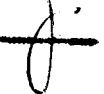


'16 JUL 19 P4 51

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S. No. 568

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
PROVIDING FOR THE COLLECTION, TRANSPORTATION AND RECYCLING
OF ELECTRONIC WASTE AND CELLULAR PHONES

EXPLANATORY NOTE

The earth's natural resources are being devoured today at a rate that highlights the idea that future generations will be paying for serious consequences it would bring. For this reason, the importance of recycling has been continuously becoming an essential matter which concerns the general public and the economy.

The ban on disposing electronic waste (e-waste) through the normal solid waste stream has resulted in illegal dumping in many countries. At present, many companies and individuals are improving their recycling habits by coming up with ways to reduce what they use. This concept of recycling is not only favorable for our surroundings but also for businesses as they secure better relations with the consumers over the matter of saving the environment.

In this light, a comprehensive legislation that will provide the people a method on how to recycle much of what was being used, instead of turning it into unusable waste, is highly called for.

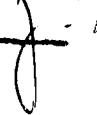
This bill aims to help recycle the people's electronic devices for free by taking a "manufacturers responsibility" approach to recycle e-waste. Applicable only to devices sold to households, this bill requires companies that produce consumer electronics to collect and recycle the products they have sold.

In view of the foregoing, the immediate approval of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

16 JUL 19 P451

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S. No. 568

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
PROVIDING FOR THE COLLECTION, TRANSPORTATION AND RECYCLING
OF ELECTRONIC WASTE AND CELLULAR PHONES

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

ARTICLE I
TITLE

1
2
3
4 SECTION I. *Short Title.* This Act may be cited as the "*E-waste and Cellular Phones*
5 *Recycling Act*".
6

7 SEC. 2. *Definition of Terms.* – For the purpose of this Act, the following are defined
8 as follows:
9

- 10 a) "Bureau" means the Bureau of Internal Revenue;
11
12 b) "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an
13 electronic signal into a visual image;
14
15 c) "Collection" means the aggregation of covered electronic devices from households
16 and includes all the activities up to the time the covered electronic devices are
17 delivered to a recycler;
18
19 d) "Collector" means a public or private entity that receives covered electronic devices
20 from households and arranges for the delivery of the devices to a recycler;
21
22 e) "Commissioner" means the Commissioner of the Bureau of Internal Revenue;
23
24 f) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-
25 speed data processing device performing logical, arithmetic, or storage functions, but
26 does not include an automated typewriter or typesetter, a portable hand-held
27 calculator or device, or other similar device;
28
29 g) "Computer monitor" means:
30

- 1 1) An electronic device that is a cathode-ray tube or flat panel display primarily
2 intended to display information from a central processing unit or the Internet;
3 and
4
- 5 2) Includes a laptop computer;
6
- 7 h) "Covered electronic device" means computers, peripherals, facsimile machines, DVD
8 players, video cassette recorders, and video display devices that are sold to a
9 household by means of retail, wholesale, or electronic commerce;
10
- 11 i) "Department" means the Department of Environment and Natural Resources;
12
- 13 j) "Dwelling unit" means a single unit providing complete, independent, living facilities
14 for one or more persons, including permanent provisions for living, sleeping, eating,
15 cooking and sanitation;
16
- 17 k) "Household" means an occupant of a single detached dwelling unit or a single unit of
18 a multiple dwelling unit who has used video display device at a dwelling unit
19 primarily for personal use;
20
- 21 l) "Manufacturer" means a person who:
22
- 23 1) Manufactures video display devices to be sold under its own brand as
24 identifies by its own brand label; or
25
- 26 2) Sells video display devices manufactured by others under its own brand as
27 identifies by its own brand label;
28
- 29 m) "Peripheral" means a keyboard, printer, or any other device sold exclusively for
30 external use with a computer that provides input or output into or from a computer;
31
- 32 n) "Program year" means the period from July 1 through June 30 of the following year;
33
- 34 o) "Recycler" means a public or private individual or entity who accepts covered
35 electronic devices from households and collectors for the purpose of recycling. A
36 manufacturer who takes products for refurbishment or repair is not a recycler;
37
- 38 p) "Recycling" means the process of collecting and preparing video display devices or
39 covered electronic devices for use in manufacturing processes or of for recovery of
40 useable materials followed by delivery of such materials for use. Recycling does not
41 include the destruction by incineration or other process or land disposal or recyclable
42 materials nor reuse, repair, or any other process through which video display devices
43 or covered electronic devices are returned to use for households in their original form;
44
- 45 q) "Recycling credits" means the number of pounds of covered electronic devices
46 recycled by a manufacturer from households during a program year, less the product
47 of the number of pounds of video display devices sold to households during the same
48 program year, multiplied by the proportion of sales a manufacturer is required to
49 recycle;
50

