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## MEDIA RELEASE

### WITHDRAWAL OF APPEAL AGAINST 2010 MINING CHARTER RULING PAVES WAY FOR CERTAINTY ON LEGAL STATUS OF 2018 MINING CHARTER

The Minister of Mineral Resources and Energy, Mr Gwede Mantashe (MP) has decided to withdraw his appeal to the Supreme Court of Appeal against an April 2018 ruling by the High Court in relation to the (now repealed) Broad-Based Socio-Economic Empowerment Charter for the South African Mining and Minerals Industry, 2010 (*the 2010 Mining Charter*). The 2010 Mining Charter was repealed by the 2018 Mining Charter.

In 2019, the Minerals Council (previously known as the Chamber of Mines) instituted proceedings in the High Court to take the 2018 Mining Charter on review. Its review application was heard by a Full Bench in May 2020. During the course of that hearing, it became apparent that it would be prudent for the Minister to abandon his appeal in respect of the 2010 Mining Charter. This is because some of the important issues (in relation to the 2018 Mining Charter) that were before the Full Bench would also have been heard by the Supreme Court of Appeal (in relation to the 2010 Mining Charter). The Full Bench expressed concern that this overlap may delay it in pronouncing upon all of the issues in the review of the 2018 Mining Charter. It was against this backdrop, and on advice from his legal team, that the Minister decided to withdraw his appeal in respect of the 2010 Charter.

The Minister is pleased to note that the Full Bench, on 30 June 2020, ordered that the Minerals Council join the parties representing affected communities, trade unions and BEE entrepreneurs in the review proceedings in respect of the 2018 Mining Charter. It also ordered the Minerals Council to pay the costs of the application. The Full Bench will consider the merits of the review of the 2018 Mining Charter once the Minerals Council has complied with the Order made on 30 June 2020.

Contrary to what might otherwise be assumed, the withdrawal of the Minister's appeal does not signify any change of position in relation to the transformative measures in the Mining Charters. On the contrary, it paves the way to legal certainty over the current 2018 Mining Charter, which strengthens, enhances and extends the transformative measures that were previously set out in the 2010 Mining Charter.

#### **Issued by the Department of Mineral Resources and Energy**

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