

Extended Producer Responsibility Regulations, 2020

[Link to Regulation List](#)

Published under

GN 1184 in GG 43879 of 5 November 2020
[with effect from 5 May 2021]

as amended by

GN 20 in GG 44078 of 15 January 2021
GN 400 in GG 44539 of 5 May 2021

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the National Environmental Management: Waste Act, 2008, make the regulations regarding extended producer responsibility, as set out in the Schedule hereto.

(Signed)

BARBARA DALLAS CREECY
Minister of Forestry, Fisheries and the Environment

SCHEDULE

TABLE OF CONTENTS

1	Definitions
2	Purpose of the regulations
3	Application of the regulations
4	Registration of producers
5	Extended producer responsibility measures to be implemented by producers
6	Minimum requirements and criteria for extended producer responsibility schemes to operate
7	Financial arrangements for an extended producer responsibility scheme
8	Monitoring, reporting and evaluation
9	Performance review of the extended producer responsibility scheme
10	Registration of producer responsibility organisations
11	Requirements and criteria for producer responsibility organisations to operate
12	Offences
13	Penalties
14	Short title and commencement

1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context indicates otherwise-

'brand owner' means a person, category of persons or company who makes and/or sells any identified product under a brand label;

[Definition of 'brand owner' substituted by GN 400 of 5 May 2021.]

'circular economy' means a regenerative system in which resource inputs and waste, emissions, and energy leakage are minimised by slowing, closing, and narrowing energy and material loops which can be achieved through long-lasting design, maintenance, repair, reuse, remanufacturing, refurbishing, and recycling and which is in contrast to a linear economy which is a 'take, make, dispose' model of production;

'collection' means the gathering of an identified product at the end of its life, at the place of its generation or storage by a waste picker, collector or reclaimer or service provider;

[Definition of 'collection' inserted by GN 400 of 5 May 2021.]

'collection service fee' means the agreed fee payable to the waste collectors, reclaimers or pickers through the extended producer responsibility scheme;

[Definition of 'collection service fee' inserted by GN 400 of 5 May 2021.]

'Cost recovery' means the recovery of operational and maintenance costs of the producer responsibility organisations, ie costs related to the collection, storage and treatment of waste products, as well as the administrative and awareness raising costs of the producer responsibility organisations;

[Definition of 'cost recovery' inserted by GN 400 of 5 May 2021.]

'decent work'

[Definition of 'decent work' deleted by GN 400 of 5 May 2021.]

'department' means the national Department responsible for the environment;

'extended producer responsibility' means that a producer's responsibility for an identified product is extended to the post-consumer stage of an identified product's life cycle;

[Definition of 'extended producer responsibility ' substituted by GN 400 of 5 May 2021.]

'extended producer responsibility scheme' means a system that puts into effect obligations under which producers take accountability in implementing extended producer responsibility;

'free rider' means a producer who benefits from the actions or efforts of another producer, in relation to an extended producer responsibility scheme without fully complying with the requirements of the extended producer responsibility scheme;

[Definition of 'free rider' substituted by GN 400 of 5 May 2021.]

'full cost' means all the direct fixed and variable costs associated with the extended producer responsibility scheme on waste collection, storage, treatment and some administration and awareness raising costs;

[Definition of 'full cost' inserted by GN 400 of 5 May 2021.]

'Identified products' means products that are identified in terms of section

18(1)(a) of the Act and published in the *Government Gazette* by the Minister;

[Definition of 'Identified products' inserted by GN 400 of 5 May 2021.]

'importer' means a person or category of persons who brings identified products or items that contain identified products into the country from abroad and including but not limited to the one that first places them into the market for sale;

[Definition of 'importer' substituted by GN 400 of 5 May 2021.]

'interim performance report' means a report to be submitted for the period 1 January until 30 June;

'nett cost' means the full cost less the revenue from the sales of the collected material;

[Definition of 'nett cost' inserted by GN 400 of 5 May 2021.]

'producer' means any person or category of persons, including a brand owner, who is engaged in the commercial manufacture, conversion, refurbishment (where applicable) or import of new or used identified products as identified by the Minister by notice in the *Government Gazette* in terms of section 18(1) of the Act, and a producer includes, where relevant, the same as defined in the specific section 18 notice for each of the identified products as gazetted by the Minister in terms of section 18(1) and (2) of the Act;

[Definition of 'producer' substituted by GN 400 of 5 May 2021.]

'producer responsibility organisation' means a not-for-profit organisation established by producers or any person operating in any of the industrial sectors covered in the Notices published in terms of the Act to support the implementation of their extended producer responsibility scheme and may represent either individual or collective producers;

'refurbishment'

[Definition of 'refurbishment' deleted by GN 400 of 5 May 2021.]

'small business' carries the meaning as defined in the National Small Business Act, 1996 (Act 102 of 1996);

'the Act' means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008); and

'waste collection'

[Definition of 'waste collection' deleted by GN 400 of 5 May 2021.]

'Waste picker' means a person who collects identified products from residential and commercial waste bins, landfill sites and open spaces in order to revalue them and generate an income;

[Definition of 'waste picker' inserted by GN 400 of 5 May 2021.]

2 Purpose of the regulations

The purpose of these Regulations is-

(1) to provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producers in terms of section 18 of the Act;

(2) to ensure the effective and efficient management of the identified product at the end of its life; and

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

(3) to encourage and enable the implementation of the circular economy initiatives.

3 Application of the regulations

These Regulations-

(1) apply to the identified products in terms of section 18(1)(a) of the Act and to the producers of those identified products published in the *Government Gazette* by the Minister;

[Subreg. (1) substituted by GN 400 of 5 May 2021.]

(2) apply to the identified products in terms of section 18(1)(a) of the Act and to the producers of those identified products published in the *Government Gazette* by the Minister, that were placed on the market prior to these Regulations coming into effect; and

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

(3) do not apply to the identified products in terms of section 18(1)(a) of the Act and to the producers of those identified products published in the *Government Gazette* by the Minister, to that portion which is exported only or that produce the identified products for export purposes only.

[Subreg. (3) added by GN 400 of 5 May 2021.]

4 Registration of producers

(1) All existing producers of identified products, at the time these Regulations come into effect, must register with the department within 6 months of the publication of the Government Notice in the *Government Gazette* in terms of section 18(1) of the Act by completing the on-line registration process accessible via the South African Waste Information Centre website (www.sawic.environment.gov.za).

[Subreg. (1) substituted by GN 20 of 15 January 2021 and by GN 400 of 5 May 2021.]