- 1 r) "Retailer" means a person who sells, or leases, through sales outlets, catalogs, or the
2 Internet, a video display device to a household and not for resale in any form;
3
- 4 s) "Secretary" means the Secretary of the Department of Environment and Natural
5 Resources;
6
- 7 t) "Sell" or "sale" means any transfer for consideration of title or of the right to use, by
8 lease or sales contract, including, but not limited to, transactions conducted through
9 sales outlets, catalogs, or the Internet, or any other similar electronic means, by a
10 person who conducts the transaction and controls the delivery of a video display
11 device to a consumer, but does not include a manufacturer's or distributor's wholesale
12 transaction with a distributor or a retailer;
13
- 14 u) "Television" means an electronic device that is cathode-ray tube or flat panel display
15 primarily intended to receive video programming via broadcast, cable, or satellite
16 transmission or video from surveillance or other similar cameras;
17
- 18 v) "Video display device" means a television or computer monitor, including a laptop
19 computer, that contains a cathode-ray tube or a flat panel screen with a screen size
20 that is greater than nine inches measured diagonally and that is marketed by
21 manufacturers for use by households. Video display device does not include any of
22 the following:
23
- 24 1) A video display device that is part of a motor vehicle or any component part of
25 a motor vehicle assembled by, or for, a vehicle manufacturer or franchised
26 dealer, including replacement parts for use in a motor vehicle;
27
 - 28 2) A video display device, including a touch-screen display, that is functionally
29 or physically part of a larger piece of equipment or is designed and intended
30 for use in an industrial; commercial, including retail; library checkout; traffic
31 control; kiosk; security, other than household security; border control; or
32 medical setting, including diagnostic, monitoring, or control equipment;
33
 - 34 3) A video display device that is contained within a clothes washers, clothes
35 dryer, refrigerator, refrigerator and freezer, microwave oven, conventional
36 oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;
37 or
38
 - 39 4) A telephone of any type unless it contains a video display area greater than
40 nine inches measured diagonally;
41
- 42 w) "Cellular telephone" means a mobile wireless telephone device that is designed to
43 send or receive transmissions through a cellular radiotelephone service and does not
44 include a wireless telephone device that is integrated into the electrical architecture of
45 a motor vehicle;
46
- 47 x) "Cellular telephone service provider" means a provider of wireless voice or data retail
48 service; and
49

1 y) "Retailer" means a person, firm or corporation that sells or offers to sell a cellular
2 telephone to a consumer at retail.
3

4
5 **ARTICLE II**
6 **REGISTRATION PROGRAM**
7

8 **SEC. 3. *Requirements for Sale.*** –
9

10 A. A manufacturer must not sell or offer for sale or deliver to retailers for
11 subsequent sale a new video display device unless:

12
13 1) The video display device is labeled with the manufacturer's brand, which
14 label is permanently affixed and readily visible; and

15
16 2) The manufacturer has filed a registration with the Department.
17

18 B. A retailer who sells or offers for sale a new video display device to a
19 household must, before the initial offer for sale, review the Department Web
20 site specified in Section 4 (g) to determine that all new video display devices
21 that the retailer is offering for sale are labeled with the manufacturer's brands
22 that are registered with the Department.
23

24 C. A retailer is not responsible for an unlawful sale if the manufacturer's
25 registration expired or was revoked and the retailer took possession of the
26 video display device prior to the expiration or revocation of the
27 manufacturer's registration and the unlawful sale occurred within six months
28 after the expiration or revocation.
29

30 **SEC. 4. *Manufacturer's Registration.*** –
31

32 a) A manufacturer of video display devices sold or offered for sale to households
33 must submit a registration to the Department that includes:
34

