and shall inform the Bank of the action which it has taken.

Article 45 Status of the Bank

The Bank shall possess full juridical personality and, in particular, the full legal capacity:

(i) to contract;

(ii) to acquire, and dispose of, immovable and movable property;

(iii) to institute and respond to legal proceedings; and

(iv) to take such other action as may be necessary or useful for its purpose and activities.

Article 46 Immunity from Judicial Proceedings

1. The Bank shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its powers to raise funds, through borrowings or other means, to guarantee obligations, or to buy and sell or underwrite the sale of securities, in which cases actions may be brought against the Bank only in a court of competent jurisdiction in the territory of a country in which the Bank has an office, or has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.

2. Notwithstanding the provisions of paragraph 1 of this Article, no action shall be brought against the Bank by any member, or by any agency or instrumentality of a member, or by any entity or person directly or indirectly

acting for or deriving claims from a member or from any agency or instrumentality of a member. Members shall have recourse to such special procedures for the settlement of controversies between the Bank and its members as may be prescribed in this Agreement, in the by-laws and regulations of the Bank, or in the contracts entered into with the Bank.

3. Property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Article 47 Immunity of Assets and Archives

1. Property and assets of the Bank, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

2. The archives of the Bank, and, in general, all documents belonging to it, or held by it, shall be inviolable, wheresoever located and by whomsoever held.

Article 48 Freedom of Assets from Restrictions

To the extent necessary to carry out the purpose and functions of the Bank effectively, and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Article 49 Privilege for Communications

Official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of any other member.

Article 50 Immunities and Privileges of Officers and Employees

All Governors, Directors, Alternates, the President, Vice-Presidents and other officers and employees of the Bank, including experts and consultants performing missions or services for the Bank:

(i) shall be immune from legal process with respect to acts performed by them in their official capacity, except when the Bank waives the immunity and shall enjoy inviolability of all their official papers, documents and records;

(ii) where they are not local citizens or nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations, and the same facilities as regards exchange regulations, as are accorded by members to the representatives, officials and employees of comparable rank of other members; and

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Article 51 Exemption from Taxation

1. The Bank, its assets, property, income and its operations and transactions pursuant to this Agreement, shall be exempt from all taxation and from all customs duties. The Bank shall also be exempt from any obligation for the payment, withholding or collection of any tax or duty.

2. No tax of any kind shall be levied on or in respect of salaries, emoluments and expenses, as the case may be, paid by the Bank to Directors, Alternate Directors, the President, Vice-Presidents and other officers or employees of the Bank, including experts and consultants performing missions or services for the Bank, except where a member deposits with its instrument of ratification, acceptance, or approval a declaration that such member retains for itself and its political subdivisions the right to tax salaries, and emoluments , as the case may be, paid by the Bank to citizens or nationals of such member.

3. No tax of any kind shall be levied on any obligation or security issued by the Bank, including any dividend or interest thereon, by whomsoever held:

(i) which discriminates against such obligation or security solely because it is issued by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

4. No tax of any kind shall be levied on any obligation or security guaranteed by the Bank, including any dividend or interest thereon, by whomsoever held:

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

Article 52 Waivers

1. The Bank at its discretion may waive any of the privileges, immunities and exemptions conferred under this Chapter in any case or instance, in such manner and upon such conditions as it may determine to be appropriate in the best interests of the Bank.

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GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr. Samson Stefaans Skosana** on behalf of **Skosana family** on the property mentioned hereunder situated in Steve Tshwete Local Municipality, Nkangala District in Mpumalanga Province:

Name of Claimant	ID No	Portion	KRP
Samson Stefaans Skosana	6304025378084	PNT 10	11401

CURRENT PARTICULARS OF THE PROPERTY

WELTEVREDEN 367 JS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
R/E of Portion 10	Boshoff Jacobus Nicolaas (5502155093081)	T9779/2025	145.6331	None	None	None

NB: CLAIMED HA FOR SKOSANA FAMILY IS 92.7313

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above-mentioned property is hereby invited to submit within **60 [Sixty days]** from the date of publication of this notice to submit any comments, or further information to:

Shop No. E 8
Saveways Crescent Centre
Cnr OR Thabo and Mandela Street
Witbank
1035
TEL NO: 013 655 1000
FAX NO: 013 690 2438

MR. L. H. MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 2026/01/23

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 7227 **13 March 2026**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr. Mapenaki Lucas Mahlangu** on behalf of **Mahlangu family** on the property mentioned hereunder situated in Steve Tshwete Local Municipality, Nkangala District in Mpumalanga Province:

Name of Claimant	ID No	Portion	KRP
Mapenaki Lucas Mahlangu	3380925524108 6	PNT 5	2359

CURRENT PARTICULARS OF THE PROPERTY

VLAKFONTEIN 176 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 5	SJM Trust (5232/1994)	T11139/2010	165.2949	B1612/2020 B5843/2010	ABSA BANK LTD ABSA BANK LTD	K797/1974 SETT in favor of MARE MAGDALENA and MARIA MAGRIETA

NB: CLAIMED HA FOR MAHLANGU FAMILY IS 95.8177

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **60 [Sixty days]** from the date of publication of this notice to submit any comments, or further information to:

Shop No. E 8
Saveways Crescent Centre
Cnr OR Thabo and Mandela Street
Witbank
1035
TEL NO: 013 655 1000
FAX NO: 013 690 2438

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr. Mapenaki Lucas Mahlangu** on behalf of **Mahlangu family** on the property mentioned hereunder situated in Steve Tshwete Local Municipality, Nkangala District in Mpumalanga Province:

MR. L. H. MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 2026/01/26

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DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 7228 **13 March 2026**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[4] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr. Simon Setimezane Sikosana** on behalf of **Sikosana family** on the property mentioned hereunder situated in Thembisile Hani Local Municipality, Nkangala District in Mpumalanga Province:

Name of Claimant	ID No	Portion	KRP
Simon Setimezane Sikosana	39012115257086	PNT 17	9889

CURRENT PARTICULARS OF THE PROPERTY

KLIPFONTEIN 256 JS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 17	Faer Glen Prop No. 22 PTY LTD (2000003486O7)	T141663/2006	813.7868	• B178090/2006 • B2843/2009	First Rand Bank LTD First Rand Bank LTD	VA10375/2006 in favor of Lewis William George

NB: THE TOTAL EXTENT AFFECTED FOR SIKOSANA FAMILY IS 51.7595 hectares

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 **[thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Shop No. E 8
Saveways Crescent Centre
Cnr OR Thabo and Mandela Street
Witbank
1035
TEL NO: 013 655 1000
FAX NO: 013 690 2438

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr. Simon Setimezane Sikosana** on behalf of **Sikosana family** on the property mentioned hereunder situated in Thembisile Hani Local Municipality, Nkangala District in Mpumalanga Province:

MR. L. H. MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 04-12-2025

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DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 7229 **13 March 2026**

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act no. 22 of 1994, which claims for the restitution of land rights on:

Reference No. KRK6/2/3/B/36/289/0/3 (L517)
Claimant: Maureen Sharon Klaasen (Lawrence)

NO	PROPETY DESCRIPTION	SIZE
1.	Erf 295 (Formally Known as Erf 297) Bloudraai, Victoria West	1.1136ha

Date submitted: 30 December 1998
Current Land Use: Vacant Land

Has been submitted to the Regional Land Claims Commissioner for the Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as Amended in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 30 days from the date of the publication of this Notice, any comments / information to:

The Regional Land Claims Commissioner
Northern Cape
P.O Box 2458
Kimberley
8300
Tel: 053 807 5700
Fax 053 831 6501

MR. LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/11/14

NON-GOVERNMENTAL ORGANIZATION

NO. 7230 **13 March 2026**

PUBLIC NOTICE

Application for derogation for the restricted use of agricultural remedies identified as substances of concern

This notice is to inform the public of the administrative action being taken in relation to the approval of agricultural remedies under the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act no. 36 of 1947). **UPL South Africa (Pty) Ltd,** with registration details mentioned below, hereby inform the public of their intention to apply for derogation for **UPL's** registered agricultural remedy containing the active ingredient **Halosulfuron-methyl 750 g/kg**. The Active ingredient, **Halosulfuron-methyl** was identified as a substance of concern due to its classification as a reproductive toxin category 1B according to **the Globally Harmonized System of Classification and Labelling of Chemicals**, for the following use in South Africa: a herbicide for the control of weeds in **Maize, Grain sorghum and Sugarcane.**

Company and Reg Number	Trade name and registration number	Website
UPL South Africa (Pty) Ltd. (Co. Reg. No. 2009/019713/07)	**CYPREX WG** (L 7665)	www.upl-ltd.com/za

As per the requirements of the **"Regulations relating to agricultural remedies" of August 2023**, risk assessments were conducted for the proposed end uses and the public is hereby invited to review the risk assessment reports and submit comments in relation to the proposed application. This report can be accessed online available through company's website (www.upl-ltd.com/za) or in hard copy at **the Department of Agriculture, Land Reform and Rural Development** (20 Steve Biko Street, Agriculture Building, Arcadia, Pretoria, 0002) during office hours (08:00 to 16:00 on Mondays to Fridays, excluding public holidays). Interested parties must submit comments or objections in connection with the proposed application in writing to:

Mr. Maluta Mudzunga
The Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies, 1947 (Act no. 36 of 1947) Department of Agriculture, Land Reform and Rural Development Private Bag X343, Pretoria, 0001.

Office: 30 Hamilton Street, Harvest House Building, Office 417, Arcadia, Pretoria, 0002

Tel no: 012 319 6530

Email to MalutaM@dalrrd.gov.za

Interested parties must submit comments or objections in relation to this application within 30 days of the publication of this notice. Comments received after this date need not be considered.

NIE-REGERINGSORGANISASIE

NO. 7230 **13 Maart 2026**

OPENBARE KENNISGEWING

Aansoek vir derogasie vir die beperkte gebruik van landbouchemikalieë geïdentifiseer as sorgwekkende middels.

Hierdie kennisgewing het ten doel om die algemene publiek in te lig van die administratiewe aksie onderweg in verband met die goedkeuring van landbouchemikalieë onder die **Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels,1947 (Wet Nr. 36 van 1947). UPL South Africa (Pty) Ltd,** stel hiermee die algemene publiek in nkennis van die voorneme om ‘n aansoek in te dien vir derogasie van die **UPL** geregistreerde **Halosulfuron-metiel 750 g/kg** landboumiddel wat geïdentifiseer is as ‘n sorgwekkende middel weens klassifikasie as reproduktief toksies Kategorie 1B volgens die **“Globally Harmonized System of Classification and Labelling of Chemicals”** vir die volgende eindgebruike in Suid-Afrika: ‘n Onkruiddoder vir die beheer van onkruide in gewasse of omstandighede soos **Mielies, Graansorghum en Suikerriet.**

Maatskappynaam en registrasienommer	Handelsnaam, registrasienommer	Webblad
UPL South Africa (Pty) Ltd (Co. Reg. No. 2009/019713/07)	**CYPREX WG** (L 7665)	www.upl-ltd.com/za

Soos vereis in die **“Regulations relating to agricultural remedies” van Augustus 2023** is ‘n toksikologiese risko-ontleding onderneem vir die voorgestelde eindgebruike en die publiek word genooi om die risko-ontleding na te gaan en om kommentaar in verband met die voorgestelde aansoek in te dien. Bogenoemde verslag kan óf aanlyn verkry word by www.upl-ltd.com/za, of in gedrukte vorm by die **Departement van Landbou, Grondhervorming en Landelike Ontwikkeling,** (Landbougebou, Steve Bikostraat 20, Arcadia, Pretoria, 0002 gedurende kantoorure (08:00 to 16:00 Maandae tot Vrydae, publieke vakansiedae uitgesluit).

Belangstellendes moet kommentaar, of besware rakende hierdie aansoek skriftelik rig aan:

Mnr. Maluta Mudzunga

Registrateur, Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels, 1947 (Wet Nr. 36 van 1947). Departement van Landbou, Grondhervorming en Landelike Ontwikkeling, Privaatsak X343, Pretoria, 0001

Kantoor 417, Harvest House-gebou, Hamiltonstraat 30, Arcadia, Pretoria, 0002

Tel. nr: 012 319 6530

Epos: MalutaM@dalrrd.gov.za

Kommentaar, of besware rakende hierdie aansoek moet binne 30 dae van publikasie van hierdie kennisgewing ingedien word. Kommentaar ontvang na die sperdatum mag nie noodwendig in ag geneem word nie.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7231 **13 March 2026**

INVITATION FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE AMENDED SAFEGUARD REGULATIONS

I, Mpho Parks Tau, MP, Minister of Trade, Industry and Competition, in terms of section 59 of the International Trade Administration Act, 2002 (Act No. 71 of 2002), hereby publish for public comment proposed amendments to the Amended Safeguard Regulations

The proposed amendments address substantive and procedural aspects of safeguard investigations. Substantively, the revised regulations strengthen the decision-making framework of the International Trade Administration Commission of South Africa by including provisions on public-interest hearings, clarifying the treatment of developing-country exemptions and providing a more detailed framework for assessing "unforeseen developments". The amendments also reinforce requirements relating to adjustment plans and establish clearer rules for mid-term reviews and the extension of safeguard measures.

Procedurally, the amendments align confidentiality provisions with those in other trade-remedy regulations, and organisational updates, such as the inclusion of section headings, were included to improve usability for stakeholders participating in safeguard investigations.

Interested persons are invited to submit written comments on the proposed amendments, which must be submitted within four (4) weeks of the date of publication of this notice in the Government Gazette.

Written comments must be submitted by e-mail, clearly marked "Comments on Proposed Amendments to the Amended Safeguard Regulations" in the subject line and addressed to:

Mr Alexander Amrein
Senior Manager: Policy and Research
International Trade Administration Commission of South Africa
E-mail: aamrein@itac.org.za

The proposed amendments to the Amended Safeguard Regulations are published together with this notice and may also be obtained electronically upon request at the e-mail address provided above.



MR M. PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION

International Trade Administration Commission of South Africa

The DTI Campus (Block E)
77 Meintjies Street
Sunnyside, Pretoria, 0002
Private Bag X753
Pretoria, 0001, South Africa
Tel: +27 12 394 3688
Fax: +27 12 394 4688
http://www.itac.org.za

REPUBLIC OF SOUTH AFRICA

THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

AMENDED SAFEGUARD REGULATIONS 2026

enabling FAIR TRADE

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PART A – PREAMBLE

Parties are reminded of the following basic characteristics of safeguard measures:

GENERAL SAFEGUARD MEASURES:

(a) A safeguard measure may only be imposed in response to a rapid and significant increase in imports of a product as a result of an unforeseen development and of the effect of the obligations incurred under the World Trade Organisation, where such increased imports cause or threaten to cause serious injury to the Southern African Customs Union industry producing the like or directly competitive product;

(b) A safeguard measure may be applied as a customs duty and/or a quantitative import restriction;

(c) If a quantitative import restriction is used, it should not normally reduce imports below a level lower than the average during the preceding three years;

(d) Safeguard measures shall be applied to imports from all countries even if the imports, which cause serious injury, originate mainly or only from one country;

(e) A safeguard measure must be progressively liberalised at regular intervals throughout its period of validity;

(f) A safeguard measure can only be in place for a period not exceeding 4 years, but the application thereof may be extended by up to 6 years under certain conditions, including that there must be a further liberalisation of the measure;

(g) Any safeguard measure imposed for a period exceeding 3 years must be reviewed at its halfway term.

(h) A safeguard measure may not be re-imposed for a certain period after a safeguard measure has been in place on the same product;

(i) If SACU introduces a safeguard measure it may be forced to compensate its trading partners affected by such measure;

(j) The investigation of the merits of a safeguard measure and the implementation of a safeguard measure are subject to prescribed notifications and consultations between SACU, its trading partners and the World Trade Organisation.

SPECIAL SAFEGUARD MEASURES ON AGRICULTURAL PRODUCTS IN TERMS OF THE WTO AGREEMENT ON AGRICULTURE:

(a) A special safeguard measure may only be applied in connection with the importation of an agricultural product, in respect of which measures referred to in paragraph 2 of Article 4 of the Agreement on Agriculture (AoA) have been converted into an ordinary customs duty and which is designated in its Schedule with the symbol "SSG" as being the subject of a concession in respect of which the provisions of this Article may be invoked.

(b) Special safeguard measures shall normally be applied to imports from all countries;

(c) A special safeguard measure imposed in terms of Article 5 of AoA can only be in place until the end of the year in which it has been imposed, and may only be levied at a level which shall not exceed one third of the level of the ordinary customs duty in effect in the year in which the action is taken;

(d) The investigation of the merits of a special safeguard measure and the implementation thereof are subject to prescribed notifications and consultations between SACU, its trading partners and the World Trade Organisation.

PART B – GENERAL PROVISIONS

1. Application of regulations

1.1. Safeguard investigations are conducted in terms of sections 16 and 26 of the Main Act.

1.2. A definitive general safeguard measure may be applied only where:

(a) the Commission finds that the product under investigation is being imported into the Republic or the Common Customs Area of SACU in such increased quantities, absolute or relative to SACU production, and under such conditions as to cause or threaten to cause serious injury to the SACU industry that produces like or directly competitive products, and as a result of unforeseen

developments and of the effect of the obligations incurred by the Republic (or SACU) under the World Trade Organisation;

(b) such measures, to the extent necessary, are required to prevent or remedy serious injury and facilitate adjustment in the SACU industry; and

(c) the SACU industry –

(i) has submitted a detailed plan indicating how it plans to adjust to meet import competition; or

(ii) has submitted proof of restructuring that is being undertaken.

1.3 A definitive special safeguard measure in terms of Article 5 of the WTO Agreement on Agriculture may be applied only where:

(a) the Commission finds that the volume of imports of that product entering the Common Customs Area of SACU during any year exceeds a trigger level which relates to the following schedule of existing market access opportunities defined as imports as a percentage of the corresponding domestic consumption figure compiled by the Department of Agriculture, Land Reform and Rural Development or any other relevant government institution during the three preceding years for which data are available:

(i) where such market access opportunities for a product are less than or equal to 10 per cent, the base trigger level shall equal 125 per cent;

(ii) where such market access opportunities for a product are greater than 10 per cent but less than or equal to 30 per cent, the base trigger level shall equal 110 per cent;

(iii) where such market access opportunities for a product are greater than 30 per cent, the base trigger level shall equal 105 per cent; or, but not concurrently:

(b) the price at which imports of that product may enter the SACU area, as determined on the basis of the c.i.f. import price of the shipment concerned expressed in terms of its domestic currency,

falls below a trigger price equal to the average 1986 to 1988 reference price[1] for the product concerned.

1.4 Imports under current and minimum access commitments established as part of a concession shall be counted for the purpose of determining the volume of imports required for invoking the provisions of Article 5 of the AOA, but imports under such commitment shall not be affected by any additional duty imposed under Article 5 of the AoA.

1.5 Any supplies of the product in question which were *en route* on the basis of a contract settled before the additional duty is imposed under Article 5 of the AoA shall be exempted from any such additional duty, provided that they may be counted in the volume of imports of the product in question during the following year for the purposes of triggering the provisions of Article 5 of the AoA in that year.

1.6 The Commission, in considering the recommendation of a definitive general safeguard measure, may take into consideration the requirement of compensation to countries whose exports will be substantially affected by any safeguard measure.

1.7 Nothing in these regulations prevents the industry producing products for which the Republic has reserved its right to apply a special safeguard measure contemplated in Article 5 of the AoA, to apply to the Commission for general safeguard action in terms of the WTO Agreement on Safeguards.

1.8 Nothing in these regulations shall preclude the Commission from taking safeguard action provided for in terms of a free trade agreement concluded between the Republic or the SACU and any other country or customs territory. Any safeguard action so taken shall be taken in line with the terms and conditions agreed upon in such free trade agreement.

1.9 Nothing in these regulations shall preclude the Commission from taking special safeguard action in terms of any country's Protocol of Accession to the World Trade Organisation. Any safeguard action so taken shall be

1. The reference price used to invoke the provisions of this subparagraph shall, in general, be the average c.i.f. unit value of the product concerned, or otherwise shall be an appropriate price in terms of the quality of the product and its stage of processing. It shall, following its initial use, be publicly specified and available to the extent necessary to allow other Members to assess the additional duty that may be levied.

taken in line with the terms and conditions stated in the Protocol of Accession.

1.10 All the provisions of these regulations, with the exception of sections 8; 9; 10; 11.3(d)–(g); 12; 13.1; 14.2(d)-(g); 14.4; 15; 16; 17; 18; 19; 21; 23; and 24, shall apply *mutatis mutandis* to agricultural goods in terms of which the Republic (or SACU) has reserved its right to apply a special safeguard measure contemplated in Article 5 of the WTO Agreement on Agriculture.

2 Definitions

"Commission" means the International Trade Administration Commission of South Africa established in terms of section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002);

"deadlines" shall be interpreted as the final date for submissions, responses, comments and requests and the like as envisaged by the different sections of these Regulations, and shall be deemed to be at 15h00 South African standard time on the deadline indicated, unless expressly otherwise indicated;

"directly competitive product" means a product, other than a like product, that although not necessarily similar to the product under investigation in terms of its characteristics, is essentially equivalent in terms of being put to the same use and therefore is interchangeable in commercial terms with the product under investigation;

"facts available" means the information that is available to the Commission at the time of making a determination, whether preliminary or final provided that all requirements regarding non-confidentiality and timely submission have been met;

"good cause" relates to an occurrence outside the control of the participating interested party or the Commission and does not include merely citing insufficient time to submit information to the Commission;

"investigation period for injury" is the period for which it is assessed whether the SACU industry experienced serious injury. The investigation period for injury shall be clearly indicated in the initiation notice published

in the *Government Gazette*. Information relating to a period subsequent to the investigation period shall not normally be taken into consideration;

"like product" means:

(a) a product which is identical, i.e. alike in all respects to the product under investigation; or

(b) in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of that product under investigation.

"Main Act" refers to the International Trade Administration Act, 2002 (Act No. 71 of 2002);

"participating interested parties" shall mean those parties that have indicated their interest in participating in an investigation;

"Related parties" are parties deemed to be related for purposes of a safeguard investigation if:

(a) one directly or indirectly owns, controls or holds five per cent or more of the equity shares of the other;

(b) one has the power to directly or indirectly nominate or appoint a director to the board of the other;

(c) one is an officer or director of the other's business;

(d) they are legally recognised partners in business;

(e) one is employed by the other;

(f) they are both directly or indirectly controlled by a third person;

(g) together they directly or indirectly control a third person;

(h) they appear to be related by virtue of their conduct;

(i) they are blood relatives or are related by marriage, common-law partnership or adoption; or

(j) if their relationship is otherwise of such a nature that trade between them cannot be regarded to be at arm's length.

"SACU" means the Southern African Customs Union;

"SACU industry" means the domestic producers in the SACU as a whole of the like or directly competitive products or those of them whose collective output of the like or directly competitive products constitutes a major proportion of the total SACU production of those products.

Where a SACU producer is –

(a) related to the importer, exporter or the foreign producer; or

(b) itself an importer of the products under investigation,

the term “SACU industry” may be interpreted as referring to the rest of the SACU producers.

3 Confidentiality

3.1 A person may, when submitting correspondence to the Commission identify information therein that the person claims is –

(a) by nature confidential; or

(b) the person wishes otherwise to be recognised as confidential.

3.2 Interested parties providing confidential information in any correspondence shall be required to furnish non-confidential summaries thereof. These summaries shall –

(a) indicate in each instance where confidential information has been omitted;

(b) indicate in each instance the reasons for confidentiality; and

(c) be in sufficient detail to permit other interested parties a reasonable understanding of the substance of the information submitted in confidence.

3.3 Non-confidential information supplied by interested parties, as set out in subsection 2, and all non-confidential correspondence between the Commission and participating interested parties during the investigation shall be kept in a public file.

3.4 Where information does not permit non-confidential summarisation, a sworn statement shall be provided explaining why the confidential information cannot be summarised. Merely reciting that the confidential information is of a kind listed in subsection 5 is not sufficient in this regard.

3.5 The following list provides examples of information that is by nature confidential as contemplated in sections 1(2) and 33(1)(a) of the Main Act, read with section 36 of the *Promotion of Access to Information Act*, 2000 (Act 2 of 2000):

(a) management accounts;

(b) financial accounts of a private company;

(c) actual and individual sales prices;

(d) actual costs, including cost of production and importation cost;

(e) actual sales volumes;

(f) individual sales prices;

(g) information, the release of which could have serious consequences for the person that provided such information; and

(h) information that would be of significant competitive advantage to a competitor;

provided that the party submitting such information indicates it to be confidential.

3.6 All correspondence not clearly indicated to be confidential shall be treated as non-confidential.

3.7 If a person makes a claim in terms of subsection 1, the Commission shall determine whether the information is confidential as provided for in section 34 of the Main Act.

3.8 Notwithstanding subsection 5, the Commission may disregard any information indicated to be confidential that –

(a) it does not determine to be confidential in terms of subsection 7; or

(b) is not accompanied by –

(i) a proper non-confidential summary in terms of subsection 2; or

(ii) a sworn statement as contemplated in subsection 4; and

the deficiency has not been addressed in accordance with the instructions of the Commission.

3.9 In determining whether to disregard information indicated to be confidential where the requirement in subsection 8(b)(i) has not been met, the Commission exercises its discretion considering, amongst others, whether the deficiency is of such a nature as to materially affect the ability of other interested parties to defend their interests.

4 Investigations

4.1 Except as provided for in subsection 2, a general safeguard investigation shall only be initiated upon acceptance of a written application by or on behalf of the SACU industry, that contains sufficient evidence to

establish a *prima facie* case that, as a result of unforeseen developments and of the effect of the obligations incurred under the World Trade Organisation, the product under investigation is being imported into the Republic or the Common Customs Area of SACU in such increased quantities, absolute or relative to SACU production, and under such conditions as to cause or threaten to cause serious injury to the SACU industry that produces like or directly competitive products.

4.2 The Commission may initiate a general safeguard investigation without having received a written application from the SACU industry. In such cases the Commission shall proceed only if it has sufficient evidence to establish a *prima facie* case that, as a result of unforeseen developments and of the effect of the obligations incurred under the World Trade Organisation, the product under investigation is being imported into the Republic or the Common Customs Area of SACU in such increased quantities, absolute or relative to SACU production, and under such conditions as to cause or threaten to cause serious injury to the SACU industry that produces like or directly competitive products. A non-confidential version of the information the Commission relies on shall be made available to all participating interested parties.

4.3 A special safeguard investigation shall only be initiated upon acceptance of a written application by or on behalf of the SACU industry, that contains sufficient evidence to establish a *prima facie* case that the volume of imports of the product under investigation exceeds a trigger level which relates to existing market access opportunity as set out in Article 5 of the AoA; or, but not concurrently, the price at which imports of that product may enter the SACU area, as determined on the basis of the c.i.f. import price of the shipment concerned expressed in terms of its domestic currency, falls below a trigger price equal to the average 1986 to 1988 reference price[2] for the product concerned.

2. The reference price used to invoke the provisions of this subparagraph shall, in general, be the average c.i.f. unit value of the product concerned, or otherwise shall be an appropriate price in terms of the quality of the product and its stage of processing. It shall, following its initial use, be publicly specified and available to the extent necessary to allow other Members to assess the additional duty that may be levied.

4.4 In determining whether increased imports have occurred "as a result of unforeseen developments," the Commission shall identify the developments that were not reasonably foreseeable at the time SACU incurred the relevant WTO obligations.

4.5 Unforeseen developments may include, but are not limited to:

(a) global excess capacity and market distortions in third countries;

(b) technological developments altering the cost structures of exporting producers;

(c) sudden changes in demand patterns in major third-country markets causing trade diversion; and

(d) supply chain disruptions arising from geopolitical or macroeconomic shocks.

The Commission may exercise its discretion in determining the relevance and weight to be accorded to each unforeseen development.

4.6 The Commission may conduct an expedited investigation to determine whether a safeguard measure is being circumvented, including through product modification and transshipment, and may recommend appropriate adjustments to ensure its effectiveness.

5 Oral hearings

5.1 Any participating interested party may request an oral hearing during the investigation, provided the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a preliminary or final determination. No request for an oral hearing will be considered more than 60 days after the initiation of the investigation.

6 Consultations

6.1 The Commission shall provide for consultations with the representatives of countries that have a substantial interest in a general safeguard investigation within 14 days after the imposition of a provisional payment.

6.2 Consultations entered into in terms of subsection 1 shall normally be concluded within 30 days after the publication of the Commission's preliminary report.

6.3 The Commission shall provide representatives of countries that have a substantial interest in a general safeguard investigation 30 days for consultations prior to the application or extension of a definitive safeguard measure with a view to, *inter alia*,

(a) reviewing the information relating to

(i) evidence of serious injury or threat thereof caused by increased imports;

(ii) the precise description of the product involved;

(iii) the proposed measure;

(iv) the proposed date of introduction;

(v) the expected duration of the measure; and

(vi) the timetable for progressive liberalization;

(b) exchanging views on the measure; and

(c) discussing ways to maintain a substantially equivalent level of concessions and other obligations vis-à-vis that country.

6.4 In cases where it is proposed that a general safeguard measure be extended, the Commission shall, in addition to the factors contemplated under subsection 3, also provide evidence that the relevant SACU industry is adjusting.

6.5 The Commission shall provide representatives of any interested country the opportunity to consult with it in respect of the conditions of application of a special safeguard measure.

PART C – PROCEDURES

Sub-Part I – General

7 SACU industry

7.1 Other than investigations initiated in terms of section 4.2, any application for any safeguard action shall be brought by or on behalf of the SACU industry.

7.2 An application shall be regarded as brought by or on behalf of the SACU industry if –

(a) at least 25 per cent of the SACU producers by domestic production volume support the application; and

(b) of those producers that express an opinion on the application, at least 50 per cent by domestic production volume support such application.

7.3 In the case of industries involving an exceptionally large number of producers, the Commission may determine support and opposition by reference to the largest number of producers that can reasonably be included in the investigation or by using statistically valid sampling techniques based on the information available to the Commission at the time of its finding.

7.4 If a SACU producer withdraws the application or its support thereof after the investigation has been initiated, the Commission may –

(a) terminate the investigation; or

(b) disregard the withdrawal of support and continue with its investigation as if all requirements in subsections 1, 2 and 3 have been met.

8 Serious injury

8.1 Serious injury shall be understood to mean a significant overall impairment in the position of the SACU industry.

8.2 In evaluating serious injury the Commission shall consider injury information pertaining to a major portion of the SACU industry.

8.3 In determining serious injury or a threat thereof to the SACU industry the Commission shall consider:

(a) the rate and volume of the increase in imports of the product concerned

(i) in absolute terms; or

(ii) relative to the production in SACU; and

(b) whether there have been significant changes in the performance of the SACU industry in respect of the following potential injury factors:

(i) sales volume;

(ii) profit and loss;

(iii) output;
(iv) market share;
(v) productivity;
(vi) capacity utilisation;
(vii) employment; and
(viii) any other relevant factors placed before the Commission.

8.4 The Commission may require any additional information on injury from any participating interested party at any stage during an investigation.

8.5 Each of the factors mentioned in subsection 3 shall be considered for the like or directly competitive products only or, where such analysis is not possible, for the narrowest group of products for which such analysis can be made.

9 Threat of serious injury

9.1 A determination of threat of serious injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances that would create a situation in which serious injury would be caused must be clearly imminent.

9.2 In making a determination of threat of serious injury, the Commission shall evaluate whether a significant rate of increase in imports, pricing trends, or capacity expansion of exporters clearly indicate that serious injury is imminent. The Commission shall consider the totality of the evidence before it and the weight to put on any one factor in making a determination.

10 Causality

10.1 The Commission shall determine whether increased imports, as a result of unforeseen developments and of the effect of SACU's WTO obligations, are causing or threatening to cause serious injury to the SACU industry.

10.2 In considering whether there is a causal link between the imports of the product concerned and the serious injury, the Commission shall consider all relevant factors including factors other than the imports of the product concerned that may have contributed to the SACU industry's injury,

provided that a participating interested party has submitted, or the Commission otherwise has, information on such factor or factors.

10.3 In evaluating causation the Commission shall take into account:

(a) the magnitude and timing of the increase in imports;

(b) the degree of price undercutting, price suppression or price depression; and

(c) the impact of increased imports on the injury factors listed in section 8.

10.4 The injury caused by other factors shall not be attributed to the increased imports.

11 Verification

11.1 The Commission may conduct on-site or remote verifications of information submitted by interested parties.

11.2 Where verification is refused or obstructed, such as where access to records necessary for verification is not provided or is not timeously provided, the Commission may disregard the information submitted and resort to facts available.

11.3 Verification findings shall be included in the non-confidential record, subject to confidentiality rules.

Sub-Part II – Pre-Initiation and Initiation Procedures

12 Properly documented application

12.1 Written complaints shall be made by or on behalf of the SACU industry in the required format.

12.2 In determining whether a complaint submitted in terms of subsection 1 constitutes a properly documented application, the Commission shall determine whether –

(a) the application includes such information as is reasonably available to the applicant on the issues contemplated in subsection 3; and

(b) a proper non-confidential version has been submitted.

12.3 The application shall contain the following information:

(a) complete description of the imported product;
(b) complete description of the SACU like or directly competitive product;
(c) industry standing;
(d) a summary of the factors on which the allegation of serious injury or threat thereof is based;
(e) the unforeseen developments that led to the increased imports;
(f) relief sought;
(g) efforts taken or planned to compete with the imports;
(h) any other information required by the Commission.

