

Jurisdiction: South Africa

2019 IMN Survey of National/Regional Progress in the Implementation of G20/FSB Recommendations

Contact information

- I. Hedge funds
- II. Securitisation
- III. Enhancing supervision
- IV. Building and implementing macroprudential frameworks and tools
- V. Improving oversight of credit rating agencies (CRAs)
- VI. Enhancing and aligning accounting standards
- VII. Enhancing risk management
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- IX. Safeguarding the integrity and efficiency of financial markets
- X. Enhancing financial consumer protection

List of abbreviations used

Sources of recommendations

List of contact persons from the FSB and standard-setting bodies

National authorities from FSB member jurisdictions should complete the survey and submit it to the FSB Secretariat (imn@fsb.org) by **Friday, 12 July** (*representing the most recent status at that time*). The Secretariat is available to answer any questions or clarifications that may be needed on the survey. Please also provide your contact details for the person(s) completing the survey and an index of abbreviations used in the response.

National authorities are expected to submit the information to the FSB Secretariat using the Adobe Acrobat version of the survey. The Microsoft Word version of the survey is also being circulated to facilitate the preparation/collection of survey responses by relevant authorities within each jurisdiction.

Jurisdictions that previously reported implementation as completed in a particular recommendation are not required to include information about progress to date, main developments since last year's survey or future plans. Revisions to previously included text or descriptions of relevant developments and new reforms to enhance the existing framework in that area can be made as needed, but this is optional and should not lead to a downgrade from implementation completed to ongoing, unless these reverse previously implemented reforms. Jurisdictions that do not report implementation as completed are required to include full information both in the "Progress to date" and "Update and next steps" tables.

As with previous IMN surveys, the contents of this survey for each national jurisdiction will be published on the [FSB's website](#). Such publication is planned at around the time of the October 2019 G20 Finance Ministers and Central Bank Governors meeting. The FSB Secretariat will contact member jurisdictions in advance to check for any updates or amendments to submitted responses before they are published.

I. Hedge funds

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1. Registration, appropriate disclosures and oversight of hedge funds

G20/FSB Recommendations

We also firmly recommitted to work in an internationally consistent and non-discriminatory manner to strengthen regulation and supervision on hedge funds.
(Seoul)

Hedge funds or their managers will be registered and will be required to disclose appropriate information on an ongoing basis to supervisors or regulators, including on their leverage, necessary for assessment of the systemic risks they pose individually or collectively. Where appropriate registration should be subject to a minimum size. They will be subject to oversight to ensure that they have adequate risk management.
(London)

Implementation of this recommendation was reported to be completed by all FSB jurisdictions in the 2016 IMN survey. Given this, the reporting of progress with respect to this recommendation will not be collected in the 2019 survey.

I. Hedge funds

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2. Establishment of international information sharing framework

G20/FSB Recommendations

We ask the FSB to develop mechanisms for cooperation and information sharing between relevant authorities in order to ensure effective oversight is maintained when a fund is located in a different jurisdiction from the manager. We will, cooperating through the FSB, develop measures that implement these principles by the end of 2009. (London)

Remarks

Jurisdictions should indicate the progress made in implementing recommendation 6 in IOSCO's [Report on Hedge Fund Oversight \(Jun 2009\)](#) on sharing information to facilitate the oversight of globally active fund managers.

In addition, jurisdictions should state whether they are:

- Signatory to the IOSCO MMoU in relation to cooperation in enforcement
- Signatory to bilateral agreements for supervisory cooperation that cover hedge funds and are aligned to the 2010 IOSCO [Principles Regarding Cross-border Supervisory Cooperation](#).

Jurisdictions can also refer to Principle 28 of the 2017 IOSCO Objectives and Principles of Securities Regulation, and take into account the outcomes of any recent FSAP/ROSC assessment against those Principles.

Progress to date	
<input type="radio"/> Not applicable <input type="radio"/> Applicable but no action envisaged at the moment <input type="radio"/> Implementation ongoing <input checked="" type="radio"/> Implementation completed as of <input type="text" value="2015"/>	
If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification <div style="background-color: #cccccc; height: 200px; width: 100%;"></div>	
If "Implementation ongoing" has been selected, please specify <input type="radio"/> Draft in preparation, expected publication by <input type="text"/>	
<input type="radio"/> Draft published as of <input type="text"/>	
<input type="radio"/> Final rule or legislation approved and will come into force on <input type="text"/>	
<input type="radio"/> Final rule (for part of the reform) in force since <input type="text"/>	

I. Hedge funds

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2. Establishment of international information sharing framework

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input checked="" type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>The MoUs were concluded in accordance with the Financial Services Board Act, which permits disclosure of information obtained in performance of any act/power in terms of the Acts administered by the FSB. To afford the necessary protection to the information exchanged in terms of the MoUs, provision has been made to ensure that the use of the information is restricted to achieving the supervisory and regulatory objectives of the regulators and that confidentiality is maintained at all times. Other actions: 2015-MoUs included in accordance with Final regulations issued on 2015 with a Ministerial (Minister of Finance) declaration of Hedge funds as Collective Investment Schemes South Africa cooperates fully with international institutions, such as the Financial Stability Board, and awaits any further guidance on issues relating to the regulation of cross-border institutions and groups.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p> <div style="background-color: #e0e0e0; height: 200px; width: 100%;"></div>

I. Hedge funds

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2. Establishment of international information sharing framework

Update and next steps

<p>Highlight main developments since last year's survey</p> <div style="background-color: #e0e0e0; height: 400px; width: 100%;"></div>	<p>Planned actions (if any) and expected commencement date</p> <div style="background-color: #e0e0e0; height: 400px; width: 100%;"></div>
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Relevant web-links

<p>Web-links to relevant documents</p>	<p>Signatory to bilateral agreements for supervisory cooperation that cover hedge funds and are aligned to the 2010 IOSCO Principles Regarding Cross-border Supervisory Cooperation. MoU with FSB-ESMA-Europa http://www.esma.europa.eu/system/files/201487_mou_with_fsb_south_africa.pdf</p>
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I. Hedge funds

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3. Enhancing counterparty risk management

G20/FSB Recommendations

Supervisors should require that institutions which have hedge funds as their counterparties have effective risk management, including mechanisms to monitor the funds' leverage and set limits for single counterparty exposures. (London)

Supervisors will strengthen their existing guidance on the management of exposures to leveraged counterparties. (Rec. II.17, FSF 2008)

Implementation of this recommendation was reported to be completed by all FSB jurisdictions in the 2018 IMN survey. Given this, the reporting of progress with respect to this recommendation will not be collected in the 2019 survey.

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4. Strengthening of regulatory and capital framework for monolines

G20/FSB Recommendations

Insurance supervisors should strengthen the regulatory and capital framework for monoline insurers in relation to structured credit. (Rec II.8, FSF 2008)

Implementation of this recommendation was reported to be completed by all FSB jurisdictions in the 2016 IMN survey. Given this, the reporting of progress with respect to this recommendation will not be collected in the 2019 survey.

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5. Strengthening of supervisory requirements or best practices for investment in structured products

G20/FSB Recommendations

Regulators of institutional investors should strengthen the requirements or best practices for firms' processes for investment in structured products. (Rec II.18, FSF 2008)

Remarks

Jurisdictions should indicate the due diligence policies, procedures and practices applicable for investment managers when investing in structured finance instruments and other policy measures taken for strengthening best practices for investment in structured finance products.

Jurisdictions may reference IOSCO's report on [Good Practices in Relation to Investment Managers' Due Diligence When Investing in Structured Finance Instruments \(Jul 2009\)](#).

Jurisdictions may also refer to the Joint Forum report on [Credit Risk Transfer-Developments from 2005-2007 \(Jul 2008\)](#).

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of Retirement Funds eff.

If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification

If "Implementation ongoing" has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted]

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5. Strengthening of supervisory requirements or best practices for investment in structured products

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input checked="" type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <div style="background-color: #e0e0e0; padding: 10px;"> <p>Insurance: The existing requirements for insurers that originate or invest in structured products are sufficiently robust, but will be reconsidered in developing the new Solvency Assessment and Management (SAM) regime. The existing requirements relate to limitations on the type and spreading of assets, limitations on derivatives trading, parameters for the valuation of group undertakings and capital requirements that requires the consideration of market and credit risk. Retirement funds Regulation 28 regulations sets out limits on the amount and the extent to which a retirement fund may invest in particular assets, e.g. equities, bond etc. Other actions: Under the Twin Peak Framework: South African authorities continue to closely monitor the development of complex financial products. The envisaged new Market Conduct regulator will take an active interest in this area as part of the mandate to protect consumers and also to contribute towards financial stability.</p> </div>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

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5. Strengthening of supervisory requirements or best practices for investment in structured products									

Update and next steps	
<p>Highlight main developments since last year’s survey</p> <p>The Insurance Act, Act No. 18 of 2017 commenced on 1 July 2018. The Insurance Act, Act No.18 of 2017 was enacted 18 January 2018 to replace the prudential framework requirements of the current Long-Term and Short-Term Insurance Acts. Market conduct requirements will continue to be dealt with in the Long-Term Insurance Act and the Short-Term Insurance Act until the implementation of Phase II of Twin Peaks, when all market conduct requirements will be centralised in a planned Conduct of Financial Institutions (“CoFI”) Bill. The Financial Sector Regulation Act, Act No. 9 of 2017 (“FSR Act”) was enacted on 21 August 2017 to give effect to the Twin Peaks framework, consistent with international best practice.</p> <p>The SAM risk-based framework is completed. The objective of SAM framework includes: (i) to align capital requirements with the underlying risks of an insurer; (ii) the development of a proportionate, risk- based approach to supervision with appropriate treatment for small insurers and large cross-border groups; (iii) incentives for insurers to adopt more sophisticated risk-monitoring and risk management tools; and (iv) contribution towards improving the stability of the financial sector.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
<p>Web-links to relevant documents</p>	<p>Retirement funds: http://www.treasury.gov.za/public%20comments/Explanatory%20memorandum%20to%20draft%20regulation%2028.pdf http://ntintranet/legislation/Bills/2016/ http://www.treasury.gov.za/twinpeaks http://www.treasury.gov.za/twinpeaks/Insurance%20Reg%20Press%20Statement.pdf http://www.treasury.gov.za/legislation/acts/2018/41388_18-1_InsuranceAct2017.pdf</p>

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6. Enhanced disclosure of securitised products

G20/FSB Recommendations

Securities market regulators should work with market participants to expand information on securitised products and their underlying assets. (Rec. III.10-III.13, FSF 2008)

Remarks

Jurisdictions should indicate the policy measures and other initiatives taken in relation to enhancing disclosure of securitised products, including working with industry and other authorities to continue to standardise disclosure templates and considering measures to improve the type of information that investors receive.