(2) All new producers of identified products, who commence producing after these Regulations come into effect, must register with the department within 3 months of being established, by completing the on-line registration process accessible via the South African Waste Information Centre website (www.sawic.environment.gov.za).

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

(3) The department must consider all producer registration application forms and issue a registration number for each producer that has submitted such form, within 30 days of receipt of a form in which all sections are correctly completed.

5 Extended producer responsibility measures to be implemented by producers

(1) The producer of a product or class of products, as identified by the Minister in terms of section 18(1) of the Act, must-

- (a) establish and implement an extended producer responsibility scheme that includes the entire value chain or join another extended producer responsibility scheme that includes the entire value chain or appoint a producer responsibility organisation to establish and implement an extended producer responsibility scheme that includes the entire value chain;
- (b) be accountable for the operation and performance of their extended producer

responsibility scheme;

(c) to (j) inclusive

[Paras. (c) to (j) inclusive deleted by GN 400 of 5 May 2021.]

(k) conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards within 5 years of implementation of their extended producer responsibility scheme;

[Para. (k) substituted by GN 400 of 5 May 2021.]

(l) through the life cycle assessment as a minimum focus on the following:

(i) Minimisation of material used in the identified product;

(ii) Design of the product to facilitate reuse, recycling or recovery, without compromising the functionality of the product; and

(iii) Reduction of environmental toxicity of the resulting post-consumer waste stream;

[Para. (l) substituted by GN 400 of 5 May 2021.]

(m) to (v) inclusive

[Paras. (m) to (v) inclusive deleted by GN 400 of 5 May 2021.]

(w) collaborate as producers of an identified product and in consultation with the Department responsible for Trade, Industry and Competition, to develop a broad-based black economic empowerment transformation charter with targets, timelines and implementation measures, within two years of the publishing of the Notice, which transformation charter must comply with section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) and must include a special focus on women, youth and people living with disabilities;

[Para. (w) substituted by GN 400 of 5 May 2021.]

(x)

[Para. (x) deleted by GN 400 of 5 May 2021.]

(y) where specified in the section 18(1) notices, implement mandatory take back of their identified products at the end of their lives; and

[Para. (y) substituted by GN 400 of 5 May 2021.]

(z) implement environmental labels and declaration for the identified products in accordance with SANS 14021 and SANS 14024 within a period of 3 years.

[Para. (z) substituted by GN 400 of 5 May 2021.]

5A Obligations of a producer responsibility organisation that establishes and implements an extended producer responsibility scheme

(1) The producer responsibility organisation must-

(a) develop and maintain a system to collect the extended producer responsibility fees;

(b) conduct internal biannual financial audits and make these audit reports available to the department upon request;

(c) make the internal biannual audit reports available to the external auditor;

(d) appoint an independent financial auditor to annually-

- (h) conduct an external audit of the financial records; and
 - (ii) include the internal biannual audit findings in the annual audit report;
- (e) submit this annual audit report to the Department within 60 days after finalisation of the audit, which annual audit report will be uploaded onto the South African Waste Information Centre (SAWIC) for public access;
- (f) develop and maintain a register of its members, in the event that the scheme has two or more members;
- (g) collect, record, manage and submit data to the South African Waste Information System as required in regulation 8 of these Regulations;
- (h) by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
- (i) contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
- (j) keep records of the quantity of identified products:
 - (i) placed on the market by members of the producer responsibility organisation;
 - (ii) collected;
 - (iii) sorted;
 - (iv) recycled; and
 - (v) recovered;
- (k) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;
- (l) co-operate with all municipalities (where applicable), within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste;
- (m) integrate informal waste collectors, reclaimers and pickers into the post-consumer collection value chain;
- (n) develop and establish secondary markets for recycled content;
- (o) utilise new and existing infrastructure across extended producer responsibility schemes in a collaborative manner where feasible, or establish and operate new infrastructure within 3 years after completion of feasibility studies, where the initial feasibility study must be undertaken within 2 years of implementation of the extended producer responsibility scheme, that identifies the need for additional infrastructure;
- (p) compensate waste collectors, reclaimers or pickers, who register with the National Registration Database, for collection services and environmental benefits, through the collection service fee by November 2022. The collection service fee and the National Registration Database shall be reviewed annually by the national Department responsible for Environmental Affairs;

- (q) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities; and
- (r) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities.

[Reg. 5A inserted by GN 400 of 5 May 2021.]

5B Obligations of a producer that establishes and implements its own scheme

- (1) The producer that establishes and implements their own scheme must-
 - (a) allocate funding for implementation of the extended producer responsibility scheme;
 - (b) conduct internal biannual financial audits and make these audit reports available to the department upon request;
 - (c) make the internal biannual audit reports available to the external auditor;
 - (d) appoint an independent financial auditor to annually:
 - (i) conduct an external audit of the financial records; and
 - (ii) include the internal biannual audit findings in the annual audit report;
 - (e) submit this annual audit report to the Department within 60 days after finalisation of the audit, which annual audit report will be uploaded onto the South African Waste Information Centre (SAWIC) for public access;
 - (f) collect, record, manage and submit data to the South African Waste Information System as required in regulation 8 of these Regulations;
 - (g) where external services are required, contract with the existing downstream value chain before outsourcing, where the value chain comprises the collection of the identified products, sorting and processing thereof;
 - (h) where external services are required, contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
 - (i) keep record of quantity of identified products:
 - (i) placed on the market by the producer;
 - (ii) collected;
 - (iii) sorted;
 - (iv) recycled; and
 - (v) recovered;
 - (j) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;
 - (k) co-operate with all municipalities (where applicable), within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste;

- (l) integrate informal waste collectors, reclaimers and pickers into the post-consumer collection value chain;
- (m) develop and establish secondary markets for recycled content;
- (n) utilise new and existing infrastructure across extended producer responsibility schemes in a collaborative manner where feasible, or establish and operate new infrastructure within 3 years after completion of feasibility studies, where the initial feasibility study must be undertaken within 2 years of implementation of the extended producer responsibility scheme, that identifies the need for additional infrastructure;
- (o) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;
- (p) compensate informal waste collectors, reclaimers and pickers, who register with the National Registration Database, for collection services and environmental benefits, through the collection service fee by November 2022. The collection service fee shall be reviewed annually by the Department of Environment, Forestry and Fisheries; and
- (q) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities.

[Reg. 5B inserted by GN 400 of 5 May 2021.]

