

(21 December 2015 – to date)

ELECTRICITY REGULATION ACT 4 OF 2006

Government Notice 660 in Government Gazette 28992, dated 5 July 2006. Commencement date: 1 August 2006 – unless otherwise indicated [Proc. R30, Gazette No. 9057, dated 21 July 2006].

NUCLEAR PROGRAMME

DETERMINATION UNDER SECTION 34(1) OF THE ELECTRICITY REGULATION ACT 4 OF 2006

Government Notice 1268 in Government Gazette 39541 dated 21 December 2015. Commencement date: 21 December 2015.

PART A

The Minister of Energy ("the Minister"), in consultation with the National Energy Regulator of South Africa ("NERSA"), acting under section 34(1) of the Electricity Regulation Act 4 of 2006 (as amended) (the "ERA") has determined as follows:

1. that energy generation capacity needs to be procured to contribute towards energy security and to facilitate achievement of the greenhouse gas emission targets for the Republic of South Africa, accordingly, 9 600 megawatts (MW) should be procured to be generated from nuclear energy ("nuclear programme"), which is in accordance with the capacity allocated under the Integrated Resource Plan for Electricity 2010-2030 (published as GN 400 of 06 May 2011 in *Government Gazette* No. 34263) ("IRP 2010-2030" **or as updated**) [our insertion];
2. electricity produced from the new generation capacity ("the electricity"), shall be procured through tendering procedures which are fair, equitable, transparent, competitive and cost-effective;
3. the nuclear programme shall target connection to the Grid as outlined in the IRP2010-2030 (or as updated), taking into account all relevant factors including the time required for procurement;
4. the electricity may only be sold to the entity designated as the buyer in paragraph 7 below, and only in accordance with the power purchase agreements and other project agreements to be concluded in the course of the procurement programmes;
5. the procurement agency in respect of the nuclear programme will be the Department of Energy;
6. the role of the procurement agency will be to conduct the procurement process, including preparing any requests for qualification, requests for proposals and/or all related and associated documentation, negotiating the power purchase agreements, facilitating the conclusion of the other project

agreements, and facilitating the satisfaction of any conditions precedent to financial close which are within its control;

7. the electricity must be purchased by Eskom Holdings SOC Limited or by any successor entity to be designated by the Minister of Energy, as buyer (off-taker); and
8. the electricity must be purchased from the special purpose vehicle(s) set up for the purpose of developing the nuclear programme.

Concurrence to this Determination given by the National Energy Regulator of South Africa on the below mentioned date:

(Signed)

SIGNATURE: _____

MS CECILIA KHUZWAYO

CHAIRPERSON: NERSA

DATE: 17/12/2013

Determination made by the Minister of Energy on the below mentioned date:

(Signed)

SIGNATURE: _____

DIKOBEN BEN MARTINS, MP

MINISTER: ENERGY

DATE: 11/11/2013