

Development of Legal Framework for Environmentally Sound Management (ESM) of E-Waste Including Extended Producers' Responsibility (EPR)



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Outline of Presentation

- Joint Administrative Order (JAO) between Departments of Energy (DOE) and Environment and Natural Resources (DENR) on Lighting Industry Waste Management Guidelines
- Proposed Guidelines on the ESM of WEEE



JAO No. 2013-09-0001 “Lighting Industry Waste Management Guidelines”



The implementation of the Extended Producer Responsibility (EPR) for lighting products and operations of a Lamp Waste Management Facility (LWMF) is part of the Philippine Energy Efficiency Project (PEEP), a project implemented by the Department of Energy with funding assistance from ADB



Philippine Energy Efficiency Project (PEEP)

DOE is transforming the lighting industry market by promoting the use of energy-efficient lighting (EELs) products and recognizes that EELs such as fluorescent lamps contain mercury; thus DOE intends to:

- Project Components:
 - operationalize a Lamp Waste Management Facility (LWMMF) that will recovery mercury from lamp wastes
 - Implement an Extended Producer Responsibility (EPR) for lighting products
- Collaborative Output:
 - **Joint DENR-DOE Administrative Order on Lighting Industry Waste Management Guidelines**



Why pursue lamp waste management under the PEEP?

Energy efficiency



Environmental protection



Economic development

Social responsibility



What is EPR?

“An environmental policy approach where the producers’ responsibility, physical and/or financial, for a product is extended to the post-consumer stage of a product’s life cycle”

- (OECD, 2001)



Contents of the JAO

1. Basic Policy and Rationale
2. Purpose and Scope
3. Definition of Terms
4. General Requirements for Producers
 - 4.1 Producers
 - 4.2 Importers
 - 4.3 Distributors
 - 4.4 Retailers
5. Local Government Units
6. Registration of Producers
7. Establishment and General Requirements of System Operator
 - 7.1 Juridical Characteristics of System Operator
 - 7.2 Responsibilities of System Operator
8. Preparation, Review, and Approval of the Lamp Waste Management Plan
 - 8.1 Contents of the Lamp Waste Management Plan
 - 8.2 Review and Approval Process of the Lamp Waste Management Plan
9. Obligations of Collection Points
10. Enforcement Requirements
11. Steering Committee
12. Penal Provision
13. Other Sanctions
14. Review and Revision
15. Separability
16. Repealing Clause
17. Effectivity



Basic Legal Framework

- RA 6969: “Toxic Chemicals and Hazardous and Nuclear Wastes Control Act of 1990”
 - DAO 1992-29: Implementing Rules and Regulations of RA 6969
 - DAO 2004-36: Procedural Manual Title III of DAO 92-29
- RA 9003: “Ecological Solid Waste Management Act of 2000”
- RA 7638 otherwise known as the Department of Energy Act of 1992, and in line with the Memorandum of Agreement between DOE and DENR on lamp waste management



Purpose and Scope

- Provided guidelines on the preparation, approval, implementation, and monitoring of a lamp waste management plan in accordance with the RA 6969 and RA 9003
- Define the roles and responsibilities of the Steering Committee that shall be created for the purpose of ensuring the effective implementation of this guideline



Key Definition of Terms

Producers

- Refers to any person, category of persons, industry or, as the case may be the third party representing them, that is performing Waste Generating Activities



Key Definition of Terms

Waste Generating Activities

- Importing lighting products into the Philippines
- Manufacturing lighting products in the Philippines;
- Distributing lighting products in the Philippines;
- Selling lighting products directly to end-users;
- Giving away for free lighting products directly to end-users;
- Distributing and/or Reselling lighting products acquired from an Importer or Manufacturer which has not fulfilled its legal obligations as provided for in a Lamp Waste Management Plan
- Buying lighting products for use in the Philippines from an Importer or Manufacturer which has not fulfilled its legal obligations as provided for in a Lamp Waste Management Plan



Key Definition of Terms

Lamp Waste Management Fee

Refers to the financial contribution from the participants to the Lamp Waste Management Plan for the collection and recycling of lamp waste.

*Participants to the Lighting Industry Waste Management Plan ensure that the Lamp Waste Management Fee is shown separately throughout the entire supply chain



Key Definition of Terms

System Operator

Refers to a not for profit organization created by Producers for the purpose of implementing the Lamp Waste Management Plan: Provided, that, Producers representing at least 51 percent of the Philippine market for gas discharge Lamps based upon the aggregated sales of all contracted participants in the previous year shall be entitled to create a System Operator.



Key Definition of Terms

Lighting Products

- Gas discharge lamps
 - Low pressure discharge lamps:
Fluorescent (compact, linear and non-linear) and;
Non-fluorescent (low pressure sodium and low pressure mercury vapour);
 - High intensity discharge lamps: high pressure sodium, metal halide, high pressure mercury vapour, xenon;
 - Lamps for special purposes;
- Retrofit (O)LED lamps (with standardized sockets suitable to replace lamps);
- Other light emitting devices except for incandescent



General Requirements for Producers (Importers)

- Register with the System Operator and form part of the Lamp Waste Management Plan
- Contribute a Lamp Waste Management Fee for the purpose of waste treatment and do so with transparency
- Allow external financial auditing

No Producer shall engage in any waste generating activity without registering with the System Operator



General Requirements for **Distributors**

- Shall ensure that when buying from a Producer, the registration number is correctly displayed on the invoice or other commercial documentation received, and verify that the producer is registered
- Shall ensure that the Lamp Waste Management Fee for the collection and recycling of lamp wastes is visibly shown as a separate line on the invoice, order, or comparable document.



General Requirements of **Retailers**

- Purchase lighting products only from the registered Producer
- Ensure that when buying from a registered Producer, the registration number is correctly displayed on the invoice or other commercial documentation received;
- Provide the relevant data in case of consignment sales to the Producer allowing the Producer to comply with the requirements of the System Operator; and,
- Allow space for a collection point free of charge to the system operator.



