

IMBEWU

Sustainability Legal Specialists (Pty) Ltd

FACILITATING LEGAL COMPLIANCE

Our services include:

- Online SHE Legal Registers
- Customised SHE Legislation updates
- Corporate Sustainability & ESG



SUSTAINABILITY NEWSLETTER

FEBRUARY 2025

For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:

<https://imbewu.co.za/wp-content/uploads/2025/03/Monthly-SHE-leg-update-Feb2025.pdf>

For copies of the last three Safety, Health and Environmental (SHE) Legislation Updates, please go to:

<https://imbewu.co.za/publications/>

NATIONAL

During January and February, President Cyril Ramaphosa signed various bills into law, which are briefly outlined below:

THE PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND ACT 39 OF 2024 – The Preservation and Development of Agricultural Land Act aims to ensure that agricultural land supports long-term food production and contributes to economic growth. This legislation aligns with the government's objectives for sustainable natural resource management and establishes a comprehensive national framework for the preservation and development of agricultural land. The law fosters an environment conducive to the growth of the agricultural sector, thereby enhancing its economic contribution. It seeks to protect agricultural land and guarantee its productive use, ensuring it remains viable for sector development. Furthermore, the legislation underpins South Africa's commitment to maximising the potential of agricultural land for food production, which has a positive impact on the economy. It also delineates the role of provincial agricultural sector plans, which will assist in coordinating policies and strategies necessary to maintain a sustainable agricultural environment.

Assented to on 27 January 2025.

Source: <https://www.gov.za/news/media-statements/president-cyril-ramaphosa-assents-preservation-and-development-agricultural>

MARINE POLLUTION AMENDMENT ACT 36 OF 2024 - The Marine Pollution (Prevention of Pollution from Ships) Amendment Act, aims to implement stronger measures to protect our oceans from pollution caused by ships. With a coastline extending over 3,000 km from Namibia to Mozambique, this law is crucial for South Africa's environmental and economic well-being. Additionally, it contributes to international efforts to safeguard marine environments and promote sustainable economic growth.

South Africa benefits from a significant exclusive economic zone at sea, supporting approximately 400,000 jobs in marine sectors such as shipping, construction, tourism, and fisheries. The legislation acknowledges the various ways ships can harm the oceans, including oil spills, toxic sewage, and waste disposal. It updates the Marine Pollution Act to include Annex IV and Annex VI of the International Convention for the Prevention of Pollution from Ships. Annex IV focuses on the treatment and safe disposal of ship sewage, while Annex VI targets ship energy efficiency and greenhouse gas emissions.

The revised legislation enhances the Minister of Transport's authority to create regulations on issues, including air pollution from ships and sewage-related pollution. Furthermore, it raises penalties for serious infractions, increasing fines from R500,000 to R10 million for violations of the Marine Pollution Act or relevant international conventions integrated into South African law.

Assented to on: 29 January 2025.

Source: <https://www.thepresidency.gov.za/president-ramaphosa-enacts-stronger-measures-protect-oceans-pollution>

PLANT HEALTH ACT 35 OF 2024 - The Plant Health Act establishes measures to combat plant pests that pose a threat to domestic agriculture and could affect South Africa's capacity to export agricultural products. Among its various effects, the Act, signed by the President, repeals the Agricultural Pests Act of 1983, which until now governed the national plant health (phytosanitary) system.

The new law addresses concerns that the introduction and spread of potentially harmful pests in South Africa could have a significantly detrimental effect on biosecurity, agricultural production, food security, and market access. The Act stipulates phytosanitary measures to prevent the introduction, establishment, and spread of regulated pests to protect South African agriculture and its natural plant resources. It also provides for the management of regulated pests and the regulation of the movement of plants, plant products, and other regulated items into, within, and out of the Republic.

This legislation aligns South Africa with the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures, as well as the International Plant Protection Convention. This alignment will bolster South Africa's efforts to access new markets and sustain existing export markets, thereby positively impacting the South African agricultural sector in terms of job creation and the sustainable management of land and other natural resources.

Assented to on: 13 February 2025.