6 Minimum requirements and criteria for extended producer responsibility schemes to operate

The extended producer responsibility scheme contemplated in these Regulations must as a minimum include requirements for-

- (1) cleaner production measures that must include as a minimum but not limited to-
 - (a) design for recyclability; and
 - (b) waste minimisation or waste avoidance;
- (2) waste reduction including as a minimum but not limited to-
 - (a) composition of products; or
 - (b) volume of products; or
 - (c) weight of products to be restricted and reduced with associated timeframes;
- (3) reuse;
- (4) recycling;
- (5) recovery for beneficial use;
- (6) treatment;
- (7) disposal;
- (8) Implementation and reporting on the following requirements to complement the scheme-
 - (a) minimum recycled content standards;

(b) secondary materials utilisation rate; and

(c) recovery rates; and

(9) compliance with the requirements for programmes planned to contribute to government priorities, including but not limited to-

(a) job creation; and

(b) inclusive economic growth.

[Subreg. (9) substituted by GN 400 of 5 May 2021.]

7 Financial arrangements for an extended producer responsibility scheme

(1) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must, together with its members, determine the proposed extended producer responsibility fee and apply the extended producer fee proportionally to all members based on the identified products placed on the market.

[Subreg. (1) substituted by GN 400 of 5 May 2021.]

(2) The proposed extended producer responsibility fee must be submitted electronically to the Minister, including the motivation, justification and any other relevant information, who must obtain concurrence on the proposed extended producer responsibility fee from the Minister responsible for finance within 60 days of submission.

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

(3) The extended producer responsibility fee must be based on nett cost recovery including a differentiated rate per item category, of each product or class of product, which must be paid by a producer to fund extended producer responsibility schemes and be dependent on the following:

(a) weight of product;

(b) ease of recyclability;

(c) current demand for the material for recycling purposes;

(d) costs for establishing a collection system for the identified products;

(e) collection, transport, storage and treatment costs for separately collected waste;

(f) administrative costs;

(g) costs for public communication and awareness-raising (on waste prevention, litter reduction, separate collection, etc);

(h) costs for the appropriate surveillance of the system (including auditing); and

(i) less revenues from recycled material sales.

[Subreg. (3) substituted by GN 400 of 5 May 2021.]

(4) The latest extended producer responsibility fee must, at all times, be publicly available on the website of the producer responsibility organisation.

[Subreg. (4) substituted by GN 400 of 5 May 2021.]

(5) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must submit, to the department, an annual financial plan and an annual budget-

- (a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
- (b) by 30 November for the following year.

[Subreg. (5) substituted by GN 400 of 5 May 2021.]

(6) The annual financial plan and annual budget must include, as a minimum, the following information:

- (a) Estimated revenue (extended producer responsibility fees) from the various product streams;
- (b) The manner in which the contributions (extended producer responsibility fees) are calculated and assessed;
- (c) the total amount of the contributions (extended producer responsibility fees) that cover the nett cost of the obligations incumbent on the producer responsibility organisation applying for registration;
[Para. (c) substituted by GN 400 of 5 May 2021.]
- (d) The revenue collection method for each product stream;
- (e) The conditions and procedures for revising the contributions to reflect changes in the obligations incumbent on the registered producer under this regulations [sic]; and
- (f) The methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, waste minimisation, recycling, waste reuse and any other relevant component of the extended producer responsibility scheme.

(7) (a) The administration cost of the EPR scheme will be limited to the following:

- (i) Salaries of the producer responsibility organisation staff;
- (ii) Overhead costs (utilities and rent); and
- (iii) Information technology and systems.

(b) The administration cost of the extended producer responsibility scheme must not exceed-

- (i) 20% of the revenue collected in calendar year 1 of implementation;
- (ii) 15% of the revenue collected in calendar year 2 of implementation; and
- (iii) 12% of the revenue collected in calendar year 3 of implementation.

(c) The administration fee must be reviewed in calendar year 3 of implementation and annually thereafter, and a notice must be published in the *Government Gazette* by the Minister determining the administration fee for extended producer responsibility schemes.

[Subreg. (7) substituted by GN 400 of 5 May 2021.]

(8) The administration fee must be reviewed in calendar year 2 of implementation, and a Notice must be published in the *Government Gazette* by the Minister prescribing the administration fee for extended producer responsibility schemes.

7A Obligations of a producer that establishes and implements their own scheme

(1) The producer that establishes and implements their own scheme must determine and allocate appropriate extended producer responsibility funding, which will hereafter be referred to as an extended producer responsibility fee, and resources to ensure an effective extended producer responsibility scheme.

(2) The proposed extended producer responsibility fee, including the motivation, justification and any other relevant information, must be submitted electronically to the Minister who may obtain concurrence on the proposed extended producer responsibility fee from the Minister responsible for finance within 60 days of submission.

(3) The extended producer responsibility fee must be equal to:

- (a) costs for establishing a collection system for the identified products; plus
- (b) collection, transport and treatment costs for separately collected waste; plus
- (c) administrative costs; plus
- (d) costs for public communication and awareness-raising (on waste prevention, litter reduction, separate collection, etc); plus
- (e) costs for the appropriate surveillance of the system (including auditing); and
- (f) less revenues from recycled material sales.

(4) The latest extended producer responsibility fee must, at all times, be publicly available on the producer's website.

(5) The producer that establishes and implements their own scheme must submit, to the department, an annual financial plan and an annual budget-

- (a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
- (d) by 30 November for the following year.

(6) The annual financial plan and annual budget must include, as a minimum, the following information:

- (a) Extended producer responsibility fee allocation;
- (b) The manner in which the extended producer responsibility fee is calculated;
- (c) The total amount of the contributions (extended producer responsibility fees) that cover the nett cost of the obligations incumbent on the producer applying for registration;
- (d) The conditions and procedures for revising the extended producer responsibility fee to reflect changes in the obligations incumbent on the registered producer under this Regulation; and
- (e) The methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, recycling, reuse and any other relevant component of the extended producer responsibility scheme.

[Reg. 7A inserted by GN 400 of 5 May 2021.]