Roles of the LGU

- Through the DILG, LGUs are encouraged to:
 - Establish collection point or consolidation center for lamp wastes by integrating lamp wastes collection in their existing Material Recovery Facility (MRF) or creating a new facility as lamp wastes collection point or consolidation center and;
 - Formulate and implement local ordinances on lamp waste management such as an ordinance requiring retailers of lighting products within their jurisdiction to comply with the requirements for retailers and providing for sanctions for non-compliance such as, but not limited to, the non-issuance or revocation of business permit.
- May enter into agreement with System Operator consistent with the Lamp Waste Management Plan



Registration of Producers

- Existing producers are given thirty days after the effectivity of the JAO to register
- New producers are required to register before performing any waste-generating activity
- All Producers are to be issued a registration number
- The System Operator shall prepare a database of all registered Producers



Establishment and Requirements of System Operator

- Lamp Waste Management System Operator shall be composed of Producers comprising of at least 51 percent of the lamp gas-discharge market, and shall be supervised by a Steering Committee
- It shall:
 - Be a duly registered non-stock and non-profit organization with the Securities and Exchange Commission (SEC);
 - Governed by a Board of Trustees composed of the Producers' representatives; and,
 - Be operationally independent but subject to the supervision and oversight functions of the Steering Committee.



LWM System Operator Responsibilities

- Seek approval for and implement the Lamp Waste Management Plan
- Prescribe and collect the Lamp Waste Management Fee either based on Volume of Import or Volume of Sales
- Comply with the permitting requirements of DENR AO 2004-036
- Provide the EMB-CO and Steering Committee an Annual Audit Report from an independent financial auditor
- Hire the services of a third-party accountant to track financial information and manage this through an IT system/database



Contents of Lamp Waste Management Plan

- Identification of the Producer(s) that register as a contracted participant to the Lamp Waste Management Plan;
- Annual projections of the quantities of lamp wastes;
- Terms of references that will govern lamp waste collection, transport and treatment;
- Monitoring and reporting procedures to be applied in the collection, transport and treatment of lamp wastes;



Contents of Lamp Waste Management Plan

- Enforcement strategy and Monitoring and reporting procedures to ensure that all producers participate and finance the operation of the recycling of waste lamps
- 5-year operational Lamp Waste Management Plan including a detailed forecast of the collection, transport, and treatment activities, and identification of collection network;
- 5-year business plan including:
 - Detailed budget estimations
 - LWM fee development
 - Financial planning for the implementation of the Lamp Waste Management Plan
 - Development financing coverage of the waste that is has been put on the market



Contents of Lamp Waste Management Plan

- Information, Education, and Communication (IEC) Plan to raise awareness of end-users regarding Lamp Waste Management;
- Measures that address issues of social responsibility in the waste management industry;
- A description of job creation potential in the framework of the implementation of the Plan;
- Environmental, Health and Safety standards compliance plan.
- Emergency and contingency plan
- Reporting structures and procedures for:
 - Importation
 - Distribution
 - Collection
 - Transport
 - Manufacture
 - Sale/Giving Away
 - Consolidation
 - Treatment/Recycling



Obligation of Collection Points

- Accept and allow the temporary storage of containers and lamp wastes in appropriate storage areas with weatherproof covering and impermeable surfaces
- Ensure the security and the proper handling of such wastes, especially during transport and collection activities
- Educate the public on their purpose
- Comply with the Lamp Waste Management Plan by submitting required information from time to time
- Comply with all Environmental, Health, and Safety regulations and provide appropriate protection and training for staff to minimize such risks



Enforcement Requirements

- Lighting products producers **MUST** secure pre-importation clearance from **EMB** by submitting the following:
 - Copy of the certification of registration as producers from the System Operator;
 - Certificate of compliance with the Lamp Waste Management Plan issued by the System Operator; and
 - Liquidation report of the previously issued pre-importation clearances.



Enforcement Requirements

The System Operator shall ensure that all producers comply with the Lamp Waste Management Plan.

This provision is without prejudice to the authority of the Bureau of Customs under the Tariff and Customs Code.



Steering Committee

- A joint DENR-DOE steering committee is established whose functions include:
 - Ensure the establishment of a System Operator;
 - Pursuant to RA 6969 and other relevant laws, recommend policies on lamp waste management;
 - Review and endorse the Lamp Waste Management Fee
 - Review and endorse the amount to be allocated as reserve funds from the Lamp Waste Management Financial Plan;



Penal Provisions

- Storage fees of confiscated lighting products, and other expenses attendant to the confiscation thereof, shall be charged solely to the entities found violating this Order
- In case of auction of confiscated lighting products, the same shall be sold only to registered producers, who shall then be deemed the importers thereof within the context
- The System Operator and the concerned Collection Point/Center will be held liable for any accidents and incidents and shall rightfully compensate
- The EMB shall reserve the right to deny application for pre-importation clearances



Other Sanctions

- System Operator may prescribe sanctions against erring producers for violation of the Lamp Waste Management Plan such as:
 - Delisting of the producer from the registry when practicing non-compliance
 - Complete blacklisting in the event of repeated non-compliance

