13 -20 February 2026

Dear Subscribers,

Applying the "Stanley Moment" to Transform Compliance from Burden to Competitive Advantage

Last week I came across an excellent piece written by Chantel Naidoo highlighting how Stanley repositioned their marketing approach, taking a failing product from zero to hero and in doing so driving $750 million in revenue, which approach and end result is now commonly referred to as the *"Stanley Moment".*

This article got me thinking about compliance and how we attempt to sell it to our organizations and its employees, who are the ones let's face it, who are required to comply, but who balk at any suggestion to do anything the legal way, largely due to the way our compliance requests are delivered: wrapped in legalese and demanding a lot of hard work.

This Stanley Moment got me rethinking about how we as compliance officers should be positioning compliance and how we can better sell it to our clients. Just as Stanley transformed its Quencher from a failed product to a $750M icon by changing its audience, your compliance program can transform from a "cost center" to a "growth engine" by changing its positioning.

When your company survives a regulatory audit without findings, prevents a governance scandal, or attracts investment due to transparent reporting, that's your **"car fire moment"**—an opportunity to demonstrate compliance as **brand equity**, not just avoided penalties.

So shift your focus and remodel your approach, showcasing that compliance is a strategic imperative and, if done properly, an asset, not a monotonous set of tasks issued by the compliance department.

So here it is- Chantel's excellent article on the Stanley Moment.

"The $750M Resurrection: Your Product Isn't Failing, Your Strategy Is"

In 2019, the Stanley Quencher was a "failed" product slated for discontinuation.

By 2023, it was a cultural icon driving $750 million in revenue.

The product didn't change. The audience did.

The Pivot: For 111 years, Stanley marketed "utility" to outdoorsmen.

The breakthrough happened when they stopped selling survival gear and started selling lifestyle currency to the modern professional.

- **The Strategy:** They traded "ruggedness" for "wellness."
- **The Moment:** When a Stanley survived a car fire, the brand gifted the owner a new car—transforming a viral video into permanent brand equity.
- **The Result:** The bottle moved from the toolbox to the boardroom.

The 2026 Lesson: As the market cools and competitors like Owala gain ground, the leadership takeaway is clear: Growth isn't always about better features; it’s about better positioning. Stanley spent a century talking to the same crowd. They found a fortune by walking into a different room.

The Challenge: Innovation isn't always a new patent; it’s a new perspective.

Are you chasing diminishing returns with a legacy audience, or are you brave enough to ask: "Who else is this the perfect solution for?"

#BrandStrategy #Leadership #BusinessGrowth #StanleyCup

About the Author:

Chantel Naidoo is a Strategic Business Leader and professional content curator specializing in leadership and business transformation. Holding a BCom in Human Resource Management (Cum Laude) and a BCom in Accounting, she combines 15+ years of experience in spearheading organizational change with a deep expertise in data-driven strategy and operational excellence.

Chantel recently launched a venture dedicated to curating and ghost-writing high-impact LinkedIn content for professionals and organizations looking to build authority through strategic storytelling. Drawing on her extensive background in driving measurable business impact and human capital management, she now helps executives amplify their digital presence by translating complex leadership principles into compelling narratives.

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— Alison and The Legal Team

13 -20 February 2026

CONTENTS

AGRICULTURAL

LAW AND TYPE OF NOTICE

DISASTER MANAGEMENT ACT:

Classification of a National Disaster: Foot and Mouth Disease Outbreak

G 54133 GoN 7133

13 February 2026

APPLIES TO:

Category	Examples of Affected Organizations
National Govt	NDMC, DALRRD, COGTA, DTIC
Provincial Govt	Provincial vets & disaster mgmt in all 8 named provinces
Local Govt	District & local municipalities in livestock regions
Livestock industries	Cattle, dairy, feedlots, auctions, abattoirs
Supply chain	Transporters, exporters, feed manufacturers, equipment dealers
Private sector broadly	Retailers, banks, insurers
Civil society	NGOs, farmer associations, welfare groups
Research institutions	Universities, labs, ARC-Onderstepoort

FULL TEXT

DETAILS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. 7133 13 February 2026

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002) CLASSIFICATION OF A NATIONAL DISASTER IN TERMS OF SECTION 23 OF THE DISASTER MANAGEMENT ACT (ACT NO. 57 OF 2002): FOOT AND MOUTH DISEASE OUTBREAK.

I, Dr Elias Sithole, in my capacity as the Head of the National Disaster Management Centre, after having considered reports submitted on the foot and mouth disease outbreak in the Eastern Cape, Free State, Gauteng, Kwa-Zulu-Natal, Limpopo, Mpumalanga, North West and the Western Cape provinces, and the impact and magnitude the outbreak have, or may have, I hereby give notice that, in terms of section 23(1)(b) of the Disaster Management Act, 2002 (Act No. 57 of 2002) I regard the foot and mouth disease outbreak as a disaster and, in terms of section 23(6) of the Act, I classify the disaster as a national disaster.

Emanating from the classification, in terms of section 26, read with section 23 of the Act, the primary responsibility to coordinate and manage this national disaster, in terms of existing legislation and contingency arrangements, is designated to the National Executive

CLICK HERE TO VIEW THE FULL DOCUMENT:

DISASTER MANAGEMENT ACT: CLASSIFICATION OF A NATIONAL DISASTER: FOOT AND MOUTH DISEASE OUTBREAK
G 54133 GON 7133 13 FEBRUARY 2026

LINK TO FULL NOTICE

Disaster Management Act: Classification of a National Disaster: Foot and Mouth Disease Outbreak
G 54133 GoN 7133
13 February 2026

54133gon7133.pdf

ACTION

- Review and strengthen your FMD-related operational measures.
- Avoid any practices that could facilitate disease transmission.
- Prepare to report, support, and coordinate with government structures.
- Expect multisectoral collaborations and compliance obligations.

END

LAW AND TYPE OF NOTICE **FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT:** Regulations: Tariffs for registration of Fertilizers, Farm Feeds, Agricultural Remedies, Stock Remedies, Sterilizing Plants and Pest Control Operators, Appeals and Imports: Amendment G 54123 GoN 7119 13 February 2026
APPLIES TO: 1. Fertilizer Industry 2. Feed & Pet Food Industry 3. Agricultural Remedies & Stock Remedies Sector 4. Pest Control Industry 5. Sterilizing and Rendering Plants 6. Importers Requiring Permits 7. Traders and Distributors 8. Companies Seeking Administrative Amendments
SUMMARY The notice amends the **fees and tariffs** under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act 36 of 1947). The changes affect **registrations, renewals, late renewals, amendments, import permits, certificate fees**, and other service-related charges. Below is a structured summary of what has changed. **1. General Trend** Across all product categories, the tariffs for **2026 increase moderately** from the 2025 levels. Increases are generally in the range of **2–5%**, depending on the service.

2. Farm Feeds & Pet Foods

Registrations (All Categories)

- **Raw materials, additives, livestock feeds, and pet foods** all show increases (e.g., R2 023 → R2 080 for raw materials; R3 681 → R3 784 for many additives).

Renewals

- Renewal fees also increase (e.g., R768 → R790 for many importer-for-own-use renewals).

Late Renewals

- Late renewal surcharges increase slightly (e.g., R589 → R605 for own-use raw material renewals).

3. Fertilizers

Registrations

- Fertilizer product registration increases (R6 108 → R6 279).
- Group 3 fertilizer registrations also increase (R8 956 → R9 207).

Renewals

- Renewals rise from R3 141 → R3 229.
- Late renewals increase from R2 339 → R2 404.

Additional Services

- Import permits, advertisements, certificate reprints, and administrative amendments show small increases (e.g., import permits R846 → R870).

4. Agricultural Remedies & Stock Remedies

Registrations and Renewals

- Registration increases (R13 576 → R13 956).
- Renewal increases (R6 804 → R6 995).

Late Renewals

- R4 750 → R4 883 per late application.

Other Amendments

All technical, administrative, and dossier-related amendment fees increase slightly (examples: R7 181 → R7 382 for major changes; R1 472 → R1 513 for minor amendments).

5. Pest Control Operators (PCOs)

- Registrations increase (R8 340 → R8 574).
- Renewals increase (R3 141 → R3 229).
- Late renewals (R1 659 → R1 705).
- Appeals and document services increase slightly.

6. Sterilizing & Rendering Plants

- Registrations increase (R6 108 → R6 279).
- Renewals increase (R3 140 → R3 228).
- Late renewals (R2 339 → R2 404).
- Supporting document fees also increase.

7. Administrative Fees (Across All Product Classes)

Common service fees see modest increases:

- **Import permits:** R846 → R870
- **Advertisement approvals:** R977 → R1 004
- **Free sale certificates:** R81 → R83
- **Reprints:** R81 → R83
- **Other document requests:** R146 + R1 per page → R150 + R1 per page
- **Appeal fees:** R8 340 → R8 574

8. Overall Impact

The 2026 amendments introduce:

- **Across-the-board fee increases** for every registration, renewal, and service category.
- **No structural changes** to processes—only tariff adjustments.
- **Increases are generally moderate**, keeping the same categories and validity periods (e.g., registrations still valid for 3 years).

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7119 13 February 2026

DEPARTMENT OF AGRICULTURE

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT NO. 36 OF 1947) REGULATIONS RELATING TO THE TARIFFS FOR THE REGISTRATION OF FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES, STOCK REMEDIES, STERILIZING PLANTS AND PEST CONTROL OPERATORS, APPEALS AND IMPORTS: AMENDMENT.

The Minister for Agriculture has under Section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government notice No. R. 1449 of 1 July 1983, as amended by government Notices Nos. R. 96 of January 1984, R. 2055 of 14 September 1984, R. 1053 of 3 June 1988, R. 1242 of 9 June 1990, r. 1409 of 6 August 1993, R.1592 of 30 September 1996, r. 1017 of 14 August 1998, R. 216 of 10 March 2000, R. 964 of 5 October 2001, R. 1096 of 30 August 2002, R. 1475 of 17 October 2003, R. 3448 of 15 April 2005, R.1139 of 2 December 2005, R. 225 of 17 March 2006, R935 of 22 September 2006, R. 956 of 29 September 2006, R. 1086 of 3 November 2006, R. 1087 of 3 November 2006, R. 250 of 23 March 2007, R. 483 of 8 June 2007, R.755 of 18 July 2008,R.112 of 13 February 2009, R.72 of 12 February 2010 and R.97 of 18 February 2011, R.75 of 8 February 2013, R259 of 5 April 2013, R 207 of 1 April 2014, R 285 of 31 March 2015, R 372 of 29 March 2016, No R 310 of 31 March 2017, No R 394 of 28 March 2018, No R 471 of 29 March 2019, No.R.395 of 27 March 2020, No. R. 265 of 26 March 2021 No R 1978 of 1 April 2022, No R 1752 of 21 April 2023, No R4482 of 8 March 2024, No R 6047 of 28 March 2025

Substitution of Table 1 of the Regulations R 6047 of 28 March 2025

2. The Regulations are hereby amended by the substitution for Table 1 of the following table:

CLICK HERE TO VIEW THE FULL DOCUMENT:

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT: REGULATIONS: TARIFFS FOR REGISTRATION OF FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES, STOCK REMEDIES, STERILIZING PLANTS AND PEST CONTROL OPERATORS, APPEALS AND IMPORTS: AMENDMENT
G 54123 GON 7119 13 FEBRUARY 2026

LINK TO FULL NOTICE

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act: Regulations: Tariffs for registration of Fertilizers, Farm Feeds, Agricultural Remedies, Stock Remedies, Sterilizing Plants and Pest Control Operators, Appeals and Imports: Amendment
G 54123 GoN 7119
13 February 2026

54123gon7119.pdf

ACTION

Because all **fees, registrations, and renewals** under Act 36 of 1947 will increase from **1 April 2026**, any organization affected should complete key regulatory steps **before the new tariffs apply**.

