



*Government of Uganda and ITU digital transformation project,  
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# **Stakeholder Consultation Workshop on the Regulation of E-waste Management and Electronics Producers' Extended Producer Responsibility in Uganda**

**9-10 November 2023**

**Kampala, Uganda**

Website: [itu.int/go/2023-uganda-e-waste-workshop](https://itu.int/go/2023-uganda-e-waste-workshop)



# Regulating E-waste Management under the framework of the extended the producer responsibility Principle



# Introduction

- What is the existing regulatory framework?
- How could this be improved and enforced most efficiently?
- Which legal instruments will play what role in regulating?
- What will the scope of the regulatory framework be?



# Financial mechanisms

- What will the mechanism look like that ensures sustainable financing of e-waste management?
- What will the implications be of introducing such a mechanism and to who?



# Institutional and administrative mechanisms

- Which actors in the system will play what role and have what responsibility?
- What will the procedures look like that are needed to implement the articles of the regulation?
- How can procedures be made more efficient, simplified, streamlined and digitalized?
- EPR shifts the burden to producers, but other stakeholders have a responsibility



# The EPR System

- Can cover all equipments or selected ones
- Should cover emerging EEE such as solar power equipments (batteries and panels even if they are hard to handle especially batteries )



# Financial

- How to calculate costs of the end-of-life management of EEE under EPR.
- Whether producers bear the full costs, or whether the cost is shared among a specific set of stakeholders



# Financial

- What is the frequency of payment ?
- Who pays whom?
- What is the financial flow and what will the fee/tax/levy to be collected support?
- What is the basis of fees and the methodology to calculate the amount to be paid?





# RECAP : What shall an EPR regulation contain ?

- Clear definitions of the stakeholders in the e-waste
- Clear definitions of terms
- Key principles
- Clear roles and responsibilities of each stakeholders
- Clear scope of the products to be included
- Clear stipulations on enforcement measures and penalties for non-compliance



# EPR content

- Details on financing mechanisms and institutional structures, such as a PROs
- Clear stipulations on who covers the cost of e-waste management



# MODEL

- o Model of EPR regulations



# GENERAL PROVISIONS



# Purpose of the Regulation

The purpose of this Regulation is to establish and regulate the responsibilities of the actors involved in the comprehensive management of Waste Electrical and Electronic Equipment (WEEE), within the framework of the Extended Responsibility of the Producer and ensure producers play an effective and efficient role in the management of WEEE throughout its life cycle.



# Scope of application

## The scope

This Regulation applies throughout the national territory to producers (manufacturers, importers, assemblers, remanufacturers and reconditioners), distributors, marketers and consumers of Electrical and Electronic Equipment (EEE), as well as to waste managers of different classes.

Excluded from this Regulation are Waste Electrical and Electronic Equipment (WEEE) related to State security, waste that comes from military products, weapons, ammunition, war material and waste that has been in contact with infectious waste.



# Key definitions

- The following are key definitions to be contained in the regulation





# Key Definitions

Collection;

Collector;

Collection Centre;

Collection service fee ;

Dismantling;

Distributor;

Electrical and electronic equipment (EEE) ;



# Key Definitions

Importer,

Manufacturer;

New producer ;

Producer;

Producer responsibility Organization

Put on the market;

Recycling;

Refurbisher ;

Refurbishment;

Remanufacturing;

# Key Definitions

Take-back;

Transporter ;

Waste electrical and electronic equipment (WEEE)



# Key Principles

The Regulation should consider the following Principles as Key Principles in E-waste Management



# Key principles

1. **Extended producer** : the responsibility for the electrical and electronic equipment responsibility be managed throughout its life cycle, including the post-industrial and post-consumer phases;
2. Producers, importers and marketers have responsibility for the product (Electrical and Electronic Devices) throughout its life cycle, including the post-industrial and post-consumer phases.



## **Formalization of waste management activities**(Formalizing the informal)

All waste management activities, whether carried out by individuals or associates, must have the corresponding authorizations, in order to avoid unfair competition and guarantee responsible management, through the application of measures to prevent impacts.



**Financial sustainability.** All electronic waste management services must be paid for as well as environmental damage, including its remediation, as an essential condition to guarantee a quality service.

