



solving the e-waste problem

Developing Legislative Principles for e-waste policy in developing and emerging countries

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↳ Why a White Paper on Legislative Principles



- Step has been asked by Countries developing e-waste legislation to provide a template legislation they can use.
- The Step approach was to identify key principles and a framework due to:
 - The need for local context and adaptation due to unique challenges
 - Copy-paste from post-industrialised to industrialising countries does not work
- The paper builds on previous Step publications and applies Step members experience working with developing legislation in industrialising countries



↳ How the principles were prepared



- Various papers have been analysed:
 - Existing Step White & Green Papers
 - WEEE Systems & Legislation (WP)
 - One Global Definition of E-waste (WP)
 - One Global Understanding of Re-Use (WP)
 - E-waste Prevention, Take-back System Design and Policy (GP)
 - Step comments on draft legislation for Nigeria & Ghana
- Review of existing legislation from post industrialised and industrialising countries
- Review of definitions and terminology in legislation and conventions



The Legislative Principles



The principles are broken down into the following topics:

1. Objectives
2. Definitions
3. Roles and Responsibilities
4. System design
5. Enforcement
6. Social dimensions
7. International alignment
8. Transparency



1. Objectives



Typically the objectives should focus on the protection of the environment and human health, through sustainable management of e-waste along with any other specific goals or targets.

- Making producers responsible for the end-of-life management for products they put on the market
- Improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment
- Ensure separate collection and proper treatment of e-waste



↳ 2. Definitions



Clear definitions are necessary to ensure all stakeholders understand concepts as simple as what is e-waste, a producer or a collector.

- Clear definitions are required to ensure the intent of the legislation is understood adequately
- Where possible definitions should be aligned with internationally recognised definitions.



3. Roles and Responsibilities



Determining what roles the stakeholders have to play in both the systems and solution is essential for all stakeholders to work together effectively.

- Roles and responsibilities should be well defined in legislation and easy to understand
- As roles and responsibilities of different actors may be spread over several articles of the e-waste legislation it is recommended that governments publish a guidance document that summarizes the requirements per actor.



4. System design



Systems introducing producer responsibility will be essential to ensure that fractions with negative value are collected and treated appropriately in addition to valuable fractions which are typically collected.

- It is essential that EPR based legislation makes producers financially and operationally responsible for the setup of such a collection framework or ensure this is organized by other parties acting on their behalf in the form of a PRO .
- Producers should contribute to the financing of e-waste collection and recycling according to their market share per EEE category placed on the market
- EPR based legislation should allow for informal collectors to continue their collection efforts and be incentivized to collect all devices in order to make use of the highly efficient informal collection system that already exists in many countries today
- Legislation should give careful consideration to the waste hierarchy; repair, refurbishment and reuse that keeps equipment and its components in use for a longer period of time should be preferred over recycling.
- EPR-based legislation must require that all central collection points must be licensed or in compliance with national regulations to receive, manage, sort and store e-waste



↳ 4. System design continued



- Collection Targets shall be based on the amount of e-waste generated in the country rather than looking at sales of equipment as much more EEE may be sold today compared to the amount of e-waste that is generated, this is particularly true for markets with growing economies. This target may be expressed in a total tonnage of e-waste that should be collected
- The legislation shall include the setup of a new entity that will act as a Control tower (e-waste register) and will calculate each producer's market share and the associated collection target
- Legislation must require that all producers in a country must register with the national e-waste register
- Waste legislation should allow for trans-national and trans-continental shipments of e-waste that cannot be recycled in country
- E-waste legislation should require producers to be transparent in the cost structure of the collection and recycling system based on input from the local actors. At the same time legislation should also allow producers to freely choose how to comply with the legal requirements, be it via collection, recycling solution or individually.



5. Enforcement



To ensure all stakeholders meet the requirements of the legislation, there is no point in having ‘the best e-waste legislation in the world’ if it is not effectively enforced.

- Legislation should assign clear responsibilities for enforcement to government agencies or bodies.
- Legislation should include clear procedures for registration of producers, quantities put on the market and reporting requirements.
- Legislation should provide the basis for procedures on licensing and auditing of dismantler and recycler operations to make sure that they follow environmentally sound management standards.
- Sanctions and penalties for non-compliance should be clear to actors, proportionate to the offence and enforceable by government agencies to stop unwanted behavior.
- Regular communication between e.g. environmental, customs and port authorities as well as with the e-waste register and PROs should be established to facilitate monitoring and enforcement.



↳ 6. Social dimensions



Impacts and opportunities to stakeholders and the general public should be considered and where appropriate measures taken.

- Stakeholder engagement is critical to the success of an e-waste system. To encourage stakeholder engagement, e-waste legislation should foresee the establishment of an E-Waste Advisory Council.
- In countries where e-waste is primarily handled informally, it is important that these actors are provided with incentives and options to become part of the EPR-based system, through organization and gradual formalization with appropriate training on safe collection and handling of e-waste.
- Legislation should include provision on stimulating EEE users to utilize licensed collection and recycling facilities instead of sending their waste to landfill, substandard treatment or incineration



↳ 7. International Alignment



Aligning the legislation with internationally recognised conventions such as the Basel convention and internationally recognised recycling standards will avoid complications.

- Definitions, standards related to treatment operations, and rules for transboundary shipments should be as far as possible be aligned with international guidelines and or conventions.
 - Definitions (refer to section)
 - Standards related to treatment operations
 - Rules for trans-boundary shipments



8. Transparency



The more transparent the system is to all stakeholders and the public the less prone it will be to issues such as the misuse of funds or misreporting of data.

- Legislation should ensure that income collected within the EPR-based system is appropriately used for the allocated purpose of collection and recycling of WEEE and not used for other purposes
- Legislation should ensure that the flow of financial obligations and operational performance should be auditable by a neutral 3rd party that has no direct benefit
- Audit results should be made available to relevant stakeholders including financer, supply chain actors, enforcement agencies and government



↳ How to use the Legislative Principles



- Adopt and adapt principles to fit country needs
- Engage with key local stakeholders during the process
- Review infrastructure in country/region to identify existing strengths & key focus areas before implementing



Thank you