12.4 The Commission will return all applications that do not contain sufficient information, as required under subsection 3, to the applicant, unless such deficiencies are properly addressed within 7 days after the issue of a deficiency letter. This shall in no way prejudice the right of the SACU industry to submit a new application.

13 Serious injury standard for initiation purposes

In determining serious injury to a SACU industry, the Commission shall consider whether the information submitted in this regard and relating to the factors listed in section 8 establishes a *prima facie* case of serious injury or threat thereof.

14 Merit Assessment

14.1 In its merit assessment for general safeguards the Commission shall determine whether there is sufficient information to establish a *prima facie* case that, as a result of unforeseen developments and of the effect of the obligations incurred under the WTO Agreement, the product under investigation is being imported into SACU in such increased quantities, absolute or relative to SACU production, and under such conditions as to cause or threaten to cause serious injury to the SACU industry.

14.2 In its merit assessment for special safeguards the Commission shall determine whether there is sufficient information to establish a *prima facie* case that the volume of imports entering the SACU area exceeding the trigger level which relates to existing market access opportunity; or

the price at which imports may enter the SACU area, as determined on the basis of the c.i.f. import price falls below the trigger price for the product concerned.

14.3 In the event that the Commission decides not to initiate an investigation it shall inform the applicant concerned accordingly and supply it with a full set of reasons for its decision.

15 Initiation and notification

15.1 An investigation shall be formally initiated through publication of an initiation notice in the *Government Gazette*.

15.2 The initiation notice shall contain at least the following information:

(a) the identity of the applicant;

(b) a detailed description of the product under investigation, including the tariff subheading applicable to the product;

(c) a detailed description of the like or directly competitive SACU product;

(d) a summary of the factors on which the allegation of serious injury or threat thereof is based;

(e) the unforeseen developments that led to the increased imports;

(f) the address to which representations by interested parties should be directed; and

(g) the time frame for responses by participating interested parties.

15.3 If the Commission, during its investigation, finds that the subject product is imported under a tariff subheading not initially indicated to be in the scope of the investigation, it may include the imports of such subject product in its investigation.

15.4 The Commission may, at any stage of the investigation, clarify the scope of the product under investigation where necessary to ensure accurate analysis, provided that any such clarification shall be published and interested parties shall be afforded an opportunity to comment thereon.

15.5 Within 7 days after initiation the Commission shall –

(a) notify the representative of each country of origin and of export that may be significantly affected by a safeguard measure of the initiation of the investigation; and

(b) supply each country contemplated in paragraph (a) with a copy of the non-confidential version of the application.

Sub-Part III - Preliminary Investigation Phase

16 Responses by interested parties

16.1 All interested parties will receive 20 days from the initiation of an investigation to comment on the application.

16.2 The Commission may grant an extension for the submission of comments on good cause shown.

16.3 The Commission may prescribe the format in which submissions should be made.

16.4 All submissions shall be made in both hard copy and in electronic format unless the Commission has agreed otherwise in writing. Failure to comply with this provision may result in the submission being regarded as deficient.

16.5 The Commission may request any additional information from any participating interested party at any stage of the investigation, and may prescribe a reasonable deadline for the submission of such information.

17 Non-cooperation

17.1 Where any interested party provides a deficient submission, does not provide necessary information within the prescribed time limits, significantly impedes the investigation, or provides information that cannot be verified, the Commission may make determinations on the basis of facts available.

17.2 Facts available may include but are not limited to:

(a) information supplied by cooperating parties;

(b) publicly available data;

(c) official statistics;

(d) data from customs or other government agencies; and

(e) estimations derived from verified data.

17.3 Where a party has not acted to the best of its ability, the Commission may draw adverse inferences.

18 Provisional measures

18.1 The Commission may request the Commissioner for the South African Revenue Service, in terms of section 57A of the Customs and Excise Act, 91 of 1964, to impose a provisional payment as soon as the Commission has made a preliminary determination that –

(a) there are critical circumstances where a delay would cause damage that would be difficult to repair; and

(b) there is clear evidence that increased imports have caused or are threatening to cause serious injury.

18.2 Provisional payments may be imposed for a maximum period of 200 days.

18.3 The period for which provisional measures are in force shall be regarded as part of the total duration for which safeguard measures are in force.

18.4 The Commission will provide an opportunity for consultations with participating interested parties following the imposition of provisional measures.

19 Preliminary report

19.1 In the event that the Commission requests the imposition of a provisional safeguard measure, as contemplated in section 18, the Commission shall make available a public report within seven days of the publication of its preliminary finding.

19.2 The preliminary report shall contain at least the following information:

(a) identity of the applicant;

(b) a full description of the product under investigation, as well as the directly competitive products, including the tariff classifications;

(c) date of the Commission's decision to initiate the investigation;

(d) initiation date and notice number;

(e) date of the Commission's preliminary determination;

(f) an evaluation of the injury factors considered;

(g) an evaluation of the causality factors considered;

(h) the unforeseen developments that led to the increased imports;

(i) the Commission's finding, including the preliminary safeguard measure requested; and

(j) while preserving the requirements of confidentiality, all relevant issues of fact and law considered by the Commission in reaching its preliminary determination.

19.3 The Commission shall forward the preliminary report direct to all participating interested parties unless the number of participating interested parties makes this impracticable.

Sub-Part IV - Final Investigation Phase

20 Comments on preliminary report

20.1 All participating interested parties shall receive 14 days, from the date a preliminary report is made available, to comment in writing.

20.2 The Commission may grant participating interested parties an extension on good cause shown.

21 Public interest hearing

21.1 The Commission shall provide notice of a public interest hearing.

21.2 The purpose of the hearing is for parties to provide the Commission with information about whether the imposition of a definitive safeguard measure would be in the public interest.

21.3 Parties wishing to make an oral presentation to the Commission on whether the imposition of a definitive safeguard measure would be in the public interest shall provide the Commission with a detailed version, including where applicable a non-confidential version which conforms to the requirements of section 3, of the information to be presented at the hearing.

21.4 The written submission contemplated in subsection 3 shall be submitted to the Commission no later than the deadline set forth in the notice contemplated in subsection 1. The Commission may not allow a party to

make an oral presentation if the written submission is not timeously received.

21.5 The non-confidential version of the information submitted in terms of subsection 3 and the non-confidential version of any confidential information submitted during an oral presentation will be placed on the public file.

21.6 The Commission may limit the duration of an oral presentation. Any such limitation will be communicated to the party requesting to make a presentation prior to the hearing.

21.7 Notwithstanding subsection 6, on the day of the hearing, the Commission may structure the proceedings as it deems appropriate.

22 Public interest determinations

In determining whether a safeguard measure is in the public interest, the Commission shall consider, inter alia:

(a) the need to restore effective competition in the SACU market;

(b) the trade-distorting effects of the surge in imports;

(c) the impact on downstream industries and consumers;

(d) the adjustment prospects of the SACU industry;

(e) the overall balance of economic interests.

The Commission may exercise its discretion in determining the relevance and weight to be accorded to each of these factors, but the need to take note of the trade distorting effect of the surge in imports and the need to restore effective competition shall be given special consideration.

23 Final determination

23.1 In its final determination the Commission shall consider whether –

(a) the SACU industry is experiencing serious injury or threat of serious injury, as contemplated in sections 8 and 9;

(b) there were increased imports;

(c) any increase in imports can be attributed to unforeseen developments;

(d) the increased imports resulted in serious injury or threat thereof to the SACU industry;

(e) injury caused by factors other than the increased imports has been distinguished and not attributed to the increased imports; and

(f) the imposition of a safeguard measure would be in the public interest.

23.2 The Commission shall issue a public report indicating the reasons for its final determination within seven days of the publication of the final determination.

23.3 The public report referred to in subsection 3 shall reflect –

(a) all issues contemplated under section 8.3;

(b) unforeseen developments;

(c) public interest; and

(d) the basis of its recommendation for –

(i) a definitive safeguard measure; or

(ii) terminating the investigation.

24 Definitive safeguard measures

24.1 A safeguard measure shall be applied only –

(a) to the extent necessary to prevent or remedy serious injury or threat thereof; and

(b) to facilitate adjustment of the SACU industry.

24.2 The SACU industry shall be required to submit a plan indicating how it will adjust to increase its competitiveness. Such adjustment plan should reach the Commission no later than 60 days after initiation of the investigation in the *Government Gazette*.

24.3 The adjustment plan should include the following:

(a) measurable benchmarks for productivity, cost reduction, technology adoption and competitiveness improvements;

(b) a timeline for implementation;

(c) investment commitments;

(d) restructuring actions already undertaken or to be taken;

(e) any government support measures, where applicable; and

(f) any other relevant information.

The adjustment plan should be supported by objectively verifiable information sufficient to substantiate the measures, commitments and benchmarks set out in subparagraphs (a) through (f).

24.4 The Commission may grant an extension for the submission of an adjustment plan on good cause shown.

24.5 If the Commission proposes applying or extending a safeguard measure it shall provide the representatives of countries having a substantial interest as exporters of the product under investigation 30 days for consultations with a view to, *inter alia*

(a) reviewing the information relating to the existence of serious injury, or the threat thereof, caused by increased imports, the precise description of the product involved, the proposed measure, the proposed date of introduction, the expected duration of the measure and the timetable for progressive liberalisation;

(b) exchanging views on the measure; and

(c) reaching an understanding on ways to maintain a substantially equivalent level of concessions and other obligations to that existing under GATT 1994 between SACU and the exporting countries which would be affected by such a measure.

24.6 The Commission may recommend a definitive safeguard measure in the form of

(a) a customs duty;

(b) a quantitative restriction; or

(c) a combination of the measures contemplated under paragraphs (a) and (b).

24.7 A definitive measure may remain in place for a period not exceeding four years, unless extended in terms of subsection 8.

24.8 A definitive measure may be extended by a period of up to six years where the Commission finds that –

(a) the lapse of the safeguard measure imposed in terms of subsection 7 is likely to lead to the recurrence of serious injury; and

(b) there is evidence that the SACU industry is adjusting, which the Commission may evaluate by determining progress against benchmarks contained in the adjustment plan.

24.9 A request for the extension of a definitive measure by means of a properly documented application shall ordinarily be submitted to the Commission no later than 12 months prior to the date on which the measure will lapse. The Commission may accept an application submitted after that date, provided that the Commission is satisfied that sufficient time remains to conduct the review in accordance with these Regulations.

24.10 Where a definitive safeguard measure is imposed for a period exceeding one year the Commission shall recommend how the measure should be liberalised at regular intervals over the period that the measure is applied.

24.11 Where the application of a safeguard measure is extended in terms of subsection 8 the safeguard shall continue to be further liberalised over the period of its application.

24.12 Where a definitive safeguard measure is imposed for a period exceeding one year, the Commission may, and where it is imposed for a period exceeding three years, the Commission shall, self-initiate a review of the measure at the halfway mark of the application of the safeguard measure to determine whether –

(a) the continued application of the safeguard measure is required;

(b) the safeguard measure can be liberalised at an increased pace; and

(c) the SACU industry is implementing its adjustment programme.

24.13 The Commission shall publish a notice of the initiation of the mid-term review in the Government Gazette to allow participating interested parties to participate in the review and to comment thereon.

24.14 Where, following a mid-term review, the Commission determines that the continued application of the safeguard measure is no longer justified, or that the measure can be further liberalised without causing serious injury, the Commission shall recommend to the Minister that the measure be further liberalised or terminated.

24.15 If a quantitative restriction is used, such a measure shall not reduce the quantity of imports below the level of a recent period which shall be the average of imports in the last three representative years for which statistics are available, unless clear justification is given that a different level is necessary to prevent or remedy serious injury.

24.16 In cases in which a quota is allocated among supplying countries, the Commission may seek agreement with respect to the allocation of shares in the quota with all such countries having a substantial interest in supplying the product concerned.

24.17 In cases in which the method contemplated in subsection 16 is not reasonably practicable, the Commission shall allot to exporting countries having a substantial interest in supplying the product shares based upon the proportions, supplied by such exporting countries during a previous representative period, of the total quantity or value of imports of the product, due account being taken of any special factors which may have affected or may be affecting the trade in the product.

24.18 The Commission may depart from the provisions of subsection 17 provided that

(a) the Commission finds the presence of serious injury and not only a threat of serious injury;

(b) consultations are conducted with such exporting countries;

(c) clear demonstration is provided to the Commission that imports from certain countries have increased in disproportionate percentage in relation to the total increase of imports of the product concerned in the representative period;

(d) the reasons for the departure from the provisions in subsection 17 are justified; and

(e) (i) the conditions of such departure are equitable to all suppliers of the product concerned; or

(ii) the suppliers failed to cooperate in the investigation.

24.19 A safeguard measure may not be applied again to the import of a product that has been subject to a safeguard measure unless a period of time equal to half that during which such a measure had been previously applied, has lapsed, provided that the period of non-application is at least two years.

24.20 Notwithstanding the provisions of subsection 19, a safeguard measure with a duration of 180 days or less may be applied again to the import of a product if:

(a) at least one year has elapsed since the date of introduction of a safeguard measure on the import of that product; and

(b) such a safeguard measure has not been applied on the same product more than twice in the five-year period immediately preceding the date of introduction of the measure.

24.21 Safeguard measures shall not be applied against a product originating in a developing country as long as its share of imports of the product concerned in SACU does not exceed three per cent, provided that developing countries with less than three per cent import share collectively account for not more than nine per cent of total imports of the product concerned.

24.22 Other than as contemplated in subsection 21, a safeguard measure shall be applied to all imports of the subject product irrespective of its source.

24.23 A developing country or countries exempted from the application of a safeguard measure in terms of subsection 21 may become subject to such safeguard measure for the remainder of its application without a new investigation being conducted if its share or their collective share of the imports increases to a level that exceeds three per cent or nine per cent, respectively, of the total import volume in the original investigation period.

24.24 The Commission may, during an extension review, a mid-term review or a developing country exemption review, carry out the assessment contemplated in subsection 23.

24.25 The purpose of a developing country exemption review is to make the assessment contemplated in subsection 23.

24.26 The Commission may determine, in its discretion, a reasonable period for examination of import volumes of the exempted developing country or countries. The period selected for assessment may consist of –

(a) annual import data;

(b) data covering part of a year;

(c) an average of multiple recent periods; or

(d) such other period that the Commission considers appropriate.

24.27 Before making a recommendation in terms of subsection 24, the Commission shall –

(a) notify the developing country or countries concerned and all participating interested parties of the proposed inclusion; and

(b) provide them an opportunity to submit written comments.

24.28 The inclusion of a developing country's or countries' imports under a safeguard measure in terms of this section shall not constitute the imposition of a new safeguard measure, nor an increase in the restrictiveness of the existing safeguard measure, but rather the adjustment of the measure in conformity with Article 9 of the WTO Agreement on Safeguards.

Sub-Part V – Special Safeguard

25 Special safeguard duty

The additional duty imposed after a special safeguard investigation initiated under Article 5 of the AoA shall be set according to the following schedule:

(a) if the difference between the c.i.f. import price of the shipment expressed in terms of the domestic currency (hereinafter referred to as the "import price") and the trigger price as defined under that subparagraph is less than or equal to 10 per cent of the trigger price, no additional duty shall be imposed;

(b) if the difference between the import price and the trigger price (hereinafter referred to as the "difference") is greater than 10 per cent but less than or equal to 40 per cent of the trigger price, the additional duty shall equal 30 per cent of the amount by which the difference exceeds 10 per cent;

(c) if the difference is greater than 40 per cent but less than or equal to 60 per cent of the trigger price, the additional duty shall equal 50 per cent of the amount by which the difference exceeds 40 per cent, plus the additional duty allowed under (b);

(d) if the difference is greater than 60 per cent but less than or equal to 75 per cent, the additional duty shall equal 70 per cent of the amount by which the difference exceeds 60 per cent of the trigger price, plus the additional duties allowed under (b) and (c);

(e) if the difference is greater than 75 per cent of the trigger price, the additional duty shall equal 90 per cent of the amount by which the difference exceeds 75 per cent, plus the additional duties allowed under (b), (c) and (d).

Part D – Final Provisions

26 Transitional application

These regulations shall apply to all investigations initiated after the promulgation of the regulations.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7232 **13 March 2026**

INVITATION FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE ANTI-DUMPING REGULATIONS

I, Mpho Parks Tau, MP, Minister of Trade, Industry and Competition, in terms of section 59 of the International Trade Administration Act, 2002 (Act No. 71 of 2002), hereby publish for public comment proposed amendments to the Anti-Dumping Regulations.

The proposed amendments address substantive and procedural aspects of the existing regulatory framework. Substantively, the proposed amendments clarify the Commission's authority to self-initiate investigations, strengthen disciplines related to circumvention, and provide mechanisms for addressing distorted market conditions when determining normal value. The amendments also refine the approach to incomplete questionnaire responses at the preliminary stage of an investigation, reinforce the framework for injury analysis and expand provisions governing price undertakings and public-interest assessments.

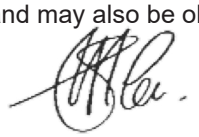
Procedurally, the proposed amendments provide clearer standards governing reviews, including anti-circumvention, sunset, interim and new shipper reviews. The revisions also clarify provisions relating to the treatment of confidential information.

Interested persons are invited to submit written comments on the proposed amendments which must be submitted within four (4) weeks of the date of publication of this notice in the Government Gazette.

Written comments must be submitted by e-mail, clearly marked "Comments on Proposed Amendments to the Anti-Dumping Regulations" in the subject line and addressed to:

Mr Alexander Amrein
Senior Manager: Policy and Research
International Trade Administration Commission of South Africa
E-mail: aamrein@itac.org.za

The proposed amendments to the Anti-Dumping Regulations are published together with this notice and may also be obtained electronically upon request at the e-mail address provided above.



MR M. PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION

REPUBLIC OF SOUTH AFRICA

THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

AMENDED ANTI-DUMPING REGULATIONS

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REGULATIONS

Part A - Definitions

1. **Definitions**

"amendment" means the imposition of an anti-dumping duty or a modification of the rate, scope or conditions of an existing anti-dumping duty, including its termination, but does not include a determination made under Sub-Part VI clarifying whether a product falls within the product description set out in an existing anti-dumping measure.

"Commission" means the International Trade Administration Commission of South Africa established in terms of section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).

"Deadlines" shall be interpreted as the final date for submissions, responses, comments and requests and the like as envisaged by the different sections of these Regulations, and shall be deemed to be at 15h00 South African standard time on the deadline indicated, unless expressly otherwise indicated.

"Facts available" means the information that is available to the Commission at the time of making a determination, whether preliminary or final, and which has been verified or is verifiable, provided that all requirements regarding non-confidentiality and timely submission have been met. In cases of non-cooperation by an exporter facts available may include, in any order –

(a) For normal value:
  (i) the prices of another seller or sellers in that market;
  (ii) the information contained in the application; and/or
  (iii) any other information at the Commission's disposal.

(b) For export prices:
  (i) the information contained in the application;
  (ii) the information contained in the import statistics as provided by the Commissioner for the South African Revenue Service; and/or
  (iii) any other information at the Commission's disposal.

provided the Commission has, where practicable, checked the information from other independent sources at its disposal.

"Good cause" for an extension of the submission of information means substantive reasons and does not include merely citing insufficient time to complete a response to the Commission's questionnaires;

"Interested parties" may include known –

(a) producers in SACU;

(b) exporters;

(c) foreign producers;

(d) importers;

(e) trade or business associations whose members are SACU or foreign producers, exporters or importers; and/or

(f) the governments of the countries of origin and of export;

of the product under investigation or the like product.

This does not preclude the Commission from accepting other parties as interested parties at the behest of the Commission in an anti-dumping investigation.

"Investigation period for dumping" is the period for which it is assessed whether dumping took place. This period shall normally be 12 months, and may be more, but in no case less than 6 months, and shall normally be a period ending not more than 6 months before the initiation of the investigation. The investigation period for dumping shall be clearly indicated in the initiation notice published in the *Government Gazette*.

"Investigation period for injury" is the period for which it is assessed whether the SACU industry experienced material injury. This period shall normally cover a period of three years plus information available on the current financial year at the date that the application was submitted, but may be determined by the Commission as a different period provided that the period is sufficient to allow for a fair investigation. The investigation period for injury shall be clearly indicated in the initiation notice published in the *Government Gazette*.

"Like product" means –

(a) a product which is identical, i.e. alike in all respects to the product under consideration; or

(b) in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration.

In determining whether the product has characteristics closely resembling those of the product under consideration the Commission may consider –

(i) the raw materials and other inputs used in producing the products;

(ii) the production process;

(iii) physical characteristics and appearance of the product;

(iv) the end-use of the product;

(v) the substitutability of the product with the product under investigation;

(vi) tariff classification; and/or

(vii) any other factor proven to the satisfaction of the Commission to be relevant.

No one or several of these factors can necessarily give decisive guidance.

"Main Act" refers to the International Trade Administration Act, 2002 (Act No. 71 of 2002).

"Margin of dumping" is the extent to which the normal value is higher than the export price, after adjustments have been made for comparative purposes.

"Material injury", unless the opposite is clear from the context, refers to actual material injury, a threat of material injury or the material retardation of the establishment of an industry.

"Minister" means the member of the Cabinet, which body is referred to in section 91 of the Constitution, responsible for trade, industry and competition.

"Price depression" takes place where the SACU industry's ex-factory selling price decreases during the investigation period.

"Price disadvantage" is the extent to which the price of the imported product is lower than the unsuppressed selling price of the like product produced by the SACU industry, as measured at the appropriate point of comparison.

"Price suppression" takes place where the cost-to-price-ratio of the SACU industry increases, or where the SACU industry sells at a loss, during the investigation period or part thereof.

"Price undercutting" is the extent to which the price of the imported product is lower than the price of the like product produced by the SACU industry, as measured at the appropriate point of comparison.

"Product under investigation" means the imported product, including the product under consideration, which is subject to an investigation by the Commission by virtue of having been cleared for home use or cleared by means of another customs procedure that provides for the processing of the product in the SACU.

"Related parties" are parties deemed to be related for purposes of an anti-dumping investigation, and sales may be considered not to be at arm's length, if –

(a) one directly or indirectly owns, controls or holds five per cent or more of the equity shares of the other;

(b) one has the power to directly or indirectly nominate or appoint a director to the management of the other;

(c) one is an officer or director of the other's business;

(d) they are legally recognised partners in business;

(e) one is employed by the other;

(f) they are both directly or indirectly controlled by a third person;

(g) together they directly or indirectly control a third person;

(h) they appear to be related by virtue of their conduct;

(i) they are blood relatives or are related by marriage, common-law partnership or adoption; or

(j) if their relationship is otherwise of such a nature that trade between them cannot be regarded to be at arm's length.

"SACU" means the Southern African Customs Union.

"SACU industry" means the domestic producers in the SACU as a whole of the like products or those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products.

"unsuppressed selling price" is the price at which the SACU industry would have been able to sell the like products in question in the absence of dumping, and can be determined with reference to –

(a) the expected or required return of the SACU industry for the like or similar products; or

(b) the profit margins of the industry for the like products before the entry of the dumped imports; or

(c) the prices obtained for the like products by the industry directly before the entry of the dumped imports; or

(d) any other reasonable basis.

Part B - General Provisions

2. **Confidentiality**

2.1 A person may, when submitting correspondence to the Commission identify information therein that the person claims is –

(a) by nature confidential; or

(b) otherwise to be recognised as confidential.

2.2 Parties providing confidential information in any correspondence for which a claim of confidentiality is made as contemplated in subsection 1 shall at the same time furnish non-confidential summaries thereof. These summaries shall–

(a) indicate in each instance where confidential information has been omitted and the reasons why the omitted information is confidential; and

(b) be in sufficient detail to permit other interested parties a reasonable understanding of the substance of the information submitted in confidence.

2.3 Where information does not permit non-confidential summarisation, a sworn statement shall be provided explaining why the confidential information cannot be summarised. Merely reciting that the confidential information is of a kind listed in subsection 4 is not sufficient in this regard.

2.4 The following list provides examples of "information that is by nature confidential" as per sections 1(2) and 33(1)(a) of the *Main* Act, read with section 36 of the *Promotion of Access to Information Act*, 2000 (Act 2 of 2000):

(a) management accounts;

(b) financial accounts of a private company;

(c) actual and individual sales prices;

(d) actual costs, including cost of production and importation cost;

(e) actual sales volumes;

(f) information, the release of which could have serious consequences for the person that provided such information; and

(g) information that would be of significant competitive advantage to a competitor;

provided that the party submitting such information indicates it to be confidential.

2.5 All correspondence not clearly indicated to be confidential shall be treated as non-confidential.

2.6 If a person makes a claim in terms of subsection 1, the Commission shall determine whether the information is confidential as provided for in section 34 of the Main Act.

2.7 Notwithstanding subsection 4, the Commission may disregard any information indicated to be confidential that –

(a) it does not determine to be confidential in terms of subsection 6; or

(b) is not accompanied by –

(i) a proper non-confidential summary in terms of subsection 2; or

(ii) a sworn statement as contemplated in subsection 3; and

the deficiency has not been addressed in accordance with the instructions of the Commission.

2.8 In determining whether to disregard information indicated to be confidential where the requirement in subsection 7(b)(i) has not been met, the Commission exercises its discretion considering, amongst others, whether the deficiency is of such a nature as to materially affect the ability of other interested parties to defend their interests.

3. **Investigations**

3.1 An original anti-dumping investigation shall only be initiated upon the Commission's acceptance of a written application by or on behalf of the SACU industry containing *prima facie* evidence of dumping, injury and a causal link between the dumped imports and the injury, except as provided for in subsections 3 and 4.

3.2 An interim, new shipper, sunset or anti-circumvention review shall be initiated upon the Commission's acceptance of a written application by or on behalf of an interested party containing the *prima facie* evidence required by the relevant provisions of these regulations, except as provided for in subsection 3.

3.3 The Commission may initiate an original investigation mentioned in subsections 1 and 4 or a review mentioned in subsection 2 without having received a written application from the relevant interested party. In such cases the Commission shall proceed only if it has the requisite *prima facie* evidence. A non-confidential version of the information that served as the basis for the initiation shall be made available to all known interested parties.

3.4 The Commission may initiate an original investigation against one or more exporters or producers of a product that is subject to an anti-dumping duty, but which are not themselves subject to the anti-dumping duty –

(a) based on a written application by or on behalf of the SACU industry containing *prima facie* evidence of dumping, injury and a causal link between the dumped imports and the injury; or

(b) without having received a written application if the Commission has *prima facie* evidence of dumping, injury and a causal link between the dumped imports and the injury.

3.5 The Commission may initiate a surveillance investigation as a monitoring measure to collect information on the importation of products. The purpose of such an investigation is to enable the Commission to assess trends in import volumes, prices, and other relevant indicators to determine whether there is sufficient evidence of injurious dumping to justify the initiation of an original investigation.

4. **Cumulation**

4.1 The Commission may cumulatively assess the effects of the dumped imports from two or more countries, which are simultaneously subject to an anti-dumping investigation only if it finds that –

(a) the margin of dumping is two per cent or more, when expressed as a percentage of the export price in relation to the imports from each country to be cumulated;

(b) the volume of imports from each country is not negligible; and

(c) a cumulative assessment of the effects of the dumped imports is appropriate in light of –

(i) the conditions of competition between the imported products from the different countries; and

(ii) the conditions of competition between the imported products and the SACU like product.

4.2 The volume of dumped imports from a country shall normally be regarded as negligible if the volume is found to account for less than three per cent of the total imports of the like product into the SACU, unless countries which individually account for less than 3 per cent of the total imports of the like product into the SACU collectively account for more than 7 per cent of the total imports of the like product into the SACU.

5 Representation

5.1 Should any of the interested parties wish to be represented by an outside party in an investigation or a review, the interested party must provide the Commission with a letter of appointment of its representative, detailing the identity of the representative and the scope and duration of the representation.

5.2 Should any interested party wish to terminate a representation indicated in subsection 1, such party must provide the Commission with a letter to this effect.

5.3 Once an interested party has appointed a representative all communication between the Commission and the interested party will take place through the appointed representative.

6 Oral hearings

6.1 Any interested party may request an oral hearing during the preliminary and/or final investigation phases of an investigation, provided the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a preliminary or final determination.

6.2 No request for an oral hearing will be considered more than 60 days, and no oral hearing will be heard more than 90 days, after the publication of the Commission's preliminary finding.

6.3 All information presented during an oral hearing shall be reduced to writing and a non-confidential version will be placed on the public file. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version of the information to be discussed at the oral hearing at the time of the request.

6.4 The Commission may limit the duration of the oral hearing. Any such limitation must be communicated to the party requesting a hearing at the same time that the Commission indicates the date for such hearing.

6.5 The Commission may limit or add to the agenda contemplated in subsection 4.

7 Adverse party meetings

7.1 Any interested party may request an adverse party meeting during the preliminary and/or final investigation phases of an investigation, provided the party indicates reasons for not relying on written submissions only. The Commission may refuse an adverse party meeting if granting such meeting will unduly delay the finalisation of a preliminary or final determination.

7.2 No request for an adverse party meeting will be considered more than 60 days, and no adverse party meeting will be held more than 90 days, after the publication of the Commission's preliminary finding.

7.3 During the preliminary investigation phase SACU producers may request an adverse party meeting within 7 days after they have been supplied with opposing parties' responses.

7.4 All interested parties that have cooperated during the investigation shall be invited to attend the adverse party meeting. All parties so invited shall be granted 7 days to indicate whether they will attend the adverse party meeting.

7.5 All information presented during an adverse party meeting shall be reduced to writing and a non-confidential version will be placed on the public file.

7.6 Parties requesting an adverse party meeting shall provide the Commission with a detailed agenda for and a detailed version, including non-confidential version, of the information to be discussed at the adverse party meeting at the time of the request. The Commission will make the agenda available to other interested parties for comments and additions. The Commission will make the final agenda available in advance to all parties attending the adverse party meeting at least 7 days prior to such meeting taking place.

7.7 The Commission may limit or add to the topics to be covered during the oral hearing and may structure the meeting as it deems efficient.

7.8 The Commission may limit the duration of the adverse party. Any such limitation must be communicated to all parties attending the meeting when the date for the meeting is finalised.

7.9 In adverse parties meetings account shall be taken of the need to preserve confidentiality and of convenience to the parties. Confidential information may be submitted in camera, but a non-confidential version of such confidential information shall be made available to other interested parties.

7.10 There shall be no obligation on any party to attend a meeting, and failure to do so shall not be prejudicial to that party's case.

8 **Computation of periods of time**

Computation of any period of time provided for in these regulations commences with the first day following the act, event or date initiating such period of time. The last day of the period of time is included in the computation unless such day is a Saturday, Sunday, public holiday or such other day when the Commission is closed for business, in which case the deadline will be the next business day.

9 Additional information

The Commission may request or gather information at any stage before or after initiation of an investigation.

Part C - Procedures

Sub-Part I - General

10 SACU industry

10.1 Other than investigations initiated in terms of section 3.3 or 3.4, any application for anti-dumping action shall be brought by or on behalf of the SACU industry.

10.2 Where a SACU producer is –

(a) related to the importer, exporter or the foreign producer; or

(b) itself an importer of the products under investigation,

the term "SACU industry" may be interpreted as referring to the rest of the SACU producers.

10.3 An application shall be regarded as brought by or on behalf of the SACU industry if –

(a) at least 25 per cent of the SACU producers by domestic production volume support the application; and

(b) of those producers that express an opinion on the application, at least 50 per cent by domestic production volume support such application.

10.4 In the case of industries involving an exceptionally large number of producers, the Commission may determine support and opposition by reference to the largest number of producers that can be reasonably included in the investigation or by using statistically valid sampling techniques based on the information available to the Commission at the time of its finding.

10.5 If a SACU producer withdraws the application or its support thereof after the investigation has been initiated, the Commission may -

(a) terminate the investigation; or

(b) disregard the withdrawal of support and continue with its investigation as if all requirements in subsections 1, 2 and 3 have been met.

11 **Normal value**

11.1 "Normal value" as defined in section 32(2)(b)(i) of the *Main Act* shall be interpreted to mean –

(a) the price paid or payable for like goods sold in the ordinary course of trade for home consumption in the country of export or the country of origin by the exporter, the producer or its related party under investigation; or

(b) where such price is not known, the price at which such like goods are sold on the same market by another seller or sellers in that market.

11.2 When there are no domestic sales or an insufficient volume of sales of the like goods in the ordinary course of trade, or when such sales do not permit a proper comparison, the normal value of the like goods shall be based on–

(a) the constructed cost of production of the like goods in the country of origin when destined for domestic consumption, plus a reasonable addition for selling, general and administrative costs and for profit; or

(b) export prices in the ordinary course of trade of the like goods from the country of origin to an appropriate third country, as long as that price is representative.

11.3 Domestic sales or export sales to a third country may be considered to be not in the ordinary course of trade or not permitting a proper comparison if the Commission determines that, as appropriate –

(a) such sales took place at prices below total costs, including cost of production and administrative, selling and general costs, provided such sales took place

(i) in substantial quantities equalling at least 20 per cent by volume of total domestic sales during the investigation period; and

(ii) over an extended period of time, which period shall normally be a year, but in no case less than 6 months;

(b) such sales were made to a related party;

(c) such sales do not reflect normal commercial quantities, or

(d) a proper comparison is not possible because of –

(i) distortions in the price of inputs used to produce the like goods;

(ii) the sales prices of the like goods that do not reasonably reflect the costs associated with their production and/or sale;

(iii) government interventions, such as import and export controls, export tax or support programmes; or

(iv) any other circumstance in which normal market conditions do not exist.

