DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 8145 **5 November 2026**

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

PROPOSED REGULATIONS REGARDING EXTENDED PRODUCER RESPONSIBILITY, 2026

I, David Maynier, Minister of Forestry, Fisheries and the Environment, hereby in terms of sections 18(1), 18(3), 69(1)(b), (g), (i), (l), (o), (dd) and (ee), read together with sections 72 and 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), give notice of my intention to make the Regulations regarding extended producer responsibility, 2026, and repeal the Regulations regarding extended producer responsibility, 2020, with its amendments, as set out in the Schedule hereto.

The Regulations regarding extended producer responsibility, 2020 (EPR Regulations), have already been amended three (3) times since their implementation. They were amended by Government Notice R.20, R.400 and R.5520 of Government *Gazette* No. 44078, 44539 and 51513 on 15 January 2021, 5 May 2021 and 06 November 2024, respectively. On 2 December 2021, proposed amendments to the EPR Regulations were published in Government Notice R.400 of Government *Gazette* No. 45572. Substantive changes were made to the proposed amendment to the EPR Regulations which necessitated republication for public comment under Government Notice R.1565 of Government *Gazette* No. 48527, on 5 May 2023, and under Government Notice R.5534 of Government *Gazette* No. 51528 of 7 November 2024, respectively. As a result of comments received, additional substantive amendments were made to those proposed amendments, which are now being republished for public comment.

The Department intends to repeal and replace the 2020 EPR Regulations with these proposed 2026 EPR Regulations, which include all the proposed amendments that have been made over the years to these Regulations. The proposed 2026 EPR Regulations will provide a clean version of the Regulations which, because of the proposed amendments, will provide technical clarifications to the EPR Regulations. This is to eliminate the ambiguities and uncertainty that have been experienced by the regulated industry sectors and affected stakeholders. In addition, the proposed amendments address the following key issues, amongst others, definitions, reporting requirements, strengthening of enforcement and compliance with the Regulations to hold producers liable for the achievement of the published targets and to curb free riders, and reviewing of EPR obligations, financial arrangements and reporting requirements.

Members of the public are invited to submit, within thirty (30) days from the date of publication of this Notice in the Government *Gazette*, or in a national newspaper, whichever is the later date, written representations or objections to the proposed amendments to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
Director: Chemicals and Waste Policy and Information Management
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, 0083.

By email: jsibande@dffe.gov.za

Any enquiries in connection with the notice can be directed to Mr Jeremia Sibande on (012) 399 9832 or via email: jsibande@dffe.gov.za.

The draft Government Notice for the proposed 2026 EPR Regulations can also be accessed at http://sawic.dffe.gov.za/, under "Draft documents for comment".

The Department of Forestry, Fisheries and the Environment comply with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in the comments and response report which may be made available to the public. If a commenting party has any objection to his or her name, or the name of the represented company/organisation, being made publicly available in any comments and responses report, such objection should be highlighted as part of the comments submitted.

Comments received after the closing date may be disregarded.



DAVID MAYNIER
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Definitions
2. Purpose of the Regulations
3. Application of the Regulations
4. Registration of producers
5. Obligations of a producer that establishes and implements its own extended producer responsibility scheme
6. Obligations of a producer who joins or appoints a producer responsibility organisation that establishes and implements an extended producer responsibility scheme
7. Obligations of a producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members
8. Minimum requirements and criteria for extended producer responsibility schemes to operate
9. Financial arrangements for an extended producer responsibility scheme
10. Obligations of a producer that establishes and implements their own scheme
11. Monitoring, reporting and evaluation
12. A producer who appointed or joined a producer responsibility organisation
13. A producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members
14. Performance review of the extended producer responsibility scheme
15. Registration of producer responsibility organisations
16. Requirements and criteria for producer responsibility organisations to operate
17 Offences
18. Penalties
19. Revocation of registration and other remedies
20. Repeal of laws and savings
21. Short title and commencement

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act 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 identified product under a brand label;

"circular economy" means a regenerative system in which resource inputs and waste, emissions, and energy leakage are minimised by slowing, closing, and narrowing energy and material loops which can be achieved through long-lasting design, maintenance, repair, reuse, remanufacturing, refurbishing, and recycling and which is in contrast to a linear economy which is a 'take, make, dispose' model of production;

"collection" means the gathering of an identified product at the end of its life, at the place of its generation or storage by a waste picker, collector or reclaimer or service provider;

"collection service fee" is a fee paid by producer or producer responsibility organisation to the waste collector, reclaimer or picker who are involved in the collection of the material in their waste streams for the services rendered;

"Cost recovery" means the recovery of operational and maintenance costs of the producer responsibility organisations, i.e. costs related to the collection, storage and treatment of waste products, as well as the administrative and awareness raising costs of the producer responsibility organisations;

"department" means the national Department responsible for the environment;

"extended producer responsibility" means that a producer's responsibility for an identified product is extended to the post-consumer stage of an identified product's life cycle;

"**extended producer responsibility fee**" means the mandatory financial contribution paid by a producer to a registered producer responsibility organisation for the development, implementation, monitoring, evaluation, and management of extended producer responsibility schemes of identified product placed on the market by a producer, to ensure the effective and efficient management of the identified end-of-life product; and to encourage and enable the implementation of the circular economy initiatives;

"extended producer responsibility funding" means a mandatory amount allocated or set aside by a producer-run scheme for the development, implementation, monitoring, evaluation, and management of extended producer responsibility scheme of identified product placed on the market, to ensure the effective and efficient management of the identified end-of-life product; and to encourage and enable the implementation of the circular economy initiatives;