See, for reference, IOSCO’s [Report on Principles for Ongoing Disclosure for Asset-Backed Securities \(Nov 2012\)](#), [Disclosure Principles for Public Offerings and Listings of Asset-Backed Securities \(Apr 2010\)](#) and [report on Global Developments in Securitisation Regulations \(November 2012\)](#), in particular recommendations 4 and 5.

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of The Financial Sector

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by
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6. Enhanced disclosure of securitised products

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>As part of its implementation of a new outcomes based market conduct regulatory framework entitled “Treating Customers Fairly”, the Financial Services Board has set up a multi-stakeholder task group to review product disclosure practices across all regulated financial services sectors and products. From the recommendations included in the IOSCO Report on Principles for On-going Disclosure for Assets backed securities (Nov) 2012, the South African Financial Service Board has benchmarked the JSE listing requirement to the recommendations.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

I	II. Securitisation	III	IV	V	VI	VII	VIII	IX	X
6. Enhanced disclosure of securitised products									

Update and next steps	
<p>Highlight main developments since last year’s survey</p> <p>The FSR Act was signed into law by the President of the Republic of South Africa on 21 August 2017 which gave effect to the Twin Peaks framework. The FRSA regulations came into effect on 1 April 2018 to enforce and develop to this end the twin peaks framework. The Financial Sector Conduct Authority, South Africa’s non-bank financial regulator, has implemented a process to strengthen the reporting of information on securitised products and underlying assets as well as improved disclosure of all complex financial products. The JSE amended the JSE Debt Listings Requirements (the “Debt Requirements”) on 23 September 2016 to include a section on standardised disclosure of underlying assets in the Asset-Backed Securities-effective as 1 January 2017. The FSCA is currently in the process of revising (full re-write) of our regulations (Conduct Standard) to regulate Advertising, Marketing and Information Disclosure Requirements for Collective Investment Schemes. The FSCA is finalising the publication for public comment. The regulations will be determining that a portfolio that uses/invests in securitization instruments must disclose this fact in specified documentation, as well as describe the nature of such securitisation instruments.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
Web-links to relevant documents	<p>http://www.treasury.gov.za/twinpeaks</p> <p>http://www.treasury.gov.za/public%20comments/FSR2014/Treating%20Customers%20Fairly%20in%20the%20Financial%20Sector%20Draft%20MCP%20Framework%20Amended%20Jan2015%20WithAp6.pdf</p> <p>https://www.jse.co.za/content/JSEAnnouncementItems/JSE%20Letter%20DLR%20Implementation%20September%202016.pdf</p> <p>https://www.fsb.co.za/Departments/capitalMarkets/Documents/Board%20Notice%20160%20of%202016.pdf</p> <p>https://www.fsb.co.za/Departments/capitalMarkets/Documents/The%20Amended%20JSE%20Debt%20Listing%20Requirements%20(the%20Amendment%20Schedule).pdf</p>

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7. Consistent, consolidated supervision and regulation of SIFIs

G20/FSB Recommendations

All firms whose failure could pose a risk to financial stability must be subject to consistent, consolidated supervision and regulation with high standards. (Pittsburgh)

Remarks

Jurisdictions should indicate: (1) whether they have identified domestic SIFIs and, if so, in which sectors (banks, insurers, other etc.); (2) whether the names of the identified SIFIs have been publicly disclosed; and (3) the types of policy measures taken for implementing consistent, consolidated supervision and regulation of the identified SIFIs.

Jurisdictions should not provide details on policy measures that pertain to higher loss absorbency requirements for G/D-SIBs, since these are monitored separately by the BCBS.

See, for reference, the following documents:

BCBS

- [Framework for G-SIBs \(Jul 2018\)](#)
- [Framework for D-SIBs \(Oct 2012\)](#)

IAIS

- [Global Systemically Important Insurers: Policy Measures \(Jul 2013\) and revised assessment methodology \(updated in June 2016\)](#)
- [IAIS SRMP guidance - FINAL \(Dec 2013\)](#)
- [Guidance on Liquidity management and planning \(Oct 2014\)](#)

FSB

- [Framework for addressing SIFIs \(Nov 2011\)](#)

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of 01.01.2016: The SAFF

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted]

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7. Consistent, consolidated supervision and regulation of SIFIs									

Progress to date	
<p>Issue is being addressed through</p> <p><input type="checkbox"/> Primary / Secondary legislation</p> <p><input checked="" type="checkbox"/> Regulation / Guidelines</p> <p><input checked="" type="checkbox"/> Other actions (such as supervisory actions)</p> <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>A paper explaining South Africa’s methodology for identifying domestic systemically important banks was published subsequent to the FSRA was signed into law, providing the SARB with additional powers and responsibilities for designating institutions as systemically important financial institutions (SIFIs).</p> <p>Banks: The bank supervisor applies consolidated supervision processes as prescribed by the Core Principles and the Basel II, II.5 and III framework.</p> <p>Insurance (current/old framework): The SA FSB currently requests insurance groups which may be of systemic importance to submit quarterly unaudited returns on a group wide basis. The SA FSB is further refining the reporting requirements for insurance groups. The SA FSB and the SARB’s Bank Supervision Department (BSD) have made a clear distinction in respect of the respective responsibilities for group wide supervision - in particular those financial conglomerates for which the BSD is the lead regulator and those for which the SA FSB is the lead regulator. Information and findings are also shared on a regular basis and formal meetings between the respective executives take place quarterly. The supervisory powers of the SA FSB will be further enhanced in the legislation that will give effect to the Solvency Assessment and Management (SAM) framework, which also aligns local insurance legislation with the Insurance Core Principles (ICPs) of the International Association of Insurance Supervisors and to specifically address areas for improvement of the legislative framework highlighted in the IMF/World Bank assessment of South Africa’s compliance with ICPs in 2014. These proposals, amongst others, provide for measures on governance, risk management, internal controls and group supervision. The proposals further include a clear definition of an insurance group and the approach to calculating the financial condition of the group. The legislation provides that the same remedial action that can be taken against a solo entity will also apply to an insurance group.</p> <p>Insurance (changing framework under twin peaks): The Prudential Authority (PA), established through the FSRA has already put in place a number of structures and initiatives to prepare its supervisory staff for the SAM implementation, including an internal training plan and incorporating SAM information in its risk-based supervisory approach and in applications considered under the current Insurance Acts. This will ensure a smooth transition for the PA in regulating the insurance industry on a SAM basis. The SAM reforms are part of a comprehensive revamp of the current financial sector legislation in South Africa. These broader reforms arose from the shift to a Twin Peaks model of financial regulation in South Africa.</p> <p>Other actions: Banks : The bank supervisor applies consolidated supervision processes as prescribed by the Core Principles and the Basel II, II.5 and III framework. Insurance: The SA FSB currently requests insurance groups which may be of systemic importance to submit quarterly unaudited returns on a group wide basis. The SA FSB is further refining the reporting requirements for insurance groups.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p> <div style="background-color: #cccccc; height: 150px; width: 100%;"></div>

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7. Consistent, consolidated supervision and regulation of SIFIs

Update and next steps	
<p>Highlight main developments since last year's survey</p> <p>The Insurance Act, Act No. 18 of 2017 commenced on 1 July 2018. The Insurance Act, Act No. 18 of 2017 was enacted 18 January 2018 to replace the prudential framework requirements of the current Long-Term and Short-Term Insurance Acts. The Financial Sector Regulation Act (FSRA) that gives effect to a twin peaks model of financial regulation will increase the scope of regulatory application to all financial sector product and service providers, and will provide for conduct and prudential standards to be applied on these entities and persons.</p> <p>The SAM risk-based framework is completed. The objective of SAM framework includes: (i) to align capital requirements with the underlying risks of an insurer; (ii) the development of a proportionate, risk-based approach to supervision with appropriate treatment for small insurers and large cross-border groups; (iii) incentives for insurers to adopt more sophisticated risk-monitoring and risk management tools; and (iv) contribution towards improving the stability of the financial sector.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
<p>Web-links to relevant documents</p>	<p>For D5/2013: http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/5686/01%20D5%20of%202013.pdf http://www.treasury.gov.za/documents/national%20budget/2011/A%20safer%20financial%20sector%20to%20serve%20South%20Africa%20better.pdf http://www.treasury.gov.za/comm_media/press/2013/2013020102%20-%20Twin%20Peaks%2001%20Feb%202013.pdf http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/5686/01%20D5%20of%202013.pdf http://www.treasury.gov.za/documents/national%20budget/2011/A%20safer%20financial%20sector%20to%20serve%20South%20Africa%20better.pdf http://www.treasury.gov.za/comm_media/press/2013/2013020102%20-%20Twin%20Peaks%2001%20Feb%202013.pdf</p>

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8. Establishing supervisory colleges and conducting risk assessments

G20/FSB Recommendations

To establish the remaining supervisory colleges for significant cross-border firms by June 2009. (London)

We agreed to conduct rigorous risk assessment on these firms [G-SIFIs] through international supervisory colleges. (Seoul)

Implementation of this recommendation was reported to be completed by all FSB jurisdictions in the 2017 IMN survey. The BCBS and IAIS will be monitoring implementation progress in this area with respect to banks and insurers respectively.

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9. Supervisory exchange of information and coordination

G20/FSB Recommendations

To quicken supervisory responsiveness to developments that have a common effect across a number of institutions, supervisory exchange of information and coordination in the development of best practice benchmarks should be improved at both national and international levels. (Rec V.7 , FSF 2008)

Enhance the effectiveness of core supervisory colleges. (FSB 2012)

Remarks

Jurisdictions should include any feedback received from recent FSAPs/ROSC assessments on the [September 2012](#) BCP 3 (Cooperation and collaboration) and BCP 14 (Home-host relationships). Jurisdictions should also indicate any steps taken since the last assessment in this area, particularly in response to relevant FSAP/ROSC recommendations.

