

South Africa

National Environmental Management: Waste Act, 2008

## Extended Producer Responsibility Scheme for the Lighting Sector, 2020

Government Notice 1186 of 2020

Legislation as at 5 May 2021

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Extended Producer Responsibility Scheme for the Lighting Sector, 2020

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## South Africa

### National Environmental Management: Waste Act, 2008

# Extended Producer Responsibility Scheme for the Lighting Sector, 2020

## Government Notice 1186 of 2020

Published in Government Gazette 43881 on 5 November 2020

**Commenced on 5 November 2020**

*[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 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;

**"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 brings finished goods or its individual components into the country from abroad;

**"lighting equipment"** means electrical or electronic equipment used for producing artificial light or illumination", and also includes any peripherals of the lighting bodies such as luminaires, switch components, ballasts, fixtures and modules;

**"producer"** means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, distribution, refurbishment or import of new and/or used lighting 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;

**"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 14(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, made under section 69(1)(b), (g), (i), (o), (l), (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 linked to—
  - (a) collection of their products in the post-consumer stage;
  - (b) reuse;
  - (c) recycling;
  - (d) recovery;
  - (e) refurbishment; and
  - (e) disposal of their products in the post-consumer stage.

*[Please note: numbering as in original.]*

- (2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, made under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

## 3. Scope of the Notice

This Notice applies to the products as identified in paragraph 4 of this Notice and the resulting waste which arises from the use by a consumer or an end user of lighting equipment.

## 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) Lighting products: Different types of Lighting equipment include, but are not limited to:
    - (i) Gas Discharge Lighting;
      - low pressure discharge Lighting: fluorescent (compact, linear and non-linear and nonfluorescent (low pressure sodium, low pressure mercury vapour);
      - high intensity discharge Lighting: high pressure sodium, low pressure sodium, metal halide, high pressure mercury vapour, xenon;
      - Lighting for special purposes;
    - (ii) All Light emitting diode (LED) lighting sources and types;
    - (iii) Signal/signage lighting as well as associated equipment;
    - (iv) Luminaires and lighting equipment fixtures or modules or associated electrical components;
    - (v) Laser, Pixel and ultraviolet irradiation (UVI) or ultraviolet germicidal irradiation (UVGI) lighting;
    - (vi) Automotive lighting and luminaires;
    - (vii) Incandescent (filament) light bulbs and Halogen; and

- (viii) Off grid solar powered lighting.

## 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.

*[section 5 substituted by section 14(b) of [Government Notice 400 of 2021](#)]*

## 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 on or before 5 November 2021 either–
- (a) develop and submit an extended producer responsibility scheme to the Minister; or
  - (b) establish a product responsibility organisation which must prepare and submit an extended producer responsibility scheme to the Minister.

*[subsection (1) substituted by section 6(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. Mandatory take back of their identified products

- (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.

*[section 8 inserted by section 14(c) 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 6(1)(b) of [Government Notice 20 of 2021](#)]*

## Annexure 1

*[Annexure 1 substituted by section 14(d) of [Government Notice 400 of 2021](#)]*

	Targets														
	Mandatory take back					Recovery					Recyclability				
Product	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5
<b>(i) Gas Discharge Lamps</b>	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%
<b>(ii) Retrofit LED</b>	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%
<b>(iii) New LED sources</b>	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%

<b>(iv) Other Light Emitting Devices</b>	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%
<b>(v) Luminaires and Lighting Equipment</b>	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%
<b>(vi) Laser, Pixel and UGVC lighting</b>	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%
<b>(vii) off grid Solar powered lighting</b>	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%
<b>(viii) Incandescent and Halogen light bulbs</b>	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%
<b>Collection</b>	100% 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														
<b>Recovery</b>	The ability to separate the various fractions from the product and liberate for further recycling														
<b>Recyclability</b>	The ability to change recovered fractions into new raw material or new products														