

MURANG'A COUNTY GOVERNMENT



SUSTAINABLE WASTE MANAGEMENT RULES AND REGULATIONS 2024

INTRODUCTION

Waste Management is a devolved function according to the schedule for the Kenyan Constitution. Murang'a County government endeavors to operationalize Murang'a County Sustainable Waste Management Act of 2022 in line with Kenya National Sustainable Waste Management Act of 2021 and the National Sustainable Waste Management Policy.

The county shall provide landfill, material recovery facilities and refuse chambers for use in the Waste Management. It will also designate dust bins at various points across the County. It shall be the responsibility of the landlords and the Institution heads to deliver waste in segregated form to the designated dust bins and designated chambers.

It shall be the responsibility of the County to provide, operate and manage Landfill and the material recovery facilities. The County shall also transport materials from the legally designated bins to the material recovery facility and Landfill.

The County will also issue licenses to all players providing Waste Management services.

The county shall provide information and create awareness to the general public on the Sustainable Waste Management

The county shall provide and review guidelines, plans, strategies and policies to be used in the Waste Management Services.

These regulations may be cited as the Murang'a County Sustainable Waste Management regulations, 2024

Below are the detailed Rules and Regulations:

1. WASTE SEGREGATION

The County shall enforce waste segregation policy at the source for domestic, commercial, industrial and medical facilities and other establishments.

The colour codes shall be as follows:

- A. Green – Organic waste
- B. Blue – Recyclable waste
- C. Yellow – Medical waste
- D. Red – Hazardous Waste
- E. Black – General waste

Failure to Segregate at the source shall attract a fine of Ksh. 100,000

2. EXTENDED PRODUCER RESPONSIBILITY

The County government shall fully enforce extended producer responsibility 2024 (see annex 2)

3. WASTE SERVICE PROVIDERS

The county government shall register and approve waste service providers operating within the county. The requirements for registration includes the following:

- Name of applicant (Individual or Firm)
- PIN No.....
- Business Registration No. (*where applicable*)Date
- Postal Address.....
- Telephone No.....
- Physical Location..... Email:.....
- Contact Person.....Designation.....
Email..... Mobile No.....
- Application Form
- Certificate of Registration for the Company

The license fee shall be as follows:

Waste handlers - Ksh 100,000

Waste transporters – Ksh 40,000

4. Landfill

The county Government shall operate the landfill to handle non-recyclable waste from Material Recovery Facilities. Only licensed providers shall be allowed to take waste to the landfill.

The charges Ksh 500/ton

5. COMPOSTING

The county government shall encourage composting for all biodegradable waste. Only licensed providers shall be allowed to do the composting.

License fee for composting shall be Ksh 40,000

6. INCENERATION

The County government shall allow incineration of non-recyclable waste by the waste providers with approved incinerators. The license fee for incineration will be Ksh 40,000

7. WASTE HIERACHY

The commercial and industrial establishment shall provide organogram showing waste hierarchy within the establishments.

8. RECYCLING

The county government shall encourage waste providers to recycle all recyclable waste. The license fee for recycling shall be Ksh 100,000

9. DUMPSITE MAPPING

The county government shall map and designate legal dumping points across the county. Dumping outside legally designated points shall attract a fee of Ksh 100,000.

10. WASTE TREATMENT

The waste service providers shall treat hazardous waste before it's taken to the landfill.

11. WASTE RECORDS

All establishments shall keep waste records as provided for by the check-list to be provided by the county government.

12. WASTE REDUCTION

The county government shall encourage and adopt waste reduction at all points of waste generation.

13. RECYCLING

The county government shall encourage and adopt waste recycling principles at waste generation points at the Material Recovery facilities.

14. PUBLIC INFORMATION AND AWARENESS

The county government shall disseminate waste information and create awareness on waste management to the general public.

Annex 1

Waste hierarchy – the order of management preferences for waste management which considers the prevention of its generation as the first alternative; then its recovery, which includes the preparation for reuse, the recycling of one or more of its components and the energy recovery of the waste, leaving as a last alternative final disposal in an engineered landfill.

“domestic waste” means waste generated from residences that are not hazardous;

“extended producer responsibility measures” means measures that extend a person's or a firm's financial or physical responsibility for post-consumer stage of the product,

“Materials Recovery Facility” (MRF) – A materials recovery facility (MRF) is a specialized plant that receives, separates and prepares recyclable materials for marketing and subsequent use in terms recycling of the dry materials and composting of the organic materials and processing of secondary raw materials.