8 Monitoring, reporting and evaluation

(1) The following are the requirements for a producer responsibility organisation that implements an extended producer responsibility scheme:

- (a) The producer responsibility organisation that establishes and implements their own scheme must submit an interim performance report on the scheme measured against the individual targets in the relevant published Government Notice in terms of section 18(1) of the Act.
- (b) The interim performance report must be submitted to the Department within four weeks of the conclusion of the 6 months period namely January to June of the calendar year, by the producer responsibility organisation, and the interim performance report must include the following but is not limited to:
 - (i) Unaudited interim performance against the published targets;
 - (ii) Unaudited breakdown of the allocation of the extended producer responsibility fee; and
 - (iii) Unaudited performance on all finance matters.
- (c) Annual performance audit reports must be submitted to the Department within 3 months of the conclusion of the year end, which is on 31 December.
- (d) An annual external performance audit report must be submitted to the Department containing the following minimum requirements:
 - (i) Performance against the published targets;
 - (ii) Breakdown of the allocation of the extended producer responsibility fee;
 - (iii) Performance on all finance matters;
 - (iv) Governance report; and
 - (v) Number of jobs created.
- (e) All producer responsibility organisation that establish and implement their own scheme and a producer who establish[es] and implement[s] their own scheme must record and report, as a minimum on an annual basis, to the South African Waste Information System the quantities of the identified product that are:
 - (i) placed on the market by members of the producer responsibility organisation or by the producers who implement their own scheme;
 - (ii) collected;
 - (iii) diverted away from landfill (recycled, reused, recovered, refurbished);
 - (iv) exported;
 - (v) landfilled; and
 - (vi) number of jobs created,
- (f) The Department may conduct verification audits on the obligations of the producer responsibility organisations.

- (g) In year 1 of implementation of these Regulations, the following will apply:
- (i) For subregulation (1)(a) and (b), the period will be from the date of business commencement until end June of the calendar year;
 - (ii) Subregulation (1)(a) and (b) will not be applicable in the event business commencement occurs after June of the calendar year; and
 - (iii) For subregulation (1)(c), (d) and (e), the period will be from the date of business commencement until December of the calendar year.
- [Subreg. (1) substituted by GN 400 of 5 May 2021.]

(2) The following are the requirements for a producer that establishes and implements their own scheme:

- (a) The producer that establishes and implements their own scheme must submit an interim performance report on the scheme measured against the individual targets in the relevant published Government Notice in terms of section 18(1) of the Act.
- (b) The interim performance report must be submitted to the Department within four weeks of the conclusion of the 6-month period, namely January to June of the calendar year, by the producer.
- (c) The interim performance report must include only:
 - (i) Unaudited interim performance against the published targets;
 - (ii) Unaudited breakdown of the allocation of the extended producer responsibility fee; and
 - (iii) Unaudited performance on all finance matters.
- (d) Annual external performance audit reports must be submitted to the Department within 3 months of the conclusion of the year end, which is on 31 December.
- (e) An annual external performance audit report must be submitted, by the producer, to the department containing the following minimum requirements:
 - (i) Performance against the published targets;
 - (ii) Breakdown of the allocation of the extended producer responsibility fee;
 - (iii) Performance on all finance matters; and
 - (iv) Number of jobs created.
- (f) The producer that establishes and implements their own scheme must record and report, as a minimum on an annual basis, to the South African Waste Information System the quantities of the identified product that are:
 - (i) placed on the market by the producer;
 - (ii) collected;
 - (iii) diverted away from landfill (recycled, reused, recovered, refurbished);
 - (iv) exported;
 - (v) landfilled; and

- (vi) number of jobs created.
 - (g) The Department may conduct verification audits on the obligations of the producer.
 - (h) In year 1 of implementation of these Regulations, the following will apply:
 - (i) For subregulation (2)(a), (b) and (c), the period will be from the date of business commencement until end June of the calendar year;
 - (ii) Subregulation (2)(a), (b) and (c) will not be applicable in the event business commencement occurs after June of the calendar year; and
 - (iii) For subregulation (2)(d), (e) and (f) the period will be from the date of business commencement until December of the calendar year.
[Subreg. (2) substituted by GN 400 of 5 May 2021.]
- (3) to (7) inclusive
- [Subregs. (3) to (7) inclusive deleted by GN 400 of 5 May 2021.]

9 Performance review of the extended producer responsibility scheme

(1) Performance of the extended producer responsibility scheme must be reviewed at 5 year intervals by the department.

(2) The department may at any time review the extended producer responsibility scheme based on its performance.

(3) Producer responsibility organisations or the producer that establishes and implements their own scheme may approach the Department for an earlier review due to non-achievement or over-achievement of targets.

[Subreg. (3) substituted by GN 400 of 5 May 2021.]

10 Registration of producer responsibility organisations

(1) All existing producer responsibility organisations must register with the Department within 6 months of the coming into effect of these Regulations by completing the form obtainable from the Department.

[Subreg. (1) substituted by GN 20 of 15 January 2021.]

(2) All newly established producer responsibility organisations, after the coming into effect of these Regulations, must register with the department within 3 months of being established by completing the prescribed form from the department.

11 Requirements and criteria for producer responsibility organisations to operate

(1) The department may only register a producer responsibility organisation if such organisation meets the minimum requirements contemplated in subregulation (2).

(2) A producer responsibility organisation-

- (a) must be an autonomous body established by producers by following a due process;
- (b) must be a registered not-for-profit company;
- (c) must be managed by a board of directors comprised of representatives from

producers; and

- (d) adhere to the Companies Act, 2008 (Act 71 of 2008) in terms of good corporate governance and management of conflicts of interest.

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

12 Offences

(1) A person commits an offence if that person contravenes or fails to comply with regulations 4(1) and (2), 5, 5A, 5B, 6, 7(1), 7(2), 7(3), 7(4), 7(5), 7(6), 7(7), 7A, 8(1)(a), 8(1)(b), 8(1)(c), 8(1)(d), 8(1)(e), 8(2)(a), 8(2)(b), 8(2)(c), 8(2)(d), 8(2)(e), 9(3), 10 or 11 of these Regulations.

[Subreg. (1) substituted by GN 400 of 5 May 2021.]

(2) A producer responsibility organisation commits an offence if that producer responsibility organisation contravenes or fails to comply with regulations 4(1) and (2), 5, 5A, 5B, 6, 7(1), 7(2), 7(3), 7(4), 7(5), 7(6), 7(7), 7A, 8(1)(a), 8(1)(b), 8(1)(c), 8(1)(d), 8(1)(e), 8(2)(a), 8(2)(b), 8(2)(c), 8(2)(d), 8(2)(e), 9(3), 10 or 11 of these Regulations.

[Subreg. (2) added by GN 400 of 5 May 2021.]

13 Penalties

(1) A person convicted of an offence under these Regulations is liable to-

- (a) imprisonment for a period not exceeding 15 years;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

(2) A registered producer who does not comply with these Regulations may have their registration as contemplated in these Regulations revoked and/or be compelled to join another extended producer responsibility scheme.

[Subreg. (2) substituted by GN 400 of 5 May 2021.]

(3) A registered producer responsibility organisation that does not comply with the requirements as contemplated in these Regulations may have their registration revoked.

[Subreg. (3) substituted by GN 400 of 5 May 2021.]