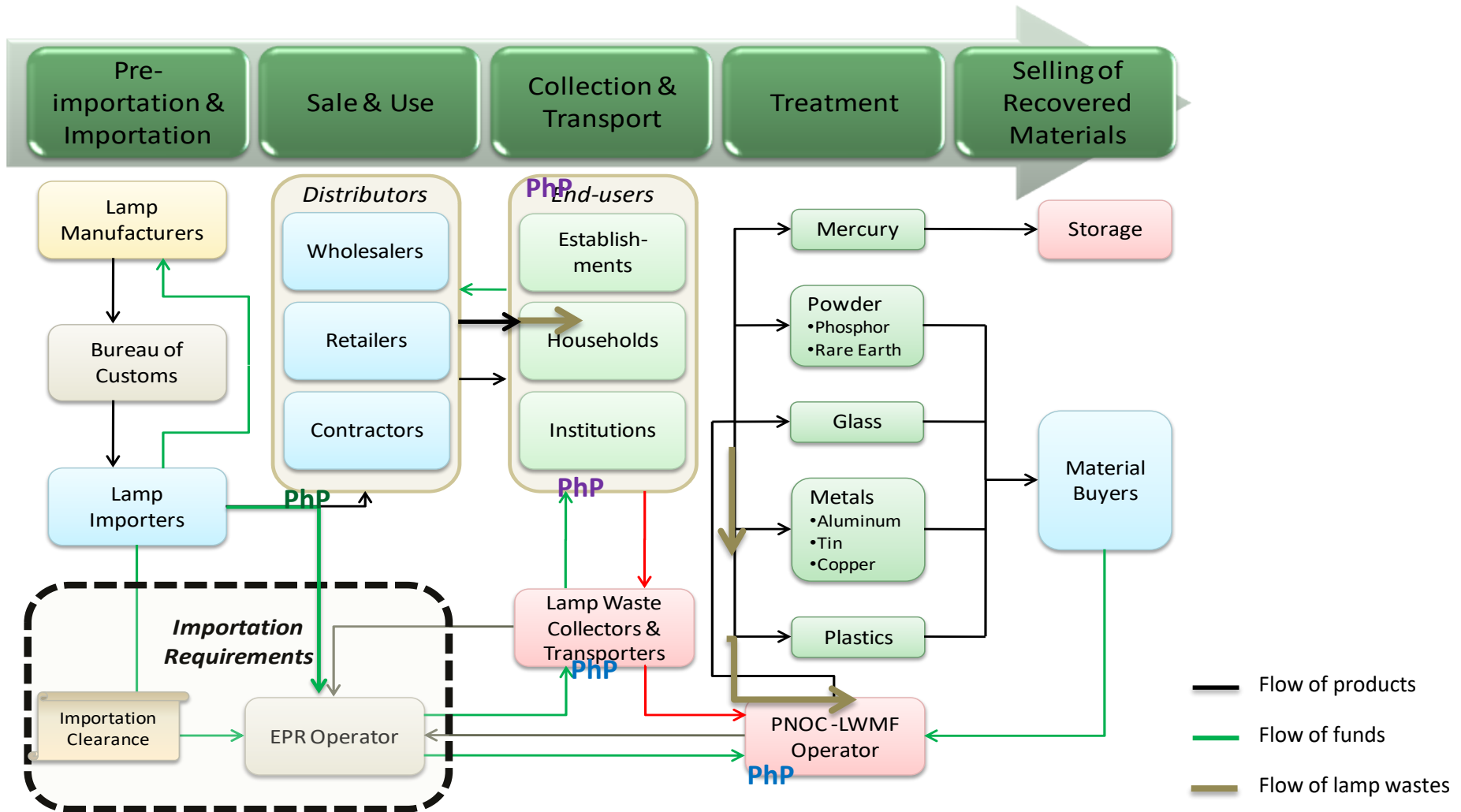


Summary

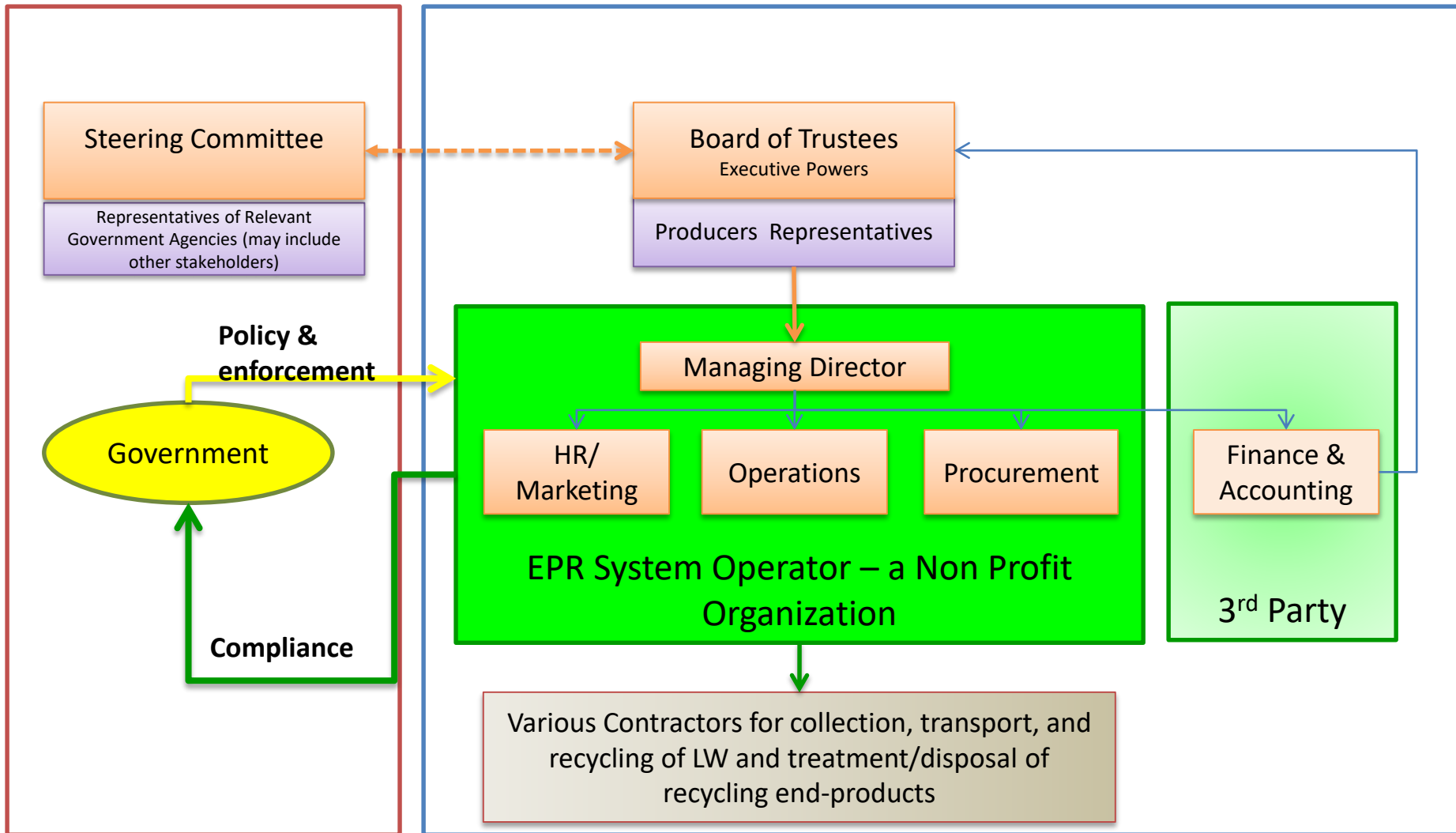
- Requiring producers to set up EPR System Operator, which is **non for profit organization**
- Requiring producers to pay the Lamp Waste Management (LWM) Fee to the System Operator **based on sales** and **disclosed in their commercial documents**
- Proof of LWM payment/system membership will be **part of the Pre-Importation Requirements** of EMB
- Obliging the submission of Lighting **Industry Waste Management Plan** as part of EMB's accreditation process and defines the level of activity of the EPR System Operator
- EPR System Operator to have **shared enforcement functions** with EMB