“recovery” means the controlled extraction of a material or the retrieval of energy from waste to produce a product;

“recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“re-use” means the action or practice of using something again, whether for its original purpose or to fulfil a different function;

“sustainable waste management” means using material resources efficiently to cut down on the amount of waste produced, and where waste is generated dealing with it in a way that actively contributes to the economic, social and environmental goals of sustainable development;

“hazardous substances” means any substance, which on entry into an organism through ingestion, inhalation and dermal contact is injurious, causes physiological, or biochemical disturbances or otherwise causes deterioration of the functions of the organism in any way;

“waste” means any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or

Annex 2

SPECIAL ISSUE

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(Legislative Supplement No. 85)

LEGAL NOTICE NO. 176

THE SUSTAINABLE WASTE MANAGEMENT ACT

(Cap. 387C)

THE SUSTAINABLE WASTE MANAGEMENT (EXTENDED PRODUCER RESPONSIBILITY) REGULATIONS, 2024

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THE SUSTAINABLE WASTE MANAGEMENT ACT

(Cap. 387C)

IN EXERCISE of the powers conferred by section 13, as read with section 33 of the Sustainable Waste Management Act, the Cabinet Secretary for Environment, Climate Change and Forestry, makes the following Regulations—

THE SUSTAINABLE WASTE MANAGEMENT (EXTENDED PRODUCER RESPONSIBILITY) REGULATIONS, 2024

PART I—PRELIMINARY

1. These Regulations may be cited as the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“agent” means a registered entity contracted by a producer responsibility organization to deliver specific extended producer responsibility services on its behalf;

“brand” means a registered a trade mark under which a product is sold;

“brand owner” means the registered owner of the trademark;

“circular economy” means an environmental management approach that promotes initiatives for designing and redesigning waste from products, extraction of maximum value from natural resources, closing of material loops and creation of new value from materials that would otherwise have been considered as waste;

“collective extended producer responsibility compliance scheme” means a system where producers execute extended producer responsibility obligations in a producer responsibility organization;

“converter” means an entity that transforms or combines secondary raw materials to produce a new product;

“consumer” means the end user of a product;

“control audit” means a study commissioned by the Authority to evaluate performance of a extended producer responsibility scheme in order to confirm compliance or management systems implementation gaps;

“deposit refund scheme” means a collection system that requires a monetary deposit on a product at the point of sale where consumers redeem the deposit when they return the product;

“environmentally friendly” means the practice of reducing environmental degradation and pollution by making products that comply with environmental sustainability principles including minimal waste production, reusability, recyclability, composability, biodegradability and safe disposability;

“environment sustainability” means responsible interaction with the environment to avoid pollution, depletion or degradation of natural resources and allow long-term environmental quality;

“free rider” means —

- (a) an individual or entity that does not contribute to a collective scheme but benefits from its existence and action and it includes a producer who fails to manage own products at the post-consumer stage;
- (b) a producer who under declare their volumes, or fail to demonstrate fulfilment of individual extended producer responsibility obligations, producers in a pooled scheme who fail to pay their subscriptions, submit accurate information or fulfil their membership requirements;

“individual extended producer responsibility compliance scheme” means a system where direct execution of the extended producer responsibility obligations falls on an entity that is a sole producer of a product;

“mandatory initiatives” means producer responsibility compliance schemes implemented through Government regulation;

“packaging” means the material in which a product is wrapped or covered in order to protect it or prevent it from being contaminated, facilitate handling, transportation and delivery and for purposes of these Regulations, shall also be considered as a product;

“post-consumer” means a period after usage when a product or packaging is discarded by a consumer or becomes waste;

“product” means a good or packaging introduced in the market by any entity or person through production, importation, franchising, marketing, a distribution outlet and channels, for consumption by the consumer;

“producer responsibility organization” means a producers’ membership organization set up to assume legal obligation to implement extended producer responsibility on behalf of its members in a collective extended producer responsibility compliance scheme;

“product life cycle” means the process a product goes through in all its stages from raw material extraction, design, production, transportation, distribution, consumption or use, repair and maintenance, recycling and end of life disposal; and

“take-back” means a mechanism through which producers collect their products from consumers.

3. The object and purpose of these Regulations shall be to—

Object and purpose.