Below is a practical, compliance-oriented checklist.

1. Submit All Pending Product Renewals Before Fees Increase

From 1 April 2026, renewal fees increase across all categories:

- Fertilizers (R3 141 → R3 229)
- Farm feeds (e.g., R768 → R790)
- Pet foods (various increases)
- Agricultural remedies (R6 804 → R6 995)
- Stock remedies
- Feed additives

Action:
✔ Submit renewal applications now to avoid paying the higher 2026 tariffs.

2. Avoid Late Renewal Penalties

Late renewal penalties also increase from 1 April 2026:

- Fertilizer late renewal: R2 339 → R2 404
- Agricultural remedy late renewal: R4 750 → R4 883
- Feed & pet food late renewals: various increases

Action:
✔ Ensure **all renewal applications** are submitted **before their expiry** AND before new penalty rates take effect.

3. Finalize Any New Product Registrations Before Tariff Increases

Registration costs increase for:

- Fertilizers (R6 108 → R6 279)
- Group 3 fertilizers (R8 956 → R9 207)
- Agricultural remedies (R13 576 → R13 956)
- Stock remedies
- Farm feeds, pet foods, additives

Action:
✔ If you are planning new products or parallel/daughter registrations, submit before 1 April 2026 to pay current (lower) fees.

4. Submit Administrative Amendments Before Increased Fees Apply

Administrative amendments include:

- Product name changes
- Company name or address changes
- Manufacturer changes
- Label/artwork amendments
- Shelf-life/packaging amendments
- Fees increase slightly on all of these (e.g., R1 472 → R1 513 for many items).

Action:
✔ Submit any outstanding administrative changes before the tariff increases take effect.

5. Apply for Import Permits Under Current Tariffs

Import permit fees increase:

- R846 → R870 (various categories)

Action:
✔ If you need permits for Q1-2026 imports, apply before 1 April and save on permit fees.

6. Submit Pending Appeals or Technical Evaluations Before Fees Increase

Appeal fees increase:

- R8 340 → R8 574 for multiple categories

Technical evaluations (e.g., formulation changes) also increase slightly.

Action:
✔ File appeals, reformulation changes, dossier updates, or technical submissions before 1 April.

7. Sterilization & Rendering Plants: Renew or Amend Registrations Before Fee Increases

Fees increasing include:

- Registration (R6 108 → R6 279)
- Renewal (R3 140 → R3 228)
- Late renewal (R2 339 → R2 404)

Action:
✔ Submit required renewals or amendments early.

8. Pest Control Operators (PCOs) Must Renew Before Increased Fees

Fees increasing:

- Registration (R8 340 → R8 574)
- Renewal (R3 141 → R3 229)
- Late renewal (R1 659 → R1 705)

Action:
✔ Ensure PCO registrations and renewals are completed before 1 April.

9. Update Internal Budgeting and Pricing Models

Because tariff increases impact regulatory costs, organizations should:

- Update compliance budgets
- Adjust pricing (if applicable)
- Forecast future regulatory costs

Action:
✔ Review cost implications and update internal financial planning before the new tariff year.

10. Conduct a March 2026 Compliance Audit

Before entering the new tariff period, ensure:

- No products are expired
- All registrations are up to date
- All regulatory submissions are filed
- Your organization's documentation is current

Action:
✔ Perform an internal compliance check to avoid unnecessary higher fees.

END

LAW AND TYPE OF NOTICE

AGRICULTURAL PRODUCT STANDARDS ACT:

Inspection Fees on Perishable Products

G 54123 GoN 7121

13 February 2026

APPLIES TO:

Any organization involved in **growing, processing, storing, transporting, or exporting**

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7121 13 February 2026

13 February 2026

THE PERISHABLE PRODUCTS EXPORT CONTROL BOARD

BOARD NOTICE – INSPECTION FEES ON PERISHABLE PRODUCTS

AGRICULTURAL PRODUCT STANDARDS

Notice is hereby given that Perishable Products Export Control Board ("the Assignee"), designated as an Assignee, with effect from 1 September 1991, in terms of Section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act 119 of 1990) as amended ("the APS Act") under Notice No. 4741 on 23 August 1991 for the application of sections 4(1), (2) and (3)(a), 7 and 8 of the APS Act in respect of the product as specified column 3 of the Table thereto, and will undertake inspections in line with its mandate thereto.

Take further notice that inspection fees are hereby imposed in terms of Section 3(1A) of the APS Act on all product with effect from 1st of April 2026 and until further notice, subject to the standard terms and conditions of the Assignee, that are available from the contact person listed under Enquiries below.

CLICK HERE TO VIEW THE FULL DOCUMENT: **AGRICULTURAL PRODUCT STANDARDS ACT: INSPECTION FEES ON PERISHABLE PRODUCTS** **G 54123 GON 7121 13 FEBRUARY 2026**
LINK TO FULL NOTICE **Agricultural Product Standards Act: Inspection Fees on Perishable Products** G 54123 GoN 7121 13 February 2026 54123gon7121.pdf
ACTION **Before 1 April 2026, organizations must** • Review the new fees • Update pricing and budgets • Adjust operational schedules • Confirm product classifications • Communicate with PPECB • Update SLAs, contracts, and internal systems • Train staff and stakeholders • Prepare for VAT-exclusive new tariff structures

END

LAW AND TYPE OF NOTICE **AGRICULTURAL PRODUCT STANDARDS ACT:** Inspection Fees for 2026 by the Designated Assignee, Food Safety Agency (Pty) Ltd G 54123 GoN 7118 13 February 2026
APPLIES TO: 1. Egg Producers and Packers 2. Meat Processing Facilities 3. Raw Processed Meat Producers 4. Poultry Meat Producers and Processors 5. Storage, Distribution, and Cold-Chain Operators 6. Retailers and Wholesalers (Indirect Impact) 7. Importers and Exporters of the Listed Products
SUMMARY Inspectors fees.
FULL TEXT
DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7118 13 February 2026

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

INSPECTION FEES FOR 2026 BY THE DESIGNATED ASSIGNEE, FOOD SAFETY AGENCY (PTY) LTD

1. The Executive Officer: Agricultural Product Standards considered comments received from all affected parties on the business plan and budget submitted by the assignee for Eggs, Processed Meat Products, Certain Raw Processed Meat Products and Poultry Meat, namely **Food Safety Agency (Pty) Ltd**, in terms of section 3(1B)(c) of the Agricultural Product Standards Act 119 of 1990 as amended.

2. Consequently, the Executive Officer of Agricultural Product Standards has approved the business plan and budget, determining that the following inspection fees will be effective for a period of 12 months.

Category of fees	**Inspection, travelling and sampling fees for 2026**
Inspection fees:	
Normal time (08:00 – 16:00)	R540.60 per hour
Normal overtime (Mon - Sat)	R601.02 per hour
Sundays and public holidays	R720.80 per hour
Kilometre rate	R6.50 per kilometre
Sampling fees:	
Protein content (Meat content)	R533.18 per sample
Fat content	R875.56 per sample
Soya content	R1 764.90 per sample
Starch content	R1 560.32 per sample
Calcium determination (MRM only)	R401.74 per sample
Meat species identification (DNA)	R2 761.30 per sample
Physical test (Coated products)	R212.00 per sample

3. The inspection fees shall come into operation on 01 April 2026.

LINK TO FULL NOTICE

Agricultural Product Standards Act: Inspection Fees for 2026 by the Designated Assignee, Food Safety Agency (Pty) Ltd
G 54123 GoN 7118
13 February 2026

54123gon7118.pdf

ACTION

Before 1 April 2026, affected organizations must:

- Review and incorporate the new fee structure
- Update costing, contracts, and systems
- Minimize exposure to costly overtime inspections
- Align operations around new sampling requirements
- Communicate changes internally and externally
- Confirm readiness with Food Safety Agency (Pty) Ltd

END

COMPETITION

LAW AND TYPE OF NOTICE

COMPETITION ACT:

Guidelines on the Pre-Merger Filing Consultation

G 54123 GoN 7130

13 February 2026

APPLIES TO:

1. Merger Parties (Acquiring and Target Firms)
2. Sellers of Businesses
3. Firms Engaged in Complex or High-Impact Transactions
4. Organizations Involved in Mergers Raising Public Interest Concerns
5. Firms in Financial Distress / Failing Firms

SUMMARY

1. Purpose of the Guidelines

- To streamline the Commission's merger review processes by allowing discussion of key issues before filing.
- To help parties understand likely areas of concern, the level of detail required, and whether conditions (remedies) may be expected.

2. Nature of the Process

The pre-merger filing consultation process is:

- **Voluntary** – merger parties or sellers choose whether to initiate it.
- **Informal** – designed for open, frank discussion.
- **Confidential** – governed by existing confidentiality rules.
- **Non-binding** – guidance is not a decision or legal opinion.

The Commission will not engage in hypothetical or academic queries, and may refuse consultation if issues fall outside the guideline's scope.

3. Who Can Use the Consultation Process

- Acquiring and target firms intending to notify a merger.
- Sellers, including investment banks and business rescue practitioners (BRPs) involved in selecting a buyer.
- Any firm proposing an acquisition, merger, or amalgamation under section 12.

