

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 1565

2 December 2021

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

CONSULTATION ON THE AMENDMENTS TO THE REGULATIONS AND NOTICES REGARDING EXTENDED PRODUCER RESPONSIBILITY, 2020

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of sections 18(1), 18(3), 69(1)(b), (g), (i), (l), (o), (dd) and (ee), 72 and 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), consult on my my intention to amend the Regulations regarding extended producer responsibility and the associated Notices in respect of the extended producer responsibility scheme for the electrical and electronic equipment sector, the lighting sector and the paper, packaging and some single use products, published under Government Notices R.1184, R.1185, R.1186 and R.1187, in Government *Gazettes* 43879, 43880, 43881 and 43882 of 5 November 2020 respectively, and amended by as amended by Government Notice No. 20, published in Government Gazette No. 44078 on 15 January 2021 and Government Notice R.400, published in Government *Gazette* 44539 on 05 May 2021, as set out in the Schedule hereto.

Members of the public are invited to submit, within thirty (50) 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 Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
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: jsibande@dffe.gov.za

Any enquiries in connection with the draft Notice can be directed to Mr Jeremia Sibande at 012 399 9832/ 067 417 3844.

The draft 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



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

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

“the Regulations” means the Regulations regarding Extended Producer Responsibility, 2020 published under Government Notice R.1184 in *Government Gazette* 43879 on 5 November 2020, as amended by Government Notice No. 20, published in *Government Gazette* No. 44078 on 15 January 2021 and Government Notice No. 400 in *Government Gazette* 44539 on 5 May 2021.

“the electrical and electronic equipment notice” means the Extended Producer Responsibility measures for the electrical and electronic equipment sector published under Government Notice R.1185 in *Government Gazette* 43880 on 5 November 2020, as amended by Government Notice No. 20, published in *Government Gazette* No. 44078 on 15 January 2021 and Government Notice No. 400 in *Government Gazette* 44539 on 5 May 2021;

“the lighting sector notice” means the Extended Producer Responsibility measures for the lighting sector published under Government Notice R.1186 in *Government Gazette* 43881 on 5 November 2020, as amended by Government Notice No. 20, published in *Government Gazette* No. 44078 on 15 January 2021 and Government Notice No. 400 in *Government Gazette* 44539 on 5 May 2021; and

“the paper, packaging and some single use products notice” means the Extended Producer Responsibility measures for the paper, packaging and some single use products published under Government Notice R.1187 in *Government Gazette* 43882 on 5 November 2020, as amended by Government Notice No. 20, published in *Government Gazette* No. 44078 on 15 January 2021 and Government Notice No. 400 in *Government Gazette* 44539 on 5 May 2021.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion, after the definition of **“small business”**, of the following definition:

“Summary audit report” means a report compiled by the board of directors of the producer or producer responsibility organisation (PRO) indicating the following details of the conduct of the scheme during the year in question:

- (a) the names of participants of the scheme;
- (b) the total amount of contributions paid by participants of the scheme (if applicable) for utilisation by the scheme;
- (c) the manner in which contributions (if any) have been utilised by the scheme;
- (d) the volume of the identified product (for which the producer or PRO is responsible) which the producer or PRO has caused to be collected, expressed as a percentage of the total of the identified product for which the producer or PRO is responsible in terms of the Regulations;
- (e) the volume of the identified product (for which the producer or PRO is responsible) which the producer or PRO has caused to be recycled, expressed as a percentage of the total

- of the identified product for which the producer or PRO is responsible in terms of the Regulations;
- (f) the volume of the identified product (for which the producer or PRO is responsible) which the producer or PRO has caused to be reused, expressed as a percentage of the total of the identified product for which the producer or PRO is responsible in terms of the Regulations;
 - (g) the volume of the identified product (for which the producer or PRO is responsible) which the producer or PRO has caused to be recovered for energy, expressed as a percentage of the total of the identified product for which the producer or PRO is responsible in terms of the Regulations;
 - (h) the volume of the identified product (for which the producer or PRO is responsible) which the producer or PRO has caused to be utilised as recycle content, expressed as a percentage of the total of the identified product for which the producer or PRO is responsible in terms of the Regulations; and
 - (i) the number of jobs created.

Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is hereby amended by—

- (a) the substitution for subregulation 5A(1)(e), of the following subregulation:
 - “(e) submit this annual audit report and a summary audit report to the Department within 60 days after finalisation of the audit, which summary audit report will be uploaded onto the South African Waste Information Centre (SAWIC) for public access;”
- (b) the substitution for subregulation 5B(1)(e), of the following subregulation:
 - “(e) submit this annual audit report and a summary audit report to the Department within 60 days after finalisation of the audit, which summary audit report will be uploaded onto the South African Waste Information Centre (SAWIC) for public access;”

Amendment of regulation 8 of the Regulations

4. Regulation 8 is hereby amended by—

- (a) The substitution for subregulation 8(1)(g) of the following subregulation:
 - “(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 5 November 2021 until end 30 June 2022 of the calendar year; and
 - (ii) For subregulation (1)(c), (d) and (e), the period will be from 5 November 2021 until 31 December 2022.”;

- (b) The substitution for subregulation 8(2)(h) of the following subregulation:

"(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 5 November 2021 until end 30 June 2022; and
- (ii) For subregulation (2)(d), (e) and (f) the period will be from 5 November 2021 until 31 December 2022.";

Amendment of the Lighting sector Notice

5. The Lighting Sector Notice is hereby amended by –

- (a) The substitution for paragraph 7, of the following paragraph:

"7. 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 Regulations.";

Amendment of the electrical and electronic equipment sector Notice

6. The electrical and electronic equipment sector Notice is hereby amended by—

- (a) the substitution for paragraph 3 of the following paragraph:

(1) This Notice does not apply to—

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

- (b) the substitution for subparagraph 7(1), of the following paragraph:

"7. 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 Regulations.";

Amendment of the paper, packaging and some single use products Notice

7. The paper, packaging and some single use products sector Notice is hereby amended by—

- (a) the insertion, before the definition of "**biodegradable products**", of the following definition:

"**beverage**" means alcoholic and non-alcoholic liquids intended for human consumption, including beer, wine, soft drinks, fruit juices, milk, liquid dietary supplements and packaged or bottled water, but excludes liquids that constitute pharmaceuticals;"

- (b) the insertion, after the definition of "**recyclate**", of the following definition:

"**Reuse target percentage**" means the quantity of an identified product for reuse expressed as a percentage of the total quantity of the identified product placed on the

market per annum. The reuse target percentage applies to producers who place in excess of 100 000 tons of beverage glass packaging on the market annually.”;

(c) the substitution for paragraph 7, of the following paragraph:

“7. 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 Regulations.”.

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	5	46.4	38.40	-
	2	25	5	52.5	43.44	-
	3	30	5	58.4	48.32	-
	4	35	5	64.6	53.45	-
	5	40	5	65.4	54.12	-
Beer	1	20	5	46.4	38.40	-
	2	25	5	52.5	43.44	-
	3	30	5	58.4	48.32	-
	4	35	5	64.6	53.45	-
	5	40	5	65.4	54.12	-
Wine	1	20	5	46.4	38.40	-
	2	25	5	52.5	43.44	-
	3	30	5	58.4	48.32	-
	4	35	5	64.6	53.45	-
	5	40	5	65.4	54.12	-
Spirits	1	20	5	46.4	38.40	-
	2	25	5	52.5	43.44	-
	3	30	5	58.4	48.32	-
	4	35	5	64.6	53.45	-
	5	40	5	65.4	54.12	-
Food	1	20	-	46.4	38.40	-
	2	25	-	52.5	43.44	-
	3	30	-	58.4	48.32	-
	4	35	-	64.6	53.45	-
	5	40	-	65.4	54.12	-
Non-alcoholic beverage (soft drinks)	1	20	5	46.4	38.40	-
	2	25	5	52.5	43.44	-
	3	30	5	58.4	48.32	-
	4	35	5	64.6	53.45	-
	5	40	5	65.4	54.12	-
Pharmaceutical	1	20	-	46.4	38.40	-
	2	25	-	52.5	43.44	-
	3	30	-	58.4	48.32	-

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
	4	35	-	64.6	53.45	-
	5	40	-	65.4	54.12	-
Metal Packaging:						
Aluminium (non Ferrous) (Used Beverage Cans)	1	24	-	62	30	32
	2	28	-	64	32	32
	3	32	-	66	33	33
	4	36	-	68	34	34
	5	40	-	70	35	35
Aluminium (non-Ferrous) Other	1	0	-	22	10	12
	2	1	-	24	11	13
	3	2	-	26	12	14
	4	3	-	28	13	15
	5	4	-	30	14	16
Tinplate (Ferrous) Metal Packaging	1	-	-	56	53	-
	2	-	-	57	54	-
	3	-	-	58	55	-
	4	-	-	59	56	-
	5	-	-	60	57	-
Plastic packaging						
Plastic PET Beverage bottles	1	10	-	60	54	-
	2	12.5	-	64	58	-
	3	13	-	66	59	-
	4	15	-	68	61	-
	5	20	-	70	65	-
Plastic PET Oil Bottles	1	-	-	7	6	-
	2	-	-	13	12	-
	3	-	-	25	23	-
	4	-	-	32	29	-
	5	-	-	39	35	-
Plastic Thermoformed PET	1	-	-	9	8	-
	2	-	-	13	12	-
	3	-	-	19	17	-
	4	-	-	27	24	-
	5	-	-	35	30	-
Plastic (Flexible) PET	1	50	-	10	9	-
	2	55	-	20	18	-
	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	-

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
	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	-
Compostable Packaging	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
Single use Products	1	8	-	60	30	-
	2	12	-	65	35	-
	3	14	-	70	40	-
	4	17	-	75	45	-
	5	20	-	80	50	-
Single use compostable products	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
Single use biodegradable	1	-	-	15	5	-
	2	-	-	25	15	-

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
products	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 - Mixed & other paper	1	-	-	35	33	-
	2	-	-	36	34	-
	3	-	-	38	36	-
	4	-	-	40	38	-
	5	-	-	42	40	-
Corrugated cases / Kraft papers	1	-	-	60	58	-
	2	-	-	65	63	-
	3	-	-	70	68	-
	4	-	-	75	73	-
	5	-	-	80	78	-
Liquid packaging board	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-
Paper and paper packaging - Labels	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-
Paper and paper packaging - Paper sack	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-