- (a) extend the responsibility of a producer over a product and its packaging during the life cycle of the product or its packaging;
- (b) provide a framework for the establishment and operation of mandatory extended producer responsibility schemes; and
- (c) the operationalization of the polluter pays principle.

4. (1) These Regulations shall apply to—

Application of the Regulations.

- (a) producers;
- (b) extended producer responsibility compliance schemes; and
- (c) the products set out in the First Schedule.

(2) These Regulations shall apply to products that produce waste that negatively impact the environment, human and animal health, due to the—

- (a) challenge they pose on—
 - (i) reuse;
 - (ii) recyclability; and
 - (iii) recoverability; and
- (b) high management cost of the products at post-consumer stage because of the—
 - (i) quantities involved;
 - (ii) hazardous nature; and
 - (iii) risks involved.

PART II—EXTENDED PRODUCER RESPONSIBILITY OBLIGATIONS

producer
responsibility obligations.

5. (1) Pursuant to section 13 of the Act, a producer shall—

Extended

- (a) establish a take back scheme which may include a deposit refund system;
- (b) set up and register an individual or a collective extended producer responsibility compliance scheme;
- (c) join a collective extended producer responsibility compliance scheme;
- (d) register with the Authority;
- (e) provide the Authority with reports of the status of the implementation of their extended producer responsibility obligations to the Authority;
- (f) design products and packaging materials that minimize waste, facilitate reuse, recycling, recovery and use of secondary raw materials where possible and are environmentally friendly at their end of life;
- (g) take financial, organizational and physical responsibility for the management, treatment and disposal of their post-consumer products and end of life treatment for the waste generated by their products;

- (h) provide consumers with information and raise awareness on management of post-consumer products that they introduce in the market;
- (i) carry out product life cycle assessment in relation to their products for enhancing environmental sustainability; and
- (j) put in place circular economy initiatives and any other measures to reduce impact of their product on health and environment.

6. (1) Each importer of a finished product set out in the First Schedule shall pay to the Authority, at the point of importation, the corresponding fee set out in the First Schedule.

Extended
producer
responsibility
fees.

(2) Each importer shall, for purposes of importing any of the products set out in the First Schedule, apply to the Authority, at the point of import, for an extended producer responsibility certificate in Form A as set out in the Second Schedule and pay the corresponding product fee set out in the First Schedule.

(3) The application under sub-regulation (2) shall be accompanied by the following—

- (a) a description of the importer;
- (b) documentation showing the nature and quantities of the product; and
- (c) proof of payment of the requisite fee.

(4) The Authority may, within fourteen days of receipt of an application under this regulation—

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(5) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (4), within seven days of making the decision.

(6) Where the Authority approves the application under sub-regulation (4)(a), the Authority shall issue to the importer an Extended Producer Responsibility Certificate in Form B as set out in the Second Schedule.

(7) The Extended Producer Certificate issued under this regulation shall form part of the mandatory clearance and inspection documentation for an importer importing any of the items set out in the First Schedule.

7. (1) A producer shall apply to the Authority for registration as a producer in Form C as set out in the Second Schedule and pay the fee set out in the Third Schedule.

Registration of
producers.

(2) The application under sub-regulation (1) shall be accompanied by the following documents—

- (a) a copy of the Registration Certificate issued by the Registrar of Companies;
- (b) a document indicating the goods, product and packaging introduced into the country; and
- (c) proof of payment of the requisite fee.

(3) The Authority shall, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a Registration Certificate in Form D set out in the First Schedule.

(6) Where the Authority rejects the application for registration under sub-regulation (3)(c), the applicant shall have a right to appeal to in accordance with section.

8. (1) Every producer shall, upon registration, fulfil the obligations set out in regulation 5 either individually or collectively by—

Extended producer responsibility obligations.

- (a) setting up an individual producer responsibility compliance scheme; or
- (b) joining a collective extended producer responsibility compliance scheme.

(2) A producer may transfer part of or the entire extended producer responsibility obligations, subject to a membership agreement, to a collective extended producer responsibility compliance scheme through a producer responsibility organization, in which the producer takes membership.

(3) Despite sub-regulation (1), the lack of an established extended producer responsibility compliance scheme shall not exempt a producer from the extended producer responsibility obligations under regulation 5.

9. (1) The Authority shall register extended producer responsibility schemes as—

Registration of extended producer responsibility schemes.