14 Short title and commencement

These Regulations are called the Extended Producer Responsibility Regulations, 2020, and come into effect on 5 May 2021.

[Reg. 14 substituted by GN 20 of 15 January 2021.]

Extended Producer Responsibility Scheme for the Electrical & Electronic Equipment Sector

[Link to Regulation List](#)

Published under

GN 1185 in GG 43880 of 5 November 2020

[with effect from 5 May 2021]

as amended by

GN 20 in GG 44078 of 15 January 2021

GN 400 in GG 44539 of 5 May 2021

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures, as set out in the Schedule hereto.

(Signed)

BARBARA DALLAS CREECY

Minister of Forestry, Fisheries and the Environment

SCHEDULE

1 Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations 2020, bears that meaning, and unless the context indicates otherwise-

'brand owner' means a person, category of persons or company who makes and/or sells any product under a brand label;

'electrical and electronic equipment' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;

'extended producer responsibility' means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

'importer' means a person or category of persons that bring finished goods or their individual components into the country from abroad;

'producer' means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, refurbishment or import of new and/or used electrical and electronic equipment as identified by the Minister by Notice in the *Government Gazette* in terms of section 18(1) of the Act;

'producer responsibility organisation' means a not-for-profit organisation established by any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme; and

'refurbishment' means restoring old products to a working condition which must be available for reuse and which restores its original function;

[Definition of 'refurbishment' inserted by GN 400 of 5 May 2021.]

'the Act' means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008); and

'the Regulations' means the Extended Producer Responsibility Regulations, 2020

issued under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

2 Purpose of the Notice

(1) The purpose of this Notice is to require a producer or class of producers of the products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures.

(2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, published in the *Government Gazette* by the Minister.

3 Scope of the Notice

(1) This Notice applies to the identified products and the resulting waste which arises from the use by a consumer or an end-user of electrical and electronic equipment.

(2) This Notice does not apply to-

- (a) lighting equipment and its related components; and
- (b) portable batteries.

4 The identification of a product or class of products to which extended producer responsibility applies

(1) Extended producer responsibility applies to the following identified products or class of products:

- (a) Large equipment (any external dimension more than 100 cm);
- (b) Medium equipment (any external dimension between 50 and 100 cm);
- (c) Small equipment (no external dimension more than 50 cm); and
- (d) Batteries.

5 Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme

Producers of the items listed in paragraph 4 of this Notice are responsible for developing and implementing an extended producer responsibility scheme.

6 Responsibilities of producers

(1) A producer of any of the products listed in paragraph 4 of this Notice, in operation on the date of the commencement of this Notice, must on or before 5 November 2021, either-

- (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department; or
- (b) establish a product responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Department.

[Subs. (1) substituted by GN 20 of 15 January 2021.]

(2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the *Gazette* must either-

- (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
- (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

7 Targets for each identified waste stream for the products listed in paragraph 4 of this Notice

(1) The targets for each identified waste stream as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme:

- (a) electrical and electronic equipment.

8

(1) Mandatory take back of identified products at the end of its life must be implemented within 1 year of the date of the implementation of the Extended Producer Responsibility Scheme for the following identified products:

- (a) Batteries;
- (b) Electrical goods;
- (c) Electronic consumer goods; and
- (d) Electronic industrial goods.

[S. 8 inserted by GN 400 of 5 May 2021.]

8

This Notice comes into effect on 5 May 2021.

[S. 8 added by GN 20 of 15 January 2021.]

[*Editorial note: Numbering according to Government Gazettes.*]

ANNEXURE 1

[Annexure 1 substituted by GN 400 of 5 May 2021.]

Year	Mandatory take back (tons)	Recycled (tons)
	Increase of 30% mandatory take back and recycling rate per annum	
1	36 000.00	36 000.00
2	47 000.00	47 000.00
3	61 000.00	61 000.00
4	79 000.00	79 000.00
5	103 000.00	103 000.00

Extended Producer Responsibility Scheme for the Lighting Sector

[Link to Regulation List](#)

Published under

GN 1186 in GG 43881 of 5 November 2020
[with effect from 5 May 2021]

as amended by

GN 20 in GG 44078 of 15 January 2021
GN 400 in GG 44539 of 5 May 2021

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), require the producers of the identified products to implement specified extended producer responsibility measures, as set out in the Schedule hereto.

(Signed)

BARBARA DALLAS CREECY
Minister of Forestry, Fisheries and the Environment

SCHEDULE

1 Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations 2020, bears that meaning, and unless the context indicates otherwise-

'brand owner' means a person, category of persons or company who makes and/or sells any product under a brand label;

'extended producer responsibility' means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

'importer' means a person or category of persons that brings finished goods or its individual components into the country from abroad;

'lighting equipment' means electrical or electronic equipment used for producing artificial light or illumination, and also includes any peripherals of the lighting bodies such as luminaires, switch components, ballasts, fixtures and modules;

'producer' means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, distribution, refurbishment or import of new and/or used lighting equipment as identified by the Minister by notice in the *Government Gazette* in terms of section 18(1) of the Act;

'producer responsibility organisation' means a not-for-profit organisation established by any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme;

'refurbishment' means restoring old products to a working condition which must

be available for reuse and which restores its original function;

[Definition of 'refurbishment' inserted by GN 400 of 5 May 2021.]

'the Act' means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008); and

'the Regulations' means the Extended Producer Responsibility Regulations, 2020, made under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

2 Purpose of the Notice

(1) The purpose of this Notice is to require a producer or class of producers of the products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to-

- (a) collection of their products in the post-consumer stage;
- (b) reuse;
- (c) recycling;
- (d) recovery;
- (e) refurbishment; and
- (e) disposal of their products in the post-consumer stage.

(2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, made under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

3 Scope of the Notice

This Notice applies to the products as identified in paragraph 4 of this Notice and the resulting waste which arises from the use by a consumer or an end user of lighting equipment.

4 The identification of a product or class of products to which extended producer responsibility applies

(1) Extended producer responsibility applies to the following identified products or class of products:

- (a) Lighting products: Different types of Lighting equipment include, but are not limited to:
 - (i) Gas Discharge Lighting;
 - low pressure discharge Lighting: fluorescent (compact, linear and non-linear and nonfluorescent (low pressure sodium, low pressure mercury vapour);
 - high intensity discharge Lighting: high pressure sodium, low pressure sodium, metal halide, high pressure mercury vapour, xenon;
 - Lighting for special purposes;
 - (ii) All Light emitting diode (LED) lighting sources and types;

- (iii) Signal/signage lighting as well as associated equipment;
- (iv) Luminaires and lighting equipment fixtures or modules or associated electrical components;
- (v) Laser, Pixel and ultraviolet irradiation (UVI) or ultraviolet germicidal irradiation (UVGI) lighting;
- (vi) Automotive lighting and luminaires;
- (vii) Incandescent (filament) light bulbs and Halogen; and
- (viii) Off grid solar powered lighting.

