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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3179

23 March 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****EXTENDED PRODUCER RESPONSIBILITY SCHEME FOR THE PORTABLE BATTERY SECTOR**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures, as set out in the Schedule hereto.

**BARBARA DALLAS CREECY****MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations, 2020, bears that meaning, and unless the context otherwise indicates—

“Extended Producer Responsibility Regulations, 2020” means the Regulations published in Government Notice 1184 of Government Gazette 43879 on 5 November 2020;

“portable battery” means a battery which is sealed, can be hand-carried without difficulty, and is neither an automotive nor industrial battery; and

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

Scope of Notice

2. (1) This Notice applies to the identified products or class of products listed in paragraph 4 and the resulting waste which arises from the use by a consumer or an end user of portable battery which is intended for distribution in the Republic of South Africa.
- (2) This Notice must be read together with the Extended Producer Responsibility Regulations, 2020.

Extended Producer Responsibility Measures

3. (1) A producer of identified products or class of identified products, listed in Regulation 4 below must set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to:
 - (a) collection, transportation, storage of their products in the post-consumer stage;
 - (b) recycling; and
 - (c) recovery.
- (2) A Producer contemplated in subparagraph (1) must establish an Extended Producer Responsibility Scheme in accordance with the provisions of the Extended Producer Responsibility Regulations, 2020 and must comply with these Regulations.

The identification of a product or class of products whereby Extended Producer Responsibility applies

4. Extended Producer Responsibility will be applicable to the following identified products or class of products: Portable battery:
 - (a) Alkaline/Zinc carbon batteries;
 - (b) Primary (single use) Lithium batteries;

- (c) Nickel metal hydride batteries;
- (d) Silver oxide batteries; and
- (e) Zinc air batteries/Air depolarised batteries.

The targets for each identified waste stream for the products listed in paragraph 4

5. (1) The targets for each identified product or class of identified products are indicated in Annexure 1 for a period of 5 years from the date of the implementation of the Extended Producer Responsibility Scheme.
- (2) A Producer or the Product Responsibility Organisation, where such organisation has been appointed to implement the Extended Producer Responsibility Scheme, is responsible to comply with the targets set out in Annexure 1 through implementation of the Extended Producer Responsibility Scheme.

ANNEXURE 1

Collection and Recycling targets for all identified products in paragraph 4 of this Notice

	Year 1	Year 2	Year 3	Year 4	Year 5
Collected and recovered/recycled (tonnes)	Set up & pilot & collection	Set up & pilot & collection	19,17	38,34	76,68

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