- (a) individual producer responsibility compliance schemes where there is a single producer; or

- (b) collective producer responsibility compliance schemes where there is more than one producer.

(2) For the purposes of sub-regulation (1)(b), the collective schemes shall be established on the basis of similarity of products, their uses and the nature of waste arising therefrom.

(3) The registered extended producer responsibility schemes shall establish appropriate mechanisms and structures for the management of each product under its respective category.

10. (1) For the purposes of regulation 9, a producer shall apply to the Authority for registration of an individual extended producer responsibility compliance scheme in Form E as set out in the Second Schedule and pay the fee set out in the Third Schedule.

Registration of individual extended producer responsibility compliance schemes.

(2) The application under sub-regulation (1) shall be accompanied by the following—

- (a) a declaration that the applicant is the producer of the product in the country;
- (b) a certificate of conformity issued by the relevant authority in respect of the products produced by the producer;
- (c) a copy of registration certificate from the Registrar of Companies;
- (d) a copy of the producer's extended producer responsibility plan;
- (e) copies of agreements entered into with approved waste service providers; and
- (f) proof of payment of the requisite fees.

(3) The Authority may, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a Registration Certificate in Form F as set out in the Second Schedule.

Requirements for registration of a producer responsibility organization.

11. (1) A collective extended producer responsibility organization shall, before implementing an extended producer responsibility on behalf of its members, apply to the Authority for registration in Form E as set out in the Second Schedule and pay the fee set out in the Third Schedule.

(2) The application under sub-regulation (1) shall be accompanied by the following—

- (a) proof of registration by the Registrar of Companies under the Companies Act; Cap. 486.
- (b) a certified copy of the most recent register of the members of the extended producer responsibility organization;
- (c) copies of the Extended Producer Responsibility Registration Certificates issued to each member of the extended producer responsibility organization;
- (d) certified copy of agreements with the approved waste service providers;
- (e) a copy of the extended producer responsibility fee structure agreed among the members of the extended producer responsibility organization;
- (f) a progress report on achievement of set targets, in case of renewal of registration;
- (g) a copy of the annual Extended Producer Responsibility audit, in case of renewal of registration;
- (h) report conducted by an independent auditor approved by the Authority, in case of renewal of registration;
- (i) a list of the directors of the company issued by the Registrar of Companies;
- (j) a copy of the PIN Certificate issued by the Kenya Revenue Authority;
- (k) a copy of a lease agreement or proof of ownership of the facility of operation;
- (l) an extended producer responsibility plan prepared in accordance with these Regulations;
- (m) a budget or financial plan for the extended producer responsibility scheme;
- (n) a copy of signed minutes of the meeting adopting the updated extended producer responsibility plan signed by representatives of products within the category;
- (o) an organogram for the producer responsibility organization;
- (p) work plan and budget for the coming year;
- (q) certified copy of annual audited financial accounts;
- (r) copy of a dispute resolution mechanism for the members participating in the extended producer responsibility scheme;
- (s) a copy of the Memorandum of Association of the company declaring that the sole business of the company is to undertake extended producer responsibility obligations on behalf of the members; and

(t) proof of payment of the relevant fees.

(3) The Authority may, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a registration certificate in Form F as set out in the Second Schedule.

(6) The certificate of registration issued under sub-regulation (5) shall indicate the extended producer responsibility number.

(7) A producer shall not switch from one collective extended producer responsibility scheme to another unless at the beginning of a new contract year and after giving a three months' notice to the collective extended producer responsibility scheme and copying the same to the Authority.

12. (1) The registration of an individual extended producer responsibility compliance scheme shall be approved by the Authority for a maximum period of four years, which shall be renewable, on condition that the producer demonstrates proof of operational, technical, managerial and financial capacity to meet their extended producer responsibility obligations and the national targets.

Approval of extended producer responsibility compliance scheme by Authority.

(2) The registration of a producer responsibility organization shall be approved by the Authority for a maximum period of four years, which shall be renewable, on condition that the producer responsibility organization demonstrates technical, managerial, financial and staffing and operational capacity to fulfil the requirements set out in the articles of association and agreements set by the members and stakeholders in the value chain.

13. (1) The Authority may revoke, suspend or cancel an extended producer responsibility Certificate of Registration if the individual extended producer responsibility compliance scheme or the producer responsibility organization does not comply with statutory requirements or fails to meet the national target set out in the extended producer responsibility agreement entered into by the parties in the collective scheme.