5 Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme

Producers of the items listed in paragraph 4 of this Notice are responsible for developing and implementing an extended producer responsibility scheme.

[S. 5 substituted by GN 400 of 5 May 2021.]

6 Responsibilities of producers

(1) A producer, in operation at the time of the commencement of this Notice in the *Gazette*, of any of the products listed in paragraph 4 of this Notice, must on or before 5 November 2021 either-

- (a) develop and submit an extended producer responsibility scheme to the Minister; or
- (b) establish a product responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Minister.

[Subs. (1) substituted by GN 20 of 15 January 2021.]

(2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the *Gazette* must either-

- (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
- (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

7 Targets for each identified waste stream for the products listed in paragraph 4 of this Notice

The targets for each identified waste stream for the products as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme.

8 Mandatory take back of their identified products

(1) Mandatory take back of identified products at the end of its life must be implemented for all the products identified in Annexure 1 within 1 year of the date of the implementation of the Extended Producer Responsibility Scheme.

[S. 8 inserted by GN 400 of 5 May 2021.]

8

This Notice comes into effect on 5 May 2021.

[S. 8 added by GN 20 of 15 January 2021.]

[Editorial note: Numbering according to Government Gazettes.]

ANNEXURE 1

[Annexure 1 substituted by GN 400 of 5 May 2021.]

Product	Targets														
	Mandatory take back					Recovery					Recyclability				
	Y 1	Y 2	Y 3	Y 4	Y 5	Y 1	Y 2	Y 3	Y 4	Y 5	Y 1	Y 2	Y 3	Y 4	Y 5
(i) Gas Discharge Lamps	1 2 %	1 6 %	1 9 %	2 3 %	3 1 %	9 0 %	9 5 %	9 6 %	9 7 %	9 8 %	9 3 %	9 3 %	9 3 %	9 3 %	9 3 %
Low pressure discharge lighting - Fluorescent	1 5 %	2 0 %	2 5 %	3 0 %	4 0 %	9 0 %	9 5 %	9 6 %	9 7 %	9 8 %	9 5 %	9 5 %	9 5 %	9 5 %	9 5 %
HID	1 5 %	2 0 %	2 5 %	3 0 %	4 0 %	9 0 %	9 5 %	9 6 %	9 7 %	9 8 %	9 5 %	9 5 %	9 5 %	9 5 %	9 5 %
Lighting for special purposes	5 %	8 %	8 %	1 0 %	1 2 %	9 0 %	9 5 %	9 6 %	9 7 %	9 8 %	9 0 %	9 0 %	9 0 %	9 0 %	9 0 %
(ii) Retrofit LED	1 5 %	2 0 %	2 5 %	2 5 %	2 5 %	7 8 %	8 3 %	8 3 %	8 3 %	8 8 %	6 0 %	7 0 %	7 5 %	7 5 %	7 5 %
LED linear tubes	1 5 %	2 0 %	2 5 %	2 5 %	2 5 %	7 5 %	8 0 %	8 0 %	8 0 %	8 5 %	6 0 %	7 0 %	7 5 %	7 5 %	7 5 %
LED Bulbous shape	1 5 %	2 0 %	2 5 %	2 5 %	2 5 %	8 0 %	8 5 %	8 5 %	8 5 %	9 0 %	6 0 %	7 0 %	7 5 %	7 5 %	7 5 %
(iii) New LED sources	5 %	1 0 %	1 5 %	2 0 %	2 0 %	8 0 %	8 5 %	9 0 %	9 0 %	9 0 %	7 0 %	7 5 %	8 5 %	8 5 %	8 5 %
LED Lighting and luminaires	5 %	1 0 %	1 5 %	2 0 %	2 0 %	8 0 %	8 5 %	9 0 %	9 0 %	9 0 %	7 0 %	7 5 %	8 5 %	8 5 %	8 5 %
(iv) Other Light Emitting Devices	1 0	1 5	2 0	2 5	3 0	7 3	7 3	7 3	7 3	7 3	6 2	6 2	6 5	6 7	6 7

	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Vehicle/Automotive Lighting	10%	15%	20%	25%	30%	80%	80%	80%	80%	80%	50%	50%	60%	60%	55%	55%	
Lighting from other electronic equipment	10%	15%	20%	25%	30%	90%	90%	90%	90%	90%	85%	85%	85%	85%	85%	85%	
Others	10%	15%	20%	25%	30%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	
(v) Luminaires and Lighting Equipment	5%	10%	15%	20%	30%	90%	92%	94%	96%	96%	95%	95%	95%	95%	95%	95%	
Fixtures/Modules/Associated electrical components	5%	10%	15%	20%	30%	90%	92%	94%	96%	96%	95%	95%	95%	95%	95%	95%	
(vi) Laser, Pixel and UGVC lighting	2%	2%	2%	2%	2%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Laser, Pixel and UGVC lighting	2%	2%	2%	2%	2%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
(vii) Off grid solar powered lighting	5%	10%	15%	17%	19%	77%	78%	80%	80%	80%	80%	82%	85%	87%	87%	87%	
Off grid solar lighting	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%	85%	
Lighting solar panels	5%	10%	15%	15%	18%	70%	70%	70%	70%	70%	90%	90%	90%	90%	90%	90%	
Solar lighting energy storage	5%	10%	15%	15%	18%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	
(viii) Incandescent and Halogen light bulbs	50%	60%	60%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	
Halogen lamps	50%	60%	60%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	

Incandescent filament lamps	50%	60%	65%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Collection	The collection of waste lighting lamps as a percentage against the import of new lighting lamps; N.B. in a growing economy 100% is not possible as this would mean 0 % growth of the market													
Recovery	The ability to separate the various fractions from the product and liberate for further recycling													
Recyclability	The ability to change recovered fractions into new raw material or new products													

Extended Producer Responsibility Scheme for Paper, Packaging and Some Single Use Products

[Link to Regulation List](#)

Published under

GN 1187 in GG 43882 of 5 November 2020
[with effect from 5 May 2021]

as amended by

GN 20 in GG 44078 of 15 January 2021
GN 400 in GG 44539 of 5 May 2021

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 18(1)(a) and (3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures as set out in the Schedule hereto.

