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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 400 **5 May 2021**

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

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) and 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), amend the Regulations regarding extended producer responsibility and 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 in Government Notices R.1184, R.1185, R.1186 and R.1187 of Government *Gazettes* 43879, 43880, 43881 and 43882 of 5 November 2020 respectively, as set out in the Schedule hereto.

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;

"**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;

"**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; 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.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—

(a) the substitution of some definitions for the following definitions:

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

"**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;

"**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;

"**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;

"**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;";

(b) the insertion, after the definition of "circular economy", of the following definitions:

""**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;

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

"Cost recovery" means the recovery of operational and maintenance costs of the producer responsibility organisations, i.e. 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.

(c) the insertion, after the definition of **"free rider"**, of the following definitions:

"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;

"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;";

(d) the insertion, after the definition of **"interim performance report"**, of the following definition:

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

(e) the insertion, after the definition of **"small business"**, of the following definition:

"**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;";

(f) the deletion of the following definitions:

"decent work" means work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men;

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

"waste collection" means the gathering of waste identified through section 18 of the Act at the place of its generation or storage by a waste picker or service provider."

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

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

Amendment of regulation 3 of the Regulations

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

(a) the substitution for subregulation (1) of the following subregulation:

"(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;";

(b) the substitution for subregulation (2) of the following subregulation:

"(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"; and

(c) the insertion, after subregulation 5, of the following subregulation:

"(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.".

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

"(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)."; and

(b) the substitution for subregulation (2) of the following subregulation:

"(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).".

Amendment of regulation 5 of the Regulations

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

(a) the substitution for subregulation (1)(k) of the following subregulation:

"(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;";

(b) the substitution for subregulation (1)(l) of the following subregulation:

"(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;";

(c) the substitution for subregulation (1)(w) of the following subregulation:

"(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;";

(d) the substitution for subregulation (1)(y) of the following subregulation:

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

(e) the substitution for subregulation (1)(z) of the following subregulation:

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

(f) the deletion of subregulations (1)(c), (d), (e), (f), (g), (h), (i), (j), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v) and (x); and

(g) the insertion, after regulation 5, of the following regulations:

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

5A(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."

Obligations of a producer that establishes and implements its own scheme

5B(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."

Amendment of regulation 6 of the Regulations

7. Regulation 6 of the Regulations is hereby amended by—

(a) The substitution for subregulation (9) of the following subregulation:

"(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.".

Amendment of regulation 7 of the Regulations

8. Regulation 7 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

"(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.";

(b) the substitution for subregulation (2) of the following subregulation:

"(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.";

(c) the substitution for subregulation (3) of the following subregulation:

"(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.";

(d) the substitution for subregulation (4) of the following subregulation:

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

(e) the substitution for subregulation (5) of the following subregulation:

"(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.";

(f) the substitution for subregulation (6)(c) of the following subregulation:

"(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;";

(g) the substitution for subregulation (7) of the following subregulation:

"(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.";

(h) the insertion of the following regulation after regulation 7:

"Obligations of a producer that establishes and implements their own scheme

7A (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.".

Amendment of regulation 8 of the Regulations

9. Regulation 8 is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

"(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 and implement 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.";

(b) the substitution for subregulation (2) of the following subregulation:

"(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.";

(c) the deletion of subregulations (3), (4), (5), (6) and (7) in regulation 8.

Amendment of regulation 9 of the Regulations

10. Regulation 9 is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(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.".

Amendment of regulation 11 of the Regulations

11. Regulation 11 is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(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 No. 71 of 2008) in terms of good corporate governance and management of conflicts of interest.".

Amendment of regulation 12 of the Regulations

12. Regulation 12 is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

"(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.";

(b) the insertion, after subregulation (1), of the following subregulation:

"(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.".

Amendment of regulation 13 of the Regulations

13. Regulation 13 is hereby amended by—

(a) the substitution for subregulation (2) of the following subregulation:

"(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.";

(b) the substitution for subregulation (3) of the following subregulation:

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

Amendment of the lighting sector Notice

14. The lighting sector Notice is hereby amended by—

(a) the insertion, after the definition of "**producer responsibility organisation**", of the following definition:

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

(b) the substitution for paragraph 5 of the following paragraph:

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

(c) the addition, after paragraph 7 of the following paragraph:

"Mandatory take back of their identified products

8.(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.".

