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# GOVERNMENT NOTICE

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## DEPARTMENT OF TRADE AND INDUSTRY

No. R. 1119

28 December 2012

### MERCHANDISE MARKS ACT, 1941

#### DESIGNATION OF THE 2013 AFRICAN CUP OF NATIONS (AFCON) AS A PROTECTED EVENT

Whereas section 15A of the Merchandise Act, 1941 (Act No. 17 of 1941) ("Merchandise Act") provides that, the Minister may not designate an event as a protected event unless the staging of the event is in the public interest and the Minister is satisfied that the organisers have created sufficient opportunities for small businesses and in particular those of the previously disadvantaged communities.

I, Dr Rob Davies, the Minister of Trade and Industry having satisfied myself that the staging of the African Cup of Nations (hereinafter referred to as "AFCON 2013") shall be in the public interest and shall contribute to nation building as well as promoting continental and regional cohesion through cultural exchanges hereby designate in terms of section 15A of the Merchandise Act the AFCON 2013 as a "protected event".

The "protected event" designation is on condition that:

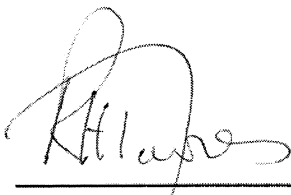
- (a) The issuance of special Liquor Licenses shall be in accordance with the AFCON, 2013 Liquor Regulations published in *Government Gazette* by the Minister of Trade and Industry;
- (b) Public viewing areas shall not fall within the ambit or control of AFCON;
- (c) Small businesses shall be permitted to trade within the demarcated area of AFCON with authorization from AFCON;
- (d) The procurement policy of the AFCON 2013 Local Organising Committee ("LOC") shall comply with the constitutional procurement principles, the Preferential Procurement Policy Framework Act, 2000 (Act No.5 of 2000)(PPPFMA), the Department of Trade and Industry codes of good practice for Broad Based Black Economic Empowerment (BBBEE) when evaluating suppliers and administrative law principles of fair procedure.

I am satisfied further that event organizers of AFCON 2013 have created sufficient opportunities for small businesses and in particular for those within the previously disadvantaged communities in that, inter alia,:

- (a) the LOC provided proof that the principles enunciated in the PPPFMA are enshrined in the LOC's procurement policy;
- (b) the LOC provided proof in compliance with the PPPFMA, that the service providers appointed are from previously disadvantaged communities ;
- (c) the LOC guaranteed that 50% of the actual budget will be spent towards the development and empowerment of small businesses from previously disadvantaged communities; and
- (d) the LOC has undertaken that at least 50% of the persons to be employed for services in the stadia will be persons from local communities wherein the stadia are located.

The LOC must submit an impact assessment of the AFCON 2013 on communities in South Africa to the Minister of Trade and Industry within six (6) months after the termination of the "protected event" designation.

The date of termination of the "protected event" designation is one (1) month after the date of the last match.



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**DR ROB DAVIES (MP)**  
**MINISTER OF TRADE AND INDUSTRY**  
DATE: 21/12/12

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