Revocation, suspension or cancellation of Certificate of Registration.

(2) An extended producer compliance scheme whose Registration Certificate has been revoked may apply to the Authority for registration upon compliance with the conditions set out in the revocation.

14. (1) A producer or producer responsibility organization shall, upon registration, apply to the Authority for an annual operating licence in Form Gas set out in the Second Schedule and pay the fee set

Annual operating licence.

out in the Third Schedule to undertake producer responsibility obligations for products listed in the First Schedule.

(2) An application for an annual operating licence under sub-regulation (1) shall be accompanied by the following documents—

- (a) a copy of the progress report for the preceding year;
- (b) a copy of the list of Directors of the Company issued by the Registrar of Companies
- (c) a certified copy of current register of producer responsibility organisation members;
- (d) certified copy of agreements with the approved service providers;
- (e) a copy of the Extended Producer Responsibility Registration Certificate;
- (f) a work plan and budget for the coming year;
- (g) proof of payment of the fees set out in the Third Schedule; and
- (h) a duly executed resolution of the company.

(3) The Authority shall, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for an annual operating licence under sub-regulation (3)(a), the Authority shall issue an annual operating licence in Form has set out in the Second Schedule to individual producers' extended producer responsibility compliance schemes and producer responsibility organizations that fulfil their performance standards as set out in the work plan and are assessed to be of good standing by the Authority.

15. (1) The Authority may, after the issuance of an annual operating licence—

- (a) cancel or revoke such licence; or
- (b) suspend such licence for such time as the Authority may deem fit,

Revocation, suspension or cancellation of licence.

where the licensee contravenes the conditions of the licence.

(2) Where the Authority cancels, revokes or suspends a licence in accordance with this regulation, the Authority shall indicate, in writing, the reasons for such cancellation, revocation or suspension.

(3) Where a licence is revoked, suspended or cancelled under this regulation, the holder of the licence shall not proceed with the extended producer responsibility scheme and each individual member of the producer responsibility organization shall be responsible for the management of their product.

(4) Where the Authority revokes the licence of the producer responsibility organization—

- (a) an individual member of the organization may proceed to join another producer responsibility organization; and
- (b) the members of the organization shall nominate an interim committee to manage the producer responsibility organization for a period not exceeding six months within which the producer responsibility organization shall reorganize itself.

(5) For purposes of this regulation, the Authority may prohibit the producer from placing the affected product and packaging in the market.

16. (1) Every individual and collective extended producer responsibility compliance scheme shall, prior to registration develop and submit a four-year extended producer responsibility plan to the Authority indicating the following—

Extended
producer
responsibility
plan.

- (a) the baseline for the products and packaging handled;
- (b) plan for safe handling, processing and disposal of one hundred per centum equivalent volume of products declared by the producer;
- (c) plan to meet national targets for reuse, recycling or recovery operations and end of life management;
- (d) plan for continuous additionality in material recovery and recycling including circularity.
- (e) a collection, logistics, recycling and composting system and end of life disposal mechanism;
- (f) modulation of extended producer responsibility membership fees and parameters based on environmental sustainability criteria;
- (g) a program on public awareness and consumer education and information on waste segregation and proper handling of post-consumer products;
- (h) a verifiable paid-up membership list;
- (i) a list of service providers and actors in the scheme;
- (j) an eco-design standard operating procedure for the products handled by the scheme;
- (k) a mechanism of controlling banned or dangerous substances in products handled by the scheme;

- (l) an annual reporting mechanism;
- (m) a plan or projection on training and capacity building of members and actors in the scheme;
- (n) a schedule on monitoring of members, product traceability system, inspections and compliance with these Regulations;
- (o) a model of financing the scheme integrating financial flows to the entire value chain actors; and
- (p) any other actions necessary for execution of responsibility requested by the Authority.

(2) Every producer responsibility organization shall submit an annual work plan and progress report to the Authority.

17. A producer responsibility organization shall— Producer responsibility organizations obligations.

- (a) at an agreed upon fee, be responsible for executing extended producer responsibility obligations on behalf of its members;
- (b) undertake market development for the secondary raw materials market of the products under their scope;
- (c) establish research and development programs with registered research institutions on emerging technologies to improve material recovery, removal of pollutants and effective systems for handling post-consumer products; and
- (d) execute any other obligations set by the Authority for purposes of ensuring compliance with these Regulations.

