



ENVIRONMENTAL

An overview of our practice



EVERYTHING MATTERS

ENVIRONMENTAL LAW

Environmental law is a highly specialised field in which Cliffe Dekker Hofmeyr offers extremely skilled and practical advice.

Our Environmental practice has extensive experience in legal compliance, due diligence investigations, ISO 14001 implementation, environmental impact assessments, environmental litigation and legislative drafting.

We also advise extensively on health and safety and heritage law. Our clients are drawn from the energy, petrochemicals, pulp and paper, mining and manufacturing sectors, as well as from government in all three spheres in South Africa and elsewhere in the region.

OUR SERVICES

- **Compliance advice**
We offer practical and focused advice on all areas of environmental legal compliance. Where clients are not in compliance with the law, we assist in developing programmes for achieving compliance within realistic time frames.
- **Due diligence investigations**
Environmental concerns are increasingly important in mergers and acquisitions. This is because the environmental legal regime in South Africa creates retrospective and strict liability in some circumstances. Our team, working in conjunction with scientists and environmental consultants, is able to distinguish areas of genuine concern from non-material issues and to assess their implications for a deal.
- **ISO 14001**
Increasingly, customers of our clients are demanding independently audited and accredited environmental management systems. We have considerable expertise in the implementation of ISO 14001 accredited environmental management systems and have experience in independently auditing those systems from a legal perspective.
- **Environmental litigation**
We have extensive experience in environmental litigation in various divisions of the High Court of South Africa.
- **Environmental impact assessments**
These play a central role in many developments. We are able to guide the process to ensure legal compliance with all the requirements of the EIA process to make it as defensible as possible and unlikely to be vulnerable to attack on appeal or review. Where clients are against a development, we are able to assist in opposing it through the environmental impact assessment process.
- **Legislative drafting**
Our team has drafted laws for the South African Development Community (SADC), national governments within the SADC region and provincial and local government authorities in South Africa. We have firsthand knowledge of legal requirements in many jurisdictions and are skilled at translating government clients' instructions into workable, practical and easily understood legislation.
- **Contractual drafting**
We regularly review and draft environmental clauses in general commercial and project finance agreements.
- **Environmental legal training**
We have prepared environmental legal training material and presented training workshops to various industrial and public sector clients on many aspects of environmental and health and safety law.
- **Legal registers and compliance tools**
We prepare and regularly update environmental legal registers for various clients in many different sectors. We have also developed an electronic environmental legal compliance tool that can be customised for a client's particular needs.

RECENT REPRESENTATIVE WORK

- Advising **EnviroServ** on waste management obligations
- Advising mining clients regarding environmental liability, particularly regarding acid mine drainage and ground water treatment and pumping obligations, generally and arising from directives issued by competent authorities
- Advising **Sappi** on the environmental legal controls that operate over each of its South African operations
- Compiling an analysis of legislation governing auto emissions in seven worldwide jurisdictions for **Lonmin PLC**, including China, Russia and India
- Advising the **Airports Company South Africa (ACSA)** regarding its rights and obligations following a significant fuel spill at a major airport
- Drafting administrative appeals following the granting or refusal of various kinds of environmental authorisations and licences and appearing before tribunals to argue appeals
- Advising mining clients on environmental, health and safety, mining rights and transactional issues
- Advising regional, national, provincial and local governments on the development of environmental law and policy and drafting and implementation of those laws and policies
- Advising **Investec**, **Rand Merchant Bank** and **Standard Bank** on environmental liability as lender or when taking equity in a company
- Advising **Sasol** and other international chemical companies on the selling of contaminated property, and drafting agreements to regulate the situation
- Managing the environmental, health and safety aspects of the due diligence for the **Anooraq Resources** transaction which was rated deal of the year by DealMakers in 2008
- Representing a group of architects in preventing the destruction of 10 architecturally significant buildings in central Johannesburg
- Assisting Old Mutual Properties in determining its heritage law obligations when redeveloping a landmark building
- Advising Sasol on the environmental legal aspects of its various business entities
- Acting for the City of Cape Town in the establishment of a regional landfill site that will serve the City for the next 30 years
- Advising **Petronet** on its Pipeline Safety Campaign and associated risks
- Advising various clients, including **BHP Billiton** and **AfriSam**, on all aspects of environmental assessment for development and expansions

WHAT OTHERS SAY ABOUT US

Cliffe Dekker Hofmeyr is regularly ranked as a first-rate firm in authoritative legal profession directories and many of the firm's lawyers are highly recommended in their respective fields.

