



**MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS MCE214889

Ms Patricia Pillay
Polyco CEO: Polyolefin Responsibility Organisation NPC
PO Box 3025
DURBANVILLE
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Email: admin@polyco.co.za

Dear Ms Pillay

POLYCO EXTENDED PRODUCER RESPONSIBILITY FEES REVIEW AND APPROVAL

I refer to your letter of 17 February 2022.

I acknowledge receipt of your letter requesting clarity and guidance regarding how Polyco should, in the interim, pending receipt of concurrence from the Minister of Finance, deal with members and/or customers who refuse to pay your proposed Extended Producer Responsibility (EPR) fees, despite having registered with you on 05 November 2021.

Kindly note that in terms of the Extended Producer Responsibility Regulations, 2020, as amended, the Producer Responsibility Organisation (PRO) that establishes and implements an Extended Producer Responsibility scheme, together with its members / producers, determine the proposed EPR fees which have to be submitted to the Minister. The assumption is that once the fees are submitted to the Minister, there is already substantive agreement between the PRO and the members / producers on the fees. The regulations do not provide for intervention by the Minister on matters between the producers and the Producer Responsibility Organisations (PROs), neither administratively, nor legally. It is, further, in both the interest of the PRO and the producers that the EPR Scheme succeed.

The EPR Regulations, 2020, requires the consultation with the Minister of Finance in order to obtain concurrence. It is important to note that once the concurrence decision has been obtained from the Minister of Finance, I will communicate the outcome to the PROs and/or relevant producers.

In light of the above, the pending concurrence from the Minister of Finance does not prevent you from implementing the EPR scheme and/or collecting the EPR fees from your members. Your understanding that upon obtaining concurrence on your proposed fees, the necessary adjustments, if need be, will have to be made regarding the fees already collected, is correct and should be an acceptable arrangement.



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POLYCO EXTENDED PRODUCER RESPONSIBILITY (“EPR”) FEES REVIEW AND APPROVAL

However, I am already in discussion with my counterpart on this issue.

It is important to note that failure to comply with the requirements of the EPR regulations is an offence in terms of regulation 12 and may attract penalties as prescribed in regulation 13.

I would like to commend you for the initiative you have taken on the implementation of the EPR regulations, 2020.

For any further information, you can contact Mr Kgauta Mokoena through email: KMokoena@dffe.gov.za or Tel: 012 399 9825.

Yours sincerely



MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 28/3/2022