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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1147

30 OCTOBER 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****PROPOSED REGULATIONS REGARDING THE CONTROL OF THE IMPORT OR EXPORT OF
WASTE**

I, Bomo Edith Édna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to make regulations regarding the control of the import or export of waste under section 69(1)(j) read with section 73 of the National Environmental Management: Waste Act, 2008, as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 days from the date of the publication of this Notice in the Gazette, written representations on or objections to the following addresses:

By post to: The Director General: Department of Environmental Affairs
Attention: Mr Anben Pillay
Private Bag X447
Pretoria
0001

By hand at: Environment House, 473 Steve Biko Street, Pretoria, Arcadia, 0082.

By email: apillay@environment.gov.za, or by Tel (012) 399-9827.

The draft Regulations can also be accessed at <http://sawic.environment.gov.za> under "Documents for Comment" or obtained at the Department's offices.

Comments received after the closing date may not be considered.



BOMO EDITH ÉDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

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CHAPTER 1

DEFINITIONS AND PURPOSE OF REGULATIONS

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has that same meaning, and unless the context indicates otherwise—

“annual minimisation plan” means a plan that is intended to promote the reduction in the generation, importation and disposal of waste;

“consent” means an approval to import, transit or export waste issued by the competent authority;

“Basel Convention” means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on 22 March 1989;

“carrier” means a person who transports waste to, from or through South Africa;

“competent authority” means—

- (a) in the case of South Africa, the Director-General of the Department; or
- (b) in the case of other countries, a government authority responsible for issuing consent for the transboundary movement of waste;

“country of export” means a country from which the movement of waste is planned to be initiated or is initiated;

“country of import” means a country to which waste is planned to be transported to as a final destination;

“country of transit” means a country, other than the country of export or import, through which the transit of waste is planned or takes place;

“Department” means the national department responsible for environmental affairs;

“exporter” means a person who exports or intends to export waste;

“Importer” means a person who imports or intends to import waste;

“movement document” means the waste manifest form for the transboundary movement of waste provided in Annexure 2 of these Regulations;

“notification document” means the notification form for the import or export of waste provided in Annexure 1 of these Regulations;

“re-import” means the import of waste that left the country of export legally but is being returned, or is expected to be returned, to the country of export;

“second hand goods” means goods purchased, or otherwise transferred to, a second or later end user; and

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

Purpose of the Regulations

2. The purpose of these Regulations is to establish procedures and control regimes for the import, export and transit of waste.

Application of the Regulations

3. These Regulations do not—
- (a) apply to the export of ferrous and non-ferrous waste and scrap as defined in the Export Control Guidelines on the Exportation of Ferrous and Non-Ferrous Waste and Scrap from ITAC;
 - (b) absolve an applicant from complying with any other applicable legislation;
 - (c) apply to offloading of waste generated by the normal operation of ships and offshore platforms;
 - (d) apply to waste generated on board vehicles, trains, and aeroplanes; and
 - (e) apply to second hand goods.

CHAPTER 2**PROHIBITIONS****General Prohibitions**

4. (1) No person may import waste, or transit waste through South Africa without following legislation or multilateral environmental agreements required for that transboundary movement of waste.
- (2) No person may perform the following actions unless in accordance with these regulations;
- (a) import any waste from a country without following legislation required for that transboundary movement of waste,
 - (b) export any waste to a country without following legislation required for that transboundary movement of waste,
 - (c) transit any waste through South Africa,
 - (d) re-import waste from a country without following legislation required for that transboundary movement of waste, and
- (3) No person may import general waste for landfilling in South Africa or export it for landfilling in another country except for recycling in terms of other applicable protocols.

Prohibited Waste

5. A person is prohibited from importing the following types of waste:
- (a) Waste that is regulated in terms of other Multilateral Environmental Agreements; and
 - (b) Healthcare Risk Waste.

CHAPTER 3**MINIMISATION PLAN****Annual Minimisation Plan**

6. An annual minimisation plan contemplated in terms of these Regulations must contain the following information—
- (a) a waste diversion strategy; and/or
 - (b) the waste reduction strategy for disposal.

