

AFFIDAVIT

I, the undersigned

Dr Tsakani Ngomane

Do hereby make oath and say that:-

- 1.1 I am an adult female, employed as the Deputy Director-General: Climate Change, Air Quality and Sustainable Development. I am designated as the Deputy Information Officer in terms of section 17 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"), and duly delegated. I am authorised to depose to this affidavit in terms of section 23(1)(b)(ii) and (2) of PAIA.
- 1.2 The facts and allegations herein contained are both true and correct and are within my personal knowledge, unless otherwise indicated.
- 1.3 Where I make submissions which are legal in nature, I do so with the advice of the Department's legal advisors, which advice I verily accept to be correct.

2.

On 11 February 2019, the Department received a request in terms of PAIA from the Centre for Environmental Rights (CER) (the Requester) for access to information relating to Pollution Prevention Plans and Greenhouse Gas reporting records. The Requester specifically requested:

- (1) *The database or list of data providers registered in terms of Regulation 5 of the National Greenhouse Gas Emission Reporting Regulations, GN 275 of 2017 ("the GHG Reporting Regulations");*
- (2) *The latest reports submitted in terms of Regulation 7(1) of the Greenhouse Gas Reporting Regulations by the following entities:*



- *Eskom Holdings SOC Ltd;*
- *Sasol Ltd;*
- *ArcelorMittal South Africa Ltd;*
- *Exxaro Resources Ltd;*
- *Glencore Plc;*
- *African Rainbow Minerals Ltd;*
- *Anglo American Pic;*
- *Anglo Operations Ltd;*
- *South 32 Ltd;*
- *Seriti Resources Holdings Pty Ltd;*
- *Petmin Ltd;*
- *Mbuyelo Coal Pty Ltd;*
- *Kuyasa Mining Pty Ltd;*
- *Sappi Ltd;*
- *PPC Ltd;*
- *Gold Fields Ltd;*

(3) *The database of or list of persons that have submitted pollution prevention plans under regulation 4(1) of the National Pollution Prevention Plan Regulations, GN 712 of 2017 ("PPP Regulations");*

(4) *The pollution prevention plans submitted for the period up to 31 December 2020 in terms of regulations 3(2) of the PPP Regulations, the following companies:*

- *Eskom Holdings SOC Ltd*
- *Sasol Ltd*
- *ArcelorMittal South Africa Ltd*
- *Exxaro Resources Ltd*
- *Glencore*
- *African Rainbow Minerals Ltd*
- *Anglo American Pic*
- *Anglo Operations Ltd*
- *South 32 Ltd*
- *Seriti Resources Holdings Pty Ltd*

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- *Petmin Ltd*
- *Mbuyelo Coal Pty Ltd*
- *Kuyasa Mining Pty Ltd*
- *Sappi Ltd*
- *PPC Ltd*
- *Gold Fields Ltd;*

(5) *The latest annual progress reports submitted by the entities listed in paragraph 3 in terms of regulation 5(1) of the PPP Regulations."*

3.

The Department is not in possession of reports in terms of regulation 7(1) of the National Greenhouse Gas Emission Reporting Regulations, 2017 in relation to the following entities / companies:

- Petmin Ltd;
- Mbuyelo Coal Pty Ltd; and
- Kuyasa Mining Pty Ltd.

4.

The Department is not in possession of pollution prevention plans in terms of regulation 3(2), or annual progress reports in terms of regulation 5(1) of the National Pollution Prevention Plan Regulations, 2017 in relation to the following companies / entities:


- Anglo American Plc;
- Petmin Ltd;
- Mbuyelo Coal Pty Ltd;
- Kuyasa Mining Pty Ltd;
- Gold Fields Ltd;
- Seriti Resources Holdings Pty Ltd;
- Glencore;
- Exxaro Resources Ltd;
- PPC Ltd; and

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- South 32 (Samancor Manganese Pty Ltd)

5.

The records as set out in paragraph 3 and 4 *supra* cannot be provided to you, as the Department is not in possession of such records.



DEPONENT

THUS SIGNED AND SWORN TO AT PRETORIA ON THIS THE 5TH DAY OF APRIL 2019. THE DEPONENT HAVING ACKNOWLEDGED THAT SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND CONSIDERS THE OATH AS BINDING ON HER CONSCIENCE.



COMMISSIONER OF OATHS

**OFHANI NEMUKOVHANI
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