18. (1) Each member of a collective extended producer responsibility compliance scheme shall pay extended producer responsibility fees, calculated using the same parameters for all the producers in a given scheme, varying from one producer to another, taking into account the— Charging and modulation of extended producer responsibility fees.

- (a) quantity of products introduced to the market;
- (b) existence of mechanism for segregation of products at source;
- (c) recyclability and recoverability of the products;
- (d) existence of markets for use of producer's secondary raw material;
- (e) absence or presence of hazardous or none hazardous but disruptive additives;
- (f) products with or without defined environmental foot prints; and
- (g) fulfilment of extended producer responsibility obligations.

(2) The collective extended producer responsibility compliance scheme shall submit to the Authority extended producer responsibility

fee structure agreed among members in accordance with these regulations.

(3) The collective extended producer responsibility compliance scheme shall remit to the Authority five per centum of the membership fee collected under these Regulations for monitoring inspection and control audits, by the 10th February of each year.

(4) The money remitted under sub regulation (3) shall form part of the Restoration Fund established under section 25 of the Act.

(5) A collective extended producer responsibility compliance scheme that contravenes the provisions of this regulation commits an offence and shall on conviction be liable to the penalty provided under section 32 of the Act.

PART III – GENERAL PROVISIONS

19. (1) Every extended producer responsibility compliance scheme shall keep and maintain records of products managed, eco-design standards, contracts entered into with agents, licensed waste service providers and recyclers, and level of performance as per the work plan.

Records.

(2) Every extended producer responsibility compliance scheme shall provide updated information on quantities of products they introduce into the national market, recyclability and reusability, interpretation of packaging labels, market traceability mechanism and any other prescribed information through reporting system established by the Authority.

(3) Every extended producer responsibility schemes both individual and collective shall submit up-to date annual report of the preceding year to the Authority by the 31st January of each year.

(4) Every extended producer responsibility compliance schemes shall provide annual reports on volumes of products collected, transported, recycled, reused, recovered and subjected to end-of life treatment to the respective counties.

(5) The Authority shall establish a reporting mechanism for all the individual and collective extended producer responsibility schemes.

20. Any person or an entity aggrieved by any decision of the Authority under these Regulations may pursuant to section 31 of the Act, appeal to the Tribunal.

Appeals.

21. (1) An individual extended producer responsibility compliance scheme or a producer responsibility organization that willfully fails to undertake any obligation under these Regulations commits an offence.

Offences.

(2) Upon conviction under sub-regulation (1), the court shall order the individual extended producer responsibility compliance scheme or the producer responsibility organization to bear the cost of management of the said obligation.

(3) A person who introduces in the market a product on behalf of a producer who is not listed in the register published by the Authority as per the Act, commits an offence.

(4) A producer or producer responsibility organization commits an offence when the producer or producer responsibility organization gives misleading or false information on quantities held or managed under the extended producer responsibility scheme.

(5) A producer who is not a member of a related producer responsibility organization, a free rider and does not fulfil their individual obligations commits an offence.

22. A person who commits an offence under these Regulations for which no penalty has been provided shall, on conviction, be liable to the penalty provided under section 32 of the Act. General penalty.

23. Each producer in operation before the commencement of these Regulations shall apply to the Authority for registration within six months after the commencement of these Regulations and shall ensure compliance with the provisions of these Regulations. Transitional Provision.

FIRST SCHEDULE
LIST OF PRODUCTS AND PACKAGING SUBJECT TO EXTENDED PRODUCER
RESPONSIBILITY COMPLIANCE SCHEME

[rr. 4(1)(c), 6(1), (2), (7), 7(5), 14(1)]

NO.	PRODUCT	AMOUNT (KShs) <i>Per item</i>
1.	Packaging for non-hazardous products (plastics, aluminium, composite, paper and its corrugates, glass, cardboard and carton).	150
2.	Hazardous products' packaging (Industrial chemicals, oil and lubricants, pharmaceuticals, agrochemicals, veterinary, cosmetics, paints and solvents), treated wood and agricultural films.	150
3.	Electrical and Electronic Equipment, Mercury Auto Switches, thermostats, Battery and Accumulators.	150
4.	End of life motor vehicles, automobiles, aircrafts, locomotives.	150
5.	Non packaging items (Plastics, glass, paper, cardboard), Furniture (except wooden, metallic), Rubber and Tyres, textiles, leather, artificial hair, diapers and sanitary towels.	150

SECOND SCHEDULE

FORM A

(r.6(2))

APPLICATION FOR EXTENDED PRODUCER RESPONSIBILITY IMPORT CERTIFICATE

PART A: DETAILS OF APPLICANT

A1: Name of applicant (Individual or Firm).....