EPR Model -Flow of Lighting Products and LWM Fee Across the Value Chain



EPR Organizational Structure



Status

- The JAO is not yet fully implemented.
- The System Operator, Balik Ilaw Foundation, has been registered with the Securities and Exchange Commission. Source of funds for start-up operation is being studied.



Draft Guidelines on the ESM of WEEE



WEEE is one of the fastest streams in the world due to escalating market penetration in developing countries, replacement market in developed countries, and high obsolescence rate.



Contents

DENR AO

- Section 1.0 Basic Policy
- Section 2.0 Objectives
- Section 3.0 Scope and Coverage
- Section 4.0 Separability Clause
- Section 5.0 Repealing Clause
- Section 6.0 Amendments
- Section 7.0 Effectivity

Guidelines on the ESM of WEEE

- Section 1 Introduction
- Section 2 Definition of Terms
- Section 3 Scope and Coverage
- Section 4 Environmentally Sound Management
- Section 5 Environmental and Health Hazard
- Section 6 Suitability of Wastes for the Operation
- Section 7 Waste Avoidance
- Section 8 Responsibilities of Parties
- Section 9 Registration of Producers to the PRO
- Section 10 Establishment and General Requirement of the PRO
- Section 11 Contents of the WEEE Management Plan
- Section 12 Submission and Approval Process of the WEEE Management Plan
- Section 13 Enforcement Requirements
- Section 14 Steering Committee
- Section 15 TSD Facilities



Objectives

- Provide the framework mechanism for the appropriate management of WEEE
- Reduce the amount of electrical and electronic equipment (EEE) type of waste and the hazards brought about by its components
- Promote the reuse of EEE and valorization of its waste components



Objectives

- Encourage involvement of all relevant agencies and stakeholders in the life cycle of EEE
- Institutionalize the principle of “extended producers responsibility” (EPR)



Scope and Coverage

Producers/manufacturers, importers, distributors, retailers, consumers, and other stakeholders involved in the life cycle of EEE including scraps as classified under M506 and M507 of DAO 2013-22



Excluded from this Order

- Industrial (fixed and stationary) WEEE



Refrigerated display cabinets connected with centralised cooling station



Vehicle Component Assembling Station



Milling Machine



Elevator/Lift



Excluded from this Order

- Military equipment directly used for national security purposes



Integrated GPS Cartographic System



Detonator Analysis Tool



Remote Aerial Platform



Radio System

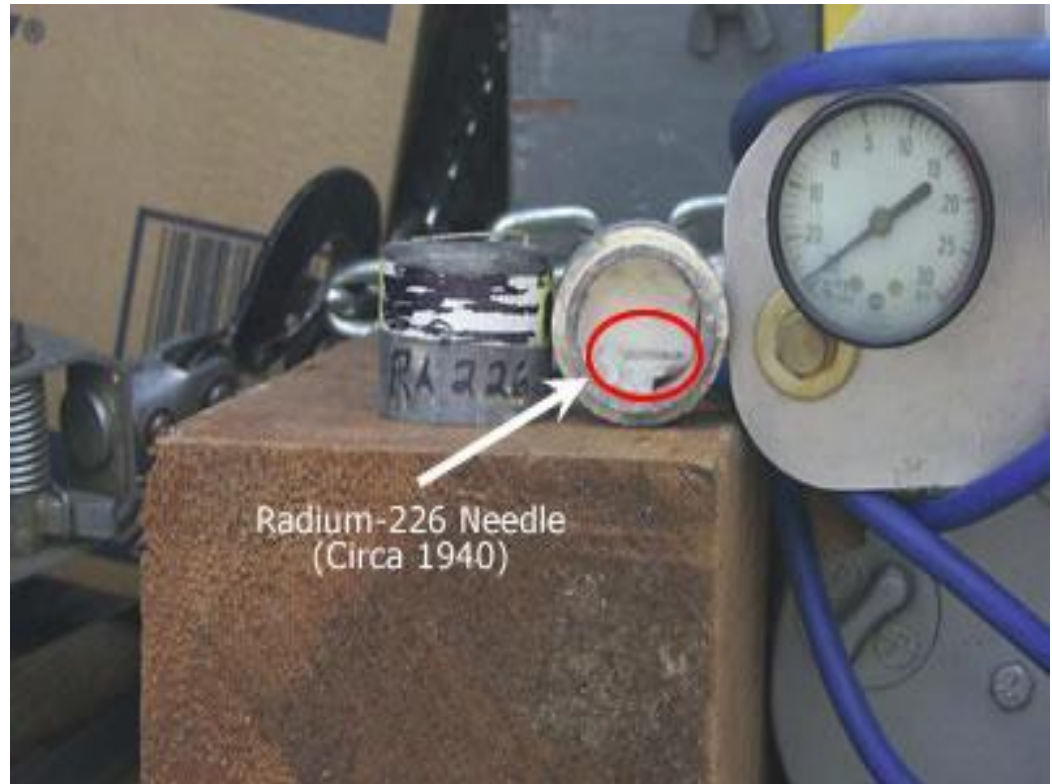


Handheld Monitor



Excluded from this Order

- Radioactive equipment/wastes that are covered by other specific regulations



Legal Framework

- **DENR Administrative Order (DAO) 2013-22:**
Revised Procedures and Standards for the Management of Hazardous Wastes (Revising DAO 2004-06)
 - Classifies WEEE as hazardous wastes with waste number **M506**
 - Classifies domestic sources of WEEE as “*Special Wastes*” with waste number **M507**