(Signed)

BARBARA DALLAS CREECY
Minister of Forestry, Fisheries and the Environment

NOTICE

1 Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations, 2020, bears that meaning, and unless the context indicates otherwise-

'biodegradable products' mean products that degrade by biological activity, resulting in a specific change in the chemical structure of the material. Degradation can occur under aerobic or anaerobic conditions. The end products are gas (carbon dioxide or methane), water, biomass and mineral components;

Copyright Juta and Company (Pty) Ltd

[Definition of 'biodegradable products', previously 'biodegradable plastic' substituted by GN 400 of 5 May 2021.]

'brand owner' means a person, category of persons or company who makes and/or sells any identified product under a brand label;

[Definition of 'brand owner' substituted by GN 400 of 5 May 2021.]

'compostable products' mean a group of biodegradable products that break down in an aerobic composting process through the action of naturally occurring microorganisms and do so to a high extent within a specified timeframe. The biological processes yield carbon dioxide, water, inorganic compounds and biomass, leaving no visible contaminants or toxic residues;

[Definition of 'compostable products', previously 'compostable plastic' substituted by GN 400 of 5 May 2021.]

'extended producer responsibility' means that a producer's responsibility for an identified product is extended to the post-consumer stage of an identified product's life cycle;

[Definition of 'extended producer responsibility' substituted by GN 400 of 5 May 2021.]

'importer' means a person or category of persons that brings identified products or items that contain identified products into the country from abroad and including but not limited to the one that first places them into the market for sale;

[Definition of 'importer' substituted by GN 400 of 5 May 2021.]

'packaging' means any material, container or wrapping or corrugated cases, used for the containment, transport, handling, protection, promotion, marketing or sale of any product or substance, which may be primary packaging, containing the actual product or secondary packaging or tertiary packaging, typically containing products already packaged in primary packaging, but excludes-

- (a) shipping containers used solely for the transportation of any consumer commodity in bulk to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;
- (b) packaging made of timber and textile; and
- (c) plastic pallets and industrial bulk containers with a capacity exceeding 1 000 litres;

'paper' means any substance made from wood pulp, rags, straw, or other fibrous material used for writing, printing, or as a wrapping material;

'pre-consumer materials' means materials diverted from the waste stream during a manufacturing process, excluding materials, such as rework, regrind or scrap generated in a process, capable of being reclaimed within the same process that generated them and which are reutilised;

[Definition of 'pre-consumer materials' inserted by GN 400 of 5 May 2021.]

'post-consumer material' means material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose. This includes returns of material from the distribution chain;

[Definition of 'post-consumer material' inserted by GN 400 of 5 May 2021.]

'producer' means the entity, person or category of persons identified by the Regulations as being responsible for extended producer responsibility in terms of

section 18. Producers who place in excess of 10 tonnes of identified products onto the market on an annual basis, responsible for extended producer responsibility under the regulations shall be identified subject to the following criteria:

- (a) In the case where branded goods, either are identified products or are sold accompanied by or within identified products and the registered owner of the brand operates an enterprise, domiciled in South Africa, that makes and/or sells such goods, the producer shall be the paper, packaging and single use product manufacturer, converter and/or the brand owner.
- (b) In the case where branded goods, either are identified products or are sold accompanied by or within identified products and the registered owner of the brand does not operate or have a controlling interest in an enterprise domiciled in South Africa, that makes and or/sells such goods, the producer shall be either-
 - (i) the licensed agent of the branded goods; or
 - (ii) where no official agency agreement may be in place, the importer of the branded goods as depicted on the Bill of Lading;
- (c) In the case of all other identified products not covered by subparagraphs (i) and (ii) the producer shall be the retailer;
[Definition of 'producer' substituted by GN 400 of 5 May 2021.]

'recyclate' means post-consumer waste or material used for recycling purposes;

'recycled content' means the proportion, by mass, of post-consumer recycled material in a product or packaging excluding any pre-consumer waste;
[Definition of 'recycled content' inserted by GN 400 of 5 May 2021.]

'single-use products' means items/materials designed to be commonly used for products or packaging and include items intended to be used only once before they are thrown away or recycled and could be made from any material;
[Definition of 'single-use products', previously 'single-use plastics' substituted by GN 400 of 5 May 2021.]

'the Act' means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008); and

'the Regulations' means the Extended Producer Responsibility Regulations, 2020, issued under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

2 Purpose of the Notice

(1) The purpose of this Notice is to require a producer of products or class of products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to-

- (a) collection of their products in the post-consumer stage;
- (b) reuse;
- (c) recycling;
- (d) recovery; and
- (e) disposal of their products in the post-consumer stage.

(2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, published in the *Government Gazette* by the Minister.

3 Scope of the Notice

This Notice applies to the following identified products at the end of their life-

- (1) paper & paper packaging material;
- (2) plastic packaging;
- (3) biodegradable and compostable packaging;
- (4) single-use products;
- (5) single-use compostable products;
- (6) single-use biodegradable products;
- (7) glass packaging; and
- (8) metal packaging containers; but excludes
- (9) plastic carrier bags and plastic flat bags.

[S. 3 substituted by GN 400 of 5 May 2021.]

4 The identification of a product or class of products to which extended producer responsibility applies

(1) Extended producer responsibility applies to the following identified products or class of products:

- (a) Paper & paper packaging material:
 - (i) Liquid board packaging - filled and unfilled;
 - (ii) Paper packaging;
 - (iii) Paper packaging boards – unprinted;
 - (iv) Paper packaging boards – printed;
 - (v) Paper – corrugated case materials;
 - (vi) Paper, including but not limited to (cardboard);
 - (vii) Laminated, printing and writing paper;
 - (viii) Plastic coated paper;
 - (ix) labels; and
 - (x) paper sack.
- (b) Plastic packaging (both printed and unprinted):
 - (i) Type 2, 4, 5 Polyolefin – rigid;
 - (ii) Type 2, 4, 5 Polyolefin – flexible;
 - (iii) Polyethylene Terephthalate (PET) – rigid
 - (iv) Polyethylene Terephthalate (PET) – flexible/strapping;