A2: Nationality.....

A3: PIN No.....

A4: Business Registration No. (*where applicable*)Date

A5: Postal Address.....

A6: Telephone No.....

A7: Physical Location.....

A8: Email:

A9: Contact Person..... Designation.....

A10: Consignment No.....

Email.....

Mobile No.....

A10: Indicate the category(s) of the import product

.....

A11: List and Quantity of Products and packaging (attach another page if necessary)

.....

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant

Full name in block letters

Position

On behalf of.....Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

(a) Application Form;

(b) Certificate of Registration for the Company.

(c) Documents indicating the type of products and packaging introduced to the Kenyan Market

(b) The prescribed fee: Payable to:

Account Name: NEMA Revenue Account No. 1102298158

Bank: KCB, KICC Branch

Director-General
The National Environment Management Authority Kapiti Road,
South C
P.O. Box 67839 – 00100 NAIROBI,
KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997
E-mail: dgnema@nema.go.ke

FORM B

(r.6(6))



EXTENDED PRODUCER RESPONSIBILITY – IMPORT CERTIFICATE

Certificate No.....

This certificate has been issued to (Extended Producer Responsibility – Importer name) in fulfilment of the extended producer responsibility import registration requirements in compliance with these Regulations.

Date of issue: Expiry

Date;.....

Signature
Director General
National Environment Management Authority

APPLICATION FOR PRODUCER REGISTRATION

PART A: DETAILS OF APPLICANT

- A1: Name of applicant (Individual or Firm).....
- A2: Nationality.....
- A3: PIN No.....
- A4: Business Registration No. (*where applicable*)Date
- A5: Postal Address.....
- A6: Telephone No.....
- A7: Physical Location.....
- A8: Email:
- A9: Contact Person.....Designation.....
- Email..... Mobile No.....
- A10: Indicate the category(s) of producer you belong (tick appropriately)
- | | | |
|-------|--------------|--------------------------|
| i. | Manufacturer | <input type="checkbox"/> |
| ii. | Importer | <input type="checkbox"/> |
| iii. | Refiller | <input type="checkbox"/> |
| iv. | Repackager | <input type="checkbox"/> |
| v. | Rebrander | <input type="checkbox"/> |
| vi. | Brand owner | <input type="checkbox"/> |
| vii. | Converter | <input type="checkbox"/> |
| viii. | Others... |(please specify) |

A11: List of Products and packaging (attach another page if necessary)

.....

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant

Full name in block letters

Position

On behalf of..... Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

- (a) Application Form;

(b) Certificate of Registration for the Company.

(c) Documents indicating the type of products and packaging introduced to the Kenyan Market

(b) The prescribed fee: Payable to:

Account Name: NEMA Revenue Account No. 1102298158

Bank: KCB, KICC Branch

Director-General,
National Environment Management Authority (NEMA) Kapiti Road,
South C,
P.O. Box 67839 – 00100 NAIROBI,
KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997

E-mail: dgnema@swiftkenya.com

PRODUCER



CERTIFICATE OF REGISTRATION

Certificate No.....

This certificate has been issued to (Producer name) in fulfilment of the extended producer responsibility registration requirements in compliance with these Regulations.

Date of issue: Expiry

Date;..... Signature

.....

Director General

National Environment Management Authority

FORM E

(rr. 10(1))(11(1))

APPLICATION FOR PRODUCER RESPONSIBILITY REGISTRATION PART A: DETAILS
OF APPLICANT

A1: Name of applicant (Individual or Firm).....

A2: Nationality.....

A3: PIN No.....

A4: Business Registration No. (*where applicable*)Date

A5: Postal Address.....

A6: Telephone No.....

A7. Physical Location.....

A8: Email:

A9. Contact Person.....Designation.....

Email..... Mobile No.....