Definition of Terms

- **“Collection Point”** refers to any entity with which the WEEE Management System Operator has an agreement to accept and temporarily store WEEE from generators until its removal by the transporter for transport to a consolidation center or a Treatment, Storage, and Disposal (TSD) facility



Definition of Terms

- **“Consolidation Center”** refers to a site for temporary storage and consolidation for onward delivery of WEEE from the collection points to a TSD facility
- **“Distributor”** refers to any person, natural or juridical, to whom EEE listed in Section 3 of this Guideline is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such EEE



Definition of Terms

- “**EEE**” refers to electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly including components that can be removed from equipment and can be tested for functionality and either be subsequently reused or reused after repair or refurbishment. This term does not include large-scale stationary industrial tools or large-scale fixed installations



Definition of Terms

- **“Extended Producers Responsibility (EPR)”** refers to an environmental policy approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product’s life cycle
- **“Importer”** refers to any person, natural or juridical, that undertakes the importation of EEE including its wastes into the country that are intended for direct consumption, sale, distribution, or reuse/recycling



Definition of Terms

- **“Importer”** refers to any person, natural or juridical, that undertakes the importation of EEE including its wastes into the country that are intended for direct consumption, sale, distribution, or reuse/recycling
- **“Manufacturer”** means any person who manufactures, assembles or processes EEE, except that if the EEE is manufactured, assembled or processed for another person who attaches his/her own brand name to the EEE, the latter shall be deemed the manufacturer. In case of imported EEE, the manufacturer’s representatives or, in his/her absence, the importer shall be deemed the manufacturer



Definition of Terms

- **“Producers”** refers to any person, whether natural or judicial, a category of persons, industry or, as the case may be, the third party representing them, that is performing Waste Generating Activities as described in this Guideline and therefore having the obligation to have and comply with the WEEE Management Plan



Definition of Terms

- **“Recycling”** refers to the treatment of WEEE through a process of making them suitable for beneficial use and for other purposes, and includes any process by which WEEE are transformed into new products in such a manner that the original products may lose their identity, and which may then be used as raw materials for the production of goods or services



Definition of Terms

- **“Scrap Material”** refers to metallic fragments (MF), non-metallic fragments (NMF) and other non-classified materials from discarded EEE products intended to be disposed or are required to be disposed in accordance with the provisions of RA 6969 and DAO 2013-22
- **“Second-Hand or used EEE”** refers to local or imported used EEE intended for direct reuse, where reuse includes repair, refurbishment or upgrading, but not major reassembly, and where functionality of essential key functions is evident



Definition of Terms

- **“Seller”** means a person engaged in the business of selling EEE in wholesale, retail, or directly to consumers
- **“Transporter”** refers to any person, group of persons, or entity that is registered to transport WEEE



Definition of Terms

- **“Treatment, Storage, and Disposal (TSD) Facility”** refers to a facility where WEEE, including its hazardous components, are transported to, stored, treated, recycled, reprocessed, or disposed of
- **“Valorization”** refers to placing a value or price to
- **“Waste Electrical and Electronic Equipment (WEEE)”** refers to EEE that is waste, including all components, sub-assemblies and consumables, which are part of the equipment at the time the equipment becomes waste



Definition of Terms

- **“Waste Generating Activity”** shall mean:
 - Selling EEE products or offering EEE products for sale or for free for the first time in the Philippines, except in the case of a manufacturer selling EEE products to a private label owner
 - Selling EEE products or offering EEE products for free in the Philippines under his/her own brand, supplied by other manufacturers (a reseller not being regarded as a Distributor)
 - Reselling EEE products in the Philippines (where it has an establishment) upon acquisition from a Producer which has not fulfilled its legal obligations in the Philippines as provided herein



Definition of Terms

- **“Waste Generating Activity”** shall mean:
 - Buying EEE products in the Philippines for own use as a professional and user from a Producer which has not fulfilled its obligations in the Philippines, as provided herein
 - Importing EEE and WEEE, including scraps, into the Philippines for own use as a generator from a supplier outside the Philippines
 - Importing EEE and WEEE into the Philippines for commercial purposes, without selling or reselling any of these products within the Philippines



Definition of Terms

- **“Waste Management Fee”** refers to the financial contribution from producers to finance the implementation of the WEEE Management Plan, which shall be visibly shown as a separate line on the invoice, order, or comparable documents of participants to the WEEE Management Plan to ensure that the Waste Management Fee is shown separately throughout the entire supply chain



Definition of Terms

- **“WEEE Management System Operator”** refers to a non-for-profit organization created by producers per product category for the purpose of implementing the WEEE Management Plan; Provided that producers representing at least 51 percent of the Philippine market for each product category based upon the aggregated sales of all contracted participants in the previous year shall be entitled to create a system operator



Scope and Coverage

Type of WEEE	Description
Lighting products	Includes those listed in JAO 2013-09-001 in addition to the metallic, electronic, and electrical parts of the lighting products and their housing (e.g. luminaires).
Information Technology (IT) Equipment/Devices	Includes, but are not limited to: routers, repeaters, switches, servers, modems, computer hardware (e.g. keyboards, automatic voltage regulators, mice), computer units (desktop, laptop, netbook) including computer screens (CRT, LCD, LED, etc.), central processing units (CPU), external data storage devices such as flash drives and hard disk drives, photocopiers, scanners, printers, etc.



Scope and Coverage

Type of WEEE	Description
Telecommunication devices	Includes, but are not limited to: telephones, fax machines, wireless telephones, mobile phones, tablets, radios, etc.
Electric appliances	Includes, but are not limited to: <ul style="list-style-type: none">• Consumer appliances such as TV Sets (including CRT, plasma, LCD, or LED TV Sets), microwaves, coffee makers, toasters, automatic dispensers, electric fans, vacuum cleaners, cooking ranges/ovens, refrigerators, washing machines, heating/air conditioning units, etc.• Industrial electronic and electrical appliances except those fixed and stationary industrial fixed electronic and electrical appliances.



