

MEDIA STATEMENT

MINERALS COUNCIL NOTES MINISTER'S WITHDRAWAL OF APPEAL TO SCA

Minerals Council continues to engage with Minister to achieve certainty and transformation

Johannesburg, 12 August 2020. The Minerals Council South Africa notes the decision by Minerals Resources and Energy Minister Gwede Mantashe to withdraw his notice of appeal to the Supreme Court of Appeal in respect of the declaratory order issued in April 2018 by the High Court of South Africa (Gauteng Division).

The declaratory order held that black economic empowerment (BEE) ownership transactions should continue to be recognised for regulatory certainty purposes and for the duration of the mining right even where the BEE partner has sold or transferred part or all of its equity. The Minerals Council is pleased that this perspective is now undisputed, in furtherance of the Minerals Council's role of protecting the interests of all stakeholders, including shareholders.

The standing decision of the court does not have an impact on the application for a review of the provision of the 2018 Mining Charter's provision that recognition of continuing consequences would not apply in the cases of transfer or renewal of mining rights. That matter is still in progress in the High Court.

Both the Minerals Council and the Minister have long expressed the hope that this entire matter can be resolved through engagement rather than through the courts. The Minerals Council recognises that inclusive transformation is a key imperative for the mining industry as a whole, and will continue to engage with the Minister and his team on how this can best be achieved. This step by the Minister is welcomed as it advances the goal of achieving much-needed regulatory certainty in the sector.

For further information, please contact:

Charmane Russell

Tel: +27 (0)11 880 3924 or Mobile: +27 (0)82 372 5816

Email: charmane@rasc.co.za

Alan Fine

Tel: +27 (0)11 880 3924 or Mobile: +27 (0)83 250 0757

Email: mineralscouncil@rasc.co.za

Memory Johnstone

Tel: +27 (0)11 880 3924 or Mobile: +27 (0)82 719 3081

Email: memory@rasc.co.za

Web: www.mineralscouncil.org.za