- (v) Polystyrene (including expanded polystyrene protective packaging and high impact polystyrene packaging);
 - (vi) Poly Vinyl Chloride (PVC) (Resin Code 3)
 - (vii) Vinyls (rigid and flexible); and
 - (viii) Other (multilayer plastic packaging including those with resin code 7).
- (c) Biodegradable and compostable packaging (approved compostable raw materials complying to relevant SABS and/or ISO standards 17088).
- (d) Single-use products:
- (i) Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
 - (ii) Injection moulded products: cups, tubs, cutlery (knives, forks, and spoons), stirrers;
 - (iii) Blow moulded products: bottles, containers, jars;
 - (iv) Extruded products: straws, sheets; and
 - (v) Thermoformed products: trays, punnets, cups, various packaging.
[Para. (d) substituted by GN 400 of 5 May 2021.]
- (e) Single use compostable products:
- (i) Compostable Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
 - (ii) Compostable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
 - (iii) Compostable blow moulded products: bottles, containers, jars;
 - (iv) Compostable extruded products: straws, sheets; and
 - (v) Compostable products: trays, punnets, cups, various packaging.
[Para. (e) substituted by GN 400 of 5 May 2021.]
- (f) Single-use biodegradable products:
- (i) Biodegradable films/flexibles: agricultural mulch films, garbage bags, pallet wrap;
 - (ii) Biodegradable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
 - (iii) Biodegradable blow moulded products: bottles, containers and jars;
 - (iv) Biodegradable extruded products: straws, sheets; and
 - (vi) Biodegradable products: trays, punnets, cups, various packaging.
[Para. (f) substituted by GN 400 of 5 May 2021.]
- (g) Glass packaging:
- (i) Glass (Bottles and Jars); and
- (h) Metal packaging including:
- (i) Tinplate (Ferrous); and

(ii) Aluminium (non-ferrous).

[Para. (h) substituted by GN 400 of 5 May 2021.]

5 Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme

Producers of the items listed in paragraph 4 of this Notice will be responsible for developing and implementing an extended producer responsibility scheme.

6 Responsibilities of producers

(1) A producer, in operation at the time of publication of this Notice in the *Gazette*, of any of the products listed in paragraph 4 of this Notice must, on or before 5 November 2021, either-

- (a) develop and submit an extended producer responsibility scheme to the Minister; or
- (b) establish a producer responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Minister.

[Subs. (1) substituted by GN 20 of 15 January 2021.]

(2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the *Gazette* must either-

- (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
- (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

7 Targets for each identified waste stream for the products listed in paragraph 4 of this Notice

The targets for each identified waste stream for the products as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme.

[S. 7 substituted by GN 400 of 5 May 2021.]

8

This Notice comes into effect on 5 May 2021.

[S. 8 added by GN 20 of 15 January 2021.]

ANNEXURE 1

[Annexure 1 substituted by GN 400 of 5 May 2021.]

Product or class of Products	Year	Product Design (recycled content)	Reuse Target	Collection Target	Recycling Target [%]	Energy recovery/ exports/ other [%]
Glass Packaging						
Alcoholic beverage (ready to drink)	1	20	6	46.4	38.40	-
	2	25	7	52.5	43.44	-

	3	30	8	58.4	48.32	-
	4	35	9	64.6	53.45	-
	5	40	10	65.4	54.12	-
Beer	1	20	17	46.4	38.40	-
	2	25	18	52.5	43.44	-
	3	30	19	58.4	48.32	-
	4	35	20	64.6	53.45	-
	5	40	21	65.4	54.12	-
Wine	1	20	9	46.4	38.40	-
	2	25	10	52.5	43.44	-
	3	30	11	58.4	48.32	-
	4	35	12	64.6	53.45	-
	5	40	13	65.4	54.12	-
Spirits	1	20	15	46.4	38.40	-
	2	25	16	52.5	43.44	-
	3	30	17	58.4	48.32	-
	4	35	18	64.6	53.45	-
	5	40	19	65.4	54.12	-
Food	1	20	1	46.4	38.40	-
	2	25	2	52.5	43.44	-
	3	30	3	58.4	48.32	-
	4	35	4	64.6	53.45	-
	5	40	5	65.4	54.12	-
Product or class of Products	Year	Product Design (recycled content)	Reuse Target	Collection Target [%]	Recycling Target	Energy recovery/ exports/ other
Non-alcoholic beverage (soft drinks)	1	20	11	46.4	38.40	-
	2	25	12	52.5	43.44	-
	3	30	13	58.4	48.32	-
	4	35	14	64.6	53.45	-
	5	40	15	65.4	54.12	-
Pharmaceutical	1	20	1	46.4	38.40	-
	2	25	2	52.5	43.44	-
	3	30	3	58.4	48.32	-
	4	35	4	64.6	53.45	-
	5	40	5	65.4	54.12	-
Metal Packaging						
	1	24	-	62	30	32

Product or class of Products	Year	Product Design (recycled content)	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other
	3	60	-	30	27	-
	4	70	-	40	36	-
	5	80	-	50	45	-
Polyolefins Rigid polyolefin packaging	1	-	-	55	39	-
	2	-	-	57	42	-
	3	-	-	60	45	-
	4	-	-	61	48	-
	5	-	-	64	52	-
Polyolefin (flexible)	1	-	-	58	44	-
	2	-	-	60	46	-
	3	-	-	62	48	-
	4	-	-	64	50	-
	5	-	-	66	52	-
Polyolefins (Multi-layer films packaging)	1	-	-	15	11	-
	2	-	-	20	15	-
	3	-	-	25	20	-
	4	-	-	30	25	-
	5	-	-	35	30	-
Polyvinyl Chloride (Rigid and flexible)	1	-	-	6	5	-
	2	-	-	6.5	5.5	-
	3	-	-	7	6	-
	4	-	-	7.5	6.5	-
	5	-	-	8	7	-
Polystyrene (expanded and high impact)	1	-	-	22	20	-
	2	-	-	27	25	-
	3	-	-	33	30	-
	4	-	-	40	36	-
	5	-	-	48	43	-
Biodegradable Packaging	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-
	1	-	-	15	15	-

Compostable Packaging	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
Single use products (PS, HDPE, PET & PP)	1	8	-	60	30	-
	2	12	-	65	35	-
	3	14	-	70	40	-
	4	17	-	75	45	-
	5	20	-	80	50	-

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target	Recycling Target	Energy recovery/ exports/ other [%]
Single use compostable products	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
Single use biodegradable products	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-
Paper & Paper Packaging Material						
Newspapers	1	-	-	45	35	-
	2	-	-	50	40	-
	3	-	-	55	45	-
	4	-	-	60	50	-
	5	-	-	65	55	-
Magazines	1	-	-	35	33	-
	2	-	-	36	34	-
	3	-	-	38	36	-
	4	-	-	40	38	-
	5	-	-	42	40	-
Office & graphic paper	1	-	-	35	33	-
	2	-	-	36	34	-
	3	-	-	38	36	-

Product or class of Products	Year	Product Design (recycled content)	Reuse Target	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other
Paper and paper packaging - Paper sack	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-