11.4 Domestic or third country sales of the like product shall normally be considered a sufficient volume to determine a normal value if such sales constitute five per cent or more of the sales volume of the product to the SACU. Sales representing less than 5 per cent of export sales to the SACU may nevertheless be deemed sufficient where such sales are of sufficient magnitude to provide for a proper comparison.

11.5 In choosing the third country contemplated in subsection 2(b), the Commission may consider any relevant factor, including any or all of the following factors, with no one or several of these factors necessarily giving decisive guidance:

(a) the similarity of the like product exported from the country of origin to the third country and the product exported to the SACU in terms of the criteria used by the Commission in its like product analysis;

(b) the similarity in the volumes of the like product exported from the country of origin to the third country and the volumes of the like product exported to the SACU;

(c) whether the sales of the like product to the third country are at the same level of trade as sales of the like product to the SACU; and

(d) whether the third country has a domestic industry that manufactures the like product.

11.6 Where the products are not shipped directly from the country of origin but are exported to the SACU from an intermediate country, the price at which the products are sold from the country of origin or export for shipment to the SACU may be compared with the comparable price in the country of export or of origin.

11.7 Exports may be deemed to originate in the country indicated –

(a) on the certificate of origin; and/or

(b) on the bills of entry; and/or

(c) in the import statistics provided by the Commissioner for the South African Revenue Service.

11.8 If the Commission constructs the normal value, as contemplated in subsection 2(a), it may do so on any reasonable basis, including, but not limited to –

(a) the cost of the producer or exporter concerned;

(b) the cost of another producer or producers in the same country;

(c) the information contained in the application; or

(d) any other information at the Commission's disposal.

11.9 When the Commission constructs a normal value the cost build-up shall include –

(a) production costs;

(b) overheads;

(c) selling, general and administrative costs;

(d) any other costs deemed necessary by the Commission to compare the constructed normal value to the export price; and

(e) a reasonable profit.

11.10 The constructed normal value in subsection 9 shall normally be constructed using the producer's own costs and profit, provided that such costs –

(a) are undistorted;

(b) reflect the actual costs of the product;

(c) are Generally Accepted Accounting Practice (GAAP) consistent; and

(d) are historically based.

11.11 The selling, general and administrative costs contemplated in subsection 9 shall be determined –

(a) with reference to the product under investigation; or

(b) in the absence of information in terms of paragraph (a) –

(i) with reference to the average such expenses incurred by other sellers in that market; or

(ii) with reference to the narrowest range of products that can be identified; or

(iii) on any other reasonable basis.

11.12 The reasonable profit margin that is included in the constructed normal value shall normally be determined –

(a) with reference to the actual profit realised on sales of the product under investigation; or

(b) with reference to the actual profit realised on sales of the narrowest range of products that can be identified; or

(c) with reference to the average such actual profit realised by other sellers on sales of the same category of products in that market if the profit margin cannot be properly isolated from the information kept by the producer under investigation; or

(d) on any other reasonable basis;

provided that the profit so included shall normally be based on the actual profit realised on sales before extraordinary items, interest, tax and any other circumstances that may affect such profit margin.

12 Related foreign market producers and resellers

12.1 Where the foreign producer sells the like product on its domestic market through a related party –

(a) the normal value shall be determined as the resale price to the first independent buyer, provided the adjustments as envisaged in section 32(3) of the *Main Act* should still be made;

(b) where such product is not subsequently resold or not resold in the condition sold to that related party, the normal value shall be determined –

(i) with reference to sales to independent buyers only; or

(ii) where there are no such sales to independent buyers, on any other reasonable basis.

12.2 Where a party has domestic sales both through related and unrelated parties, the Commission may decide to use only those sales to unrelated parties.

13 Export price

"Export price" has the meaning as provided for in section 32(2)(a) of the *Main Act*.

14 Constructed export price

14.1 Where –

(a) there is no export price at the time of importation;

(b) the exporter or the foreign producer and the importer are related;

(c) the invoiced export price appears to be unreliable for any other reason; or

(d) exports were not in commercial quantities;

the export price may be constructed from the first point of resale to an independent buyer, or if the imported goods are not resold to an independent buyer or are not sold in the condition in which imported, on any reasonable basis determined by the Commission.

14.2 In constructing such export price the Commission shall deduct –

(a) all costs between the exporter and the importer; and

(b) a reasonable profit.

14.3 The reasonable profit contemplated in subsection 2(b) may be determined by calculating –

(a) the total costs, including the cost of production and administrative, selling and general costs of the producer/exporter with reference to the product under investigation;

(b) the total costs, including the cost of production and administrative, selling and general costs of the importer with reference to the product under investigation, including all costs from the ex-factory export point of the producer; and

(c) the total profit with reference to the product under investigation realised by both the foreign producer/exporter and the importer;

and by allocating the profit in the same ratio as the total costs incurred by the two parties.

14.4 In the event that –

(a) the imported product is not resold;

(b) is not resold in the same condition as imported; or

(c) where information on the resale price is not available,

the export price may be constructed on any reasonable basis.

15 Comparison of normal value and export price

15.1 Adjustments shall be made in each case, on its merit, for differences which affect price comparability at the time of setting prices, including, but not limited to –

(a) conditions and terms of trade;

(b) taxation;

(c) levels of trade;

(d) physical characteristics; and

(e) quantities.

15.2 Adjustments should be requested in interested parties' original response to the relevant questionnaires and must be –

(a) substantiated;

(b) verifiable;

(c) directly related to the sale under consideration; and

(d) clearly demonstrated to have affected price comparability at the time of setting prices.

15.3 The comparison between the normal value and the export price shall normally be made at the ex-factory level and between sales at the same level of trade, e.g. at distributor, wholesale or retail level.

15.4 The comparison shall normally be made at the same terms of trade, including packaging, terms of delivery and payment terms.

15.5 The comparison between the normal value and the export price shall normally be made on a weighted average to weighted average basis, but may be made on a transaction-by-transaction basis should the circumstances require such comparison.

15.6 A normal value established on a weighted average basis may be compared to prices of individual export transactions if the Commission finds a pattern of export prices which differs significantly among different purchasers, regions or time periods.

15.7 In cases where the Commission has determined the margin of dumping as contemplated in subsection 6, it shall indicate reasons for its decision in all subsequent reports.

16 Margin of dumping

16.1 The Commission shall normally calculate an individual margin of dumping for each exporter or producer that submitted a complete and non-deficient response to the Commission's questionnaire within the relevant deadline.

16.2 In cases where only one product is under investigation, the margin of dumping shall be determined as the amount by which the normal value exceeds the export price.

16.3 In cases where more than one product is under investigation, the Commission shall normally determine the margin of dumping as follows:

(a) in the case of products that can be separately identified by the South African Revenue Service, a separate margin of dumping shall be calculated for each product; or

(b) in the case of products that cannot be separately identified by the South African Revenue Service, the Commission shall normally –

(i) calculate the margin of dumping for each product separately; and

(ii) determine the weighted average margin of dumping for all products by weighting each margin of dumping calculated on the basis of the individual export volume of each product in relation to the total export volumes of such products.

16.4 The margin of dumping shall be regarded as *de minimis* if it is less than two per cent when expressed as a percentage of the export price.

16.5 The Commission shall calculate a residual margin of dumping for all exporters or producers for which individual margins of dumping have not been calculated in terms of subsection 1 and which are from the same country or customs union.

16.6 In the case of industries where the number of producers, exporters, importers or types of products, whether from one or more countries, including a customs union, is so large as to make a determination of individual dumping margins impracticable, the investigation may be limited to a reasonable number of parties or types of products by using –

(a) the largest representative volume of exports from the country or countries in question which can reasonably be investigated; or

(b) samples that are statistically representative on the basis of the information available to the Commission at the time of the selection.

16.7 If the Commission decides to limit its investigations as contemplated in subsection 6, it may consult with the relevant parties prior to its selection of parties and/or types of products with a view to obtaining the agreement of the parties. Notwithstanding any consultation, the final selection shall rest with the Commission.

16.8 In cases where the Commission has limited its investigation as contemplated in subsection 6, the Commission will nevertheless determine an individual margin of dumping for any producer or exporter not included in the sample who submits the necessary information in time for that information to be considered along with the information of producers or exporters selected, except where the number of producers or exporters is so large that individual examinations would be unduly burdensome to the Commission.

17 Material injury

17.1 In determining material injury to the SACU industry, the Commission shall examine –

(a) the volume of the dumped imports and the effect of the dumped imports on prices in the SACU for the like product; and

(b) the consequent impact of the dumped imports on the SACU industry.

17.2 In determining material injury to the SACU industry in terms of subsection 1(a), the Commission shall consider –

(a) with regard to the volume of the dumped imports, whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the SACU; and

(b) with regard to the effect of the dumped imports on prices, whether there has been significant –

(i) price undercutting;

(ii) price depression; or

(iii) price suppression;

with no one or several of these factors necessarily giving decisive guidance.

17.3 In its determination of material injury to the SACU industry in terms of subsection 1(b), the Commission shall further consider all relevant economic factors and indices having a bearing on the state of the SACU industry, including –

(a) sales volume;

(b) profit and loss;

(c) output;

(d) market share;

(e) productivity;

(f) return on investments;

(g) capacity utilisation;

(h) the margin of dumping;

(i) factors affecting domestic prices;

(j) cash flow;

(k) inventories;

(l) employment;

(m) wages;

(n) growth;

(o) ability to raise capital or investments; and

(p) any other relevant factors placed before the Commission.

This list of factors is not exhaustive, nor can one or several of these factors necessarily give decisive guidance.

17.4 The Commission may require any additional information on injury from the SACU industry at any stage during an investigation.

17.5 Each of the factors mentioned in subsections 1 and 2 shall be considered for the product under investigation only or, where such analysis is not possible, for the narrowest group of products for which such analysis can be made. Only if no such information is available will the Commission consider the information for the company as a whole, and then with special circumspection.

18 Threat of material injury

18.1 A determination of threat of material injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which dumping would cause material injury must be clearly foreseen and imminent.

18.2 In considering a threat of material injury the Commission shall, in addition to the factors indicated under section 17, and where relevant information is available, consider such factors as:

(a) a significant rate of increase of dumped imports into the domestic market of the SACU;

(b) sufficiently freely available, or an imminent substantial increase in, capacity of the exporter;

(c) the availability of other export markets to absorb additional export volumes;

(d) whether products are entering or will be entering the SACU market at prices that will have a significant depressing or suppressing effect on SACU prices; and

(e) the exporter's inventories of the product under investigation.

19 Material retardation of the establishment of an industry

19.1 No investigation shall be initiated on the basis of the material retardation of the establishment of an industry unless the industry or proposed industry has supplied the Commission with a comprehensive business plan indicating the establishment of such industry in the absence of dumping.

19.2 The Commission may request a provisional payment or recommend an anti-dumping duty where the establishment of such industry is materially retarded by dumped imports.

19.3 If significant progress has not been made to establish an industry as proposed in subsection 2 within one year following the imposition of an anti-dumping duty, the Commission may recommend that the anti-dumping duty be withdrawn.

20 Causality

20.1 The Commission shall determine whether dumped imports are, through the effects of dumping, causing material injury to a SACU industry, a threat of material injury to a SACU industry or the material retardation of the establishment of a SACU industry.

20.2 In considering whether there is a causal link between the dumping and the material injury the Commission shall consider all relevant factors, including, but not limited to:

(a) the change in the volume of dumped imports, whether absolute or relative to the production or consumption in the SACU market;

(b) the price undercutting experienced by the SACU industry vis-à-vis the imported products;

(c) the market share of the dumped imports;

(d) the magnitude of the margin of dumping; and

(e) the price of undumped imports available in the market.

20.3 The Commission shall consider all relevant factors other than dumping that may have contributed to the SACU industry's injury and the injury caused by such other factors shall not be attributed to the dumping provided that an interested party has submitted, or the Commission otherwise has, information on such factor or factors. Factors that may be relevant in this respect include, but are not limited to –

(a) the volume and prices of imports not sold at dumped prices;

(b) contraction in demand or changes in the patterns of consumption;

(c) trade restrictive practices of and competition between the foreign and SACU producers;

(d) developments in technology;

(e) other factors affecting the SACU prices;

(f) the SACU industry's export performance; and

(g) the productivity of the SACU industry.

21 Lesser duty rule

The Commission shall consider applying the lesser duty rule in every original investigation. The Commission may apply the lesser duty rule if both the corresponding importer and exporter or foreign producer have cooperated fully. In determining if the lesser duty is sufficient to remove the injury to the SACU industry, the Commission may consider any relevant factor.

22 Verifications and non-cooperation

22.1 The Commission shall satisfy itself as to the accuracy and adequacy of the information supplied by interested parties.

22.2 The Commission may conduct verifications, including desk top verifications and verifications at the SACU producers and at importers, exporters and foreign producers and other interested parties, as it may deem necessary.

22.3 In the event that an importer, exporter or foreign producer refuses to receive a verification visit by the Commission, refuses the Commission access to relevant information, fails to provide information within the period stipulated by the Commission or these Regulations, provides false or misleading information or acts so as to significantly impede the investigation, the Commission may disregard the information submitted by that party and resort to the facts available.

22.4 Where a party –

(a) fails to supply relevant substantiating evidence required by investigating officers during a verification;

(b) fails to explain any calculations contained in its submissions; or

(c) otherwise fails to cooperate during the investigation process;

the Commission may terminate the verification proceedings and the Commission may disregard any or all information submitted by the party in question and resort to the facts available. The Commission may nevertheless consider information that was properly submitted and verified.

22.5 The Commission shall inform the government of the country concerned of the dates of the intended verification visit and shall conduct the verification on those dates unless that government objects to the verification.

22.6 Where the government of the country concerned objects to the Commission's verification, the Commission may make a preliminary or final finding based on the facts available, and may exclude any information submitted by any party in that country.

23 Verification reports

23.1 Following an exporter or foreign producer verification, the Commission shall make a verification report indicating the information verified available to the party that was verified.

23.2 The purpose of a verification report related to an examination of information submitted by an interested party is to convey to the party verified what was verified during the Commission's verification. The failure to reference in

the verification report information that was verified shall not preclude the Commission from using such information in its findings.

23.3 The Commission will place a copy of the non-confidential verification report on the public file after the deadline for comments by the verified party.

23.4 Parties will receive 7 days to comment on the verification report. The Commission may grant an extension upon good cause shown.

23.5 Upon receipt of a written request prior to the deadline contemplated in subsection 4, the Commission may grant the party verified an extension on good cause shown.

24 Deadlines

All investigations and reviews shall be finalised within 18 months after initiation.

Sub-Part II - Pre-Initiation and Initiation Procedures

25 Applications

25.1 Written applications shall be made by or on behalf of the SACU industry using the Commission's relevant questionnaire.

25.2 On receipt of an application the Commission's trade remedies unit shall liaise with the SACU industry to ensure that all required information has been submitted in the required format.

26 Properly documented application

26.1 In determining whether an application submitted in terms of section 25 constitutes a properly documented application the Commission shall determine whether the application includes such information as is reasonably available to the applicant relating to the prescribed information.

26.2 The Commission will return all applications that are not properly completed to the applicant.

27 Normal value standard for initiation purposes

27.1 The applicant shall submit such information as is reasonably available on the price for the like product sold in the country of origin or of export.

27.2 For the purpose of subsection 1 an invoice indicating the price, quotes for domestic sales of the like product, price lists, international publications or any other reasonable proof of such domestic price shall be considered.

27.3 If a price as indicated in subsection 1 is not available at the same level of trade as for export purposes, the application shall indicate reasonable

adjustments to allow the Commission to compare the submitted normal value and the submitted export price.

27.4 If the domestic selling price as contemplated in subsection 1 is not reasonably available to the applicant, the applicant shall state its efforts to obtain such price. If the applicant is unsuccessful after having undertaken reasonable efforts to obtain a domestic price as contemplated in subsection 1, the applicant may submit information in respect of normal value –

(a) by constructing such value; or

(b) with reference to the export price from the exporting country or country of origin to any third country.

27.5 Where the applicant supplies a constructed cost in terms of subsection 4(a), such constructed cost shall separately indicate –

(a) direct costs;

(b) indirect costs;

(c) selling, general and administrative costs; and

(d) profit;

and shall be more detailed where possible. Without placing an undue burden on the applicant, direct and indirect costs should be substantiated with relevant publications or other information. Selling, general and administrative costs and profit may be based on reasonable assumptions.

27.6 The applicant may supply the export price of the country under consideration as contained in the export statistics of that country or any other reasonable proof of export prices from that country to another country to substantiate a normal value in terms of subsection 4(b).

28 Export price standard for initiation purposes

28.1 The applicant shall submit such information as is reasonably available on the price for the product under investigation when sold for export from the country of origin to SACU.

28.2 For the purpose of subsection 1, an applicant may provide the Commission with the price as contained in the import statistics of the South African Revenue Service, an invoice indicating the price or any other reasonable proof of such price.

28.3 In the case of a sunset review, where there were no exports to the SACU during the period of investigation, an applicant may for the determination of the export price provide the Commission with the comparable price of the like product when exported from the country of origin to a third country.

29 Material injury standard for initiation purposes

In determining material injury to a SACU industry the Commission shall consider whether the information submitted in this regard and relating to the factors listed in section 17 indicates a *prima facie* case of material injury.

30 SACU industry verification

The Commission shall satisfy itself of the accuracy and adequacy of the information provided in the application. Deficiencies or inaccuracies that do not detract from the *prima facie* establishment of a case of injurious dumping shall not result in any delay in initiating an investigation.

31 Merit Assessment

31.1 In its merit assessment the Commission shall determine whether there is sufficient information to establish a *prima facie* case that dumping is causing material injury to the SACU industry.

31.2 In the event that the Commission makes a negative merit assessment, it shall inform the applicant concerned accordingly and supply it with a full set of reasons for its decision.

32 Notification

32.1 The Commission shall notify the representative of the country of origin and of export, where applicable, that it has received a properly documented application in terms of section 26, after verification of the SACU industry's injury information, but prior to initiation.

32.2 Except as provided for in subsection 1, the Commission shall not publicise the application prior to the initiation of an investigation.

32.3 Wherever practicable, all known interested parties shall be supplied with a non-confidential version of the application once the initiation notice has appeared in the *Government Gazette*, as provided for in section 33.

33 Initiation

33.1 An investigation shall be formally initiated through publication of an initiation notice in the *Government Gazette*.

33.2 The initiation notice shall contain the basis of the alleged dumping, material injury and causality, and shall also indicate at least the following:

(a) the identity of the applicant;

(b) a detailed description of the product under investigation, including the tariff subheading applicable to the product;

(c) the country or countries under investigation;

(d) the basis of the allegation of dumping;

(e) a summary of the factors on which the allegation of injury is based;

(f) the address to which representations by interested parties should be directed; and

(g) the time frame for responses by interested parties.

33.3 If the Commission, during its investigation, finds that the subject product is imported under a tariff subheading not initially indicated to be in the scope of the investigation, it may include the imports of such subject product in its injury analysis.

33.4 All interested parties shall be deemed to have received notice of the investigation once it has been duly initiated in terms of subsection 1 and no extension for deadlines shall be considered on the basis of ignorance of the investigation.

33.5 The Commission shall inform all known interested parties of the initiation of the investigation and supply them with all relevant documentation, unless the number of interested parties makes it impracticable.

Sub-Part III - Preliminary Investigation Phase

34 Responses by interested parties

34.1 Importers, exporters and foreign producers are required to use the relevant Commission questionnaires in their responses to the Commission.

34.2 Parties shall be deemed to have received the questionnaires 7 days after the dispatch of the questionnaires by the Commission.

34.3 From receipt of the questionnaires, as contemplated in subsection 2, parties shall receive 30 days to submit their responses to the Commission. Such responses must reach the Commission's trade remedies unit before 15h00 on the date indicated.

34.4 The deadline for submission by parties not directly informed of the investigation by the Commission will be 40 days from the date of the initiation of such investigation in the *Government Gazette*.

34.5 All submissions shall be made in an electronic format determined by the Commission. Failure to comply with this provision may result in the submission being regarded as deficient.

35 Extensions for submissions

35.1 Upon receipt of a written request prior to the applicable deadline, the Commission may grant parties an extension on good cause shown.

35.2 Any extension granted in terms of subsection 1 will apply only to the firm to which such extension was granted, and will not apply to other interested parties.

36 Deficiencies

36.1 Submissions may be deemed deficient –

(a) If any relevant information has not been submitted;

(b) If a proper non-confidential version of the submission as contemplated in section 2.2, or a sworn statement as contemplated in section 2.3, has not been submitted; or

(c) In the circumstances contemplated in section 34.5.

36.2 Parties will receive 7 days from the date of the Commission's deficiency letter to address any deficiencies pointed out by the Commission in terms of subsection 1.

36.3 The Commission will not consider submissions that are deficient after the deadline contemplated in subsection 2 for the purpose of its preliminary and final findings.

36.4 Exporters or producers whose submissions are not considered by the Commission in terms of subsection 3 will be subject to a residual duty as provided for in section 16.5.

37 Provisional measures

37.1 Provisional measures may not be imposed within less than 60 days after initiation of an investigation.

37.2 Provisional measures will normally be imposed for a period of six months.

37.3 The validity of provisional payments may be extended to nine months on request of any interested exporter.

38 Preliminary report

38.1 The Commission shall make available a non-confidential report within seven days of the publication of its preliminary finding.

38.2 The preliminary report shall contain at least the following information:

(a) identity of the applicant;

(b) a full description of the product under investigation;

(c) date of the Commission's decision to initiate the investigation;

(d) initiation date and notice number;

(e) date of the Commission's preliminary findings on dumping and injury;

(f) the margin of dumping;

(g) the methodology used by the Commission to determine the margin of dumping;

(h) the injury factors considered;

(i) the causality factors considered;

(j) the Commission's finding; and

(k) while preserving the requirements of confidentiality, all relevant issues of fact and law considered by the Commission in reaching its preliminary determination.

Sub-Part IV - Final Investigation Phase

39 Comments on preliminary report

39.1 All interested parties shall receive 14 days, from the date the preliminary report is made available, to comment in writing.

39.2 The Commission may grant parties an extension on good cause shown.

39.3 Any request for an extension to the deadline contemplated in subsections 1 and 2 shall be requested in writing at least 7 days prior to such deadline and shall contain a proper motivation for the request.

39.4 Any extension granted in terms of subsection 2 will apply only to the party to which such extension was granted, and will not apply to other interested parties.

39.5 The Commission will not accept new information from an interested party to address deficiencies in its questionnaire response following its preliminary finding.

40 **Essential facts**

40.1 All interested parties will be informed of the essential facts to be considered by the Commission.

40.2 All interested parties will receive 7 days to comment on the essential facts.

40.3 Upon receipt of a written request prior to the deadline contemplated in subsection 2, the Commission may grant parties an extension on good cause shown.

40.4 Any extension granted in terms of subsection 3 will apply only to the party to which such extension was granted, and will not apply to other interested parties.

40.5 The Commission will take all relevant comments on the essential facts into consideration in its final finding.

41 Definitive anti-dumping duties

41.1 In an original investigation, the Commission's final finding shall be forwarded to the Minister in the form of a recommendation to impose or not to impose a definitive anti-dumping duty or to accept a price undertaking.

41.2 Definitive anti-dumping duties may be levied retroactively for the period for which provisional measures, if any, have been applied –

(a) where a final finding of dumping and material injury is made; or

(b) where a final finding of dumping and threat of material injury is made, provided the effect of the dumped imports would, in the absence of the provisional measures, have led to a finding of material injury.

41.3 A definitive anti-dumping duty may be adjusted on a seasonal basis or on such other basis as determined by the Commission, but shall not exceed the duty determined in an original investigation or in a review.

42 Price undertakings

42.1 In original investigations, proceedings may be suspended or terminated following the receipt of a satisfactory voluntary price undertaking from any exporter to revise its prices or to cease exports to the SACU at dumped prices so that the Commission is satisfied that dumping or the injurious effect thereof is eliminated, provided it has made at least a preliminary determination in the matter. An undertaking may be suggested by the Commission or offered by an exporter.

42.2 Price increases under an undertaking should not be higher than necessary to eliminate the margin of dumping and may be less than the margin of dumping if such increases would be adequate to remove the injury to the SACU industry.

42.3 Notwithstanding subsection 1, if an undertaking is accepted by the Commission, it may finalise the investigation. If a negative determination of dumping or injury caused by such dumping is made, the undertaking shall automatically lapse, except in cases where such a determination is due in large part to the existence of a price undertaking. If an affirmative determination of dumping and injury caused by such dumping is made, the undertaking shall continue and the Commission may recommend the imposition of a definitive anti-dumping duty and its immediate suspension.

42.4 Where the Commission accepts an undertaking during the course of an investigation, it shall be deemed to take effect from the date on which the

investigation is concluded by means of a publication in the Government Gazette.

42.5 The Commission may decide on the information to be submitted in respect of the offering and maintenance of undertakings and may terminate an undertaking if the conditions stipulated in the undertaking are not met or such information is not submitted or cannot be verified.

42.6 Undertakings need not be accepted if the Commission considers their acceptance impractical, e.g. where the number of exporters is too great, or for other reasons, including reasons of general policy. Should the case arise, and where practicable, the Commission shall provide an exporter with reasons which have led it to consider acceptance of an undertaking as inappropriate, and shall, to the extent possible, give the exporter an opportunity to make comments thereon.

42.7 In cases where an undertaking is violated the Commission may take expeditious action against such exporter, including the immediate request to the Commissioner for the South African Revenue Service to impose provisional payments or definitive duties, as the case may be.

43 Final report or notice

43.1 Where the Minister has approved the Commission's recommendation, the Commission shall make a non-confidential report available after the publication of a notice by the South African Revenue Service implementing the recommendation.

43.2 The report shall contain determinations and conclusions reached on issues of fact and law considered material by the Commission in reaching its recommendation.

43.3 Where the Minister has rejected the Commission's recommendation, the Commission shall publish a notice of the recommendation.

44 Public Interest

44.1 In terms of section 16(1)(d)(i) of the *Main Act*, if directed by the Minister subsequent to the submission of the Commission's final recommendation in an original investigation or review, the Commission may conduct an inquiry to determine whether there are reasonable grounds to conclude that the amendment of an anti-dumping duty would be in the public interest.

44.2 The Commission's determination of the public interest as contemplated in subsection 1, shall be based on a consideration of all relevant factors, with no one or several of these factors necessarily giving decisive guidance, and may include consideration of whether –

(a) commercially substitutable products in commercial quantities are readily available from other sources that are not the subject of the

anti-dumping proceeding of which the public interest inquiry forms part; and

(b) the imposition, amendment or continuation of an anti-dumping duty, or the imposition, amendment or continuation of an anti-dumping duty in the amount determined in an investigation or review –

(i) is likely to substantially lessen or prevent competition in the domestic market for goods or services;

(ii) is likely to substantially lessen the competitiveness of domestic producers by limiting access to the product under investigation;

(iii) is likely to cause significant damage to domestic producers that use the product under investigation in the production of other goods or the provision of services, which assessment may include the injury factors set forth in section 17.3;

(iv) is likely to significantly restrict consumer access, at competitive prices, to the product under investigation or to other goods or services that use the product under investigation as an input; or

(v) is likely to significantly impact the public health, the public safety or the environment.

(c) The Commission may request the submission of information relevant to a determination of the public interest in a manner and form it deems appropriate.

(d) If, as a result of a public interest inquiry provided for in subsection 1, the Commission determines that the amendment of a duty would be in the public interest, the Commission shall specify in a recommendation to the Minister –

(i) that an anti-dumping duty not be imposed; or

(ii) the level of reduction of the anti-dumping duty determined in the investigation or review.

Part D – Reviews

Sub-Part I - General

45 Notification

45.1 Other than as provided for in section 61 in respect of sunset reviews, the government of the country concerned shall be notified of the review as soon as a properly documented review application has been received.

45.2 The government of the country concerned and all other known interested parties shall be supplied with all the relevant non-confidential information

as soon as the review in question has been initiated through publication in the *Government Gazette*.

46 Initiation

46.1 All reviews shall be initiated through notice in the *Government Gazette*. Such notice shall indicate the following minimum information:

(a) the identity of the applicant;

(b) the product under consideration;

(c) the investigation periods for dumping and injury, respectively;

(d) the scope of the review;

(e) the current anti-dumping measures in place; and

(f) a summary indicating the basic information on which the review is based.

46.2 For sunset reviews the provisions regarding the initiation of sunset reviews as contemplated in section 62 shall apply in addition to the provisions indicated in subsection 1.

47 Responses by interested parties

47.1 All interested parties are required to use the relevant Commission questionnaires in their responses.

47.2 Parties shall be deemed to have received the questionnaires 7 days after the dispatch of the questionnaires by the Commission.

47.3 From receipt of the questionnaires, as contemplated in subsection 2, parties shall receive 30 days to submit their responses to the Commission. The Commission may grant parties an extension on good cause shown.

48 Essential facts

48.1 All interested parties will be informed of the essential facts to be considered in the Commission's final determination.

48.2 All parties will receive 7 days from the dispatch of the essential facts letter to comment thereon.

48.3 The Commission may grant parties an extension on good cause shown.

48.4 Any extension granted in terms of subsection 3 will apply only to the party to which such extension was granted.

48.5 In its final determination the Commission will consider all relevant comments on the essential facts letter made by interested parties, provided

such comments are received by the deadline contemplated in subsections 2 and 3.

Sub-Part II - Interim Reviews

49 Purpose

The purpose of an interim review is to determine whether the continued imposition of an anti-dumping duty is necessary to offset dumping, whether injury would be likely to continue or recur if the anti-dumping duty were terminated or varied, or both, or whether the level of the anti-dumping duty is insufficient to offset the dumping that is causing injury.

50 Time frame

The Commission –

(a) may initiate an interim review upon receipt of a duly completed application provided that at least 12 months have elapsed since the publication of its final finding in the original investigation or the previous review; or

(b) may initiate an interim review on its own initiative at any time after the publication of its final finding in the original investigation or the previous review.

51 Changed circumstances

51.1 In its investigation, the Commission shall consider, inter alia, whether the circumstances regarding dumping and/or injury have changed significantly, as well as the nature of such changes, or whether circumstances have changed such that the definitive anti-dumping duty is no longer sufficient to remove the injury previously established.

51.2 In considering the nature of the changes referred to in subsection (1), the Commission shall examine if the significant change in circumstances is of a lasting nature.

51.3 Where an importer, exporter or foreign producer has not cooperated in the Commission's investigation that led to the imposition of the anti-dumping duty and such importer, exporter or foreign producer is subsequently willing to supply such information, this change in disposition will not qualify as significantly changed circumstances.

52 Review procedure

52.1 An interim review shall consist of a single investigation phase.

52.2 The Commission may verify such information as it deems necessary to confirm the accuracy and the adequacy of the information submitted by any interested party.

53 Final recommendation

The Commission's final finding, in the form of a recommendation to the Minister, may result in an increase, decrease, the withdrawal or the confirmation of the existing anti-dumping duty.

Sub-Part III - New Shipper Reviews

54 Purpose and eligibility

54.1 For the purpose of determining an individual margin of dumping, a new shipper review may be requested by an exporter which demonstrates that it –

(a) did not export to SACU during the original investigation period for dumping but exported to the SACU thereafter; and

(b) is not related to any exporter or foreign producer which is subject to the anti-dumping duty.

54.2 The exporter requesting such review shall provide sufficient information to prove that it is not and was not related to any party to which the anti-dumping duty was applied.

54.3 The exports at issue in subsection 1(a), must have been made during the period under consideration in the new shipper review, which period shall normally not be less than one year, but may be less if sales during such period would permit a meaningful determination of dumping. In making such a determination, the Commission shall consider all relevant information, in particular whether the volume of export sales to SACU during the review period was similar to the sales of exporters from the same exporting country in the original investigation.

54.4 The Commission shall not consider a request for a new shipper review before definitive anti-dumping duties have been imposed.

55 Information required

A new shipper shall provide the Commission with full information on normal value, export price and any other information deemed necessary by the Commission and shall submit such information in the prescribed format.

56 Suspension of anti-dumping duties

56.1 The anti-dumping duties in respect of the new shipper shall be withdrawn simultaneously with the initiation of a new shipper review.

56.2 The Commission may request the Commissioner for the South African Revenue Service to impose provisional payments at the same level as the anti-dumping duties simultaneously with the withdrawal of the anti-

dumping duties in terms of subsection 1. Such provisional payments shall remain in force for the duration of the review.

57 Review procedure

57.1 A new shipper review shall consist of a single investigation phase.

57.2 The Commission may verify such information as it deems necessary to confirm the accuracy and the adequacy of any information submitted by any interested party.

57.3 The exporter's margin of dumping will normally be determined as the difference between the normal value and the export price to South Africa. In the event that no export price to South Africa can be established, the Commission may determine the export price on any reasonable basis, including, but not limited to, with reference to the new shipper's export price to an appropriate third country.

58 Final recommendation

The Commission's final finding, in the form of a recommendation to the Minister, may result in –

(a) the termination of provisional measures and the imposition of an individual anti-dumping duty;

(b) the termination of provisional measures and the imposition of the residual duty, including retroactively for the period for which provisional payments have been applied, to which the imports of the exporter or foreign producer had been subject prior to the review.

Sub-Part IV - Sunset Reviews

59 Purpose

In a sunset review, the Commission conducts a likelihood analysis to determine whether the expiry of an anti-dumping duty would be likely to lead to the continuation or recurrence of dumping and injury.

