

# Government Gazette
# Staatskoerant

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**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**

**NO. R. 6985** **5 January 2026**

# AMENDMENT OF THE SCOPE OF THE ENERGY USERS BLOCK EXEMPTION, 2025

I, Mr Mpho Parks Tau, Minister of Trade, Industry and Competition, after consultation with the Competition Commission, in terms of section 10(10), read with section 78(1) of the Competition Act, 1998, as amended (Act No. 89 of 1998) hereby amend the Energy Users Block Exemption, 2023 Regulations published in GN R. 3447 of Government Gazette No. 48651 of 24 May 2023 as set out in the Schedule hereto.

**MR MPHO PARKS TAU, MP**
**MINISTER OF TRADE, INDUSTRY AND COMPETITION**
**DATE:** 10/12/2025

## AMENDMENT OF THE SCOPE OF THE ENERGY USERS BLOCK EXEMPTION, 2025

**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

### SCHEDULE

**Definition**

1. In these regulations, "the Regulations" means the regulations published by Government Notice No. 48651 of 24 May 2023.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following sub-regulations:

""**energy regulator**" means the National Energy Regulator of South Africa, a regulatory authority established as a juristic person in terms of section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

"**industry in distress**" means an industry determined by the dtic, for purposes of these Regulations, on a case-by-case basis after consultation with the energy regulator, as being in distress by considering, *inter alia*, whether the industry is experiencing a substantial exit by firms resulting in industry-wide job losses due to macro-economic challenges facing the South African economy;"

**Amendment of regulation 2 of the Regulations**

3. Regulation 2 of the Regulations is hereby amended by the substitution for regulation 2 of the following regulation:

"(2) The purpose of these Regulations is to give effect to the purposes of the Act as set out in section 2 of the Act by exempting a category of agreements or practices by Energy Users from the application of sections 4(1)(a), 4(1)(b)(i) - excluding the

fixing of the selling prices of goods and services to customers or consumers, 4(1)(b)(ii) and 5(1) of the Act in response to the Electricity Supply Constraint or to assist an industry in distress:

a) solely with the purpose of enabling collaboration to:

i) secure backup or alternative energy supply; or
ii) reduce energy costs; or
iii) promote the optimisation and efficient use of energy supply; or
iv) secure shared or adjacent sites, infrastructure, equipment and facilities.

b) in order to contribute to regulatory measures aimed at the prevention of the escalation of the Electricity Supply Constraint or to assist an industry in distress."

**Amendment of regulation 3 of the Regulations**

4. Regulation 3 of the Regulations is hereby amended by the addition of the following sub-regulation after sub-regulation 3(b)(iii):

"(b) Agreements or practices among Energy Users to reduce the cost or to promote the efficient use of energy supply only through:

(i) Joint negotiation and purchase of energy and related product and service supply, including power purchase agreements; or
(ii) Joint financing of backup and alternative energy supply; or
(iii) Joint purchasing of shared backup and alternative energy generation capacity.
iv) Without derogating from and subject to the relevant energy regulatory framework, joint or collective negotiation of negotiated price agreements or similar agreements, approved in accordance with the relevant energy regulatory framework, with energy suppliers to an industry in distress."

**Amendment of regulation 6 of the Regulations**

5. Regulation 6 of the Regulations is hereby amended by the substitution for regulation 6 of the following regulation:

"(6) The scope of these Regulations:

(a) is limited only to agreements or practices specified under regulation 3, and which have the sole purpose of responding to the Electricity Supply Constraint or to assist an industry in distress as set out in regulation 2; and

(b) exempts agreements or practices specified under regulation 3 from the provisions of the Competition Act set out in regulation 2 and do not override, replace or interfere with the legislative and regulatory frameworks governing the energy sector.

**Amendment of regulation 15 of the Regulations**

6. Regulation 15 of the Regulations is hereby amended by the substitution for regulation 15 of the following regulation:

"(15) These Regulations remain in operation until withdrawn by the Minister taking into account the state of the Electricity Supply Constraint or the state of an industry in distress."



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