

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 779

01 JULY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****IDENTIFICATION OF THE MINISTER AS COMPETENT AUTHORITY FOR THE CONSIDERATION
AND PROCESSING OF ENVIRONMENTAL AUTHORISATIONS AND AMENDMENTS THERETO
FOR ACTIVITIES RELATED TO THE INTEGRATED RESOURCE PLAN (IRP) 2010 - 2030**

The concern regarding who the competent authority is for environmental authorisation applications for renewable energy has been raised since 2011.

In December 2009 at the United Nations Framework Convention on Climate Change (UNFCCC), the President, honourable Jacob Zuma, committed South Africa to take nationally appropriate Carbon Dioxide (CO₂) mitigation action to enable a 34% deviation below the "Business As Usual" emissions growth trajectory by 2020 and a 42% deviation below the "Business as Usual" emission growth trajectory by 2025. This commitment was made in line with the Articles of the United Nations Framework Convention on Climate Change (UNFCCC) and is being implemented, among others, through the Integrated Resource Plan (IRP) 2010 – 2030. This commitment, which was made in line with the relevant Articles of the UNFCCC and was communicated to the Secretariat of the UNFCCC on the 29 January 2010, changed the competency for authorising activities identified in terms of section 24(2) of NEMA which related to the Integrated Resource Plan, including associated activities and amendments. Since 29 January 2010 to date and in terms of section 24C(2)(a), the Minister of Environmental Affairs has exercised the powers as the competent authority in the instances where the activities had implications for international commitments or relations. The activities related to the Integrated Resources Plan (IRP) 2010 – 2030 are included in these activities.

Section 24C(2)(a)(i) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended by section 6 of the National Environmental Management Laws Amendment Act, 2013 (Act No. 30 of 2013), now requires that the Minister of Environmental Affairs must be identified as the competent authority for the issuing of environmental authorisations in respect of activities that have implications for international environmental commitments or relations and that have been identified by notice in the *Gazette*.

Therefore I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby in terms of section 24C(1), 24C(2)(a)(i) and 24D of the National Environmental Management Act, 1998, confirms that the Minister of Environmental Affairs is the Competent Authority for activities which are identified as activities in terms of section 24(2)(a), which may not commence without an environmental authorisation, and which relates to the Integrated Resources Plan (IRP) 2010 – 2030 and any updates thereto.

All environmental authorisations issued for activities that relates to the Integrated Resource Plan (IRP) 2010 – 2030 made by myself or a MEC in his or her capacity as the competent authority between the 30 January 2010 until the date of publication of the Government Notice in the *Gazette* must be regarded as valid and having been made under an agreement in terms of section 24C(3)(a) of the National Environmental Management Act, 1998. All pending applications on the date of publication of this notice in the *Gazette* must be submitted to the Minister of Environmental Affairs for finalisation.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS