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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
7214	National Environmental Management: Waste Act (59/2008): National Waste Exemption Regulations, 2026	54304	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7214 **11 March 2026**

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

NATIONAL WASTE EXEMPTION REGULATIONS, 2026

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby under section 69(1)(dd) and (ee), read together with sections 72 and 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM: WA), give notice of my intention to make the Regulations pertaining to the process to be followed for the lodging and processing of an application for exemption in terms of sections 74, 75, 76 and 77 of NEM: WA, as set out in the Schedule hereto.

Members of the public are invited to submit written representations or objections, within 30 days from the date of publication of this notice in the Government *Gazette* or in the national newspaper, whichever is the later date, to any of the following addresses:

By post to: The Director General
Attention: Mr Jeremia Sibande
The Department of Forestry, Fisheries, and the Environment
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0001.

By email to: jsibande@dffe.gov.za

Any enquiries in connection with the Notice can be directed to Mr Jeremia Sibande jsibande@dffe.gov.za.at (012) 399 9832/067 417 3844.

The draft Regulations Regarding Waste Exemption Applications can be accessed at http://sawic.dffe.gov.za/ under "Draft documents for comment".

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a comments and response report which may be made available to the public. If a commenting party has any objection to his or her name, or the name of the represented company/organization, being made publicly available in any comments and responses report, such objection should be highlighted as part of the comments submitted.

Comments received after the closing date may not be considered.

MR WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

TABLE OF CONTENTS

1. Definitions
2. Purpose of the Regulations
3. Application of the Regulations
4. Submission of exemption application
5. Consideration of the exemption application
6. Decision on the exemption application
7. Exemptions that can be issued by notice in the Government *Gazette*
8. Review of an exemption authorisation
9. Transfer of an exemption authorisation
10. Offences and Penalties
11. Short title and commencement

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act has that meaning, unless the context requires otherwise—

"applicant" means a person applying for an exemption in terms of these Regulations;

"Regulations" means the National Waste Exemption Regulations, 2026, pertaining to the process to be followed for the lodging and processing of an application for exemption in terms of sections 74, 75, 76 and 77 of the Act;

"the Act" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

"exemption authorisation" means a decision granted in terms of these Regulations.

2. Purpose of the Regulations

The purpose of these Regulations is to regulate the process contemplated in sections 74, 75, 76, & 77 of the Act relating to the lodging and processing of an application for exemption in terms of the Act.

3. Application of the Regulations

These Regulations apply to any person who intends to apply for an exemption in terms of section 74 of the Act, excluding an exemption from the requirement to obtain a waste management licence, the requirement to register with applicable Norms and Standards, and the requirement to conduct public participation.

4. Submission of the exemption application

(1) Subject to regulation 3 of these Regulations, any person may apply in writing in terms of section 74 of the Act, for an exemption, using the form required by the Minister, Minister responsible for mineral resources or MEC, as the case may be, from the application of a provision of the Act, to the Minister, the Minister responsible for mineral resources, or the MEC, as the case may be.

(2) An application must be accompanied by—
- (a) A completed application form;
- (b) a document explaining:
  - (i) details of the specific provision from which the person is requesting an exemption;
  - (ii) an explanation of the reasons for the application
  - (iii) need and desirability of the exemption application;
  - (iv) baseline information report;
  - (v) measures to prevent, control, and abate or mitigate pollution;
  - (vi) the best practicable environmental options available;
  - (vii) alternatives that could be taken;
  - (viii) any applicable supporting documents;
  - (ix) a declaration by the applicant that the information in the application is correct and accurate;
  - (i) the applicable application fee, if any;
  - (ii) evidence of the public participation process contemplated in subregulation (3); and
  - (iii) details of any past or current administrative or criminal enforcement action taken against the applicant, in respect of the specific provision from which the person is requesting an exemption.

(3) The applicant must conduct a public participation process for a minimum of 30 days, and must:
- (a) place an advertisement notice requesting members of the public to submit written representations or objections to the proposed application in at least one national newspaper;
- (b) the advertisement notice referred to in subregulation (3)(a) must be of a size of at least Rol x col 12x3, in black and white colour, and must be placed under the tender section;

(c) place a notice board at the generator's location that is conspicuous and accessible to the public;
(d) a notice board referred to in subregulation (3)(c) must be of a size of at least 60cm by 42cm;
(e) write, to—
  (x) Members of Executive Councils that will be affected by the proposed application; and
  (xi) any organ of state that will be affected by the proposed application; and
(f) the advertisement notice, notice board, and written notice contemplated in subregulation (3)(a)-(e), must include:
  (i) name of the applicant;
  (ii) application reference number;
  (iii) purpose of the application;
  (iv) description of the application;
  (v) link/location where further information on the application or proposed application can be obtained;
  (vi) closing date for submitting comments; and
  (vii) the manner in which and the person to whom representations in respect of the proposed application may be made.
(g) The applicant must develop and maintain a register of Interested and Affected (I&A) parties, and the register must contain:
  (iv) names of the I&A parties;
  (v) their contact details;
  (vi) addresses;
  (vii) organisation;
  (viii) comments received; and
  (ix) responses provided.
(h) The applicant must submit the evidence of the public participation process contemplated in subregulation (2).