Jurisdictions should describe any recent or planned regulatory, supervisory or legislative changes that contribute to the sharing of supervisory information (e.g. within supervisory colleges or via bilateral or multilateral MoUs).

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of 2010 through MoUs.

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted]
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I II III. Enhancing supervision IV V VI VII VIII IX X

9. Supervisory exchange of information and coordination

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input checked="" type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>Insurance: South Africa is a signatory to the IAIS Multilateral Memoranda of Understanding-signed in November 2016. The South African Financial Services Board participated in the IAIS Self-Assessment And Peer Review on ICPS 1, 2 and 23 and submitted the report to the FSB in July 2012. The Financial Services Laws General Amendment, 2013 further enhanced the general information sharing provisions in existing legislation. The current quarterly meetings between the two major regulators, viz. the SARB and FSB, are underpinned by a duly signed off MoU. Furthermore, the FSR Act has provisions that deals specifically with cooperation, coordination and exchange of information between regulators and includes additional mechanisms, including the Financial Sector Oversight Committee and Council of Financial Regulators, through which to effect this coordination and exchange of information. The 2014 ROSC assessment of the FSB-SA’s compliance with the IAIS ICPs found the SA FSB observed in respect of ICPs 3 and 25. Other actions: South Africa fully cooperates with all international initiatives on coordination through the Financial Stability Board, OECD, FATF, IMF, World Bank, IOSCO, IAIS, IOPS, and similar bodies. The South African non-bank regulator has also signed the Multilateral Memoranda of Understanding (e.g. IOSCO) and concluded bilateral MoUs with other domestic regulators for the exchange of information and the enhancement of cooperation between regulators. IOSCO and IAIS have formed task groups mandated to look specifically into the issue of supervisory cooperation by securities regulators. In a similar fashion, the bank supervisor has entered into numerous MoU’s with other jurisdictions regulators. A complete list is available on the website of the SARB and set out in the annual reports of the former Bank Supervision Department (now the Prudential Authority).</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

I	II	III. Enhancing supervision	IV	V	VI	VII	VIII	IX	X
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9. Supervisory exchange of information and coordination

Update and next steps

<p>Highlight main developments since last year's survey</p> <div style="background-color: #e0e0e0; height: 400px; width: 100%;"></div>	<p>Planned actions (if any) and expected commencement date</p> <div style="background-color: #e0e0e0; height: 400px; width: 100%;"></div>
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Relevant web-links

<p>Web-links to relevant documents</p>	<div style="background-color: #e0e0e0; padding: 5px;"> <p>http://ntintranet/legislation/bills/2012/FSL/ https://www.iaisweb.org/page/supervisory-material/mmou-signatories/</p> </div>
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10. Strengthening resources and effective supervision

G20/FSB Recommendations

We agreed that supervisors should have strong and unambiguous mandates, sufficient independence to act, appropriate resources, and a full suite of tools and powers to proactively identify and address risks, including regular stress testing and early intervention. (Seoul)

Supervisors should see that they have the requisite resources and expertise to oversee the risks associated with financial innovation and to ensure that firms they supervise have the capacity to understand and manage the risks. (FSF 2008)

Supervisory authorities should continually re-assess their resource needs; for example, interacting with and assessing Boards require particular skills, experience and adequate level of seniority. (Rec. 3, FSB 2012)

Remarks

Jurisdictions should indicate any steps taken on recommendations 1, 2, 3, 4 and 7 (i.e. supervisory strategy, engagement with banks, improvements in banks' IT and MIS, data requests, and talent management strategy respectively) in the FSB [thematic peer review report on supervisory frameworks and approaches to SIBs \(May 2015\)](#).

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of

If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification

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 Final rule or legislation approved and will come into force on
 Final rule (for part of the reform) in force since

I	II	III. Enhancing supervision	IV	V	VI	VII	VIII	IX	X
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10. Strengthening resources and effective supervision

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input checked="" type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>South Africa has moved to a “twin peaks” model of financial regulation. The “Financial Sector Regulation” Act was enacted on 21 August 2017. The Act formally established a prudential regulator and financial sector conduct regulator, with increased scope of jurisdiction and powers. The Conduct of Financial Institutions Bill, the legal framework within which the new conduct regulator will operate, is being strengthened and a single, integrated law for market conduct in the financial sector in South Africa will be introduced (Conduct of Financial Institutions Bill). This will provide for: - The fair treatment of customers by financial institutions. - Promoting and enhancing the integrity of the financial system. A draft of the Conduct of Financial Institutions Bill was published for public comments on 11 December 2018 with an explanatory policy paper. Other actions: Organisational structures are in place in South Africa include the establishment of separate divisions or new organisational structures dedicated to SIB supervision; the streamlining of reporting lines to allow for faster access to senior decision-makers; and the strengthening of specialised support functions (to conduct onsite reviews, model validation, stress testing, horizontal reviews, emerging risks identification, legal counselling, data collection and data analysis, among others). In respect of the issue of the regulation of financial innovation, South Africa’s regulatory authorities participate on various international and domestic forums to exchange peer views on the development of an appropriate regulatory framework that would balance the benefits of innovation, whilst managing potential risks to financial stability and consumer protection.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

I	II	III. Enhancing supervision	IV	V	VI	VII	VIII	IX	X
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10. Strengthening resources and effective supervision

Update and next steps

Highlight main developments since last year's survey

The Financial Sector Regulation Act, Act No. 9 of 2017 ('FSR Act') was enacted on 21 August 2017 to give effect to the Twin Peaks framework, consistent with international best practice. The implementation of the FSR Act on 1 April 2018 will enhance conglomerate supervision of the large financial institutions. Conduct of Financial Institutions: A discussion document setting out considerations for a new market conduct policy framework was published at the end of 2014 and consulted on during 2015. This prefaces the introduction of the new Conduct of Financial Institutions Bill.

Planned actions (if any) and expected commencement date

2018 Draft Conduct of Financial Institutions Bill published for public comments with an explanatory policy paper. 2019 Conduct of Financial Institutions Bill will be tabled. Implement new conduct act (overlapping sectoral law repealed), overhaul subordinate regulation

Relevant web-links

Web-links to relevant documents

- <http://www.treasury.gov.za/twinpeaks>
- <http://www.treasury.gov.za/public%20comments/FSR2014/Treating%20Customers%20Fairly%20in%20the%20Financial%20Sector%20Draft%20MCP%20Framework%20Amended%20Jan2015%20WithAp6.pdf>
- <http://www.treasury.gov.za/twinpeaks/Conduct%20of%20Financial%20Institutions%20Bill.pdf>
- <http://www.treasury.gov.za/twinpeaks/CoFI%20Bill%20policy%20paper.pdf>

11. Establishing regulatory framework for macro-prudential oversight

G20/FSB Recommendations

Amend our regulatory systems to ensure authorities are able to identify and take account of macro-prudential risks across the financial system including in the case of regulated banks, shadow banks and private pools of capital to limit the build up of systemic risk. (London)

Ensure that national regulators possess the powers for gathering relevant information on all material financial institutions, markets and instruments in order to assess the potential for failure or severe stress to contribute to systemic risk. This will be done in close coordination at international level in order to achieve as much consistency as possible across jurisdictions. (London)

Remarks

Please describe major changes in the institutional arrangements for macroprudential policy (structures, mandates, powers, reporting etc.) that have taken place in your jurisdiction since the global financial crisis.

Please indicate whether an assessment has been conducted with respect to the adequacy of powers to collect and share relevant information among national authorities on financial institutions, markets and instruments to assess the potential for systemic risk. If so, please describe identified gaps in the powers to collect information, and whether any follow-up actions have been taken.

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of The Financial Sector

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by
 Draft published as of
 Final rule or legislation approved and will come into force on
 Final rule (for part of the reform) in force since

I	II	III	IV. Building and implementing macroprudential frameworks and tools	V	VI	VII	VIII	IX	X
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11. Establishing regulatory framework for macro-prudential oversight

Progress to date	
<p>Issue is being addressed through</p> <p><input checked="" type="checkbox"/> Primary / Secondary legislation</p> <p><input type="checkbox"/> Regulation / Guidelines</p> <p><input checked="" type="checkbox"/> Other actions (such as supervisory actions)</p> <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>Reference: Financial Sector Regulation Act (FSRA) chapter 2. Other actions: South Africa is currently reviewing legislation on information gathering. The preliminary outcome of the review indicates that the Prudential Authority (previously the Banking Supervisor) has sufficient powers to gather relevant information. However, legislation compels the Supervisor to keep this information confidential, as it should be. Consideration is being given to whether or not these powers should be extended to other regulators, or if the information sharing responsibilities of the supervisor should be increased, under certain circumstances. The Financial Sector Conduct Authority (FSCA) can request any information from its regulated entities. In respect of securities, any operational risks that may cause a systemic risk will be addressed by the Financial Sector Contingency Forum (FSCF). This is a forum that is represented by, amongst others, the SA Reserve Bank, FSCA and the SROs. The Financial Stability Oversight Committee also plays a major role in coordinating financial stability related issues. This is an interagency Committee comprising of the SARB, FSCA, and SA National Treasury. The FSCA has wide powers to secure and share information. South Africa has also recently participated in the IAIS self-assessment and peer review exercise on ICPs 1 And 2: Mandate and Supervisory Powers. The initial assessment has shown that these ICPs are largely observed. The above developments have been complemented by the Financial Sector Regulation Act (FSRA), which was enacted on 21 August 2017 and came into effect on 1 April 2018. In terms of macro-prudential oversight in the FSRA, the SARB will oversee macro-prudential oversight of the financial system. The FSRA has provisions in Chapter 2 that provides the SARB with the authority/powers to gather relevant information on all material financial institutions, markets and instruments in the domestic financial system in order to execute its macro-prudential oversight and financial stability mandate. Furthermore, work on the macroprudential policy framework by the SARB is at an advanced stage.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

I	II	III	IV. Building and implementing macroprudential frameworks and tools	V	VI	VII	VIII	IX	X
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11. Establishing regulatory framework for macro-prudential oversight

Update and next steps

Highlight main developments since last year's survey

The Financial Sector Regulation Act was signed into law by the President of the Republic of South Africa on 21 August 2017 and came into effect on 1 April 2018. The macroprudential policy framework document envisaged by the FSRA, section 11(2) (a) is awaiting finalisation.