(d) the substitution for Annexure 1 of the following Annexure:

Annexure 1

Product	Targets														
	Mandatory take back					Recovery					Recyclability				
	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5
(i) Gas Discharge Lamps	**12%**	**16%**	**19%**	**23%**	**31%**	**90%**	**95%**	**96%**	**97%**	**98%**	**93%**	**93%**	**93%**	**93%**	**93%**
Low pressure discharge lighting - Fluorescent	15%	20%	25%	30%	40%	90%	95%	96%	97%	98%	95%	95%	95%	95%	95%
HID	15%	20%	25%	30%	40%	90%	95%	96%	97%	98%	95%	95%	95%	95%	95%
Lighting for special purposes	5%	8%	8%	10%	12%	90%	95%	96%	97%	98%	90%	90%	90%	90%	90%
(ii) Retrofit LED	**15%**	**20%**	**25%**	**25%**	**25%**	**78%**	**83%**	**83%**	**83%**	**88%**	**60%**	**70%**	**75%**	**75%**	**75%**
LED linear tubes	15%	20%	25%	25%	25%	75%	80%	80%	80%	85%	60%	70%	75%	75%	75%
LED Bulbous shape	15%	20%	25%	25%	25%	80%	85%	85%	85%	90%	60%	70%	75%	75%	75%
(iii) New LED sources	**5%**	**10%**	**15%**	**20%**	**20%**	**80%**	**85%**	**90%**	**90%**	**90%**	**70%**	**75%**	**85%**	**85%**	**85%**
LED Lighting and luminaires	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%
(iv) Other Light Emitting Devices	**10%**	**15%**	**20%**	**25%**	**30%**	**73%**	**73%**	**73%**	**73%**	**73%**	**62%**	**62%**	**65%**	**67%**	**67%**
Vehicle/Automotive Lighting	10%	15%	20%	25%	30%	80%	80%	80%	80%	80%	50%	50%	60%	65%	65%
Lighting from other electronic equipment	10%	15%	20%	25%	30%	90%	90%	90%	90%	90%	85%	85%	85%	85%	85%
Others	10%	15%	20%	25%	30%	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%**
Fixtures/Modules/Associated electrical components	5%	10%	15%	20%	30%	90%	92%	94%	96%	96%	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%**
Laser, Pixel and UGVC lighting	2%	2%	2%	2%	2%	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%**
Off grid solar lighting	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%
Lighting solar panels	5%	10%	15%	15%	18%	70%	70%	70%	70%	70%	90%	90%	90%	90%	90%
Solar lighting energy storage	5%	10%	15%	15%	18%	80%	80%	80%	80%	80%	80%	80%	80%	85%	85%
(viii) Incandescent and Halogen light bulbs	**50%**	**60%**	**65%**	**70%**	**70%**	**95%**	**95%**	**95%**	**95%**	**95%**	**95%**	**95%**	**95%**	**95%**	**95%**
Halogen lamps	50%	60%	65%	70%	70%	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%	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														

Amendment of the electrical and electronic equipment sector Notice

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

(a) the insertion, after the definition of "**producer responsibility organisation**", of the following definition:

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

(b) the insertion, after paragraph 7 of the following paragraph:

"**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.".

(c) the substitution for Annexure 1 of the following Annexure:

Annexure 1

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

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

16. The Paper, packaging and some single use products sector Notice is hereby amended by— -

(a) the substitution of the "**biodegradable plastic**" definition for the following definition:

"**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;";

(b) the substitution of some definitions for the following definitions:

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

"**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;

"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;

"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;

"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;";

(c) the substitution of the **"single-use plastics"** definition for the following definition:

""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;";

(d) the insertion after the definition of **"paper"** of the following definitions:

"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 reutilized;

"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;";

(e) the insertion after the definition of **"producer"** of the following definition:

"recycled content" means the proportion, by mass, of post-consumer recycled material in a product or packaging excluding any pre-consumer waste;";

(f) the substitution for paragraph 3 of the following paragraph:

"**3.** 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

(g) the substitution for subparagraph 4(1)(d) of the following subparagraph:

"(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.";

(h) the substitution for subparagraph 4(1)(e) of the following subparagraph:

"(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.";

(i) the substitution for subparagraph 4(1)(f) of the following subparagraph:

"(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.";

(j) the substitution for subparagraph 4(1)(h) of the following subparagraph:

"(h) Metal packaging including:
(i) Tinplate (Ferrous); and
(ii)Aluminium (non-ferrous)."; and

(k) 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 scheme.".

(l) the substitution for Annexure 1 of the following Annexure:

ANNEXURE 1

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:						
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 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 PET (Flexible)	1	50	-	10	9	-
	2	55	-	20	18	-

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	-
Compostable Packaging	1	-	-	15	15	-
	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 - 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 board packaging	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	1	-	-	10	5	-

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

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