4. When the Process Should Be Used

The Commission recommends consultations only for transactions that are likely to delay the review if filed without prior engagement. These include:

a. Mergers requiring remedies

Where competition or public-interest concerns are evident upfront and parties wish to tender appropriate conditions early.

b. Mergers with complex competition issues

Examples include:

- High combined market shares
- Mergers to monopoly
- Removal of a significant competitor
- Acquisitions of unique/non-replicable assets
- Vertical deals with foreclosure risks
- Mergers creating unmatched buyer power

c. Mergers raising major public-interest issues

Especially:

- Employment (retrenchments or prior retrenchments)
- Spread of ownership to historically disadvantaged persons (HDPs) and workers

d. Transactions involving firms in financial distress or business rescue

Early engagement helps determine whether failing-firm arguments or remedies will be needed.

5. How to Initiate a Consultation

Merger parties or sellers must submit a written request that includes:

- Details and documents describing the transaction
- Their own assessment of complexity
- Specific queries they seek guidance on
- Names of representatives attending
- Availability within the next 10 business days

The Commission will assign a query number and schedule a meeting.

6. Effect on the Formal Merger Process

- Consultations end once the merger is formally filed.
- Guidance provided does **not** bind the Commission during its section 12A assessment.
- Additional information or follow-up consultations may be requested, based on complexity

7. Effective Date

The guidelines become effective from the date published in the Government Gazette and may be amended over time.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7130 13 February 2026

PUBLICATION OF THE COMPETITION COMMISSION'S GUIDELINES ON THE PRE-MERGER FILING CONSULTATION IN TERMS OF SECTION 79(1) OF THE COMPETITION ACT NO 89 OF 1998 (AS AMENDED)

January 2026

1. The Competition Commission ("Commission") hereby, in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended), which allows the Commission to prepare guidelines to indicate its policy approach on any matter falling within its jurisdiction, issues the Guidelines on a Pre-merger Filing Consultation.

2. The Guidelines on a Pre-merger Filing Consultation were published for a reasonable period for public comment from 31 October 2025 to 24 November 2025. Interested parties submitted written representations and the Commission considered all representations received.

3. Notice is hereby given that the Commission has published the final Guidelines on a Pre-merger Filing Consultation on its website at https://www.compcom.co.za/guidelines/ .

CLICK HERE TO VIEW THE FULL DOCUMENT.

COMPETITION ACT: GUIDELINES ON THE PRE-MERGER FILING CONSULTATION
G 54123 GON 7130 13 FEBRUARY 2026

LINK TO FULL NOTICE

Competition Act: Guidelines on the Pre-Merger Filing Consultation
G 54123 GoN 7130
13 February 2026

54123gon7130.pdf

ACTION

Organizations involved in mergers—acquiring firms, target firms, sellers, investment banks, and BRPs—should take the following steps to comply with the Guidelines and support an efficient review process.

1. Assess Whether the Proposed Transaction Requires a Pre-Merger Consultation

Organizations must determine whether their transaction falls within the types recommended for consultation, such as:

- Mergers requiring remedies
- Mergers raising complex competition issues
- Mergers raising major public-interest issues
- Transactions involving failing or financially distressed firms

Action:
Conduct a high-level internal assessment early in the transaction planning phase to identify complexity, overlaps, market shares, public-interest implications, or financial-distress elements.

2. Conduct a Preliminary Competition and Public-Interest Assessment

The Guidelines require merger parties or sellers to include their own assessment of complexity and likely issues when requesting a consultation.

Action:

- Map all horizontal, vertical, and conglomerate overlaps.
- Compile market-share estimates.
- Identify any risks of dominance, foreclosure, or removal of a competitor.
- Assess impacts on employment and HDP/worker ownership.

3. Prepare Required Documentation Before Approaching the Commission

A written request for consultation must include:

- Documentation outlining the features of the proposed transaction
- The parties' own assessment of complexity
- A clear list of queries
- Names of attendees
- Availability for consultation within 10 business days

Action:
Create a structured document pack that includes a transaction summary, rationale, market analysis, and preliminary remedies (if applicable).

4. Ensure the Presence of Appropriate Representatives

The Commission requires that commercial/business representatives participate in the consultation, not only legal advisors, because they can provide accurate operational information.

Action:
Identify and brief the internal stakeholders (business unit leaders, strategy heads, CFO, etc.) who will attend.

5. Avoid Hypothetical Queries

The Commission will not engage on academic or hypothetical matters. Requests must refer to **a real,** identifiable merger transaction.

Action
Ensure the transaction is sufficiently developed (structure, parties, assets, rationale) before making the request.

6. Prepare and, Where Necessary, Pre-Tender Remedies

For transactions where issues are apparent (competition or public interest), parties should **proactively develop conditions** to resolve them.

Examples include:

- Ownership remedies (HDP/worker participation)
- Employment commitments
- Procurement commitments
- Divestiture proposals

Action:
Develop draft conditions addressing identified risks to ensure an expedited review.

7. Compile Detailed and Reliable Data

The Commission stresses that **levels of detail and underlying data** are critical in complex matters.

Action:

Gather datasets such as:

- Customer and supplier lists
- Pricing data
- Volume sales information
- Capacity utilization
- Geographic breakdowns
- Employment figures

8. For Distressed or Failing Firms: Assemble Evidence Early

The guidelines require clear evidence for failing-firm arguments, including:

- Financial distress evidence
- Audited financials and management accounts
- Strategic documents
- Proof of unsuccessful attempts to find less anti-competitive buyers
- Evidence that assets would exit the market absent the merger

Action:
Begin compiling this evidence well before approaching the Commission.

9. Put Internal Processes in Place to Track Consultation Progress

Requests will be assigned a **query number** for monitoring the process.

Action:
Use internal compliance systems or project management tools to track milestones, correspondence, and deadlines.

10. Understand That Guidance Is Non-Binding

The Commission's input does not guarantee clearance, does not replace formal assessment under section 12A, and should not be treated as an administrative decision.

Action:
Document consultation outcomes but prepare for potential additional data requests or conditions during the formal review.

11. Ensure Confidentiality Protections Are in Place

The consultation is confidential, governed by the Confidentiality Guidelines.

Action:

- Mark submissions appropriately.
- Ensure advisors and transaction teams follow confidentiality protocols.

12. File the Merger Only After Consultation Has Lapsed

Consultations automatically end upon the formal filing of the merger.

Action:
Plan the consultation timeline so that the team is ready for notification shortly afterward.

END

LAW AND TYPE OF NOTICE

COMPETITION ACT:

Prosecutions, raids and latest decisions

LINK TO FULL NOTICE

Commission prosecutes two companies operating in the automotive glass sector
Date: 19 February 2026

Read more

Competition Commission raids premises of four scrap metal purchasing companies
Date: 13 February 2026

Read more

Statement on the latest decisions by the Competition Commission
Date: 12 February 2026

Read more

END

CUSTOMS, EXCISE AND INTERNATIONAL TRADE

LAW AND TYPE OF NOTICE

INTERNATIONAL TRADE ADMINISTRATION ACT:

Placing of Chrome Ore under export control: Extension of date for comments

G 54157 GoN 7139

- Comment by 04 Mar 2026

17 February 2026

APPLIES TO:
1. Chrome Ore Mining Companies
2. Chrome Ore Exporters and Trading Houses
3. Ferrochrome Smelters and Beneficiation Plants
4. Companies Operating in Special Economic Zones (SEZs)
5. Metal and Mineral Beneficiation Companies
6. Logistics and Shipping Companies
7. Industrial Energy Users (esp. energy-intensive smelters)
8. Downstream Industries (e.g., stainless steel value chain)
9. Industry Associations and Advocacy Bodies
10. Companies Engaged in (or impacted by) Illegal Chrome Mining

SUMMARY

The Minister of Trade, Industry and Competition (Parks Tau) has issued a notice extending the public commenting period regarding the proposed placement of chrome ore (tariff subheading 2610.00) under export control in terms of the International Trade Administration Act, 2002.

Background

- On 3 October 2025, a Gazette notice (No. 53467) informed stakeholders of a Cabinet decision to revive South Africa's chrome industry.
- One of the key measures proposed was to place chrome ore under export control, requiring exporters to obtain permits from the International Trade Administration Commission (ITAC).
- The intention is to strengthen the long-term viability and competitiveness of the chrome value chain in South Africa.

Reason for the Extension

- The initial comment period ended on 31 October 2025.
- After reviewing the input received, the department found that many stakeholders still need more time to prepare and submit meaningful comments.
- Therefore, the Minister is extending the comment period by an additional two weeks from the date of this notice (17 February 2026).

Submission Requirements

- Comments must be submitted to the Director-General of the dtic, either via physical address or email (ChromeExportPermit@thedtic.gov.za).
- Submissions must clearly indicate whether they are confidential or non-confidential, and confidential submissions must include a non-confidential version.

Purpose of the Extension

The extended period aims to:

1. Allow stakeholders more time to prepare inputs on areas of concern.
2. Enable further engagement between the dtic and stakeholders to clarify issues and work toward consensus.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION
NO. 7139 17 February 2026

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

EXTENSION OF COMMENTING PERIOD ON THE PLACING OF CHROME ORE UNDER EXPORT CONTROL IN TERMS OF SECTION 6 OF THE INTERNATIONAL TRADE ADMINISTRATION ACT 71 of 2002

1. By virtue of the powers vested in me in terms of section 5 of the International Trade Administration Act, 2002 (Act No. 71 of 2002), I, Parks Tau, Minister of Trade, Industry and Competition (the dtic) hereby notify as follows:

a) On 03 October 2025, the Minister of Trade, Industry and Competition issued the notice in the gazette (Notice No. 53467), informing stakeholders and interested parties of cabinet decision aimed at reviving South Africa’s chrome industry and to invite public comments on the intention to place chrome ore, classifiable under tariff subheading 2610.00, under export control by the International Trade Administration Commission of South Africa (“the Commission”).

b) This intervention is among other interventions, designed to improve the long-term viability and competitiveness of the chrome value chain in the Republic of South Africa.

c) Stakeholders and interested parties were invited to submit input to the dtic within the period of up to 4 weeks ending 31 October 2025.

d) Following receipt of input, careful analysis and consideration of presentations made, it became clear that a significant number of stakeholders and interested parties needed further opportunity to provide their contributions.

e) I hereby invite stakeholders and interested parties to submit written comments, within two (02) weeks of the date of this notice to the:

Attention:
- Director-General: The Department of Trade, Industry and Competition, Address: 77 Meintjies Street, Sunnyside, Pretoria, Gauteng, RSA, 0002, or
- Email: ChromeExportPermit@thedtic.gov.za

f) The submission should be clearly marked 'confidential' or 'non-confidential', and if a confidential submission is made it should be accompanied by a non-confidential version.

g) The extension will allow:

i. Additional time for stakeholders and interested parties to prepare and submit input on specific areas of concern, which for various reasons, could not be provided adequately during the first round of commenting to gazette Notice No. 53467 of 03 October 2025.
ii. Further engagement between the dtic and stakeholders, clarifying certain aspects of government intention, and building consensus on recommendations made.

