



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Annexure 2

Public consultation proposed on issues related to compliance with minimum emission standards



14 March 2022



Forestry, Fisheries and the Environment Minister, Ms Barbara Creecy, has proposed a public consultation process that will hear all inputs into the various appeals related to air quality matters presently being considered.



The Minister is presently dealing with several appeals against the various decisions by the Department's National Air Quality Officer (NAQO) in relation to the requests for the suspension and postponement of compliance with the Minimum Emission Standards (MES) and the issuing of a provisional atmospheric emission licences (PAEL).

While some of the appeals were granted, others were refused. Subsequent to the decision by the National Air Quality Officer, the Minister has received several appeals by interested and affected parties against the various decisions of the Officer. The appellants include Eskom, other industries and a range of non-governmental organisations.

Due to the complex and conflicting nature of the issues raised in the appeals received, the Minister is of the view that a consultative process will assist in ensuring that all issues arising from the appeals can be addressed in a meaningful and resolute manner.

Section 3A of the National Environmental Management Act (NEMA) empowers the Minister to establish any forum or advisory committee to deal with issues relating to the Environment.

The consultative process will deal with matters which have a bearing on the environment, in particular air quality, the health of the country's citizens, as well as issues relating to the security of energy supply and sustainable development within our country.

Minister Creecy has asked President Cyril Ramaphosa to permit that the Presidential Climate Commission oversee, facilitate and conduct the proposed consultative process.

This will allow the appellants and interested and affected parties to make representations on the outcomes of this process. It should be noted that the consultative process would not in any way condone non-compliance with the Minimum Emissions Standards and will not impact on any present or future criminal action against non-compliance.

The current appeal process will be held in abeyance pending the outcome of the consultative process.

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