"extended producer responsibility monitoring programme" means the programme of monitoring and supporting the implementation of the Regulations by Waste Management Bureau;

"extended producer responsibility scheme" means a system that puts into effect obligations

under which producers take accountability in implementing extended producer responsibility;

"free rider" means a producer who benefits from the actions or efforts of another producer, in relation to an extended producer responsibility scheme without fully complying with the requirements of the extended producer responsibility scheme;

"full cost" means all the direct fixed and variable costs associated with the extended producer responsibility scheme on waste collection, storage, treatment and some administration and awareness raising costs;

"identified products" means products that are identified in terms of section 18 (1) (*a*) of the Act and published in the *Government Gazette* by the Minister;

"infrastructure" means the facilities, equipment, networks, and organisational arrangements required to collect, transport, sort, store, recycle, recover, or safely dispose of post-consumer products and waste;

"importer" means a person or category of persons who brings identified products or items that contain identified products into the country from abroad and including but not limited to the one that first places them into the market for sale;

"interim performance report" means a report to be submitted for the period 1 January until 30 June;

"nett cost" means the full cost less the revenue from the sales of the collected material;

"producer" means

(a) any person or category of persons engaged in the commercial manufacture, conversion, or importation of new or used identified products that are not based on the brand owner design or material specifications; or

(b) a brand owner that has an identified product manufactured, converted, or imported new or used identified products in accordance with their own design or material specifications;

"producer responsibility organisation" means a not-for-profit organisation established by producers or any person operating in any of the industrial sectors covered in the Notices published in terms of the Act to support the implementation of their extended producer responsibility scheme and may represent either individual or collective producers;

"producer-run scheme" means an extended producer responsibility (EPR) Scheme that is directly established, managed, and operated by a producer, for the purpose of fulfilling the producers' obligations across the entire value chain of the identified product;

"**post-consumer collection value chain**" means the sequence of activities and processes undertaken by relevant actors through which used products are collected, sorted, and prepared for reuse, recycling, or recovery after consumer use;

"**recyclable"** means a characteristic of an identified product, packaging or associated component that can be diverted from the waste stream through available processes and programmes and can be collected, processed and returned to use in the form of raw materials or products;

"small business" carries the meaning as defined in the National Small Business Act, 1996 (Act No. 102 of 1996);

"surplus" means any portion of revenue collected by a producer responsibility organisation during a financial year that remains unspent by the end of that same financial year after the deduction of administrative, operational, and implementation costs incurred in fulfilling the obligations of the extended producer responsibility Scheme;

"Waste picker" means a person who collects identified products from residential and commercial waste bins, landfill sites and open spaces to revalue them and generate an income; and

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

2. Purpose of the Regulations

The purpose of these Regulations is to —

(1) provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producer-run own scheme or producer responsibility organisation on behalf of its members in terms of section 18 of the Act;

(2) to ensure the effective and efficient management of the identified product at the end of its life; and

(3) to encourage and enable the implementation of the circular economy initiatives.

3. Application of the Regulations

These Regulations—

(1) apply to the identified products in terms of section 18(1)(*a*) of the Act and to the producers of those identified products published in the Government *Gazette* by the Minister;

(2) apply to the identified products in terms of section 18(1)(*a*) of the Act and to the producers of those identified products published in the Government *Gazette* by the Minister, that were placed on the market prior to these Regulations coming into effect; and

(3) do not apply to the identified products in terms of section 18(1)(*a*) of the Act and to the producers of those identified products published in the Government *Gazette* by the Minister, to that portion which is exported only or that produce the identified products for export purposes only.

4. Registration of producers

(1) All existing producers of identified products, at the time these Regulations come into effect, must register with the department by completing the online registration process accessible via the South African Waste Information Centre website (www.sawic.environment.gov.za).

(2) All new producers of identified products, who commence producing after these Regulations come into effect, must register with the department by completing the online registration process accessible via the South African Waste Information Centre website. (www.sawic.environment.gov.za).

(3) The department must consider all producer registration application forms and issue a registration number for each producer that has submitted such form, within 90 days of receipt of a form in which all sections are correctly completed.

5. Obligations of a producer that establishes and implements its own extended producer responsibility scheme

(1) A producer that establishes and implements its own extended producer responsibility scheme must-

(a) establish and implement an extended producer responsibility scheme that includes the entire value chain;
(b) be accountable for the operation and performance of the extended producer responsibility scheme;
(c) allocate funding for the implementation of the extended producer responsibility scheme;
(d) conduct internal biannual financial audits and make the audit report available to the department upon request;
(e) submit the external audit report to the department within 30 days after finalisation of the audit;
(f) collect, record, manage and submit data to the extended producer responsibility (EPR) portal accessible through the South African Waste Information Centre (SAWIC) as required in regulation 8 of these Regulations;
(g) by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
(h) contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
(i) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;
(j) conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards, and submit the life cycle assessment report to the department within the timeframes prescribed below:

(i) EPR schemes implemented prior to 2023, namely, Paper and packaging, Electrical and electronic equipment, and Lighting: the life cycle assessment submission is extended and must be completed and submitted on or before 31 December 2029.

(ii) EPR schemes implemented from 2023 onwards, namely: Portable batteries, Pesticides, and Lubricant oils: the life cycle assessment submission is extended and must be completed and submitted on or before 31 December 2031.

