
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 719

26 JUNE 2020

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)

CONSULTATION ON THE PROPOSED EXTENDED PRODUCER RESPONSIBILITY SCHEME
FOR PAPER, PACKAGING AND SOME SINGLE USE PRODUCTS

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and Environment, hereby in terms of section 18(1)(a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) consult on my intention to require the producers of the identified products to implement specified extended responsibility measures as set out in the Schedule.

Members of the public are invited to submit to the Minister, within 30 days of publication of this Notice in the Gazette, written representations on or objections to the following addresses:

By post to: The Director General: Department of Environment, Forestry and Fisheries
Attention: Mr Anben Pillay
Private Bag X447
Pretoria
0001

By hand at: Environment House, 473 Steve Biko Street, Pretoria, Arcadia, 0082

By email: apillay@environment.gov.za

Tel. Enquiries: (012) 399-9827.

The draft Regulations can also be accessed at <http://sawic.environment.gov.za> under “**Documents for Comment**” or obtained at the Department’s offices.

Comments received after the closing date may not be considered.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates—

“brand owner” means a person, category of persons or company who sells any commodity under a registered brand label;

“extended producer responsibility” means that a producer’s responsibility for a 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;

“packaging” means any material, container or wrapping, 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, 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 1000 litres;

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

“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 products paper, packaging and some single use products which are intended for distribution in the Republic of South Africa;

“product responsibility organisation” means a non-profit company established by producers or any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme;

“the Act” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

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

Purpose

2. 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) energy recovery; and
- (e) disposal of their products in the post-consumer stage.

Scope of Notice

3. This Notice covers waste which arises from the use by a consumer or an end user of—

- (a) paper & paper packaging material;
- (b) plastic packaging
- (c) biodegradable and compostable plastic packaging;
- (d) single use plastic products;
- (e) single use compostable plastic products;
- (f) single use biodegradable plastic products;
- (f) glass packaging; and
- (g) metal packaging containers.

The identification of a product or class of products whereby extended producer responsibility applies

4. (1) Extended producer responsibility will be applicable 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, etc;
 - (vii) aminated, printing and writing paper;
 - (viii) labels; and
 - (ix) paper sack;
- (b) Plastic packaging:

- (i) Type 2,4,5 Polyolefin – rigid;
 - (ii) Type 2,4,5 Polyolefin – flexible;
 - (iii) PolyEthyleneTerephthalate (PET) (including blow mould PET bottles, jars and containers; thermoformed PET containers and PET Sheeting/ films);
 - (iv) Polysterene (including exported polysterene protective packaging and high impact polysterene packaging);
 - (v) Vinyls (rigid and flexible);
 - (vi) 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);
- (d) Single use plastic products:
- (i) Films/Flexibles: carrier/shopping bags, 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;
- (e) Single use compostable plastic products:
- (i) Compostable Films/Flexibles: carrier/shopping bags, 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;

- (f) Single use biodegradable plastic products:
 - (i) Biodegradable Films/Flexibles: carrier/shopping bags, 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, jars;
 - (iv) Biodegradable Extruded products: straws, sheets; and
 - (v) Compostable products: trays, punnets, cups, various packaging;

- (g) Glass packaging:
 - (i) Glass (Bottles and Jars); and

- (h) Metal packaging:
 - (i) Steel;
 - (ii) Tinplate; and
 - (iii) Aluminium.

Identify the person or category of persons responsible for implementing an extended producer responsibility scheme

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

The targets for each identified waste stream to be recovered

6. The targets for each identified waste stream is tabled below for a period of 5 years from the date of the implementation of the extended producer responsibility scheme:

| Product or class of products | Year | Product design (recyclate content %) | Reuse Target (%) | Collection Target (%) | Recycling Target (%) |
|------------------------------|------|--------------------------------------|------------------|-----------------------|----------------------|
| Glass packaging | 1 | 10 | 5 | 48 | 48 |
| | 2 | 20 | 10 | 52 | 52 |
| | 3 | 30 | 15 | 58 | 58 |
| | 4 | 40 | 22 | 62 | 62 |
| | 5 | 50 | 30 | 65.4 | 65.4 |
| Metal packaging | 1 | - | - | 80 | 80 |
| | 2 | - | - | 80.5 | 80.5 |
| | 3 | - | - | 81 | 81 |
| | 4 | - | - | 81.5 | 81.5 |
| | 5 | - | - | 82 | 82 |
| Paper and paper packaging | 1 | 5 | - | 69 | 69 |
| | 2 | 7 | - | 69.9 | 69.9 |
| | 3 | 10 | - | 71.3 | 71.3 |
| | 4 | 15 | - | 73.8 | 73.8 |
| | 5 | 20 | - | 77.3 | 77.3 |
| Plastic PET Beverage bottles | 1 | | | 69 | 69 |
| | 2 | | | 70 | 70 |
| | 3 | | | 71 | 71 |
| | 4 | | | 72 | 72 |
| | 5 | | | 73 | 73 |
| Plastic PET oil bottles | 1 | | | 8 | 8 |
| | 2 | | | 15 | 15 |
| | 3 | | | 23 | 23 |
| | 4 | | | 34 | 34 |
| | 5 | | | 39 | 39 |

| Product or class of products | Year | Product design (recyclate content %) | Reuse Target (%) | Collection Target (%) | Recycling Target (%) |
|---|------|--------------------------------------|------------------|-----------------------|----------------------|
| Plastic thermoformed PET | 1 | - | - | 6 | 6 |
| | 2 | - | - | 10 | 10 |
| | 3 | - | - | 16 | 16 |
| | 4 | - | - | 24 | 24 |
| | 5 | - | - | 35 | 35 |
| LDPE, LLDPE, HDPE, PP and multi-layer films | 1 | 7 | - | 45 | 45 |
| | 2 | 10 | - | 47 | 47 |
| | 3 | 14 | - | 50 | 50 |
| | 4 | 17 | - | 54 | 54 |
| | 5 | 20 | - | 57 | 57 |
| Biodegradable and compostable packaging | 1 | - | - | 60 | 60 |
| | 2 | - | - | 65 | 65 |
| | 3 | - | - | 70 | 70 |
| | 4 | - | - | 75 | 75 |
| | 5 | - | - | 80 | 80 |
| Single use plastic products | 1 | 8 | - | 60 | 30 |
| | 2 | 12 | - | 65 | 35 |
| | 3 | 14 | - | 70 | 40 |
| | 4 | 17 | - | 75 | 45 |
| | 5 | 20 | - | 80 | 50 |
| Single use compostable plastic products | 1 | - | - | 60 | 30 |
| | 2 | - | - | 65 | 35 |
| | 3 | - | - | 70 | 40 |
| | 4 | - | - | 75 | 45 |
| | 5 | - | - | 80 | 50 |
| Single use biodegradable plastic products | 1 | - | - | 60 | 30 |
| | 2 | - | - | 65 | 35 |
| | 3 | - | - | 70 | 40 |
| | 4 | - | - | 75 | 45 |
| | 5 | - | - | 80 | 50 |