CHAPTER 4**CONSENT FOR IMPORT, EXPORT AND TRANSIT****Content of consent**

7. (1) A written consent for import, export or transit of waste must contain the following information:
- (a) Name of person;
 - (b) Type of waste;
 - (c) Name of the applicants (both the importing and the exporting facilities);
 - (d) Country of import, export or transit;
 - (e) Reason for movement;
 - (f) Quantity of waste;
 - (g) Validity period for the consent;
 - (h) Number of shipments; and
 - (l) Other condition that may be deemed necessary depending on individual application.
- (2) The written consent will be subject to stipulated conditions.
- (3) The written consent may be withdrawn if there is non-compliance with applicable conditions.

CHAPTER 5**REQUIREMENT FOR TRANSIT, IMPORT OR EXPORT****Generic requirements for transit, import or export**

8. (1) A notification document submitted to the competent authority for transit, import or export waste must, as a minimum, include the following—

- (a) a legally binding contract between an exporter and an importer;
- (b) annual minimisation plan; and
- (c) applicable insurance or other financial guarantee covering the movement of waste.

(2) A person who intends to transit, import or export waste must, prior the movement of such waste—

- (a) notify the competent authority of the intention to import or export waste; and
- (b) obtain consent from the competent authority.

Requirements for transit of waste

9. (1) The import or export of waste may only take place where the country of transit has given approval to transit through that country.

(2) The importer or exporter must prior to the transit of waste through South Africa acquire all applicable approvals to transit.

(3) The importer or exporter must—

- (a) apply to the Department to transit, in writing, 60 days prior to the transit of waste through South Africa; and
- (b) notify the department seven days prior to the transit of waste, including the date of entry and exit.

(4) Should the dates of transit for any reason change the importer or exporter must inform the Department.

(5) The import, export or transit of waste may only occur if a consent from the competent authority of the country of import, export or country of transit has been obtained.

Requirements for import of waste

10. (1) The import of waste may only occur if—

- (a) the competent authority has issued a consent to allow import of waste;
- (b) the competent authority of the country of transit, where applicable, has granted approval;
- (c) the waste is segregated and correctly labelled.

(2) At least 30 days before receipt of the waste in South Africa, the importer must furnish the competent authority with a movement document provided in Annexure 2.

(3) In the event that the waste is imported but is not accepted by the licensed facility named in the import consent the importer must—

- (a) notify the Department in writing within two days, of non-acceptance or refusal, and provide the reason(s) thereof;
- (b) notify the exporter and the competent authority of the country of export in writing within seven days of the non-acceptance or refusal, and provide the reasons therefore;
- (c) provide a proposed plan of action for the waste to the Department, within seven days;
- (d) in the event where a plan of action is not submitted, the importer must return the waste to the country of export;
- (e) where a plan is approved by the Department, within two months, after the day on which the Department approved the plan, manage the waste according to that approved plan;
- (f) consider return the waste to the exporter within 30 days, at the cost of exporter;
- (g) cover the cost of storage and any other applicable cost.

(4) The importer must within 30 days of reuse, recycling, recovery, treating or disposal of the waste provide the competent authority with—

- (a) a movement document provided in Annexure 2 that is dated and signed confirming that the waste has been disposed of, recycled, reused, recovered or treated;
- (b) a safe disposal certificate; or
- (c) a revised plan with timeframes to manage the waste to the final intended country, if the operations are not complete.

(5) The importer of waste must keep a copy of all documents that relate to the import of waste for a period of five years after it has been submitted to the competent authority.

Requirements for export of waste

11. (1) An exporter must submit the movement document provided in Annexure 2 to the Department two weeks before shipment.

(2) The export of waste may only occur if:

- (a) the Department has issued a consent to allow export of waste; and
- (b) a consent from the competent authority of the country of import has been obtained.

(3) A certified copy of the export consent must accompany each transportation.

(4) In the event that the waste is exported but is not accepted by the licensed facility named in the export consent, the exporter must—

- (a) notify the Department in writing within two days of the non-acceptance or refusal and the reason thereof;

- (b) notify the importer and the competent authority of the country of import in writing within seven days of the non-acceptance or refusal and the reason thereof;
- (c) store the waste at own cost, at a facility authorised to store such waste;
- (d) provide a proposed plan of action for the waste to the Department, within seven days;
- (e) within two months, after the day on which the Department is notified manage such waste at a licensed facility other than the one named in the export consent;
- (f) inform the department of the contact person, name and physical address of the facility that will manage the waste; and
- (g) make arrangements to return the waste to South Africa.