LINK TO FULL NOTICE

International Trade Administration Act: Placing of Chrome Ore under export control: Extension of date for comments
G 54157 GoN 7139
- Comment by 04 Mar 2026
17 February 2026

54157gn7139.pdf

ACTION

Ensure that you submit your comments before 04 March 2026.

END

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT:

Amendment to Part 1 of Schedule No.1 (No. 1/1/1968) (English / Afrikaans)

G 54108 RG 11944 GoN 7115

13 February 2026

APPLIES TO:

1. Sugar Importers
2. Food & Beverage Manufacturers
3. Retailers and Wholesalers
4. Agricultural Trading & Commodity Firms
5. Customs Brokers & Freight Forwarders
6. Food Service & Hospitality Sector

FULL TEXT

DETAILS

NO. R. 7115

SOUTH AFRICAN REVENUE SERVICE

13 February 2026

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1968)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AfCFTA
1701.12	2	- - Beet sugar	kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg
1701.13	9	- - Cane sugar specified in Subheading Note 2 to this Chapter	kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg
1701.14	5	- - Other cane sugar	kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg
1701.91	2	- - Containing added flavouring or colouring matter	kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg
1701.99	3	- - Other	kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg	483,72c/kg

LINK TO FULL NOTICE

Customs and Excise Act: Amendment to Part 1 of Schedule No.1 (No. 1/1/1968) (English / Afrikaans)
G 54108 RG 11944 GoN 7115
13 February 2026

54108rg11944gon7115.pdf

ACTION

1. Identify Whether Your Organization Imports Any Sugar Classified Under These Tariff Codes

The notice amends duties for tariff subheading 1701, including:

- 1701.12 – Beet sugar
- 1701.13 – Certain cane sugar
- 1701.14 – Other cane sugar
- 1701.91 – Sugar with added flavour or colouring
- 1701.99 – Other sugars

Action:
Check your procurement and import data to confirm whether any imported products fall under these classifications.

2. Update Your Import Costing Models

Because the rate of duty (483.72 c/kg across all trade blocs) is confirmed or amended, you must:

- Recalculate landed costs
- Update budgets and forecasts
- Adjust pricing models if sugar is a key input

This is crucial for:

- Food manufacturers
- Beverage producers
- Retailers
- Distributors

3. Communicate With Your Customs Broker or Clearing Agent

Ensure they:

- Apply the correct tariff subheading
- Use the updated Schedule No. 1 duty rate
- Submit accurate declarations to SARS

Any errors may result in:

- Penalties
- Delayed clearance
- Post-clearance audits

4. Inform Procurement, Finance, and Commercial Teams

Internal stakeholders should understand:

- The new duty rate
- Implications for raw material costs
- Potential price adjustments to customers
- Need to renegotiate supplier contracts if necessary

5. Review and Adjust Supply Chain Strategy

If duties increase overall costs:

- Reassess sourcing locations
- Consider substituting imported sugar with local supply
- Evaluate forward-buying or hedging options (if relevant)

6. Update ERP / Accounting Tariff Tables

If your organization uses SAP, Oracle, Sage, or similar systems:

- Update the customs duty tables for tariff heading 1701
- Ensure automated calculations reflect the amendment

7. Notify Clients or Partners (If Applicable)

If you supply goods that rely heavily on sugar as an input:

- Provide advance notice of potential price adjustments
- Offer revised quotes where necessary

8. Monitor SARS and DTIC Communications

Customs notices often accompany:

- Further amendments
- Implementation clarifications
- New interpretations

Maintaining compliance reduces the risk of:

- Incorrect duty payments
- Re-assessments
- Administrative penalties

END

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT: AMENDMENT TO PART 1OF SCHEDULE NO.1 (NO. 1/1/1967)

G 54108 RG 11944 GoN 7114

13 February 2026

APPLIES TO:

1. Grain Importers and Exporters
2. Milling Companies (Wheat Processors)
3. Food & Beverage Manufacturers
4. Retailers & Wholesalers
5. Agricultural Traders & Commodity Brokers
6. Bakeries & Baking Supply Companies
7. Customs Brokers, Clearing Agents & Freight Forwarders

SUMMARY

The amendment updates the import duty structure to:

- Align with international trade agreements.
- Adjust tariff classifications.
- Ensure accurate and current customs rates for wheat and wheat-based products.

FULL TEXT

DETAILS

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1967)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Heading / Subheading	CD		Article Description	Statistical Unit	Rate of Duty: General	EU / UK	EFTA	SADC	MERCOSUR	AfCFTA
1001.91	3	- -	Seed	kg	61,9c/kg	61,9c/kg	61,9c/kg	free	61,9c/kg	61,9c/kg
1001.99	0	- -	Other	kg	61,9c/kg	61,9c/kg	61,9c/kg	free	61,9c/kg	61,9c/kg
1101.00.10	1	-	Brown wheaten meal produced by the milling of whole grains (the bran, germ and endosperm) (excluding separated wheat bran, separated wheat germ or separated wheat semolina or endosperm)	kg	92,85c/kg	92,85c/kg	92,85c/kg	free	92,85c/kg	92,85c/kg
1101.00.20	9	-	Cake wheat flour as defined in Additional Note 1(a) to Chapter 11	kg	92,85c/kg	92,85c/kg	92,85c/kg	free	92,85c/kg	92,85c/kg
1101.00.30	6	-	White bread wheat flour as defined in Additional Note 1(a) to Chapter 11	kg	92,85c/kg	92,85c/kg	92,85c/kg	free	92,85c/kg	92,85c/kg
1101.00.90	5	-	Other	kg	92,85c/kg	92,85c/kg	92,85c/kg	free	92,85c/kg	92,85c/kg

LINK TO FULL NOTICE

Customs and Excise Act: Amendment to Part 1of Schedule No.1 (No. 1/1/1967) (English / Afrikaans)
G 54108 RG 11944 GoN 7114
13 February 2026

54108rg11944gon7114.pdf

ACTION

1. Verify Whether Your Organization Imports Any of the Affected Products

This notice updates tariff duties for products under:

- **1001.91** — Seed wheat
- **1001.99** — Other wheat
- **1101.00.10** — Brown wheat meal
- **1101.00.20** — Cake wheat flour
- **1101.00.30** — White bread wheat flour
- **1101.00.50** — Other flour

Action:
Check SKUs, contracts, and import declarations to confirm whether any products imported by your company fall under these tariff codes.

2. Update Landed Cost and Budget Calculations

The updated duty rate, such as 92.85 c/kg for most items (with some trade arrangements showing "free"), will affect:

- Raw material costing
- Gross margin projections
- Product pricing

Action:
Recalculate landed cost models to ensure correct forecasting for procurement and finance.

3. Instruct Customs Brokers to Apply the Revised Tariff Rates

Customs brokers and clearing agents must use:

- Updated Schedule No. 1 duty rates
- Correct tariff headings

Action:

Notify agents immediately to avoid:

- Incorrect duty payments
- SARS penalties
- Clearance delays

4. Update ERP / Accounting / Trade Compliance Systems

If your business uses SAP, Oracle, Sage, or any ERP:

- Update duty tables for the relevant tariff codes
- Ensure the system calculates correct customs duties for new shipments

Action:
Coordinate with finance and IT to ensure automated costing and customs modules are updated.

5. Review and Adjust Supplier Contracts

If you import wheat or flour:

- Assess whether suppliers must revise Incoterms, pricing, or cost-sharing
- Renegotiate contracts if duty changes materially affect economics

Action:
Procurement teams should communicate with foreign suppliers and logistics partners.

6. Inform Internal Stakeholders (Finance, Procurement, Sales, Manufacturing)

Because wheat and flour are key inputs for many food products, relevant departments should be alerted:

- Finance — adjust forecasts
- Purchasing — updated quotes and tenders
- Production — review bill of materials
- Sales — anticipate possible price adjustments

Action:
Issue an internal compliance memo summarizing the tariff change.

7. Assess Impact on Product Pricing and Margins

For manufacturers (bakeries, pasta makers, cereal companies, etc.):

- Rising input costs may require price adjustments
- Margins may be squeezed if products are price-sensitive

Action:
Run a pricing impact assessment to determine whether changes should be passed on to customers.

8. Review Supply Chain and Sourcing Strategy

If the duty increases costs:

- Evaluate switching to local wheat or flour
- Explore alternative trade-agreement countries that may attract **"free"** duty
- Reconsider import volumes

Action:
Engage with trade advisors or supply chain analysts to assess viable alternatives.

9. Conduct a Trade Compliance Audit

Given amendments to tariff headings and rates, verify:

- Historical classification accuracy
- Whether any past entries may require adjustment
- That future entries comply fully with SARS requirements

Action:
Perform an internal or external classification audit to avoid future disputes.

10. Monitor Future SARS & National Treasury Updates

Tariff updates often occur in clusters. New amendments may follow for related grain products.

Action:
Watch for new Government Gazette notices or SARS customs updates in the next quarter.

END

ENVIRONMENTAL

LAW AND TYPE OF NOTICE

NATIONAL ENVIRONMENTAL MANAGEMENT ACT:

Postponement of the need to be SANAS accredited as an Independent Assesor to verify Greenhouse Gas Emissions: Applications invited

G 54156 GoN 7138

- Comment by 17 Apr 2026

17 February 2026

APPLIES TO:

1. Companies That Act as (or Intend to Become) Independent GHG Emissions Assessors
2. Companies With Large GHG Emissions That Require Independent Verification
3. Environmental, Sustainability, and ESG Departments in Regulated Industries
4. SANAS (South African National Accreditation System) and Accreditation Bodies
5. Government-Linked Bodies, Industry Associations & Sector Councils
6. Training Institutions and Professional Development Providers
7. Large Corporations Using External Verification Providers

SUMMARY

Key Points

1. Three-Year Grace Period Granted

A three-year extension has been authorized before companies must obtain SANAS accreditation for GHG verification activities.

This applies specifically to independent assessors operating under the National Environmental Management: Air Quality Act, 2004.

2. Reason for the Postponement

The postponement is aligned with:

- Section 47C of the National Environmental Management Act
- Technical Guidelines for the Validation and Verification of Greenhouse Gas Emissions, published in Government Notice No. 1496 (2021)

This delay aims to support a smoother rollout of the verification programme.

3. Phase 2 of the GHG Emissions Reporting Verification Programme

Phase 2 of the programme will now begin in January 2030, shifting the compliance timeline for industry participants.

4. Applications Invited for Phase 1

Companies that meet the competence criteria (as described in Section 4 of the GHG Verification Guidelines) may apply for eligibility as independent GHG assessors for Phase 1.