Scope and Coverage

Type of WEEE	Description
Entertainment, sports, leisure, and recreational devices/equipment	Includes, but are not limited to: gaming consoles (Playstation, Xbox, Wii, etc.), portable gaming devices (3DS, PSP, etc.), portable music players, etc.
Image producing devices	Includes, but are not limited to: cameras, camcorders, video recorders, DVD, VCD, CD, and other tape readers, etc.
Sampling and laboratory equipment	Includes, but are not limited to: High Performance Liquid Chromatography, Atomic Absorption Spectrometer, UV-VIS Spectrophotometer, etc.



Scope and Coverage

Type of WEEE	Description
Medical devices except all implanted and infected products	Includes, but are not limited to: ultrasound, urinalysis system, patient monitor, defibrillator, jaundice meter, ventilator, radiotherapy equipment, cardiology, dialysis, pulmonary ventilators, analyzers, freezers, and other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability
Monitoring and control instruments	Includes, but are not limited to smoke detectors, heating regulators, thermostats, measuring, weighing or adjusting appliances for household or laboratory equipment, and other monitoring and control instruments used in industrial installations



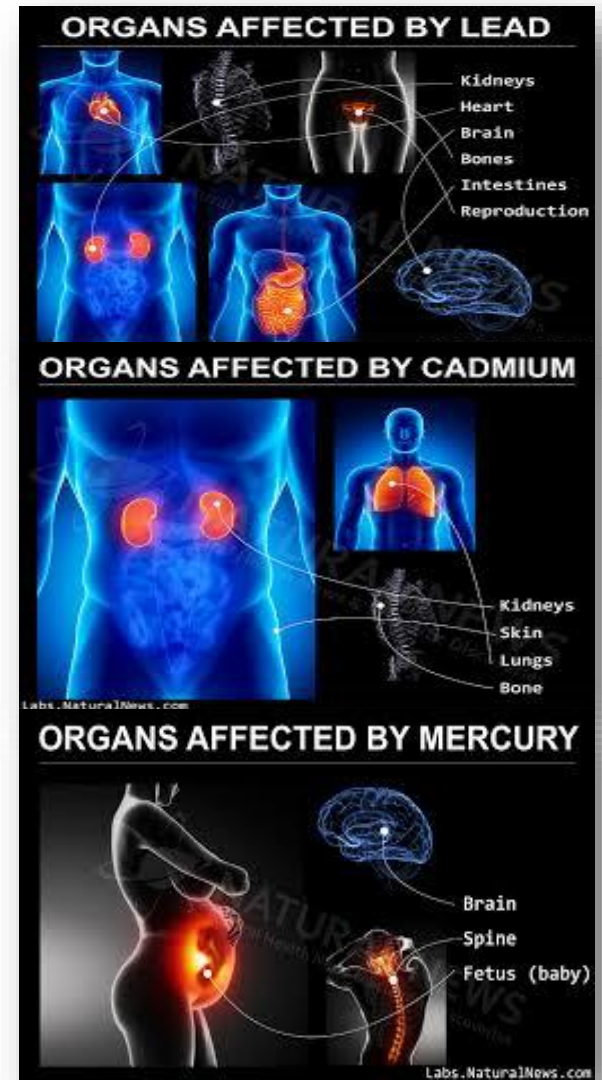
Environmentally Sound Management (ESM)

- Taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner that will protect human health and the environment against adverse effects that may result from such wastes
- Identifying and managing wastes throughout their life cycle with strong emphasis on reduction, reuse, and recycling



Hazardous Substances from WEEE

- Lead
- Mercury
- Cadmium
- Hexavalent Chromium
- Polychlorinated biphenyls (PCBs)
- Polychlorinated terphenyls (PCTs)
- Brominated Flame Retardants



Responsibilities of Producers

Producer



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graph LR; Producer[Producer] --- R1[Register with the respective WEEE Management System Operator and form part of the contracted participant of EMB-approved WEEE Management Plan]; Producer --- R2[Contribute a WEEE Management Fee in the amount to be determined by the WEEE Management System Operator]; Producer --- R3[Ensure that the WEEE Management Fee is visibly shown as a separate line on the invoice, order or comparable document]; Producer --- R4[Inscribe their EEE with markings as prescribed in the EMB-approved WEEE Management Plan]; Producer --- R5[Allow all data (e.g. sales volume, imported volume) to be audited by the WEEE Management System Operator]; Producer --- R6[Provide the WEEE Management System Operator with the forecast recovery amount and percentages recovery of reuse, recycling, and valorization]; Producer --- R7[Submit an audited annual report to DENR-EMB no later than the first quarter of every year];
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Register with the respective WEEE Management System Operator and form part of the contracted participant of EMB-approved WEEE Management Plan

Contribute a WEEE Management Fee in the amount to be determined by the WEEE Management System Operator

Ensure that the WEEE Management Fee is visibly shown as a separate line on the invoice, order or comparable document

Inscribe their EEE with markings as prescribed in the EMB-approved WEEE Management Plan

Allow all data (e.g. sales volume, imported volume) to be audited by the WEEE Management System Operator

Provide the WEEE Management System Operator with the forecast recovery amount and percentages recovery of reuse, recycling, and valorization

Submit an audited annual report to DENR-EMB no later than the first quarter of every year

Responsibilities of Producers

- Identify appliances meant for households with appropriate symbols approved by EMB
- Inform users as to the correct criteria for the ESM of WEEE
- Provide information on the possible effects on the environment and health of hazardous substances that the EEE and appliances might contain

If the EEE cannot be marked or labeled due to its size or function, said requirement must be stamped on the packaging with instructions for use together with the appropriate guarantee



Responsibility(ies) of Importers

- Importers are automatically producers and therefore must comply with the responsibilities of producers as stipulated in this Guideline and other pertinent laws and regulations



Responsibilities of Distributors

Distributor

Purchase from registered producers and distribute or sell EEE in accordance with this Guideline

Ensure the registration details are correctly displayed and verified.

