



# SUPREME COURT OF APPEAL OF SOUTH AFRICA

## **MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 17 March 2017  
**STATUS** Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.*

***SA Metal Group (Pty) Ltd v The International Trade Administration Commission (267/2016) [2017] ZASCA 14 (17 March 2017)***

Today the Supreme Court of Appeal (SCA) dismissed an appeal by SA Metal Group (Pty) Ltd against a judgment of the Western Cape High Court, Cape Town.

The issue on appeal was whether, given the passage of time, the judgment sought in the appeal would have any practical effect or result within the meaning of s 16(2)(a)(i) of the Superior Courts Act 10 of 2013.

The dispute arose against the backdrop of a policy directive by the Minister of Economic Development. In accordance with this directive the International Trade Administration Commission (the ITAC) published guidelines on the export of ferrous and non-ferrous waste and scrap. On 20 October 2014, SA Metal applied for ten permits for the export of scrap metal. In each instance, it sought an exemption from the price preference system on the basis that the application of these requirements would be in conflict with South Africa's obligations under the General Agreement on Tariffs and Trade (GATT). On 30 October 2014, ITAC refused all ten applications, asserting that the application of the guidelines would not violate the country's obligations under the GATT. Aggrieved by that refusal, SA Metal applied to the High Court primarily to review and set aside ITAC's decision. The High Court dismissed the application, but granted leave to appeal to the SCA.

On appeal, the SCA held that given that ITAC's refusal occurred in October 2014, and that the dates proposed by SA Metal for the export of the scrap metal were November 2014 to

January 2015, the matter had become moot and the decision of the court would thus be of no practical effect. Substantiating its conclusion, the court further held that the relief sought by SA Metal did not raise a discrete legal issue of public interest, or an issue affecting the position between the parties in the present matter.