



**MINISTER  
FORESTRY, FISHERIES AND THE ENVIRONMENT  
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS MCE234872

Ms Robyn Hugo  
Director: Climate Change Engagement  
JustShare  
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**CAPE TOWN**  
7708

Email: [rhugo@justshare.org.za](mailto:rhugo@justshare.org.za)

Dear Ms Hugo

**RESPONSE TO YOUR REQUEST FOR CLARITY ON PARAGRAPH 12A OF THE LISTED ACTIVITIES AND ASSOCIATED MINIMUM EMISSION STANDARDS IDENTIFIED IN TERMS OF SECTION 21 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)**

The abovementioned matter and your correspondence dated 14 August 2023 bear reference.

Your request for clarity on the interpretation of paragraph 12A of the Listed Activities and Associated Minimum Emission Standards identified in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No.39 of 2004) (section 21 Notice) is acknowledged.

Please be advised that the National Air Quality Officer and I have received a High Court review application pertaining to the National Air Quality Officer's decision to grant a postponement on compliance with the minimum emission standards and the setting of alternative limits, and the subsequent appeal decision thereto. The matter is set to proceed at the Gauteng Division of the High Court of South Africa in Pretoria. In the review application, the applicants seek a declaratory relief on the correct interpretation of paragraph A12 of the section 21 Notice.

The High Court application is being considered and affidavits will be filed shortly, in which the interpretation of paragraph 12A of the section 21 Notice will be set out and which will become available to the public once filed.

I will wait for the outcome of the declaratory relief sought before corresponding further herein. I kindly request that you allow this process to unfold.



**RESPONSE TO YOUR REQUEST FOR CLARITY ON PARAGRAPH 12A OF THE LISTED ACTIVITIES AND ASSOCIATED MINIMUM EMISSION STANDARDS IDENTIFIED IN TERMS OF SECTION 21 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)**

Should you wish to correspond further on this matter, please quote Reference: MCE 234872. Enquiries may be directed to Dr Patience Gwaze, Chief Director: Air Quality Management, on 012 399 9192 or at [pgwaze@dfpe.gov.za](mailto:pgwaze@dfpe.gov.za).

Yours sincerely



**MS B D CREECY, MP  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

DATE: 14/9/2023