(k) the life cycle assessment as a minimum must focus on the following:

(i) minimisation of material used in the identified product;
(ii) design of the product to facilitate reuse; recycling or recovery, without compromising the functionality of the product;
(iii) reduction of environmental toxicity of the resulting post -consumer waste stream;

(l) keep record of quantity of identified products put on the market, waste generation, collection, sorting, recycling and recovery of waste arising from the identified products;

(m) co-operate with municipalities and enter into formal agreements to support the separation, collection and recovery of recyclables from municipal waste, including the provision of operational, financial or logistical support;

(n) integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain;

(o) develop and establish secondary markets for recycled content through market research, business engagement, and investment in technology and infrastructure, in alignment with existing policy and regulatory requirements;

(p) utilise existing infrastructure in a collaborative manner, subject to accurate measurement and allocation of material flows for reporting and compliance;

(q) conduct, in consultation with relevant municipalities, provincial authorities and other stakeholders through a structured consultation mechanism established by the producer responsibility organisation, a feasibility assessment to determine the need for additional infrastructure, aligned with applicable municipal Integrated Waste Management Plans, provincial waste management strategies and national circular economy policy frameworks, and submit the feasibility report to the Department by 31 December 2028.

(r) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;

(s) compensate a waste collector, reclaimer or picker, who is registered with a producer responsibility organisation, for collection services and environmental benefits, through the collection service fee. A producer responsibility organisation must keep a record of the collection service fee paid to a waste collector, reclaimer or picker;

(t) collaborate and develop a broad-based black economic empowerment transformation charter with targets, timelines and implementation measures, and submit the transformation charter to the Department responsible for Trade, Industry and Competition for approval by 31 December 2028. The transformation charter must comply with section 9(1) of the Broad -Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) and must include a special focus on women, youth and people living with disabilities;

(u) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities;
(v) where specified in the section 18(1) Notices implement mandatory take back scheme for the identified products at the end of life;
(w) implement environmental labels and declaration for the identified products in accordance with SANS 14021 and SANS 14024 by 31 December 2028; and
(x) achieve the targets for the identified products as specified by the Minister by Notice in the Government Gazette in terms of section 18(1) and (2) of the Act.

6. Obligations of a producer who joins or appoints a producer responsibility organisation that establishes and implements an extended producer responsibility scheme

(1) A producer of a product or class of products, who joins or appoints a producer responsibility organisation must —

(a) hold the producer responsibility organisation accountable for the establishment and implementation of an extended producer responsibility scheme that includes the entire value chain;
(b) hold the producer responsibility organisation accountable for the operation and performance of their extended producer responsibility scheme;
(c) pay the extended producer responsibility fee to the producer responsibility organisation to fund the extended producer responsibility scheme;
(d) hold the producer responsibility organisation accountable to develop and maintain a system to collect the extended producer responsibility fees;
(e) hold the producer responsibility organisation accountable to conduct internal biannual financial audits and make the audit report available to the Department upon request;
(f) hold the producer responsibility organisation accountable to make the internal biannual financial audit reports available to the external auditor;
(g) hold the producer responsibility organisation accountable to appoint an independent financial auditor to annually-

(i) conduct an external audit of the financial records; and
(ii) include the internal biannual audit findings in the annual audit report;

(h) hold the producer responsibility organisation accountable to submit the external audit report to the Department within 30 days after finalisation of the audit;
(i) hold the producer responsibility organisation accountable to develop and maintain a register of its members, in the event that the scheme has two or more members;
(j) hold the producer responsibility organisation accountable to collect, record, manage and submit data to the EPR portal accessible through the South African Waste Information Centre (SAWIC) as required in regulation 8 of these Regulations;
(k) hold the producer responsibility organisation accountable to conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards, and submit the life cycle assessment report to the Department within the timeframes prescribed below:

(i) EPR schemes implemented prior to 2023, namely, Paper and packaging, electrical and electronic equipment (EEE), and Lighting: the life cycle

assessment submission is extended and must be completed and submitted on or before 31 December 2029.

(ii) EPR schemes implemented from 2023 onwards, namely: Portable batteries, Pesticides, and Lubricant oils: the life cycle assessment submission is extended and must be completed and submitted on or before 31 December 2031.

(l) the life cycle assessment as a minimum must focus on the following:

(i) minimisation of material used in the identified product;
(ii) design of the product to facilitate reuse; recycling or recovery, without compromising the functionality of the product; and
(iii) reduction of environmental toxicity of the resulting post -consumer waste stream;

(m) hold the producer responsibility organisation accountable to keep records of quantity of identified products put on the market, waste generation, collection, sorting, recycling and recovery of waste arising from the identified products;

(n) hold the producer responsibility organisation accountable to co-operate with municipalities to increase the recovery of recyclables from municipal waste;

(o) hold the producer responsibility organisation accountable to integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain;

(p) hold the Producer Responsibility Organisation accountable to develop and establish secondary markets for recycled content through research, development and infrastructure investment;

(q) hold the producer responsibility organisation accountable to utilise existing infrastructure in a collaborative manner;

(r) hold the Producer Responsibility Organisation accountable to conduct, in consultation with relevant municipalities, provincial authorities and other stakeholders through a structured consultation mechanism established by the Producer Responsibility Organisation, a feasibility study assessment to determine the need for additional infrastructure, aligned with applicable municipal Integrated Waste Management Plans, provincial waste management strategies and national circular economy policy frameworks, and submit the feasibility study report to the Department by 31 December 2028.

(s) hold the producer responsibility organisation accountable to prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;

(t) hold the producer responsibility organisation accountable to compensate a waste collector, reclaimer or picker, who is registered with a producer responsibility organisation, for collection services and environmental benefits, through the collection service fee. A producer responsibility organisation must keep a record of the collection service fee paid to a waste collector, reclaimer or picker.