60 Duration of anti-dumping duties

60.1 A definitive anti-dumping duty shall lapse no later than –

(a) 5 years from the date of publication in the *Government Gazette* of the notice imposing such duty in an original investigation; or

(b) 5 years from the date of publication in the *Government Gazette* of the notice giving effect to the final finding in the most recent sunset review if that review covered dumping and injury;

unless a sunset review is initiated prior to the relevant expiry date above and the review determines that the lapsing of the duty would be likely to lead to a continuation or recurrence of dumping and injury.

60.2 If a sunset review has been initiated prior to the lapse of an anti-dumping duty, such anti-dumping duty shall remain in force until the sunset review has been finalised.

61 Initiation of sunset review

61.1 A notice indicating that an anti-dumping duty will lapse on a specific date unless a sunset review is initiated shall be published in the *Government Gazette* approximately 6 months prior to the lapse of such anti-dumping duty.

61.2 The Commission will directly inform interested parties known from the original investigation or last review of the subject product of the imminent lapse of the anti-dumping duties as soon as the notice contemplated in subsection 1 has been published.

61.3 Interested parties will receive 30 days from the publication of notice in subsection 1 to request a sunset review.

61.4 In the event that the SACU industry requests that the anti-dumping duty be maintained, it shall provide the Commission with a proper application containing the necessary information to establish a prima facie case that the removal of the anti-dumping duty will be likely to lead to the continuation or a recurrence of injurious dumping.

61.5 If the Commission decides to initiate a sunset review, it shall publish an initiation notice in the *Government Gazette* prior to the lapse of such duties. Such notice shall contain the information as contemplated in section 46.1.

62 Notification

62.1 The government of the country concerned shall be informed of the imminent lapse of the anti-dumping duty as contemplated in section 61.2.

62.2 The government of the country concerned and all other known interested parties shall be notified of –

(a) the initiation of the investigation; or

(b) the termination of the proceeding;

after the relevant notice has appeared in the *Government Gazette*.

63 Participation of foreign producers or exporters in sunset review

63.1 Exporters or foreign producers that did not export the subject product to SACU during the period of investigation in a sunset review are not eligible to participate in a review.

63.2 In terms of subsection 1, the exporter or foreign producer that has not exported to the SACU will be subject to a residual dumping margin.

64 Likelihood of continuation or recurrence of dumping and injury

64.1 The likelihood of the continuation or recurrence of dumping and injury may be indicated by, amongst others –

(a) Evidence of continued dumping and/or injury; or

(b) Evidence that a lack of injury is partly or wholly because of the effect of the anti-dumping duty.

64.2 In determining the likelihood of a continuation or recurrence of injury, the Commission shall consider the same injury factors it examines in original investigations.

64.3 In determining the likelihood of a continuation or recurrence of dumping, the normal value used to calculate the margin of dumping will be determined as provided for in section 11.

64.4 In determining the likelihood of a continuation or recurrence of dumping where there were exports of the like product to the SACU during the period of investigation, the export price used to calculate the margin of dumping will be determined as provided for in sections 13 or 14.

64.5 Notwithstanding subsections 3 and 4, in making a determination on the recurrence or continuation of dumping, the Commission may consider the dumping margin that was determined in the original investigation and in any previous sunset review.

65 Review procedure

65.1 A sunset review shall consist of a single investigation phase.

65.2 The Commission may verify such information as it deems necessary to confirm the accuracy and the adequacy of any information submitted by any interested party.

66 Information required

66.1 Following publication of the notice in terms of section 61.1, the SACU industry shall indicate whether it will request a sunset review to be undertaken.

66.2 The SACU industry shall provide the Commission with detailed information in the prescribed format indicating the likelihood of a continuation or recurrence of dumping and injury in the event that the anti-dumping duty is removed.

66.3 Once a sunset review has been initiated in terms of section 61.5 the exporters and foreign producers shall be required to submit information in

the required format to enable the Commission to make a finding on dumping. Exporters and foreign producers shall not be precluded from supplying any other information they may deem relevant.

66.4 The Commission may require importers to supply any information the Commission deems necessary. Importers shall not be precluded from supplying any other information they may deem relevant.

67 Non-cooperation

67.1 Where the SACU industry does not request a sunset review or does not supply the required information following a notice published in terms of section 61.1 within the deadline indicated in section 61.3, the Commission will recommend that the anti-dumping duty be terminated forthwith or lapse on the date indicated in such notice.

67.2 Where the SACU industry has supplied the required information and the exporter or foreign producer does not cooperate within the time frames contemplated in section 47, the Commission may rely on the facts available to reach its final decision.

68 Final recommendation

The Commission's final finding, in the form of a recommendation to the Minister, may result in –

(a) the termination of the existing anti-dumping duty;

(b) the re-imposition of the existing anti-dumping duty; or

(c) an increase or decrease in the level of the existing anti-dumping duty.

Sub-Part V - Anti-Circumvention Reviews

69 Circumvention

69.1 Purpose and scope

(a) An anti-circumvention review is an enforcement proceeding the objective of which is to discipline the avoidance of anti-dumping duties.

(b) An anti-dumping duty imposed in an original investigation or a review may be extended to other goods, including parts or a slightly modified like product, producers, exporters and countries if circumvention of the duty is taking place.

69.2 Circumvention shall be found to take place where –

(a) there is a change in the pattern of trade between a third country or countries and South Africa or SACU or between producers or

exporters in the country subject to an anti-dumping duty and South Africa or SACU –

(i) which results from a practice, process or work;

(ii) for which there is no or insufficient cause or economic justification other than the initiation of an anti-dumping investigation or the imposition of the anti-dumping duty;

(b) remedial effects of the anti-dumping measure are being undermined in terms of the volumes or prices of the product under investigation; and

(c) dumping can be found in relation to normal values previously established for the like or similar products, where such a determination must be made, as in the case where the alleged circumvention involves exports from a country not previously subject to the anti-dumping duty.

69.3 The practice, process or work referred to in subsection 2(a)(i) includes –

(a) the minor modification of the product subject to the anti-dumping duty;

(b) a change in the pattern or channel of sales by producers or exporters of the product subject to the anti-dumping duty to benefit from a duty lower than the duty applicable to them;

(c) the transit, in terms of a consignment or otherwise, of the product subject to the anti-dumping duty through a third country;

(d) the assembly or further processing of inputs, parts, components or sub-assemblies in South Africa, SACU or a third country; or

(e) country hopping, as defined in subsection 12.

The practices listed do not in themselves constitute circumvention unless the requirements of subsection 2 are satisfied.

69.4 The following practices may constitute specific forms of circumvention which may be examined without requiring a change in the pattern of trade as contemplated in subsection 2(a), provided that the Commission determines that the remedial effect of the anti-dumping duty is being undermined, that the practice is linked to the existence of the anti-dumping measure, and that the practice lacks sufficient economic justification other than the avoidance of the anti-dumping duty:

(a) improper declaration of –

(i) the value of the product;

(ii) the origin of the product; or

(iii) the nature or classification of the product;

(b) absorption of the anti-dumping duty by the producer, exporter or the importer;

(c) declaration under a different tariff heading, as part of a practice designed to avoid the application of the anti-dumping duty, provided that where the issue concerns solely whether a product falls within the existing product description, the matter shall be addressed under Sub-Part VI (Scope Reviews); or

(d) any other specifically identified practice having an equivalent effect.

69.5 Any instance of circumvention as contemplated in subsection 4(a) shall be referred to the Commissioner of the South African Revenue Service for further investigation. This shall not preclude the Commission from taking anti-dumping action if the information at the Commission's disposal, including information obtained through submissions by interested parties, warrants such action. If, following an investigation, the Commission determines that an improper declaration has resulted in the avoidance of an anti-dumping duty, it may recommend the extension of the duty to such improperly declared product.

69.6 In terms of subsection 3(a), minor modifications of the product subject to anti-dumping duties shall be deemed to have taken place, regardless of whether there is a change in tariff classification, if the subsequently exported product-

(a) has the same or similar production processes, uses the same or similar input materials and has the same or similar physical appearance or characteristics; or

(b) is a substitute for the product on which anti-dumping duties have been imposed.

69.7 In terms of subsection 3(d), assembly or further processing in a third country, South Africa or SACU shall be deemed to take place if the value added in such third country, South Africa or SACU does not exceed 25 per cent of the total cost of production of the exported product or does not constitute a major transformation process. Such assembly shall not be regarded as changing the country of origin.

69.8 The value added in terms of subsection 7 shall be determined with reference to the direct and indirect costs of production only and shall not include selling, general and administrative costs, packaging expenses or profit.

69.9 Absorption of the anti-dumping duty as contemplated in subsection 4(b) shall be deemed to take place where, following the imposition of a provisional payment or definitive anti-dumping duty -

(a) the export price to the SACU decreases; or

(b) the resale price in the SACU does not increase to reflect the full amount of the anti-dumping duty.

69.10 Where the circumstances contemplated in subsection 9 are established, absorption may be presumed unless the exporter, producer or importer demonstrates, on the basis of verifiable evidence, that the pricing behaviour is attributable to factors unrelated to the imposition of the anti-dumping duty.

69.11 In assessing absorption, the Commission may examine, inter alia –

(a) changes in export prices, resale prices and costs;

(b) the relationship between the exporter, producer and importer;

(c) evidence of reimbursement, compensation or other arrangements designed to offset the anti-dumping duty; and

(d) any other relevant factor affecting pricing behaviour.

69.12 Country hopping as contemplated in subsection 3(e) shall be deemed to take place if imports, following the imposition of anti-dumping duties or provisional payments or the initiation of an anti-dumping investigation switch to a supplier related to the supplier against which an anti-dumping investigation has been or is being conducted and that is based in another country or customs territory.

70 **Information required**

70.1 The SACU industry or other interested party shall provide such information that is reasonably available to it to indicate that circumvention is taking place.

70.2 Any request for an anti-circumvention review shall include information of the specific type of circumvention that is alleged to take place.

70.3 The Commission may require any interested party to submit such information as it deems necessary to properly conduct the review.

70.4 In the event that the party against which the allegation of circumvention is made does not respond properly within the stated deadline, the Commission may make a decision on the facts available to it.

71 Review procedure

71.1 An anti-circumvention review shall consist of a single investigation phase and shall normally be concluded within 9 months and may be concluded within 6 months where the information on record is sufficient.

71.2 The Commission may conduct desk verifications only in anti-circumvention reviews unless it determines that an on-site verification is strictly necessary.

71.3 Where the Commission has prima facie evidence that circumvention is occurring and that delay would undermine the remedial effect of the anti-dumping duty, it may publish a notice of its intention to request the Commissioner for the South African Revenue Service to provisionally extend the duty. Interested parties shall be given not less than 7 days to make representations prior to such request.

71.4 In an anti-circumvention review, the Commission shall not re-examine the existence of material injury established in the original investigation or review, unless exceptional circumstances so require.

71.5 In assessing whether the remedial effect of an anti-dumping duty is being undermined in terms of volumes of imports, the Commission shall consider whether the volume of the imports subject to the alleged circumvention is non-negligible, including whether such volumes have increased following the imposition of the duty and whether they are of a magnitude that weakens the intended remedial effect of the duty. No specific quantitative threshold is required, and the Commission may have regard to absolute or relative volumes or trends over time.

71.6 In assessing whether the remedial effect of an anti-dumping duty is being undermined in terms of prices, the Commission shall consider whether the prices of the imports subject to the alleged circumvention are at a level, or have adjusted to a level, which weakens the intended remedial effect of the duty. This may include whether such prices undercut, depress, or otherwise exert downward pressure on the non-injurious price established in the original investigation or review. No specific degree of price undercutting or depression is required, and the Commission may rely on absolute price levels, price trends over time, or relative price differences as appropriate in the circumstances.

71.7 In relation to any circumvention alleged -

(a) where the alleged circumvention concerns imports originating in or exported from a country that was subject to the original anti-dumping investigation or a subsequent review, the Commission may rely on the dumping margin established in that investigation or review; or

(b) where the alleged circumvention concerns imports exported from or originating in a country not subject to the original anti-dumping investigation or review, the Commission shall determine whether dumping exists in relation to such country and may use the normal values previously established to determine the margin of dumping.

71.8 In the event that the relevant interested parties have not submitted appropriate information before the deadline contemplated in section 47, the Commission may make a final finding on the basis of the facts available.

71.9 In anti-circumvention reviews involving absorption, the Commission may construct the export price from the first point of resale by subtracting such costs as were indicated in the original investigation.

71.10 The Commission may conduct such verifications as it deems necessary to confirm the accuracy and the adequacy of any information submitted by any interested party.

71.11 Prior to making a final determination, the Commission shall issue an essential facts letter. Comments on the essential facts letter shall be submitted within 7 days, unless extended for good cause.

72 Final recommendation

Where the Commission determines in terms of Regulations 69.2 or 69.4 that circumvention is occurring, its final finding, in the form of a recommendation to the Minister, may result in –

(a) the increase of the original anti-dumping duties to compensate for absorption of anti-dumping duties;

(b) the extension of the original anti-dumping duty to import of parts, components, sub-assemblies, slightly modified products, later-developed products, substitute like products, new models or any other products with essentially the same characteristics as the product under investigation;

(c) the extension, in light of country hopping, of the original anti-dumping duty to imports of the product concerned exported from or originating in a country not previously subject to the duty;

(d) the extension of the original anti-dumping duty to products that have been improperly declared or declared under a different tariff heading;

(e) the extension of the original anti-dumping duty to products exported, consigned or sold through intermediaries or through any country or customs territory used for transshipment, assembly or further processing; or

(f) the extension of the original anti-dumping duty to producers benefiting from individual duties where such producers are found to be engaged in circumvention or have failed to cooperate in the investigation.

The duty to be extended from the original anti-dumping investigation or subsequent review shall be the residual duty except in cases where an individual duty has been calculated as part of the proceedings.

Sub-Part VI – Scope Reviews

73 Purpose

73.1 A scope review is an interpretative proceeding and clarifies whether a product falls within the product description set out in the original anti-dumping measure.

73.2 A determination under this Sub-Part shall not constitute the imposition, amendment or extension of an anti-dumping duty and shall not require a recommendation to the Minister.

74 Initiation

74.1 The Commission may initiate a scope review –

(a) upon written request by an interested party; or

(b) on its own initiative.

74.2 The Commission shall publish a notice of initiation in the Government Gazette.

75 Review procedure

75.1 In determining whether a product falls within the scope of an anti-dumping measure, the Commission shall examine –

(a) the wording of the product description in the original investigation or review;

(b) the determinations and findings in the original investigation or subsequent reviews;

(c) the physical and commercial characteristics of the product concerned; and

(d) the tariff classification.

75.2 Tariff classification are indicative only and therefore shall not be determinative.

75.3 Interested parties shall be afforded an opportunity to submit written representations prior to a final determination.

76 Final determination

76.1 If the Commission determines that the product falls within the existing product description, the anti-dumping duty shall apply to such product in accordance with the original measure.

76.2 If the Commission determines that the product does not fall within the existing product description, no action shall be taken under this Sub-Part, without prejudice to the initiation of an anti-circumvention investigation in terms of section 69, where appropriate.

Part E – Judicial Reviews

77 Judicial reviews

77.1 Without limiting a court of law's jurisdiction to review final decisions of the Commission, interested parties may challenge preliminary decisions or the Commission's procedures prior to the finalisation of an investigation in cases where it can be demonstrated that –

(a) the Commission has acted contrary to the provisions of the *Main Act* or these regulations;

(b) the Commission's action or omission has resulted in serious prejudice to the complaining party; and

(c) such prejudice cannot be made undone by the Commission's future final decision.

77.2 Interested parties must give the Commission at least 30 days' notice prior to filing any judicial review relating to preliminary or final determinations.

77.3 Any Commission decision may be varied to give effect to a ruling of a Dispute Panel or the Appellate Body under the World Trade Organisation Dispute Settlement Mechanism.

77.4 A Commission decision may be varied to give effect to negotiations under the World Trade Organisation Dispute Settlement Mechanism, provided the Commission has consulted with the affected interested parties regarding any proposed variation.

Part F - Refunds

78 Applications for refunds

78.1 An importer may request reimbursement of anti-dumping duties collected where it is shown that the dumping margin, on the basis of which anti-dumping duties were paid, has been eliminated or has been reduced to a level which is below the level of the duty in force.

78.2 Other than as contemplated in section 75, any request, containing all necessary information, for a refund shall be submitted during the anniversary month of the anti-dumping duty and shall relate only to the preceding 12-month period.

78.3 An application for refund shall be considered as duly supported by evidence where it contains precise information on the amount of the refund of anti-dumping duties claimed and all customs documentation relating to the

calculation and payment of such anti-dumping duties. It shall also include, for the relative period under review, information on normal values and export prices to the SACU for the producer or exporter to which the anti-dumping duty applies.

78.4 Regardless of whether the producer or exporter and the importer are related parties, the producer or exporter may supply any information contemplated in subsection 3 direct to the Commission.

78.5 The Commission may, at any time after receiving a refund application, decide to initiate a refund review, whereupon the information and findings from such review shall be used to determine whether a refund is justified.

79 Refunds following reviews

Where the Commission, following a refund review, recommends that the existing anti-dumping duty be decreased or withdrawn, the relevant importer or importers may request that anti-dumping duties be refunded in line with the Commission's findings.

Part G - Final Provisions

80 Delegation

Other than final decision-making powers the Commission may delegate any of its functions in respect of anti-dumping investigations to its investigation staff.

81 Transitional application

These regulations shall apply to all investigations and reviews initiated after the promulgation of the regulations.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

GENERAL NOTICE 3818 OF 2026

AMENDMENT REGULATIONS FOR THE ESTABLISHMENT OF A FRAMEWORK FOR CO-ORDINATING AND ALIGNING LONG-TERM DEVELOPMENT PRIORITIES AND OBJECTIVES BETWEEN THE THREE SPHERES OF GOVERNMENT AND INVITED ORGANS OF STATE

I, Velenkosini Hlabisa, Minister of Cooperative Governance and Traditional Affairs, hereby, in terms of section 47(4)*(a)* of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), publish the proposed Amendment Regulations for the Establishment of a Framework for Coordinating and Aligning Long-Term Development Priorities and Objectives Between the Three Spheres of Government and Invited Organs of State ("Amendment Regulations") in terms of section 47(1)(b) of this Act, in the Schedule hereto, for public comments.

The proposed Amendment Regulations will amend the Regulations published under Notice 2486 of 2024 in Government Gazette No. 50645 on 10 May 2024. Any person who wishes to submit written comments on the proposed Amendment Regulations is hereby invited to do so within 30 days from the date of publication hereof by—

(a) posting such comments to the following address:

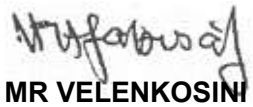
Department of Cooperative Governance
Private Bag X804
PRETORIA
0001;

(b) delivering such comments by hand at the following address:

Department of Cooperative Governance
87 Hamilton Street
Arcadia
PRETORIA; or

(c) e-mailing such comments to the following address:
ashleyl@cogta.gov.za

Comments must be addressed to the Director-General: Cooperative Governance and marked for the attention of **Mr Ashley Losch**.



MR VELENKOSINI HLABISA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 03/02/2026

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

Definitions

1. In this Schedule, "the Regulations" means the regulations published under Notice 2486 of 2024 in Government *Gazette* No. 50645 on 10 May 2024.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the deletion of the definition of “catalytic programmes and projects”;

(b) by the insertion before the definition of "constitution" of the following definition:

“**“catalytic project”** means a project or programme whose scale and costs results in mass employment and economic and social investment in the area where the project occurs, and displays more than one of the following characteristics:

(a) Creating other investments or services;

(b) promoting service delivery in more than one municipal ward;

(c) enabling economic growth and job creation, directly and indirectly;

(d) enabling the spatial strategy of the district, metro or province; and

(e) enabling increased revenue”;

(c) by the substitution for the definition of “constitution” of the following definition:

“**“Constitution”** means the Constitution of the Republic of South Africa, 1996 **[(Act No. 108 of 1996]**”;

(d) by the substitution for the definition of “DDM” of the following definition: **“DDM”** means the District Development Model **[which is an operational model for improving cooperative governance]**”;

(e) by the deletion of the definition of "DDM implementation coordination committee";

(f) by the deletion of the definition of "DDM committee";

(g) by the deletion of the definition of "DDM coordination steering committee";

(h) by the deletion of the definition of "DDM technical committee";

(i) by the insertion after the definition of "Director-General" of the following definitions:

"**"District Development Model"** means the operational model created under this framework for the purpose of improving cooperative governance by coordinating and aligning development priorities and objectives between the three spheres of government"; and

"district intergovernmental forum" means an intergovernmental committee envisaged in section 24 of the Act".

(j) by the insertion after the definition of "District Development Model" of the following definition:

"District or Metropolitan Technical DDM Hub" means an inter-governmental technical support network or team to coordinate and facilitate inter-governmental long-term catalytic planning in district and metropolitan spaces";

(k) by the insertion after the definition of "DPME" of the following definition:

"**"IDP"** means an integrated development plan contemplated in Chapter 5 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)";

(l) by the deletion of the definition of "intergovernmental committee";

(m) by the insertion after the definition of "joint programmes" of the following definition:

"**"long-term"** means a period in excess of twenty years";

(n) by the deletion of the definition of "metropolitan DDM committee";

(o) by the substitution for the definition of "national DDM champions" of the following definition:

"**"national DDM champions"** means Ministers and Deputy Ministers appointed by the President **[of the Republic of South Africa ("President"),]** to act as intergovernmental facilitators to **[address service delivery weaknesses, including those identified through the development and implementation of a One Plan, in their respective district and metropolitan spaces]** promote the implementation of the District Development Model, as a framework, and the development of one plans";

(p) by the substitution for the definition of "one plan" of the following definition:

"One Plan" [is an intergovernmental plan for the purpose of coordinating

intergovernmental catalytic programmes and projects in relation to each of the districts and metropolitan spaces] means a long-term intergovernmental catalytic development plan for district or metropolitan space, which must inform their IDP, that aligns the long-term development plans and strategies of other organs of state, state- owned enterprises and affected municipalities and which at a minimum contains the—

(a) long-term catalytic development plans and strategies of that municipality, and those of other organs of state and state-owned enterprises;

(b) strategic guidance on what will be needed from the municipality and its utility services, other spheres of government and state-owned enterprises to meet future demand; and

(c) catalytic projects by organs of state, spheres of government and state-owned enterprises that are planned for the municipal area, together with timelines for implementation and status of funding approvals";

(q) by the deletion of the definition of "Presidency steering committee on the ddm";

(r) by the substitution for the definition of "provincial COGTAs" of the following definition:

"provincial COGTAs" means the **[P]**provincial **[D]**departments **[of Cooperative Governance and Traditional Affairs]** responsible for local government";

(s) by the insertion after the definition of "provincial COGTAs" of the following definition:

"provincial DDM champions" means MECs that may be appointed by a Premier to act as intergovernmental facilitators to promote the implementation of the District Development Model, as a framework, and the development of One Plans";

(t) by the deletion of the definition of "reprioritisation"; and

(u) by the deletion of the definition of "spatialisation".

Substitution of regulation 2 of the Regulations

3. The following regulation is hereby substituted for regulation 2 of the Regulations:

"**Purpose**

2. (1) The purpose of these regulations is to provide a framework for **[an intergovernmental and operational guide for the coordination of local intergovernmental development priorities in the context of the DDM, through a set of intergovernmental forums and the One Plan as part of]** the institutionalisation and implementation of the DDM via the facilitation of collaboration and development and implementation of One Plans.

(2) The One Plan supports and informs but does not replace municipal planning prerogatives and nothing in this framework or the application of the DDM, or in the determination, implementation or monitoring of a One Plan, shall infringe upon the constitutional right and obligation of municipalities to adopt an IDP as the single inclusive and strategic plan for the development of municipalities".

Amendment of heading to Chapter 2 of the Regulations

4. The heading to Chapter 2 of the Regulations is hereby amended by the substitution for the heading of the following heading:

"

DISTRICT DEVELOPMENT MODEL FRAMEWORK".

Substitution of regulation 3 of the Regulations

5. The following regulation is hereby substituted for regulation 3 of the Regulations:

"**Framework and joint planning [of DDM]**

3. (1) **[The DDM]** This framework is—

(a) established within the existing intergovernmental relations system as defined in the Act and does not replace the existing division and allocation of powers, functions

and responsibilities of spheres of government and organs of state;

(b) **[a framework]** established for the coordination and better alignment of the intergovernmental long-term development **[priorities]** plans and catalytic projects of organs of state and state-owned enterprises within district and metropolitan spaces; and

(c) a mechanism to practically implement cooperative governance and intergovernmental relations at a local level, with the aim of improving government cohesion and effectiveness in delivering services and enabling integrated sustainable development outcomes and impact, including identifying and addressing related implementation blockages, especially those requiring an intergovernmental focus.

(2) **[The DDM works within the existing intergovernmental framework and processes to achieve its]** This framework aims **[and objectives]** to identify opportunities to ensure better development outcomes and performance through improved collaboration and coordination.

(3) The framework of the DDM is premised on **[—**

***(a)*]** fostering intergovernmental cooperation and coordination in pursuit of improved long-term **[joint]** planning**, [budgeting]** and **[programme and]** more effective catalytic project implementation**[; and**

(b) **monitoring through the development and implementation of a One Plan within the existing legislative framework]** throughout the provinces.

(3A) This framework recognises that efficient and effective intergovernmental long-term planning requires all organs of state and state-owned enterprises to meaningfully participate and collaborate in the determination of One Plans.

(4) **[The joint planning at a district and metropolitan space requires all relevant organs of state and state-owned enterprises to identify and agree with all parties]** In pursuit of the objects above, this framework sets out the means by which to identify and seek consensus on—

(a) the primary and secondary objectives to be undertaken in **[the One Plan]** long-term, catalytic project intergovernmental planning;

(b) the nature and extent of the joint and cross cutting work required;

(c) the financial commitments of each organ of state;

(d) the mechanism required to ensure joint accountability for its implementation;

(e) a partnering protocol defining clear **[developmental]** commitments and

[implementation] plans;

(f) appropriate programme management and programme support staff to execute the **[programmes and plans]** framework within the district and metropolitan space, including the identification of skills and capacity gaps;

~~*(g)*~~ the key roles and responsibilities for the implementation of this framework;

(h) appropriate financing arrangements if required for the joint programmes; and

(i) a monitoring **[framework]** mechanism which allows for all organs of state to monitor their commitments and implementation of this framework.

(5) All plans, budgets, commitments, and other operations of intergovernmental forums must be made available to all members of the intergovernmental forums **[, as well as to the public at large]** upon request."

Substitution of regulation 4 of the Regulations

6. Regulation 4 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"**[(1)]** *(a)* The **[national sphere]** three spheres of government and **[all]** the national, provincial and local organs of state must contribute to the formulation of a One Plan and its implementation **[of the One Plan in]** under this framework and within the structures set out herein, as well as proper implementation for each district and metropolitan space **[through the provincial, district and metropolitan intergovernmental forums as contemplated in these regulations]**

(b) The contribution envisaged in paragraph *(a)* will be through participation in the provincial, district and metropolitan intergovernmental forums established in terms of the Act and this framework";

(c) The proper implementation of a One Plan formulated under this Framework includes the submission thereof to the relevant municipality by each sphere of government or organ of state as the case may be, when called for as part of any IDP planning or revision.

(b) by the deletion of subregulations (2) to (7).

Amendment of heading of Chapter 3 of the Regulations

7. The heading to Chapter 3 of the Regulations is hereby amended by the substitution for the heading of the following heading:

INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION OF [DDM] THIS FRAMEWORK".

Substitution of regulation 5 of the Regulations

8. The following regulation is hereby substituted for regulation 5 of the Regulations:

"**Role of President and Minister**

5. (1) Institutional arrangements for the **[DDM]** implementation of this framework must be aimed at sustaining a programmatic approach to cooperative governance and intergovernmental relations centred around **[a One Plan]** coordination and alignment of long-term catalytic development priorities among all three spheres of government.

(2) The President **[is the overall champion of the DDM and may appoint members of the national executive as National DDM Champions for each district and metropolitan space]** and the Minister will facilitate and encourage active participation of national departments and state-owned enterprises in intergovernmental structures tasked with the promotion and furtherance of the aims of this framework.

(3) The President **[of the Republic must approve a framework determining the roles and responsibilities of the National DDM Champions]** may appoint members of the national executive as national DDM champions for each district and metropolitan space to facilitate and encourage through their offices active participation of national departments in intergovernmental structures tasked with the promotion and furtherance of the aims of this framework.

(4) The Presidency must oversee the impact of national policies, the National Development Plan, and national sector planning and budgeting coherence towards district and metro spaces development.

(5) The President must**[,]** receive reports from provinces**[,]** and provide

feedback and strategic guidance to provinces in respect of the implementation of **[the DDM]** this framework at the President's Coordinating Council.

[(6) The President may establish a Presidency Steering Committee on the DDM.

(7) The Director-General in the Presidency must draft internal procedures as outlined in section 33 of the Act, for the Presidency Steering Committee established as contemplated in subsection (1) for adoption by the Steering Committee.]

(8) The Minister is responsible for the institutionalisation and implementation of **[the DDM]** this framework in terms of the cooperative governance mandate of DCoG and as directed by the President **[of the Republic]**.".

Substitution of regulation 6 of the Regulations

9. The following regulation is hereby substituted for regulation 6 of the Regulations:

"**Role of DCoG and DPME**

6. (1) The DCoG must—

(a) manage **[the DDM]** this framework and programmatic outcomes-based intergovernmental relations contemplated in the Regulations enabling government to **[formulate, adopt and implement One Plan in district and metro spaces]** better align long-term catalytic development priorities and facilitate the inclusion of comprehensive intergovernmental long-term catalytic plans in IDPs;

(b) coordinate local government capacity building and shared resourcing; and

(c) undertake impact monitoring processes.

(2) The DCoG must report to the Presidency on progress with regard to the institutionalisation and implementation of **[the DDM]** this framework through the President's Co-ordinating Council.

(3) The DCoG with support from national and provincial departments may, in a phased manner, establish District and Metropolitan **[DDM]** technical support hubs, in selected districts and metropolitan spaces for supporting **[DDM]** the implementation of this framework, coordinating capacity building support initiatives, and

enhancing local institutional capabilities within the **[DDM framework]** statutory development planning and spatial development frameworks of districts and metropolitan municipalities.

(4) The DPME is responsible for developing and coordinating the implementation and institutionalisation of the country's planning system, policies and legislation.

(5) The DPME must provide strategic leadership and technical support in the localisation of national and sectoral plans within a One Plan".

Substitution of regulation 7 of the Regulations

10. The following regulation is hereby substituted for regulation 7 of the Regulations:

"**Role of Premiers, MECs for local government**

7. (1) Each Premier **[is the overall provincial champion of the DDM in his or her province and]** must establish **[provincial]** a Premier's intergovernmental **[forums]** forum as contemplated in the Act and may appoint MECs as provincial political champions for each district and metropolitan space within the province.

(2) Each Premier's office must **[oversee the effective implementation of the DDM]**, through the Premier's intergovernmental forum or other provincial intergovernmental forum established for this purpose, work towards achieving the aims of this framework within the province.

(3) Each Premier's office must through the Premier's intergovernmental forum oversee provincial policy and provincial sector planning and budgeting coherence according to national priorities and towards district and metro development.

(4) Each Premier's office must **[ensure]** through the Premier's intergovernmental forum or other provincial intergovernmental forum established for this purpose, seek to promote provincial sector alignment **[One Plan]**, development, with this framework in long term catalytic project development and spatial planning, capacity building plans and shared resourcing initiatives.

(5) Each Premier's office must, **[convene]** when convening the Premier's intergovernmental forum, **[to]** receive feedback and updates on the **[DDM]**

progress made in achieving the aims of this framework from the MEC for local government".

[(6) Each Premier's office must play an integral role in the programmatic approach through the President's Coordinating Council and by leading the coordination processes at the provincial level utilising the provincial intergovernmental forums as contemplated in the Act linked with the Premier's intergovernmental forum.

(7) The MEC for local government is responsible for the institutionalisation and implementation of the DDM in terms of the cooperative governance mandate of his or her Department and as directed by the Minister and the Premier.]

Substitution of regulation 8 of the Regulations

11. Regulation 8 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) Provincial CoGTA**[']**s must—

(a) together with the Premier's office, manage and coordinate the **[DDM and programmatic outcomes-based]** intergovernmental relations enabling government to **[formulate, adopt and implement One Plans]** better coordinate long - term catalytic intergovernmental development planning and spatial development in the district and metropolitan spaces under this framework;

(b) coordinate local government capacity building and shared resourcing; and

(c) undertake impact monitoring processes related to long term catalytic development planning progress and outcomes under this framework.";

(b) by the substitution for subregulation (2) of the following subregulation:

"(2) The MEC for local government must report to the Premier's **[Coordinating Forum]** intergovernmental forum on progress with regard to the institutionalisation and implementation of **[the DDM]** this framework."; and

(c) by the substitution for subregulation (3) of the following subregulation:

"(3) A Head of Department for the provincial department **[of]** responsible for local government may assign senior officials to participate in a district **[and]** or metropolitan intergovernmental **[forums, as contemplated in these regulations, to lead the development and monitoring of the implementation of One Plans] forums**, if the chairperson of such a forum invites the Head of Department to do so, to assist the forum with the coordination and implementation of this framework and to ensure that the work done by Premier's intergovernmental forum in respect of this framework is carried through to the district or metropolitan intergovernmental forum, as the case may be."