CHAPTER 6

RE-IMPORT OR TAKE BACK

Re-import or take back of waste

12. (1) The importer of waste must notify the Department in writing within 14 days, of being notified of the non-acceptance of waste or refusal and the reasons.
- (2) The importer of waste must notify the exporter and the competent authority of the country of export within seven days of being notified of the non-acceptance of waste or refusal and the reasons.
- (3) The importer must obtain all necessary consent prior to the return of the waste to the exporter.
- (4) If the waste is imported legally, and there is any reason requiring that such waste be returned to its country of export, the importer is liable at own cost to return the waste to the exporter within 60 days of import.

CHAPTER 7

RECORD KEEPING

Records of waste imported or exported

13. (1) An importer or exporter of waste must keep accurate and up to date records that reflect:
- (a) classification of the waste;
 - (b) quantity of waste;
 - (c) origin/source of waste;
 - (d) destination of waste;
 - (e) date of import or export;

- (f) safe disposal certificates where applicable; and
 - (g) if applicable, the SAWIS registration number in terms of the National Waste Information Regulations, 2012;
- (2) The records contemplated in sub regulation (1) must be—
- (a) retained for a period of at least five years; and
 - (b) made available to the Department upon request.

CHAPTER 8

GENERAL MATTERS

Offences

14. A person commits an offence if that person contravenes or fails to comply with regulations 4, 5, 8 (2), 9, 10, 11, 12, or 13 of these Regulations.

Penalties

15. A person convicted of an offence under this Regulation is liable to—
- (a) imprisonment for a period not exceeding 15 years;
 - (b) an appropriate fine; or
 - (c) both a fine and imprisonment.

Short title and commencement

16. These Regulations are called the Regulations for the Control of Import or Export of Waste, 2017.

Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery : <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>												
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments: 5. Total intended quantity (4): Tonnes (Mg): m³: 6. Intended period of time for shipment(s) (4): First departure: Last departure:												
8. Intended carrier(s) Registration No: Name(7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/> 11. Disposal / recovery operation(s) (2) D-code / R-code (5): Technology employed (6): Reason for export (1;6):												
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	12. Designation and composition of the waste (6): 13. Physical characteristics (5): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):												
Country of origin of waste 10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:													
15. (a) Countries/States concerned. (b) Code no. of competent authorities where applicable. (c) Specific points of exit or entry (border crossing or port) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">State of export - dispatch</th> <th style="width: 33%;">State(s) of transit / entry and exit</th> <th style="width: 33%;">State of import - destination</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td></td> <td></td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </tbody> </table>		State of export - dispatch	State(s) of transit / entry and exit	State of import - destination	(a)			(b)			(c)		
State of export - dispatch	State(s) of transit / entry and exit	State of import - destination											
(a)													
(b)													
(c)													
16. Customs offices of entry and/or exit and/or export (European Community): Entry: Exit: Export:													
17. Exporter's - notifier's / generator's - producer's (1) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Exporter's - notifier's name: Date: Signature: Generator's - producer's name: Date: Signature:													
FOR USE BY COMPETENT AUTHORITIES													
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:	20. Written consent (1;8) to the movement provided by the competent authority of (country): Consent given on: Consent valid from: until: Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Name of competent authority: Stamp and/or signature:												
18. Number of annexes attached													

21. Specific conditions on consenting to the movement document or reasons for objecting

- (1) Required by the Basel Convention for hazardous waste
 (2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facility(ies) when required
 (3) To be completed for movements within the OECD area and only if B(ii) applies
 (4) Attach detailed list if multiple shipments

- (5) See list of abbreviations and codes on the next page
 (6) Attach details if necessary
 (7) Attach list if more than one
 (8) If required by national legislation
 (9) If applicable under the OECD Decision

List of abbreviations and codes**To be used when completing the Notification document****DISPOSAL OPERATIONS (block 11)**

- D1 Deposit into or onto land, (e.g., landfill, etc.)
 D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
 D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
 D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
 D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
 D6 Release into a water body except seas/oceans
 D7 Release into seas/oceans including sea-bed insertion
 D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
 D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)
 D10 Incineration on land
 D11 Incineration at sea
 D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)
 D13 Blending or mixing prior to submission to any of the operations in this list
 D14 Repackaging prior to submission to any of the operations in this list
 D15 Storage pending any of the operations in this list

