

Extended Producer Responsibility (EPR) and Section 18 regulations explained

1. The full name of the regulation

- Regulations regarding Extended Producer Responsibility (EPR) in terms of 69 & 18 of the National Environmental Management: Waste Act, 2008

2. What is EPR?

- It is a resource management tool whereby producers have to take over an individual “producer’s” responsibility for the end-of-life management of their used products/packaging.
- This can include financial and/or operational responsibility for the collection, sorting and treating these products/packaging for their recycling and recovery.
- This individual responsibility can be partly transferred to a collective entity, the so called “Producer Responsibility Organisation” (PRO)

3. The commencement date of the regulations

- Producers should register as from 5 May 2021 until 4 November 2021. By 5 November 2021 producers must comply with the regulations and pay EPR fee.

4. To whom the EPR fee is paid to and for what?

- The EPR fee will be collected by the PROs to finance the producers end of life products to support the collection, recycling, and disposal of waste to minimize the environmental impact of waste materials.
- Please note that government does not collect EPR fee, producers are only required to register for compliance purpose.

5. How do I register?

- Visit the government website <http://sawic.environment.gov.za/epr/> click on new registration and register.
- Registration form: <http://sawic.environment.gov.za/epr/regindex.php>
- Register with relevant PRO that could represent each identified controlled products, refer no. 12 and view PRO list and identified products.

6. If I register now, are the fees only payable after 5 November or immediately?

- The regulations become law and effective on 5 November 2021, and so the fees are payable when the regulations become in effect. Anything paid before is voluntarily.

7. Who is affected by EPR regulations?

- The regulations apply to producers who place in excess of 10 tonnes of identified products onto the market on an annual basis.

8. Who is the producer?

- If the registered owner of the brand operates an enterprise, residing in South Africa, that makes and/or sells such goods the producer shall be **the manufacturer, converter and /or the brand owner.**

- If the registered owner of the brand does not operate or have a controlling interest in an enterprise residing in South Africa, that makes and or sells such goods, **the producer shall be either the licensed agent or importer.**
- If the identified products not covered by any of the forementioned producers, **the retailer shall be the producer**

9. As a converter I do not select the material or design, everything is supplied. So, if for example I print / convert for a brand owner who should register?

- If you import or procure material outside South Africa and you convert or alter the material to another product i.e., liquid board packaging, paper sacking and labels and it becomes difficult-to-recycle, a higher EPR fee will be levied — both converter and the brand-owner to register with the department. As to who will be liable for EPR fee, see below:
 - Fibre Circle has advised to have both brand owner and converter joining but the fee to be paid by one entity.
 - PETCO believes that direct registration of the Brand Owner is the best solution for all parties to support the appropriate declarations.
 - *The brand owner and the converter will need to have a discussion and agree as to who should register with relevant PRO.* This will also assist in terms of transparency when the fee is levied.
- If you buy the material locally from the manufacturer, the producer is the manufacture of paper/ board.
- If you import finished packed filled or unfilled product and put it into the market — you are the producer.
- If you buy material from the importer/ merchant — the importer is the producer.

10. If I buy paper local and only add toner or ink, should I register?

- No, you are not required to register, the manufacturer or importer of the paper should register

11. Will EPR fees be collected only from brand owners or the full value chain?

- Some PRO i.e., Fibre Circle has chosen to implement the EPR fee at the narrowest point, i.e., the entity which first puts the paper or paper packaging on the market.
- The fee may possibly be recovered by passing the cost along the value chain. Brand owners that directly import packaging or pack their own products would be required to register with Fibre Circle and liable to pay the EPR fee directly while others captured in the definition of producer are welcome to register but may not be obliged to pay any fee, except an indirect one from their supplier.

12. What should I do to comply with the regulations?

- [Start by understanding and analyse identified product portfolio \(controlled products'\) in your organisation.](#)
- Register with the Department of Forestry, Fisheries and Forestry within six months, before 5 November 2021 – applies to all existing EPR producers.
- [Review existing PRO's and understand which one could represent each product you produce and register with the PRO to undertake your responsibilities!](#)
- [Pay your EPR fees to PROs either directly or indirectly as agreed \(check estimated EPR fees per material stream\)](#)
- Consider impact of EPR fees in your budget process!
- Look at quick wins to reduce unnecessary consumption.
- Declare your consumption of relevant products to relevant PROs!
- PRO requirements and responsibilities — understand requirements and criteria for Producer Responsibility Organisations to operate!

- [If your organisation wants to take the responsibility for their own scheme. And be accountable for the operation and performance of the extended producer responsibility scheme, understand the requirements!!! \(Obligations of Producer that establishes and implements its own scheme\)](#)
- Refer Regulations published in [Nov 2020 GN43881](#) and amended regulations [GN 44539](#) published in May 2021

13. If I produce more than two materials, who should I register with?

- You need to register with each PRO for all your material stream, *refer above bullet 3- review existing PRO according to your material.*

14. What needs to be considered when a final product is made up of combined materials?

Examples below

- If the board and BOPP are a composite i.e., the board is coated or laminated with BOPP, it will then be seen as a single product. The majority component will determine which PRO to join:
 - if the product is primarily paperboard +50%, it will be Fibre Circle.
 - If the BOPP is +50%, it will be Polyco.
 - If the BOPP component is separate from the board, then the products will be the responsibility of two separate PROs, e.g., Fibre Circle (paperboard) and Polyco (BOPP).

15. If I produce 100 tonnes of PET bottles and only buy 15 tonnes of paper labels, which PRO must I register with?

- You need to register with PETCO, for PET bottles. For paper labels it depends where you bought the paper. If you bought local, not your responsibility, however if you import directly you need to join PRO responsible for paper (Fibre Circle).

16. Can I establish and implement my own EPR scheme, if I don't want to belong to a PRO?

- Yes, if you have the capacity and capability to fulfil the measures and obligations to conduct your own scheme. [Click here to view all the requirements](#)
- Printing SA advised members to join the PROs as few stated below responsibilities are massive and the penalty for not complying.
 - o to consider the entire value chain of the waste produced by the identified products must be considered (collection, storage, transport, reuse, recycling, treatment, and disposal);
 - o EPR fees must be paid by the producers to fund the implementation of the EPR schemes, including the full waste lifecycle of the waste produced by the identified products;
 - o there are onerous auditing, reporting, transformation, and other obligations that the producers must adhere to and achieve through the EPR schemes

17. What are the implications if I don't comply with the regulations?

- Failure to comply with various provisions is an offence, which may on conviction lead to an "appropriate fine", imprisonment for a period of 15 years, or both.

18. Is this EPR imposed onto South African producers only?

- No, several countries have introduced the EPR. In Europe, all EU Member States have implemented EPR schemes, United States more than 30 Member States, in emerging countries including Africa EPR schemes are beginning to be implemented in some regions

19. How important is this EPR?

- More countries are increasingly promoting a more circular economy - which limits negative impacts on the environment in order to respond to the climate crisis.
- Implement new regulations that its trade partners have to comply with, especially when it comes to packaging, according to researchers.

- SA exporters need to start thinking about how to comply with sustainable packaging requirements to remain competitive