

South Africa

National Environmental Management: Waste Act, 2008

## Extended Producer Responsibility Scheme for Paper, Packaging and Some Single Use Products, 2020

Government Notice 1187 of 2020

Legislation as at 15 January 2021

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## Extended Producer Responsibility Scheme for Paper, Packaging and Some Single Use Products, 2020 Contents

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## South Africa

### National Environmental Management: Waste Act, 2008

# Extended Producer Responsibility Scheme for Paper, Packaging and Some Single Use Products, 2020

## Government Notice 1187 of 2020

Published in Government Gazette 43882 on 5 November 2020

**Commenced on 5 November 2020**

*[This is the version of this document as it was from 15 January 2021 to 4 May 2021.]*

*[Amended by Amendment of the Regulations and Notices Regarding Extended Producer Responsibility, 2020 (Government Notice 20 of 2021) on 15 January 2021]*

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 18(1)(a) and (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures as set out in the Schedule hereto.

Barbara Dallas Creecy

Minister of Forestry, Fisheries and the Environment

### 1. Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations, 2020, bears that meaning, and unless the context indicates otherwise—

**"biodegradable plastic"** means plastic, produced from either renewable materials or fossil fuels that are degradable due to the action of micro-organisms and enzymes in the presence of oxygen which convert the organic material into carbon dioxide, mineral salts, water and new biomass, or in the absence of oxygen to carbon dioxide, methane, mineral salts and biomass to a specific extent within a given time;

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

**"compostable plastic"** means plastic that undergoes degradation by biological processes during composting to yield Carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and leave no visible, distinguishable or toxic residue (ISO 14088);

**"extended producer responsibility"** means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

**"importer"** means a person or category of persons that bring finished goods or their individual components into the country from abroad;

**"packaging"** means any material, container or wrapping or corrugated cases, 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 or tertiary 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 as identified by the Minister by Notice in the *Government Gazette* in terms of section 18(1) of the Act;

"**recyclate**" means post-consumer waste or material used for recycling purposes;

"**single-use plastics**" means disposable plastics (petrochemicals, compostable & biodegradable), that are commonly used for plastic packaging and include items intended to be used only once before they are thrown away or recycled including but not limited to food packaging, bottles, straws, containers, tubs, cups and cutlery;

"**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), (l), (o), (dd) and (ee) of the Act.

## 2. Purpose of the Notice

- (1) 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) recovery; and
  - (e) disposal of their products in the post-consumer stage.
- (2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, published in the *Government Gazette* by the Minister.

## 3. Scope of the Notice

This Notice applies to waste which arises from the use by a consumer or an end-user of—

- (1) paper & paper packaging material;
- (2) plastic packaging;
- (3) biodegradable and compostable plastic packaging;
- (4) single-use plastic products;
- (5) single-use compostable plastic products;
- (6) single-use biodegradable plastic products;
- (7) glass packaging; and
- (8) metal packaging containers.

#### **4. The identification of a product or class of products to which extended producer responsibility applies**

- (1) Extended producer responsibility applies 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);
    - (vii) Laminated, printing and writing paper;
    - (viii) Plastic coated paper;
    - (ix) labels; and
    - (x) paper sack.
  - (b) Plastic packaging (both printed and unprinted):
    - (i) Type 2, 4, 5 Polyolefin - rigid;
    - (ii) Type 2, 4, 5 Polyolefin - flexible;
    - (iii) PolyEthylene Terephthalate (PET) - rigid
    - (iv) PolyEthylene Terephthalate (PET) - flexible/strapping;
    - (v) Polystyrene (including expanded polystyrene protective packaging and high impact polystyrene packaging);
    - (vi) Poly Vinyl Chloride (PVC) (Resin Code 3)
    - (vii) Vinyls (rigid and flexible); and
    - (viii) 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 17088).
  - (d) Single-use plastic 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.
  - (e) Single-use compostable plastic 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;
- (f) Single-use biodegradable plastic 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, 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 products;
  - (ii) Tinplate products; and
  - (iii) Aluminium products.

