



# KENYA EPR SETUP AND LEGISLATIVE PROCESSES SUPPORTING EPR

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# OVERVIEW

- To enhance the circular economy, Kenya has launched several strategies, policies, and legislation including the Green Economy Strategy and Implementation Plan (GESIP) of 2018, the Environmental Management and Coordination Act 1999, revised 2015), the Sustainable waste Management Policy 2021, Sustainable waste Management Act 2022. In addition, Kenya banned the production and use of polythene bags (2017) and the use of single-use plastics in protected areas (2019).
- Sustainable Waste Management Act 2022 section 13 is the foundation of EPR in Kenya and states as follows:-
  1. Every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom.
  2. Every producer shall fulfill their extended producer responsibility obligations individually or collectively in a compliance scheme.
  3. The Cabinet Secretary shall, within two years of the coming into operation of this Act make regulations on extended producer responsibility.
- As a result of the provision in SWM 2022 section 13, the EPR Regulations 2023 were developed, now undergoing final drafting by Attorney General.
- Kenya is developing a dummy Sustainable Waste Management Bill for Counties, to hasten the transition to a circular economy at the grassroots level. Public consultation meetings on the dummy bill will be done soon.
- Kenya also developing EPR Guidelines for the 5 categories of PROs established by the draft EPR Regulations 2023 to help private sector players to establish EPR schemes for their products and packaging.

