

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 AS PER GN R 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation (EA) from the relevant Competent Authority (CA) (the DEA).	1. Receive notice of EA from Applicant/ Consultant.
2. Within 12 days of date of the EA, notify all I&APs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered I&AP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve each I&AP: <ul style="list-style-type: none"> • A notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve the Applicant within 10 days of lodging the notice: <ul style="list-style-type: none"> • A notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted to the Minister within 30 days after the lapsing of the 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the 20 days provided for the lodging of the notice of intention to appeal.
7. Any I&AP who received notice of an appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:**1. An appeal against a decision must be lodged with:**

- a. the Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- b. the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority.

2. An appeal lodged with:

- a. the minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- b. the minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs

3. An appeal must be:

- a. Submitted in writing;
- b. Accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.