(u) hold the producer responsibility organisation accountable to collaborate and develop a broad -based black economic empowerment transformation charter with targets, timelines and implementation measures, and submit the transformation charter to the Department responsible for Trade, Industry and Competition for approval by 31 December 2028. The transformation charter must comply with section 9(1) of the Broad -Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) and must include a special focus on women, youth and people living with disabilities;

(v) hold the producer responsibility organisation accountable to implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities;
(w) hold the producer responsibility organisation accountable to implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities;
(x) where specified in the section 18(1) Notices, hold the producer responsibility organisation to implement mandatory take back scheme of their identified products at the end of life;
(y) hold the producer responsibility organisation accountable to implement environmental labels and declaration for the identified products in accordance with SANS 14021 and SANS 14024 by 31 December 2028; and
(z) hold the producer responsibility organisation accountable to achieve the targets for the identified products as specified by the Minister by Notice in the Government Gazette in terms of section 18(1) and (2) of the Act.

7. Obligations of a producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members

(1) The producer responsibility organisation must —

(a) establish and implement an extended producer responsibility scheme that includes the entire value chain;
(b) be accountable for the operation and performance of the extended producer responsibility scheme;
(c) develop and maintain a system to collect the extended producer responsibility fees;
(d) develop and maintain a register of its members, in the event that the scheme has two or more members;
(e) hold their producers/members to pay the extended producer responsibility fee;
(f) conduct internal biannual financial audits and make the audit report available to the Department upon request;
(g) make the internal biannual financial audit reports available to the external auditor;
(h) appoint an independent financial auditor to annually-

(i) conduct an external audit of the financial records; and
(ii) include the internal biannual audit findings in the annual audit report;

(i) submit the external audit report to the Department within 30 days after finalisation of the audit;
(j) collect, record, manage and submit data to the South African Waste Information System as required in terms of these Regulations;
(k) by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
(l) contract for the collection, recycling and recovery of the identified products, if outsourced, the producer responsibility organisation must procure such services through a fair, transparent and competitive process, and subject to appropriate conflict-of-interest measures, while giving due consideration to existing service providers, small businesses, social enterprises, and informal waste collectors, reclaimers and pickers.

(m) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;

(n) conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards, and submit the life cycle assessment report to the Department within the timeframes prescribed below:

(i) EPR schemes implemented prior to 2023, namely, Paper and packaging, Electrical and electronic equipment (EEE), and Lighting: the life cycle assessment submission is extended and must be completed and submitted on or before 31 December 2029.

(ii) EPR schemes implemented from 2023 onwards, namely: Portable batteries, Pesticides, and Lubricant oils: the life cycle assessment submission is extended and must be completed and submitted on or before 31 December 2031.

(o) the life cycle assessment as a minimum must focus on the following:

(i) minimisation of material used in the identified product;

(ii) design of the product to facilitate reuse; recycling or recovery, without compromising the functionality of the product; and

(iii) reduction of environmental toxicity of the resulting post -consumer waste stream;

(p) keep record of quantity of identified products put on the market, waste generation, collection, sorting, recycling and recovery of waste arising from the identified products and grant producers' reasonable access to inspect such records or make copies available upon reasonable notice.

(q) co-operate with municipalities and enter into formal agreements to support the separation, collection and recovery of recyclables from municipal waste, including the provision of operational, financial or logistical support;

(r) integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain;

(s) develop and establish secondary markets for recycled content through research, development and infrastructure investment;

(t) utilise existing infrastructure in a collaborative manner, subject to accurate measurement and allocation of material flows for reporting and compliance purposes;

(u) conduct, in consultation with relevant municipalities, provincial authorities and other stakeholders through a structured consultation mechanism established by the producer responsibility organisation, a feasibility study assessment to determine the need for additional infrastructure, aligned with applicable municipal Integrated Waste Management Plans, provincial waste management strategies and national circular economy policy frameworks, and submit the feasibility study report to the Department by 31 December 2028;

(v) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;

(w) compensate a waste collector, reclaimer or picker, who is registered with a producer responsibility organisation, for collection services and environmental benefits, through the collection service fee. A producer responsibility organisation must keep a record of the collection service fee paid to a waste collector, reclaimer or picker;

(x) collaborate and develop a broad-based black economic empowerment transformation charter with targets, timelines and implementation measures, and submit the transformation charter to the Department responsible for Trade, Industry and

Competition for approval by 31 December 2028. The transformation charter must comply with section 9(1) of the Broad -Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) and must include a special focus on women, youth and people living with disabilities;

(y) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities;

(z) where specified in the section 18(1) Notices implement mandatory take back of their identified products at the end of their lives;

(aa) hold their producers/members accountable to implement environmental labels and declaration for the identified products in accordance with SANS 14021 and SANS 14024 by 31 December 2028;

(bb) achieve on behalf of its members the targets for the identified products as specified by the Minister by Notice in the Government Gazette in terms of section 18(1); and

(cc) conduct site inspections and verification audits of the contracted recyclers and downstream at least annually to accurately report on performance and ensure compliance throughout the post-consumer collection value chain.