Substitution of regulation 9 of the Regulations

12. The following regulation is hereby substituted for regulation 9 of the Regulations:

"**[(1)]** The Director-General **[must]** may issue circulars—

(a) **[outlining the composition, roles and responsibilities and general functioning of intergovernmental forums with a specific focus on the]** regarding the participation of state-owned enterprises, private sector, civil society, organised local government, and traditional leaders in the established intergovernmental forums to achieve the aims of this framework; and

(b) for the establishment of district **[and]** or metropolitan **[DDM]** technical support hubs, outlining the human and financial requirements and the general functioning thereof."

(2) The Director-General of a province is the overall technical DDM champion in his or her province and is the co-chairperson of the provincial intergovernmental technical forum as contemplated in these regulations together with the Head of Department for the provincial department of local government.]

Repeal of Chapter 4 of the Regulations

13. Chapter 4 of the Regulations is hereby repealed.

Insertion of Chapter 4A of the Regulations

14. The following Chapter is hereby inserted after Chapter 4 of the Regulations:

"**CHAPTER 4A**

APPLICATION OF FRAMEWORK IN THE DEVELOPMENT AND IMPLEMENTATION OF INTERGOVERNMENTAL LONG-TERM, CATALYTIC PROJECT DEVELOPMENT PLANS

Implementation of intergovernmental long-term development plans

12A. (1) Arising out of this framework and the application of the DDM, a One Plan must be developed for each district and metropolitan space, being an agreed intergovernmental plan outlining intergovernmental long-term development priorities and objectives, which will serve as a strategic framework to guide government in its long-term catalytic planning and investment within a district or metropolitan space and inform IDPs.

(2) A One Plan does not replace an IDP nor any other national, provincial, or local development plan, or any legally prescribed development or strategic plan or departmental or entity annual performance plan in operation in any of the three spheres of government.

(3) A One Plan is the result of the application of this framework and must be informed by key national, provincial and local long-term development plans, as well as the sectoral plans, and any legally prescribed development or strategic plan or a departmental or entity annual performance plan in operation in any of the three spheres of government.

(4) A One Plan must be submitted to a municipality in order to inform the preparation of an IDP or influence the review of existing legally prescribed development or strategic plans, or a departmental or entity annual performance plan in operation in any of the three spheres of government.

(5) A One Plan must take into consideration policy, planning and budgeting priorities and plans, including spatial development frameworks at national, provincial and local government level.

(6) Any long-term plans or projects included in a one plan must be implemented by the relevant organs of state, state-owned enterprises, other institutions and sectors in accordance with all statutory, budgetary and legislative prescripts that apply

and must be incorporated into their respective annual performance plans, and other organisational plans.".

Substitution of regulation 13 of the Regulations

15. The following regulation is hereby substituted for regulation 13 of the Regulations:

"**[Objections and dispute] Dispute resolution**

13. [(1) If there are any objections to the One Plan after the due processes followed by the Provincial Executive Council or metropolitan, district or local municipal council, the reasons for objecting to the One Plan must be submitted in writing, to the Minister.

(2)] Any party to an intergovernmental dispute arising from **[any objections contemplated in subregulation (1),]** these Regulations must adhere to the provisions of sections 41 and 42 of the Act.".

Substitution of regulation 14 of the Regulations

16. The following regulation is hereby substituted for regulation 14 of the Regulations:

"**Short title and commencement**

"**14.** These Regulations are called the Regulations **[Framing the Institutionalisation of the District Development Model]** for the Establishment of a Framework for Coordinating and Aligning Long-Term Catalytic Development Priorities and Objectives Between the Three Spheres of Government and Invited Organs of State.

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 729 13 March Maart 2026 No. 54319

PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 54319

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DEPARTMENT OF EMPLOYMENT AND LABOUR

GENERAL NOTICE 3819 OF 2026

NOTICE OF FEBRUARY 2026

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS AND STATUTORY COUNCIL THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 FEBRUARY 2026 TO 31 JANUARY 2029.

BARGAINING COUNCILS AND STATUTORY COUNCIL ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION, SUBJECT TO CONDITIONS WHERE APPLICABLE *(RENEWAL OF ACCREDITATION)*

Name of Council	Accredited Functions
BARGAINING COUNCILS AND STATUTORY COUNCIL	
National Bargaining Council for the Private Security Sector	Accredited for Conciliations and Arbitrations (including Inquiry by Arbitrator) from **01 February 2026 until 31 January 2029** on condition that no late awards are rendered.
National Bargaining Council for the Electrical Industry of South Africa	Accredited for Conciliations only from **01 February 2026 until 31 January 2029** on condition that the settlement rate is within 50% to 59%.
Education Labour Relations Council	Accredited for Conciliations and Arbitrations (including Inquiry by Arbitrator) from **01 February 2026 until 31 January 2029** on condition that the turnaround time for arbitrations is within 120 days.

(RENEWAL OF SUBSIDY)

The Governing Body of the CCMA resolved to grant renewal of subsidy to the following Bargaining Councils:

1. **National Bargaining Council for the Private Security Sector**
2. **National Bargaining Council for the Electrical Industry of South Africa**
3. **Education Labour Relations Council**

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION, AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCEDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	**- Section 191**
Unfair Labour practice	**- Section 191**
Mutual Interest disputes	**- Section 64**
Interpretation of Collective Agreement disputes	**- Section 24 (1)**
Essential Services disputes	**- Section 74**
Pre-dismissal arbitrations	**- Section 188A**
Temporary Employment Service	**- Section 198, 198A, 198B, 198Cand 198D**
Disputes about Interpretation and Application of Chapter 2	**- Section 9**

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

(a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
"Commission" must be read as a reference to the Council;
"Commissioner" must be read as a reference to a conciliator or arbitrator appointed by the Council.
"Director" must be read as a reference to the Secretary of the Council.

(b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:

(i) The provisions of section 133 to 136;
(ii) The provisions of section 138 to 142, S142A , S143, S144 and S145;
(iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
(iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

LEGAL PRACTICE COUNCIL

GENERAL NOTICE 3820 OF 2026

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LEGAL PRACTICE COUNCIL

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(1) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given of amendments to Rules 1, 40.5 and 40.7 of the Legal Practice Council Rules made in terms of section 95(1) of the Legal Practice Act, 28 of 2014 (as amended).

Explanatory Note

Rule 40.5 of the Legal Practice Council Rules allows an investigating committee, where there is *prima facie* evidence of misconduct, to refer complaints for adjudication by a disciplinary committee. The rule does not differentiate between minor and serious offences. The Council has resolved to amend rule 40.5 to empower an investigating committee to differentiate between minor and serious transgressions, and to enable the finalisation of complaints of a minor transgression by the imposition of a sanction of either a caution, a warning or a fine by the investigating committee.

The resolution also proposes to include in the rules the definitions for '*minor transgression*' and '*serious transgression*'. This is to provide clear and precise guidelines for the investigation and adjudication of misconduct, and to ensure that investigative and disciplinary processes are proportionate to the nature of the misconduct.

Furthermore, to ensure alignment with the Legal Practice Council Code of Conduct, the Council has also resolved to include a definition of "*misconduct*" in the rules. This definition, as set out in paragraph 2A of the Code of Conduct, will serve to provide a clear framework for identifying and addressing breaches of professional conduct.

Amendment to Rule 1 (Definitions) of the Legal Practice Council Rules by the inclusion of the following new definitions:

1.26 **'minor transgression'** means conduct which, in the opinion of the investigating committee based on *prima facie* evidence, is misconduct of a minor nature which does not warrant a sanction more severe than those contained in rule 40.5.3.

1.27 **'Misconduct'** on the part of a legal practitioner, candidate legal practitioner or juristic entity will include (without limiting the generality of these Rules)-

1.27.1 a breach of the Act or of the code or of any of the rules, or a failure to comply with the Act or the code or any rule with which it is the legal practitioner's, candidate legal practitioner's or juristic entity's duty to comply;

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Executive Officer: Ms. Charity Nzuza

1.27.2 any conduct which would reasonably be considered as misconduct on the part of a legal practitioner, candidate legal practitioner or juristic entity or which tends to bring the legal profession into disrepute.

1.33 **'serious transgression'** means conduct which, in the opinion of the investigating committee based on *prima facie* evidence, is of such a nature that it may warrant a sanction more severe than those provided for minor transgressions in rule 40.5.3.

Amendment to Rule 40.5 of the Legal Practice Council Rules:

40.5 If after investigating allegations of misconduct against a respondent, the investigating committee is satisfied:

40.5.1 that the respondent, on the basis of available *prima facie* evidence, is guilty of misconduct which, on account of the nature of conduct, warrants misconduct proceedings, the investigating committee must refer the matter to the Council or to a committee of the Council established for that purpose for adjudication by a disciplinary committee;

40.5.2 that, notwithstanding the provisions of Rule 40.5.1 above, and upon reviewing the available *prima facie* evidence, the respondent's misconduct, while warranting misconduct proceedings, constitutes only a minor transgression, the following procedures may apply:

40.5.2.1 the investigating committee shall formulate the charges in respect of the transgression and determine an appropriate sanction, or combination of sanctions, from those provided for under Rule 40.5.3;

40.5.2.2 the investigating committee shall communicate both the charges and its proposed sanction to the respondent;

40.5.2.3 the respondent shall within 15 days from the date of receipt of the communication accept or reject the proposed sanction imposed by the investigating committee;

40.5.2.4 if the respondent accepts the proposed sanction in writing, or if no response is received from the respondent within 15 days from the date of receipt of the communication, the respondent shall be deemed to have been found guilty on the charges and the proposed sanction shall be deemed imposed by the investigating committee, and the matter shall be considered concluded; and

40.5.2.5 if the respondent rejects the proposed sanction in writing within 15 days from the date of receipt of the communication, the investigating committee must refer the matter to the Council, or to a committee of the Council as provided in rule 40.5.1. In such cases, the proposed sanction shall no longer be applicable to the matter.

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Executive Officer: Ms. Charity Nzuza

40.5.3 if the respondent is deemed to be guilty of misconduct in terms of rule 40.5.2.4, the investigating committee may impose the following sanctions-

40.5.3.1. in the case of a legal practitioner:

40.5.3.1.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council;

40.5.3.1.2. a warning against certain conduct and order that such warning be endorsed against the legal practitioner's enrolment; or

40.5.3.1.3. a caution or a reprimand;

40.5.3.2. in the case of a juristic entity:

40.5.3.2.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council;

40.5.3.2.2. a warning against certain conduct; or

40.5.3.2.3. a caution or a reprimand;

40.5.3.3. in the case of a candidate legal practitioner:

40.5.3.3.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council; or

40.5.3.3.2. a caution or a reprimand.

40.5.4. that the complaint should be dismissed on the grounds that the conduct in question does not necessarily warrant misconduct proceedings, it must dismiss the complaint and inform the Council, the complainant and the respondent of its decision and the reasons therefor. Without limiting the discretion of the investigating committee, the following may be grounds for determining that the conduct in question does not warrant misconduct proceedings:

40.5.4.1. that the respondent is not guilty of misconduct; or

40.5.4.2. that the respondent has given a reasonable explanation for his or her conduct; or

40.5.4.3. that the conduct of which the respondent may be guilty is of an inconsequential nature; or

40.5.4.4. that there is no reasonable prospect of success in preferring a charge of misconduct against the respondent;

40.5.4.5. that the complaint is vexatious or that, in all the circumstances, it is not appropriate to charge the respondent with misconduct.

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Executive Officer: Ms. Charity Nzuza

40.6. If the complainant is aggrieved by:

40.6.1 the manner in which the investigating committee conducted its investigation; or

40.6.2 the outcome of the investigation, he or she may appeal to the appeal tribunal in terms of section 41 of the Act.

40.7 When the Council, or a committee of the Council established for that purpose, receives a referral from the investigating committee in terms of rule 40.5.1 *and rule 40.5.2.5*, that the legal practitioner be charged with misconduct, it must refer the matter to a disciplinary committee for adjudication.

Signed at **Midrand** on **12 January 2026**.

ADV PG SELEKA SC

Chairperson- Legal Practice Council

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Executive Officer: Ms. Charity Nzuza

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

GENERAL NOTICE 3821 OF 2026

MS DE JAMES, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT THEREON, NAMELY THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES AMENDMENT BILL, 2026

Ms Dereleen Elana James, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Prevention and Combating of Corrupt Activities Amendment Bill, 2026, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

ActionSA has identified corruption as Public Enemy Number One. South Africa is estimated to lose approximately R27 billion annually to corruption, at a cost of an estimated 66 000 jobs. On Transparency International's Corruption Perception Index, South Africa ranks 82nd out of 180 countries, lagging behind peer nations such as Ghana, Botswana and Senegal. Corruption causes severe and disproportionate harm to service delivery, the economy, and democratic governance, while steadily eroding public trust in state institutions.

Despite the legal framework established by the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) ("PRECCA"), and the hard lessons arising from the era of State Capture, accountability for corruption remains inadequate. Deterrence is weak, public confidence in institutions continues to decline, and individuals implicated in serious acts of corruption too often evade meaningful consequences and return swiftly to public life.

Although PRECCA criminalises a wide range of corrupt conduct, it does not provide for mandatory minimum sentences linked to the monetary value or aggravating impact of the corruption concerned. This legislative gap contributes to inconsistent sentencing outcomes and undermines the deterrent effect of anti-corruption enforcement.

To address these shortcomings, ActionSA proposes amendments to PRECCA to introduce mandatory minimum sentences ranging from five to eighteen years' imprisonment for offences under the Act, calibrated according to the monetary scale of the corrupt conduct involved. These reforms seek to ensure that penalties for corruption are effective, proportionate, and dissuasive, in line with international best practice and a clear principle of zero tolerance for corruption.

The draft Bill seeks to:

- introduce mandatory minimum sentences for offences relating to corrupt activities, linked to the monetary value of the corruption involved ranging from five to eighteen years. This is to ensure consistent, proportionate, and deterrent penalties;

- lower the threshold for the mandatory reporting of corruption to strengthen accountability and transparency in both public and private institutions from R100 000 to R30 000.

Members of the public, civil society organisations, and other stakeholders are invited to submit written comments on the proposed content of the draft Bill within 30 days of this notice's publication. Submissions can be delivered to the Speaker of the National Assembly, New Assembly Building, Parliament Street, Cape Town, 8001; mailed to the Speaker, P O Box 15, Cape Town, 8000 or emailed to speaker@parliament.gov.za and copied to parliament@actionsa.org.za.

A copy of the Prevention and Combating of Corrupt Activities Amendment Bill, 2026, may be accessed at the following website: https://www.actionsa.org.za/bills/.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

GENERAL NOTICE 3822 OF 2026

The South African Council for Planners
SACPLAN

SOUTH AFRICAN COUNCIL FOR PLANNERS

P O Box 1084, Halfway House, MIDRAND, 1685
International Business Gateway Office Park, Cnr New Road & 6th Road,
Midridge Office Park -Block G. 1st Floor.
Tel: 011-318 0460/ 318 0437 Fax: 011-318 0405
E-Mail: planner@sacplan.co.za
Website: www.sacplan.org.za

PLANNING PROFESSION ACT, 2002 (ACT 36 OF 2002)

DRAFT PROPOSAL FOR THE DETERMINATION OF GUIDELINE PROFESSIONAL FEES IN TERMS OF SECTION 29 OF THE PLANNING PROFESSION ACT, 2002

Pursuant to Section 29(2) of the Planning Profession Act, 36 of 2002, The South African Council for Planners (SACPLAN) hereby gives Notice of a draft proposed guideline for professional fees, for review and comment.

All interested persons and organisations are invited to submit written comments within a period of 30 days from the date of this publication. All comments to the Notice must be submitted to SACPLAN in writing via registered post, by hand or by email.

Interested persons and organisations must submit their comments on the draft proposed guideline for professional fees in writing, to:

THE SOUTH AFRICAN COUNCIL FOR PLANNERS

By Hand: International Business Gateway Office Park, Midridge Office Estate South, Block G, Corner New Road, 6th Rd, Midrand, 1685

OR

Registered Post: P.O. Box 1084, Halfway House, Midrand,1685

OR

By Email: Mr Bongumusa Ndwandwe - bndwandwe@sacplan.co.za and
Ms Avanya Dehaloo - adehaloo@sacplan.co.za

Kindly ensure that the full name(s), address, telephone number and email address of the person or organization submitting the comments is provided.

Mr Bongumusa Ndwandwe Pr. Pln, A/2332/2016
Acting Chief Executive Officer / Registrar
SACPLAN
Date: 25 February 2026

DRAFT PROPOSAL FOR THE DETERMINATION OF GUIDELINE PROFESSIONAL FEES IN TERMS OF SECTION 29 OF THE PLANNING PROFESSION ACT, 2002

The current guideline published as per the Government Gazette Notice dated 21 January 2021 illustrates the hourly tariff charge-out rates for the years ranging from 2020 to 2022, which exclude value-added tax for each of the defined categories.

As we continue to navigate the evolving market landscape and enhancing of our services, proposed below is a structed fee increase strategy that aligns with our long-term goals over a period of three years.

Recommendation: Implement a total 10% increase over a **three-year** period as a guideline for practicing planners.

Rationale:

1. **Inflation and rising operational costs**

   Over the past few years, inflation has resulted in a steady rise in operational expenses, including staffing, technology, compliance, and administrative costs. A gradual 10% adjustment to professional fees is necessary to ensure service quality is maintained and operational sustainability while continuing to deliver value to clients.

2. **Investment in enhanced services and systems**

   The use of increased significant investments to strengthen and modernise service delivery, by, including and not limited to, the implementation of new technology, upgrades to IT systems, enhanced compliance frameworks, and ongoing professional development and training initiatives. The proposed fee increase will support the continuation of these improvements and ensure that clients benefit from efficient, innovative, and high-quality professional planning services.

Implementation Plan:

The proposal is to have a 10% increase spread over a period of three years, which will be spread out as follows:

- **Year 1 - 2026**: Increase fees by 5% starting [on a date to be specified].
- **Year 2 - 2027**: Implement an additional 2.5% increase on the adjusted fees.
- **Year 3 - 2028**: Finalize the plan with another 2.5% increase on year 2's adjusted fees.

Monitoring and Feedback: We will closely monitor member feedback and satisfaction levels throughout this period to ensure that we address any concerns promptly. This position may enable sustainable growth while continuing to provide our clients with the highest level of service.

YEAR 1 - 2026 - Proposed increase of fees at a rate of 5%

Category of Staff	Current Indicative Rate per hour	**2026**
A	R2 879.00	**R 3 022.95**
B	R2 460.00	**R 2 583.00**
C	R1 810.00	**R 1 900.50**
D	R1 490.00	**R 1 564.50**

YEAR 2 – 2027 - Proposed additional increase of 2.5% in the second year

Category of Staff	Adjusted fee per year 1	**2027**
A	R 3 022.95	**R 3 098.52**
B	R2 583.00	**R 2 647.58**
C	R1 900.50	**R 1 948.01**
D	R1 564.50	**R 1 603.61**

YEAR 3 – 2028 - Proposed additional increase 2.5% in the third year

Category of Staff	Adjusted fee per Year 2	**2028**
A	R 3 098.52	**R 3 175.98**
B	R 2 647.58	**R 2 713.77**
C	R 1 948.01	**R 1 996.71**
D	R 1 603.61	**R 1 643.70**

For purposes of reference, the definitions of categories A to D, are quoted below:

(a) Category A - in respect of a private consulting practice in Planning shall mean a top practitioner whose expertise and relevant experience is nationally or internationally recognised and who provides advice at a level of specialisation where such advice is recognised as that of an expert or managing director or member of a company or close corporation who, jointly and severally with other partners, co-directors or co-members, bears the risks of the business, takes full responsibility for the liabilities of such practice, where level of expertise and relevant experience is commensurate with the position, performs work of a conceptual nature in Planning and development, provides strategic guidance in planning and executing a project and / or carries responsibility for quality management pertaining to a project. He or She shall have been registered by SACPLAN as a Professional Planner in terms of the Planning Profession Act, 2002.

(b) Category B - in respect of a private consulting practice in Planning, shall mean all salaried professional staff with adequate expertise and relevant experience of performing work of a planning nature and who carry the direct technical responsibility for one or more specific activities related to a project. A person referred here shall be what is referred to in the Planning Profession Act, 2002 as a Professional Planner and shall have been registered by SACPLAN as such.

(c) Category C - in respect of a private consulting practice in Planning, shall mean all salaried technical staff with adequate expertise and relevant experience of performing work of a planning nature with direct and control provided by any person contemplated in Categories A and B above. He or She shall have been registered by SACPLAN as a Technical Planner in terms of the Planning Profession Act, 2002.

(d) Category D - in respect of a private consulting practice in Planning, shall mean all other salaried professional or technical staff members who have not yet completed the 24 months post qualification experience requirement for registration with SACPLAN in terms of the Planning Profession Act, 2002. He or She will be performing work of a Planning nature under the direct supervision provided by any person contemplated in categories A and B above. He or She shall have been registered by SACPLAN as a Candidate Planner in terms of the Planning Profession Act, 2002.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 3823 OF 2026

COMPETITION TRIBUNAL
NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM173Dec25	Curro Holdings Ltd	Campus and Property Management Company (Pty) Ltd	20/02/2026	Approved
LM169Dec25	Exemplar Retail Ltd	Goldbroz Investments (Pty) Ltd	23/02/2026	Approved
LM141Nov25	Agrifriend Equipment (Pty) Ltd (trading as Senwes Equipment)	AMC Equipment (Pty) Ltd	26/02/2026	Approved

The Chairperson Competition Tribunal

BOARD NOTICE 891 OF 2026

ECSA

ENGINEERING COUNCIL OF SOUTH AFRICA



Rules: Requirements for Recognition as a Voluntary Association Framework

ENGINEERING COUNCIL OF SOUTH AFRICA
Tel: 011 6079500 | Fax: 011 6229295
Email: engineer@ecsa.co.za | Website: www.ecsa.co.za

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BOARD NOTICE ... OF 20...

ENGINEERING COUNCIL OF SOUTH AFRICA

Requirements for Recognition as a Voluntary Association Framework

Engineering Profession Act, 2000
(Act No. 46 of 2000)

In terms of section 36 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), the Engineering Council of South Africa makes known the Requirements for Recognition as a Voluntary Association Framework in the Schedule.

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DEFINITIONS

In this policy, and unless the context otherwise indicates, any expression or word to which meaning has been assigned in the Engineering Profession Act, 2000 (Act No 46 of 2000), bears the same meaning and -

"Act" means the Engineering Professions Act, 2000 (Act No 46 of 2000);

"Association" for purposes of these rules means an institute, institution, association, society, or federation established by engineering practitioners to promote their collective professional and/ or business interests;

"Annual fees" means the fees determined by the *Council* in terms of section 12(1)(c) of the Act;

"Council for the Built Environment" means the Council for the Built Environment established by section 2 of the Council for the Built Environment Act, 2000;

"Code of practice" means a written guideline issued by a professional body that lays out ethical standards for the engineering profession, in accordance with section 27 of the Act;

"Code of professional conduct" means the code of conduct drawn up by the *Council* in terms of section 27(1) of the Act;

"Corporate member" means a member of an association contemplated in Category B which is eligible to vote at any meeting of such association;

"*Council*" means Engineering Council of South Africa established by section 2 of the Act.

"Continuing professional development" means continuing education and training by registered persons as contemplated by section 13(k) of the Act.

"CPD Licensed body" means bodies determined and licensed through ECSA to verify CPD

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Service Providers and validate CPD activities for Category 1 as contemplated by Standard on continuing professional development (ECPD-01-STA).

"Governing body" means the highest authority of an association charged with controlling the affairs of an association;

Identification of Engineering Work means the Identification of Engineering Work regulations as gazetted/published in March 2021.

"In good standing" a person or organization that has met all of its obligations and is not subject to sanctions, suspensions, or disciplinary actions;

"Majority" means 50% plus 1

"Minister" means the national Minister responsible for the Public Works Portfolio;

"Profession" means Engineering Profession.

"Registered persons" means persons registered in any of the categories of registration referred to in section 18(1) of the Act;

"Rules" means a rule made and in force in terms of the Act which in this case, is the requirement for recognition as a voluntary association.

"Voluntary Association" means an association recognised by the *Council* as a voluntary association in terms of section 25(3) of the Act, and

"Voting member" means a member of an association contemplated in Category A and B, who is entitled to vote in terms of its constitution.

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ABBREVIATIONS

AGM	Annual General Meeting
CBE	Council for the Built Environment
CPD	Continuing Professional Development
ECSA	Engineering Council of South Africa
IDoEW	Identification of Engineering Work
PDP	Professional Development Program
VA	Voluntary Association

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1. INTRODUCTION

In terms of Section 25 of the Act, the *Council* shall draw up a recognition framework for a Voluntary Association (VA) in consultation with the Council for the Built Environment (CBE). Section 14 (d) of the Act implies that the *Council* is also responsible for administering the Voluntary Association (VA) recognition framework and compliance of the Voluntary Associations. Furthermore, the *Council* shall ensure that this policy is available to all recognised Voluntary Associations and members of the public at all reasonable times.

The main objective of the Voluntary Association recognition requirements is to ensure that the Voluntary Association:

a) Encourage and support members to register as professionals with the *Council*
b) Promote the engineering profession
c) Provide a minimum quality of professional expertise through the formation of various chapters within the Voluntary Association
d) Commit to the development of the profession through a well-structured Professional Development Program (PDP).
e) Provide a mentoring platform for graduates and engineering practitioners through PDP
f) Promote learning and continuous development for its members through attendance of Continuing Professional Development (CPD) validated training courses
g) Encourage members to comply with the Council's Code of Conduct and Code of Practice
h) Promote the interest of its members and discipline with due regard to the public interest
i) Contribute to the common interests and welfare of the discipline-specific engineering community through close cooperation with the *Council*
j) Promote the identification of engineering work (IDoEW) regulation and other *Council* policies to its members
k) Encourage its members to report the unregistered engineering practitioners performing IDoEW.

This policy is specifically aimed at Voluntary Associations and should be read in conjunction with the Act, overall Code of Practice and identification of engineering work (IDoEW) policies

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as well as other related policies/documents; it is not intended to duplicate the requirements thereof.

2. POLICY STATEMENT

This policy framework applies to all Voluntary Associations registered and recognised by the *Council*. Moreover, this policy applies when a new Voluntary Association is applying for recognition by the *Council* or when an existing Voluntary Association undergoes the recognition renewal process.

3. PURPOSE AND SCOPE OF THIS POLICY

The purpose of this policy framework is to provide guidelines for the requirements and process of recognition as a Voluntary Association. This framework sets out principles to ensure that the recognition of Voluntary Associations is fair and reasonable and that the principles are applied uniformly across the profession.

4. APPLICABLE LEGISLATIVE FRAMEWORK

Section 25 of the Act empowers the *Council* to draw up the recognition of the Voluntary Association framework while Section 14 (d) of the Act determines, subject to Section 25, the requirements with which a Voluntary Association must comply to qualify for recognition by the *Council*.

This recognition of the Voluntary Association framework should be read in conjunction with the Act, Council for the Built Environment (CBE) policy framework on recognition of Voluntary Associations and related policies and documents.

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5. THE ROLE OF VOLUNTARY ASSOCIATIONS ON THE IDENTIFICATION OF ENGINEERING WORK

Why is the identification of engineering work important?

The Engineering Profession Act forbids unregistered individuals from carrying out specific engineering tasks. This legislation is intended to safeguard the public by prohibiting those lacking the requisite expertise and accountability from performing work that poses hazards to their health, safety, or the environment. It is significant to remember that the purpose of this policy is to manage unregistered individuals in the legal system. Therefore, the role of a Voluntary Association on the IDoEW is stated in Rule1(k) and 1(J).

6. CATEGORIES OF VOLUNTARY ASSOCIATIONS

The following categories of *voluntary associations* are hereby established:

6.1 Category A

Associations whose membership consists of *natural persons*, including corporate partners who, subject to the applicable provisions of Rule 7.1, are practising in engineering in any particular discipline or sub-discipline of engineering; or in any particular category of registration contemplated in Section 18 of the Act.

6.2 Category B

Associations whose membership consists of *juristic persons,* including sole proprietors (corporate members), who, subject to the applicable provisions of Rule 7.2, are engaged in carrying out work of an engineering nature.

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7. REQUIREMENTS WITH WHICH AN ASSOCIATION MUST COMPLY TO QUALIFY FOR RECOGNITION AS A VOLUNTARY ASSOCIATION

7.1. Category A requirements

Any Association wishing to be recognised as a Voluntary Association contemplated in Category A referred to in 6.1 must comply with the following requirements:

7.1.1. The association must be governed by a formally accepted constitution which –

a) is not in conflict with the Constitution of the Republic of South Africa;
b) is not in conflict with the Act or any policies and rules of the *Council*; and
c) does not obligate its members to adhere to a code of conduct, which conflicts with the *Council's* code of professional conduct, or any applicable code of practice published by the *Council*.
d) indicate how the Voluntary Association is incorporated in terms of Common law (Universitas), the Non-Profit Organisations Act (1997), and Companies Act (2008) and Companies Amendment Act (2011).

7.1.2. The association must have at least the promotion of the engineering profession among its core missions. A well-structured PDP should form part of this core mission towards promoting the professional registration of engineering practitioners.

7.1.3. The association must be of South African origin and its governing body must be independent of direct influence by any foreign body.

7.1.4. For the association to be recognized, it should have a minimum number of 100 registered members in good standing with the association and the *Council*. Moreover, the office bearers of the association should be registered as professional engineering practitioners with the Council.

7.1.5. The majority of members of its governing body must be registered persons in good standing with the Council (paid annual fees, in compliance with CPD attendance, and not subject to sanctions, suspensions, or disciplinary actions).

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7.1.6. A list of the names and registration numbers of the members and its governing body must accompany the application for recognition by associations.

7.1.7. The association must adhere strictly to its constitution and be able to satisfy the *Council* of such adherence.

7.1.8. The association must declare, in writing, a commitment to promote registration with the *Council* among its members and undertake to solicit a commitment from its members to register with the *Council*.

7.1.9. The association should be registered as a CPD Licensed body by the Council to promote learning and continuous development for its members with the ultimate goal of renewing their professional registration with the Council after every five years.

7.2. Category B requirements

An *association* wishing to be recognised as a *voluntary association* contemplated above in 6.2 must comply with the following requirements:

7.2.1. The association must be governed by a formally accepted constitution which –

a) is not in conflict with the Constitution of the Republic of South Africa;
b) is not in conflict with the Act;
c) A list of the names and registration numbers of the members and a list of its corporate members must accompany the application for recognition by voluntary associations;
d) does not obligate its *corporate members* to adhere to a code of conduct which is in conflict with the principles of the *Council's* code of professional conduct, or to permit conduct by an employee of a *corporate member* which is in conflict with the *Council's* code of professional conduct, or any applicable code of practice published by the *Council*; and
e) contains objectives to the effect that –

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(i) the common interests of its *corporate members* in the pursuit of excellence in an engineering environment are to be promoted, encouraged, and protected; and

(ii) the technical competence of its *corporate members* and their employees within the particular industry in which the *association* is active, is promoted.

f) Clearly indicate the how the Voluntary Association is incorporated in terms of Common law (universitas), the Non-Profit Organisations Act (1997), and Companies Act (2008) and Companies Amendment Act

7.2.2. An association must declare, in writing, a commitment to promote registration with the *Council* among its corporate members and undertake to solicit a commitment from its corporate members to promote registration among their employees.

7.2.3. An association must adhere strictly to its constitution and be able to satisfy the *Council* of such adherence.

7.2.4. The association must have at least ten (10) corporate members who are in good standing with the association.

8. EXEMPTIONS

8.1. Notwithstanding the provisions of Rules 6 to 7 above, the *Council* may, on application by an *Association* and on good case shown, exempt an association from having to comply with any of the requirements prescribed herein if the *Council* is satisfied that such exemption is in the interest of achieving the objectives contemplated in the Act and these rules.

8.2. The *Council* may impose such conditions as it deems appropriate on an association

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that has been exempted in terms of Rule 8.1, and Rule 11.8 will apply if such association fails to comply with any condition so imposed.

9. APPLICATION FOR RECOGNITION

9.1. Any *association* wishing to be recognised as a *voluntary association* must submit an application, in the format prescribed in Appendix A of these Rules, to the *Council* and provide all the information required therein, and such additional information as the *Council* may determine in each particular case.

9.2. All applications by associations wishing to be recognised as voluntary associations will be considered by the *Council*.

9.3. *Council* shall endeavour to process and finalise all applications by associations wishing to be recognised as voluntary associations within a period not exceeding three (3) months from the date of receipt by the *Council* of such applications,.This timeline is contingent upon the association wishing to be recognised as a voluntary association having provided all the required information at the time of submitting its application for recognition or promptly when any additional information is requested.

9.4. The *Council* reserves the right to, prior to recognising any association applying for recognition, conduct an audit or an inspection at the premises of that association to verify the information submitted by any association in support of its application for recognition in terms of these Rules.

10. RECOGNITION AS A VOLUNTARY ASSOCIATION AND DURATION OF RECOGNITION

10.1. If, after consideration of an application referred to in Rule 9, the *Council* is satisfied that the *association* meets the relevant requirements for recognition as set out in these rules, the *Council* must recognise such *association* as a *voluntary association* in the appropriate category, formally notify such *association* and issue it with a certificate of

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recognition in terms of Section 25(3) of the Act.

10.2. The certificate of recognition is valid for a period of five (5) years from the date of issue, which date is deemed to be the date on which the *Council* resolves to recognise the voluntary association.

10.3. The voluntary association must display its certificate of recognition in a prominent place at its head office and may display the *Council's* logo on its stationery as an indication of its recognition status.

10.4. The *Council* must, within 30 days from the date on which it recognises a voluntary association, publish the name of such voluntary association on its website, and thereafter make it known in such other manner as it may deem appropriate.

10.5. If, after consideration of an application referred to in Rule 9, the *Council* is not satisfied that the association meets the relevant requirements for recognition as set out in these Rules, the *Council* must formally notify such association and give reasons why it does not meet the relevant requirements for recognition as set out in these Rules.

10.6. Any voluntary association that fails to comply with any of the provisions of Rule 11 will be regarded by *Council* to be non-compliance with the requirements for recognition with which every voluntary association should comply.

11. RENEWAL AND LAPSING OF RECOGNITION

11.1. The recognition of a voluntary association remains in effect for as long as it meets the requirements for recognition in terms of these Rules.

11.2. *Council* reserves the right, in giving effect to Rule 11.1, to conduct regular audits and inspections on all recognised voluntary associations to ensure that the voluntary associations remain compliant to the requirements for recognition in terms of these Rules.

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11.3. The recognition of a voluntary association lapses in terms of Section 25(6) (a) of the Act–

a) if that voluntary association is found to no longer comply with the requirements set out in these Rules, after having failed to remedy the deficiencies within the timelines determined by the *Council*; or

b) at the expiry of the five-year period referred to in Rule 10.3.

11.4. Every voluntary association must provide the *Council*, by no later than thirty (30) months prior to the expiry date contemplated in Rule 10.3, with information on its membership profile to enable the *Council* to monitor whether the requirements for recognition are still being met.

11.5. Notwithstanding Rule 11.3, a voluntary association which is required to comply with the relevant margins specified in Rule 7.1.5, must annually submit the required information by no later than the appropriate deadline specified therein.

11.6. Every voluntary association must advise the *Council* of any changes to its constitution and/or by-laws, within sixty (60) days of the date on which the changes were approved.

11.7. If at any time during the period of five years referred to in Rule 10.3, a voluntary association becomes aware that it no longer complies with the requirements, it must notify the *Council* forthwith in writing of such fact and provide the reasons for it.

11.8. Any voluntary association that fails to comply with any of the provisions of Rule 11 will be regarded by the *Council* to be non-compliant with the requirements

11.9. for recognition, as contemplated in these Rules.

11.10. If the *Council* is satisfied that a voluntary association has ceased to comply with the requirements specified in these Rules, the recognition of such voluntary association

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lapses in terms of Section 25(6)(a) of the Act on the date on which the *Council* resolves that the voluntary association ceased to comply.

12. AMENDMENT OF THE REQUIREMENTS FOR RECOGNITION

12.1. If the *Council* at any stage decides to amend these Rules, the *Council* must-

a) inform all voluntary associations of this decision and provide them with the proposed amendments.
b) call for comment on the amendments from the voluntary associations; and
c) prescribe such amendments in terms of Section 36 of the Act.

12.2. If an amendment of the requirements so prescribed results in a voluntary association ceasing to comply with the requirements, that voluntary association must, within twelve months from the date on which the amended requirements have been prescribed, take the necessary steps to comply with the amended requirements, and provide the *Council* with proof that it does comply.

12.3. The *Council* may at its discretion, and on application by the affected voluntary association, extend the period of twelve (12) months by an additional period not exceeding six (6) months, if the *Council* is satisfied that the voluntary association in question has taken definite steps to comply with the requirements, but has nevertheless not succeeded in the timeframes allowed.

12.4. If a voluntary association fails or refuses to comply with any of the amended requirements within the period allowed its recognition as a voluntary association lapses on the day when the *Council* resolves that the voluntary association ceased to comply with the requirements.

13. RETURN OF RECOGNITION CERTIFICATE

13.1. A voluntary association whose recognition has lapsed must, within thirty (30) days from

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the date on which it is so directed in writing by the *Council*, return and remove its certificate of recognition, cease to display such certificate of recognition at its head office, satellite offices and website.

13.2. A voluntary association recognition of which has lapsed must, within thirty (30) days from the date on which it is so directed in writing by the *Council*, inform its members and stakeholders of the lapse in recognition by the *Council*.

14. RIGHTS AND OBLIGATIONS OF *COUNCIL* AND VOLUNTARY ASSOCIATIONS

14.1. The *Council* is obliged to consult with the voluntary associations as required by all the provisions of the Act that require the *Council* to do so.

14.2. The *Council* undertakes to –

a) subject to the *Council's* rules governing the nomination of persons to serve on *Council*, give consideration to persons nominated by voluntary associations for purposes of appointment as members of the *Council* and any of its committees, provided that this provision may not be construed as usurping the powers of the Minister to appoint *Council* members or precluding the *Council* from engaging in constructive co-operation with any other association, institute, society or interested group or stakeholder in sourcing persons with the necessary expertise in fulfilling its functions under the Act;

b) promote greater awareness among registered persons of the advantages of membership of voluntary associations. In giving effect to this Rule, all voluntary associations will be required to invite the *Council* at the open sessions of their Annual General Meetings and accord the *Council* a slot to present to the Annual General Meeting on the role of the *Council*, its relationship with voluntary associations, the benefits of being registered with the *Council* and the advantages of membership of voluntary associations. In addition, the *Council* shall be afforded, **when practical**, the exhibition space at the Annual General Meetings of all voluntary associations and other

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voluntary association activities; and;

c) grant, in terms of Section 12(2) of the Act, and on application by a voluntary association, a discount in the payment of full registration application fees payable by applicants for registration who are members in good standing of a voluntary association; and of annual registration fees payable by registered persons who are members in good standing of a voluntary association. The extent of the discount in registration application fees and annual registration fees payable by members of a voluntary association in good standing will be determined by the *Council* during renewal of recognition. If approved by the Council, this discount should be valid for a period of one year.

d) Audit the association on a yearly basis to ensure that the voluntary association complies with the provision of these rules.

14.3. The voluntary associations undertake to-

a) support and cooperate with the *Council* in all matters pertaining to the execution of its legislative mandate, its vision, its strategy, its performance plans, and its transformation agenda.

b) give effect to the Council's resolutions as far as they require implementation by voluntary associations in conducting the Council's functions or mandate; and

c) acknowledge the *Council* as the sole regulator and representative of the organised engineering profession on all cross-cutting engineering related matters nationally and internationally.

d) ensure that it remains in good standing and compliant with the requirements of the Rules as gazetted.

14.4. Any voluntary association that fails to comply with any of the provisions of Rule 14.3 will be regarded by the *Council* to be in non-compliance with the requirements for

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recognition with which every voluntary association should comply.

15. APPEAL PROCESS FOR VA

If the recognition requirements are not met, the *Council* will decline an application and notify the applicant in writing. If the applicant is unsatisfied with the application outcome, it has the right to appeal against any *Council* decision through the avenues provided for in the Act (Section 35), including lodging an appeal through the Council for the Built Environment.

16. ADMINISTRATION

16.1.1 This policy is subject to revision by the *Council* occasionally, in consultation with the Council for the Built Environment, voluntary associations and registered persons.

16.1.2 The *Council* is responsible for administering this policy and must ensure that the latest version of the Rules is posted on the Council's website.

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17. REFERENCES

1. Council on the Built Environment Policy Framework on Recognition of Voluntary Associations
2. Engineering Profession Act, 46 of 2000, as amended.
3. Standard for Continuing Professional Development ECPD-01-STA REVISION No. 4

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ANNEXURE A

Voluntary Association Application Form

New Application	
Renewal	

*Tick appropriate section

Name of Association:	
Abbreviation:	

Physical address:

Street number	
Street name	
Suburb	
City/Town	
Province	
Postal code	

Postal address:

Box number	
Post office	
Suburb	
City/Town	
Province	
Postal code	

Contact details:

Primary contact number	
Secondary contact number	
Email address 1	
Email address 2	
Website	

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Name of Nominated Administration Head (e.g. Chief Executive Officer/Executive Director/National Secretary):

Position	
Title	
Name	
Surname	

Primary contact number	
Email address	

Name of Administrator:

Position	
Title	
Name	
Surname	
Primary contact number	
Email address	

I, _____, in my capacity as

_____ of the _____

and on behalf of the _____ hereby make

application for recognition as a Voluntary Association in terms of Section 25(2) of the

Engineering Profession Act, 2000 (Act No. 46 of 2000), and specifically for recognition as a

Category of the Voluntary Association*	
Category A	
Category B	

* Tick (√) appropriate block.

√

I enclose the required information in substantiation of the application and confirm that the information, to the best of my knowledge, is accurate and complete.

I confirm that the Association has consistently complied in all respects with its Constitution since its establishment.

Signed on this _____ day of _____ (month)

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and _____ (year).

Signature: _____

Capacity: _____

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Information & Supporting Documents:

1.1 Current Serving President/Chairperson:	
Title	
Name and Surname	
Date of inauguration	
Date of Termination of Term	
1.2 Additional Serving Office Bearer:	
Title	
Name and Surname	
Date of inauguration	
Date of Termination of Term	

2. **Applicable legislation for incorporation:** (Relevant documents for incorporation must be attached) (* Tick √)	
Common law	
Non-profit Organisation Act (71 of 1997)	
Companies Act (71 of 2008)	

3. **Constitution and Bylaws:** (* Tick √) Relevant documents must be attached	
Constitution and or By-laws	
Minutes of the Association's most recent Annual General Meeting	

4. **Code of Conduct:**	Yes	No	**(If "Yes," submit)** (* Tick √)

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5. Membership Profile: (attach and reflect ECSA registration number)	
Category A	
Number of Voting Members	
Number of Persons Registered with ECSA	

Category B	
Number of Voting Members	
Number of Persons Registered with ECSA	
Number of Corporate Members	

6. Governing body or Council profile: (attach and reflect ECSA registration number)	
Category A	
Number of Members	
Number of Members Registered with ECSA	
Category B	
Number of Members	
Number of Members Registered with ECSA	
Number of Corporate members	

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7. Relationship with Foreign Bodies and Proof of Autonomy: (Describe relationship and provide confirmation of autonomy from direct foreign influence)

8. Statements of Commitment:
An association must declare, in writing, a commitment to promote registration with ECSA among its members.
Declaration:

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BOARD NOTICE 892 OF 2026

ECSA

ENGINEERING COUNCIL OF SOUTH AFRICA



An Effective Regulator Assuring Engineering Excellence

Identification of Engineering work Rules

ENGINEERING COUNCIL OF SOUTH AFRICA
Tel: 011 607 9500 | Fax: 011 622 9295
Email: engineer@ecsa.co.za | Website: www.ecsa.co.za

ENGINEERING COUNCIL OF SOUTH AFRICA

NOTICE IN TERMS OF THE ENGINEERING PROFESSION ACT, 2000 (ACT NO. 46 OF 2000)

The Council for the Built Environment has under section 20(2) of the Council for the Built Environment Act, 2000 (Act No. 43 of 2000), read with The Scope of Work for Categories of Registration for the Professions Regulated by the Engineering Council of South Africa No. 43495 determined by the Council for the Built Environment under section 20(1)(a) of the Council for the Built Environment Act, 2000 (Act No. 43 of 2000),identified the scope of work for the Engineering Council of South Africa set out in the Schedule.

This Identification of Engineering Work Rules replaces the Identification of Work Regulations No. 44333, that we published for comment and gazette on 26 March 2021.

These Rules come into effect upon publication of the gazette.

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ABBREVIATIONS

CBE	Council for the Built Environment
CPD	Continuing Professional Development
DSTG	Discipline-specific Training Guideline
ECSA	Engineering Council of South Africa
IPD	Initial Professional Development
PCE	Professional Certificated Engineer
PE	Professional Engineer
PN	Professional Engineering Technician
PT	Professional Engineering Technologist
SC	Specified Category
TQM	Total Quality Management

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DEFINITIONS

In this notice, unless the context otherwise indicates, every word takes the meaning as defined in the Engineering Profession Act, 2000 (Act No.46 of 2000) and the Built Environment Act, 2000 (Act No.43 of 2000).

Academic Work means the process of applying engineering and scientific principles, concepts, contextual and engineering knowledge to the research, planning, design, teaching, learning, assessment, moderation, implementation and management of work in the higher learning institutions.

Candidate means a person registered in that category in terms of section 18(1)(a)(iii) of the Engineering Profession Act, 2000 (Act No.46 of 2000).

Competency Area means the performance area in which all the outcomes can be demonstrated at the level prescribed by the specific technology in an integrated manner.

Category Adjustment refers to the process of modifying or updating the classification or category under which a professional is registered or licensed within a regulatory or professional body.

Competency Indicator refers to the typifying guide to evidence indicating competence that is not normative.

Categories of Registration means the categories in which a person is registered in terms of section 18(1)(a)(b)(c) of the Engineering Profession Act,2000 (Act No.46 of 2000).

Continuing Professional Development means the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and engineering duties throughout an engineering practitioner's career.

Core Service means a service referred to in **section 3** of this document.

Discipline means the demarcation of the specific body of knowledge within a profession which is applied in a specific context.

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Engineering Activity refers to any professional service, consultation, investigation, evaluation, planning, design, implementation, or management requiring engineering principles, judgment, and expertise, the adequate performance of which is reliant on a qualification in engineering as defined in the Engineering Profession Act (EPA), 200 (Act No. 46 of 2000).

ECSA means the Engineering Council of South Africa established under section 2 of the Engineering Profession Act, 2000 (Act No. 46 of 2000).

Engineering Discipline means the body of knowledge which is applied in one of the following contexts:

(a) Aeronautical
(b) Agricultural
(c) Chemical
(d) Civil
(e) Computer
(f) Electrical or Electronic
(g) Industrial
(h) Mechanical
(i) Mechatronic
(j) Metallurgical
(k) Mining.

Engineering Infrastructure means infrastructure comprising engineering works that may include but are not limited to transport, water, energy, communications and waste management infrastructure.

Engineering Practice means a generally recognised or distinctive area of knowledge and expertise developed by an engineering practitioner by virtue of the path of education, training, and experience followed

Engineering Profession Act means the Engineering Profession Act, 2000 (Act No. 46 of 2000) as amended.

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Engineering Project means a project of which the scope comprises engineering work including engineering infrastructure.

Engineering Work: means the process of applying engineering and scientific principles, concepts, contextual and engineering knowledge to the research, planning, design, academic work, implementation and management of work in both the natural and built environments.

Ill-posed Problem means a problem for which the requirements are not fully defined or may be defined erroneously by the requesting party.

Practice Area means a generally recognised or distinctive area of knowledge and expertise developed by an engineering practitioner through the path of education, training and experience followed.

Principal Agent means the person or entity appointed by the client and who has full authority and obligation to act in terms of the construction contract.

Principal Consultant means the person or entity appointed by the client to manage and administer the services of all other consultants.

Profession means any of the professions regulated by the Professions' Acts.

Professional Certificated Engineer means a person registered in that category in terms of section 18(1)(a)(iii) of the Engineering Profession Act, 2000 (Act No. 46 of 2000.

Professional Engineer means a person registered in that category in terms of section 18(1)(a)(i) of the Engineering Profession Act, 2000 (Act No.46 of 2000).

Professional Engineering Technician means a person registered in that category in terms of section 18(1)(a)(iv) of the Engineering Profession Act, 2000 (Act No.46 of 2000).

Professional Engineering Technologist means a person registered in that category in terms of section 18(1)(a)(ii) of the Engineering Profession Act, 2000 (Act No.46 of 2000).

Service means a core service or a specialised service.

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Special Consent refers to a process through which individuals seek permission from ECSA to perform specific engineering work that ordinarily falls outside the scope of work for their registration category.

Specialised Service means a service that falls outside the standard competencies of a registered person who is a professional and which requires an additional qualification, experience, skill and/or registration with any other applicable Council for the Professions.

Specified Category means a registration category permitted in term of section 18(1)(c) and refers to an engineering discipline not originally prescribed in section 18(1)(a) and (b) but may be prescribed by Council form time to time in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000.

Specified Category Practitioner means a person registered in terms of section 18(1)(c) of the Engineering Profession Act, 2000 (Act No.46 of 2000) as approved by ECSA from time to time.

Suitably Qualified means being in possession of a qualification that is recognised by the three accords (Washington Accord for Engineers, Sydney Accord for Technologists and Dublin Accord for Technicians) or accredited by ECSA for purposes of registering a person in any of the categories referred to in Section 18(1)(a), (b) and (c) of the Engineering Profession Act, 2000 (Act No.46 of 2000) and possessing the necessary core competency in the competency areas to perform such core service as a Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or a Specified Category Practitioner.

Transitional authorisation refers to a temporary permission granted by the Engineering Council of South Africa (ECSA to a registered professional in a specific category. This authorisation allows the individual to perform work typically reserved for a different category of registered professionals, as outlined in clauses **6** to **15** of the relevant regulations.

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1. IDENTIFIED ENGINEERING WORK

1. For the purposes of this Notice, Identified Engineering Work is work that –

   (a) entails the engineering activities performed by a person registered in one of the categories of registration to differentiate one category of registration from another

   (b) requires for its performance the core competencies within the competency areas that a registered person must possess to perform engineering work in the appropriate category of registration

   (c) includes the core services performed by a registered person in any of the categories of registration in a particular engineering discipline

   (d) includes the practice areas of a particular engineering discipline within which a registered person performs engineering work

   (e) involves performing core services in any of the practice areas of an engineering discipline in accordance with the scope of services.

2. The elements of Identified Engineering Work contemplated in sub-clause (1) of this document are referred to in –

   (a) Clause **2**, which contains the criteria for category differentiation that is used to determine the engineering activities performed by a person registered in one of the categories of registration

   (b) Clause **3**, which contains the core competencies required for each competency area

   (c) Clauses **5** to **16**, which contain the core services and practice areas for each of the engineering disciplines

   (d) Clause **17**, which contains the scope of services for specific engineering work.

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2. CATEGORY DIFFERENTIATION AND ENGINEERING ACTIVITIES

1. The criteria for category differentiation are based on a distinction between –

   (a) a complex (engineers), a broadly defined (technologists and certificated engineers), well-defined (technicians) and a specifically defined engineering problem (specified category practitioners)

   (b) a complex (engineers), a broadly defined (technologists and certificated engineers), well-defined (technicians) and a specifically defined engineering activity (specified category practitioner).

   Further information is accessible in the following ECSA documents:

   - **R-02-STA-PE/PT/PN:** Competency Standard for Registration in Professional Categories as Professional Engineer, Professional Engineering Technologist and Professional Engineering Technician
   - **R-02-STA-PCE:** Competency Standard for Registration as a Professional Certificated Engineer
   - **R-02-STA-SC:** Competency Standard for Registration in a Specified Category.
   - Overarching code of Practice and Discipline-specific Codes of Practice

2. For the purpose of this Notice, a Professional Engineer is expected to demonstrate and apply the core competencies referred to in **Table 1** of this document.

3. For the purpose of this Notice, a Professional Engineering Technologist and a Professional Certificated Engineer are expected to demonstrate and apply the core competencies referred to in **Table 1** of this document**.**

4. For the purpose of this Notice, a Professional Engineering Technician is expected to demonstrate and apply the core competencies referred to in **Table 1** of this document.

5. For the purpose of this Notice, a Specified Category Practitioner is expected to demonstrate and apply the core competencies referred to in **Table 1** of this document**.**

6. ECSA has developed guidelines using the complex, broadly defined, well-defined (refer to documents **R-05-XXX-PE/PT/PN** and **R-05-XXX-PCE**) and specifically defined (refer to documents **R-05-XXX-SC**) criteria contemplated in this section to enable a client or

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employer to establish which category of registered person is required to perform the work of a specific nature.

3. CORE COMPETENCIES REQUIRED TO PERFORM IDENTIFIED ENGINEERING WORK

1. A person who performs any Identified Engineering Work in a particular engineering discipline must, in addition to any other requirement contemplated in the Engineering Profession Act –

   (a) be suitably qualified
   (b) be registered by ECSA in the appropriate category (candidate or professional) applicable to the level of service performed
   (c) possess the necessary core competency in the competency areas referred to in this section to perform such core service as a Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or a Specified Category Practitioner.

2. For the purpose of sub-clause (1) "suitably qualified" means being in possession of a qualification that is recognised by one of the three accords or accredited by ECSA for purposes of registering a person in any of the categories referred to in section 18(1)(a), (b) and (c) of the Engineering Profession Act, 2000 (Act No.46 of 2000.

3. The competency areas referred to in sub-clause (1)(c) for a Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician and a Specified Category Practitioner are the following:

   (a) Define, investigate and analyse engineering problems.
   (b) Design or develop solutions to engineering problems.
   (c) Comprehend and apply engineering, technological, technical and specific knowledge in the practice area.
   (d) Manage part or all of one or more engineering activities.
   (e) Communicate clearly with others in the course of the engineering activity.

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(f) Recognise and address, if applicable, the foreseeable social, cultural and environmental (not limited to the three, i.e., heritage, agricultural, visual etc.) impacts of engineering activities generally.

(g) Meet all legal and regulatory requirements and protect the health and safety of persons in the course of their engineering activities.

(h) Conduct engineering activities ethically.

(i) Exercise sound judgement in the course of engineering activities.

(j) Be responsible for making decisions on part or all of one or more engineering activities; and

(k) undertake initial and continuing professional development (IPD and CPD) or independent learning activities sufficient to maintain and extend their competence.

4. The core competencies referred to in sub-clause (1)(c) that a person registered as a Professional Engineer, Professional Engineering Technologist, Certificated Engineer, Professional Engineering Technician or Specified Category Practitioner must possess when performing any core service in a particular engineering discipline referred to in Clause 4 are as indicated by the competency area in **Table 1** of this document.

5. The purpose of a competency area is to limit the applicable knowledge required for each category of registration.

6. The core competencies must be assessed by utilising the competency indicators for each competency area referred to in **Table 1** of this document.

7. The competency indicators in **Table 2** of this document are only typifying and other competency indicators may be used provided such other competency indicators are clear indicators of competence.

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Table 1: Competency areas required of a person registered as a professional Engineer, Professional Engineering Technologist, Certificated Engineer, Professional Engineering Technician and Specified Category Practitioner to perform the core services

Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
			Note: The term specifically defined engineering below may be interchanged with the specific category designation, i.e., Lift Inspector, Lifting Machinery Inspector, Medical Equipment Maintainer, Fire Protection Systems Practitioner, or any future specified category prescribed by the Council.
Demonstration of Competence Competence must be demonstrated within complex engineering activities, defined below, by integrated performance of the Competency areas defined in clause **3** above at the level defined for each Competency area. Required contexts and functions may be specified in the applicable Discipline-specific Training Guidelines (DSTG). Characteristics of *complex engineering* problems are indicated in **R-02-STA-PE/PT/PN**.	**Demonstration of Competence** Competence must be demonstrated within broadly defined engineering activities, defined below, by integrated performance of the Competency areas defined in clause **3** above at the level defined for each Competency area. Required contexts and functions may be specified in the applicable DSTGs. Characteristics of *broadly defined engineering problems* are indicated in **R-02-STA-PE/PT/PN** and **R-02-STA-PCE**.	**Demonstration of Competence** Competence must be demonstrated within we//- *defined engineering activities,* defined below, by the integrated performance of the Competency areas defined in clause **3** above at the level defined for each Competency area. Required contexts and functions may be specified in the applicable DSTGs. Characteristics of *well-defined engineering problems* are indicated in **R-02-STA-PE/PT/PN**	**Demonstration of Competence** Competence must be demonstrated within *specifically defined engineering* activities, defined below, by integrated performance of the Competency areas defined in clause **3** above at the level defined for each Competency area. Required contexts and functions may be specified in the applicable DSTGs Characteristics of *Specifically defined engineering problems* are indicated in **R-02-STA-SC**.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
Competence Area 1: Define, investigate and analyse complex engineering problems.	**Competence Area 1:** Define, investigate and analyse broadly defined engineering problems.	**Competence Area 1:** Define, investigate and analyse well-defined engineering problems	**Competence Area 1:** Define, investigate and analyse specifically defined engineering problems (tasks)
Level Descriptor: Complex engineering problems have the characteristics indicated in **R-02-STA-PE/PT/PN**.	**Level Descriptor:** Broadly defined engineering problems have the characteristics indicated in **R-02-STA-PE/PT/PN** and **R-02-STA-PCE**.	**Level Descriptor:** Well-defined engineering problems have the characteristics indicated in **R-02-STA-PE/PT/PN**.	**Level Descriptor:** Specifically defined engineering problems have the characteristics indicated in **R-02-STA-SC**.
Range Statement: The problem may be the design of a component, system or process, or a recommendation of the remedy to a problematic situation.	**Range Statement**: The problem may be a design requirement, an applied R&D requirement or a problematic situation in an existing component, system or process. The problem is one amenable to solution by known technologies. This competency area is concerned with the understanding of a problem; competency area 2 is concerned with the solution.	**Range Statement**: The problem may be part of a larger engineering activity or may stand alone. The design problem is amenable to solution by established techniques practised regularly. This competency area is concerned with the understanding of a problem; competency area 2 is concerned with the solution.	**Range Statement**: The problem (task) may be part of a larger engineering activity or may be stand alone. The design (planning) problem is amenable to solution by established specific techniques practised regularly. This competency area is concerned with the understanding of a problem; competency area 2 is concerned with the solution.
Competency Area 2: Design or develop solutions to complex engineering problems	**Competency Area 2:** Design or develop solutions to broadly defined engineering problems	**Competency Area 2:** Design or develop solutions to well-defined engineering problems	**Competency Area 2:** Design or develop (plan) solutions to specifically defined engineering problems (tasks).
Range Statement: The solutions may be the design of a component, system or process or a recommendation of the remedy to a problematic situation.	**Range Statement:** Solutions are those enabled by the technologies in the broadly defined practice area.	**Range Statement:** The solution is amenable to established methods, techniques or procedures within the well-defined practice area.	**Range Statement:** The solution conforms to specific established methods, techniques or procedures within the specifically defined practice area.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
Competency Area 3: Comprehend and apply advanced and local knowledge of the widely applied principles underpinning good practice that is specific to the jurisdiction in which the Engineer practises.	**Competency Area 3:** Comprehend and apply the knowledge embodied in widely accepted and applied engineering procedures, processes, systems and methodologies that is specific to the jurisdiction in which the Engineering Technologist practises.	**Competency Area 3:** Comprehend and apply knowledge that is embodied in established engineering practices that is specific to the jurisdiction in which the Engineering Technician practises.	**Competency Area 3:** Comprehend and apply knowledge embodied in established specific engineering practices and knowledge specific to the field and scope in which he/she practises.
Range Statement: Applicable knowledge includes the following: a) Specialist knowledge has depth in the practice area and is underpinned by the fundamental knowledge of an engineering discipline or cross disciplinary area allowing a fundamentals-based, first principle, analytical approach to building models as required. b) A working knowledge of interacting disciplines (engineering and other) to underpin teamwork. c) Jurisdictional knowledge includes legal and regulatory requirements as well as locally relevant codes of practice, as required for the practice area: law of contract, contract administration, health and safety environmental, intellectual property, quality management, risk management,	**Range Statement:** Applicable knowledge includes the following: a) Technological knowledge that is well established and applicable to the practice area irrespective of location, supplemented by locally relevant knowledge, for example, established properties of local materials. Emerging technologies are adopted from form. b) A working knowledge of interacting disciplines (engineering and other) to underpin teamwork. c) Jurisdictional knowledge includes legal and regulatory requirements as well as locally relevant codes of practice, as required for practice area: law of contract, contract administration, health and safety, environmental, intellectual property, quality management, risk management, maintenance management, regulation,	**Range Statement:** Applicable knowledge includes the following: a) Technical knowledge that is applicable to the practice area irrespective of location, supplemented by locally relevant knowledge, for example established properties of local materials b) A working knowledge of interacting disciplines. Codified knowledge in related areas: financial, statutory, safety, management c) Jurisdictional knowledge includes legal and regulatory requirements as well as prescribed codes of practice.	**Range Statement:** Applicable knowledge includes the following: a) Technical knowledge that is applicable to the specific practice area irrespective of location, supplemented by locally relevant knowledge, for example, established properties of local materials. b) A working knowledge of interacting disciplines. Codified knowledge in related areas: financial statutory, safety, management. c) Jurisdictional knowledge includes legal and regulatory requirements as well as prescribed codes of practice.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
maintenance management, regulation, project management or construction management.	project management or construction management		
Competency Area 4: Manage part or all of one or more complex engineering activities.	**Competency Area 4:** Manage part or all of one or more broadly defined engineering activities.	**Competency Area 4:** Manage part or all of one or more well-defined engineering activities	**Competency Area 4:** Manage part or all of one or more specifically defined engineering activities
Competency Area 5: Communicate clearly using multiple media and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly using multiple media and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly using multiple media and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly using multiple media and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.
Range Statement: Management and communication in complex engineering involves: • planning activities • organising activities • leading activities • controlling activities. Communication relates to technical aspects and wider impacts of professional work. Audience includes peers, other disciplines, client and stakeholder audiences. Appropriate modes of communication must be selected.	**Range Statement:** Management and communication in broadly defined engineering involves: • planning activities • organising activities • leading activities • controlling activities. Communication relates to technical aspects and wider impacts of professional work. Audience includes peers, other disciplines, client and stakeholder audiences. Appropriate modes of communication must be selected. The Engineering Technologist is expected to	**Range Statement:** Management and communication in well-defined engineering involves: • planning activities • organising activities • leading activities • controlling activities. Communication relates to technical aspects and wider impacts of professional work. Audience includes peers, other disciplines, client and stakeholder audiences. Appropriate modes of communication must be selected. The Engineering Technician is expected to	**Range Statement:** Management and communication in specifically defined engineering involves: • planning activities • organising activities • leading activities • implementing activities • controlling activities. Communication relates to technical aspects and wider impacts of work. Audience includes peers, other disciplines, client and stakeholder audiences. Appropriate modes of communication must be selected. The Specified Category practitioner is

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
	perform the communication functions reliably and repeatedly.	perform the communication functions reliably and repeatedly.	expected to perform the communication functions reliably and repeatedly.
Competency Area 6: Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of complex engineering activities seeking to achieve sustainability.	**Competency Area 6:** Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of broadly defined engineering activities seeking to achieve sustainability.	**Competency Area 6:** Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of well-defined engineering activities seeking to achieve sustainability.	**Competency Area 6:** Recognise the foreseeable social, cultural, environmental and sustainability effects of specifically defined engineering activities generally.
Competency Area 7: Meet all legal and regulatory requirements and protect the health and safety of persons during all complex engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements and protect the health and safety of persons during all broadly defined engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements and protect the health and safety of persons during all well-defined engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements, protect the health and safety of persons and adhere to sustainable practices in the course of specifically defined engineering activities.
Range Statement: Impacts and regulatory requirements include: • direct and indirect, immediate and long-term effects of engineering solutions • application of principles of sustainability • regulatory requirements that are explicit for the context and are generally applicable • persons whose health and safety are to be protected are both inside and outside the workplace.	**Range Statement:** Impacts and regulatory requirements include the following: • Both explicit regulated factors and those that arise in the course of particular work. • Impacts that extend over the lifecycle of the project and include the consequences of the technologies applied. • Effects to be considered include direct and indirect, immediate and long-term related to the technology used. • Safe and sustainable materials, components and systems.	**Range Statement:** Impacts and regulatory requirements include the following: • Impacts to be considered are generally those identified within the established methods, techniques or procedures used in the practice area. • Regulatory requirements are prescribed. • Prescribed risk management strategies must be applied. • Effects must be considered and methods used must be defined.	**Range Statement:** Impacts and regulatory requirements include the following: • Impacts to be considered are generally those identified within the established methods, techniques or procedures used in the specific practice area. • Regulatory requirements are prescribed. • Prescribed risk management strategies must be applied. • Effects must be considered and methods used must be defined.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
	• Regulatory requirements that are explicit for the context in general. • Persons whose health and safety are to be protected are both inside and outside the workplace.	• Prescribed safe and sustainable materials, components and systems. • Persons whose health and safety are to be protected are both inside and outside the workplace.	• Prescribed safe and sustainable materials, components and systems. • Prescribed maintenance protocols. • Persons whose health and safety are to be protected are both inside and outside the workplace.
Competency Area 8: Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.
Competency Area 9: Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of complex engineering activities.	**Competency Area 9:** Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of broadly defined engineering activities.	**Competency Area 9:** Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of well-defined engineering activities.	**Competency Area 9:** Exercise sound judgement in the course of specifically defined engineering activities.
Range Statement: Situations in which judgement must be applied involve interactions among wide-ranging or conflicting technical, engineering or other issues. Judgement in decision making involves: • taking diverse, wide ranging risk factors into account • significant consequences in a range of contexts; or • wide ranges of interested and affected parties with widely varying needs.	**Range Statement:** Judgement is expected both within the application of technologies, in their wider impacts and when dealing with interfaces to other disciplines and technologies. Judgement in decision making involves: • taking several risk factors into account • significant consequences in technology application and related contexts; or • ranges of Interested and affected parties with widely varying needs.	**Range Statement:** Judgement is expected both within the application of methods, techniques and procedures and in assessing their immediate impacts. Judgement in decision making involves: • taking limited risk factors into account some of which may be ill-defined • consequences are in the immediate work context; or • identified set of interested and affected parties with defined needs to be taken into account.	**Range Statement:** Judgement is expected both within the application of category specific methods, techniques and specific procedures and in assessing their immediate impacts. Judgement in decision making involves: • taking specific category risk factors into account some of which may be ill-defined • consequences are in the immediate work context; or • identified set of interested and affected parties with defined needs to be taken into account.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
Competency Area 10: Be responsible for making decisions on part or all of complex engineering activities.	**Competency Area 10:** Be responsible for making decisions on part or all of one or more broadly defined engineering activities	**Competency Area 10:** Be responsible for making decisions on part or all of all of one or more well-defined engineering activities.	**Competency Area 10:** Be responsible for making decisions on part or all of one or more specifically defined engineering activities.
Range Statement: Responsibility exercised for competency areas of significant parts of a one or more complex engineering activities.	**Range Statement:** Responsibility must be discharged for significant parts of one or more broadly defined engineering activities.	**Range Statement:** Responsibility must be discharged for significant parts of a one or more well-defined engineering activities.	**Range Statement**: Responsibility must be discharged for significant parts of one or more specifically defined engineering activities.
Note 1: While actual responsibility for the work may not have been taken, due to statutory or other requirements, for a Professional Engineer to take the responsibility, evidence must be shown of responsible recommendations and judgement.	**Note 1:** Demonstrating responsibility would work under the supervision of a competent engineering practitioner who takes the actual responsibility but is expected to perform as if he/she is in a responsible position.	**Note 1:** Demonstrating responsibility would be under supervision of a competent engineering practitioner but is expected to perform as if he/she is in a responsible position.	**Note 1:** Responsible for the evaluation of work output in a supervisory capacity.
Competency Area 11: Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.
Range Statement: Professional development involves: • taking ownership of own professional development	**Range Statement:** Professional development involves: • taking ownership of own professional development	**Range Statement:** Professional development involves: • taking ownership of own professional development	**Range Statement:** Development involves: • taking ownership of own development • planning own development strategy • selecting appropriate development activities

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category Practitioner
• planning own professional development strategy • selecting appropriate professional development activities • recording professional development strategy and activities, while displaying independent learning ability.	• planning own professional development strategy • selecting appropriate professional development activities • recording professional development strategy and activities, while displaying independent learning ability.	• planning own professional development strategy • selecting appropriate professional development activities • recording professional development strategy and activities, while displaying independent learning ability	• recording development strategy and activities, while displaying independent learning ability.

