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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Environmental Affairs, Department of/ Omgewingsake, Departement van			
915	National Environmental Management: Waste Act (59/2008): Notice to the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to Prepare and Submit to the Minister Industry Waste Management Plans for Approval.....	40207	4

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 915

12 AUGUST 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****NOTICE TO THE PAPER AND PACKAGING INDUSTRY, ELECTRICAL AND ELECTRONIC
INDUSTRY AND LIGHTING INDUSTRY TO PREPARE AND SUBMIT TO THE MINISTER INDUSTRY
WASTE MANAGEMENT PLANS FOR APPROVAL**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice, in terms of section 28(1) read with section 28(5) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), to require the Paper and Packaging Industry, Electrical and Electronic Equipment Industry and Lighting Industry to prepare and submit their industry waste management plans for approval as set out in the Schedule hereto.

Any enquiries on your Department's or organisation's participation can be directed to the following;

By post to: Attention: Mr. Anben Pillay

The Director-General:

Department of Environmental Affairs

Environment House

473 Steve Biko Road

Pretoria

0001

By e-mail: apillay@environment.gov.za Tel: 012 399 9827 or to Mr Kgauta Mokoena, on Tel: 012 399 9825, E-mail: kmokoena@environment.gov.za



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

Definitions

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

“**applicant**” means producer, recycler, collector, processor, reclaimer, recycling advocacy associations or entrepreneur in relation to a waste stream

“**electrical and electronic equipment**” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurements of such currents and fields;

“**lighting equipment**” means electrical or electronic equipment used for producing artificial light or illumination;

“**packaging**” means any material, container or wrapping, used for or in connection with the containment, transport, handling, protection, promotion, marketing or sale of any product or substance, but excludes—

- 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;
- Containers or wrapping contaminated with any hazardous material; or*
- packaging made of timber and textile;

Packaging may be primary, containing the actual product or secondary typically containing products already packaged in primary packaging

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

“**processing**” means the reuse, recycling, recovery, treatment or disposal activities undertaken in the management of waste;

“**producer**” means any person or category of persons engaged in the commercial manufacture, conversion, refurbishment or import of new and/or used:

- paper and packaging materials;
- lighting equipment; or
- electrical and electronic equipment, or
- importers of goods wrapped in primary or secondary packaging material

and which are intended for distribution in the Republic of South Africa;

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

Registration of producers

2. (1) A producer operating on the date of commencement of this Notice must register with the Minister within 30 days after the date of commencement of this Notice.
- (2) A producer commencing business after the date of commencement of this Notice must register with the Minister within 30 days prior to commencing business.
- (3) The registration contemplated in subsections (1) and (2) above must contain the following information as a minimum:
 - (a) the name and where applicable, company registration number in terms of the Companies Act, of the applicant;
 - (b) the registered business address of the applicant;
 - (c) the physical address where the business is conducted or is to be conducted; and
 - (d) contact details;
- (4) The Minister will issue the producer with a registration number after the registration in terms of subsections (1) and (2) above within 60 days from the date of receipt of the registration form or registration via any departmental electronic system.

Preparation and submission of industry waste management plans for approval

3. (1) An applicant must either—
 - (a) prepare and submit to the Minister for approval, an industry waste management plan, within 3 months after publication of this Notice; or
 - (b) subscribe formally to an Industry Waste Management Plan submitted
- (2) An applicant must comply with the industry waste management plan after approval by the Minister.
- (3) All producers must belong to an approved industry waste management plan.