About our Environmental practice

- **Practical Law Company** ^{PLC} *Which Lawyer? 2004 to 2009* has rated Terry Winstanley as a leading environmental lawyer in South Africa (one of only two lawyers rated in this category), describing her as '*the doyenne of environmental law in South Africa*'.
- **PLC Cross-border Environmental Law Handbook, 2009** has named Cliffe Dekker Hofmeyr as the '*leading environmental law firm in South Africa*'.
- **The Legal 500: Europe, Middle East & Africa Series, 2009** has named Terry Winstanley as one of South Africa's foremost environmental litigation experts and ranks Cliffe Dekker Hofmeyr in Tier 1.

About Cliffe Dekker Hofmeyr

Selected recent accolades, which are based on client reviews in independent surveys, include:

- Rated in the top two large law firm rankings over the past seven years and ranked **No. 1 over four years** in the *PMR.africa* annual survey in which clients rate the top legal firms across a range of 22 service criteria.
- **Ranked No.1 M&A Legal Advisor:**
 - Ernst and Young Review of Mergers and Acquisitions (M&A) Activity in 2009
 - DealMakers M&A 2009 Awards (1st by number of deals).
- **Winner: International Law Office Client Choice Award 2010.**
- **World Finance 2010 Legal Awards, winner:**
 - Best Dispute Resolution Team
 - Best Competition and Antitrust Team.
- **ACQ Global Awards 2010, winner:**
 - Client Care Law Firm – Africa
 - Commercial Law Firm – Africa
 - Technology, Media and Telecommunications Law Firm – Africa.

- **Chambers Global 2010** ranks our IT and Technology practice in Band 1 and our Corporate/ M&A, Competition/ Antitrust, Dispute Resolution and Tax practices in Band 2.

- **The Legal 500: Europe, Middle East & Africa Series, 2009** has ranked us in Tier 1 for Corporate/ M&A, Dispute Resolution, Mining and Projects, and Infrastructure, and in Tier 2 for Banking and Finance, and Labour and Employment. Our Intellectual Property practice is also highly ranked.

WHY CHOOSE CLIFFE DEKKER HOFMEYR?

With more than 130 directors and 300 lawyers, Cliffe Dekker Hofmeyr is one of the largest business law firms in South Africa, combining a strong national presence with global reach.

Our legal teams are fairly evenly split between our Johannesburg (Sandton) and Cape Town offices, giving us sizeable influence in both key financial centres in South Africa.

Our vision is to be the leading South African business law firm, delivering excellent service to our clients.

Our roots go back to 1853. The firm has evolved and grown through a series of mergers, culminating in the milestone merger on 1 September 2008 of two of South Africa's leading corporate law firms, Cliffe Dekker and Hofmeyr Herbstein & Gihwala.

Our global reach

Our exclusive relationship with DLA Piper, one of the largest legal services organisations in the world, extends our reach on behalf of our clients to all the major business centres globally.

With more than 3,700 lawyers located in 28 countries and 66 offices throughout Asia, Europe, the Middle East and the US, DLA Piper is positioned to help companies with their legal needs anywhere in the world.

Our Africa group

Africa is a key growth area. As a member of DLA Piper Group with its network of firms across the African continent, we offer our clients an unparalleled pan-African service that combines international expertise with an excellent knowledge of local legal and cultural frameworks.

(Read more at www.dlapiper.com/africa)

Our business legal services

We offer a full complement of business legal services in ten core Practice Areas:

- Corporate and Commercial including Intellectual Property
- Competition
- Dispute Resolution: Litigation and Arbitration
- Employment
- Environmental
- Finance, Projects and Banking
- Real Estate
- Tax
- Technology, Media and Telecommunications
- Trusts and Estates

We also have niche practices focusing on specific sectors including:

aviation; black economic empowerment; energy; healthcare/pharmaceuticals; infrastructure; insolvency; Islamic finance; mergers and acquisitions; mining; occupational health and safety; outsourcing; pensions, projects and PPPs; public sector law and private equity.

Our lawyers are specialists. The scale of the firm gives our lawyers the capacity to narrow their area of expertise, allowing them to specialise in a particular field of law and broaden their level of knowledge in that specialist area.

Our capacity brings the depth of skills and specialisation needed to meet the full service business needs of our clients, no matter the size of the transaction - large or small - anywhere in the world.

Empowerment and transformation

Cliffe Dekker Hofmeyr can confidently claim to be a champion of empowerment in the legal profession. We aspire to be a firm that cherishes diversity and equal opportunity by actively contributing to attaining the objectives of Black Economic Empowerment. Cliffe Dekker Hofmeyr has a **Level 3 Contributor** EmpowerDEX BEE rating. The firm has some 30% of its shares controlled by black directors while 25% are held by women.

We have committed to developing a practice that values diversity and we actively contribute to achieving the objectives of black economic empowerment through transformation within the firm and investment in our communities.

Our philosophy is that if it matters to our clients, it matters to us

CONTACT US

For legal advice, please contact any member of our Environmental law team listed below.



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