Table 2: Competency indicators to determine the competency in each competency area required of a person registered as a Professional Engineer, Professional Engineering Technologist, Certificated Engineer, Professional Engineering Technician and Specified Category Practitioner

Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
Competency Area 1: Define, investigate and analyse *complex engineering problems*.	**Competency Area 1:** Define, investigate and analyse *broadly defined engineering problems*.	**Competency Area 1:** Define, investigate and analyse *well-defined engineering problems*.	**Competency Area 1:** Define, investigate and analyse *specifically defined engineering problems (tasks)*.
Competency Indicator: A creative, systematic analysis of complex problems typified by the following performances is expected: 1. Define, investigate or analyse complex engineering problems. 2. Perform/assist in defining or formulating engineering problems, leading to an	**Competency Indicator:** A structured analysis of broadly defined problems typified by the following performances is expected: 1. Identify and formulate the problem, agreeing with client on a problem statement. 2. Analyse and evaluate information.	**Competency Indicator:** A structured analysis of well-defined problems typified by the following performances is expected: 1. Identify and interpret the activity, agreeing with client on a problem statement. 2. Analyse and clarify information, drawings, codes, procedures, etc.	**Competency Indicator**: An analysis of specifically defined engineering problems (tasks) typified by the following performances is expected: 1. Understand the activity, agreeing with the client. 2. Analyse and clarify information, drawings, codes, procedures, etc.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
agreed definition to the problem to be addressed. 3. Perform/assist in investigating engineering problems including: a) collecting b) organising c) evaluating information. 4. Perform/assist in analysing engineering problems: a) Use conceptualisation, abstraction, modelling. b) Identify and justify assumptions, limitations, constraints, premises; using analytical methods both mathematical and non-mathematical. c) Evaluate result of analysis, using judgement. d) Express an understanding emerging from the analysis.	3. Use conceptualisation, abstraction and modelling. 4. Justify judgement and assumptions made. 5. Express understanding emerging from analysis.	3. Revise and agree on acceptance criteria if necessary.	
Competency Area 2: Design or develop solutions to complex engineering problems.	**Competency Area 2:** Design or develop solutions to broadly defined engineering problems.	**Competency Area 2:** Design or develop solutions to well-defined engineering problems.	**Competency Area 2:** Design or develop (plan) solutions to specifically defined engineering problems (tasks).
Competency Indicator: This competency area is normally demonstrated after a	**Competency Indicator:** This competency area is normally demonstrated after a	**Competency Indicator:** This competency area is normally	**Competency Indicator:** This competency area is normally

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
problem analysis as defined in competency area 1. Working systematically to synthesise a solution to a complex problem, typified by the following performances is expected: 1. Analyse the design/ planning /solution requirement and draw up detailed requirements specification. 2. Synthesise a range of potential solutions to problem or approaches to developing a solution. 3. Evaluate the potential approaches against requirements, including cost, and impacts outside requirements. 4. Present reasoned arguments and proposal for preferred option. 5. Fully develop design of selected option. 6. Evaluate resulting solution. **7.** Produce design documentation for implementation.	problem analysis as defined in competency area 1. Working systematically to synthesise a solution to a broadly defined problem, typified by the following performances is expected: 1. Analyse the requirement drawing up a design specification. 2. Synthesise potential solutions or approaches and evaluate. **3.** Select the best complete solution and develop fully. **4.** Present reasoned arguments and proposal. **5.** Agree with client and produce design documentation for implementation.	demonstrated after a problem analysis as defined in competency area 1. Working systematically to synthesise a solution to a well-defined problem, typified by the following performances is expected: 1. Develop and analyse alternative approaches to meeting the problem specification. Check impacts. **2.** Select the best complete solution, seeking advice on aspects of the proposal or design process that fall outside established practice or standards. **3.** Agree with client.	demonstrated after a problem (task) analysis as defined in competency area 1. Working systematically to reach a solution to a specifically-defined problem (task), typified by the following performances is expected: 1. Develop and analyse alternative approaches to do the task. Check impacts. 2. Select the best complete plan, seeking advice on aspects of the proposal or plan that fall outside established practice or standards. 3. Agree with client.
Competency Area 3: Comprehend and apply advanced and local knowledge of the widely applied principles underpinning good practice that is specific to the jurisdiction in which the Engineer practises.	**Competency Area 3:** Comprehend and apply the knowledge embodied in widely accepted and applied engineering procedures, processes, systems and methodologies that is	**Competency Area 3:** Comprehend and apply knowledge that is embodied in established engineering practices that is specific to the jurisdiction in which the Engineering Technician practises.	**Competency Area 3:** Comprehend and apply knowledge embodied in established specific engineering practices and knowledge specific to the field in which he/she practises.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
	specific to the jurisdiction in which the Engineering Technologist practises.		
Competency Indicator: This competency area is normally demonstrated in the course of design, investigation or operations. 1. Display mastery of understanding of engineering principles, practice and technologies in the practice area. 2. Apply general and underpinning engineering knowledge to support analysis and provide insight. 3. Use a fundamentals-based, first principles analytical, approach building models as required. 4. Display working knowledge of areas that interact with the practice area. 5. Display a working knowledge of interacting disciplines (engineering and other) to underpin teamwork. **6.** Apply related knowledge: financial, statutory, safety, management.	**Competency Indicator:** This competency area is normally demonstrated in the course of design, investigation or operations. 1. A thorough understanding and application of engineering principles to support analysis. **2.** The use of specialised knowledge in an analytical approach and application of related knowledge in broadly defined engineering activities.	**Competency Indicator:** This competency area is normally demonstrated in the course of design, investigation or operations. 1. The use of codified underpinning educational knowledge in practical well-defined activities. **2.** The understanding of knowledge expressed in well-defined procedures and techniques.	**Competency Indicator:** This competency area is normally demonstrated in the course of planning investigation or operations: 1. The use of codified underpinning educational knowledge in practical specifically defined engineering activities. **2.** The understanding of knowledge expressed in specifically defined procedures and techniques.
Competency Area 4: Manage part or all of one or more complex engineering activities.	**Competency Area 4:** Manage part or all of one or more broadly defined engineering activities.	**Competency Area 4:** Manage part or all of one or more well-defined engineering activities.	**Competency Area 4:** Manage part or all of one or more specifically defined engineering activities.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
Competency Indicator: The display of personal and work process management abilities is expected: 1. Manage complex engineering activities. 2. Pian, organise, lead and control complex engineering activities. 3. Manage him- or herself. 4. Participate effectively in a team environment. 5. Manage people, and/or work priorities, and/or work processes and/or resources. 6. Demonstrate knowledge of finance as it is applied in engineering. 7. Demonstrate knowledge of the conditions and operations of contract. **8.** Demonstrate the ability to establish and maintain professional and business thinking.	**Competency Indicator:** The display of personal and work process management abilities is expected: 1. Manage broadly defined engineering activities. 2. Participate effectively in a team environment. 3. Manage self-people, and/or work priorities, and/or work processes and/or resources. 4. Demonstrate knowledge of finance as it is applied to engineering. 5. Demonstrate knowledge of the conditions and operations of contract. **6.** Demonstrate the ability to establish and maintain professional and business relationships.	**Competency Indicator:** The display of personal and work process management abilities is expected 1. Manage self, work priorities, processes & resources. **2.** Participate effectively in a team environment.	**Competency Indicator:** The display of personal and work process management abilities is expected: 1. Manage self, work priorities, processes and resources. **2.** Participate effectively in a team environment.
Competency Area 5: Communicate clearly using multiple mediums and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly using multiple mediums and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly using multiple mediums and collaborate inclusively with a broad range of stakeholders in the course of engineering activities.	**Competency Area 5:** Communicate clearly with others in the course of specifically defined engineering activities.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
Competency Indicator: Demonstrates effective communicated by the following: 1. Writing clear, concise, effective, technically correct reports using a structure and style which meets communication objectives and user/audience requirements. 2. Reading and evaluating technical and legal matters relevant to the function of a Professional Engineer. 3. Receiving instructions and ensuring correct interpretation. 4. Issuing clear instructions to subordinates using appropriate language and communication aids, ensuring that language and other communication barriers are overcome. **5.** Making oral presentations using structure style, language, visual aids and supporting documents appropriate to the audience and purpose.	**Competency Indicator:** Demonstrates effective communication by the following: 1. Writing clear, concise, effective, technically correct reports using a structure and style which meets communication objectives and user/audience requirements. 2. Reading and evaluating technical and legal matters relevant to the function of a Prof Engineering Technologist. 3. Receiving instructions and ensuring correct interpretation. 4. Issuing clear instructions to subordinates using appropriate language and communication aids, ensuring that language and other communication barriers are overcome. **5.** Making oral presentations using structure, style, language, visual aids and supporting documents appropriate to audience and purpose.	**Competency Indicator:** Demonstrates effective communication by the following: 1. Writing clear, concise, effective, technically correct reports. **2.** Issuing clear instructions to subordinates and present point of view effectively.	**Competency Indicator:** Demonstrates effective communication by the following: 1. Writing clear, concise, effective, technically correct reports. **2.** Issuing clear instructions to subordinates and present point of view effectively.
Competency Area 6: Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of complex	**Competency Area 6:** Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of broadly defined	**Competency Area 6:** Recognise the reasonably foreseeable economic, social, cultural, and environmental effects of	**Competency Area 6:** Recognise the foreseeable social, cultural, environmental and sustainability effects of specifically

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
engineering activities seeking to achieve sustainability.	engineering activities seeking to achieve sustainability.	well-defined engineering activities seeking to achieve sustainability.	defined engineering activities generally.
Competency Indicator: This competency area is normally displayed in the course of analysis and solution of problems, typically by the following: 1. Identifying interested and affected parties and their expectations. 2. Identifying interactions between technical and social cultural and environmental factors. 3. Identifying environmental impacts of the engineering activity. 4. Identifying sustainability issues. 5. Proposing and evaluating measures to mitigate negative effects of engineering activity. **6.** Communicating with stakeholders.	**Competency Indicator**: This competency area is normally displayed in the course of analysis and solution of problems, typically by the following: 1. Identifying interested and affected parties and their expectations. 2. Identifying interactions between technical and social cultural and environmental factors. 3. Identifying environmental impacts of the engineering activity. 4. Identifying sustainability issues. 5. Proposing and evaluating measures to mitigate negative effects of engineering activity. **6.** Communicating with stakeholders.	**Competency Indicator**: This competency area is normally displayed in the course of analysis and solution of problems, typically by the following: 1. Identifying affected parties and environmental impacts of the engineering activity. **2.** Proposing mitigating measures and communicating with stakeholders.	**Competency Indicator**: This competency area is normally displayed in the course of evaluating and planning tasks, typically by the following: 1. Identifying affected parties and environmental impacts of the engineering activity. **2.** Proposing mitigating measures and communicating on measures with stakeholders.
Competency Area 7: Meet all legal and regulatory requirements and protect the health and safety of persons during all complex engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements and protect the health and safety of persons during all broadly defined engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements and protect the health and safety of persons during all well-defined engineering activities.	**Competency Area 7:** Meet all legal and regulatory requirements, protect the health and safety of persons and adhere to sustainable practices in the course of specifically defined engineering activities.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
Competency Indicator: 1. Identifying applicable legal, regulatory and health and safety requirements for the engineering activity. 2. Identifying health and safety requirements applicable for the engineering activity. 3. Assistance or awareness of the selection of safe and sustainable materials, components and systems. **4.** Assistance or awareness of recognising and identifying risk and applying accepted risk management strategies.	**Competency Indicator:** 1. Identifying applicable legal, regulatory and health and safety requirements for the engineering activity. 2. Identifying health and safety requirements applicable for the engineering activity. 3. Assistance or awareness of the selection of safe and sustainable materials, components and systems. **4.** Assistance or awareness of recognising and identifying risk and applying accepted risk management strategies.	**Competency Indicator:** 1. Identifying applicable legal, regulatory and health and safety requirements for the engineering activity. **2.** Managing risks and use safe and sustainable materials, components and systems, seeking advice when necessary.	**Competency Indicator:** 1. Identifying applicable legal, regulatory and health and safety requirements for the specifically defined engineering activity. **2.** Managing risks and use safe and sustainable materials, components and systems, seeking advice when necessary.
Competency Area 8: Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.	**Competency Area 8:** Conduct engineering activities ethically.
Competency Indicator: A professional approach must be demonstrated at all times by the following: 1. Knowledge of ECSA Code of Conduct. 2. Member/active participation in activities of a recognised VA. 3. Understanding of Professional Society structures/network/interaction.	**Competency Indicator:** A professional approach must be demonstrated at all times by the following: 1. Knowledge of ECSA Code of Conduct. 2. Member/active participation in activities of a recognised VA. 3. Understanding of Professional Society structures/network/interaction.	**Competency Indicator:** Sensitivity to ethical issues and the adoption of a systematic approach to resolving these issues is expected, typified by the following: 1. Identifying ethical problems and affected parties and their interests.	**Competency Indicator:** Sensitivity to ethical issues and the adoption of a systematic approach to resolving these issues is expected, typified by the following: 1. Awareness of ethical problems and affected parties and their interests. 2. Compliance with ECSA's Code of Conduct.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
4. Sensitivity to ethical issues and the adoption of a systematic approach to resolving these issues is expected, typified by: a) identifying the central ethical problem b) identifying affected parties and their interest c) searching for possible solutions for the dilemma d) evaluating each solution using the interests of those involved accorded suitable priority e) selecting and justifying the solution that best resolves the dilemma.	4. Sensitivity to ethical issues and the adoption of a systematic approach to resolving these issues is expected, typified by: a) identifying the central ethical problem b) identifying affected parties and their interest c) searching for possible solutions for the dilemma d) evaluating each solution using the interests of those involved accorded suitable priority **e)** selecting and justifying the solution that best resolves the dilemma.	**2.** Compliance with ECSA's Code of Conduct.	
Competency Area 9: Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of complex engineering activities.	**Competency Area 9:** Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of broadly defined engineering activities.	**Competency Area 9:** Exercise sound judgement by evaluating the outcomes, impacts and alternatives in the course of well-defined engineering activities.	**Competency Area 9:** Exercise sound judgement in the course of specifically defined engineering activities.
Competency Indicator: Exhibition of sound engineering judgement is expected by the following: 1. Considering several factors, some of which may not be well-defined or may be unknown.	**Competency Indicator:** Exhibition of judgement is expected by the following: 1. Considering several factors, some of which may not be well-defined or may be unknown.	**Competency Indicator:** Exhibition of judgement is expected by the following: 1. Considering a limited number of factors and their independence.	**Competency Indicator:** Exhibition of judgement is expected by the following: 1. Considering specific factors applicable to the category and how they are interrelated.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
2. Considering the interdependence interactions, and relative importance of factors. 3. Foreseeing consequences of actions. 4. Evaluating a situation in the absence of full evidence. **5.** Drawing on experience and knowledge.	2. Considering the interdependence interactions, and relative importance of factors. 3. Foreseeing consequences of actions. 4. Evaluating a situation in the absence of full evidence **5.** Drawing on experience and knowledge.	**2.** Foreseeing consequences of actions, evaluating a situation in the absence of full evidence.	**2.** Foreseeing consequences of actions, evaluating a situation in the absence of full evidence.
Competency Area 10: Be responsible for making decisions on part or all of complex engineering activities.	**Competency Area 10:** Be responsible for making decisions on part or all of one or more broadly defined engineering activities	**Competency Area 10:** Be responsible for making decisions on part or all of all of one or more well-defined engineering activities.	**Competency Area 10:** Be responsible for making decisions on part or all of one or more specifically defined engineering activities.
Competency Indicator: Responsibility is displayed by the following performance: 1. Having due regard to technical social, environmental and sustainable development consideration. 2. Seeking advice from a responsible authority on any matter considered to be outside area of competence. **3.** Making decisions on and taking responsibility for one or more complex engineering activity.	**Competency Indicator:** Responsibility is displayed by the following performance: 1. Having due regard to technical social, environmental and sustainable development consideration. 2. Seeking advice from a responsible authority on any matter considered to be outside area of competence. **3.** Making decisions on and taking responsibility for one or more broadly defined engineering activity.	**Competency Indicator:** Responsibility is displayed by the following performance: 1. Demonstrating a professional approach at all times by applying theory to justify solutions. 2. Taking advice from a responsible authority on any matter considered to be outside applicable standards and codes. **3.** Evaluating work output, revising as required and taking responsibility for this work output.	**Competency Indicator:** Responsibility is displayed by the following performance: 1. Demonstrating a professional approach at all times by applying knowledge to justify actions. 2. Taking advice from a responsible authority on any matter considered to be outside applicable standards and codes. **3.** Evaluating work output, revising as required and taking responsibility for this work output.

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Professional Engineer	Professional Engineering Technologist and Professional Certificated Engineer	Professional Engineering Technician	Specified Category
Competency Area 11: Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake sufficient professional development activities to maintain, extend competence and enhance the ability to adapt to emerging technologies and the ever-changing nature of work.	**Competency Area 11:** Undertake independent learning activities sufficient to maintain and extend his or her competence.
Competency Indicator: Self-development managed typically by the following: 1. Planning own professional development strategy. 2. Selecting appropriate professional development activities. 3. Keeping a record of professional. development strategy and activities. 4. Displaying independent learning ability. **5.** Completing professional development.	**Competency Indicator:** Self-development managed typically by the following: 1. Planning own professional development strategy. 2. Selecting appropriate professional developmental activities. **1.** Keeping record of professional development **2.** Displaying independent learning ability.	**Competency Indicator:** Self-development managed typically by the following: 1. Planning own professional development strategy. 2. Selecting appropriate professional development activities. **1.** Keeping record of professional development. **2.** Displaying independent learning ability.	**Competency Indicator:** Self-development is managed typically by the following: 1. Planning own development strategy. 2. Selecting appropriate development activities. **3.** Keeping record of development. **4.** Displaying independent learning ability

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4. PERFORMANCE OF CORE SERVICE IN PRACTICE AREA

1. Identified Engineering Work in any engineering discipline consists of core services in certain practice areas.

2. For the purposes of section 26(3)(a) of the Engineering Profession Act, 2000 (Act No.46 of 2000, work identified for persons registered in one of the categories in section 18(1)(a) or (c) of the Engineering Profession Act, 2000 (Act No.46 of 2000) includes the core services for the practice areas referred to in clauses 5 to 16.

3. The core services and practice areas outlined in clauses 5 to 16 are not exhaustive. Any similar activity undertaken to perform a core service within the scope of an agreement to provide engineering work in a relevant discipline even if not explicitly listed in clauses 5 to 16, is deemed a core service as identified in those clauses.

5. IDENTIFIED ENGINEERING WORK IN AERONAUTICAL ENGINEERING DISCIPLINE

1. The core services in the Aeronautical Engineering discipline consist of the analysis, planning, design and development, manufacture, construction, operation and maintenance, academic work of all types of flight vehicles, including fixed-wing aircraft, helicopters, sail planes, airships, spacecraft and missiles, based on engineering sciences underlying flight dynamics, aerospace structures and propulsion systems.

2. The core services in the Aeronautical Engineering discipline are performed in the following practice areas:

   (a) Aircraft design
   (b) Aircraft structures
   (c) Aircraft propulsion systems
   (d) Aerodynamics
   (e) Avionics
   (f) Aero-elasticity
   (g) Stability and control
   (h) Aircraft systems including hydraulic, pneumatic and avionic systems

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(i) Wind tunnel testing
(j) Flight testing
(k) Aircraft performance monitoring
(l) Airport/airfield management
(m) Certification and safety programmes
(n) Fire risk management in aircraft, engines, and fuel systems

6. IDENTIFIED ENGINEERING WORK IN AGRICULTURAL ENGINEERING DISCIPLINE

1. The core services in Agricultural Engineering consist of the analysis, planning, design and development, manufacture, construction, management, operation, and maintenance of agricultural machinery, mechanisation, production and processing, academic work and natural resource management through the application of engineering sciences.

2. The core services in the Agricultural Engineering discipline are performed in the following practice areas:

(a) Agricultural Energy Engineering
(b) Agricultural Renewable Energy Engineering
(c) Agricultural Product Processing Engineering
(d) Agricultural Structures and Facilities Engineering
(e) Agricultural Waste Handling and Management
(f) Aquaculture Engineering
(g) Mechanisation Engineering
(h) Irrigation Engineering
(i) Hydrology and Agricultural Water Use Management
(j) Natural Resources Engineering
(k) Food Engineering
(l) Environmental Engineering
(m) Rural Infrastructure Engineering
(n) Fire Risk Management to prevent wildfires and protect agriculture infrastructure.

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7. IDENTIFIED ENGINEERING WORK IN CHEMICAL ENGINEERING DISCIPLINE

1. The core services in Chemical Engineering consist of the analysis, planning, design and development, manufacture, construction, management, operation, academic work and maintenance of industrial-scale processes that convert raw and recycled materials to products through chemical and physical processes.

2. These core services in the Chemical Engineering discipline are performed in the following practice areas:

   (a) Processes where hazardous substances are present in significant quantities
   (b) processes where chemical reactions present particular hazards
   (c) processes involving advanced water and wastewater treatment
   (d) extractive metallurgy and mineral processing.

3. In the following practice areas:

   (a) Research and Development
   (b) Process Design and Development
   (c) Product Development and Quality Control
   (d) Plant Operations and Management
   (e) Environmental Protection
   (f) Process control and Optimisation.

   Some details of these practice areas are given in section **6** below. A registered person is required to approve and take responsibility for any critical decisions related to changes in conditions that may result in increased risk associated with the decision.

4. In the ideal case, a registered person is involved in the training and development of junior/candidate engineers.

5. Any Chemical Engineer operating in a position of responsibility in the practice area of Construction and Project Management will need to be adequately qualified in construction and project management otherwise they would only participate in a specialist role.

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6. Details of practice areas:

(a) Research and development:

(i) Conducting research, advising on and developing broadly defined, commercial-scale processes to produce substances and items such as petroleum derivatives, chemicals, food and drink products, pulp and paper, pharmaceuticals and synthetic materials such as polymers, plastics and cement, in addition to incorporating energy and mineral processing and water treatment.

(ii) Performing tests throughout stages of production to determine degree of control over process variables, which include composition, temperature, density, specific gravity and pressure.

(iii) Performing laboratory studies of steps in the manufacturing of new products and testing proposed processes by employing small-scale operations such as a pilot plant. This type of work may be performed in research and product-development centres of business organisations or at academic institutions. Applicants must undertake research and development work that is predominantly Chemical Engineering in nature, and this work should include an in-depth application of the various aspects of Chemical Engineering.

(b) Safety Engineering:

(i) Participating in and leading risk assessment studies such as hazard and operability (HAZOP) studies during phases of design or operation of equipment, systems and plants.

(ii) Establishing control standards and procedures to ensure the safety of production operations and the safety of workers operating equipment or working in close proximity to on-going chemical reactions or processes.

(iii) Developing and implementing safety protocols and procedures to ensure compliance with regulatory standards.

(c) Process Design and Development

(i) Designing process plants and equipment and devising processes for manufacturing products while meeting targeted efficiencies.

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(ii) Optimising processes for efficiency, safety and sustainability.

(iii) Specifying chemical production methods, equipment, materials and quality standards and ensuring that all conform to specifications and accepted industry practices and standards.

(iv) Collaborating with cross-functional teams, including engineers, scientists and technicians within Chemical Engineering and within other engineering disciplines to develop and implement process improvements.

(v) Conducting economic evaluations and feasibility studies for new projects or process modifications.

(d) Product Development and Quality Control

Performing laboratory studies of steps in the manufacturing of new products and testing proposed processes by employing small-scale operations such as a pilot plant.

(e) Plant Operation and Management

(i) Developing operating procedures to be employed during design and operating phases, including start-up, shutdown and emergency procedures, preparing of cost estimates such as (CAPEX, OPEX and lifecycle) and production progress reports for management.

(ii) Overseeing plant operation and/or management.

(iii) Optimising processes and products for improvement of prescribed performance indices such as profitability, sustainability, energy consumption, environmental sustainability and carbon efficiency.

(iv) Conducting process troubleshooting and problem-solving to identify and resolve operational issues.

(v) Providing technical support and guidance to production personnel to ensure efficient and safe operation of chemical processes.

(vi) Developing and implementing process optimisation strategies to improve product quality, yield and efficiency.

(vii) Monitoring and analysing process data to identify trends, deviations, and opportunities for improvement.

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(viii) Developing and managing budgets and costs associated with engineering works.

(ix) Training and mentoring junior staff members.

(x) Evaluating social, environmental, statutory and legal considerations or the modification of existing plants.

(f) Environmental Protection

Conducting environmental impact assessments and developing strategies for waste management and pollution prevention.

(g) Process Control and Optimisation

Developing broadly defined process control philosophies and/or advanced process control systems.

(h) Consulting and Entrepreneurship

(i) Managing projects, including coordinating and overseeing the work of technicians, operators and other external service providers such as suppliers to ensure adherence to project timelines and budgets.

(ii) Conducting economic evaluations and feasibility studies for new projects or process modifications.

(i) Construction and Project Management

Construction process, managing projects and ensuring that designs are implemented correctly according to scope. This can involve coordinating with contractors, conducting site inspections and managing budgets and timelines.

8. IDENTIFIED ENGINEERING WORK IN CIVIL ENGINEERING DISCIPLINE

1. The core services in the Civil Engineering discipline consist of the analysis, planning, design and development, manufacture, construction, management, maintenance, academic work and operation of works comprising of the following:

(a) **Structural systems**: These include buildings, dams, bridges, roads, highways, runways, harbours and railways.

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(b) **Geotechnical systems**: These include township services, earthworks, excavations, soil conservation and geotechnical processes. •

(c) **Transportation systems**: These include the roads, railway, airport runways and all the combinations of elements and their interactions, which produce the demand for travel within a given area and wastewater treatment.

(d) **Hydraulic engineering systems**: These include water resources and supply, pipelines, canals, water treatment, storm water and drainage, sewer systems, sanitation waste Management and coastal engineering.

2. Typical tasks that Civil Engineers, Technologists and/or Technicians may undertake include the following:

(a) Conducting research and developing new or improved theories and methods related to Civil Engineering.

(b) Advising on and designing infrastructures such as bridges, dams, harbours, roads, airports, stadiums, railways, canals, pipelines, treatment works, waste-disposal and flood-control systems and residential, commercial, industrial and other large buildings.

(c) Determining and specifying construction methods, materials and quality standards and directing construction work.

(d) Establishing control systems to ensure efficient functioning of infrastructure as well as safety and environmental protection.

(e) Organising and directing maintenance and repair of existing Civil Engineering infrastructure.

(f) Analysing the behaviour of soil and rock when placed under pressure by proposed structures and designing structural foundations.

(g) Analysing the stability of structures and testing the behaviour and durability of materials used in their construction.

(h) Managing finances which involves preparing the budget, control line items in the budget and proper financial control.

(i) Executing the design elements according to the specifications and approved construction drawings during the construction stage.

(j) Wet Services (plumbing and drainage) for buildings.

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3. Practising Civil Engineers, Technologists and/or Technicians generally concentrate in one or more of the following areas:

   (a) Structural Engineering
   (b) Geotechnical Engineering
   (c) Transportation Engineering
   (d) Roads Engineering
   (e) Materials Science Engineering
   (f) Coastal Engineering
   (g) Forensic Engineering
   (h) Environmental Engineering
   (i) Railway Engineering
   (j) Site development and Planning
   (k) Surveying Water Engineering.

More specialised fields may be in Transportation and Urban Planning, Biosystems Engineering, GIS, Costal or Marine Engineering and Land-use Management.

9. IDENTIFIED ENGINEERING WORK IN COMPUTER ENGINEERING DISCIPLINE

1. The core services in the Computer Engineering discipline consist of defining, investigating and analysing engineering problem, designing solutions and applying relevant knowledge of programming languages, software engineering, data structures and algorithms, computer organisation and architecture, operating systems, database systems and computerised enterprise integration systems related to the following:

   (a) New or improved theories and methods relating to Computer Systems Engineering.
   (b) Computer-based systems or components, systems equipment, software and distribution centres.
   (c) Production or installation methods, specifying materials, quality and safety standards and directing production and installation of computer-based products, software and systems.

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(d) Operation and maintenance of computer-based systems, software, networks and equipment.

(e) Test procedures for computer-based systems, software, networks, programmes and equipment.

(f) Organising and directing the maintenance and repair of existing computer-based systems, programmes and equipment.

(g) Computer-based equipment and software.

(h) Computer-based communication networks.

(i) Computer-based systems.

(j) Implementing these computer-based systems through appropriate choice of hardware and managing the development of the necessary software.

(k) Manufacturing methods for computer-based systems, networks and equipment.

10. IDENTIFIED ENGINEERING WORK IN ELECTRICAL ENGINEERING DISCIPLINE

1. The core services in the Electrical Engineering discipline consist of the analysis, planning, design and development, manufacture, construction, management, operation, academic work and maintenance of materials, components, plant and systems for generating, storage, transmitting, distributing and utilising –

   (a) electrical energy (solar, wind, thermal)

   (b) electronic devices, apparatus and control systems for industrial systems, bio- medical and consumer products and processes

   (c) computing, communication and software for critical applications instrumentation and control of processes, through the application of electrical, electromagnetic and information engineering sciences.

2. The core services in the Electrical Engineering discipline are performed in the following primary practice areas:

   (a) Electrical Power Engineering work

   (b) Electronic Engineering work (mechatronic vs robotics)

   (c) Telecommunications and Network Engineering work

   (d) Computer and Software Engineering work.

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3. Electrical Power Engineering work includes the following practice areas:

   (a) Conducting research and developing new or improved theories and methods related to Electrical Power Engineering.
   (b) Advising on and designing power stations and systems which generate, transmit, distribute and reticulate electrical power.
   (c) Specifying instrumentation, measurement and control of equipment for the monitoring and control of electrical generation, transmission and distribution systems.
   (d) Supervising, controlling, developing and monitoring the operation and maintenance of electrical generation, transmission and distribution systems.
   (e) Advising on and designing systems for electrical motors, electrical traction and other equipment or electrical domestic appliances.
   (f) Specifying electrical installation and application in industrial and other buildings and objects.
   (g) Establishing control standards and procedures to monitor the performance and safety of electrical generating and distribution systems, motors and equipment.
   (h) Determining manufacturing methods for electrical systems, as well as the maintenance and repair of existing electrical systems, motors and equipment or user-equipment to safeguard life.
   (i) Design and development of electrical apparatus.

4. Electronic Engineering work includes the following practice areas:

   (a) Conducting research and developing new or improved theories and methods related to Electronic Engineering.
   (b) Advising on and designing electronic devices or components, circuits, semi-conductors and systems.
   (c) Specifying production or installation methods, materials and quality standards and directing production or installation work of electronic products and systems.
   (d) Supervising, controlling, developing and monitoring the operation and maintenance of electronic equipment and systems.
   (e) Establishing control standards and procedures to ensure efficient functioning and safety of electronic systems and equipment.

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(f) Organising and directing maintenance and repair of existing electronic systems and equipment.

(g) Designing electronic circuits and components for use in fields such as aeronautical guidance and propulsion control, acoustics or instruments and control, including fire detection engineering.

(h) Determining manufacturing methods for electronic systems as well as the maintenance and repair of existing electronic systems and equipment.

(i) Researching and advising on radar, telemetry and remote-control systems, microwaves and other electronic equipment.

(j) Designing and developing signal processing algorithms and implementing these through appropriate choice of hardware and software.

