

## **MEDIA STATEMENT**

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### **MINERALS COUNCIL SOUTH AFRICA NOTES THE GRANTING OF THE MINISTER'S APPLICATION FOR LEAVE TO APPEAL**

#### ***Looks forward to progressing the matter for policy and regulatory clarity and certainty***

**Johannesburg, 19 September 2019:** The Minerals Council South Africa notes that the application by the Minister of Mineral Resources and Energy for leave to appeal the majority order judgment and orders delivered on 4 April 2018 has been granted. The judgment, given in favour of the Minerals Council, dealt primarily with recognising the continuing consequences associated with black economic empowerment (BEE) transactions in the mining industry. The Minister's application was heard today in the Pretoria High Court.

The Minister noted on 23 April 2018 his intention to appeal the declaratory order judgment, but the application for leave to appeal was only heard and granted on 19 September 2019. The granting of the application for leave to appeal will now entitle the Minister to take the next step of actually appealing the judgment of 4 April 2018 in the Supreme Court of Appeal.

From the Minerals Council perspective, the recognition of continuing consequences of previous BEE deals embodied in the April 2018 declaratory order judgment is a critical principle in law for promoting long term investment and transformation in the mining sector. The Minerals Council believes that policy certainty, and in particular security of tenure, for long-term investment in the mining sector is a critical component of a thriving, growing and competitive mining industry. A stable, predictable operating, fiscal and regulatory environment can get the mining industry back on track, and through this, ensure more and sustainable transformation.

At the same time, the Minerals Council respects the right of the Minister to appeal this judgment. The Minerals Council looks forward to the matter being further ventilated and adjudicated in the Supreme Court of Appeal and hopes that greater policy and regulatory certainty will emerge from this process.



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