



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 693

23

March
Maart

2023

No. 48282

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ISSN 1682-5845



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3178

23 March 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****EXTENDED PRODUCER REPOSIBILITY SCHEME FOR THE LUBRICANT OIL 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 indicates otherwise —

“**consumer**” means a person or category of persons who uses or consumes lubricant oil and is also known as an end user;

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

“**lubricant oil**” means all virgin and re-refined mineral and synthetically based lubricants, with or without additives that is used for lubrication within heat transfer, load transfer, insulation or any other application and can be recovered after use;

“**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 oil products or class of oil products listed in paragraph 4 and the resulting waste which arises from the use by a consumer or an end user, which is distributed or intended for distribution in the Republic of South Africa.

- (2) This Notice does not apply to the following categories of products:

- (a) technical and medicinal white oils;
- (b) vegetable oils;
- (c) greases;
- (d) waxes;
- (e) petrolatums;
- (f) two stroke oils;
- (g) chainsaw cutter bar lubricants;
- (h) rockdrill lubricants;
- (i) water-based fluids with less than 80% oil content;
- (j) phosphate esters;
- (k) pesticidal and fungicidal agricultural spray base oils;
- (l) process oils where the lubricant is compounded into a solid;
- (m) marine engine oils;
- (n) rolling oils;
- (o) drawing oils;
- (p) rust preventatives;
- (q) mould release oils;
- (r) wire rope & open gear dressings; and
- (s) shock absorber oils.

- (3) 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 oil products, listed in paragraph 4 below, must set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to:
- (a) the collection, transportation, storage of their products in the post-consumer stage;
 - (b) reuse; and
 - (c) recycling/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 where Extended Producer Responsibility applies

4. (1) The Extended Producer Responsibility is applicable to the following identified oil products or class of oil products:
- (a) Lubricant oils.

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

5. (1) The targets for the identified oil product or class of oil 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

Product/ class of product	Year	Collection target (%)	Recycled & recovered product target – Industrial Fuel target (%)	Recycled product target – Base oil (%)
Lubricant oil	1	50	95	5
	2	60	92,5	7,5
	3	65	90	10

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	4	70	87,5	12,5
	5	75	85	15

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065