# PRODUCTS SUBJECT TO EPR

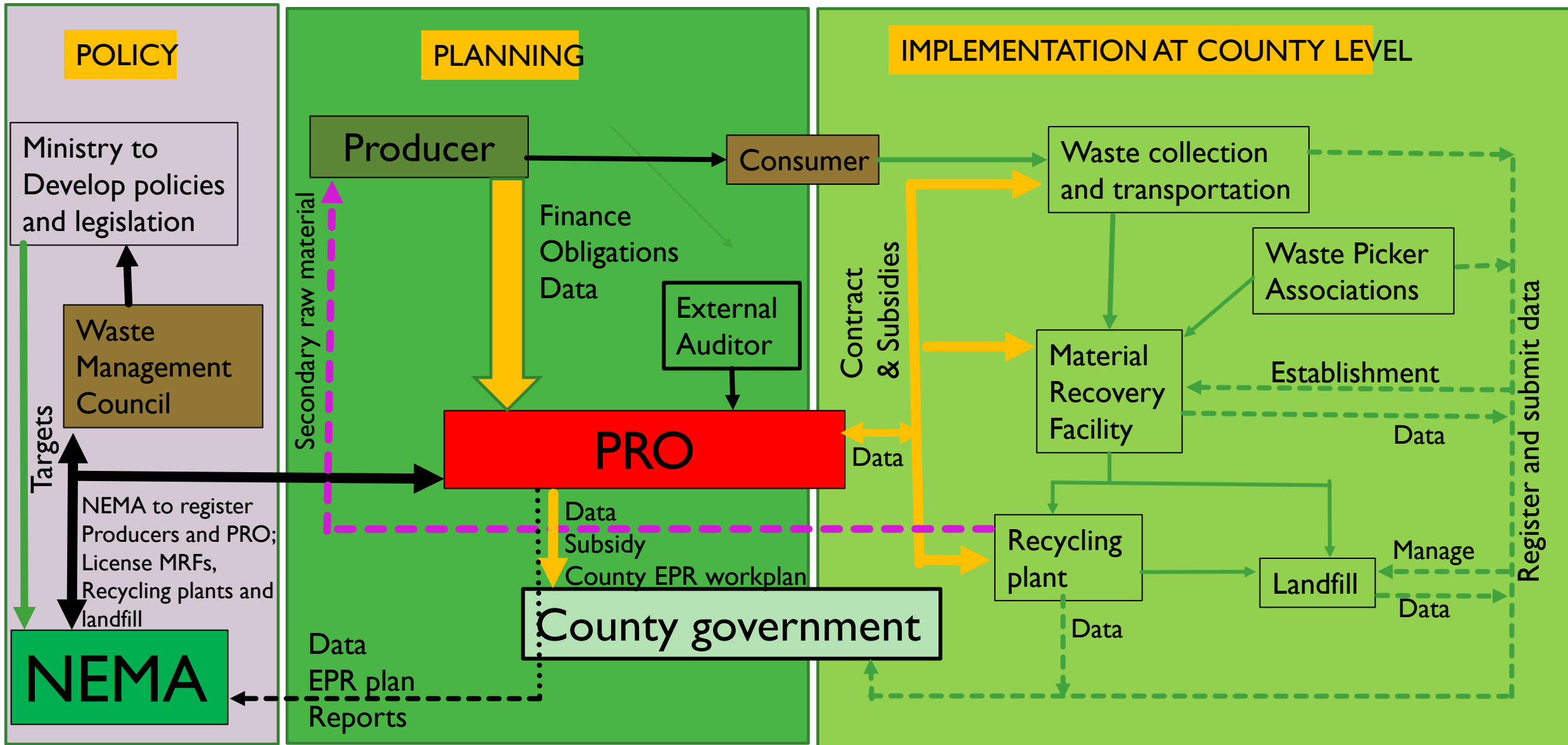
## Five categories of PROs

Category 1: Packaging for non-hazardous products	Category 2: Hazardous products' packaging	Category 3: Electrical and Electronic Equipment	Category 4: End of life motor vehicles, automobiles, aircrafts, locomotives	Category 5. Non packaging items
Items: plastics, papers and its corrugates, aluminium, composite, glass, cardboard and carton.	Items: (Industrial chemicals, oil and lubricants, pharmaceuticals, agrochemicals, veterinary, cosmetics, paints and solvents), treated wood and agricultural films	Items: Electrical and Electronic Equipment, Mercury Auto Switches, thermostats, Battery and Accumulators	Items: motor vehicles, automobiles, aircrafts, locomotives	Items: Plastics, glass, paper, cardboard, Furniture (except wooden, metallic), Rubber and Tyres, textiles, leather, artificial hair, diapers, sanitary towels.

Number of PROs: Multiple but deal with all materials per category

Design Element	Description
Product Definition	The products to be covered by the EPR are clearly defined
Producer definition and registration	NEMA to register all producers and PROs and subject them to similar obligations
Individual vs collective schemes	Schemes can be individual Producer responsibility or collective producer responsibility. There may be one single collective scheme or competing schemes
Type of Producer Responsibility	PROs have full financial and organizational responsibility. PROs collect money from producers and can enter into direct contracts with waste service providers
Setting targets and responsibilities	NEMA to set targets in consultation with the National Waste Management Council to be published by the Ministry of Environment. The targets are to be cognizant of technical and economic feasibility, the geographic and demographic characteristics etc
Setting fees and cost coverage	PROs to set fees to cover costs of waste management for their products, including separate collection, transport, disposal, administrative, and communication cost. Fees comprise of registration, annual subscription and modulated EPR fees.
Information Provision	Information to be provided by the County government and PROs to consumers and stakeholders to support the functioning of the EPR scheme. Annual AGMs to be the core decision-making organ for the PRO
Transparency Monitoring and enforcement	NEMA to monitor PROs; annual reporting is the basis for licensing; Free riders and other offenders to be persecuted

# EPR GOVERNANCE IN KENYA



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# WAY FORWARD

Engagement with various stakeholders to complete EPR related legislation (Parliament, counties, public, professionals)

Public awareness and participation

Target setting by NEMA

# OUTPUT EXPECTED



Model SWM bill for counties  
2023



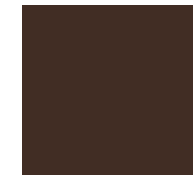
EPR guidelines 2023



EPR Regulations 2023



Stakeholder engagement  
reports



Target setting by NEMA and  
Waste Management Council  
to approve the target and  
MoECF to publish the target



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## OUTCOME

**OPERATIONAL  
EPR SCHEMES**

**ENHANCE  
RECOVERY OF  
RESOURCES BY  
THE EPR SCHEMES**

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## KEY PLAYERS

Ministry of  
Environment,  
Climate Change  
and Forestry

Council of  
Governors

Parliament

Ministry of  
Investment, Trade,  
and  
Industrialization

National  
Environment  
Management  
Authority (NEMA)

Private sector

# TIMELINES

## EPR Regulations

Finalization of drafting the EPR Regulations – March 2023

Engagement with delegated committee of parliament – March 2023

Signature by cabinet secretary – April 2023



## Draft dummy bill for counties 2023

Engagement of senior managers from counties – March 2023

Public participation – May 2023

National validation – June 2023



## EPR Guidelines

Draft I – March 2023

Stakeholder consultations – April 2023

National Validation – May 2023



**ASANTENI**