Ensure that WEEE Management Fee is visibly shown as separate line on the invoice, order, or comparable document

Provide the relevant data in cases of consignment sales to enable compliance of the producers to this Guideline

Distribute only products that bear the EEE-prescribed marking on the product/packaging

Provide space for temporary storage of WEEE at no cost and in accordance with the EMB-approved WEEE Management Plan



Responsibilities of Retailers/Resellers

Retailers/ Resellers

Purchase from registered producers and distribute or sell EEE in accordance with this Guideline

Ensure when buying from a producer, the registration details are correctly displayed and verified

Ensure that WEEE Management Fee is visibly shown as separate line on the invoice, order, or comparable document

Provide relevant data in case of consignment sales to the producer allowing the producer to comply with the requirements of the WEEE Management System Operator

Provide space for temporary storage of WEEE at no cost and in accordance with the EMB-approved WEEE Management Plan



Responsibilities of Waste Management System Operator

Each type of WEEE listed in Table 1 of this Guideline shall have a corresponding WEEE Management System Operator, which shall:

- Prepare or cause the preparation of the WEEE Management Plan and seek approval of the EMB Central Office (CO)
- Provide evidence that the Management System is participated in by a minimum of 51 percent of the Philippine market for specific type of EEE based upon the aggregate sales of all contracted participants during the previous year



Responsibilities of Waste Management System Operator

- Submit a database of producers under the WEEE Management System to EMB CO together with the WEEE Management Plan;
- Together with the producers, implement the WEEE Management Plan, and review and amend it as necessary subject to the approval of EMB CO
- Prescribe a WEEE management fee subject to the approval of the Steering Committee



Responsibilities of Waste Management System Operator

- Collect the WEEE management fee from the producers either based on volume of import or volume of sales or other parameters, whichever is agreed upon by the producers concerned, subject to the approval of the Board of Trustees of each WEEE Management System Operator



Responsibilities of Waste Management System Operator

- Provide the EMB CO and the Steering Committee with an annual audit report from an independent auditor regarding the activities performed in relation to the WEEE Management Plan and the producers' financial reports

The independent auditor shall be commissioned by the WEEE Management System Operator at its own expense, and the audit shall be done in accordance with the technical standard that is approved by the Philippine Institute of Chartered Accountants



Responsibilities of Waste Management System Operator

- Hire a third party accountant that is responsible for the invoicing and preparation of the required financial statements of the WEEE Management System Operator
- Provide Information Technology System to guarantee that competitive market data remains confidential
- Comply with the permitting and reporting requirements of DAO 2013-22, RA 6969 and/or RA 9003 as applicable regarding the transport manifest, storage, treatment, reuse, recycle, and/or disposal of WEEE



Responsibilities of Collection Points or Consolidation Centers

- Accept and allow the temporary storage of containers and WEEE, and provide appropriate storage area(s) in accordance with the requirements of DAO 2013-22 and Section 15 of this Guideline
- Comply with the applicable Environmental, Health, and Safety regulations



Collection points in Europe



Responsibilities of Collection Points or Consolidation Centers

- Provide all requirements to the WEEE Management System Operator for application of applicable licenses and permits as may be needed to set up and operate the collection point or the consolidation center
- Ensure security of all WEEE and its containers at the storage areas
- Ensure proper handling of WEEE
- Ensure secure and safe access to the storage areas for the transport contractor(s)



Responsibilities of Collection Points or Consolidation Centers

- Inform the public on the purpose and use of the collection point(s) or consolidation center
- Submit report to the WEEE Management System Operator the information required under the WEEE Management Plan
- Provide appropriate protection and training for staff to prevent health and safety impacts



Responsibilities of TSD Facilities

- TSD Facilities must comply with the requirements under DAO 2013-22 and the provisions under Section 15 of this Guideline



Responsibilities of LGUs

- Establish collection points or consolidation centers by integrating WEEE collection in its Material Recovery Facility (MRF) or creating a new facility as WEEE collection point or consolidation center



Responsibilities of LGUs

- Formulate and implement pro-forma guidelines in WEEE management requiring sellers of EEE products within their jurisdiction to comply with the requirements as presented in this Section and providing sanctions for non-compliance therewith, such as, but not limited to, the non-issuance or revocation of business permit



Registration of Producers

All producers, existing or new, shall register with the appropriate WEEE Management System Operator prior to engaging in any waste generating activity.



Registration Procedure

WEEE Management System Operator shall:

- Issue a registration number to the producer as proof of registration
- Prepare a database of registered producers of the integrated system and submit the same as part of the WEEE Management Plan

Registration number shall be displayed on all trading documentation and in the premises where the waste generating activities are conducted



Establishment and General Requirement of the WEEE Management System Operator

- Be a duly registered non-stock and non-profit organization with the Securities and Exchange Commission (SEC)
- Be governed by a Board of Trustees composed of producers and representatives
- Be operationally independent but subject to the supervision and oversight functions of the Steering Committee



Contents of the WEEE Management Plan

- Name of the WEEE Management System Operator and its members
- Annual Projections
- 5-year Operational Plan
- 5-year Business Plan
- Detailed procedure on the collection of WEEE management fee including the documentary requirements



Contents of the WEEE Management Plan

- Enforcement strategy and monitoring and reporting procedures
- Strategy for marking EEE
- Terms of references for waste collection transport
- Monitoring and reporting procedures for transport, recycle/reuse/disposal of WEEE



Contents of the WEEE Management Plan

- Information, Education and Communication (IEC) plan
- Measures for issues of social responsibilities in waste management industry
- Description of job creation potential
- Environmental, Health, and Safety Standards compliance plan
- Emergency and contingency plan



Schedule of Submission and Implementation of WEEE Management Plan by the PRO

Type of WEEE	Submission of WEEE Management Plan
Lighting products	Not later than 30 days upon the effectivity of this Guideline
Information Technology (IT) Equipment/Devices	One year from the effectivity of this Order
Telecommunication devices	One year from the effectivity of this Order