Planned actions (if any) and expected commencement date

[Empty box for planned actions and expected commencement date]

Relevant web-links

Web-links to relevant documents

See section 22 of the Financial Services Board Act, 1990 at <http://www.fsb.co.za/legislation> <http://www.treasury.gov.za/public%20comments/FSR2014/2014%2012%2011%20FSRB%20including%20Consequential%20Amendments%20and%20Memo%20of%20Objects.pdf> The discussion can be found on the SARB website at <http://www.resbank.co.za/Publications/Detail-Item-View/Pages/Publications.aspx?sarbweb=3b6aa07d-92ab-441f-b7bf-bb7dfb1bedb4&sarblast=21b5222e-7125-4e55-bb65-56fd3333371e&sarbitem=7660> <http://www.treasury.gov.za/legislation/acts/2017/Act%209%20of%202017%20FinanSectorRegulation.pdf>

12. Enhancing system-wide monitoring and the use of macro-prudential instruments

G20/FSB Recommendations

Authorities should use quantitative indicators and/or constraints on leverage and margins as macro-prudential tools for supervisory purposes. Authorities should use quantitative indicators of leverage as guides for policy, both at the institution-specific and at the macro-prudential (system-wide) level. (Rec. 3.1, FSF 2009)

We are developing macro-prudential policy frameworks and tools to limit the build-up of risks in the financial sector, building on the ongoing work of the FSB-BIS-IMF on this subject. (Cannes)

Authorities should monitor substantial changes in asset prices and their implications for the macro economy and the financial system. (Washington)

Remarks

Please describe at a high level (including by making reference to financial stability or other reports, where available) the types of methodologies, indicators and tools used to assess systemic risks.

Please indicate the use of tools for macroprudential purposes over the past year, including: the objective for their use; the process to select, calibrate and apply them; and the approaches used to assess their effectiveness.

See, for reference, the following documents:

- FSB-IMF-BIS progress report to the G20 on [Macroprudential policy tools and frameworks \(Oct 2011\)](#)
- CGFS report on [Operationalising the selection and application of macroprudential instruments \(Dec 2012\)](#)
- IMF staff papers on [Macroprudential policy, an organizing framework \(Mar 2011\)](#), [Key Aspects of Macroprudential policy \(Jun 2013\)](#), and [Staff Guidance on Macroprudential Policy \(Dec 2014\)](#)
- IMF-FSB-BIS paper on [Elements of Effective Macroprudential Policies: Lessons from International Experience \(Aug 2016\)](#)
- CGFS report on [Experiences with the ex ante appraisal of macroprudential instruments \(Jul 2016\)](#)
- CGFS report on [Objective-setting and communication of macroprudential policies \(Nov 2016\)](#)

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of [redacted]

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

[Large redacted area for justification]

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted] In November 2016, a [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted] The Financial Sector [redacted]

I	II	III	IV. Building and implementing macroprudential frameworks and tools	V	VI	VII	VIII	IX	X
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12. Enhancing system-wide monitoring and the use of macro-prudential instruments

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>South African banks' leverage ratios are well within the prescribed Basel III requirements. South African authorities are undertaking work on its legislative framework to address leverage ratios and capital requirements, in line with BCBS proposals. Other actions: The Financial Stability Department of the South African Reserve Bank uses quantitative indicators as part of its macroprudential monitoring framework to identify the build-up of imbalances in the financial system. Improvement of the existing indicators and the development of new ones are ongoing. The South African Reserve Bank has also elevated its Financial Stability Committee to a higher level to facilitate, inter alia, the implementation of macroprudential policy tools. The Financial Stability Department of the SARB is developing a toolkit of possible macroprudential instruments. The BIS report on "Operationalising the Selection and Application of Macroprudential Instruments (December 2012)" provides guidance for the development of the potential instruments and indicators. The instruments are classified as capital-based instruments, (countercyclical capital buffer, sectoral capital requirements and dynamic provisions); liquidity-based instruments (countercyclical liquidity requirements, margins and haircuts in the markets) and asset-side instruments (LTVs and DTIs).</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p> <p>The SARB's macroprudential policy framework will continue to be developed. There are three important steps in the process of making active use of macroprudential instruments, namely assessing systemic risk, building the case for macroprudential intervention, and selecting and applying the relevant macroprudential instruments.</p>

I	II	III	IV. Building and implementing macroprudential frameworks and tools	V	VI	VII	VIII	IX	X
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12. Enhancing system-wide monitoring and the use of macro-prudential instruments

Update and next steps

Highlight main developments since last year's survey

The Financial Sector Regulation Act came into effect on the 1 April 2018 and it will enhance the system-wide monitoring and the use of the macro-prudential instruments. Furthermore, during November 2016, the SARB released a macro prudential policy framework discussion document for public comment. The macroprudential policy framework is in the process of being finalised. The SARB continues to operationalise the framework by ongoing assessment and consideration of indicators, ongoing development of the toolkit, and ongoing development of measures of systemic risk.

Planned actions (if any) and expected commencement date

The SARB's macroprudential policy framework will continue to be developed. Implementation is based on three important steps in the process of making active use of macroprudential instruments, namely assessing systemic risk, building the case for macroprudential intervention, and selecting and applying the relevant macroprudential instruments.

Relevant web-links

Web-links to relevant documents

<https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/7547/Macroprudential%20policy.pdf>

I II III IV V. Improving oversight of credit rating agencies (CRAs) VI VII VIII IX X

13. Enhancing regulation and supervision of CRAs

G20/FSB Recommendations

All CRAs whose ratings are used for regulatory purposes should be subject to a regulatory oversight regime that includes registration. The regulatory oversight regime should be established by end 2009 and should be consistent with the IOSCO Code of Conduct Fundamentals. (London)

National authorities will enforce compliance and require changes to a rating agency's practices and procedures for managing conflicts of interest and assuring the transparency and quality of the rating process.

CRAs should differentiate ratings for structured products and provide full disclosure of their ratings track record and the information and assumptions that underpin the ratings process.

The oversight framework should be consistent across jurisdictions with appropriate sharing of information between national authorities, including through IOSCO. (London)

Regulators should work together towards appropriate, globally compatible solutions (to conflicting compliance obligations for CRAs) as early as possible in 2010. (FSB 2009)

We encourage further steps to enhance transparency and competition among credit rating agencies. (St Petersburg)

Implementation of this recommendation was reported to be completed by all FSB jurisdictions in the 2018 IMN survey. Given this, the reporting of progress with respect to this recommendation will not be collected in the 2019 survey.

14. Reducing the reliance on ratings

G20/FSB Recommendations

We also endorsed the FSB’s principles on reducing reliance on external credit ratings. Standard setters, market participants, supervisors and central banks should not rely mechanistically on external credit ratings. (Seoul)

Authorities should check that the roles that they have assigned to ratings in regulations and supervisory rules are consistent with the objectives of having investors make independent judgment of risks and perform their own due diligence, and that they do not induce uncritical reliance on credit ratings as a substitute for that independent evaluation. (Rec IV. 8, FSF 2008)

We reaffirm our commitment to reduce authorities’ and financial institutions’ reliance on external credit ratings, and call on standard setters, market participants, supervisors and central banks to implement the agreed FSB principles and end practices that rely mechanistically on these ratings. (Cannes)

We call for accelerated progress by national authorities and standard setting bodies in ending the mechanistic reliance on credit ratings and encourage steps that would enhance transparency of and competition among credit rating agencies. (Los Cabos)

We call on national authorities and standard setting bodies to accelerate progress in reducing reliance on credit rating agencies, in accordance with the FSB roadmap. (St Petersburg)

Remarks

Jurisdictions should indicate the steps they are taking to address the recommendations of the [May 2014 FSB thematic peer review report on the implementation of the FSB Principles for Reducing Reliance on Credit Ratings](#), including by implementing their [agreed action plans](#). Any revised action plans should be sent to the FSB Secretariat so that it can be posted on the FSB website.

Jurisdictions may refer to the following documents:

- FSB [Principles for Reducing Reliance on CRA Ratings \(Oct 2010\)](#)
- FSB [Roadmap for Reducing Reliance on CRA Ratings \(Nov 2012\)](#)
- BCBS [Basel III: Finalising post-crisis reforms \(Dec 2017\)](#)
- IAIS [ICP guidance](#) 16.9 and 17.8.25
- IOSCO [Good Practices on Reducing Reliance on CRAs in Asset Management \(Jun 2015\)](#)
- IOSCO [Sound Practices at Large Intermediaries Relating to the Assessment of Creditworthiness and the Use of External Credit Ratings \(Dec 2015\)](#).

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by
 Draft published as of
 Final rule or legislation approved and will come into force on
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I II III IV V. Improving oversight of credit rating agencies (CRAs) VI VII VIII IX X