FULL TEXT

DETAILS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. 7138 **17 February 2026**

POSTPONEMENT OF THE NEED TO BE SANAS ACCREDITED AS AN INDEPENDENT ASSESOR TO VERIFY GREENHOUSE GAS EMISSIONS

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 47C of the National Environmental Management Act, 1998 (Act No. 107 of 1998), **authorise a three-year** grace period for the SANAS accreditation of independent assessors as required by the Technical Guidelines for the Validation and Verification of Greenhouse Gas Emissions (GHG Verification Guidelines), published under Government Notice No. 1496, in Government *Gazette* No. 45452, on 12 November 2021, in terms of section 12 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). Phase 2 of the Greenhouse Gas Emissions Reporting Verification Programme will start in **January 2030.**

I further call for companies that meet the competence criteria, as set out in section 4 of the GHG Verification Guidelines, to submit applications for eligibility as independent assessors for Phase 1 of the Greenhouse Gas Emissions Reporting Verification Programme. The applications must be submitted within 60 days from the date of the publication of this Notice in the Gazette, or in the newspaper, whichever date is the last date, to any of the following addresses:

By Post: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Jongikhaya Witi
Private Bag X447
PRETORIA
0001
By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083
By Email: GHGReporting@dffe.gov.za

Any inquiries in connection with the notice can be directed to Mr Jongikhaya Witi on Tel: 012 399 9048, or by email: GHGReporting@dffe.gov.za.

WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

LINK TO FULL NOTICE

National Environmental Management Act: Postponement of the need to be SANAS accredited as an Independent Assesor to verify Greenhouse Gas Emissions: Applications invited
G 54156 GoN 7138
- Comment by 17 Apr 2026
17 February 2026

54156gon7138.pdf

ACTION

Ensure that you submit your comments before 17 April 2026.

END

LAW AND TYPE OF NOTICE

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT:

National Norms and Standards for the Recognition of Other Effective Area-Based Conservation Measures: Comments invited

G 54123 GoN 7123

- Comment by 15 Mar 2026

13 February 2026

APPLIES TO:

1. Conservation Authorities (National & Provincial)
2. Landowners and Land Management Entities
3. Indigenous and Local Community Organizations
4. NGOs and Civil Society Organizations in Biodiversity Conservation
5. State-Managed or Parastatal Landholders

SUMMARY

Key Elements of the Draft Standards

1. Recognition Process

- The process must be **fair,** transparent, participatory, and must respect the rights of indigenous peoples and local communities.
- Sites must demonstrate biodiversity value and have clear boundaries.

2. Governance Requirements

- OECMs may be governed by diverse entities including communities, private owners, trusts, or companies.
- Governance must support long-term biodiversity conservation and acknowledge traditional knowledge and rights.

3. Biodiversity Contribution

Sites must show:

- Presence of threatened, endemic, or ecologically important species
- Contribution to ecological connectivity

- Intact or under-represented ecosystems

4. Reporting Obligations

Conservation Authorities must:

- Submit annual reports on OECMs
- Record OECMs in the South African National Conservation Areas Database (SACAD)
- Provide information required for national and international reporting

5. Monitoring Requirements

Monitoring must:

- Occur at least every five years
- Track biodiversity values, governance effectiveness, and (where applicable) cultural and socio-economic values

FULL TEXT

DETAILS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7123 13 February 2026

GOVERNMENT NOTICE

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

DRAFT NATIONAL NORMS AND STANDARDS FOR THE RECOGNITION OF OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 9 read with sections 99 and 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) publish the draft National Norms and Standards for the recognition of Other Effective area-based Conservation Measures (the draft Norms and Standards for OECMs), for public comment, as set out in the Schedule hereto.

The purpose of the draft Norms and Standards for OECMs is to set clear minimum requirements for the recognition of OECMs in South Africa and to establish procedures for the assessment of areas that could qualify as OECMs. These draft Norms and Standards for OECMs are based on the key components of the definition of OECM, including the guiding principles and criteria for the identification of OECMs. They also set out some key principles that must be considered when identifying which conservation measures qualify as OECMs in South Africa.

Members of the public are invited to submit, within thirty (30) days from the date of publication of this notice in the Government Gazette or a national newspaper, whichever date comes last, written comments to any of the following addresses:

By post to: The Director General: Forestry, Fisheries and the Environment
Attention: Ms Pamela Kershaw
Directorate: Biodiversity Management
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, 0083.

By email: OECMnormsandstandards@dffe.gov.za

Any enquiries in connection with the notice can be directed to Ms Pamela Kershaw on (012) 399 9585, or via email: pkershaw@dffe.gov.za. Copies of the Government Notice can be obtained directly from the following website: www.environment.gov.za/legislation/gazetted_notices. For communications and media enquires kindly call: Tel: (012) 399 8842.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.

SCHEDULE

DRAFT NATIONAL NORMS AND STANDARDS FOR THE RECOGNITION OF OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES

TABLE OF CONTENTS

6. Geographically defined
7. Governance Types
8. Long-Term In-situ conservation of biodiversity
9. Effectiveness of biodiversity interventions
10. Cultural and Spiritual values and socio-economic benefits

Chapter 3: Removal of the area or site as an OECM

11. Removal process

Chapter 4: Reporting by Conservation Authorities

12. Reporting process

Chapter 5: Monitoring

13. Monitoring requirements

CLICK HERE TO VIEW THE FULL DOCUMENT

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT: NATIONAL NORMS AND STANDARDS FOR THE RECOGNITION OF OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES: COMMENTS INVITED
G 54123 GON 7123 - COMMENT BY 15 MAR 2026 13 FEBRUARY 2026

LINK TO FULL NOTICE

National Environmental Management: Biodiversity Act: National Norms and Standards for the Recognition of Other Effective Area-Based Conservation Measures: Comments invited
G 54123 GoN 7123
- Comment by 15 Mar 2026
13 February 2026

54123gon7123.pdf

ACTION

Ensure that you submit your comments before 15 March 2026.

END

LAW AND TYPE OF NOTICE

NATIONAL ENVIRONMENTAL MANAGEMENT:

Code of Conduct applicable to all designated Environmental Management Inspectors and Environmental Mineral and Petroleum Inspectors: Comments invited

G 54135 GoN 7135

- Comment by 15 Mar 2026

13 February 2026

APPLIES TO:

1. Government Departments and Public Entities
2. Regulatory Bodies in the Minerals and Petroleum Sector
3. Private-Sector Organizations Subject to Environmental Compliance Monitoring
4. Environmental Consulting and Legal Firms
5. NGOs and Civil Society Groups

SUMMARY

The notice seeks public input on a formal Code of Conduct that will govern how EMIs and EMPIs:

- Perform inspections
- Exercise their enforcement powers
- Interact with regulated entities
- Uphold professionalism, integrity, and legal compliance

Why It Matters

The draft Code of Conduct is intended to:

- Standardize inspector behaviour across national, provincial, and local authorities
- Improve transparency and accountability in environmental enforcement
- Clarify expected ethical standards
- Strengthen environmental governance in South Africa

FULL TEXT

DETAILS

STAATSKOERANT, 13 FEBRUARIE 2026 No. 54135 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7135 **13 February 202**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

CONSULTATION ON THE DRAFT CODE OF CONDUCT APPLICABLE TO ALL DESIGNATED ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL AND PETROLEUM INSPECTORS

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 31E(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), give notice of my intention to make the Code of Conduct applicable to all designated environmental management inspectors and environmental mineral and petroleum inspectors, as set out in the Schedule hereto.

Members of the public are invited to submit written comments or inputs within 30 days from the date of publication of this Notice in the Government *Gazette*, or the publication of a newspaper notice, whichever occurs last. Should the 30-day comment period overlap with the period from 15 December 2025 to 5 January 2026, this period will be excluded from the reckoning of days. Comments may be submitted to any of the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Mark Jardine
Private Bag X447
PRETORIA
0001

By hand at: Environment House
473 Steve Biko Road
ARCADIA
0083

By e-mail: mjardine@dffe.gov.za

A hard copy of any document associated with this Notice may be requested from Mr Mark Jardine on Tel: 012 399-9497, or via email: mjardine@dffe.gov.za; or collected at Environment House, 473 Steve Biko Road, Arcadia, Pretoria. This Government Notice can be downloaded from the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices.

Any enquiries in connection with the Notice can be directed to Mr Mark Jardine at 012 399 9497 or by e-mail at mjardine@dffe.gov.za.

The Department of Forestry, Fisheries and the Environment comply with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and responses report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this government notice.

Comments or inputs received after the closing date may be disregarded.

MR WILLEM ABRAHAM STEPHANUS AUCAMP, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

CLICK HERE TO VIEW THE FULL DOCUMENT **NATIONAL ENVIRONMENTAL MANAGEMENT: CODE OF CONDUCT APPLICABLE TO ALL DESIGNATED ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL AND PETROLEUM INSPECTORS: COMMENTS INVITED** **G 54135 GON 7135 - COMMENT BY 15 MAR 2026 13 FEBRUARY 2026**
LINK TO FULL NOTICE **National Environmental Management: Code of Conduct applicable to all designated Environmental Management Inspectors and Environmental Mineral and Petroleum Inspectors: Comments invited** G 54135 GoN 7135 - Comment by 15 Mar 2026 13 February 2026 54135gon7135.pdf
ACTION Ensure that you submit your comments before 15 March 2026.

END

FINANCE

LAW AND TYPE OF NOTICE

FINANCIAL SECTOR AND DEPOSIT INSURANCE LEVIES ACT:

Amendment to Schedule 1

G 54124 GeN 3771

13 February 2026

APPLIES TO:

Any regulated financial institution or financial-market infrastructure that falls under the supervisory scope of the Prudential Authority—and appears in Schedule 1, such as:

1. Banks and Deposit-Taking Institutions
2. Insurance Sector
3. Capital Markets and Market Infrastructures
4. Trade Reporting Entities
5. OTC (Over-the-Counter) Market Participants
6. Statutory Funds

SUMMARY

What the Notice Does

- **Updates the base levy amounts payable by supervised entities.**
- **Updates the variable levy formulas, which are based on metrics such as:**
  - **Total liabilities**
  - **Gross written premiums**
  - **Turnover or value of trades**
- **Specifies the maximum payable amounts for certain entity types.**

Who the Changes Apply To

The amended Table A applies to a wide range of supervised entities, including:

- Banks, mutual banks, and co-operative banks
- Life and non-life insurers, Lloyd's, and microinsurers
- Financial market infrastructures (exchanges, central securities depositories, clearing houses, central counterparties)

- Trade repositories
- OTC derivative providers
- The Road Accident Fund

Purpose of the Amendments

The updated table ensures that levies:

- Reflect current industry structures and supervisory needs
- Are calculated consistently based on updated financial metrics
- Support the functioning of the Prudential Authority and Deposit Insurance Fund

FULL TEXT

DETAILS

GOVERNMENT NOTICE

NATIONAL TREASURY

NOTICE 3771 OF 2026

FINANCIAL SECTOR AND DEPOSIT INSURANCE LEVIES ACT, 2022:

AMENDMENT TO SCHEDULE 1

I, Enoch Godongwana, the Minister of Finance, with the concurrence of the Prudential Authority, in terms of section 10(1)(a) and (4) of the Financial Sector and Deposit Insurance Levies Act, 2022 (Act No. 11 of 2022 – 'the Act'), hereby substitute Table A of Schedule 1 to the Act as set out in the Annexure hereto.