**Fee must be based on net cost recovery including a differentiated rate per item category, of each product or class of product,**



## Shared responsibility.

Principle by which it is recognized that e-waste are generated from the performance of activities that satisfy the needs of society, through value chains such as production, processing, packaging, distribution, consumption of products, and that, consequently, its comprehensive management is a social co-responsibility and requires the joint, coordinated and differentiated participation of producers (manufacturers, assemblers, importers, remanufacturers, EEE reconditioners), distributors, consumers, users of hv- products, Government, as appropriate, under a scheme of market fees and environmental, technological, economic and social efficiency





# Key principles

## **Hierarchy of Waste Management.**

For the purposes of the Regulation, comprehensive e-waste management should be carried out in accordance with the following hierarchical order:



- a) ***Prevent and minimize the generation*** of waste as a means to avoid pollution and optimize the use of resources.
- b) ***Reuse : giving maximum*** use to e-waste, whether in the same production chain or in another parallel one, without the need to destroy or dispose of them.
- c) **Assess waste through** different procedures, including separation, material recovery and energy use. Priority will be given to the use of recycling material over energy use, according to technical, environmental, economic and social criteria.
- d) ***Treat the e-waste*** generated before sending it to final disposal, when required.
- e) **Dispose of the smallest amount of** e-waste, in an environmentally appropriate manner.



## Citizen participation.

The State has the duty to guarantee and promote the right of the people who live in the country to participate in an active, conscious, informed and organized manner in decision-making and actions aimed at protecting the environment.



## Promotion of green markets.

Develop the market for environmental e-waste management, related services and innovation and development of technologies, as a basis to stimulate private investment in e-waste management, as well as public investment for the development of the necessary infrastructure.



**Circular economy:** a regenerative system in which resource inputs and waste, emissions, and energy leakage are minimised by slowing, closing, and narrowing energy and material loops which can be achieved through long-lasting design, maintenance, repair, reuse, remanufacture, refurbishment, and recycling and which is in contrast to a linear economy which is a take-make-dispose model of production;



Alternative to the linear production model that seeks to reduce pressure on the environment and generate economic and social development, facilitating sustainable development.

- This principle responds to the challenges of current economic and productive growth, since it promotes a cyclical flow for the extraction, transformation, distribution, use and recovery of materials and energy from products and services available on the market



***Free competition.*** The operation of the management systems and the cooperation of managers may in no case undermine free competition.

**Traceability.** Set of pre-established and self-sufficient procedures that allow knowing the quantities and location of waste electrical and electronic equipment.



## Research, development and innovation.

Parties interested in the management of WEEE have the responsibility of promoting research, development and innovation through the design and implementation of strategies aimed at the creation, transfer and appropriation of various technologies that allow prevention in the generation, reduction and reuse of waste electrical and electronic equipment





# THE LICENSING REGIME FOR WEEE MANAGERS



# Application for license

Any person carrying out activities related to WEEE collection, transportation, dismantling, recycling and refurbishing shall hold an appropriate licence issued by the Authority



# Types of WEEE management licenses

The Regulatory Authority shall grant three (3) types of licenses:

- a. Collection and transportation license;
- b. Dismantling service license;
- c. Treatment - Refurbishment and/or Recycling service license.



# General requirements for license application

Any company or a cooperative seeking to carry out activities of collection, transportation, dismantling, refurbishment and recycling services shall submit the following:

- 1.Application letter ;
- 2.Application form filled by the applicant;
- 3.A copy of domestic registration certificate or a legal personality
- 4.Proof of payment of application and license fees;
- 5.An appropriate storage, dismantling, refurbishment, recycling facility;



# Technical requirements of WEEE collection and transportation

The applicant for WEEE collection and transportation license shall:

- ✓ Ensure segregation at source of WEEE with other types of solid waste and handled them separately in accordance with national standards;
- ✓ WEEE containers shall not be overfilled and shall be appropriately covered and labeled;
- ✓ The containers shall be immediately replaced once they are worn out;
- ✓ Have a collection point adequate to serve the geographical area and the volume of separated WEEE tonnage captured;
- ✓ Provide a copy of an EIA certificate, if the applicant intends to construct a storage facility;
- ✓ WEEE Managers must adhere to international standards and best practices existing and equivalent treatment conditions;
- ✓ Comply with technical specifications for collection and transportation listed 2A of these regulations.



# Technical requirements of WEEE dismantling

Any person who wishes to dismantle WEEE shall:

- ✓ Have an Environment Impact Assessment (EIA) undertaken before establishing a WEEE facility;
- ✓ An environmental Audit for existing facilities;
- ✓ Have the state of the art facility complying with all the environmental standards in terms of emissions, effluents, noise WEEE treatment and disposal;



# Technical requirements for WEEE treatment – refurbishment and/or recycling

Any person who wishes to establish a refurbishment or recycling facility shall:

- ✓ have an Environment Impact Assessment undertaken before establishing a WEEE facility;
- ✓ have an Environmental Audit for existing facilities;
- ✓ have the state of the art facility complying with all the environmental standards in terms of emissions, effluents, noise WEEE treatment and disposal;
- ✓ Comply with technical specifications for establishment of a refurbishment and recycling facility



# Validity of license

A license for the provision of WEEE management services shall be granted for a period of ..... years renewable(generally 5 years)





# License renewal

The licensee shall apply for a license renewal within two (2) months before the expiration of the existing license, in submitting the following documents:

- ✓ Application letter ;
- ✓ Copy of the existing license;
- ✓ Proof of payment of regulatory fees for previous year.