14. Reducing the reliance on ratings

Progress to date	
<p>Issue is being addressed through</p> <p><input checked="" type="checkbox"/> Primary / Secondary legislation</p> <p><input checked="" type="checkbox"/> Regulation / Guidelines</p> <p><input type="checkbox"/> Other actions (such as supervisory actions)</p> <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>A new department has been set up in the Financial Services Board called Credit Rating Services Department (CRSD). The department was established on 1 April 2013 and is mandated to oversee the implementation of the Credit Rating Services Act, 24 of 2012, and to supervise and regulate the registered credit rating agencies. The Credit Rating Services Act is the regulatory framework for credit rating services, providing for: I. the registration of credit rating agencies; II. the control of certain activities of credit rating agencies; III. conditions for the issuance of credit ratings; IV. rules on the organisation and conduct of credit rating agencies, and for matters connected herewith. The Act has taken into account, - Code of Conduct Fundamentals for Credit Rating Agencies (May 2008) - Principle 22 of Principles and Objectives of Securities Regulation (Jun 2010) which calls for registration and oversight programs for CRAs; - Statement of Principles Regarding the Activities of Credit Rating Agencies (Sep 2003); and Credit Rating Agencies: Internal Controls Designed to Ensure the Integrity of the Credit Rating Process and Procedures to Manage Conflicts of Interest (Dec 2012). The Act creates an oversight regime in which all persons performing credit rating services are required to be registered. It does not however create an obligation for all securities or instruments to be rated. The Act further allows for the suspension or deregistration of CRAs who fall foul of the Act. The Act promotes investor protection by: (i) requiring that ratings are defined, reviewed and updated in a timely and non-selective manner; (ii) requiring that a CRA establish a function within its organisation to communicate with investors and the public with respect to questions, concerns and complaints; (iii) putting in place appropriate requirements for the disclosure of information to regulators and the market regarding ratings, specifically attributes and limitations of the rating and key elements of methodology. In particular, the Act compels CRAs to differentiate ratings for structured products and provide full disclosure of their ratings track-record and the information and assumptions that underpin the ratings process; requiring the preparation, submission and publication of audited annual financial statements; allowing for the registrar of credit rating agencies to enforce compliance and require changes to a rating agency's practices and procedures for managing conflicts of interest, as well as to take steps considered necessary to protect investors in their dealings with CRAs. The Act also empowers the registrar to conduct on-site inspections, the details of which are required to be published if in the public interest. The Act also aims at promoting the integrity, transparency and accountability but also the independence of the credit rating industry. Regulations relating to Banks: Eligibility of CRA A CRA that wishes to be recognised as an eligible institution for purposes of the Regulations relating to Banks (that is, CRA's ratings can be used by banks to determine risk weighted assets and ultimately capital requirement) shall obtain prior written approval of the Registrar of Banks. Regulation 51 of the Regulations relating to Banks specifies the relevant requirements that the CRA shall comply with in order to be regarded as an eligible institution. The requirements include criteria in terms of objectivity, independence, international access, disclosure, resources and credibility</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

14. Reducing the reliance on ratings

Update and next steps	
<p>Highlight main developments since last year's survey</p> <p>The CRSD and ESMA finalised the MoU between the parties. The department and ESMA concluded the bilateral links which will effectively facilitate cross-border cooperation, enforcement and the exchange of information on CRAs- June 2016.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
<p>Web-links to relevant documents</p>	<p>https://www.esma.europa.eu/sites/default/files/library/cras_mou_esma_fsb_south_africa.pdf</p>

I II III IV V VI. Enhancing and aligning accounting standards VII VIII IX X

15. Consistent application of high-quality accounting standards

G20/FSB Recommendations

Regulators, supervisors, and accounting standard setters, as appropriate, should work with each other and the private sector on an ongoing basis to ensure consistent application and enforcement of high-quality accounting standards. (Washington)

Remarks

Jurisdictions should indicate the accounting standards that they follow and whether (and on what basis) they are of a high and internationally acceptable quality (e.g. equivalent to IFRSs as published by the IASB), and provide accurate and relevant information on financial position and performance. They should also explain the system they have for enforcement of consistent application of those standards.

Jurisdictions may want to refer to their jurisdictional profile prepared by the IFRS Foundation, which can be accessed at: <http://www.ifrs.org/Use-around-the-world/Pages/Analysis-of-the-G20-IFRS-profiles.aspx>.

As part of their response on this recommendation, jurisdictions should indicate the policy measures taken for appropriate application of fair value recognition, measurement and disclosure.

In addition, jurisdictions should set out any steps they intend to take (if appropriate) to foster transparent and consistent implementation of the new accounting requirements for the measurement of expected credit losses on financial assets that are being introduced by the IASB and FASB.

See, for reference, the following BCBS documents:

- [Supervisory guidance for assessing banks' financial instrument fair value practices \(Apr 2009\)](#)
- [Guidance on credit risk and accounting for expected credit losses \(Dec 2015\)](#)
- [Regulatory treatment of accounting provisions - interim approach and transitional arrangements \(March 2017\)](#)

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of IFRS 2013 and Bank

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted]

I II III IV V VI. Enhancing and aligning accounting standards VII VIII IX X

15. Consistent application of high-quality accounting standards

Progress to date	
<p>Issue is being addressed through</p> <p><input checked="" type="checkbox"/> Primary / Secondary legislation</p> <p><input type="checkbox"/> Regulation / Guidelines</p> <p><input checked="" type="checkbox"/> Other actions (such as supervisory actions)</p> <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>Pensions: The regulator has prescribed Regulatory Reporting Requirements for retirement funds in consultation with SAICA and IRBA as retirement funds can currently not comply with all the requirements of IFRS. However it is anticipated that retirement funds will in future be required to comply with IFRS Legislation requires insurers to have audited financial statements and annual returns. Financial statements must comply with IFRS. Insurance: Legislation requires insurers to have audited financial statements and annual returns. Financial statements must comply with IFRS. In respect of assets, insurers already are fully IFRS compliant and have been so since 2003. In respect of liabilities, elements are on fair value accounting - all liabilities excluding policy holder liabilities are accounted for on a fair value basis. Collective Investment Schemes: The Collective Investment Schemes Control Act, No 45 of 2002 (“CISCA”) requires a manager to maintain accounting records and prepare annual financial statements in respect of itself and each of its collective investment schemes. The manager uses IFRS for its own financial statements. The Registrar has begun a process of determining applicable standards for collective investment schemes and portfolios as IFRS is not practical for collective investment schemes. The Registrar has met with the representatives of the local standards setting body in order to discuss the processes that must be followed in order to ensure that the standards are of binding effect. Banks Measures for the appropriate application of fair value recognition, measurement and disclosure; No particular further action is taken by bank supervisors reliance is placed on external auditors to provide an opinion on the Annual Financial Statements (AFS) in terms of IFRS by applying the relevant audit standards under IASB. Steps have been taken to foster transparent and consistent implementation of the new accounting requirements for recognition of expected credit losses. Within the banking sector the SARB initiated an industry forum, consisting of the SARB, banks, auditors, audit regulator IRBA and SAICA to ensure consistent implementation and interpretation of IFRS 9 and the BCBS guidance on ECL. This industry forum has assisted with implementation readiness and to debate technical aspects of the IFRS 9 requirements and BCBS guidance. This industry forum also has three sub-groups dealing with Policy related matters, modelling techniques and disclosure requirements. IRBA has also issued a guidance paper on the aspects to consider by auditors when auditing IFRS 9 ECL. Other actions: These are the compliance requirements applicable in South Africa: a) In terms of the Companies Act public interest entities must comply with IFRS (as issued by the IASB) b) There is also an explicit listings Requirement for Listed companies to comply with IFRS (as issued by the IASB)with respect to compliance on explicit listings requirement for listing companies to complying with IFRS: 1. The auditor of every listed company must be registered with IRBA and accredited with the JSE 2. All Annual Financial Statement (AFS) must be audited 3. In April 2011 the Johannesburg Stock Exchange (JSE) implemented a system of proactive monitoring of AFS to ensure compliance with IFRS. Through this process the AFS of every listed company will be reviewed at least once every 5 years. Therefore through this process we are also checking for the consistent application of IFRS. 4. Wherever the JSE finds material problems with the application of IFRS by a listed company they would refer the auditor of that company to the IRBA for their separate consideration of his / her conduct 5.The JSE also issues a report annually of their findings from the proactive monitoring process with a view to that information being used inter alia by other SA regulators in their own activities (i.e. in that it highlights the problems in IFRS they have been finding). 6.As it</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

I II III IV V VI. Enhancing and aligning accounting standards VII VIII IX X

15. Consistent application of high-quality accounting standards

Update and next steps

Highlight main developments since last year's survey	Planned actions (if any) and expected commencement date
<p>IFRS 9 replaced International Accounting Standard 39 (IAS 39) and was implemented on 1 January 2018. On 11 March 2016, the Bank Supervision Department released a Guidance Note (G3/2016) on sound credit risk practices associated with the implementation and ongoing application of expected credit loss accounting frameworks. This followed the release in December 2015 of a supervisory guidance on the subject by the BCBS. In the Guidance Note, banks were requested to assess their current policies, procedures and practices against the principles contained in the BCBS document taking into account the nature, size, complexity and risk profile of their activities. Regarding measures for the appropriate application of fair value recognition, measurement and disclosure, the BSD is monitoring the implementation of IFRS 9 among banks due to differing approaches by banks on this matter.</p>	<p>Monitoring of compliance is on-going. Collective Investment Scheme: The Registrar has identified a suitable framework that should be used as a base for the drafting of the legislation that will prescribe standards. The industry working group will submit their inputs by end February 2017 and the drafting process will commence thereafter. South Africa is in a process of appointing an expert to draft a new accounting standard for CIS. The above process was not successful and after various subsequent attempts to obtain the services of a provider through tender processes, no-one submitted a tender. Accordingly, the CIS Specialists drafted a proposed content of such a standard which is currently being converted to a Conduct Standard. We are currently working towards submission of a Conduct Standard to the Transitional Management Committee on 19 July 2019. The Conduct Standard will require the application of IFRS minus a number of impractical requirements.</p>

Relevant web-links

Web-links to relevant documents	
	<p>http://www.ifrs.org/Use-around-the-world/Documents/Jurisdiction-profiles/South-Africa-IFRS-Profile.pdf</p>

16. Enhancing guidance to strengthen banks' risk management practices, including on liquidity and foreign currency funding risks

G20/FSB Recommendations

Regulators should develop enhanced guidance to strengthen banks' risk management practices, in line with international best practices, and should encourage financial firms to re-examine their internal controls and implement strengthened policies for sound risk management. (Washington)

National supervisors should closely check banks' implementation of the updated guidance on the management and supervision of liquidity as part of their regular supervision. If banks' implementation of the guidance is inadequate, supervisors will take more prescriptive action to improve practices. (Rec. II.10, FSF 2008)

Regulators and supervisors in emerging markets will enhance their supervision of banks' operation in foreign currency funding markets. (FSB 2009)

We commit to conduct robust, transparent stress tests as needed. (Pittsburgh)

Remarks

Jurisdictions should indicate the measures taken in the following areas:

- guidance to strengthen banks' risk management practices, including BCBS good practice documents ([Corporate governance principles for banks](#), [External audit of banks](#), and the [Internal audit function in banks](#));
- measures to monitor and ensure banks' implementation of the BCBS [Principles for Sound Liquidity Risk Management and Supervision \(Sep 2008\)](#);
- measures to supervise banks' operations in foreign currency funding markets;¹ and
- extent to which they undertake stress tests and publish their results.

Jurisdictions should not provide any updates on the implementation of Basel III liquidity requirements (and other recent standards such as capital requirements for CCPs), since these are [monitored separately by the BCBS](#).