ENOCH GODONGWANA
MINISTER OF FINANCE

CLICK HERE TO VIEW THE FULL DOCUMENT

FINANCIAL SECTOR AND DEPOSIT INSURANCE LEVIES ACT: AMENDMENT TO SCHEDULE 1
G 54124 GEN 3771 13 FEBRUARY 2026

LINK TO FULL NOTICE

Financial Sector and Deposit Insurance Levies Act: Amendment to Schedule 1
G 54124 GeN 3771
13 February 2026

54124gen3771.pdf

ACTION

1. Identify Whether Your Organisation Is a "Supervised Entity"

Review the amended Table A and confirm if your organisation falls into one of the following categories:

- Bank, mutual bank, or co-operative bank
- Life or non-life insurer, Lloyd's underwriter, microinsurer
- Market infrastructure (exchange, CSD, clearing house, CCP)
- Trade or external trade repository
- OTC derivative provider
- Road Accident Fund

Action:

- Map your business to the appropriate supervised-entity category (your compliance, finance, and regulatory affairs teams should validate this).

2. Understand the Updated Levy Formula for Your Entity Type

The amended Schedule replaces all levy formulas with updated:

- **Base levy amounts**, and
- **Variable components** (based on liabilities, gross premiums, value of trades, etc.)

Action:

- Extract the specific formula that applies to your entity.
- Ensure your finance team can accurately calculate both base and variable amounts.

3. Prepare the Required Financial Inputs

Each levy formula requires specific financial data, for example:

- Total liabilities as at **30 June of the preceding levy year**
- Gross written premiums (for insurers)
- Value or turnover of trades (for exchanges and clearing infrastructure)

Action:

- Validate that your internal reporting systems can produce these numbers reliably.
- Ensure the data aligns with regulatory submissions (e.g., Quantitative Return Templates, BA100, IFRS statements).

4. Update Internal Regulatory Calendars

Levy payments occur **one or four times per levy year**, depending on entity type.

Examples:

- Banks, insurers, microinsurers → **annual payment**
- Exchanges, clearing houses, repositories **quarterly payments**

Action:

- Update your compliance calendar with all levy due dates.
- Assign responsibility (typically finance + regulatory reporting).

5. Align Budgeting and Financial Planning

Since the levy structure and maximum payable thresholds have changed, your financial exposure may increase or decrease.

Action:

- Adjust annual budgets to include the new levy amounts.
- Forecast variable components using historical data (liabilities, premiums, or trades).

6. Update Board and Executive Reporting

This amendment affects statutory obligations and budgeting.

Action:

- Present the updated levy obligations to your board or relevant oversight committee.
- Document compliance steps in regulatory risk reports.

7. Review Contracts and Outsourced Functions

If you outsource reporting, treasury functions, or regulatory submissions, ensure they understand the updated levy calculations.

Action:

- Notify service providers of new levy formulas.
- Update SLAs to include compliance with amended Schedule 1.

8. Maintain Records for Prudential Authority Review

The Prudential Authority may request supporting documents used in levy calculations.

Action:

- Maintain a compliance file containing:
  - Calculation worksheets
  - Financial statements and templates referenced (e.g., BA100, DI100)
  - Internal approval documentation
  - Proof of levy payment

9. Ensure Timely Payment of Levies

Non-payment or late payment can result in penalties or regulatory scrutiny.

Action:

- Set up automated reminders and internal workflows for levy approvals and payments.
- Reconcile payment confirmations with regulatory requirements.

10. Monitor for Future Amendments

Because levies are tied to financial sector supervision, further adjustments may follow.

Action:

- Track National Treasury and Prudential Authority communications.
- Subscribe to Government Gazette alerts or maintain a monitoring service.

END

LAW AND TYPE OF NOTICE

GENERAL LAWS (ANTI-MONEY LAUNDERING AND COMBATING TERRORISM FINANCING) AMENDMENT BILL, 2025:

Extension: Comments invited

G 54172 GoN 7141

- Comment by 02 Mar 2026

19 February 2026

APPLIES TO:

1. Non Profit Organisations (NPOs)
2. Financial Institutions & “Accountable Institutions
3. Companies Registered Under the Companies Act
4. Financial Sector Institutions & Regulators

SUMMARY OF BILL

The Bill strengthens South Africa’s anti–money laundering (AML) and counter-terrorism financing (CTF) framework in preparation for the 2027 FATF mutual evaluation. It amends four key Acts:

- Nonprofit Organisations Act (NPO Act)
- Financial Intelligence Centre Act (FIC Act)
- Companies Act
- Financial Sector Regulation Act (FSR Act)

Its overarching goals are to:

- Improve compliance, supervision, and enforcement across sectors.
- Expand information-sharing and investigative powers.
- Regulate emerging financial products and technologies.
- Address gaps identified during FATF grey-listing processes.

1. Amendments to the NPO Act

Key reforms:

- Directorate empowered to monitor and enforce NPO compliance.
- Administrative sanctions may be imposed for non-compliance (e.g., failure to meet obligations under the Act).

- Appeal procedures expanded: Arbitration Tribunal now hears appeals on administrative sanctions.
- Stricter penalties: fines up to R1 million or 5-year imprisonment.

Purpose: Strengthen oversight of NPOs, a high-risk sector for terrorist financing.

2. Amendments to the FIC Act (most extensive changes)

The Bill significantly increases the Financial Intelligence Centre's powers, reporting duties, and information-sharing mechanisms.

2.1 Expanded Definitions & New Entities

- Adds Public Procurement Office and Border Management Authority as "authorised officers".
- Introduces definitions for lifestyle audits, public entity, municipality, and others.

2.2 Expanded FIC Powers

- FIC may now conduct lifestyle audits.
- FIC can request information from any organ of state, municipality or public entity.
- FIC can access more databases and registers.

2.3 Increased Reporting & Record-keeping Requirements

- Record-keeping periods extended from 5 to 7 years.

- Accountable institutions must report:
    - Whether a person is a client, dates of business relationships, and associated details.
    - Property or attempted transactions involving UN-sanctioned persons.

2.4 Changes to UN Sanctions Implementation

- Notice requirements expanded to include High Court orders under anti-terrorism legislation.
- Extraordinary expenses and interest accrual may be permitted for frozen accounts.

2.5 Monitoring Orders

- Applications may be heard by any magistrate or judge where the accountable institution operates.

2.6 Broader Protection for Reporting Persons

- Ensures protection for individuals and entities who act in good faith when reporting.

2.7 New Technology & Delivery Mechanism Risk Requirements

- Accountable institutions must assess risks related to:
  - New or developing technologies
  - New delivery mechanisms

- Additional risk management measures required for foreign branches in higher-risk countries.

2.8 Expanded Information-Sharing

FIC may now share:

- Lifestyle audit results
- Information with Public Procurement Office and Border Management Authority
- Information with organs of state if relevant to their statutory functions

2.9 New Offences

- Several new offences related to failures to report, scrutinise, or comply with sanctions-related obligations.

3. Amendments to the Companies Act

Strengthens transparency on ownership and governance:

- Mandatory deregistration of companies that fail to submit securities or beneficial ownership registers for 2+ years.
- CIPC may impose administrative fines for non-submission.
- Fines increased up to R10 million.
- Introduces right of review: companies may appeal fines to the Companies Tribunal.

Purpose: Address beneficial ownership transparency deficiencies flagged by FATF.

4. Amendments to the FSR Act

Focus: regulation of new financial services, fintech, and improved supervisory reach.

Key amendments:

- “Financial investment” broadened to capture more investment-like arrangements.
- “Financial services/products” expanded to include technology-driven innovations and similar arrangements (e.g., crypto-assets, alternative investment schemes).

- Regulators empowered to:
  - License institutions even if licensed under other laws.
  - Investigate suspected contraventions proactively.
  - Obtain information from significant or beneficial owners.

- Excludes certain master agreement-based financial transactions from specific provisions.

Purpose: Ensure regulators can keep pace with innovation and oversee emerging financial risks.

5. Other Notable Points

- No major financial cost to the state anticipated.
- Consultations done with major regulatory and government bodies.
- Bill to follow the section 75 parliamentary process.

In Summary — What the Bill Achieves

This Bill represents South Africa's next major compliance step toward addressing FATF shortcomings and exiting enhanced monitoring. It:

- Strengthens AML/CTF supervision of NPOs, companies, and financial institutions.
- Expands the FIC's power, access to data, and information-sharing capability.
- Enhances reporting, transparency, and enforcement mechanisms.

Modernises laws to cover new technologies, innovative financial services, and emerging risks.

FULL TEXT

DETAILS

NATIONAL TREASURY

NO. 7141 19 February 2026

EXTENSION OF PERIOD TO SUBMIT COMMENTS ON DRAFT GENERAL LAWS (ANTIMONEY LAUNDERING AND COMBATING TERRORISM FINANCING) AMENDMENT BILL, 2025

The period within which written comments may be submitted, as specified in Government Notice No. 6997 published under Government Gazette No. 53955 of 14 January 2026, on the draft General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, 2025, is hereby extended to 2 March 2026.

A copy of the draft Bill and a memorandum on its objects are available on the National Treasury website: www.treasury.gov.za. Written comments on the draft Bill may be submitted to CommentDraftLegislation@treasury.gov.za. By making a submission, the commentator agrees that the name of the commentator and the submission may be

made public by the National Treasury and the submission will be disclosed if requested in terms of the Promotion of Access to Information Act, 2000. *Click here to view the draft that is being referred to:* ***General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill: Draft*** *G 53955 GoN 6997 - Comment by 13 Jan 2026 14 January 2026* **CLICK HERE TO VIEW THE FULL DOCUMENT** **GENERAL LAWS (ANTI-MONEY LAUNDERING AND COMBATING TERRORISM FINANCING) AMENDMENT BILL, 2025: EXTENSION: COMMENTS INVITED** **G 54172 GON 7141 - COMMENT BY 02 MAR 2026 19 FEBRUARY 2026**
LINK TO FULL NOTICE **General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, 2025: Extension: Comments invited** G 54172 GoN 7141 - Comment by 02 Mar 2026 19 February 2026 54172gon7141.pdf
ACTION Ensure that you submit your comments before 02 March 2026.