A10: Indicate the category(s) of producer you belong (tick appropriately)

ix. Manufacturer ☐x. Importer ☐xi. Refiller ☐xii. Repackager ☐xiii. Rebrander ☐xiv. Brand owner ☐xv. Converter ☐

xvi. Others... (please specify)

A11: List of Products and packaging (attach another page if necessary)

.....

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant

Full name in block letters

Position

On behalf of..... Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

(a) Application Form;

(b) Certificate of Registration for the Company.

(c) Documents indicating the type of products and packaging introduced to the Kenyan Market

(b) The prescribed fee: Payable to:

Account Name: NEMA Revenue Account No. 1102298158

Bank: KCB, KICC Branch

Director-General

National Environment Management Authority Kapiti

Road, South C

P.O. Box 67839 – 00100 NAIROBI,

KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997

E-mail: dgnema@swiftkenya.com

FORM F

(r. 10(5)), (11(5))



EXTENDED PRODUCER RESPONSIBILITY CERTIFICATE OF
REGISTRATION

Certificate No.....

This certificate has been issued to (Extended
Producer Responsibility name) in fulfilment of the extended producer responsibility registration
requirements in compliance with these Regulations.

Date of issue: Expiry

Date;..... Signature

.....

Director General
National Environment Management Authority

FORM G

(r.14(1))

APPLICATION FOR ANNUAL LICENCE TO OPERATE INDIVIDUAL
/COLLECTIVE PRODUCERS EXTENDED PRODUCER RESPONSIBILITY SCHEME

1. I hereby apply for a licence to undertake extended producer responsibility objectives for (Category name) of which particulars are as given below:

Full Name of Applicant or contact person.....

Name of company on behalf of which the application is being made (if applicable)

.....

Producer responsibility registration number/Producer Responsibility Organization registration number (in case of renewal)..... Registered

address of Applicant/Company

(Address and postcode) Physical Locality :(location, building).....

County.....Phone/Mobile number E-mail

Address.....KRA PIN Number

Company Registration Number.....(If applicable)

2.4 Describe circular economy initiative for your product(s) [reuse, recyclability, recoverability, energy efficiency (attach additional pages as necessary).....

2.5 What is the estimated annual volume/quantity of product(s) introduced into the market?

.....

2.6 State the estimated annual amount of your product/product components at post-consumer stage.

2.7 State mechanisms put in place for identification and tracking of your product(s)?

.....

3 Attach the following documents together with the application form

- (a) Proof of registration as a company limited by guarantee as provided by the Companies Act Kenya;
- (b) Copy of list of directors (CR12) issued by the Registrar of Companies;
- (c) Kenya Revenue Authority (KRA) Pin Certificate;
- (d) A copy of lease agreement/ proof of ownership of the facility of operation;
- (e) The Extended Producer Responsibility Plan;
- (f) Budget/financial plan of the proposed scheme;

-
- (g) Signed minutes of the meeting adopting the extended producer responsibility plan signed by representatives of products within the category (for collective schemes)
 - (h) List of members of the producer responsibility organization per product
 - (i) Proposed organogram for the producer responsibility organization
 - (j) Provide a dispute resolution mechanism for the actors in the scheme
 - (k) Copy of the Memorandum of Association of the company declaring that the sole business of the company is to undertake extended producer responsibility obligations on the specific products.
 - (l) proof of payment of the relevant fees to the Authority.

FORM H

(r.14(5))

ANNUAL LICENCE TO OPERATE AN EXTENDED PRODUCER RESPONSIBILITY
SCHEME

License number:

Application Reference:

Name..... Postal

Address:

You are hereby licensed to undertake Extended Producer Responsibility Obligations for
.....(Category)

This License is valid from..... (date of issue) to.....(date of expiry)

This license is subject to the following conditions (see over leaf).

Date issued:

THIRD SCHEDULE

(r. 6(1))

FEES

Kenya Subsidiary Legislation, 2024

3079



Individual producer registration (one off) – Ksh. 5, 000 Registration

1. Collective Extended Producer Responsibility Schemes – Ksh. 10,000
2. Individual Extended Producer Responsibility Schemes - Ksh. 5,000 Annual

Licence

1. Collective Extended Producer Responsibility Scheme – Ksh. 100,000
2. Individual Extended Producer Responsibility Scheme – Ksh. 50,000 Made on the 14th October, 2024.

ADEN DUALE,

Cabinet Secretary for Environment Climate Change and Forestry.