8. Minimum requirements and criteria for extended producer responsibility schemes to operate

The extended producer responsibility scheme contemplated in these Regulations must as a minimum include requirements for —

(1) cleaner production measures that must include as a minimum but not limited to —
(a) design for recyclability; and
(b) waste minimisation or waste avoidance;

(2) waste reduction including as a minimum but not limited to —
(a) composition of products; or
(b) volume of products; or
(c) weight of products to be restricted and reduced with associated timeframes;

(3) reuse;
(4) recycling;
(5) recovery for beneficial use;
(6) treatment;
(7) disposal;

(8) implementation and reporting on the following requirements to complement the scheme—
(a) minimum recycled content standards;
(b) secondary materials utilisation rate; and
(c) recovery rates; and

(9) compliance with the requirements for programmes planned to contribute to government priorities, including but not limited to—
(a) job creation; and
(b) inclusive economic growth.

9. Financial arrangements for an extended producer responsibility scheme

(1) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must, together with its members, determine the proposed extended producer responsibility fee and apply the extended producer fee proportionally to all members based on the identified products placed on the market.

(2)(a) The existing producer responsibility organisation must electronically submit the proposed extended producer responsibility fee for the subsequent 3 years, which includes annual adjustments based on the Consumer Price Index (CPI), together with the motivation, justification, and any other relevant information in respect of the proposed fee by 30 June, to the Minister who thereafter must obtain concurrence on the proposed fee from the Minister responsible for finance.

(b) A newly established producer responsibility organisation must within 3 months of establishment electronically submit the proposed extended producer responsibility fee for the subsequent 3 years, which includes annual adjustments based on the CPI, together with the motivation, justification, and any other relevant information in respect of the proposed fee to the Minister who thereafter must obtain concurrence on the proposed fee from the Minister responsible for finance, subsequent to that subregulation (a) will apply.

(c) The concurred fee contemplated in subregulations (a) and (b) shall be valid for three (3) years from the date of concurrence and will remain in force until a new fee is concurred to.

(3) The extended producer responsibility fee must be based on nett cost recovery including a differentiated rate per item category, of each product or class of product, which must be paid by a producer to fund extended producer responsibility schemes and be dependent on the following:

(a) weight of product;
(b) ease of recyclability;
(c) current demand for the material for recycling purposes;
(d) costs for establishing a collection system for the identified products;
(e) collection, transport, storage and treatment costs for separately collected waste;
(f) administrative costs;
(g) costs for public communication and awareness- raising (on waste prevention, litter reduction, separate collection, etc.);
(h) costs for the appropriate surveillance of the system (including auditing); and
(i) less revenues from recycled material sales.
(j) waste picker collection service fee based on products placed on the market measured in tonnes.

(4) The latest extended producer responsibility fee must, at all times, be publicly available on the website of the producer responsibility organisation.

(5) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must submit, to the Department, an annual financial plan and an

annual budget—

(a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
(b) by 30 November for the following year.

(6) The annual financial plan and annual budget must include, as a minimum, the following information:
(a) estimated revenue (extended producer responsibility fees) from the various product streams;
(b) the manner in which the contributions (extended producer responsibility fees) are calculated and assessed;
(c) the total amount of the contributions (extended producer responsibility fees) that cover the nett cost of the obligations incumbent on the producer responsibility organisation applying for registration;
(d) the revenue collection method for each product stream;
(e) the conditions and procedures for revising the contributions to reflect changes in the obligations incumbent on the registered producer under this Regulations; and
(f) the methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, waste minimisation, recycling, waste reuse and any other relevant component of the extended producer responsibility scheme.

(7)(a) The administration cost of the EPR scheme will be limited to the following:
(i) Salaries of the producer responsibility organisation staff;
(ii) Overhead costs (utilities and rent); and
(iii) Information Technology and Systems.

(b) The administration cost of the extended producer responsibility scheme must not exceed 15% of the revenue collected per annum.

(c) The administration cost of the extended producer responsibility scheme must be;-

(i) 20% of the revenue collected in calendar year 1 of implementation;
(ii) 17% of the revenue collected in calendar year 2 of implementation; and
(iii) 15% of the revenue collected in calendar year 3 of implementation, and beyond.

(d) A portion of the annual extended producer responsibility fees collected by the producer responsibility organisation must be paid to the Waste Management Bureau for the Extended Producer Responsibility Regulations Monitoring Programme.
(e) 5% of the surplus funds in a year must be paid by 30 April by the producer responsibility organisation to the Waste Management Bureau for these Regulations.

(8) The administration fee must be reviewed after 5 years, and a Notice must be published in the Government *Gazette* by the Minister prescribing the new administration fee.

(9)(a) At least a minimum of 40% of the EPR fees collected must be allocated to infrastructure investment subject to review after 5 years.

(b) Infrastructure investment must focus, as a minimum, on the following activities which will lead to waste diversion, increase in processing capacity and development of secondary markets for recycled content:

(i) Collection, sorting, recovery and recycling facilities;
(ii) Buy-back centres;
(iii) Waste management treatment centres;
(iv) Municipal infrastructure; and
(v) Reuse and repair infrastructure.

(10)(a) at the conclusion of each financial year, the retained surplus of collected revenues must not exceed 10% of the total collected revenue. and

(b) the surplus funds contemplated in subregulation (7)(d) must be allocated and incorporated into the financial plan for the subsequent financial year or year of implementation.

10. Obligations of a producer that establishes and implements their own scheme

(1) A producer that establishes and implements its own extended producer responsibility scheme, must determine and allocate appropriate extended producer responsibility funding.

(2) The extended producer responsibility funding must be equal to:
(a) costs for establishing a collection system for the identified products; plus
(b) collection, transport and treatment costs for separately collected waste; plus
(c) administrative costs; plus
(d) costs for public communication and awareness-raising (on waste prevention, litter reduction, separate collection, etc.); plus
(e) costs for the appropriate surveillance of the system (including auditing); and
(f) less revenues from recycled material sales.

