



Kenia
Plastics
Pact

Policy Brief

Navigating the Extended Producer Responsibility (EPR) Transition in Kenya

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Date: 19th March 2026

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Introduction

The transition to a circular economy for plastics in Kenya represents a critical environmental and economic imperative. The recent implementation of the **Extended Producer Responsibility (EPR)** regulations, gazetted in November 2024 and enforced starting March 2026, marks a significant milestone in this journey. While the **initial rollout has presented operational complexities for producers and importers**, the Kenya Plastics Pact (KPP) firmly supports the EPR framework as an essential mechanism for achieving sustainable waste management.

This policy brief clarifies the fundamental purpose of EPR, addresses the perceived burdens of compliance, and outlines KPP's commitment to guiding stakeholders through this transition. By aligning with Target 1 of the KPP Roadmap to 2030, we can collectively eliminate problematic packaging and establish robust recycling mechanisms that benefit both the environment and the economy.

The Strategic Imperative of EPR

The EPR regulations, anchored in the *Sustainable Waste Management Act of 2022*, represent a paradigm shift from a linear "take-make-waste" model to a circular economy. Currently, published data indicate that only 8% of plastic in Kenya is recycled, with the remainder ending up in landfills, incinerators, or the environment. **EPR addresses this systemic failure** by holding producers, including manufacturers, importers, and brand owners, accountable for the entire lifecycle of their products, particularly post-consumer waste management.

The Kenya Plastics Pact views EPR not merely as a regulatory requirement, but as **a catalyst for innovation and systemic change**. This framework is instrumental in achieving the KPP Roadmap to 2030, specifically *Target 1: Eliminate problematic or unnecessary single-use packaging items through redesign, innovation, or reuse delivery models*. By internalising the environmental costs of packaging, EPR incentivizes producers to rethink product design, prioritize recyclability, and invest in sustainable alternatives.

Furthermore, EPR establishes the necessary financial mechanisms to support recycling infrastructure. The funds generated through EPR compliance are crucial for developing secondary raw material markets, supporting the informal waste sector, and building the

capacity required to **achieve KPP's target of effectively recycling 40% of plastic packaging** by 2030.

Debunking the Perceived Burden of EPR

The recent series of webinars hosted together with **PAKPRO** (*Packaging Producer Responsibility Organization Limited*) in March 2026 highlighted significant concerns among stakeholders regarding the implementation of EPR, particularly concerning import certificates and fee structures. Many producers perceive **the flat KES 150 levy** per secondary package as an onerous financial burden and a complex administrative hurdle. However, it is essential to reframe this perspective.

The **EPR fee is not a punitive tax**, but an investment in a sustainable future. The funds collected are allocated to a restoration fund designed to manage residual waste and build critical waste infrastructure. This investment directly supports local collection flows and recycling initiatives. For instance, organized recycling efforts, such as those led by PAKPRO, have already demonstrated substantial impact, recovering 54,000 tonnes of PET and injecting KES 210 million into the recycling value chain since 2018.

While the flat fee structure currently applies uniformly across certain categories, it is a foundational step. The **regulatory framework is designed to evolve**, and the differentiated application of fees based on material recyclability will be considered during future reviews. By participating actively in the EPR system, producers contribute to a more efficient, formalised waste management sector, ultimately reducing long-term environmental liabilities and enabling a more resilient supply chain.

Addressing Implementation Challenges

KPP acknowledges that **the transition to the new EPR framework has not been without friction**. The integration of import requirements into the national single window (under Kentrade) and eCitizen platforms has introduced new workflows that require adaptation.

Key challenges identified during the recent stakeholder engagements include:

Challenge Area	Description
Fee Calculation	Confusion regarding the application of the KES 150 fee, specifically distinguishing between primary, secondary, and tertiary packaging (e.g., pallets and shrink-wrap are exempt, while secondary packaging like cartons are charged).
System Navigation	Difficulties in navigating the TFP system for permit applications, understanding mandatory attachments, and managing the payment workflow.
Operational Disruptions	Concerns regarding the handling of partial shipments, discrepancies between pro forma invoices and actual shipped quantities, and the process for amending or refunding IDF payments.
Sector-Specific Nuances	Uncertainty regarding the categorization and charging rules for specific sectors, such as medical devices, pharmaceuticals, and bulk commodities.

KPP recognizes these valid concerns and is actively working with regulatory bodies, including NEMA and Kentrade, to streamline processes and advocate for clear, consistent guidelines.



Frequently Asked Questions (FAQs)

During the recent EPR webinar series with PAKPRO, several recurring questions emerged. KPP is compiling comprehensive guidance, and we will provide detailed answers to these and other queries in our subsequent communications.

- 1. How is the KES 150 fee calculated for bulk shipments where the exact number of secondary packages is unknown at the IDF stage?** *Detailed guidance on handling pro forma discrepancies and partial shipments is currently being developed in consultation with NEMA and Kentrade.*
- 2. Are there exemptions for specific sectors, such as medical devices or products used for clinical trials?** *Currently, there are no blanket exemptions. However, producers are encouraged to submit specific proposals to NEMA for consideration regarding unique charging arrangements.*
- 3. Why does the flat import fee appear to duplicate costs already paid to PROs for local recycling?** *The import fee contributes to a national restoration fund for residual waste and infrastructure, which complements the specific material recovery efforts managed by PROs. We are advocating for greater clarity on how these systems integrate.*
- 4. How are different packaging levels defined for the purpose of the EPR charge?** *The charge applies to secondary packaging (e.g., cartons, drums) or standalone units. Tertiary packaging, such as shrink-wrapped pallets, is not charged per pallet.*
- 5. What is the status of PRO licensing, and how should producers proceed with membership?** *All PROs are currently under review by NEMA. We will provide updates on licensing status and membership procedures as soon as they are finalized.*

Conclusion

As a collaborative platform uniting the entire plastics value chain, the Kenya Plastics Pact is uniquely positioned to guide stakeholders through the complexities of EPR implementation. We serve as the active voice for industry, facilitating dialogue between producers, Producer Responsibility Organizations (PROs), and government agencies.

The implementation of EPR is a necessary and transformative step towards realizing a circular economy for plastics in Kenya. While the initial phase presents operational challenges, the long-term benefits: environmental restoration, economic opportunity, and sustainable innovation, far outweigh the perceived burdens.

The Kenya Plastics Pact stands ready to support all stakeholders in navigating this transition, ensuring that together, we achieve our ambitious 2030 targets and build a cleaner, more resilient Kenya.