

South Africa

National Environmental Management: Waste Act, 2008

Extended Producer Responsibility Scheme for the Electrical & Electronic Equipment Sector, 2020

Government Notice 1185 of 2020

Legislation as at 5 May 2021

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Extended Producer Responsibility Scheme for the Electrical & Electronic Equipment Sector, 2020

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National Environmental Management: Waste Act, 2008

Extended Producer Responsibility Scheme for the Electrical & Electronic Equipment Sector, 2020 Government Notice 1185 of 2020

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[This is the version of this document from 5 May 2021.]

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

[Amended by [Amendment of the Regulations and Notices Regarding Extended Producer Responsibility, 2020 \(Government Notice 400 of 2021\)](#) on 5 May 2021]

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 18(1) 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—

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

"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 measurement of such currents and fields and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;

"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;

"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 electrical and electronic equipment as identified by the Minister by Notice in the *Government Gazette* in terms of section 18(1) of the Act;

"producer responsibility organisation" means a not-for-profit organisation established by any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme; and

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

[definition of "refurbishment" inserted by section 15(a) of [Government Notice 400 of 2021](#)]

"**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 or class of producers of the products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures.
- (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

- (1) This Notice applies to the identified products and the resulting waste which arises from the use by a consumer or an end-user of electrical and electronic equipment.
- (2) This Notice does not apply to-
 - (a) lighting equipment and its related components; and
 - (b) portable batteries.

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) Large equipment (any external dimension more than 100 cm);
 - (b) Medium equipment (any external dimension between 50 and 100 cm);
 - (c) Small equipment (no external dimension more than 50 cm); and
 - (d) Batteries.

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 are responsible for developing and implementing an extended producer responsibility scheme.

6. Responsibilities of producers

- (1) A producer of any of the products listed in paragraph 4 of this Notice, in operation on the date of the commencement of this Notice, must on or before 5 November 2021, either-
 - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department; or
 - (b) establish a product responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Department.

[subsection (1) substituted by section 5(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

- (1) 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 scheme:
 - (a) electrical and electronic equipment.

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.

[section 8 inserted by section 15(1)(b) of [Government Notice 400 of 2021](#)]

[Please note: numbering as in original.]

8.

This Notice comes into effect on 5 May 2021.

[section 8 added by section 5(b) of [Government Notice 20 of 2021](#)]

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