(4) The Minister, Minister responsible for mineral resources or MEC, as the case may be, must, within 14 calendar days from the receipt of the complete application for exemption, acknowledge receipt of the application in writing and provide a reference number.

5. Consideration of the exemption application

The Minister, Minister responsible for mineral resources or MEC, as the case may be, upon receipt of the application for exemption:
(1) must consider the documentation contemplated in regulation 4(1) and (2), and the outcome of the public participation process conducted as contemplated in regulation 4(3).
(2) may request the person applying for an exemption to furnish additional information within 15 calendar days of receipt of the application for exemption, where such information is required.

6. Decision on the exemption application

(1) The Minister, Minister responsible for mineral resources, or MEC, as the case may be, must take a decision, within 60 calendar days from the date of receipt of an exemption application, to refuse or grant an exemption.
(2) If an application for exemption is granted, the Minister, Minister responsible for mineral resources or MEC, as the case may be, must issue a written exemption authorisation to the person applying for exemption stating the—
  (a) name, address, and telephone number of the person to whom the exemption is granted;
  (b) provision of the legislation from which the exemption is granted;
  (c) conditions subject to which the exemption is granted, including conditions relating to the transfer of the written exemption notice;, and
  (d) the period, not exceeding two (2) years, for which the exemption is granted.
(3) After the Minister, Minister responsible for mineral resources or MEC, as the case may be, has made a decision

on an application for exemption, the Minister, Minister responsible for mineral resources or MEC must, in writing and within 20 calendar days—

(a) notify and make available to the applicant the decision on the application for exemption; and

(b) give written reasons for the decision.

(4) The applicant must, in writing and within 20 calendar days of being notified of the decision, notify, using any of the communication methods set out in section 47D of the Act, all persons who submitted comments, objections, or oral submissions concerning the exemption application, of—

(a) the outcome of the application and the reasons for the decision; and

(b) draw the attention of all persons who submitted comments, objections, or oral submissions, to the fact that an appeal may be lodged against the decision in terms of section 43 of National Environmental Management Act, 1998 (Act No. 107 of 1998), if such appeal is available in the circumstances of the decision.

7. Exemptions that can be issued by notice in the Government *Gazette*

The Minister, Minister responsible for mineral resources or MEC, as the case may be, may, at any time, issue a notice in a Government *Gazette*, to exempt a certain category of persons.

8. Review of an exemption authorisation

(1) The Minister, Minister responsible for mineral resources or MEC, as the case may be, may—

(a) from time to time, review any exemption granted in terms of these Regulations;

(b) on good grounds, suspend or withdraw such exemption authorisation or amend the exemption authorisation, or any part thereof; and

(c) before suspending, withdrawing, or amending an exemption, the Minister, Minister responsible for mineral resources, or MEC, must give the person to whom the exemption authorisation was granted an opportunity to make representations, in writing, on the proposed suspension, withdrawal, or amendment, within a specified period.

9. Transfer of an exemption authorisation

(1) The holder of an exemption authorisation must lodge the application for a transfer of the exemption authorisation to the new owner with the Minister, Minister responsible for mineral resources or MEC, as the case may be.

(2) The application must be in the form required by the Minister, Minister responsible for mineral resources or MEC, as the case may be, and must be accompanied by such documentation and information as may be reasonably required by the Minister, Minister responsible for mineral resources or MEC, as the case may be.

(3) If the environment or the rights or interests of other parties are likely to be adversely affected, the Minister, Minister responsible for mineral resources or MEC, as the case may be, must, before deciding on the application for the transfer of an exemption authorisation, request the applicant to conduct a public participation process contemplated in regulation 4(3) and/or that may be appropriate in the circumstances to bring the application for the transfer of an exemption authorisation to the attention of relevant organs of state, interested persons and the public.

(4) When considering an application for the transfer of an exemption authorisation, the Minister, Minister responsible for mineral resources or MEC, as the case may be, may request any additional information and must take into account all relevant matters, including whether the person to whom the exclusion authorisation is to be transferred is a fit and proper person.

(5) If the Minister, Minister responsible for mineral resources or MEC, as the case may be, decides to grant permission for the transfer of an exemption authorisation, the Minister, Minister responsible for mineral resources or MEC, as the case may be, must issue an amended exemption authorisation that reflects the details of the person to whom the exemption authorisation is being transferred.

(6) The transfer of an exemption authorisation does not relieve the holder of the authorisation from whom the

authorisation was transferred, of any liability that the authorisation holder may have incurred whilst he or she was the holder of that authorisation.

10. Offences and Penalties

(1) A person commits an offence if that person –
(a) contravenes or fails to comply with a provision of these Regulations; or
(b) furnishes false or misleading information.

(2) A person convicted of an offence in terms of subregulation (1) is liable on conviction to imprisonment for a period not exceeding five years or a fine not exceeding 5 million rands, and in the case of a second or subsequent conviction, imprisonment for a period not exceeding ten years or to a fine not exceeding 10 million rands; and in both instances to both a fine and such imprisonment.

11. Short title and commencement

These Regulations are called the National Waste Exemption Regulations, 2026 and take effect on the date of their publication for implementation in the Government *Gazette*.

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