Content of an industry waste management plan

4. An industry waste management plan, contemplated in section 3 must—
 - (a) include all information set out in section 30(2) of the Act;
 - (c) list all other stakeholders that have registered with the industry waste management plan;
 - (d) provide the annual projections over a five year period of the—

- (i) quantities and types of waste generated or quantities of products to be imported that will become waste and will be managed through the industry waste management plan;
 - (ii) quantities of waste that will be reused, recycled or recovered;
 - (iii) quantities of waste that will be disposed of;
- (e) indicate how the waste hierarchy is going to be given effect to in the implementation of the industry waste management plan prioritizing reduce, re-use and recycling, then recovery;
- (f) provide measures to be implemented to give effect to best environmental management practice in respect of the waste management;
- (g) identify regulatory requirements that are applicable to waste transporters, storage facilities and processors;
- (h) identify the manner in which the waste transporters, storage facilities and processors who will receive the waste through the industry waste management plan will be identified and registered;
- (i) identify any incentives, that will be applied in order to encourage the end user to practice good waste management;
- (j) identify measures that will be applied to ensure compliance with the industry waste management plan;
- (k) set out the process to be followed in the procurement of the waste management companies to perform collection, transport, storage or processing;
- (l) identify the potential number of storage facilities that will be required and the manner of registration;
- (m) indicate the manner in which the waste collected and processed will be recorded;
- (n) indicate how legacy waste stockpiles, where applicable, will be managed;
- (o) provide estimations of the costs of implementing the industry waste management plan for the first five years and the manner in which the activities of the industry waste management plan will be financed.
- (p) indicate how the industry waste management plan will raise national awareness regarding the management of the particular waste stream;
- (q) provide details on how the industry waste management plan will address issues of social responsibility in the industry;
- (r) provide details of the manner in which the previously disadvantaged individuals and transformation will be integrated in the implementation of the industry waste management plan;

- (s) provide details of the manner in which the informal sector will be integrated in the implementation of the industry waste management plan;
- (t) indicate how job creation, training and development will be integrated in the implementation of the industry waste management plan;
- (u) provide estimates of the number of jobs and businesses to be created along the value chain; *
- (v) indicate the mechanisms that will be used to identify non-compliance by an applicant to the industry waste management plan;
- (w) indicate the frequency and extent of auditing and reporting on the industry waste management plan envisaged;
- (y) identify key stakeholders and determine their roles and responsibilities in the implementation of the industry waste management plan; and
- (z) provide an implementation plan for the implementation of the industry waste management plan for the first five years and outer years thereafter.

Consultation process

5. (1) An applicant must bring the contents of the proposed industry waste management plan to the attention of relevant organs of state, interested and affected persons and public by—
- (a) publishing a notice in at least two newspapers distributed nationally stating the following:
 - (i) details of a person who drafted the industry waste management plan;
 - (ii) details where copies of the industry waste management plan can be obtained;
 - (ii) invitation to stakeholders to submit written representations or objections within 30 days after publication of the newspaper advert;
 - (iv) details where written representations or objections must be sent to;
 - (b) distributing the draft industry waste management plan to all known stakeholders and invite the stakeholders to submit written representations on or objections to the person responsible for preparing the industry waste management plan; and
 - (c) using any other reasonable means to enable the persons (especially the existing informal sector) to submit written representations on or objections on the industry waste management plan.

- (2) The person responsible for preparing the industry waste management plan must give due consideration to all written representations on or objections received, and a copy of all comments and responses must be submitted to the Minister, together with the final draft of the industry waste management plan for approval.

Consideration of industry waste management plan

6. The Minister must comply with sections 32 and 33 of the Act when considering an industry waste management plan submitted to the Minister for approval in terms of section 3 above.

Review of industry waste management plan

7. The provisions of section 34 of the Act are applicable to the review of an industry waste management plan approved by the Minister in terms of this Notice.

Offences

8. (1) A producer commits an offence if that producer-
- (a) fails to register in terms of section 2;
 - (b) fails to prepare or submit an Industry Waste Management plan; or
 - (c) fails to belong to an approved industry waste management plan ;

Penalties

9. (1) A producer convicted of an offence in terms of section 8 above is liable to—
- (a) imprisonment for a period not exceeding 15 years; or
 - (b) an appropriate fine; or
 - (c) to both a fine and imprisonment.

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