(3) The producer that establishes and implements their own scheme must submit to the Department, an annual financial plan and an annual budget—
(a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
(b) by 30 November for the following year.

(4) The annual financial plan and annual budget must include, as a minimum, the following information:
(a) extended producer responsibility funding allocation;
(b) the manner in which the extended producer responsibility funding is determined; and
(c) the methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, recycling, reuse and any other relevant component of the extended producer responsibility scheme.

(5)(a) at least a minimum of 40% of the EPR fees collected must be allocated to infrastructure investment subject to review after 5 years.

(b) Infrastructure investment must focus as a minimum on the following activities that promote waste diversion, increase collection and processing capacity, and support the development of markets for reuse, repair, refurbishment, recycling and the uptake of recycled content, including but not limited to; collection, sorting, recovery and recycling facilities-

(i) Buy-back centres; (ii)Waste management treatment centres;
(iii) Municipal infrastructure; and
(iv) Reuse and repair infrastructure.".

11. Monitoring, reporting and evaluation

A producer that establishes and implements its own extended producer responsibility scheme

(1) A producer that establishes and implements its own extended producer responsibility scheme must—

(a) develop and submit an interim performance report which performance of the scheme is measured against the targets specified in the relevant published Government Notices in terms of section 18(1) of the Act to the Department by 31 July each year which covers the period from January to June, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(b) the interim performance report must include at least the following:
(i) unaudited interim performance against the published targets;
(ii) unaudited breakdown of the expenditure of the extended producer responsibility funding;
(iii) unaudited financial statements;
(iv) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting period; and
(v) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection took place.

(c) record and report, by 31 July of each year which covers January to June, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre, the quantities of the identified product that are:

(i) placed on the market;
(ii) collected;
(iii) diverted from landfill (recycled, reused, recovered, refurbished);
(iv) exported; and
(v) landfilled.

(d) develop and submit an annual external performance audit report which the performance of the scheme is measured against the targets specified in the relevant published Government

Notices in terms of section 18(1) of the Act, to the Department by 31 March each year which covers the period from January to December, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(e) the annual external performance audit report must include at least the following:
  (i) performance against the published targets;
  (ii) breakdown of the allocation of the extended producer responsibility funding;
  (iii) performance on all financial matters;
  (iv) the number of formal and informal jobs created, including contractors appointed; and
  (v) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection is taking place.

(f) record and report by 31 March which covers January to December of the previous calendar year, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre the quantities of the identified product that are:
  (i) placed on the market by the producer;
  (ii) collected;
  (iii) diverted from landfill (recycled, reused, recovered, refurbished);
  (iv) exported; and
  (v) landfilled.

(g) develop and submit an internal biannual financial audit report which performance of the scheme is measured against the targets specified in the relevant published Government Notices in terms of section 18(1) of the Act to the Department by 31 July each year which covers the period from January to June, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(h) make the internal biannual financial audit report available to the Department on request;

(i) the internal biannual financial audit report must include at least the following information:
  (i) the names of the producer;
  (ii) the identified product or class of products covered by the scheme;
  (iii) the total amount of the funding allocated to the scheme;
  (iv) the manner in which the funding has been utilised by the scheme;
  (v) the volume of the identified product of the scheme for which the producer has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
  (vi) the number of formal and informal jobs created, including contractors appointed; and
  (vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting year.

(j) appoint an independent external financial auditor and make available the internal financial biannual audit report;

(k) an independent external financial auditor must:
  (i) conduct an annual external financial audit of the financial records;

(ii) include the internal biannual financial audit findings in the annual external financial audit report;
(iii) develop an annual external financial audit report; and
(iv) develop an annual external financial audit summary report;

(l) submit an annual external financial audit report which performance of the scheme is measured against the targets specified in the relevant published Government Notices in terms of section 18(1) of the Act to the Department by 31 March each year which covers the period from January to December, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(m) the annual external financial audit report must include, as a minimum, the following:
(i) the names of the producer;
(ii) the identified product or class of products covered by the scheme;
(iii) the total amount of the funding allocated to the scheme;
(iv) the manner in which the funding has been utilised by the scheme;
(v) the volume of the identified product of the scheme for which the producer has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
(vi) number of formal and informal jobs created, including contractors appointed; and
(vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in extended producer responsibility scheme, during the reporting year.

(2) The Department may conduct a compliance inspection and verification audit on the scheme.".

12. A producer who appointed or joined a producer responsibility organisation

(1) A producer who appointed or joined a producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members must—

(a) hold its producer responsibility organisation accountable to develop and submit an interim performance report which performance of the scheme is measured against the targets specified in the relevant published Government Notices in terms of section 18(1) of the Act to the Department by 31 July each year which covers the period from January to June, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(b) the interim performance report must include at least the following:
(i) unaudited interim performance against the published targets;
(ii) unaudited breakdown of the allocation of the extended producer responsibility fee;
(i) unaudited performance on all financial matters;
(ii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting period; and

(iii) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection is taking place.

(c) hold its producer responsibility organisation accountable to record and report, by 31 July of each year which covers January to June, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre the quantities of the identified product that are:

(i) placed on the market by members of the producer responsibility organisation;
(ii) collected;
(iii) diverted from landfill (recycled, reused, recovered, refurbished);
(iv) exported; and
(v) landfilled.