RECOVERY OPERATIONS (block 11)

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
 R2 Solvent reclamation/regeneration
 R3 Recycling/reclamation of organic substances which are not used as solvents
 R4 Recycling/reclamation of metals and metal compounds
 R5 Recycling/reclamation of other inorganic materials
 R6 Regeneration of acids or bases
 R7 Recovery of components used for pollution abatement
 R8 Recovery of components from catalysts
 R9 Used oil re-refining or other reuses of previously used oil
 R10 Land treatment resulting in benefit to agriculture or ecological improvement
 R11 Uses of residual materials obtained from any of the operations numbered R1-R10
 R12 Exchange of wastes for submission to any of the operations numbered R1-R11
 R13 Accumulation of material intended for any operation in this list.

PACKAGING TYPES (block 7)

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging
7. Pressure receptacle
8. Bulk
9. Other (specify)

MEANS OF TRANSPORT (block 8)

R = Road
 T = Train/rail
 S = Sea
 A = Air
 W = Inland waterways

PHYSICAL CHARACTERISTICS (block 13)

1. Powdery/powder
2. Solid
3. Viscous/paste
4. Sludgy
5. Liquid
6. Gaseous
7. Other (specify)

H-CODE AND UN CLASS (block 14)

UN Class	H-code	Characteristics
1	H1	Explosive
3	H3	Flammable liquids
4.1	H4.1	Flammable solids
4.2	H4.2	Substances or wastes liable to spontaneous combustion
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1	H5.1	Oxidizing
5.2	H5.2	Organic peroxides
6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases in contact with air or water
9	H11	Toxic (delayed or chronic)
9	H12	Ecotoxic
9	H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

Y-codes for use when importing or exporting hazardous waste**To be used when completing the Notification document**

CONTROLLED WASTE STREAMS	
Y1	Clinical wastes from medical care in hospitals, medical centres and clinics
Y2	Wastes from the production and preparation of pharmaceutical products
Y3	Waste pharmaceuticals, drugs and medicines
Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals
Y6	Wastes from the production, formulation and use of organic solvents
Y7	Wastes from heat treatment and tempering operations containing cyanides
Y8	Waste mineral oils unfit for their originally intended use
Y9	Waste oils/water, hydrocarbons/water mixtures, emulsions
Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
Y13	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
Y14	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
Y15	Wastes of an explosive nature not subject to other legislation
Y16	Wastes from production, formulation and use of photographic chemicals and processing materials
Y17	Wastes resulting from surface treatment of metals and plastics
Y18	Residues arising from industrial waste disposal operations
WASTES HAVING AS CONSTITUENTS	
Y19	Metal carbonyls
Y20	Beryllium; beryllium compounds
Y21	Hexavalent chromium compounds
Y22	Copper compounds
Y23	Zinc compounds
Y24	Arsenic; arsenic compounds
Y25	Selenium; selenium compounds
Y26	Cadmium; cadmium compounds
Y27	Antimony; antimony compounds
Y28	Tellurium; tellurium compounds
Y29	Mercury; mercury compounds
Y30	Thallium; thallium compounds
Y31	Lead; lead compounds
Y32	Inorganic fluorine compounds excluding calcium fluoride
Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid form
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorus compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan

Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)
Y46	Wastes collected from households
	Residues arising from the incineration of household wastes