(k) Developing apparatus and procedures to test electronic components, circuits and systems.

(l) Designing, specifying and implementing control and instrumentation of plant and processes.

(m) Designing, specifying, control and monitoring of equipment for fire and safety in plant and factories.

(n) Robotics/mechatronic and process control of manufacturing plant.

(o) Energy efficiency photovoltaic/solar power (PV) systems and integration to power grids and associated earthing and protection schemes.

5. Telecommunications Engineering work is a broad specialisation of Electronic Engineering encompassing the design, construction and management of systems that carry out the transmission, processing and storage of information as electrical or optical signals and the control services based on this capability and includes the following practice areas:

(a) Conducting research and developing new or improved theories and methods related to Telecommunications Engineering.

(b) Advising on and designing telecommunications devices or components, systems, equipment and distribution centres.

(c) Specifying production or installation methods, materials, quality and safety standards and directing production or installation work of telecommunications products and systems.

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(d) Supervising, controlling, developing and monitoring the operation and maintenance of telecommunication systems. Networks and equipment.

(e) Determining manufacturing methods for telecommunication systems as well as the maintenance and repair of existing telecommunication systems, networks and equipment.

(f) Organising and directing maintenance and repair of existing telecommunication systems, networks and equipment.

(g) Researching and advising on telecommunications equipment.

(h) Planning and designing communications networks based on wired fibre optical and wireless communication media.

(i) Designing and developing signal processing algorithms and implementing these through appropriate choice of hardware and software.

(j) Designing telecommunications networks and radio and television distribution systems, including both cable and over-the-air.

(k) Determining manufacturing methods for computer-based systems as well as the maintenance and repair of existing computer-based systems, networks and equipment.

(l) Fire detection engineering work is a broad specialisation of Electronic Engineering encompassing the design, construction and management of life protection systems that carry out the transmission, processing and storage of information as electronic signals and the control services based on this capability, programming of logic systems to automatically apply the fire rational for safe building evacuation and includes knowledge of the following sub-practice areas:

(i) Fire engineering or fire rational as functionally directed by Fire Chief
(ii) Electronics and usage of applicable equipment, and limitations
(iii) Occupation Health and Safety Act, and SANS
(iv) Taking account environmental factors, and
(v) Access control and evacuation routes for automation.

(m) Lectures, teaching staff, trainers and mentors to be registered and have the applicable skill and knowledge to enable the training of students, trainees and

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mentees and be guided by a registered person, including specialisation courses such that the ECSA outcomes are highlighted within the course.

6. Clinal Engineering work. applies engineering principles and problem solving to optimise healthcare delivery by managing medical technology, ensuring safety and improving patient care:

   (a) Advising and designing medical technology devices, systems and distribution centres and contributing to the development of new medical technologies and techniques.
   (b) Research and evaluate hardware and software options and weigh the cost/benefit analysis before procuring services and products on behalf of the business.
   (c) Specifying production and installation of medical devices/equipment as per required needs.
   (d) Advising and managing procurement and commissioning of medical equipment.
   (e) Configuring, calibrating and performing safety checks on new medical equipment.
   (f) Supervising, controlling, developing and monitoring the operation and maintenance of medical equipment.
   (g) Carrying out maintenance, repair and safe disposal of medical devices.
   (h) Ensuring medical devices meet the current regulations from governing agencies.
   (i) Advising and contributing on medical equipment policy development in different agencies.
   (j) Identifying, managing and resolving risks involved with medical devices/equipment.

7. Computer and Software Engineering work is the analysis, planning, design and development, manufacture, construction, management, maintenance, academic work and operation of works related to computer and software systems that enable and support the core services in the Electrical Engineering discipline, and includes the following practice areas:

   (a) Conducting research and developing new or improved theories and methods relating to Computer Systems in the Electrical Engineering Discipline.
   (b) Advising on and designing computer-based systems or components, systems equipment, software and distribution centres.

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(c) Specifying production or installation methods, specifying materials, quality and safety standards and directing production and installation of computer-based products, software and systems.

(d) Supervising, controlling, developing and monitoring the operation and maintenance of computer-based systems, software, networks and equipment.

(e) Developing and implementing test procedures for computer-based systems, software, networks, programmes and equipment.

(f) Organising and directing the maintenance and repair of existing computer-based systems, programmes and equipment.

(g) Researching and advising on computer-based equipment and software.

11. IDENTIFIED ENGINEERING WORK IN INDUSTRIAL ENGINEERING DISCIPLINE

1. The core services in the Industrial Engineering discipline consist of the following practice areas, underpinned by the interdisciplinary nature of the field, which requires a strong foundation in mathematics, science and engineering principles.

a) **Work Design and Measurement:** South African Industrial Engineers focus on optimising labour-intensive environments such as agriculture, textiles and manufacturing. Time studies, method improvements, and productivity metrics are used to enhance output while complying with local labour laws and safety standards.

b) **Operations Research and Analysis:** Industrial Engineers use linear programming, simulation and forecasting to solve complex problems in mining, healthcare and logistics. Operations research is critical for addressing systemic inefficiencies in public utilities.

c) **Engineering Economic Analysis:** Cost-benefit analysis supports capital project justifications in industries impacted by currency fluctuations and high borrowing costs. Industrial Engineers play a vital role in ensuring project feasibility in both private-sector investments and government tenders.

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d) **Facilities Engineering and Energy Management:** In South Africa, Facilities Engineers tackle space optimisation in high-rent metros and energy efficiency amid frequent load-shedding. Projects often involve solar integration, alternative power sources and water conservation technologies.

e) **Quality and Reliability Engineering**: Industrial Engineers implement Total Quality Management (TQM), Six Sigma, and ISO systems to meet global export standards, particularly in automotive, food, and pharmaceutical sectors. Reliability Engineering is key to reducing downtime in resource-constrained environments.

f) **Economics and Human Factors**: Ergonomics is essential in South Africa's manufacturing and mining sectors, where manual labour remains prevalent. Industrial Engineers work to reduce injury risks and improve worker comfort through better workstation design and task rotation strategies.

g) **Operations and Engineering Management:** Industrial Engineers manage lean manufacturing, inventory control, and scheduling for sectors affected by seasonal demand or unreliable utilities. Local case studies include FMCG production optimisation and warehousing for large retailers.

h) **Supply Chain Management:** Industrial Engineers enhance visibility, responsiveness and cost-efficiency in supply chains across the SADC region. This includes planning under infrastructural constraints, border delays and varying levels of distributor sophistication.

i) **Engineering Management:** South African Industrial Engineers often serve in cross-functional leadership roles, managing technical projects, stakeholder expectations and regulatory compliance. They help align engineering outputs with national priorities such as localisation and industrialisation.

j) **Safety:** Industrial Engineers implement risk assessments, safety protocols and behaviour-based safety programmes, particularly in high-risk industries like mining, petrochemicals and construction. Compliance with the

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Occupational Health and Safety Act, 85 of 1993, and the Mine Health and Safety Act, 29 of 1996, is non-negotiable.

k) **Information Engineering:** Industrial Engineers design and improve digital systems for manufacturing execution, data analytics, and enterprise resource planning. In local contexts, this includes digitising manual processes and developing low-cost monitoring tools for SMEs.

l) **Design and Manufacturing Engineering:** Industrial Engineers optimise production processes using CAD/CAM, CNC, the incoming Digital technologies, IoT, AI, Additive Manufacturing, etc, for example, in tooling, packaging and component assembly. They often collaborate with artisans and technicians to drive innovation on the factory floor.

m) **Product Design and Development:** Product design integrates customer feedback, market needs, and production capabilities. In South Africa, this often means developing robust, affordable solutions for underserved communities, including water purification systems and Agri-tech equipment.

n) **Systems Design and Engineering:** Industrial Engineers apply systems thinking to coordinate complex projects, from public health supply chains to integrated transport systems. This includes balancing technological, social and economic constraints for long-term sustainability.

12. IDENTIFIED ENGINEERING WORK IN MECHANICAL ENGINEERING DISCIPLINE

1. The core services in the Mechanical Engineering discipline consist of the analysis, planning, design and development, manufacture, construction, management, academic work, operation and maintenance of materials, structures, components, machines plant and systems for:

   (a) lifting, hoisting and materials handling. turbines, pumps and fluid power, heating, cooling, ventilating, air conditioning; and vertical transportation (lifts and pneumatic tube systems)

   (b) fuels, combustion, engines, steam plant, turbines

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(c) automobiles, trucks and special vehicles

(d) fire protection and rational design

(e) nuclear energy generation

(f) steel structures, through the application of engineering sciences: mechanics, solid mechanics, thermodynamics, fluid mechanics.

2. The core services in the Mechanical Engineering discipline are performed in the following practice areas:

(a) Advising on and designing machinery and tools for manufacturing, mining, construction, agricultural and other industrial purposes.

(b) Advising on and designing steam, internal combustion, and other non-electric motors and engines used for propulsion of railway locomotives, road vehicles, or aircraft or for driving industrial or other machinery.

(c) Advising on and designing hulls, superstructures, and propulsion systems of ships; mechanical plants and equipment for the release, control, and use of energy, heating, ventilation, and refrigeration systems, steering gear, pumps, pipe work, valves and other associated mechanical equipment.

(d) Advising on and designing airframes, undercarriages and other equipment for aircraft in addition to suspension systems, brakes, vehicle bodies and other components of road vehicles.

(e) Advising on and designing non-electrical parts of apparatus or products such as computers, precision instruments and consumer appliances.

(f) Establishing control standards and procedures to ensure efficient functioning and safety of machines, machinery, tools, motors, engines and industrial plant equipment or systems.

(g) Ensuring equipment operation and maintenance comply with design specifications and safety standards.

(h) Fire risk management by designing and maintaining mechanical systems.

(i) Design of piping systems, pressurised piping systems.

(j) Design of vessels for storage of liquids or gases, including pressure vessels.

(k) Dredging or floatation devices for mining applications.

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13. IDENTIFIED ENGINEERING WORK IN MECHATRONIC ENGINEERING DISCIPLINE

1. The core services in the Mechatronic Engineering discipline consist of defining, investigating and analysing engineering problems, designing solutions and applying relevant knowledge of materials, components, plant and systems for the following:

   (a) Mechatronic Devices
   (b) Factory Automation
   (c) Process Automation.

2. **Primary Practice Areas:** The core services in the Mechatronic Engineering discipline are performed in the following primary practise areas:

   (a) Mechatronic Devices Control Systems
   (b) Factory Automation
   (c) Process Automation

3. **Other Practice Areas** include the following:

Factory Automation

Factory Automation Engineering work is a broad specialisation of Mechatronics Engineering encompassing the design, construction and management of instrumentation, measurements, automation, optimisation, control and optimisation of industrial factories which includes all discrete industrial processes such as automotive manufacturing etc.

It includes the following practice areas:

(a) New or improved theories and methods related to the instrumentation, measurement, control and automation within factory automation.
(b) Production or installation methods, materials and quality standards production or installation work of automation products and systems.
(c) Operation and maintenance of automation equipment and systems.
(d) Control standards and procedures to ensure efficient functioning and safety of automation systems and equipment.

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(e) Automation systems of factories.

(f) Automation systems and processes of manufacturing plants.

(g) Automation systems for fire and safety in process plants.

(h) Intelligent fire detection systems, robotics for firefighting or hazardous environment response, and automated fire suppression controls by embedding Fire Engineering principles into mechatronic systems.

Process Automation

Process Automation Engineering work is a broad specialisation of Mechatronics Engineering encompassing the design, construction and management of instrumentation, measurements, automation, optimisation, control and optimisation of industrial process plants, which includes chemical, petrochemical and nuclear power generation facilities etc.

It includes the following practice areas:

(a) New or improved theories and methods related to Process Automation Engineering.

(b) Process automation devices or components, systems, equipment and distribution centres.

(c) Production or installation methods, materials, quality and safety standards and production or installation work of process automation products and systems.

(d) Process automation systems. networks and equipment.

(e) Manufacturing methods for process automation systems, control standards and procedures to ensure efficient functioning and safety of automation systems and equipment, also in classified areas.

(f) Process automation configurations for the optimisation of process plants, control strategies, instrumentation and configurations.

(g) Manufacturing methods for process automation systems and equipment.

(h) Process control strategies, configurations, instrumentation, automation strategies, and remote control and monitoring systems.

(i) Signal processing algorithms, apparatus and procedures to test process automation components, circuits and systems.

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(j) The automation, control and instrumentation of process plants.

(k) Automation systems for fire and safety in process plants.

(l) Communications networks for all instruments, control and automation devices in a process plant.

(m) Intelligent fire detection systems, robotics for firefighting or hazardous environment response, and automated fire suppression controls by embedding fire engineering principles into mechatronic systems.

Mechatronic Devices

Mechatronic devices are systems that synergistically combine Mechanical Engineering, Electronics, Computer Science and Control Engineering to create functional and adaptable products. These devices typically involve the integration of sensors, actuators, microcontrollers and software to perform complex tasks with precision and efficiency. The goal of Mechatronics is to improve the functionality and performance of mechanical systems by embedding them with electronic and computational intelligence. Examples of mechatronic devices include robotic arms, automated guided vehicles and modern automotive systems like anti-lock braking systems (ABS) and electronic stability control (ESC).

It includes the following practice areas:

(a) New or improved theories and methods related to improve the functionality and performance of mechanical systems.

(b) Production or installation methods of automated mechatronic devices and systems.

(c) Mechatronic equipment and systems.

(d) Control standards and procedures to ensure efficient functioning and safety of mechatronic systems and equipment.

(e) Intelligent fire detection systems, robotics for firefighting or hazardous environment response, and automated fire suppression controls by embedding fire engineering principles into mechatronic systems.

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14. IDENTIFIED ENGINEERING WORK IN METALLURGICAL ENGINEERING DISCIPLINE

1. The core services in the Metallurgical Engineering discipline consist of either:

   (a) Physical Metallurgical Engineering, which is the analysis, design and development, academic work production, characterisation, failure analysis and application of materials, including metals, for engineering applications based on an understanding of the properties of matter and engineering requirements; or

   (b) Extractive Metallurgical Engineering, which is the research, planning, design and development, academic work, developing and operating commercial-scale processes for the extraction of metals or intermediate compounds from ores by chemical or physical processes, including those at high temperatures, the operation and optimisation of process plants, through the application of Metallurgical Engineering sciences.

2. The core services of a Physical Metallurgical Engineer in the Metallurgical Engineering discipline are performed in the following practice areas:

   (a) Developing, controlling and advising on processes used for casting, alloying, heat treating or welding of metals, alloys and other materials to produce commercial metal products or developing new alloys, materials and processes, evaluating and specifying materials for engineering applications, and doing quality control and failure analyses.

   (b) Investigating properties of metals and alloys, developing new alloys and advising on and supervising technical aspects of metal and alloy manufacture, processing, use and manufacturing.

   (c) Doing residual life evaluations and predictions, failure analyses and prescribing remedial actions to avoid material failures.

3. The core services of an Extractive Metallurgical Engineer in the Metallurgical Engineering discipline are performed in the following practice areas:

   (a) Conducting research and developing methods of extracting metals from their ores and advising on their application.

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(b) Designing, developing and implementing complex process projects.

(c) Operating and optimising process plants or commercial-scale processes.

15. IDENTIFIED ENGINEERING WORK IN MINING ENGINEERING DISCIPLINE

1. The core services in the Mining Engineering discipline consist of the analysis, planning, design and development, manufacture, construction, management, academic work, operation, maintenance and rehabilitation of works for the extraction of minerals from natural deposits on the earth's surface underground or under water through the application of Mining Engineering science.

2. A person who performs the identified work holds a statutory certificate of competency issued in terms of the Mine Health and Safety Act, 29 of 1996, as amended.

3. The core services in the Mining Engineering discipline are performed in the following practice areas:

   (a) Conducting fundamental or operational research and advising on occupational health and safety and environmentally responsible mineral excavation methodology, excavation technology selection, excavation equipment specification, processes and systems.

   (b) Designing and specifying mineral excavation processes, application of mining resources and mining technical support services required, occupational health, safety and environmental considerations and quality assurance.

   (c) Establishing production and operational control standards and procedures to ensure compliance with legislation and site-specific requirements.

   (d) Managing occupational health, safety and environmentally related hazards and associated risks.

   (e) Performing tests throughout the life-cycle stages and mineral excavation processes to determine the degree of control over variables identified during the strategic and tactical mine design and planning processes.

   (f) Developing appropriate site-specific risk management policies, procedures and standards.

   (g) Preparing concept engineering and order of magnitude estimates, pre-feasibility studies with preliminary estimates, feasibility studies with control estimates, life-

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of-mine exploitation strategies and plans, business plans and bankable documents based on site-specific assumptions, premises, constraints and best practice standards, appropriate available benchmarking converting mineral resources into mineable reserves.

(h) Performing mineral asset valuations.
(i) Managing mineral assets.
(j) Education and training of Candidate Mining Engineering Practitioners.
(k) Geotechnical Engineering.
(l) Tailings and waste management.
(m) Rehabilitation and mine closure.
(n) Infrastructure design.
(o) Project and construction management.
(p) Financial valuation.
(q) Occupational health and ventilation.
(r) Mine economics and planning.
(s) Mine planning and production.

16. IDENTIFIED ENGINEERING WORK FOR PROFESSIONAL CERTIFICATED ENGINEERS

1. For the purposes of section 26(3)(a) of the Engineering Profession Act, work identified for persons registered in terms of section 18(1)(a)(iii) of the Engineering Profession Act includes the core services for the practice areas referred to in sub-section (4), provided that the person so registered holds a statutory certificate of competency issued in terms of the Mine Health and Safety Act 1996, the Occupational Health and Safety Act, 993, or the Merchant Shipping Act,1951 (Act No 57 of 1951.

2. The list of activities is outlined in document **R-02-STA-PCE**.

3. Engineering work performed by a Professional Certificated Engineer includes:

(a) the application of current engineering technology
(b) the management and operation of technology-based engineering solutions and processes

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(c) the introduction of known engineering services and management methods

(d) the management of the implementation of broadly defined engineering projects and the routine maintenance of engineering infrastructure

(e) the management of moderate to high level of risks associated with engineering processes, systems, equipment and infrastructure; and the specific operational and safety requirements to ensure inherently safe working conditions within the specific context relating to persons working in factories, mines and on ships as certificated persons appointed in terms of the Occupational Health and Safety Act, 1993, the Mine Health and Safety Act, 1996, and the Merchant Shipping Act, 19517.

4. A person may perform work identified in this section if he or she is in possession of any one or more of the following government certificates of competency:

(a) Electrical Engineer's Certificate of Competency issued in terms of the Mine Health and Safety Act, 1996

(b) Mechanical Engineer's Certificate of Competency issued in terms of the Mine Health and Safety Act, 1996

(c) Electrical Engineer's Certificate of Competency issued in terms of the Occupational Health and Safety Act, 85 of 1993

(d) Mechanical Engineer's Certificate of Competency issued in terms of the Occupational Health and Safety Act, 85 of 1993

(e) Manager's Certificate of Competency (Metalliferous) issued in terms of the Mine Health and Safety Act, 29 of 1996

(f) Manager's Certificate of Competency (Coal) issued in terms of Mine Health and Safety Act, 29 of 1996

(g) Chief Engineer Officer – Foreign Going Certificate of Competency issued in terms of the Merchant Shipping Act, 57 of 1951.

17. SCOPE OF SERVICES FOR ALL CATEGORIES

1. The standard services performed by a person registered in any category referred to in section 18(1)(a) of the Engineering Profession Act, 2000 (Act No.46 of 2000, who performs Identified Engineering Work in the applicable stages of an engineering project or construction works project are given in **Table A1** in **ANNEXURE A**.

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2. A person who is registered as a Professional Certificated Engineer is deemed to be registered as a Professional Engineering Technologist or Professional Engineering Technician and may perform the Identified Engineering Work that a Professional Engineering Technologist or Professional Engineering Technician may perform as indicated in sections **5** to **16** in the relevant engineering discipline provided that he or she is competent in terms of education, training and experience to perform that work.

18. WORK BY PERSON WHO IS RESPONSIBLE FOR THE PLANNING, DESIGN AND DELIVERY OF EDUCATION AND TRAINING PROGRAMMES

1. Any person responsible for the planning, design, delivery, assessment and moderation of modules at the exit level of engineering programmes, at a higher education institution – whether established, deemed to be established or declared as a public or private higher education institution under the Higher Education Act, 1997 (Act No. 101 of 1997, or at a public college as defined in the Continuing Education and Training Act, 2006 (Act No. 16 of 2006, is deemed to be performing identified work as contemplated in section **1** of this Notice.

2. For the purpose of this section, “exit level” refers to the “exit level” as defined in the Regulations issued under the National Qualifications Framework Act, 2008 (Act No. 67 of 2008.

19. EMPLOYEE OF ORGAN OF STATE IDENTIFIED WORK

Any person who is employed by an organ of state and whose conditions of service require of that person to manage the delivery and maintenance of engineering work is deemed to be a person who performs identified work contemplated in section **1** of this Notice.

20. PERFORMANCE OF IDENTIFIED WORK BY PERSON REGISTERED IN DIFFERENT CATEGORY

1. For the purposes of section 18(2) of the Engineering Profession Act, 2000 (Act No. 46 of 2000, a person who is registered as a Professional Engineer is deemed to be registered as a Professional Engineering Technologist or Professional Engineering Technician and may perform the identified engineering work that a Professional Engineering Technologist

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or Professional Engineering Technician may perform as indicated in in the relevant engineering discipline provided that he or she is competent in terms of his or her education, training and experience to perform that work.

2. A person who is registered as a Professional Engineering Technologist is deemed to be registered as a Professional Engineering Technician and may perform any of the identified engineering work that a Professional Engineering Technician may perform as indicated in sections **5** to **16** in the relevant engineering discipline provided that he or she is competent in terms of his or her education, training and experience and authorisation to perform that work.

3. A person registered in a particular category referred to in section 18(1)(i), (ii) and (iv) of the Engineering Profession Act, 2000 (Act No.46 of 2000, may, notwithstanding the provisions of clauses 5 to 16, perform any work identified in sections **5** to **16** for a different category of the registered person, if ECSA grants such registered person a transitional authorisation, special consent or category adjustment, as the case may be.

4. A person who is registered as a Professional Certificated Engineer may perform engineering work identified at the broadly defined level in the disciplines referred to in items 5, 7, 10, 12, 14 and 15 commensurate with the qualification or combination of qualifications that led to the issuing of his or her certificate of competency referred to in section **16** as updated.

5. Notwithstanding the provisions of this section, a person who is registered as a candidate referred to in section 18(1)(b) of the Engineering Profession Act, 46 of 2000, may not apply for special consent and may only perform Identified Engineering Work under the direction, control and direct supervision of a person registered in the appropriate category in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000,) if the professional or person concerned is authorised under clauses 5 to 16 in the relevant engineering discipline to perform such Identified Engineering Work.

21. TRANSITIONAL AUTHORISATION

1. A person who is registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000, and who, after commencement of that Act but before commencement of this

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notice, performed Identified Engineering Work referred to in sections **5** to **16** clauses 5 to 16 for a person registered in a category of registration in which he or she is not registered may apply to ECSA for a transitional authorisation.

2. An application for a transitional authorisation must be in writing, submitted to ECSA in the form determined by ECSA within 6 months of the date of commencement of this notice and be accompanied by –

   (a) proof of practice during the period contemplated in subclause (1) within the category that he or she is not registered for
   (b) all available documents pertaining to that practice
   (c) the name and contact details of at least two registered persons who are in a position to serve as personal referees
   (d) the fee determined by ECSA in accordance with clause 12 of the Engineering Profession Act
   (e) any other information required by ECSA.

3. When considering an application for a transitional authorisation, ECSA must take into account the education, training and experience of the applicant requesting such transitional authorisation to undertake the applicable Identified Engineering Work commensurate with the competency requirements contemplated in section **3**.

4. ECSA may, after evaluation of the application for transitional authorisation, refuse or approve the transitional authorisation and if it approves the transitional authorisation, it may subject the approval to any condition it considers appropriate.

5. If ECSA refuses to grant a transitional authorisation, it must, in writing, provide the applicant with the reasons for its decision.

6. If ECSA approves the transitional authorisation, it must issue a transitional authorisation certificate in the manner determined by it and the certificate must contain the conditions of issue, if any.

7. A transitional authorisation certificate authorises the holder thereof to perform the work identified in terms of this Notice for another category of registered person for a period

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determined on the certificate provided that the holder remains a registered person, complies with the CPD requirements and the conditions of approval, if any.

22. SPECIAL CONSENT

1. An ECSA professionally registered person who, after commencement of this notice, intends to perform work for a specific project, commission or appointment or a particular scope of work for which specific competencies are required and which is identified in this Notice for a person registered in a category of registration and linked to a particular discipline in which he or she is not registered, may apply to ECSA for special consent.

2. A person who is professionally registered in any of the Built Environment Councils, after commencement of this notice, and intends to perform work for a specific project, commission or appointment or a particular scope of work for which specific competencies are required and which is identified in this Notice for a person registered in a category of registration and linked to a particular discipline in which he or she is not registered, may apply to ECSA for special consent.

3. An application for special consent must be in writing submitted to ECSA in the form determined by ECSA and be accompanied by –

   (a) a brief motivation for the application
   (b) if applicable, an affidavit from the prospective client of the applicant, other consultants on the proposed team and the proposed contractor
   (c) if applicable, an affidavit from the employer of the applicant who is entitled to perform the identified work by reason of the employer's registration in the applicable category
   (d) all available documents pertaining to the proposed project
   (e) the name and contact details of at least two persons who are in a position to serve as personal referees
   (f) the fee determined by ECSA in accordance with clause 12 of the Engineering Profession Act
   (g) any other information required by ECSA.

4. When considering a request for special consent, ECSA must take into account the education, training and experience of the applicant requesting such special consent to

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undertake the applicable identified engineering work at the level of complexity of a project contemplated in clause 2 commensurate with the competency requirements contemplated in clause **3**.

5. ECSA may, after evaluating the application for special consent referred to in this clause, refuse or approve the special consent, and if it approves the special consent, it may condition the approval to any condition it considers appropriate.

6. If ECSA refuses to grant a special consent, it must, in writing, provide the applicant with the reasons for its decision within 7 days of that decision.

7. If ECSA grants the special consent:

   (a) for a specific project, commission or appointment, it must issue a special consent certificate for that specific project, commission or appointment; or
   (b) for a particular scope of work which requires specific competencies, it must issue a special consent certificate for that particular scope of work, in the manner determined by it and the certificate must contain the conditions of issue, if any.

8. A special consent certificate granted for –

   (a) a specific project, commission or appointment, authorises the holder thereof to perform the relevant work for the period stated on the certificate; or
   (b) a particular scope of work which requires specific competencies, authorises the holder thereof to perform the particular scope of work for a period determined on the certificate, provided that the person remains a registered person, complies with CPD requirements and the conditions of approval, if any

23. CATEGORY ADJUSTMENT

1. A registered person who, after commencement of this notice, generally wants to perform work identified in clause sections **3** and **4** read with clause **5** to **16** , for a person registered in a category of registration in which he or she is not registered, may apply to ECSA for a category adjustment.

2. An application for a category adjustment must comply with the rules of ECSA pertaining to registration.

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24. CROSS-DISCIPLINARY PRACTICE

A person who is registered as a professional and who performs Identified Engineering Work in a particular discipline identified in clause **5** to **16** for which he or she has the competence, education, training and experience, may perform Identified Engineering Work in a different discipline if he or she has the competence, education, training and experience to perform such work in that different discipline.

25. DUAL REGISTRATION

1. A person who is registered as a professional under the Professions' Acts, other than the Engineering Profession Act, may apply for registration with ECSA provided that such person can show proficiency to perform the Identified Engineering Work applicable to the respective category of registration.

2. The work must include aspects that are common to more than one Council where recognised requisite skills and competence permit the professional within one Council to undertake work identified within the scope of works of another Council.

26. APPEAL

Any person who feels aggrieved by an action of ECSA as a result of the work identified in this Notice or due to the refusal by ECSA to grant a transitional authorisation, special consent or category adjustment contemplated in clause **20, 21** and **22** may lodge an appeal against such an action with ECSA and section 35 of the Engineering Profession Act applies with the necessary changes.

27. IMPROPER CONDUCT

Any registered person who is not permitted to undertake work identified in clause 5 to 16 or who has not obtained a transitional authorisation, special consent or category adjustment to do so in terms of clause **18**, **19** or **20**, is in breach of the ECSA code of conduct and the provisions of the Engineering Profession Act relating to improper conduct apply.

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28. TRANSITIONAL PROVISIONS

1. Any person who is not registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000) and who is required to be registered as a professional or in a specified category in terms of this Notice must, within 36 months of the date on which this Notice comes into operation, apply for registration according to the programme contemplated in sub-clause in the appropriate category referred to in section 18(1)(a) or (c) of the Engineering Profession Act, 2000 (Act No. 46 of 2000).

2. Any person whose registration in a category referred to in section 18(1)(a) or was cancelled in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000), within one year prior to the date on which this Notice commences must be reinstated as prescribed in the Rules on Cancellation of Registration and Renewal.

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ANNEXURE A

Work identified by the Council for the Built Environment in the context of an engineering project including the scope of services in the following stages

1. The engineering work performed by a person registered in terms of section 18(1)(a) of the Engineering Profession Act, 2000 (Act No. 46 of 2000). in the context of an engineering project or a construction works project, includes the standard services set out in **Table A1** to the extent that the registered person's education, training, experience and contextual knowledge render him or her competent to perform.

2. A person registered in terms of section 18(1)(a) of the Engineering Profession Act, 2000 (Act No. 46 of 2000). may, in the performance of engineering work in the context of an engineering project or the Mechanical and Electrical Engineering work components of a construction works project, perform the work of a principal consultant or principal agent, if appointed as such by the client or employer, to the extent that the registered person's education, training, experience and contextual knowledge render him or her competent to perform.

3. Stages 7, 8 and 9 in **Table A1** are only applicable to engineering projects.

Table A1: Scope of services for a person registered in terms of section 18(1)(a) of the Engineering Profession Act in the context of an engineering project or a construction works project

STAGE 1 – PROJECT INITIATION AND BRIEFING	
Standard Services	
1.1	Assist the client to procure the necessary and appropriate consultants, including the clear definition of their roles, responsibilities and liabilities.
1.2.	Establish in conjunction with the client, consultants and all relevant authorities the site characteristics necessary for the proper design and approval of the intended project.
1.3.	Manage the integration of the preliminary design to form the basis for the initial viability assessment of the project.
STAGE 2 – CONCEPT AND FEASIBILITY	
Standard Services	
2.1	Assist the client to procure the necessary and appropriate consultants including the clear definition of their roles, responsibilities and liabilities.

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2.2	Advise the client on the requirement to appoint a Health and Safety Consultant.
	a) Manage and integrate the concept documentation for presentation to the client for approval.
STAGE 3 – DESIGN DEVELOPMENT	
Standard Services	
3.1	Assist the client to procure the balance of the consultants, including the clear definition of their roles, responsibilities and liabilities.
3.2	Manage, co-ordinate and integrate the design by the consultants.
3.3	Conduct and record the co-ordination meetings.
3.4	Manage and monitor the timeous submission by the design team of all plans and documentation to obtain the necessary statutory approvals.
3.5	Establish responsibilities and monitor the information flow among the design team.
3.6	Facilitate and monitor the timeous technical co-ordination of the design by the design team.
STAGE 4 – TENDER DOCUMENTATION AND PROCUREMENT	
Standard Services	
4.1	Manage the tender process in accordance with agreed procedures.
STAGE 5 – CONSTRUCTION DOCUMENTATION AND MANAGEMENT	
Standard Services	
5.1	Appoint contractors on behalf of the client, including the finalisation of all agreements.
5.2	Instruct the contractor on behalf of the client to appoint subcontractors.
5.3	Receive, co-ordinate, review and obtain approval of all contract documentation provided by the contractor, subcontractors and suppliers for compliance with all the contract requirements.
5.4	Facilitate the handover of the site to the contractor.
5.5	Regularly conduct and record the necessary site meetings.
5.6	Monitor the compliance by the contractors of the requirements of the Health and Safety Consultant.
5.7	Monitor the preparation by the Environmental Consultants of the Environmental Management Plan.
5.8	Establish the construction information distribution procedures.
5.9	Agree and monitor the Construction Documentation Schedule for timeous delivery of required information to the contractors.
5.10	Manage the review and approval of all necessary shop details and product propriety information.

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5.11	Agree to the quality assurance procedures and monitor the implementation thereof by the consultants and contractors.
5.12	Monitor, review, approve and certify monthly progress payments.
5.13	Receive, review and adjudicate any contractual claims.
5.14	Issue the Practical Completion Lists and the Certificate of Practical Completion.
5.15	Issue of the Works Completion List by the consultants to the contractors.
5.16	Check the defects items to achieve Works Completion.
STAGE 6 – PROJECT CLOSE OUT	
Standard Services	
6.1	Issue the Works Completion Certificate.
6.2	Preparation of all as-built drawings and design documentation.
6.3	The procurement of all statutory compliance certificates and documentation.
6.4	Issue the Final Completion Defects list and Certificate of Final Completion.
STAGE 7 – OPERATE IN ACCORDANCE WITH PURPOSE STATEMENT FOR LIFE OF PROJECT	
STAGE 8 – MAINTAIN THE AS-BUILT-STATE FOR LIFE OF PROJECT	
STAGE 9 – SHUTDOWN PERMANENTLY, DECOMMISSION, DEMOLISH AND RE-INSTATE	

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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