(d) hold its producer responsibility organisation accountable to conduct an annual external performance and develop a report on behalf of members of the scheme in which performance of the scheme is measured against the targets specified in the relevant published Government Notice in terms of section 18(1) of the Act;

(e) hold its producer responsibility organisation accountable to submit the developed annual external performance report to the Department by 31 March each year which covers January to December of the previous calendar year, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(f) the annual external performance audit report must include at least the following:

(i) performance against the published targets;
(ii) breakdown of the allocation of the extended producer responsibility fee;
(iii) performance on all financial matters;
(iv) the number of formal and informal jobs created, including contractors appointed; and
(v) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection is taking place.

(g) hold its producer responsibility organisation accountable to record and report by 31 March which covers January to December of the previous calendar year, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre, the quantities of the identified product that are:

(i) placed on the market by members of the producer responsibility organisation;
(ii) collected;
(iii) diverted from landfill (recycled, reused, recovered, refurbished);
(iv) exported; and
(i) landfilled.

(h) hold its producer responsibility organisation accountable to conduct an internal biannual financial audit and develop a report on behalf of members of the scheme in which performance of the scheme is measured against the targets specified in the relevant

published Government Notice in terms of section 18(1) of the Act by 31 July each year which covers the period January to June of that year

(i) hold its producer responsibility organisation accountable to make the internal biannual financial audit report available to the Department on request;

(j) the internal biannual financial audit report includes at least the information:

(i) the names of members of the scheme;
(ii) the identified product or class of products covered by the scheme;
(iii) the total amount of contributions paid by members of the scheme;
(iv) the manner in which contributions have been utilised by the scheme;
(v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
(vi) the number of formal and informal jobs created, including contractors appointed; and
(vii) the number of formal and informal jobs created, including contractors appointed; and the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting year.

(k) hold its producer responsibility organisation accountable to make the internal financial biannual audit report available to the appointed independent external financial auditor;

(l) hold its producer responsibility organisation accountable to appoint an independent external financial auditor to annually:

(i) conduct an annual external financial audit of the financial records;
(ii) include the internal biannual financial audit findings in the annual external financial audit report;
(iii) develop an annual external financial audit report; and
(iv) develop an annual external financial audit summary report.

(m) hold its producer responsibility organisation accountable to submit the annual external financial audit report to the Department by 31 March which covers January to December of the previous calendar year;

(n) the annual external financial audit report must include at least the following information:

(i) the names of members of the scheme;
(ii) the identified product or class of products covered by the scheme;
(iii) the total amount of contributions paid by members of the scheme;
(iv) the manner in which contributions have been utilised by the scheme;
(v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content,

expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations; and

(vi) the number of formal and informal jobs created, including contractors appointed; and

(vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme during the reporting year.

(o) hold its producer responsibility organisation accountable to submit the annual external financial audit summary report to the Department 31 March which covers January to December of the previous calendar year and upload it onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre for public access;

(p) the annual external financial audit summary report must include at least the following information:

(i) the names of members of the scheme;
(ii) the identified product or class of products covered by the scheme;
(iii) the total amount of contributions paid by members of the scheme;
(iv) the manner in which contributions have been utilised by the scheme;
(v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations; and
(vi) the number of formal and informal jobs created, including contractors appointed; and
(vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme during the reporting year.
(viii) surplus of the previous year expenditure; and
(ix) Interest earned.

(q) Upon written request by a member/producer, make available to that member/producer all reports and records contemplated in this provision provided other members/producers consents thereto, otherwise the PRO may redact information that constitutes confidential commercial information of another producer.";

13. A producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members

(1) A producer responsibility organisation that establishes and implements an extended producer responsibility scheme on behalf of its members must—

(a) conduct an interim performance and develop a report on behalf of members of the scheme in which performance of the scheme is measured against the targets specified in the relevant published Government Notice in terms of section 18(1) of the Act;

(b) submit the developed interim performance report to the Department by 31 July each year which covers the period January to June, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(c) the interim performance report must include at least the following:
- (i) unaudited interim performance against the published targets;
- (ii) unaudited breakdown of the allocation of the extended producer responsibility fee;
- (iii) unaudited performance on all financial matters;
- (iv) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting period; and
- (v) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection is taking place.

(d) record and report, by 31 July of each year which covers January to June, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre, the quantities of the identified product that are:
- (i) placed on the market by members of the producer responsibility organisation;
- (ii) collected;
- (iii) diverted from landfill (recycled, reused, recovered, refurbished);
- (iv) exported; and
- (v) landfilled.

(e) conduct an annual external performance and develop a report on behalf of members of the scheme in which performance of the scheme is measured against the targets specified in the relevant published Government Notice in terms of section 18(1) of the Act;

(f) submit the developed annual external performance report to the Department by 31 March which covers January to December of the previous calendar year, by uploading such report onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre;

(g) the annual external performance audit report must include at least the following:
- (i) performance against the published targets;
- (ii) breakdown of the allocation of the extended producer responsibility fee;
- (iii) performance on all financial matters;
- (iv) the number of formal and informal jobs created, including contractors appointed; and
- (v) an indication of the budget invested in infrastructure and waste collection and the details of the Municipality where the infrastructure or waste collection is taking place.

(h) record and report by 31 March which covers January to December of the previous calendar year, to the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre, the quantities of the identified product that are:
  (i) placed on the market by members of the producer responsibility organisation;
  (ii) collected;
  (iii) diverted from landfill (recycled, reused, recovered, refurbished);
  (iv) exported; and
  (v) landfilled.