¹ Only the emerging market jurisdictions that are members of the FSB should respond to this specific recommendation.

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of Regulations relating to

If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification

If "Implementation ongoing" has been selected, please specify

Draft in preparation, expected publication by

Draft published as of

Final rule or legislation approved and will come into force on

Final rule (for part of the reform) in force since

16. Enhancing guidance to strengthen banks' risk management practices, including on liquidity and foreign currency funding risks

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>South African authorities engage with banks and other regulated financial institutions on an ongoing basis to ensure that their risk management practices are progressive and appropriate. South Africa has implemented the BCBS's 29 Core Principles for Effective Banking Supervision as well as the Basel 2 framework and Basel III. In a similar vein, compliance by the non-bank regulator with their respective Core Principles and Principles are at an acceptable level. The South African Reserve Bank (SARB) has introduced a Committed Liquidity Facility to assist banks in meeting the Liquidity Coverage Ratio (LCR). Regular on-site assessments of banks' liquidity management practices, models, appetite, policies, procedures, monitoring and planning take place as frequently as resources permits. A joint task team has been established between the bank regulator and non-banking regulator to consider the principles of conglomerates supervision. Through exchange control regulations in South Africa, currency outflows are limited by specified thresholds. In addition, bank prudential regulations specify punitive limits on banks' foreign currency spot and derivative positions. On a month-to-month basis, through banking data submissions to the central bank, banks' foreign currency funding obligations are monitored on a contractual and on a business-as-usual basis.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

16. Enhancing guidance to strengthen banks' risk management practices, including on liquidity and foreign currency funding risks

Update and next steps

Highlight main developments since last year's survey

On developments on Corporate governance principles for banks, guidance notes have been issued by the bank regulator to the banking sector to sensitise them to international developments. The topic has been communicated to the boards of banks as the "flavour of the year" discussion for 2017 during meetings with Board of Directors. Practices on external and internal audit functions, as well as liquidity management processes have been embedded in supervisory practice since the release of the BCBS guidance papers.

Planned actions (if any) and expected commencement date

[Empty area for planned actions and expected commencement date]

Relevant web-links

Web-links to relevant documents

www.resbank.co.za

[Empty area for additional web-links]

17. Enhanced risk disclosures by financial institutions

G20/FSB Recommendations

Financial institutions should provide enhanced risk disclosures in their reporting and disclose all losses on an ongoing basis, consistent with international best practice, as appropriate. (Washington)

We encourage further efforts by the public and private sector to enhance financial institutions' disclosures of the risks they face, including the ongoing work of the Enhanced Disclosure Task Force. (St. Petersburg)

Remarks

Jurisdictions should indicate the status of implementation of the disclosures requirements of IFRSs (in particular IFRS 7 and 13) or equivalent. Jurisdictions may also use as reference the recommendations of the October 2012 report by the Enhanced Disclosure Task Force on [Enhancing the Risk Disclosures of Banks](#) and [Implementation Progress Report by the EDTF \(Dec 2015\)](#), and set out any steps they have taken to foster adoption of the EDTF Principles and Recommendations.

In addition, in light of the new IASB and FASB accounting requirements for expected credit loss recognition, jurisdictions should set out any steps they intend to take (if appropriate) to foster disclosures needed to fairly depict a bank's exposure to credit risk, including its expected credit loss estimates, and to provide relevant information on a bank's underwriting practices. Jurisdictions may use as reference the recommendations in the report by the Enhanced Disclosure Task Force on the [Impact of Expected Credit Loss Approaches on Bank Risk Disclosures \(Nov 2015\)](#), as well as the recommendations in Principle 8 of the BCBS [Guidance on credit risk and accounting for expected credit losses \(Dec 2015\)](#).

In their responses, jurisdictions should not provide information on the implementation of Basel III Pillar 3 requirements, since this is [monitored separately](#) by the BCBS.

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of 07 January 2013 (For+)

If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification

If "Implementation ongoing" has been selected, please specify

Draft in preparation, expected publication by [redacted]
 Draft published as of [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted]

17. Enhanced risk disclosures by financial institutions

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input type="checkbox"/> Regulation / Guidelines <input checked="" type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>Currently banks are required to report losses monthly, in line with the requirements of Basel III, which are part of banking legislation. South Africa supports initiatives by the BCBS and elsewhere to improve the reporting standards. South Africa’s listed financial institutions are fully compliant with International Financial Reporting Standards (IFRS). Banks are being encouraged to comply with the principles of the EDTF “Enhancing the Risk Disclosure of Banks” document and their progress is being assessed through questionnaires and on-site visits to larger banks. The principles will be implemented in the domestic regulatory framework via guidances until it is fully adopted by the Basel Committee on Banking Supervision (BCBS). Banks: A directive (D8/2013) was issued in 2013, specifying templates for enhanced disclosure requirements by banks following the publication by the BCBS of its rules text related to disclosure “Composition of Capital Disclosure Requirements”. A further circular was issued in 2014 (C5/2014) clarifying which components of the minimum capital requirements are to be disclosed by banks. For Collective Investment Schemes, Board Notice 92 of 2014 came into effect on 1 May 2015 for detailed and strict Advertising, Marketing and Disclosure Requirements. SA is monitoring compliance with disclosure requirements as prescribed by Board Notice 92 of 2014. Other actions: Insurance : The Prudential Authority (PA) introduced a new risk based capital regime (SAM). Under SAM, the Pillar 3 reporting and disclosure requirements will be enhanced in line with international best practices. Banks: Guidance on best disclosure practices for banks on EL - Refer to response above on IFRS 9 industry forum, where disclosure requirements are mentioned.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

17. Enhanced risk disclosures by financial institutions

Update and next steps	
<p>Highlight main developments since last year's survey</p> <p>IFRS 9 replaced International Accounting Standard 39 (IAS 39) and was implemented on 1 January 2018.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
<p>Web-links to relevant documents</p>	<p>For D8/2013: http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/5762/01%20D8%20of%202013.pdf For C5/2014: http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/6198/C5%20of%202014.pdf Attachments/6198/C5%20of%202014.pdf http://www.fsb.co.za/Departments/cis/Documents/Board%20Notice%2092%20of%202014.pdf For D8/2013: http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/5762/01%20D8%20of%202013.pdf For C5/2014: http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/6198/C5%20of%202014.pdf Attachments/6198/C5%20of%202014.pdf http://www.fsb.co.za/Departments/cis/Documents/Board%20Notice%2092%20of%202014.pdf For D5/2017: https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/8100/D5%20of%202017.pdf</p>

18. Strengthening of national deposit insurance arrangements

G20/FSB Recommendations

National deposit insurance arrangements should be reviewed against the agreed international principles, and authorities should strengthen arrangements where needed. (Rec. VI.9, FSF 2008)

Remarks

Jurisdictions that have not yet adopted an explicit national deposit insurance system should describe their plans to introduce such a system.

All other jurisdictions should describe any significant design changes in their national deposit insurance system since the issuance of the revised IADI [Core Principles for Effective Deposit Insurance Systems](#) (November 2014).

In addition, jurisdictions should indicate if they have carried out a self-assessment of compliance (based on IADI’s 2016 [Handbook](#)) with the revised Core Principles:

- If so, jurisdictions should highlight the main gaps identified and the steps proposed to address these gaps;
- If not, jurisdictions should indicate any plans to undertake a self-assessment exercise.

Progress to date
<p> <input type="radio"/> Not applicable <input type="radio"/> Applicable but no action envisaged at the moment <input checked="" type="radio"/> Implementation ongoing <input type="radio"/> Implementation completed as of <input type="text"/> </p> <p>If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification</p> <div style="background-color: #cccccc; height: 200px; width: 100%;"></div> <p>If “Implementation ongoing” has been selected, please specify</p> <p> <input type="radio"/> Draft in preparation, expected publication by <input type="text"/> <input checked="" type="radio"/> Draft published as of <input type="text"/> Financial Sector Law <input type="text"/> <input type="radio"/> Final rule or legislation approved and will come into force on <input type="text"/> <input type="radio"/> Final rule (for part of the reform) in force since <input type="text"/> </p>

18. Strengthening of national deposit insurance arrangements

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>High-level proposals on the design features were published in the discussion paper on the resolution framework in August 2015 and a designing deposit insurance scheme for South Africa, a discussion paper in May 2017. The objective of this framework is to manage the failure of systemically important financial institutions (SIFIs) in a way that will mitigate any negative impact on South Africa’s financial stability and minimise the macroeconomic cost. The proposals are incorporated into the Financial Sector Laws Amendment Bill (FSLAB), an amendment to the Financial Sector Regulation Act (FSRA), which is intended to, among other things, designate the SARB as the resolution authority, specify a scope and resolution objectives, provide an outline of the resolution powers and financial safety nets for vulnerable depositors by introducing a chapter on the resolution framework and deposit insurance framework.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

18. Strengthening of national deposit insurance arrangements

Update and next steps

Highlight main developments since last year's survey

While the FSLAB goes through the required approval processes and proposed parliamentary processes, the SARB has established a strategic project to establish the Corporation for Deposit Insurance (CoDI). Various work streams are part of this project (human resources, information technology, legal services, investments, procurement, etc). The project's main focus areas are on establishing support services for CoDI as a company, the development of the requirements for a core IT system which will require the appointment of an IT vendor, and the drafting of the standards that will provide the details on coverage, reporting, payout, funding, etc. The IT and Policy Teams have also started engaging with banks to raise awareness of the deposit insurance proposals and the possible implications for banks in terms of reporting to CoDI.

Planned actions (if any) and expected commencement date

The FSLAB is expected to be promulgated by April 2020. Upon promulgation CoDI will be established as company of statute. The Minister of Finance will determine the timelines for implementation in consultation with the Governor of the South African Reserve Bank.

Relevant web-links

Web-links to relevant documents

<http://www.treasury.gov.za/publications/other/RFFI/> <https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/7818/DIS%20paper.pdf>

19. Enhancing market integrity and efficiency

G20/FSB Recommendations

We must ensure that markets serve efficient allocation of investments and savings in our economies and do not pose risks to financial stability. To this end, we commit to implement initial recommendations by IOSCO on market integrity and efficiency, including measures to address the risks posed by high frequency trading and dark liquidity, and call for further work by mid-2012. (Cannes)

Remarks

Jurisdictions should indicate whether high frequency trading and dark pools exist in their national markets.