Source: <https://www.gov.za/news/media-statements/president-cyril-ramaphosa-assents-plant-health-bill-13-feb-2025>

OTHER NATIONAL LEGAL DEVELOPMENTS

THE 9TH NATIONAL GREENHOUSE GAS INVENTORY REPORT - On 7 February 2025, the Minister responsible for environmental affairs published South Africa's 9th National Greenhouse Inventory Report (NIR) in *Gazette* number 52067. The NIR spans the years 2000 to 2022, providing insights into the current emission levels and trends in South Africa. It is an integral part of the First Biennial Transparency Report that will be submitted to the United Nations Framework Convention on Climate Change (UNFCCC). As mandated by the UNFCCC, South Africa must present its national inventory on a gas-by-gas basis, detailing anthropogenic emissions of carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), along with their sources and removals by sinks. A thorough, accurate, and updated greenhouse gas emissions inventory serves as a crucial foundation for effective mitigation strategies. The 9th NIR follows the standard National Inventory Report format in accordance with the Convention Reporting Guidelines.

South Africa ratified the UNFCCC in 1997 and is obligated, under articles 4(1)(a) and 12(1)(a) of the Convention, to report on national greenhouse gas emissions and removals to the Conference of the Parties (COP). The Convention's primary objective is to stabilise greenhouse gas (GHG) concentrations in the atmosphere to prevent hazardous human-induced interference with the climate system. The inventory report primarily aims to aid policy and decision-making processes regarding feasible climate change mitigation measures in South Africa. This supports the country's transition towards a lower carbon economy and a climate-resilient society, in line with the aspirations outlined in the National Development Plan (Vision 2030) and the National Climate Change Response Policy (2011).

A copy of the NIR can be accessed via the following link: https://www.dffe.gov.za/sites/default/files/legislations/nemaq_nggireportt_g52067gon5850.pdf

Source: https://www.dffe.gov.za/index.php/media/george_9thnggireport

REGULATIONS FOR THE MANAGEMENT OF MERCURY IN SOUTH AFRICA - On 6 February 2025, the Minister responsible for environmental affairs published notice number 5848, informing the public about the Regulations concerning the management and phasing out of mercury, following a public consultation process that commenced in 2022.

The purpose of the Regulations is to ensure environmentally sound management of mercury, establish measures for the phase-out and phase-down of mercury added products, regulate the manufacturing processes in which mercury is used, and regulate the management of mercury stocks. The Regulations will apply to sellers, distributors, importers, and exporters of mercury, manufacturers and users of mercury-added products, and manufacturing processes that use mercury. The regulations will not apply to mercury emissions and waste. The regulations provide for a 'phasing down' of dental amalgam and prescribe registration and reporting procedures, as well as interim storage requirements.

The Regulations were intended to come into immediate effect; however, on 24 February 2025, the Department of Forestry, Fisheries and the Environment published notice number 5900, informing the public that the Regulations have been withdrawn until they have been tabled in Parliament in terms of section 47(2) of the National Environmental Management Act 107 of 1998 (NEMA).

Source: <https://legalacademy.co.za/news/read/environmental-law-mercury-management-regulations-gazetted>

IMBEWU'S ONLINE Safety, Health & Environmental (SHE) Legal Registers serve to link environmental and health & safety legal requirements, not only to clients' specific activities, aspects and risks, but also to legislative provisions and legal commentaries. Our state-of-the-art online electronic SHE Legal Registers are

cost effective, contemporary and streamlined for easy access with secure passwords, easy navigation and a search engine. Access to a comprehensive searchable SHE legislation database (which is updated monthly), is included as well as site-specific documentation.

For more information contact admin@imbewu.co.za or visit <https://imbewu.co.za/she-electronic-legal-registers/>

The logo for Warburton Attorneys Inc Sustainability Law Specialists features a green background. On the left, there is a vertical strip showing a close-up of green grass with water droplets. To the right of this strip are three stylized green icons: a gear, a sun-like starburst, and a leaf. The text 'Warburton Attorneys Inc' is written in a large, dark green font, with 'Sustainability Law Specialists' in a smaller, lighter green font below it. At the bottom, the contact information '011 447 6848 | admin@warburtons.co.za' and 'www.warburtons.co.za' is displayed in a light green font.

Warburton Attorneys Inc
Sustainability Law Specialists
011 447 6848 | admin@warburtons.co.za
www.warburtons.co.za

3 March 2025- World Wildlife Day <https://www.wildlifeday.org/en>

DISCLAIMER: The information contained in IMBEWU's Sustainability Newsletter and Legislation Update has been obtained from sources believed to be reliable. IMBEWU does not warrant the accuracy, completeness or adequacy of such information.

If you would no longer like to receive IMBEWU's Newsletter and Legislation Update please email admin@imbewu.co.za