(i) conduct an internal biannual financial audit and develop a report on behalf of members of the PRO in which performance of the scheme is measured against the targets specified in the relevant published Government Notice in terms of section 18(1) of the Act by 31 July each year which covers the period January to June;

(j) make the internal biannual financial audit report available to the Department on request;

(k) the internal biannual financial audit report includes at least the following information:
  (i) the names of members of the scheme;
  (ii) the identified product or class of products covered by the scheme;
  (iii) the total amount of contributions paid by members of the scheme;
  (iv) the manner in which contributions have been utilised by the scheme;
  (v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
  (vi) the number of formal and informal jobs created, including contractors appointed; and
  (vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme, during the reporting year.

(l) make the internal financial biannual audit report available to the appointed independent external financial auditor;

(m) appoint an independent external financial auditor to annually:
  (i) conduct an annual external financial audit of the financial records;
  (ii) include the internal biannual financial audit findings in the annual external financial audit report;
  (iii) develop an annual external financial audit report; and
  (iv) develop an annual external financial audit summary report;

(n) submit the annual external financial audit report to the Department by 31 March which covers January to December of the previous calendar year;

(o) the annual external financial audit report must include at least the following information:
  (i) the names of members of the producer responsibility organisation;
  (ii) the identified product or class of products covered by the scheme;
  (iii) the total amount of contributions paid by members of the producer responsibility organisation;

(iv) the manner in which contributions have been utilised by the producer responsibility organisation;
(v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
(vi) the number of formal and informal jobs created, including contractors appointed; and
(vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme during the reporting year.

(p) submit the annual external financial audit summary report to the Department 31 March which covers January to December of the previous calendar year and upload it onto the Extended Producer Responsibility Portal accessible through the South African Waste Information Centre for public access;

(q) the annual external financial audit summary report must include at least the information:
(i) the names of members of the producer responsibility organisation;
(ii) the identified product or class of products covered by the scheme;
(iii) the total amount of contributions paid by members of the producer responsibility organisation;
(iv) the manner in which contributions have been utilised by the producer responsibility organisation;
(v) the volume of the identified product of individual members of the scheme for which the producer responsibility organisation has caused to be collected, recycled, reused, recovered for energy, and utilised as recycled content, expressed as an annual percentage of the total of the identified product for which the producer is responsible for in terms of the Regulations;
(vi) the number of formal and informal jobs created, including contractors appointed;
(vii) the number of the waste pickers that are registered with a producer and the indication of how much each waste picker was paid for their participation in the extended producer responsibility scheme during the reporting year.
(viii) surplus of the previous year expenditure; and
(ix) Interest earned.

(r) upon written request by a member/producer, make available to that member/producer all reports and records contemplated in this provision provided other members/producers consents thereto, otherwise the producer responsibility organisation may redact information that constitutes confidential commercial information of another producer.

14. Performance review of the extended producer responsibility scheme

(1) Performance of the extended producer responsibility scheme must be reviewed at 5-year intervals by the Department.

(2) The Department may at any time review the extended producer responsibility scheme based on its performance.

(3) Producer responsibility organisations or the producer that establishes and implements their own scheme may approach the Department for an earlier review due to non-achievement or overachievement of targets.

(4) Where a producer responsibility organisation intends to commence liquidation proceedings, notification must be sent to the Department prior to the commencement of these proceedings.

15. Registration of producer responsibility organisations

(1) All existing producer responsibility organisations must register with the Department within 6 months of the coming into effect of these regulations by completing the form obtainable from the Department.

(2) All newly established producer responsibility organisations, after the coming into effect of these Regulations, must register with the Department within 3 months of being established by completing the prescribed form from the Department.

16. Requirements and criteria for producer responsibility organisations to operate

(1) The Department may only register a producer responsibility organisation if such organisation meets the minimum requirements contemplated in subregulation (2).

(2) A producer responsibility organisation—

(a) must be an autonomous body established by producers by following a due process;
(b) must be a registered not-for-profit company;
(c) must be managed by a board of directors comprised of representatives from producers; and
(d) adhere to the Companies Act 2008 (Act No. 71 of 2008).

17. Offences

(1) A Producer or a producer responsibility organisation commits an offence if that producer or producer responsibility organisation —

(a) contravenes these Regulations; or
(b) furnishes false or misleading information.

18. Penalties

(1) A person convicted of an offence in terms of subregulation 17(1) is liable on conviction to imprisonment for a period not exceeding five years or a fine not exceeding 5 million rands, and in the case of a second or subsequent conviction, imprisonment for a period not exceeding ten years or to a fine not exceeding 10 million rands; and in both instances to both a fine and such imprisonment.

19. Revocation of registration and other remedies

(1) A producer who does not comply with the provisions and obligations as contemplated in these Regulations may be compelled by the Department to join an extended producer responsibility scheme.

(2) A producer responsibility organization that does not comply with the provisions and obligations as contemplated in these Regulations may have its registration revoked by the Department.

20. Repeal of laws and savings

(1) The Regulations regarding extended producer responsibility, 2020, published under Government Notice R.1184, of Government *Gazette* No. 43879 on 5 November 2020, including amendments thereof, are hereby repealed.

(2) Any application and direction made, and any right that may have accrued, in terms of a provision of the Regulations repealed in terms of subregulation (1), remains valid until anything done under these Regulations overrides it.

(3) Anything lawfully done under a provision of the Regulations repealed in terms of subregulation (1), remains valid until anything done under these Regulations overrides it.

(4) Any proceedings instituted under a provision of the Regulations repealed in terms of subregulation (1), that have not been finalised on the date of coming into effect of these Regulations, must be finalised as if those provisions had not been repealed.

21. Short title and commencement

These Regulations are called the Extended Producer Responsibility Regulations, 2026 and come into effect on their date of publication in the Government *Gazette* for implementation.