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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 8005 **13 October 2026**

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

AMENDED RULE 39 OF THE COMPETITION COMMISSION RULES

1. I, Mr. Parks Tau, Minister of Trade, Industry and Competition, after consultation with the Competition Commissioner, in terms of section 21(4) of the Competition Act, 1998 (Act No. 89 of 1998), hereby repeal Rule 39 of the Competition Commission's Rules and CC 19 Notice of Apparent Breach in its entirety, and substitute it with a new Rule 39, and a new CC 19 Notice of Compliance as set out in the Schedule attached hereto.

2. The new Rule 39 and new CC 19 Notice of Compliance will come into effect on the date of publication hereof in the *Gazette*.

MR PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION
DATE: 28/09/2026

SCHEDULE

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, within a reasonable period, not less than 10 business days, requiring that firm to:

(a) comply with the merger condition, or

(b) submit a plan, 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 remedial 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) or failed to comply with a remedial plan accepted by the Commission in terms of sub-rule (7)(a) or (b), the Commission may apply to the Tribunal for an order, that a breach has occurred and 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.

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(6) If a firm alleges that it has complied with a merger condition, it must place the requisite evidence before the Tribunal to demonstrate compliance with the merger condition.

(7) If a firm submits a plan to the Commission in terms of sub-rule (3)(b), the Commission may either -

(a) accept the proposed remedial plan; or

(b) reject the proposed remedial 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 remedial plan, in terms of either sub-rule (7)(a) or (b), the Commission must monitor the firm's compliance with the remedial plan and in the event of non-compliance with the remedial plan, may bring an application to compel compliance with the merger condition in terms of sub-rule (4).

(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 apply to the Tribunal in terms of section 16(3), or section 59 or section 60, only if the firm fails to comply with an order of the Tribunal compelling them to comply with the merger condition following an application in terms of sub-rule (4).

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Notice Requesting Compliance

Notice CC 19

About this Notice

This Notice is issued by the Commission in terms of Competition Commission Rule 39(2), as amended.

Rule 39 empowers the Commission, following an investigation, to issue a Notice Requesting Compliance where it finds that a firm has breached a merger condition imposed as part of an approval or conditional approval of a merger.

Date:

Merger parties:

Case number:

Date of approval /conditional approval:

Merger condition(s) relevant to this Notice: [Set out the specific condition(s)]

In terms of Competition Commission Rule 39(2) and following the Commission's investigation in Rule39(1), the Commission hereby **requires the firm to comply** with the merger condition(s).

The firm is required, within **[_____]** days of receipt of this Notice, to do **one** of the following:

1. Comply with the merger condition(s) within the period stipulated by the Commission; **or**

2. Submit a remedial plan, within the period stipulated by the Commission, outlining the steps to be taken to comply with the merger condition(s).

If the firm fails to comply with this Notice or fails to submit a remedial plan within the stipulated period, the Commission may apply to the Competition Tribunal for an order compelling compliance with the merger condition(s) in terms of Rule 39(4).

The firm will be entitled to oppose such an application.

Name and Title of person authorised to sign on behalf of the Competition Commission:

Authorised Signature:

This form is prescribed by the Minister of Trade and Industry in terms of Section 21 (4) of the Competition Act 1998 (Act No. 89 of 1998).

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