END

TRANSPORTATION

LINK TO FULL NOTICE
Road Carrier Permits 13 February 2026

END

ADVERTISING ARTICLES

SOUTH AFRICA

Firearm billboard 'not harmful to children'

The Directorate of the Advertising Regulatory Board (ARB) was recently called on to consider a complaint lodged against Canik SA over a series of billboards along Grayston Drive, Sandton, displaying firearms, with a mother saying the advertisement is harmful to children.

The Directorate (the body which decides over complaints) said it appreciates the complainant's desire to shield children from exposure to contentious items like guns. However, it noted that it cannot on the basis of an individual's subjective moral preference uphold a complaint against an advertisement for a legal product in a widely used public space.

The complainant in essence stated that the advertisement is inappropriately placed and harmful to children and impressionable youth. She noted that the billboards are positioned directly along a busy pedestrian route used by families, schoolchildren and young people, and that she sees it daily when collecting her child from school.

She argued that the prominent display of real firearms in a public, family-oriented area normalises the presence of weaponry for children and may encourage curiosity or desensitisation towards guns. The mother further argued that while the advertising of firearms is legal, that advertising weapons in close proximity to schools and child-dense areas are "irresponsible and contrary to the protection of minors".

The advertiser responded that the ARB's Code does not prohibit lawful advertising of adult-restricted products from being visible in public spaces, noting that "visible to children" is not the same as "directed at children". It argued that as the advertisement promotes an adult-restricted, licensed product, the messaging is directed exclusively at adult customers.

The advertiser argued that if visibility alone were the test, then alcohol advertising, gambling advertising and pharmaceutical advertising for adult medications would be banned from public spaces.

It pointed out that Grayston Drive, where the billboards are located, is a major commercial and transport corridor in an area comprising offices, retail and transport infrastructure. It is not a school, playground or child-exclusive environment, it said.

Notably, the advertiser commented that there is no firearm-specific advertising restriction under South African law, the ARB Code, or any industry code that prohibits outdoor advertising of lawful firearms.

In analysing the complaint, the Directorate said it is sympathetic to the views of the complainant, and understands that the possibility of gun ownership, as a contentious topic in both South Africa and internationally, is something that a person could reasonably not want their child exposed to.

The Directorate noted that a similar debate exists around whether it is acceptable to sell toy guns to children who might then become desensitised to or admiring of firearms in general. While some parents might take the view that children should not be exposed to firearms, others believe that an understanding of such items is normal and supports their sense of safety.

The Directorate further noted the advertiser’s argument that the Code does not prohibit the advertising of other adultonly products such as gambling or alcohol in public spaces. However, it said, the placement of alcohol advertising is regulated by the Code. The Directorate accepted that this advertisement’s proximity to a school puts it in view of one of the busiest commuter routes in Africa, and on a major feeder road for the commercial heart of Johannesburg. Therefore, the Directorate cannot conclude that, on the basis of placement alone, this advertisement is directed at children. It also accepted that nothing about the advertisement indicates that children are intended as its target.

Zelda Venter
The Star Early Edition

INTELLECTUAL PROPERTY ARTICLES

SOUTH AFRICA

What's new in the 13th Edition of the Nice Classification (2026)

The adoption of the 13th Edition of the Nice Classification, the international system for categorising goods and services for trade mark purposes, introduces a number of structural reclassifications for new trade mark applications. This edition seeks to better reflect modern commerce, emerging technologies and functional distinctions between goods and services.

A look at some of the key reclassification is outlined below.

All ordinary eyewear (glasses, sunglasses, contact lenses) will now be classified under Class 10 (medical apparatus and articles). This reclassification draws a clear distinction between conventional eyewear and smart eyewear, the latter of which remains in class 09.

Essential oils are no longer classified together in a single class; instead, their classification now depends on their intended use. For example, essential oils intended for cosmetic or fragrance purposes remain in class 03, whereas those used for culinary or flavouring purposes are now reclassified under class 30 (foodstuffs). This distinction resolves any long-standing ambiguity.

Emergency & rescue vehicles will now be classified under Class 12 (vehicles and apparatus) to unify all vehicles such as land, air and sea in a single class.

Items such as heated garments, socks, gloves and non-protective heated apparel will now be classified in class 25 (clothing), reflecting their primary function as wearable garments rather than electrical devices.

A number of yoga apparatus are now reclassified to reflect their specific nature and respective functions such as yoga cushions, yoga gloves, yoga mats and yoga blocks.

With the growth of AI-driven business, AI as a service is now formally recognised under class 42.

However, it is important to remember that all existing trade mark registrations prior to 1 January 2026 will remain unaffected, with the new edition of classes applying only to trade mark applications filed thereafter. As was the case with previous changes to the Nice classification, trade marks in the "incorrect" classes under the new classification will need to be reclassified upon renewal although it is open to brand owners to apply for reclassification of goods at any time of their own volition.

Overall, the 13th edition introduces a more functional, technology aligned system, providing greater clarity and consistency in the classification of goods and services.

Provided By KISCH IP
By Dahlia Goss

LABOUR ARTICLES

SOUTH AFRICA

HR manager loses court battle after dismissal for reporting sick and went to chair outside hearing

The Labour Appeal Court in Durban has dismissed an appeal by former CHEP SA (Pty) Ltd employee Nontobeko Lliona Machi, confirming that her dismissal was substantively fair despite procedural flaws in the disciplinary process.

The court upheld an earlier ruling of the Labour Court that refused to set aside an arbitration award issued under the auspices of the Commission for Conciliation, Mediation and Arbitration (CCMA).

Machi had been employed by CHEP SA, a subsidiary of Brambles, as a Senior Human Resources Business Partner from May 2016.

The events leading to her dismissal stemmed from July 2017, when a colleague was suspended for alleged fraud and Machi requested permission to leave a company awards event in Cape Town early. She told her manager she was unwell and emotionally shocked due to the recent suspension of her colleague. Permission was granted, and she flew back to Durban during business hours.

It later emerged that upon landing, Machi did not go home or return to CHEP's offices. Instead, she chaired a disciplinary hearing at a company known as Zala Corporates and issued a finding in which she described herself as the company's "HR Director", despite not being a director or employee of that entity.

Following an internal investigation, CHEP charged her with three counts of misconduct, including gross negligence, dishonesty relating to her illness, and failing to disclose a conflict of interest. She was found guilty at the disciplinary hearing and summarily dismissed.

Machi referred an unfair dismissal dispute to the CCMA. The arbitrator found that, while her suspension and dismissal were procedurally unfair, she was not guilty of the three formal charges as framed.

However, the arbitrator identified what was described as an "unexpressed fourth allegation" — namely that Machi had abused the employer's trust by claiming to be unwell to leave work and then performing duties for another company during working hours, holding herself out as its director.

On that basis, the arbitrator concluded that the misconduct destroyed the trust relationship and rendered the dismissal substantively fair. Machi was awarded two months' salary as compensation for procedural unfairness.

Machi challenged the arbitration award in the Labour Court, arguing that the arbitrator had committed a gross irregularity by effectively creating a new charge that was not part of the original disciplinary notice. The Labour Court dismissed the review application.

On appeal, Machi maintained that fairness must be assessed strictly against the charges listed in the dismissal letter. She argued that the arbitrator was not entitled to formulate a new ground of misconduct to justify the dismissal.

CHEP, however, contended that her conduct in chairing the Zala disciplinary hearing during working hours was central to the employer's case from the outset and formed part of the factual matrix underpinning the original charges.

The Labour Appeal Court agreed with CHEP. It held that the so-called "unexpressed fourth allegation" was not a new or unrelated charge, but rather a concise description of the core misconduct that had been ventilated throughout the disciplinary hearing and arbitration.

What matters, the court said, is whether the employee had adequate notice of the substance of the allegations and a fair opportunity to respond.

Acting Judge Maletsatsi Mahalelo found that Machi was fully aware that her conduct in July 2017 — particularly chairing a disciplinary hearing for an external entity during company time after claiming illness — lay at the heart of the employer's case. She had addressed this issue in evidence and argument and could not claim prejudice.

Given her senior HR role, where trust and integrity are paramount, the court held that her actions constituted a serious breach of trust. Even if a disciplinary code might ordinarily prescribe a lesser sanction for private work during office hours, the context and seniority of her position justified dismissal.

The appeal was dismissed, and the court made no order as to costs.

Sinenhlanhla Masilela
IOL

MEDICAL ARTICLES

SOUTH AFRICA

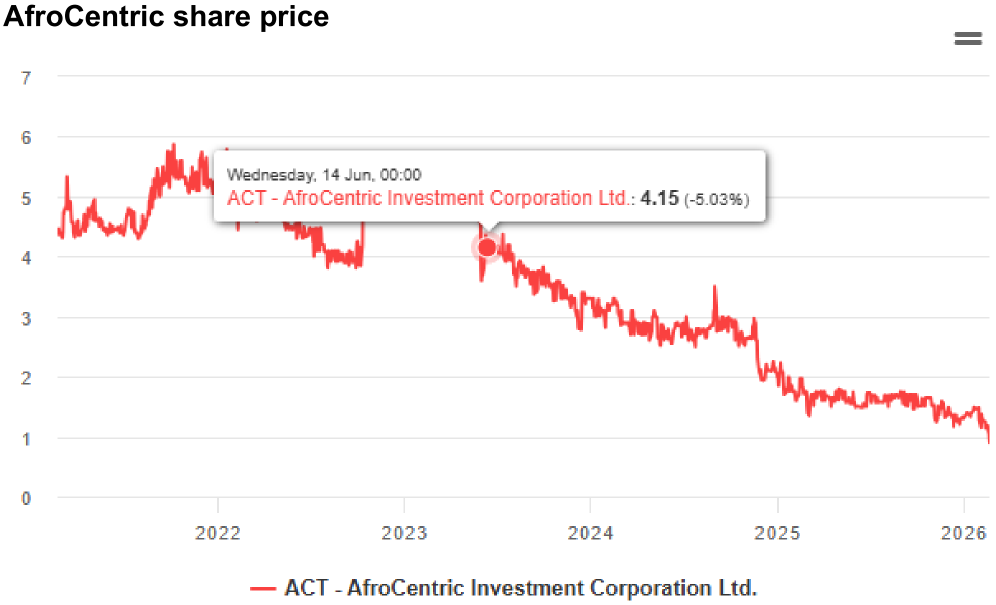
Medscheme, Bonitas set for high court showdown next month

Medscheme alleges improper procurement at Bonitas, now under forensic investigation by the Council for Medical Schemes.