35 1. A list of the manufacturer's brands of video display devices offered for
36 sale in the country;

37
38 2. The name, address and contact information of a person responsible for
39 ensuring compliance with this Act; and

40
41 3. A certification that the manufacturer has complied and will continue to
42 comply with the requirements of the Sections under Article II of this
43 Act.
44

45 b) Each year, a manufacturer of video display devices sold or offered for sale to a
46 household must include in the registration submitted under paragraph (a) of
47 this Section, a statement disclosing whether:
48

49 1. Any video display devices sold to households exceed the maximum
50 concentration values established for lead, mercury, cadmium,

1 hexavalent chromium, polybrominated biphenyls (PBBs), and
2 polybrominated diphenyl ethers (PBDEs); or
3

4 2. The manufacturer has received an exemption from one or more of
5 those approved maximum concentration values.
6

7 c) A manufacturer who begins to sell or offer for sale video display devices to
8 households, and has not filed a registration under this Section must submit a
9 registration to the Department within ten (10) days of beginning to sell or offer
10 for sale video display devices to households.
11

12 d) A registration must be updated within ten (10) days after a change in the
13 manufacturer's brands of video display devices sold or offered for sale to
14 households.
15

16 e) A registration is effective upon receipt by the Department and is valid until
17 August 1 of each year.
18

19 f) The Department must review each registration and notify the manufacturer of
20 any information required by this Section that is omitted from the registration.
21 Within thirty (30) days of receipt of a notification from the Department, the
22 manufacturer must submit a revised registration providing the information
23 noted by the Department.
24

25 g) The Department must maintain on its website the names of manufacturers and
26 the manufacturers' brands listed in registrations filed with the Department.
27 The Department must update the website information promptly upon receipt of
28 a new or updated registration. The website must contain prominent language
29 stating, in effect, that all Sections in this Act are directed at household
30 equipment and the manufacturers' brands list is, therefore, not a list of
31 manufacturers qualifies to sell to industrial, commercial, or other markets
32 identifies as exempt from the requirements of this Act.
33

34 **SEC. 5. Collector's Registration.** – No person may operate as a collector of covered
35 electronic devices from households unless that person has submitted a registration with the
36 Department on a form prescribed by the Secretary. Registration information must include the
37 name, address, telephone number and location of the business and a certification that the
38 collector has complied and will continue to comply with the requirements of Sections under
39 Article II of this Act. A registration is effective upon receipt by the Department and is valid
40 until July 1 of each year.
41

42 **SEC. 6. Recycler's Registration.** – No person may recycle video display devices
43 generated by households unless that person has submitted a registration with the Department
44 on a form prescribed by the Secretary. Registration information must include the name,
45 address, telephone number and location of all recycling facilities under the first control of the
46 recycler that may receive video display devices from households and a certification that the
47 recycler has complied and will continue to comply with the requirements of Sections under
48 Article II of this Act. A registered recycler may conduct recycling activities that are
49 consistent with this Act. A registration is effective upon receipt by the Department and is
50 valid until July 1 of each year.

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**ARTICLE IV
RESPONSIBILITIES**

SEC. 11. *Manufacturer's Responsibilities.* –

- a) In addition to fulfilling the requirements of this Act, a manufacturer must comply with paragraph (b) to (e);
- b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of covered electronic devices equal to the total weight of its video display devices sold to households during the preceding program year, multiplied by the proportion of sales of video display devices required to be recycled, as established by the Department under Section 14 (c) of this Act;
- c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households;
- d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of the items. A manufacturer is responsible for maintaining, for a period of three years, documentation that all video display devices recycled, partially recycled, or sent to downstream recycling operations comply with the necessary requirements; and
- e) A manufacturer must provide the Department with contact information for a person who can be contacted regarding the manufacturer's activities under this Act.

