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DEPARTMENT OF ENVIRONMENTAL AFFAIRS

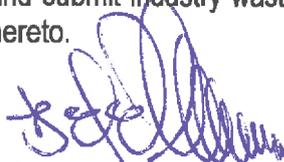
NO. 1353

06 DECEMBER 2017

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

CALL ON THE PAPER AND PACKAGING INDUSTRY, ELECTRICAL AND ELECTRONIC
INDUSTRY AND LIGHTING INDUSTRY TO PREPARE AND SUBMIT INDUSTRY WASTE
MANAGEMENT PLANS TO THE MINISTER FOR APPROVAL

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby under section 28(1), read with section 31 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the Paper & Packaging Industry, the Electrical and Electronic Industry and the Lighting Industry to prepare and submit industry waste management plans to the Minister for approval, as set out in the Schedule hereto.



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, and unless the context otherwise indicates—

“brand owner” means a person or category of persons that owns a specific range of products;

“consumer commodity” means products that are purchased for consumption by the average consumer;

“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 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, 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; or
- (c) plastic pallets and industrial bulk containers (IBC's) 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;

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

“processors” means the person or category of persons engaged in any of the activities of reuse, recycling, recovery, treatment or disposal of waste;

“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—

- (a) paper and packaging material;
- (b) lighting equipment;
- (c) electrical and electronic equipment, or
- (d) goods wrapped in primary or secondary packaging material,

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

“producer responsibility organization” means a non-profit company established by any person operating in any of the industrial sectors or waste streams covered in this Notice to support the implementation of their industry waste management plan; and

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

Scope of Notice

2. (1) The purpose of this Notice is to require a producer to prepare and submit an industry waste management plan to the Minister for approval.
- (2) This notice covers waste which arises from the use by an end user of—
 - (a) paper and packaging material;
 - (b) lighting equipment; or
 - (c) electrical and electronic equipment.
- (3) A producer must register with and subscribe to at least one (1) industry waste management plan approved by the Minister in terms of section 32 of the Act that is applicable to them within one month after the date of approval of the industry waste management plan or as soon as the producer comes into existence after the approval of the industry waste management plan.
- (4) Registration with and subscription to any additional industry waste management plan will be voluntary.

Registration of producer

3. (1) A producer operating on the date of publication of this Notice must register with the Minister within 2 months after the date of publication of this Notice.
- (2) A producer commencing business after the date of publication of this Notice must register with the Minister within 30 days prior to commencing business.
- (3) A registration contemplated in subparagraphs (1) and (2) must contain the following information:
 - (a) the name and where applicable, company registration number in terms of the Companies Act, 2008 (Act No. 71 of 2008) of the producer;
 - (b) the registered business address of the producer;
 - (c) the physical address where the business is conducted or is to be conducted;
 - (d) contact details; and
 - (e) the sector or subsector of a sector listed in this Notice that is covered by the producer.
- (4) The Minister will issue the producer with a registration number within 60 days after date of receipt of the registration.

Registration of Producer Responsibility Organization

4. (1) A group of producers operating in the sectors referred to in this Notice may establish a producer responsibility organization for the development and implementation of an industry waste management plan.
- (2) A producer responsibility organization established in terms of subparagraph (1) must register as a non-profit company in terms of the relevant applicable legislation.
- (3) A producer responsibility organization contemplated in subparagraph (1) must register with the Minister within 2 months after the date of establishment.
- (4) The registration contemplated in subparagraph (3) above must contain the following information:
 - (a) the name and the registration number of the producer responsibility organization in terms of the Companies Act, 2008 (Act No. 71 of 2008);
 - (b) the registered address of the producer responsibility organization;
 - (c) contact details; and
 - (d) the sector or subsector of a sector listed in this Notice that is covered by the producer responsibility organization.
- (5) The Minister will issue the producer responsibility organization with a registration number within 60 days after the date of receipt of the registration.

Preparation and submission of industry waste management plan for approval

5. (1) A producer must either—
 - (a) prepare and submit an industry waste management plan to the Minister for approval, within nine (9) months from the date of publication of this Notice; or
 - (b) subscribe to an industry waste management plan submitted to the Minister.
- (2) A producer must comply with an industry waste management plan after approval by the Minister.
- (3) A producer must belong to an industry waste management plan approved by the Minister in terms of section 32 of the Act.
- (4) Notwithstanding subparagraph (1), any person, category of persons or industry may elect to prepare and submit an industry waste management plan for approval to the Minister, within nine months from the date of publication of this notice in the *Gazette*.

Contents of an industry waste management plan

6. (1) An industry waste management plan, contemplated in paragraph 5 must:

- (a) identify all the parties to the industry waste management plan;
- (b) provide details of the governance model for the industry waste management plan, including how industry representivity and participation will be addressed;
- (c) provide the annual projections over a five year period of the—
 - (i) quantities and types of waste generated from locally manufactured products and products 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;
- (d) 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;
- (e) include measures to prevent pollution or ecological degradation;
- (f) include measures or programmes to minimize the generation of a particular waste stream and final disposal of that waste stream;
- (g) include measures or actions to be taken to manage the waste;
- (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 the potential number of waste transporters, storage facilities and processors that will be required;
- (k) indicate the manner in which the waste collected and processed will be recorded;
- (l) provide estimations of the costs of implementing the industry waste management plan for a period of five years and the submission of an annual business plan to the Bureau including a breakdown of the activities of the industry waste management plan together with their costs;
- (m) be aligned to the National Pricing Strategy for Waste Management (Extended Producer Responsibility; government managed model) as published under Government Notice 904 of 11 August 2016;

- (n) provide targets for waste minimization through the reduction, re-use, recycling and recovery of waste for a period of five years;
- (o) 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;
- (p) provide where applicable, an estimate of the revenue that will be generated through the implementation of the industry waste management plan for a period of five years;
- (q) indicate how the industry waste management plan will raise national awareness regarding the management of the particular waste stream;
- (r) provide detailed measures on how the industry waste management plan will address issues of social responsibility in the specific waste sector and issues of historically disadvantaged communities;
- (s) provide specific measures in which historically disadvantaged individuals will meaningfully participate in the waste sector and the implementation of the industry waste management plan;
- (t) provide specific targets on job creation, the promotion of small businesses, training and development, including the meaningful participation of the historically disadvantaged individuals that will be realized in the waste sector;
- (u) indicate the frequency and methods of auditing and reporting to the Bureau on the industry waste management plan envisaged;
- (v) provide measures to be implemented to give effect to the best environmental practice for the management of a particular waste stream;
- (w) provide details of the manner in which the informal sector will be integrated in the implementation of the industry waste management plan;

Consultation process

7. (1) A producer contemplated in paragraph 5(1), and a person, category of persons or industry contemplated in paragraph 5(4), of this Notice must bring the contents of the proposed industry waste management plan to the attention of the relevant organ 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 the person who drafted the industry waste management plan;
 - (ii) details where copies of the industry waste management plan can be obtained;
 - (iii) invitation to stakeholders to submit written representations or objections within 30 days after publication of the newspaper advert; and

- (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 producer 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) A producer, person or category of persons or industry, responsible for preparing the industry waste management plan, must give due consideration to all written representations 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

8. 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 this Notice.

Review of industry waste management plan

9. 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.