Jurisdictions should indicate the progress made in implementing the recommendations:

- in relation to dark liquidity, as set out in the IOSCO [Report on Principles for Dark Liquidity \(May 2011\)](#).
- on the impact of technological change in the IOSCO [Report on Regulatory Issues Raised by the Impact of Technological Changes on Market Integrity and Efficiency \(Oct 2011\)](#).
- on market structure made in the IOSCO Report on [Regulatory issues raised by changes in market structure \(Dec 2013\)](#).

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of _____

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by _____
 Draft published as of Conduct of Financial _____
 Final rule or legislation approved and will come into force on _____
 Final rule (for part of the reform) in force since The Financial Sector _____

19. Enhancing market integrity and efficiency

Progress to date	
<p>Issue is being addressed through</p> <p><input checked="" type="checkbox"/> Primary / Secondary legislation</p> <p><input type="checkbox"/> Regulation / Guidelines</p> <p><input type="checkbox"/> Other actions (such as supervisory actions)</p> <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>A gap analysis was performed on Regulatory Issues Raised by the Impact of Technological Changes on Market Integrity and Efficiency. The SA FSB discussed the gaps with the JSE. Actions to be taken to close identified gaps were finalised. The JSE introduced on-exchange anonymous trading functionality in 2010 to limit the market impact costs related to large transactions. This feature allows for complete anonymity in the execution of large trades through hidden order functionality in the JSE’s existing central order book. While the JSE provides a mechanism for the submission of “hidden” or “dark” orders these orders interact with the central order book (i.e. there is not a separate order book and therefore a separate pool of liquidity) and are restricted to large orders and minimum execution sizes.. The exchange also has the authority to disconnect users that operate electronic trading programs that behave against its regulations. Trades resulting from hidden orders are immediately published to the market once successfully matched. These off book trades are regulated in terms of the JSE’s equities rules in terms of which they have to be reported to the exchange’s equities trading system. Other actions: Based on the Twin Peaks regulatory framework that took effect on 1 April 2018, market infrastructures are subject to dual regulation (Prudential and Conduct). Not only do they have to comply with prudential standards, but conduct standards as well. This is a significant step forward in ensuring that the South African financial markets remain robust. Financial Markets: Through the Twin Peaks regulatory and supervisory framework which is intended to enhance regulatory oversight and support the efficiency and integrity of the financial markets, market infrastructures and financial institutions are subject to prudential as well as conduct regulation by the Prudential Authority and the Financial Sector Conduct Authority, respectively. Both the PA and the FSCA are required in terms of the Financial Sector Regulation Act, 2017 (FSR Act) to co-operate and collaborate when performing their functions in terms of financial sector laws (e.g. Financial Markets Act No. 19 of 2012 for market infrastructures). To this end, the PA and the FSCA have entered into a memorandum of understanding to give effect to their obligations in terms of section 76 of the FSR Act.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

19. Enhancing market integrity and efficiency

Update and next steps	
<p>Highlight main developments since last year's survey</p> <p>The Conduct of Financial Institution Bill (COFI Bill) is part of the Twin Peaks reform process underway in South Africa. The new Twin Peaks model of regulation was formalised when the Financial Sector Regulation Act (FSR Act) was enacted on 27 August 2017 and came into effect on 1 April 2018. As a result, two new financial sector regulators, namely; the Prudential Authority (PA) and the Financial Sector Conduct Authority (FSCA) were established in April 2018. The COFI Bill is the next phase of legislative reform, aimed at strengthening the regulation of the financial sector in relation to customer treatment and general market conduct. The FSR Act gives customers and financial institutions an indication of what to expect of financial sector regulators, while the COFI Bill outlines what customers and industry players can expect of financial institutions. The aim of the Bill is to streamline the legal framework for regulating the conduct of financial institutions and to give legislative effect to the market conduct policy approach, including the implementation of the Treating Customers Fairly (TCF) principles. In terms of the COFI Bill, the legal framework within which the FSCA operates is being strengthened and a single, integrated law for market conduct in the financial sector in South Africa will be introduced. This will provide for: (i) The fair treatment of customers by financial institutions. (ii) Promoting and enhancing the integrity of the financial system. A discussion document setting out considerations for a new market conduct policy framework was published at the end of 2014 and consulted on during 2015. This prefaced the introduction of the new COFI Bill which was published by the Minister of Finance in December 2018 and was open for public comment until 1 April 2019. It is unknown at this stage when the COFI Bill will come into effect.</p>	<p>Planned actions (if any) and expected commencement date</p>

Relevant web-links	
<p>Web-links to relevant documents</p>	<p>www.jse.co.za/trade/equity-market www.treasury.gov.za/ConductofFinancialInstitutionsBill www.treasury.gov.za/twinpeaks</p>

20. Regulation and supervision of commodity markets

G20/FSB Recommendations

We need to ensure enhanced market transparency, both on cash and financial commodity markets, including OTC, and achieve appropriate regulation and supervision of participants in these markets. Market regulators and authorities should be granted effective intervention powers to address disorderly markets and prevent market abuses. In particular, market regulators should have, and use formal position management powers, including the power to set ex-ante position limits, particularly in the delivery month where appropriate, among other powers of intervention. We call on IOSCO to report on the implementation of its recommendations by the end of 2012. (Cannes)

We also call on Finance ministers to monitor on a regular basis the proper implementation of IOSCO's principles for the regulation and supervision on commodity derivatives markets and encourage broader publishing and unrestricted access to aggregated open interest data. (St. Petersburg)

Remarks

Jurisdictions should indicate whether commodity markets of any type exist in their national markets.

Jurisdictions should indicate the policy measures taken to implement the principles found in IOSCO's report on [Principles for the Regulation and Supervision of Commodity Derivatives Markets \(Sep 2011\)](#).

Jurisdictions, in responding to this recommendation, may also make use of the responses contained in the [update to the survey](#) published by IOSCO in September 2014 on the principles for the regulation and supervision of commodity derivatives markets.

Progress to date

- Not applicable
- Applicable but no action envisaged at the moment
- Implementation ongoing
- Implementation completed as of [redacted]

If "Not applicable" or "Applicable but no action envisaged..." has been selected, please provide a brief justification

If "Implementation ongoing" has been selected, please specify

- Draft in preparation, expected publication by [redacted]
- Draft published as of [redacted]
- Final rule or legislation approved and will come into force on [redacted]
- Final rule (for part of the reform) in force since Financial Markets A [redacted]

20. Regulation and supervision of commodity markets

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>The Commodities Market is well regulated in South Africa in terms of the JSE’s Commodities Market Derivatives Rules. The JSE Commodity Derivatives Market provides a platform for price discovery and efficient price risk management for the grains market in South and Southern Africa. Through a licensing agreement with the CME Group, the market also offers a range of foreign-referenced Derivatives on both Soft and Hard Commodities. The use of Derivative Instruments through Futures and Options Contracts provides market participants with the ability to manage their price risk in the underlying physical market. You could find it useful if, for instance, you are a maize producer or wish to mitigate against a rise in the diesel price.</p> <p>The only outstanding regulatory instrument which market participants have requested to enhance market transparency in the commodities market is the Commitment of Traders (COT) report similar to the one released by the CME Group in the USA. In the USA, the COT report is a weekly report published by the Commodity Futures Commission (CFTC) and it provides a breakdown of open interest in futures and options markets by trader category. Markets are only included if 20 or more traders hold positions equal to or above the reporting levels by the CFTC and the respective exchanges. In South Africa, the COT report will assist the local market in understanding the market dynamics and create more transparency in the market as this report provides a breakdown of the open interest in the market held by the various different stakeholders. This will give the market more insight on the price formation within the local market structures and specific industry. The intention of the COT report is purely to provide information to the market and not as a surveillance tool for some market participants. The JSE extended an invitation in March 2019 to market participants to submit their comments, support and/or object to the envisaged COT Report that the JSE would like the Financial Sector Conduct Authority (FSCA), on behalf of the industry, to introduce in the SA grain market. The JSE market participants have put their proposal in writing for the FSCA’s consideration. A number of consultations in the form of workshops, advisory meetings, and market notices have been going on over the past couple of years and documents capturing these developments are available separately. Comments were received from market participants. The FSCA is currently in discussions with the JSE on how best to implement the COT report which market participants have requested.</p> <p>With regards to the OTC Derivatives market, South Africa has made substantial progress in terms of enhancing its regulation of financial markets with the enactment of the Financial Markets Act which provides the legislative framework to enable South African Regulators to implement the G20 recommendations to reform the OTC derivatives market. These include for securities services that may be provided by licensed and licensed external FMI. The FMA as enabling legislation provides for the regulation and supervision of financial markets including the OTC derivative markets and related Market Infrastructures, such as clearing houses, central counterparties and Trade Repositories, necessary for the implementation of G20 requirements. The cross-border nature of securities markets requires an appropriate regulatory framework that promotes the efficiency and competitiveness of the South African financial markets (as objects of the FMA) +</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p> <p>The Financial Sector Conduct Authority (FSCA) is currently in discussions with the JSE on how best to implement the COT report which market participants have requested.</p> <p>FMA Regulations have been gazetted however full compliance is expected after joint standards on margin requirements for OTC derivatives providers are effective.</p>

20. Regulation and supervision of commodity markets

Update and next steps

Highlight main developments since last year's survey

The Commodities Market is well regulated in South Africa in terms of the JSE's Commodities Market Derivatives Rules. The JSE Commodity Derivatives Market provides a platform for price discovery and efficient price risk management for the grains market in South and Southern Africa. Through a licensing agreement with the CME Group, the market also offers a range of foreign-referenced Derivatives on both Soft and Hard Commodities. The use of Derivative Instruments through Futures and Options Contracts provides market participants with the ability to manage their price risk in the underlying physical market. The only outstanding regulatory instrument which market participants have requested to enhance market transparency in the commodities market is the Commitment of Traders (COT) similar to the one released by the Chicago Board of Trade/CME Group in the USA

South Africa has made substantial progress in terms of enhancing its regulation of financial markets with the enactment of the Financial Markets Act which provides the legislative framework to enable South African Regulators to implement the G20 recommendations to reform the OTC derivatives market. These include for securities services that may be provided by an external FMI. The FMA as enabling legislation provides for the regulation and supervision of the OTC derivatives market and related Market Infrastructures, such as clearing houses, central counterparties and Trade Repositories, necessary for the implementation of G20 requirements. The draft Ministerial regulations together with the accompanying Registrar's board notices were published for the third round of public consultation on the 21st of July 2016. The ministerial regulations were first published for public comment on 4 July 2014. The cross-border nature of securities markets requires an appropriate regulatory framework that promotes the efficiency and competitiveness of the South African financial markets (as objects of the FMA) without significantly undermining their stability. On 9 February 2018, the consequential amendments to the FMA and the final Ministerial regulations issued in terms of the FMA came into effect. +

Planned actions (if any) and expected commencement date

The Financial Sector Conduct Authority (FSCA) is currently in discussions with the JSE on how best to implement the COT report which market participants have requested. The commencement date of the COT Reporting regime depends on whether or not this can be done through JSE Derivatives Rules or conduct standards.