SEC. 12. *Recycler's Responsibilities.* –

- a) As part of the report submitted under this Act, a recycler must certify, except as provided in paragraph (b) of this Section, that facilities which recycle video display devices, including all downstream recycling operations:
 - 1. Comply with all applicable health, environmental, safety and financial responsibility regulations;
 - 2. Are licensed by all applicable government authorities;
 - 3. Use no prison labor to recycle video display devices; and
 - 4. Possess liability insurance for environmental releases, accidents and other emergencies.
- b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a)(3) and (4); and

- 1 c) Except to the extent otherwise required by law, a recycler has no responsibility
2 for any data that may be contained in a covered electronic device if an
3 information storage device is included in the covered electronic device.
4

5 **SEC. 13. Retailer's Responsibilities. –**
6

- 7 a) By July 1 of each year, a retailer must report to a manufacturer the number of
8 video display device, by video display device model, labeled with the
9 manufacturer's brand sold to households during the previous program year; and
10
11 b) A retailer who sells new video display devices shall provide information to
12 households describing where and how they may recycle video display devices and
13 advising them of opportunities and locations for the convenient collection of video
14 display devices for the purpose of recycling. This requirement may be met by
15 providing to households the Department's toll-free number and website address.
16 Retailers selling through catalogs or the Internet may meet this requirement by
17 including the information in a prominent location on the retailer's Website.
18
19

20 **ARTICLE V**
21 **DEPARTMENT AND BUREAU DUTIES**
22

23 **SEC. 14. Duties of the Department. –**
24

- 25 a) The Department shall administer all Sections in this Act;
26
27 b) The Department shall establish procedures for:
28
29 1. Receipt and maintenance of the registration statements and certifications
30 filed with the Department under Article II; and
31
32 2. Making the statements and certifications easily available to manufacturers,
33 retailers, and members of the public.
34
35 c) The Department shall annually review the value of the following variables which
36 will be a part of the formula to be used to calculate a manufacturer's annual
37 registration fee:
38
39 1. The proportion of sales of video display devices sold to households that
40 manufacturers are required to recycle;
41
42 2. The estimated per-pound price of recycling covered electronic devices sold
43 to households;
44
45 3. The base registration fee; and the multiplier established for the weight of
46 covered electronic devices collected.
47

48 If the Department determines that any of these values must be changed in
49 order to improve the efficiency of the activities regulated under this Act, it shall

1 present those recommendations and the reasons for them to Committees of the
2 Congress with jurisdiction over solid waste policy.
3

- 4 d) By January 15 each year, the Department shall calculate estimated sales of video
5 display devices sold to households by each manufacturer during the preceding
6 program year, based on national sales data, and forward the estimates to the
7 Bureau;
8
- 9 e) On or before December 1 each year, the Department shall provide a report to the
10 legislature on the implementation of this Act. For each program year, the report
11 must discuss the total weight of covered electronic devices recycled and a
12 summary of information in the reports submitted by manufacturers and recyclers
13 under Article III. The report must also discuss the various collection programs
14 used by manufacturers to collect covered electronic devices; information
15 regarding covered electronic devices that are being collected by persons other than
16 registered manufacturers, collectors, and recyclers; and information about covered
17 electronic devices, if any, being disposed of in landfills in the country. The report
18 must include a description of enforcement actions under this Act. The Department
19 may include in its report other information received by the Department regarding
20 the implementation of this Act;
21
- 22 f) The Department shall promote public participation in the activities regulated
23 under this Act through public education and outreach efforts;
24
- 25 g) The Department shall enforce this Act accordingly, except for those provisions
26 enforced by the Bureau. The Department may revoke a registration of a collector
27 or recycler found to have violated this Act;
28
- 29 h) The Department shall facilitate communication as regards the collection and
30 recycling centers, and manufacturers to ensure that manufacturers are aware of
31 video display devices available for recycling;
32
- 33 i) The Department shall develop a form retailers must use to report information to
34 manufacturers under Article IV and post it on the Department's website; and
35
- 36 j) The Department shall post on its website the contact information provided by each
37 manufacturer under Section 11, paragraph (e) of this Act.
38

39 **SEC. 15. Duties of the Bureau. –**
40

- 41 a) The Bureau must collect the data submitted to it annually by each manufacturer on
42 the total weight of each specific model of video display device sold to households,
43 if provided; the total weight of video display devices sold to households; the total
44 weight of covered electronic devices collected from households that are recycled;
45 and data on recycling credits, as required under Article III of this Act. The Bureau
46 must use this data to review each manufacturer's annual registration fee submitted
47 to the Bureau to ensure that the fee was calculated accurately according to the
48 necessary formula;
49