The showdown between medical scheme administrator Medscheme and Bonitas Medical Fund over alleged improper procurement practices at Bonitas is set to be heard next month in the High Court in Johannesburg.

Medscheme, a subsidiary of JSE-listed AfroCentric and the administrator for 14 medical aid schemes serving over four million members, lodged an urgent application on 15 December 2025 to suspend or terminate certain requests for proposals (RFPs) issued by Bonitas in July 2025.

AfroCentric share price



The application cites concerns about ethical, contractual and statutory obligations to the scheme and its members.

CMS inquiry and forensic investigation

The concerns were heightened by media reports alleging governance failures and procurement improprieties involving senior Bonitas executives and trustees.

This led to the Registrar of the Council for Medical Schemes (CMS) initiating a Section 43 inquiry in February 2025 that involved a request for certain information from Bonitas for thorough analysis.

The CMS announced on 3 November 2025 it had concluded its inquiry and that the findings, after a comprehensive review of the submitted information, “suggest the allegations warrant further investigation”.

The CMS said it had therefore decided to initiate a forensic investigation to examine the full scope of the claims and formulate appropriate recommendations.

It has not yet announced the outcome.

Medscheme said it sought to resolve its concerns amicably, requesting written assurances from Bonitas that no RFP awards would be made before the CMS investigation is concluded, but these requests were declined.

This prompted Medscheme to lodge its high court application.

Flawed procurement allegations

Medscheme is, among other things, seeking in its court application an order directing Bonitas to suspend any ongoing tender procurement processes related to administration and managed care services under the RFPs, pending the final outcome of the forensic investigation by the CMS.

It is also seeking to interdict Bonitas from taking further steps to negotiate, finalise, or implement any RFP awards pending the final determination of its court application.

Despite the CMS’s forensic investigation and Medscheme’s urgent application, Bonitas on 29 January 2026 announced the outcome of its RFP process to appoint service providers for the provision of administration and managed care services.

Medscheme said on Wednesday that its application is set to be heard on 3 March 2025, although the date may move by a week or two and is expected to be set down for hearing during March 2025.

Gerald van Wyk, CEO of AfroCentric and a board member of Medscheme, said that where credible allegations of unlawfulness exist and regulatory scrutiny has been triggered, “prudence, legality and fairness demand that implementation pauses until those processes have run their course”.

“Once the new contracts are implemented, the prejudice to Bonitas and its members flowing from a fatally flawed procurement process becomes irreversible.

“A claim for damages cannot retrospectively restore the integrity of a compromised tender process, nor can it unwind the operational disruption and instability that will result,” he said.

Van Wyk made a number of claims, including that whistleblowers have provided corroborating documentary evidence supporting Medscheme's argument that the awarding of the Bonitas contract in 2024 was unlawful and procedurally tainted.

He said the whistleblower evidence includes extensive email trails and supporting documents, which Medscheme alleges show predetermination of outcomes and efforts by scheme insiders to exclude Medscheme from Bonitas's procurement processes.

Van Wyk added that documents provided by whistleblowers significantly bolster Medscheme's contention that Bonitas's RFP processes were intentionally compromised from the outset, and procurement outcomes predetermined prior to the issuance of certain RFPs and aligned to preferred bidders and their associated entities.

He further claimed that cyber-forensic analysis confirms documents relied upon by Private Health Administrators (PHA) and provided to the court were altered and fraudulent.

Van Wyk said all claims by Bonitas about poor performance by Medscheme are contradicted by the scheme's own reporting as well as verifiable data.

He claimed that, on awarding a tender, the successful bidder promptly employed or offered to employ all of the 23 existing staff members of AfroCentric Distribution, despite Bonitas's claims of poor performance.

Van Wyk claimed the evidence shows that certain former executives of AfroCentric and/or Medscheme were involved in establishing competing initiatives while still employed, constituting alleged breaches of fiduciary duties.

Bonitas responds

Lee Callakoppen, principal officer of Bonitas Medical Fund, confirmed that Medscheme is the current service provider to Bonitas for administrative and managed care services for all Bonitas options other than the BonCap option.

Callakoppen said the current agreements governing these services ends "through the effluxion of time" on 31 May 2026.

He added that Medscheme is seeking to interdict tenders 3 and 4 pending the finalisation of an inspection by the CMS Registrar, which has yet to commence, into the processes followed in awarding tenders 1 and 2, and pending a postulated review premised on the CMS inspection.

However, Callakoppen said the processes and outcomes followed in the awarding of tenders 1 and 2 are completely unrelated to, and have no bearing on, tenders 3 and 4.

Callakoppen said Medscheme's application is therefore clearly unsustainable and also lacks any substantiated grounds to justify the granting of an interim interdict.

He said the tender processes in respect of tenders 3 and 4 have been concluded, with tender 3 awarded to Momentum for administration services for all options, and tender 4 to PHA for managed care services for all options referred to in the terms of reference.

‘Ulterior motives’ by Medscheme

He added that the award of tenders 3 and 4, and the conclusion of binding agreements with the service providers, means “the relief sought by Medscheme is accordingly moot”.

“The timing of the application, the intentional conflation of the issues relating to tenders 1 and 2, as well as the reliance placed thereon as grounds for interdicting tenders 3 and 4, are all part of Medscheme’s ulterior purpose, which is to delay and prevent the appointment of new service providers in terms of the pending tenders, and therefore it seeks to continue thereby to indefinitely reap the financial benefits emanating from its position as the existing service provider,” he said.

Callakoppen also claimed Medscheme’s application lacked urgency and that any urgency was self-created.

He noted that tender 1 was awarded in 2022 and tender 2 in 2024, and if Medscheme had any grounds to seek relief, it should have done so two to four years ago.

Callakoppen said Bonitas is confident proper tender processes, which have been independently verified, were followed in respect of the tenders.

He said the crux of Medscheme’s contention is that Bonitas and its members will suffer harm if a new service provider “is ever appointed” to render administration and managed care services.

Callakoppen said the only way to avert any harm, according to Medscheme, is for Bonitas to retain Medscheme as a service provider, preferably indefinitely, to avoid any disruption.

“The harm apprehended by Medscheme is unreasonable and unfounded.

“It also seeks to usurp the power of the Registrar and CMS (for its own gain) by asserting that it should as the service provider in perpetuity to safeguard Bonitas and its members.

“Medscheme simply does not have the power or authority to do so,” he said.

Roy Cokayne
Moneyweb

TRANSPORTATION ARTICLES

SOUTH AFRICA

180-day countdown: SA's e-hailing industry teeters on illegal status

The South African e-hailing industry is racing toward a regulatory cliff edge. The National Land Transport Amendment Act that came into effect on 12 September 2025 began a 180-day countdown began for the sector to regularise.

For years, e-hailing apps like Uber and Bolt have operated in a legal grey area. That ended in September last year when the National Land Transport Amendment Act (NLTA) finally classified e-hailing as a recognised form of public transport. However, according to the national Department of Transport, this creates a "dependency chain" that is currently stalled.

Drivers cannot legalise their operations until the e-hailing companies themselves register with the National Public Transport Regulator.

"Providers who are not registered with the regulator will not appear in the databases maintained by the provincial regulators. Consequently, this will impact e-hailing operators seeking to apply for an operating licence," the department said in a media statement on 20 November 2025.

With a Wednesday, 11 March 2026 deadline looming, the department has warned that the "snail's pace" of compliance could soon render thousands of drivers "automatically illegal".

Despite the high stakes, registration is moving slowly. According to News24, as of 6 February 2026, the regulator had received only 10 registration applications from platforms, and zero had been finalised.

The cost of non-compliance

In addition to a R5,000 application fee, the barriers to registering successfully entail a rigorous technical audit. To be legal under the new act, platforms must prove they have:

🚘 Real-time trip verification and real-time tracking.
🚘 24/7 hours support centres and fare transparency.
🚘 Certification showing all electronic devices used by the platform meet the Independent Communications Authority of SA's technical standards.

According to the act, app developers who permit users to use their platforms without an operating licence risk a fine of up to R100,000 or up to two years in jail.

Safety first

Beyond the administrative overhaul, the new framework serves as a long overdue response to a track record of violence within the sector. For years, the industry has been scarred by reports of kidnappings, assaults, and hijackings, leaving both commuters and drivers vulnerable.

The department has been clear that these mandates are designed to curb this crisis; according to the national Department of Transport, the legislation “ushers in a new service type” that prioritises “high quality and security standards” to protect the public.

The act requires panic buttons to be installed in e-hailing vehicles. These buttons must be hard-wired and linked directly to law enforcement or private security.

Commenting on the panic button requirement, veteran magazine editor and now chief admin of The Village, a group of more than a quarter of a million parents of teens, tweens and young adults, Vanessa Raphaely said she hears parents' most heartfelt concerns all the time. "Safety in e-hailing cabs is one of the top issues and any progress towards keeping our kids safer, especially at a time when they are learning to be independent and taking more risks, would be greatly welcomed," she said.

Furthermore, “each vehicle should be branded or carry a sign indicating that it is an e-hailing vehicle”, according to the new regulations.

How this affects you

🚙 If your preferred e-hailing app (like Uber or Bolt) fails to register by mid-March, their drivers may be forced off the road.
🚙 You will soon see specific branding or signage on all legal e-hailing vehicles, making it easier to spot and identify “pirate” rides.
🚙 Every legal ride must have a physical panic button accessible to the commuter, linked to rapid emergency response.
🚙 Platforms must provide the regulator with police clearance for every driver, ensuring no one with a pending criminal case or history is behind the wheel.

Provincial push

While the national regulator handles the apps, the provinces are tasked with licensing the actual vehicles. In Gauteng, authorities are increasing pressure on operators to fall in line.

“The growth of the e-hailing service in Gauteng has been significant, offering valuable mobility options and creating economic opportunities for thousands of operators,” said Gauteng MEC for Transport, Kedibone Diale-Tlabela. “However, this growth must take place within a transparent and well-regulated environment that protects both operators and commuters.”

The Gauteng Department of Roads and Transport has urged operators to view this as a normalisation of their industry, rather than an attack.

“The current regulations provide an opportunity to realign the system with national legislation and ensure that all e-hailing platform providers and operators meet the required legal requirements and regulatory standards,” the department noted.

Looming deadline

The clock is ticking. With the 180-day deadline closing in March, the industry has until then to achieve full compliance or risk hefty fines and jail time.

If the bottleneck of applications is not cleared, SA faces the prospect of a chaotic enforcement period where thousands of drivers, unable to secure licences due to platform non-compliance, are forced off the road or into illegality.

In other news, Uber in January unveiled a driverless robotaxi offering. Testing has already started in the San Francisco Bay Area with safety drivers on board, and Uber plans to begin offering paid robotaxi rides later in 2026.

By Kara Le Roux
Daily Maverick

END