Annexure 2

Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:		2. Serial/total number of shipments:	
3. Exporter - notifier Registration No:		4. Importer - consignee Registration No:	
Name:		Name:	
Address:		Address:	
Contact person:		Contact person:	
Tel:		Tel:	
Fax:		Fax:	
E-mail:		E-mail:	
5. Actual quantity: Tonnes (Mq):		6. Actual date of shipment:	
m³:			
7. Packaging Type(s) (1):		Number of packages:	
Special handling requirements: (2)		Yes <input type="checkbox"/> No <input type="checkbox"/>	
8.(a) 1st Carrier (3):		8.(b) 2nd Carrier:	
Registration No:		Registration No:	
Name:		Name:	
Address:		Address:	
Tel:		Tel:	
Fax:		Fax:	
E-mail:		E-mail:	
8.(c) Last Carrier:			
Registration No:			
Name:			
Address:			
Tel:			
Fax:			
E-mail:			
----- To be completed by carrier's representative -----			More than 3 carriers (2) <input type="checkbox"/>
Means of transport (1):		Means of transport (1):	
Date of transfer:		Date of transfer:	
Signature:		Signature:	
9. Waste generator(s) - producer(s) (4/5/6):		12. Designation and composition of the waste (2):	
Registration No:			
Name:			
Address:			
Contact person:		13. Physical characteristics (1):	
Tel:			
Fax:			
E-mail:			
Site of generation (2):		14. Waste identification (fill in relevant codes)	
Country of origin of waste		(i) Basel Annex VIII (or IX if applicable):	
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/>		(ii) OECD code (if different from (i)):	
Registration No:		(iii) EC list of wastes:	
Name:		(iv) National code in country of export:	
Address:		(v) National code in country of import:	
Contact person:		(vi) Other (specify):	
Tel:		(vii) Y-code:	
Fax:		(viii) H-code (1):	
E-mail:		(ix) UN class (1):	
Actual site of disposal/recovery (2)		(x) UN Number:	
11. Disposal/recovery operation(s)		(xi) UN Shipping name:	
D-code / R-code (1):		(xii) Customs code(s) (HS):	
15. Exporter's - notifier's / generator's - producer's (4) declaration:			
I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned.			
Name:		Signature:	
Date:			
16. For use by any person involved in the transboundary movement in case additional information is required			
17. Shipment received by importer - consignee (if not facility):		Date:	
		Name:	
		Signature:	
TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY			

18. Shipment received at disposal facility		<input type="checkbox"/>	or recovery facility		<input type="checkbox"/>	19. I certify that the disposal/recovery waste described above has been
Date of reception:		Accepted:		<input type="checkbox"/>	Rejected*:	
Quantity received:	Tonnes (Mg):	m ³ :		*immediately contact competent authorities		Name:
Approximate date of disposal/recovery:						Date:
Disposal/recovery operation (1):						Signature and stamp:
Name:						
Date:						
Signature:						

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than 3 carriers, attach information as required in blocks 8 (a, b, c).

(4) Required by the Basel Convention hazardous waste

(5) Attach list if more than one

(6) If required by national legislation

FOR USE BY CUSTOMS OFFICES (If required by national legislation)			
20. Country of export - dispatch or customs office of exit The waste described in this movement document left the country on: Signature: Stamp:		21. Country of import - destination or customs office of entry The waste described in this movement document entered the country on: Signature: Stamp:	
22. Stamps of customs offices of transit countries			
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:

List of abbreviations and codes

To be used when completing the Movement document

DISPOSAL OPERATIONS (block 11)

- D1 Deposit into or onto land, (e.g., landfill, etc.)
 D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
 D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
 D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
 D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
 D6 Release into a water body except seas/oceans
 D7 Release into seas/oceans including sea-bed insertion
 D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
 D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)
 D10 Incineration on land
 D11 Incineration at sea
 D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)
 D13 Blending or mixing prior to submission to any of the operations in this list
 D14 Repackaging prior to submission to any of the operations in this list
 D15 Storage pending any of the operations in this list

RECOVERY OPERATIONS (block 11)

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
 R2 Solvent reclamation/regeneration
 R3 Recycling/reclamation of organic substances which are not used as solvents
 R4 Recycling/reclamation of metals and metal compounds
 R5 Recycling/reclamation of other inorganic materials
 R6 Regeneration of acids or bases
 R7 Recovery of components used for pollution abatement
 R8 Recovery of components from catalysts
 R9 Used oil re-refining or other reuses of previously used oil
 R10 Land treatment resulting in benefit to agriculture or ecological improvement
 R11 Uses of residual materials obtained from any of the operations numbered R1-R10
 R12 Exchange of wastes for submission to any of the operations numbered R1-R11
 R13 Accumulation of material intended for any operation in this list.

