



## **REGULATIONS ON THE NATIONAL STATE OF DISASTER ON ELECTRICITY CRISIS**

### **TALKING POINTS**

***The severe electricity supply constraint is of a magnitude that impacts on livelihoods and the economy.***

- The energy crisis has impacted negatively on the country's development and which ranges from reducing economic growth and making it more difficult to do business, to dragging down tax returns and upsetting country plans for Vision 2030.
- Therefore, the National State of Disaster is aimed at minimising the impact of load shedding on livelihoods, the economy and many other critical services.
- It provides measures to improve Eskom's performance and enables the connection of new generation of electricity.
- It is aimed at ensuring continuous operation of health services, water infrastructure and other specified essential services.
- It will enable effective co-ordination between state departments, Eskom and other relevant entities and institutions to ensure security of electricity infrastructure.

***We are taking necessary steps to stabilise the grid.***

- The National State of Disaster In Electricity Crisis empowers government to implement necessary measures to prevent the escalation of load shedding and avert a possible national blackout.
- It empowers the national executive to work in close cooperation with the three spheres of government in ensuring that the following happens:
  - To implement measures to remove impediments to the development or construction of new generation capacity.
  - Grant exemptions from load-shedding or reduced load shedding schedules to specified essential infrastructure and services where technically feasible.
  - Facilitates the sale of electricity generated by individuals, organs of state or private institutions to licence distributors as defined in the Electricity Regulation Act 2006 (Act No 4 of 2006).
  - To issue rules or guidelines for licenced distributors to implement net billing and other mechanisms to facilitate small-scale embedded generation as well as the generation and distribution of electricity to end users.

- Enables effective co-ordination between state departments, Eskom and other relevant entities and institutions to ensure security of electricity infrastructure.
- Taking steps to facilitate international assistance aimed at alleviating, containing or minimising the impact of load shedding.
- Provides for the recruitment or placement of skilled personnel or appointment of Original Equipment Manufacturers by Eskom as required to deliver the Generation Recovery Plan on an expedited basis.
- Streamlining and expediting application and decision making procedures for regulatory processes related to energy generation projects as well as designating a single department or institution to receive and coordinate the processing of applications.
- Providing exemptions or expedited approvals to authorise land use for energy generation under the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) and Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- Requiring mobile network operators and broadcasters to issue public service announcements on the national state of disaster at no cost to users.
- Streamlining the application and decision-making processes for environmental authorisations, waste management licences, atmospheric emission licences, condonations and exemptions associated with energy infrastructure and generation, transmission and distribution facilities.
- Excludes upgrades, refurbishments, adjustments and repairs of existing energy infrastructure and existing generation, transmission and distribution facilities, from the provisions of the National Environmental Management Act or any specific environmental management Act, or any regulations published in terms thereof.
- Facilitating the importation of electricity by Eskom from neighbouring countries and the conclusion of contracts relating to electricity imports expeditiously.
- Maintaining security and availability of the supply of goods and services during the national state of disaster.
- Facilitating access to servitudes on public and private land for Eskom and Eskom group companies for the purposes of expanding the national transmission network, in terms of the Expropriation Act (Act No. 63 of 1975).
- Exempting water boards or municipalities that are water service authorities from penalties for exceeding the notified maximum demand during periods of load shedding.
- Requiring water boards and municipalities to revise the minimum operational levels for reservoirs, increase water treatment and reservoir storage capacity, revise water treatment schedules to maximize water treatment while electricity is available

***We are making resources available to deal with electricity supply constraints.***

- All public institutions must within their available resources adopt energy saving measures to contain the effects of load shedding.
- They must also ensure continuous operation of health services, water infrastructure and other specified essential services including by installing alternative energy sources.
- They must also release and mobilise available resources such as human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities to prevent the escalation of load shedding.
- All emergency procurement procedures are subject to relevant legislation and regulations such as the following:
  - Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act;
  - Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act; and
  - Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- The Auditor-General shall conduct real time audits and report on the accounts, financial statements and financial management of all emergency procurement.