



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

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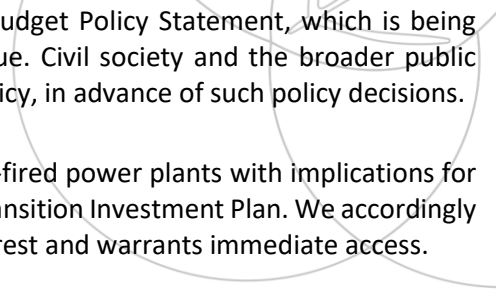
Our ref: CER-2023-NT-001
31 October 2023

Dear Talent Mtungwa and Stadi Mngomezulu,

CENTRE FOR ENVIRONMENTAL RIGHTS / NATIONAL TREASURY OF THE REPUBLIC OF SOUTH AFRICA: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION TO ACCESS TO INFORMATION ACT 2 OF 2000

1. We refer to the CER's PAIA request dated 17 October and your response dated 25 October 2023.
2. We note that your response is limited to "the report" that is to be presented to Parliament and does not address item 3 of Annexure A to CER's request, being *"Any document and/or correspondence that sets out and confirms the terms of reference and/or mandate between the National Treasury of the Republic of South Africa and the consortium of consultants led by vgbe Energy Association (vgbe Energy e.V) for the assessment of the national situation of Eskom."*
3. There is accordingly no reason why the documents referred to in item 3 of the request cannot be provided immediately.
4. As regards the report, according to [media coverage](#), the report which we have requested was commissioned by National Treasury as an independent report and was handed over to the National Treasury in September 2023. We understand that the report is currently in the National Treasury's possession.
5. We are very concerned that the report has not yet been made publicly available given the immense public interest in accessing the report and the subject matter of the report. In this regard, we are also concerned about the potential change in the terms of reference for the report and note comments by the Director of the National Treasury, Mr. Duncan Pieterse, that, "the study did not start off looking at the life of coal power plants when it was first commissioned," but "because the issue of coal plant life extension came up, we then asked VGBE to provide us with their high-level inputs."

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6. We also understand that the report will influence the Medium Term-Budget Policy Statement, which is being released tomorrow. We refer to [additional media coverage](#) on this issue. Civil society and the broader public should have access to information which influences and informs such policy, in advance of such policy decisions.
 7. In summary, the report deals with the decommissioning of Eskom's coal-fired power plants with implications for issues of pollution as well as financing under South Africa's Just Energy Transition Investment Plan. We accordingly submit that the nature of the report requested is of immense public interest and warrants immediate access.
 8. In the circumstances, please provide us with immediate access to the report or if such access is not provided, please provide us with detailed reasons for deferring access to the report, with reference to the specific sections of PAIA which you rely on for such deferral.
 9. We look forward to your response.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



Tabitha Paine

Attorney: Corporate Accountability and Transparency

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