

**DRAFT**

**SOUTH AFRICAN REVENUE SERVICE**

**No.**

**2026**

**PERSONS ELIGIBLE TO APPLY TO THE COMMISSIONER FOR A DTA ADVANCE PRICING AGREEMENT IN TERMS OF SECTION 76C OF THE INCOME TAX ACT, 1962 (ACT NO. 58 OF 1962)**

In terms of section 76C of the Income Tax Act, 1962, I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby prescribe in the attached Schedule, the persons eligible to apply to the Commissioner for a DTA advance pricing agreement.

**E C KIESWETTER**

**COMMISSIONER: SOUTH AFRICAN REVENUE SERVICE**

## Schedule

### 1. General

Any term or expression in this notice to which a meaning has been assigned in a “tax Act” as defined in section 1 of the Tax Administration Act, 2011 (Act No. 28 of 2011), has the meaning so assigned, unless the context indicates otherwise.

### 2. Persons eligible to apply for a DTA advance pricing agreement

A person who is a party to an affected transaction, or contemplating entering into an affected transaction, is eligible to apply to SARS for a DTA advance pricing agreement, provided that—

- 2.1 the person proves to SARS that the person had a turnover in excess of R50 billion in the year of assessment preceding the year of assessment in which the person requests a pre-application consultation meeting;
- 2.2 the affected transaction is in relation to the following functions:
  - 2.2.1 Distribution;
  - 2.2.2 Manufacturing; or
  - 2.2.3 Imported intragroup services;
- 2.3 the affected transaction does not constitute financial assistance, and does not constitute or result in the creation of intangible property;
- 2.4 the value of the affected transaction for each of the years of assessment in section 76K(5) of the Income Tax Act is expected to exceed:
  - 2.4.1 R1 billion for a distribution or manufacturing function; or
  - 2.4.2 R300 million for the receipt of intragroup services;
- 2.5 SARS retains a discretion, based on the nature of the transaction, the industry in which the prospective applicant operates, and the available resources to accept or reject the application; and
- 2.6 the prospective applicant is tax compliant to the extent referred to in section 256(3) of the Tax Administration Act.

### 3. Commencement

This Notice will apply to all applications received on or after the date of publication of this Notice in the *Government Gazette*.