## 5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme

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

## 6. Responsibilities of producers

- (1) A producer, in operation at the time of the commencement of this Notice in the *Gazette*, of any of the products listed in paragraph 4 of this Notice must, must on or before 5 November 2021, either–
  - (a) develop and submit an extended producer responsibility scheme to the Minister; or
  - (b) establish a producer responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Minister.

*[subsection (1) substituted by section 7(1)(a) of [Government Notice 20 of 2021](#)]*

- (2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the *Gazette* must either–
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
  - (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.



**7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice**

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.

**8.**

This Notice comes into effect on 5 May 2021.

*[section 8 added by section 7(1)(b) of [Government Notice 20 of 2021](#)]*

## Annexure 1

| Product or class of products | Year | Product design (recyclate content %) | Reuse Target (%) | Collection Target (%) | Recycling Target (%) |
|------------------------------|------|--------------------------------------|------------------|-----------------------|----------------------|
| Glass packaging              | 1    | 20                                   | 10               | 46.4                  | 46.4                 |
|                              | 2    | 25                                   | 20               | 52.5                  | 52.5                 |
|                              | 3    | 35                                   | 25               | 58.4                  | 58.4                 |
|                              | 4    | 40                                   | 30               | 64.6                  | 64.6                 |
|                              | 5    | 50                                   | 40               | 65.4                  | 65.4                 |
| Metal packaging - Aluminum   | 1    | -                                    | -                | 77.7                  | 77.7                 |
|                              | 2    | -                                    | -                | 78.4                  | 78.4                 |
|                              | 3    | -                                    | -                | 79.2                  | 79.2                 |
|                              | 4    | -                                    | -                | 80.1                  | 80.1                 |
|                              | 5    | -                                    | -                | 81.4                  | 81.4                 |
| Metal packaging - Steel      | 1    | -                                    | -                | 77.7                  | 77.7                 |
|                              | 2    | -                                    | -                | 78.4                  | 78.4                 |
|                              | 3    | -                                    | -                | 79.2                  | 79.2                 |
|                              | 4    | -                                    | -                | 80.1                  | 80.1                 |
|                              | 5    | -                                    | -                | 81.4                  | 81.4                 |
| Metal packaging - Tinplate   | 1    | -                                    | -                | 77.7                  | 77.7                 |
|                              | 2    | -                                    | -                | 78.4                  | 78.4                 |

|  |   |   |   |      |      |
|--|---|---|---|------|------|
|  | 3 | - | - | 79.2 | 79.2 |
|  | 4 | - | - | 80.1 | 80.1 |
|  | 5 | - | - | 81.4 | 81.4 |
| Paper and paper packaging - Newspapers                                   | 1 | - | - | 45   | 35   |
|  | 2 | - | - | 50   | 40   |
|  | 3 | - | - | 55   | 45   |
|  | 4 | - | - | 60   | 50   |
|  | 5 | - | - | 65   | 55   |
| Paper and paper packaging - Magazines                                    | 1 | - | - | 35   | 33   |
|  | 2 | - | - | 36   | 34   |
|  | 3 | - | - | 38   | 36   |
|  | 4 | - | - | 40   | 38   |
|  | 5 | - | - | 42   | 40   |
| Paper and paper packaging - Office & graphic Paper - Mixed & other paper | 1 | - | - | 35   | 33   |
|  | 2 | - | - | 36   | 34   |
|  | 3 | - | - | 38   | 36   |
|  | 4 | - | - | 40   | 38   |
|  | 5 | - | - | 42   | 40   |
| Paper and paper packaging - Corrugated cases/Kraft papers                | 1 | - | - | 60   | 58   |
|  | 2 | - | - | 65   | 63   |
|  | 3 | - | - | 70   | 68   |

