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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7437 **6 May 2026**

NOTICE IN TERMS OF THE COMPETITION ACT NO. 89 OF 1998 (AS AMENDED)

AMENDMENT OF CONDUCT OF PROCEEDINGS IN THE COMPETITION COMMISSION RULE 39, 2026

1. I, Mr. Mpho Parks Tau, Minister of Trade, Industry and Competition, after consultation with the Competition Commission, hereby publish in terms of section 21(4) of the Competition Act, 1998 (Act No. 89 of 1998), the draft amended of Rule 39 of the Competition Commission Rules and the amended CC 19 Form for public comment.

2. The purpose of the draft amended Rule 39 is to repeal the current rule 39 in its entirety and substitute it with the amended Rule 39 as set out in the schedule hereto. The amendment of the CC19 Form is consequential to the amendment of Rule 39 of the Competition Commission Rules.

3. Any comments from the public on the draft regulations should be submitted by email to IGalodikwe@thedtic.gov.za by no later than thirty business days (30) days from the date of publication of this Notice.



MR MPHO PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION
DATE: 13/04/2026

SCHEDULE

Rule 39 of the Competition Commission Rules is hereby repealed in its entirety and substituted with the following rule:

"**39. Breach of merger approval conditions or obligations**

(1) The Commission may, at any time, investigate whether a firm has breached a merger condition.

(2) Following the investigation referred to in sub-rule (1), if the Commission finds that a firm has breached a merger condition, the Commission may issue a Notice Requesting Compliance, in the form CC19, to the firm, requiring that firm to:

(a) comply with the merger condition within such period as may be stipulated by the Commission, or

(b) submit a plan, within such period as may be stipulated by the Commission, outlining the steps to be taken to comply with the merger condition.

(3) Within the period stipulated by the Commission in the Notice Requesting Compliance, a firm referred to in sub-rule (2) must –

(a) comply with the merger condition in line with the Commission's Notice Requesting Compliance; or

(b) submit a plan outlining the steps to be taken to comply with the merger condition.

(4) If a firm has failed to comply with the Notice Requesting Compliance or failed to submit a remedial plan referred to in sub-rule (3)(b), the Commission may apply to the Tribunal for an order compelling the firm to comply with the merger condition.

(5) The firm shall be entitled to oppose the Commission's application to compel compliance with the merger condition.

(6) The firm shall bear the onus of proving it has complied with the merger condition in the application referred to in sub-rule (4).

(7) If a firm submits a plan to the Commission in terms of sub-rule (4)(b), the Commission may either -

(a) accept the proposed plan; or

(b) reject the proposed plan and invite the firm to consult with the Commission concerning the breach, with the aim of establishing a plan satisfactory to the Commission by which all of the firm's obligations with respect to the approval or conditional approval may be satisfied.

(8) If the Commission accepts a proposed plan, in terms of either sub-rule (7)(a) or (b), the Commission must monitor the firm's compliance with the plan.

(9) Following the consultation referred to in sub-rule 7(b), if the Commission is not satisfied with the plan submitted by the firm, the Commission may bring an application to compel compliance with the merger condition contemplated in sub-rule (4).

(10) The Commission may act in terms of section 15(1) of the Act to revoke the approval or conditional approval of a merger, or in terms of section 17, 59 or 60, only if the firm fails to comply with an order from the Tribunal compelling them to comply with the merger condition following an application in terms of sub-rule (4).*"*

END

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