

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 869

07 AUGUST 2020

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AMENDMENTS TO THE ENVIRONMENT CONSERVATION ACT PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS REGULATIONS OF 2003

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to amend, under section 44(1)(a) and (aA) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the Environment Conservation Act Plastic Carrier Bags and Plastic Flat Bags Regulations of 2003, published under Government Notice No. R. 625 in Government Gazette No. 24839 of 9 May 2003 in terms of section 24(d) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as set out in the Schedule hereto.

Members of the public are invited to submit, within thirty (30) days of publication of this notice in the Government Gazette, written representations or objections to the proposed amendments to the following addresses:

By post to: The Director-General: Department of Environment, Forestry and Fisheries
Attention: Mr Pamela Nxumalo
Private Bag X447
PRETORIA
0001

By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083

Please note that anyone entering the Department's building will be subjected to COVID 19 procedures. Due to the COVID 19 pandemic delivering comments by hand at the Department is being discouraged.

By email at: pnxumalo@environment.gov.za

Any enquiries in connection with the draft Notice can be directed to Ms Pamela Nxumalo at (012) 399 9819 / 060 971 0747 or Mr Dumisani Buthelezi at (012) 399 8535 / 071 891 8031.

The Notice can also be accessed at <http://sawic.environment.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered



MS B D CREECY

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule unless the context indicates otherwise—

"the Regulations" means the Environment Conservation Act Plastic Carrier Bags and Plastic Flat Bags Regulations of 2003 promulgated under Government Notice No. R. 625 of 9 May 2003 published in *Government Gazette* No. 24839 under section 24(d) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion, after the definition of **"plastic film"**, of the following definition:

"post-consumer recyclate" 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."

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for regulation 2 of the following regulation:

"Prohibition of certain plastic bags"

2. (1) The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, other than those which comply with paragraphs 4 and 5 of the Compulsory Specification, is hereby prohibited.

2. (2) The plastic carrier bags and plastic flat bags must be made from a minimum of 50% post-consumer recyclate from 01 January 2023 and must, from 1 January 2027, be made from 100% post-consumer recyclate.

2. (3) The following is the phase out schedule:

- (a) The plastic carrier bags and plastic flat bags must be made from a minimum of 50% post-consumer recyclate by 1 January 2023;

- (b) The plastic carrier bags and plastic flat bags must be made from a minimum of 75% post-consumer recyclate by 1 January 2025; and
- (c) The plastic carrier bags and plastic flat bags must be made from a minimum of 100% post-consumer recyclate by 1 January 2027.”

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is hereby amended by the substitution for subregulation 3(1) of the following subregulation:

“Offences and penalties”

3. (1) Any person who contravenes regulation 2 shall be guilty of an offence and liable on conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.