|  |   |      |   |    |    |
|--|---|------|---|----|----|
|  | 4 | -    | - | 75 | 73 |
|  | 5 | -    | - | 80 | 78 |
| Paper and paper packaging - 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 packaging - Paper sack             | 1 | -    | - | 10 | 5  |
|  | 2 | -    | - | 15 | 10 |
|  | 3 | -    | - | 20 | 15 |
|  | 4 | -    | - | 25 | 20 |
|  | 5 | -    | - | 30 | 25 |
| Plastic PET Beverage bottles                       | 1 | 10   | - | 71 | 69 |
|  | 2 | 12.5 | - | 72 | 70 |
|  | 3 | 13   | - | 73 | 71 |
|  | 4 | 15   | - | 74 | 72 |

|                          |   |      |   |    |    |
|--------------------------|---|------|---|----|----|
|                          | 5 | 20   | - | 75 | 73 |
| Plastic PET oil bottles  | 1 | -    | - | 9  | 8  |
|                          | 2 | -    | - | 16 | 15 |
|                          | 3 | -    | - | 24 | 23 |
|                          | 4 | -    | - | 35 | 34 |
|                          | 5 | -    | - | 40 | 39 |
| Plastic thermoformed PET | 1 | -    | - | 9  | 6  |
|                          | 2 | -    | - | 13 | 10 |
|                          | 3 | -    | - | 19 | 16 |
|                          | 4 | -    | - | 27 | 24 |
|                          | 5 | -    | - | 38 | 35 |
| Plastic PET (flexible)   | 1 | 10   | - | 71 | 69 |
|                          | 2 | 12.5 | - | 72 | 70 |
|                          | 3 | 13   | - | 73 | 71 |
|                          | 4 | 15   | - | 74 | 72 |
|                          | 5 | 20   | - | 75 | 73 |
| Polyolefin (flexible)    | 1 | -    | - | 47 | 42 |
|                          | 2 | -    | - | 49 | 44 |
|                          | 3 | -    | - | 51 | 46 |
|                          | 4 | -    | - | 53 | 47 |
|                          | 5 | -    | - | 55 | 50 |

|   |   |    |   |       |       |
|---|---|----|---|-------|-------|
| Polyolefin<br>(rigid)                         | 1 | 7  | - | 47    | 42    |
|   | 2 | 10 | - | 49    | 44    |
|   | 3 | 14 | - | 51    | 46    |
|   | 4 | 17 | - | 53    | 47    |
|   | 5 | 20 | - | 55    | 50    |
| Polyvinyl<br>Chloride (Rigid<br>and flexible) | 1 | -  | - | 6     | 5     |
|   | 2 | -  | - | 6.5   | 5.5   |
|   | 3 | -  | - | 7     | 6     |
|   | 4 | -  | - | 7.5   | 6.5   |
|   | 5 | -  | - | 8     | 7     |
| Polystyrene<br>(expanded and<br>High Impact)  | 1 | -  | - | 32.09 | 31.09 |
|   | 2 | -  | - | 40.08 | 39.08 |
|   | 3 | -  | - | 48.09 | 47.09 |
|   | 4 | -  | - | 55.89 | 54.89 |
|   | 5 | -  | - | 63.69 | 62.69 |
| Multi-layer<br>films packaging                | 1 | -  | - | 47    | 42    |
|   | 2 | -  | - | 49    | 44    |
|   | 3 | -  | - | 51    | 46    |
|   | 4 | -  | - | 53    | 47    |
|   | 5 | -  | - | 55    | 50    |

|   |   |    |   |    |    |
|---|---|----|---|----|----|
| 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 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 | -  | - | 15 | 15 |
|   | 2 | -  | - | 25 | 25 |
|   | 3 | -  | - | 50 | 50 |
|   | 4 | -  | - | 65 | 65 |
|   | 5 | -  | - | 80 | 80 |

|   |   |   |   |    |    |
|---|---|---|---|----|----|
| Single use biodegradable plastic products | 1 | - | - | 15 | 5  |
|   | 2 | - | - | 25 | 15 |
|   | 3 | - | - | 50 | 40 |
|   | 4 | - | - | 65 | 55 |
|   | 5 | - | - | 80 | 70 |