PACKAGING TYPES (block 7)

10. Drum
 11. Wooden barrel
 12. Jerrican
 13. Box
 14. Bag
 15. Composite packaging
 16. Pressure receptacle
 17. Bulk
 18. Other (specify)

MEANS OF TRANSPORT (block 8)

- R = Road
 T = Train/rail
 S = Sea
 A = Air
 W = Inland waterways

H-CODE AND UN CLASS (block 14)

UN Class	H-code	Characteristics
1	H1	Explosive
3	H3	Flammable liquids
4.1	H4.1	Flammable solids
4.2	H4.2	Substances or wastes liable to spontaneous combustion
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1	H5.1	Oxidizing
5.2	H5.2	Organic peroxides
6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases in contact with air or water
9	H11	Toxic (delayed or chronic)

PHYSICAL CHARACTERISTICS (block 13) 8. Powdery/powder 9. Solid 10. Viscous/paste 11. Sludgy 12. Liquid 13. Gaseous 14. Other (specify)	9	H12	Ecotoxic
	9	H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

Y-codes for use when importing or exporting hazardous waste**To be used when completing the Movement document**

CONTROLLED WASTE STREAMS	
Y1	Clinical wastes from medical care in hospitals, medical centres and clinics
Y2	Wastes from the production and preparation of pharmaceutical products
Y3	Waste pharmaceuticals, drugs and medicines
Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals
Y6	Wastes from the production, formulation and use of organic solvents
Y7	Wastes from heat treatment and tempering operations containing cyanides
Y8	Waste mineral oils unfit for their originally intended use
Y9	Waste oils/water, hydrocarbons/water mixtures, emulsions
Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
Y13	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
Y14	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
Y15	Wastes of an explosive nature not subject to other legislation
Y16	Wastes from production, formulation and use of photographic chemicals and processing materials
Y17	Wastes resulting from surface treatment of metals and plastics
Y18	Residues arising from industrial waste disposal operations
WASTES HAVING AS CONSTITUENTS	
Y19	Metal carbonyls
Y20	Beryllium; beryllium compounds
Y21	Hexavalent chromium compounds
Y22	Copper compounds
Y23	Zinc compounds
Y24	Arsenic; arsenic compounds
Y25	Selenium; selenium compounds
Y26	Cadmium; cadmium compounds
Y27	Antimony; antimony compounds
Y28	Tellurium; tellurium compounds
Y29	Mercury; mercury compounds
Y30	Thallium; thallium compounds
Y31	Lead; lead compounds
Y32	Inorganic fluorine compounds excluding calcium fluoride
Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid form
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorus compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan

Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)
Y46	Wastes collected from households
	Residues arising from the incineration of household wastes

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1148

30 OCTOBER 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****CALL ON TYRE INDUSTRY TO PREPARE AND SUBMIT AN INDUSTRY WASTE TYRE
MANAGEMENT PLAN TO THE MINISTER FOR APPROVAL**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby under section 28(1), read with section 31 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the Tyre Industry to prepare and submit an industry waste tyre management plan to the Minister for approval, as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

Definitions

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

 “**industry waste tyre management plan**” means an industry waste management plan for the management of waste tyres;

 “**parties**” means subscribers to an approved industry waste tyre management plan.

 “**processing**” means the reuse, recycling, recovery or treatment activities undertaken in the management of waste tyre;

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

 “**tyre**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2017;

 “**tyre producer**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2017;

 “**waste tyre**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2017; and

 “**Waste Tyre Regulations, 2017**” means the regulations published under Government Notice No. 1064, Gazette No. 41157 of 29 September 2017.

Scope of Notice

2. The purpose of this Notice is to require a tyre producer to prepare and submit an industry waste tyre management plan to the Minister for approval.

Preparation and submission of industry waste tyre management plan for approval

3. (1) A tyre producer must either—
 - (a) prepare and submit an industry waste tyre management plan to the Minister for approval, within two months from the date of publication of this Notice in the *Gazette*; or
 - (b) subscribe to an industry waste tyre management plan submitted to the Minister for approval.
- (2) Notwithstanding subregulation (1), any person, category of persons or industry may elect to prepare and submit an industry waste tyre management plan for approval to the Minister, within two months from the date of publication of this notice in the *Gazette*.

