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DEPARTMENT OF TRADE AND INDUSTRY

NO. R. 456

08 APRIL 2020

**EXPANSION OF THE SCOPE OF COVID-19 BLOCK EXEMPTION FOR THE  
HEALTH CARE SECTOR, 2020**

I, Ebrahim Patel, 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 (Act No. 89 of 1998) hereby amend the COVID-19 Block Exemption for the Health Care Sector, 2020 Regulations published in GN R. 349 of Government Gazette No. 43114 of 19 March 2020 as set out in the Schedule .



EBRAHIM PATEL

**MINISTER OF TRADE, INDUSTRY AND COMPETITION**

## SCHEDULE

### Definitions

1. In these regulations, "the Regulations" means the regulations published by Government Notice No. R. 349 of 19 March 2020.

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation 1.4:

"1.4A **medical and hygiene supplies**" means goods and services that are used to maintain hygiene in order to preserve health and prevent the spread of diseases and include, but are not limited to the goods and services that are used for the sterilisation of equipment, safe disposal of medical waste, hand hygiene and water sanitation, prescription and non-prescription medications, bandages, gauze, isopropyl alcohol, ethyl alcohol, disinfectants and antibacterial products;"

### Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended by-

(a) the substitution for the chapeau of regulation 3 of the following:

"3. The Minister hereby exempts the following categories of agreements or practices in the healthcare sector from the application of sections 4 and 5 of the Act if undertaken at the request of, and in coordination with, the Department of Trade, Industry and Competition or the Department of Health for the sole purpose of responding to the COVID-19 pandemic and the declared national disaster, subject to any conditions which may be stipulated by either

department, and which exclude communication and agreements in respect of prices unless specifically authorised by the Minister or Minister of Health.”

(b) the addition of the following subregulation after subregulation 3.7 :

*“Manufacturers and suppliers of medical and hygiene supplies*

3.8 Agreements or practices between manufacturers and suppliers of medical and hygiene supplies, used in the testing, prevention or treatment of COVID-19 and its associated diseases, with the sole purpose of:

3.8.1 communicating with each other in relation to the availability of medical and hygiene supplies.

3.8.2 co-ordinating the procurement and distribution of medical and hygiene supplies.”

#### **Amendment of regulation 9 of the Regulations**

4. Regulation 9 of the Regulations is hereby substituted for the following regulation:

“9. Hospitals and Healthcare facilities, medical suppliers, medical specialists and radiologists, pathologists and laboratories, pharmacies, manufacturers and suppliers of intermediate goods and services used in the production of medical and hygiene supplies and healthcare funders who participate in any agreements or practices falling within the scope of these exemption must keep minutes of meetings held and written records of such agreements or practices.”

#### **Commencement**

5. These amendments to the Regulations come into effect on the date of publication in the Government Gazette.