



**MINISTER  
FORESTRY, FISHERIES AND THE ENVIRONMENT  
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS 200578

Mr Gwarega Mangozhe  
Chief Executive Officer  
The Consumer Goods Council of South Africa  
164 Katherine Street  
Pinmill Farm Block D  
**SANDTON**  
2146

Email: [neom@cgcsa.gov.za](mailto:neom@cgcsa.gov.za)

Dear Mr Mangozhe

**CONCERNS RELATING TO THE GAZETTING OF THE NATIONAL ENVIRONMENTAL  
MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), EXTENDED PRODUCER  
RESPONSIBILITY REGULATIONS AND ASSOCIATED NOTICES FOR IMPLEMENTATION**

I acknowledge receipt of your letter dated 18 November 2020, wherein you state, among other things, disappointment regarding the National Environmental Management: Waste Act 2008, (Act No. 59 of 2008): Regulations regarding extended producer responsibility (EPR) and the associated Notices published on the 5<sup>th</sup> of November 2020, for implementation in the *Government Gazette*.

You further stated that the Regulations and associated Notices, as they were published for implementation, are not reflective of the work done in the consultation stages. I noted your request for a meeting to discuss all the technical and legal challenges you pointed out with regard to the Regulations and associated Notices. I am advised however that the proper consultation processes as prescribed by the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), were followed. The comment and response report indicating how your comments were considered can therefore be made available upon request.

The above notwithstanding, I am however amenable to considering any further amendments to some of the provisions, where they may have been shortcomings. You are therefore requested to submit written, concrete suggestions on how those provisions that you have identified to have possible shortcomings, can be amended in the Regulations and associated Notices, in order to strengthen them.

In this regard the EPR Regulations and associated Notices will be amended as follows:

- The effective dates of the EPR Regulations and Notices will be amended and postponed until 5 May 2021;



**CONCERNS RELATING TO THE GAZETTING OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), EXTENDED PRODUCER RESPONSIBILITY REGULATIONS AND ASSOCIATED NOTICES FOR IMPLEMENTATION**

- All existing producers and producer responsibility organisations must register with the Department on or before 5 November 2021;
- Producers of all products listed in the s18 Notice must register on or before 5 November 2021:
  - (a) Develop and submit the extended producer scheme in accordance with the EPR Regulations; or
  - (b) Establish a product responsibility organisation, which must prepare and submit an extended producer responsibility scheme.

The postponement of the timeframes will afford the Department and the affected producers an opportunity to further consult on possible amendments that will improve the efficiency of the Regulations and associated Notices.

Producers that can comply will also be urged to utilise the 12 month period (until 5 November 2021) as a transitional period to comply with the EPR Regulations and associated Notices, without the legal consequences applying. This will assist in testing the efficiency and effectiveness of the Regulations and associated Notices and with identifying other potential glitches as well.

I look forward to your urgent response in this regard.

For any further clarity you may liaise with Ms Mamogala Musekene at Tel. 012 399 9407 or via Email: [MJMusekene@environment.gov.za](mailto:MJMusekene@environment.gov.za).

Yours sincerely



**MS B D CREECY**  
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

DATE: 11/1/2021