The Financial Sector Regulation Act came into effect 1 April 2018, on this date the Prudential Authority (PA) and the Financial Sector Conduct Authority (FSCA) were established. The PA and FSCA have issued joint standards and conduct standards in terms of the provisions of FSRA and the Financial Markets Act. The joint standards and conduct standards relate to licensing requirements for TRs and additional duties, Reporting obligations for OTC derivatives, Conduct requirements for authorised OTC derivatives providers, criteria for OTC derivatives providers. These standards have been finalised and are in force. The Authorities are currently in the process of finalising the Joint Standard on Margin Requirements. Once finalised the Joint Standard will have to undergo the parliamentary process, +

Relevant web-links

Web-links to relevant documents

- <https://www.jse.co.za/content/JSERulesPoliciesandRegulationItems/Financial%20Markets%20Act%2019%20of%202012.pdf>
- https://www.fsca.co.za/Regulatory%20Frameworks/Documents%20for%20Consultation/Final%20Draft%20Joint%20Standard%20on%20Margin%20Requirements_Aug%202018.pdf
- http://www.treasury.gov.za/otc/41433_9-2_NationalRegulation_DS.pdf
- <https://www.jse.co.za/trade/derivative-market/commodity-derivatives>

21. Reform of financial benchmarks

G20/FSB Recommendations

We support the establishment of the FSB's Official Sector Steering Group to coordinate work on the necessary reforms of financial benchmarks. We endorse IOSCO's Principles for Financial Benchmarks and look forward to reform as necessary of the benchmarks used internationally in the banking industry and financial markets, consistent with the IOSCO Principles. (St. Petersburg)

Collection of information on this recommendation will continue to be deferred given the ongoing reporting of progress in this area by the FSB Official Sector Steering Group, and ongoing IOSCO work to review the implementation of the IOSCO Principles for Financial Benchmarks.

22. Enhancing financial consumer protection

G20/FSB Recommendations

We agree that integration of financial consumer protection policies into regulatory and supervisory frameworks contributes to strengthening financial stability, endorse the FSB report on consumer finance protection and the high level principles on financial consumer protection prepared by the OECD together with the FSB. We will pursue the full application of these principles in our jurisdictions. (Cannes)

Remarks

Jurisdictions should describe progress toward implementation of the OECD’s [G-20 high-level principles on financial consumer protection \(Oct 2011\)](#).

Jurisdictions may refer to OECD’s [September 2013 and September 2014 reports](#) on effective approaches to support the implementation of the High-level Principles as well as the [G20/OECD Policy Guidance on Financial Consumer Protection in the Digital Age](#), which provides additional effective approaches for operating in a digital environment. The effective approaches are of interest across all financial services sectors – banking and credit; securities; insurance and pensions – and consideration should be given to their cross-sectoral character when considering implementation. In the case of private pensions, additional guidance can be found in the [Good Practices on the Role of Pension Supervisory Authorities in Consumer Protection Related to Private Pension Systems](#)

Jurisdictions should, where necessary, indicate any changes or additions that have been introduced as a way to support the implementation of the High-level Principles, to address particular national terminology, situations or determinations.

Progress to date

Not applicable
 Applicable but no action envisaged at the moment
 Implementation ongoing
 Implementation completed as of [redacted]

If “Not applicable” or “Applicable but no action envisaged...” has been selected, please provide a brief justification

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If “Implementation ongoing” has been selected, please specify

Draft in preparation, expected publication by [redacted] a draft Conduct of Fin
 Draft published as of [redacted]
 Final rule or legislation approved and will come into force on [redacted]
 Final rule (for part of the reform) in force since [redacted] The Financial Sector [redacted]

22. Enhancing financial consumer protection

Progress to date	
<p>Issue is being addressed through</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Primary / Secondary legislation <input checked="" type="checkbox"/> Regulation / Guidelines <input type="checkbox"/> Other actions (such as supervisory actions) <p>Short description of the content of the legislation/regulation/guideline/other actions</p> <p>Financial Sector Regulation Act is a move to a “twin peaks” model of financial regulation. The Financial Sector Regulation Act was enacted 21 August 2017, formally establishing a prudential regulator and financial sector conduct regulator, with increased scope of jurisdiction and powers. Conduct of Financial Institutions Bills The legal framework within which the new conduct regulator will operate is being strengthened and a single, integrated law for market conduct in the financial sector in South Africa will be introduced (Conduct of Financial Institutions Bill). This will provide for: (i) The fair treatment of customers by financial institutions, (ii) Promoting and enhancing the integrity of the financial system.</p>	<p>If this recommendation has not yet been fully implemented, please provide reasons for delayed implementation</p>

22. Enhancing financial consumer protection

Update and next steps

Highlight main developments since last year's survey

Draft Conduct of Financial Institutions Bill was published for comment December 2018. The Financial Sector Regulation Act was signed into law by the President of the Republic of South Africa on 21 August 2017 and the effective date of implementation was 1 April 2018 to establish the two regulators, Prudential Authority (PA) and Financial Sector Conduct Authority (FSCA). A discussion document setting out considerations for a new market conduct policy framework was published at the end of 2014 and consulted on during 2015. This prefaces the introduction of the new Conduct of Financial Institutions Bill. In terms of the FSR Act Section 57, one of the objectives of the FSCA is to provide financial customers and potential financial customers with financial education programs and promote financial literacy. Consumer Financial Education is now a priority for the FSCA and its integration into the regulatory function is one of the key strategic outcomes of the FSCA over the next three years.

Planned actions (if any) and expected commencement date

Draft Conduct of Financial Institutions Bill was published for comment December 2018. Conduct of Financial Institutions Bill tabled 2019 Implementation of new conduct act (overlapping sectoral law repealed), overhaul subordinate regulation.

Conduct Standards for consumer financial education will be drafted during 2019 and 2020.

Relevant web-links

Web-links to relevant documents

- <http://www.treasury.gov.za/twinpeaks>
- <http://www.treasury.gov.za/legislation/acts/2017/Act%20of%202017%20FinanSectorRegulation.pdf>
- <http://www.treasury.gov.za/twinpeaks/Regulations%20in%20terms%20of%20FSR%20Act.pdf>

I	II	III	IV	V	VI	VII	VIII	IX	X
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List of abbreviations used

AFS: Annual Financial Statements
 APB: Accounting Practice Board
 APC: Accounting Practice Committee
 BASA: Banking Association South Africa
 BCBS: Basel Committee on Banking Supervision
 BSD: Bank Supervision Department
 CIS: Collective Investment Schemes
 CISNA: Committee of Insurance, Securities and non banking Financial Authorities
 CoFI BILL: Conduct of Financial Institutions Bill
 COT: Commitment of Traders
 CRA: Credit Rating Agencies
 CRS: Credit Ratings Services
 FAIS: Financial Advisory and Intermediary Services Act
 FATF: Financial Action Task Force
 FMB: Financial Markets Bill
 FSCA: Financial Sector Conduct Authority former FSB (SA): Financial Services Board
 FSCF: Financial Sector Contingency Forum
 FSOC: Financial Stability Oversight Committee
 FSRA: Financial Sector Regulation Act
 FSLAB: Financial Sector Laws Amendment Bill
 IAIS: International Association of Insurance Supervisors
 ICP: Insurance Core Principles
 IMF: International Monetary Fund
 IRBA: Independent Regulatory Board Auditors
 JSE: Johannesburg Stock Exchange
 MMoUs: Multilateral Memorandum of Understanding
 NT: National Treasury
 OECD: Organisation for Economic Co-operation and Development
 ROSC: Reports on the Observance of standards and codes
 SAM: Solvency Assessment and Management

Sources of recommendations

- [Buenos Aires: G20 Leaders' Communique \(27 November 2018\)](#)
- [Hamburg: G20 Leaders' Communique \(7-8 July 2017\)](#)
- [Hangzhou: G20 Leaders' Communique \(4-5 September 2016\)](#)
- [Antalya: G20 Leaders' Communique \(15-16 November 2015\)](#)
- [Brisbane: G20 Leaders' Communique \(15-16 November 2014\)](#)
- [St Petersburg: The G20 Leaders' Declaration \(5-6 September 2013\)](#)
- [Los Cabos: The G20 Leaders' Declaration \(18-19 June 2012\)](#)
- [Cannes: The Cannes Summit Final Declaration \(3-4 November 2011\)](#)
- [Seoul: The Seoul Summit Document \(11-12 November 2010\)](#)
- [Toronto: The G-20 Toronto Summit Declaration \(26-27 June 2010\)](#)
- [Pittsburgh: Leaders' Statement at the Pittsburgh Summit \(25 September 2009\)](#)
- [London: The London Summit Declaration on Strengthening the Financial System \(2 April 2009\)](#)
- [Washington: The Washington Summit Action Plan to Implement Principles for Reform \(15 November 2008\)](#)
- [FSF 2008: The FSF Report on Enhancing Market and Institutional Resilience \(7 April 2008\)](#)
- [FSF 2009: The FSF Report on Addressing Procyclicality in the Financial System \(2 April 2009\)](#)
- [FSB 2009: The FSB Report on Improving Financial Regulation \(25 September 2009\)](#)
- [FSB 2012: The FSB Report on Increasing the Intensity and Effectiveness of SIFI Supervision \(1 November 2012\)](#)