# License application evaluation

Following the submission of the license application, the Regulatory Authority shall process the license application in accordance with licensing process and procedures prescribed .



# License application proceedings

The Regulatory Authority may, upon scrutiny of the application within fifteen (15) working days after the receipt of the application, notify and require the applicant to furnish such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.



# License transfer

The transfers of licenses, including the direct or indirect sale, assignment, conveyance, lease or other transfer of assets or activities subject to a license to a different individual or institution shall be subject to a prior written approval of the Authority.



# Revocation or suspension of the license

The Regulatory Authority may revoke a license before its expiration due to:

- ✓ Licensee failure to comply with license terms and conditions;
- ✓ Licensee abandonment of license activities;
- ✓ Failure of the licensee to provide the Regulatory Authority with monitoring and reporting data required by the license or failure to cooperate with the Regulatory Authority inspection and audits;
- ✓ Licensee submittal of false or deliberately misleading data or information to the Regulatory Authority, in response to the Authority's request or in response to the Regulatory Authority's monitoring reporting inspection or audit requirements;



# License fee

The license for WEEE management shall be issued upon the payment of the application and license fees as determined in the regulation Regulation( to provide some examples of applicable fees in the region).



# POWERS AND OBLIGATIONS OF WEEE MANAGERS



# Responsibilities of the collector and the transporter

Any collector and transporter of WEEE shall:

- ✓ Ensure that the WEEE collected is stored in a proper and secured manner until it is sent to the licensed dismantler or treatment facility;
- ✓ Ensure that no damage is caused to the environment and human health, during storage, collection and transportation of WEEE;
- ✓ Keep records of the WEEE handled and make such records available for scrutiny upon request by the Regulatory Authority;
- ✓ Ensure WEEE is properly packed while being transported;
- ✓ Ensure the transporting vehicles are appropriately and completely closed;
- ✓ Ensure WEEE is transported to the licensed WEEE management





# Responsibilities of the dismantler

Any dismantler shall:

- ✓ Ensure that no damage is caused to the environment and human health during dismantling of WEEE;
- ✓ Ensure that the facility and dismantling processes are in accordance with the national published standards;
- ✓ Ensure that dismantled recoverable WEEE is segregated and sent to treatment facilities for recovery of materials;
- ✓ Ensure that non-recyclable/non-recoverable components are sent to licensed treatment storage and disposal facilities;



# Responsibilities of the dismantler

- ✓ Maintain and keep records of the WEEE dismantled and make such records available for scrutiny upon request by the Authority;
- ✓ Issue certificates of managed WEEE to producer responsibility organization under the extended producer responsibility scheme, in the format defined by the Authority



# Responsibilities of a treatment facility – refurbishment and/ or recycling 1

Any refurbishment and /or recycling facility shall:

- ✓ Ensure unusable WEEE go to a licensed disposer;
- ✓ Ensure that the refurbished equipment meet the minimum standards set by the national standards authority;
- ✓ Maintain and keep records of WEEE refurbished and make such records available for scrutiny upon request by the Authority;
- ✓ Ensure that the treatment facility are in accordance with the standards published by the authority responsible for standards;



# Responsibilities of a treatment facility – refurbishment and/ or recycling

- ✓ Ensure that the treatment processes do not have any adverse effect on human health and the environment;
- ✓ Ensure that the residues generated thereof are disposed of in line with applicable hazardous waste treatment regulations for the storage, export and disposal of WEEE;
- ✓ Maintain and keep records of the WEEE recycled and make such records available for
- ✓ scrutiny upon request by the Regulatory Authority;



# Specific obligations of the Producer

- ✓ Assuming the costs of collecting and managing WEEE, as well as the legal, physical and reporting responsibility;
- ✓ Establishing and implementing an extended producer responsibility scheme that includes the entire value chain or join another extended producer responsibility scheme that includes the entire value chain or appoint the producer responsibility organisation to establish and implement an extended producer responsibility scheme that includes the entire value chain;



# Specific obligations of the producer responsibility organization

- Any producer responsibility organization shall be responsible for:
  - ✓ Comply with the targets set for each identified waste stream
  - ✓ Develop and maintain a system to collect the extended producer responsibility fee from producers;
  - ✓ Develop and maintain a register of its members in the event that the producer responsibility organization has two or more members;
  - ✓ Contract for the collection and transport, dismantling and refurbishment and treatment with Licensed service providers through a fair and transparent process;
  - ✓ Keep records of the quantity along the value chain;