Content of an industry waste tyre management plan

4. An industry waste tyre management plan, contemplated in paragraph 3 of this Notice must—
- (a) identify the parties to the industry waste tyre management plan;
 - (b) provide details of the governance model for the industry waste tyre management plan, including how industry representivity and participation will be addressed and how the existing infrastructure in the waste tyre industry will be taken into account;
 - (c) provide annual projection of the quantities and types of tyres that are manufactured or imported that will become waste tyres and will be managed through the industry waste tyre management plan;
 - (d) indicate how the waste hierarchy will be given effect to, in the industry waste tyre management plan;
 - (e) include measures to prevent pollution or ecological degradation;
 - (f) include measures or programmes to minimise the generation of waste tyres and final disposal of waste tyres;
 - (g) include measures or actions to be taken to manage waste tyres;
 - (h) identify the manner in which waste tyre processors who will receive waste tyres through the industry waste tyre management plan will be identified and registered;
 - (i) identify the manner in which waste tyre transporters will be identified and registered through the industry waste tyre management plan and their duties;
 - (j) identify the potential number of waste tyre storage sites that will be used by the waste tyre management plan and the manner in which these sites will be registered with the plan;
 - (k) identify the industry standards that will apply to waste tyre transporters, waste tyre storage sites and waste tyre processors;
 - (l) indicate how information on waste tyres collected and treated will be recorded;
 - (m) identify the timeframes in which the different types of tyres will be managed for a period of five years, noting that all tyres and sizes of tyres must be managed through an industry waste tyre management plan within 60 days of date of approval of a plan;
 - (n) provide estimations of the costs of implementing the waste tyre management plan for a period of five years and the submission of an annual business plan to the Minister including a breakdown of the activities of the industry waste tyre management plan together with their costs;
 - (o) be aligned to the National Pricing Strategy for Waste Management (Extended Producer Responsibility tax; government managed model) as published under Government Notice 904 of 11 August 2016;
 - (p) provide targets for waste minimisation through the reduction, re-use, recycling and recovery of waste tyres for a period of five years;

- (q) provide where applicable, an estimate of revenue that will be generated through the implementation of the industry waste tyre management plan for a period of five years;
- (r) indicate how the industry waste tyre management plan will raise national awareness regarding the management of waste tyres;
- (s) provide detailed measures on how the industry waste tyre management plan will address issues of social responsibility in the tyre industry and issues of historically disadvantaged communities;
- (t) provide specific measures in which historically disadvantaged individuals will meaningfully participate in the tyre industry and the implementation of the industry waste tyre management plan;
- (u) provide specific targets on job creation, the promotion of small businesses, training and development, including the meaningful participation of the historically disadvantaged individuals that will be realised in the tyre industry;
- (v) indicate the frequency and extent of monitoring, auditing and reporting on the industry waste tyre management plan to the Waste Management Bureau envisaged;
- (w) provide measures to be implemented to give effect to best environmental practice in respect of waste tyre management;
- (x) indicate the measures to be put in place to address the stockpiles of waste tyres;
- (y) provide a costed annual implementation plan for the implementation of the industry waste tyre management plan for a period of five years, on the year prior to the year of implementing that implementation plan; and
- (z) provide for the obligation to annually provide details of agreements reached in terms of any waste tyre stockpile abatement plans.

Consultation process

5. (1) A tyre producer contemplated in paragraph 1 of this Notice must bring the contents of the proposed industry waste tyre management plan to the attention of the relevant organs of state, interested and affected persons and public by—

- (a) publishing a notice in at least two newspapers distributed nationally stating the following:
 - (i) details of the tyre producer who prepared the industry waste tyre management plan;
 - (ii) details where copies of the industry waste tyre management plan can be obtained;
 - (iii) invitation to stakeholders to submit written representations or objections within 30 days after publication of the newspaper advert;
 - (iv) details where written representations or objections must be sent to;

- (b) distributing the proposed industry waste tyre management plan to all known stakeholders and invite the stakeholders to submit written representations on or objections to the tyre producer responsible for preparing the industry waste management plan; and
 - (c) using any other reasonable means to enable the persons (especially the existing informal sector) to submit written representations on or objections on the industry waste tyre management plan.
- (2) A tyre producer responsible for preparing the industry waste tyre management plan must give due consideration to all written representations on or objections received, and a copy of all comments and responses must be submitted to the Minister, together with the final draft of the industry waste tyre management plan for approval.

Consideration of industry waste tyre management plan

6. The Minister must comply with sections 32 and 33 of the Act when considering an industry waste tyre management plan submitted to the Minister for approval in terms of this Notice.

Review of industry waste tyre management plan

7. The provisions of section 34 of the Act are applicable to the review of an industry waste tyre management plan approved by the Minister in terms of this Notice.

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