Schedule of Submission and Implementation of WEEE Management Plan by the PRO

Type of WEEE	Submission of WEEE Management Plan
Electric appliances	One year from the effectivity of this Order
Entertainment, sports, leisure, and recreational	Two years from the effectivity of this Order
Image producing devices	Two years from the effectivity of this Order



Schedule of Submission and Implementation of WEEE Management Plan by the PRO

Type of WEEE	Submission of WEEE Management Plan
Sampling and laboratory equipment	Two years from the effectivity of this Order
Medical devices except all implanted and infected products	Five years from the effectivity of this Order
Monitoring and control instruments	Five years from the effectivity of this Order



Submission and Approval Process of the WEEE Management Plan

- WEEE Management System Operator to submit to EMB CO the following requirements and pay the processing fee:
 - Notarized WEEE Management Plan
 - Board Resolution endorsing the WEEE Management Plan
 - Notarized Affidavit of Undertaking of each Producer that they will fulfill the derived obligations under the WEEE Management Plan



Submission and Approval Process of the WEEE Management Plan

- Upon receipt of the WEEE Management Plan, the EMB CO shall:
 - Review the WEEE Management Plan and approve in writing
 - Require additional information to be furnished within 15 calendar days
 - Require amendments to be made to the WEEE Management Plan within 15 calendar days



Submission and Approval Process of the WEEE Management Plan

- In case of additional information or amendments, EMB CO shall act upon the submitted additional information or the amended WEEE Management Plan within 30 calendar days
- The approved WEEE Management Plan shall be valid for a period of 5 years or for a period specified by the EMB CO starting on the date of the approval thereof by the EMB CO



Submission and Approval Process of the WEEE Management Plan

- Upon approval, the producer shall comply with the WEEE Management Plan immediately and initiate retrieval and disposal no later than the schedule set forth in Table 2 of this Guideline
- The approved WEEE Management Plan may be revised by the WEEE Management System Operator subject to the approval of the Steering Committee and the EMB CO



Submission and Approval Process of the WEEE Management Plan

- Initial implementation of the approved WEEE Management Plan should not be later than six (6) months from securing approval of the WEEE Management Plan from EMB



Enforcement Requirements

- No producer shall be allowed to manufacture, trade (import/export), or sell EEE in the Philippines without being included in the database of registered producers of EEE



Requirements for Importing EEE

- Copy of the certification of registration as producer from the WEEE Management System Operator
- Certificate of compliance with the WEEE Management Plan issued by the WEEE Management System Operator
- Liquidation report of the previously issued pre-importation clearances



Requirements for Importing Second-hand or Used EEE

- Copy of the invoice and contract relating to the sale and/or transfer of ownership
- Signed declaration that indicates that the second-hand or used equipment has been tested and is destined for direct reuse and fully functional
- Information on the further user and the distributor(s) or retailer(s)



Requirements for Importing Second-hand or Used EEE

- Copy of Certificate of Testing or proof of functionality on every item within the consignment
- ✿ Signed declaration from the holder who arranges the transport of the EEE that none of the equipment within the consignment is defined as or considered to be waste



Enforcement Requirements

- Appropriate protection against damage during transportation, loading and unloading, in particular through sufficient packaging and stacking of the load must be provided.

This section is without prejudice to the authority of the Bureau of Customs under the Tariff and Customs Code and/or the Department of Trade and Industry under the Consumer Act of the Philippines and related laws.



Steering Committee

- Instituted by EMB CO
- Composed of representatives from government, the industry, and relevant consumer non-profit organization(s)



Steering Committee Functions

- Ensure the establishment of the WEEE Management System Operator
- Recommend policies on WEEE management, including its implementation by the WEEE Management System Operator
- Review and endorse the fees pertinent to the operations involved in the WEEE management



Steering Committee Functions

- Review and endorse the amount to be allocated as reserve funds from the waste management financial plan
- Perform such other functions as may be necessary for the effective implementation of this guideline

The DENR, through the Steering Committee, may establish memoranda of agreement or any other instruments with relevant agencies for strengthening this Guideline, such as but not limited to product markings and sanctions that may be applied.



TSD Facilities

- In accordance with DAO 2013-22, no hazardous wastes from the components of WEEE shall be stored, recycled, reprocessed, treated, and disposed of in facilities other than those facilities permitted by DENR
- Facilities must comply with the relevant requirements for TSD Facilities embodied in DAO 2013-22



Penal Provisions

- EEE products covered by this Guideline that are being sold, stored, used, manufactured, or transported in violation of this Guideline shall be impounded or confiscated
- Storage fee of confiscated EEE shall be charged proportionately to the importers, sellers and /or end-users found violating this Guideline.
- Confiscated EEE that fail to pass the DTI quality standards shall be considered wastes



Penal Provisions

- The WEEE Management System Operator shall likewise be held liable together with the collection point or consolidation center in case of injury or damage to public health and the environment
- An application for the pre-importation clearance may be denied by the EMB for non-compliance with the WEEE Management Plan



Penal Provisions

The sanctions imposed pursuant to this Guideline are without prejudice to the administrative and criminal penalties and liabilities as specified under Title V, Chapter XI, Sections 43 and 44 of DAO 29, series of 1992, pursuant to Section 13, 14, and 15 of RA 6969 or to the administrative and criminal penalties and liabilities imposed by the BOC under the Tariff and Customs Code and/or the DTI under the Consumer Act of the Philippines.



Other Sanctions

- WEEE Waste Management System Operator may prescribe sanctions against erring producers for violation of the WEEE Management Plan. These include but not limited to:
 - De-listed from the registry of producers for non-compliance
 - Blacklisted from the registry of producers for repeated non-compliance

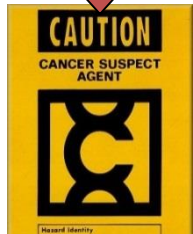


Status

- Public consultations have been conducted.
- Not yet issued
- Still for review of EMB and DENR Policy Technical Working Group (TWG)



*Cảm ơn bạn rất nhiều sự chịu
y của bạn*



**THANK YOU VERY MUCH
FOR YOUR ATTENTION**

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