# Responsibilities of the consumer

- 1) The individual and bulk consumers of EEE shall:
- Ensure that WEEE is segregated from other forms of waste and is taken to licensed refurbishers, collection centers, dismantlers or recyclers;
- Ensure that WEEE is not resold or auctioned or exchanged or donated except to a licensed facility or cooperative(The question to be analyzed vs the issue of incentives )



# Minimum requirements for Producer Responsibility Organisations

- The extended producer responsibility system must as a minimum include requirements for
- 1) **cleaner production measures that must include as a minimum but not limited to —**
  - a. design for recyclability; and
  - b. waste minimisation and waste avoidance
- 2) **waste reduction including as a minimum but not limited to —**
  - a. composition of products;
  - b. volume of products; or
  - c. weight of products to be restricted and reduced with associate timeframes:





# Minimum requirements for Producer Responsibility Organisations

- 3) reuse; recycling; recovery for beneficial use; treatment; disposal;
- 4) implementation and reporting on the following instruments to complement the EPR—
  - a. minimum recycled content standards;
  - b. secondary materials utilisation rate requirements;
  - c. recovery rates; and



# Transitional provisions

- Producers of EEE and WEEE Managers that exercise economic activities covered by the Regulation, have a period to adapt to new provisions.
- Once the term has expired, the actors who have not adapted will be subject to applicable sanctions.



# APPLICABLES FEES

CATEGORIE OF FEES	FEES
<b>1. Application fees</b>	
1. Collective Extended Producer Responsibility Schemes	Ksh 10.000=USD 67,22
2. Individual Extended Producer Responsibility Schemes	Ksh 5.000=USD 33,61
<b>1. Renewal of Registration</b>	
1. Collective Extended Producer Responsibility Schemes	Ksh 10.000=USD 67,22
2. Individual Extended Producer Responsibility Scheme	Ksh 10.000=USD 67,22
<b>1. Annual Licence</b>	
1. Collective Extended Producer Responsibility Scheme	Ksh 10.000=USD 67,22
2. Individual Extended Producer Responsibility Scheme	Ksh 10.000=USD 67,22
3. Individual producer registration (one off)	Ksh 5.000=USD 33,61
<b>1. Monitoring, inspection and Control Audit</b>	
0.5 % of the total annual extended producer responsibility fee that producer responsibility Organisation is managing	



# APPLICABLE FEES

CATEGORY OF LICENSE	APPLICATION FEE	LICENSE FEE
COLLECTION AND TRANSPORTATION	250.000 FRW=USD 205,36	1.250.000FRW=USD 1026,82
RECYLING LICENSE	350.000 FRW=USD 287,51	1.700.000FRW=USD 1396,47
DISMANTLING AND REFURBISHING	270.000 FRW=USD 221,79	1.350.000FRW=USD 1108,96



# PENALTIES

- Anybody who places in the market a product on behalf of a producer who is not listed in the register published by the Authority as per section 17(3) commits an offence and shall be liable upon conviction to a fine not exceeding Kshs 500,000 per product or to one-year imprisonment or to both.



# PENALTIES

- ✓ Any person who operates without a license commits a fault and is liable to an administrative fine of between one million (1,000,000) and five million (5,000,000) Rwanda francs and suspension of activities.
- ✓ Any person who produces or introduces WEEE in the country without authorisation commits a fault
  - and is liable to an administrative fine of between five hundred thousand (500,000) and five million
  - (5,000,000) Rwanda francs.



# PENALTIES

## Offence relating to false information

- ✓ Any licensee who fails to provide information or provides misleading information as requested by the Regulatory Authority is liable to an administrative fine of between five hundred thousand (500,000) and five million (5,000,000) Rwanda francs.

## Resistance, hinderance or obstruction to the Regulatory Authority

- ✓ Any licensee who resists, hinders or obstructs the Regulatory Authority or any person acting on its behalf in the course of his duty under the provisions of this regulation shall be liable to administrative fine of between five hundred thousand (500,000frw) and five million (5,000,000) Rwanda francs.



# QUESTIONS FOR WORKING GROUPS

1. What is the best financing mechanism(s) to apply in the case of UGANDA ?

- i. Producers pay fees to the government who remains in charge of e-waste management (advantages and disadvantages)
- ii. Producers finance and organise all the operations themselves, through a PRO(advantages and disadvantages)

2. WEEE shall not be sold or auctioned or exchanged or donated except to a licensed facility (the question to be analyzed vs the issue of incentives)





# QUESTIONS

- 3. Please discuss the applicable fees and come up with a proposal suitable for Uganda.
- Look at the structure of the market
- 4. Please discuss also the penalties , penalties should be high enough to discourage fraud .



THE END

