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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Office of the Secretary
Office of the Secretary

SENATE
S. No. 402

'19 JUL 11 P4:17

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Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
REGULATING THE DISPOSAL OF ELECTRONIC EQUIPMENT AT SOLID
WASTE MANAGEMENT FACILITIES AND REQUIRING THE ESTABLISHMENT
OF RECOVERY AND COLLECTION FACILITIES THEREFOR

EXPLANATORY NOTE

The rapid development of technology in almost all aspects of human life has given us a vision of the world's potential in the coming years. However, it also means that we are witnessing more electronic equipment, appliances and gadgets being produced then disposed without the intent to reuse them. In the Philippines, the improper disposal of what is collectively called *e-waste* has been a perpetual major waste-management problem of the Philippines despite relevant laws for hazardous waste such as the aforementioned.

E-waste contains toxic substances and contents such as mercury, lead, cadmium and persistent organic pollutants, which are deterrent to health and environment. Because of this, e-waste and other hazardous waste require special disposal system or process.

According to a report released in December 2017 by the International Telecommunication Union, the United Nations University and the International Solid Waste Association, each Filipino produces two to five kilos of e-waste that are not being segregated and recycled.

The Constitution, Article 2, Section 16, provides that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

To affirm this constitutional mandate, this bill seeks to prohibit the disposal of e-waste in solid waste management facilities and to require the recycling and reuse of appliances, gadgets, electronic equipment and the like.

In view of the foregoing, the passage of this bill is earnestly sought.¹



FRANCIS "TOL" N. TOLENTINO

Senator

¹ This bill was originally filed by the late Senator Miriam Defensor Santiago during the Fourteenth Congress, Third Regular Session and refiled during the Sixteenth Congress, Third Regular Session.

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

1 Section 1. *Short Title.* — This Act shall be known as the "E-Waste Management
2 Act."

3 Sec. 2. *Policy.* — It is the policy of the state to protect the environment from
4 the hazards of the improper disposal of obsolete electronic equipment, encourage the
5 responsible manufacturing and sale thereof, and assist consumers in the recycling and
6 disposal of their electronic waste.

7 Sec. 3. *Definition of Terms.* — As used in this Act, the term -

8 (A) *Brand* - refers to the name, symbol, logo, trademark, or other
9 information that identifies a product rather than the components of the
10 product;

11 (B) *Consumer* - refers to an individual who uses an electronic equipment
12 that is primarily for personal or home business use;

13 (C) *Department* - refers to the Department of Environment and Natural
14 Resources;

1 (D) *Electronic Equipment* – refers to desktop or laptop computer, computer
2 monitor, portable computer, cathode ray tube, flat panel-based
3 television, tablet, or cellular phone.

4 (E) *Manufacturer* – refers to a person who –

5 a. Manufactures or manufactured electronic equipment under a
6 brand that:

7 i. The person owns or owned; or

8 ii. The person is or was licensed to use, other than under a
9 license to manufacture electronic equipment for delivery
10 exclusively to or at the order of the licensor;

11 b. Sells or sold electronic equipment manufactured by others under
12 a brand that;

13 i. The person owns or owned; or

14 ii. The person is or was licensed to use, other than under a
15 license to manufacture electronic equipment for delivery
16 exclusively to or at the order of the licensor;

17 c. Manufactures or manufactured electronic equipment without
18 affixing a brand;

19 d. Manufactures or manufactured electronic equipment to which the
20 person affixes or affixed a brand that:

21 i. The person does not or has not owned; or

22 ii. The person is not or was not licensed to use; or

23 e. Imports or imported electronic equipment manufactured outside
24 the Philippines into the Philippines unless at the time of
25 importation the company or licensee that sells or sold the
26 electronic equipment to the importer has or had assets or a
27 presence in the Philippines sufficient to be considered as the
28 manufacturer;

29 (F) *Television* – refers to any telecommunication system device that can
30 receive moving pictures and sound broadcast over a distance and
31 includes a television tuner or a display device peripheral to a computer
32 in which the display device contains a television tuner.

1 Sec. 4. *Exceptions.* — This Act shall not apply to -

- 2 (A) Televisions as defined in Section 3, any major part of a moving vehicle,
3 or telephones;
- 4 (B) A consumer's lease of electronic equipment or a consumer's use of
5 electronic equipment under a lease agreement; or
- 6 (C) The sale or lease of electronic equipment to an entity when the
7 manufacturer and the entity enter into a contract that effectively
8 addresses the collection, recycling, and reuse of electronic equipment
9 that has reached the end of its useful life.

10 Sec. 5. *Requirements.* —

- 11 (A) Before a manufacturer, as defined in Section 3, may offer electronic
12 equipment for sale, the manufacturer shall -
- 13 a. Adopt and implement a recovery plan;
- 14 b. Submit a written copy of the recovery plan to the department;
- 15 and
- 16 c. Affix a permanent, readily visible label to the electronic equipment
17 with the manufacturer's brand.
- 18 (B) The recovery plan shall enable a consumer to recycle electronic
19 equipment without paying a separate fee at the time of recycling and
20 shall include provisions for:
- 21 a. The manufacturer's collection from a consumer of any electronic
22 equipment that has reached the end of its useful life and is
23 labeled with the manufacturer's brand; and
- 24 b. Recycling or reuse of electronic equipment collected under the
25 recovery plan of this subsection.
- 26 (C) The collection of electronic equipment provided under the recovery plan
27 shall be:
- 28 a. Reasonably convenient and available to consumers; and
- 29 b. Designed to meet the collection needs of consumers.

30 Sec. 6. *Standard Collection Methods.* — The collection methods shall include a
31 system:

1 (A) By which the manufacturer or the manufacturer's designee offers the
2 consumer the option for returning electronic equipment by mail at no
3 charge to the consumer;

4 (B) Using a physical collection site that the manufacturer or the
5 manufacturer's designee keeps open and staffed and to which the
6 consumer may return electronic equipment; and/or

7 (C) Using a collection event held by the manufacturer or the manufacturer's
8 designee at which the consumer may return electronic equipment.

9 Collection services under this Act may use existing collection and consolidation
10 infrastructure for handling electronic equipment and may include systems jointly
11 managed by a group of manufacturers, electronic recyclers and repair shops, recyclers
12 of other commodities, reuse organizations, non-profit corporations, retailers,
13 recyclers, and other suitable operations. If a manufacturer or its designee offers a
14 mail-back system as described here, either individually or by working together with a
15 group of manufacturers or by working with others, it shall be deemed to meet the
16 convenience requirements of this section.

17 *Sec. 7. Information Requirement.* — The recovery plan shall include information
18 for the consumer on how and where to return the manufacturer's electronic
19 equipment. The manufacturer:

20 (A) Shall include collection, recycling, and reuse information on the
21 manufacturer's publicly available Internet site;

22 (B) Shall provide collection, recycling, and reuse information to the
23 Department; and

24 (C) Shall include collection, recycling, and reuse information in the
25 packaging for or in other materials that accompany the manufacturer's
26 electronic equipment when the equipment is sold.

27 *Sec. 8. Reporting Requirement.* — Each manufacturer shall submit a report to
28 the Department not later than January thirty-first of each year that includes:

29 (A) The weight of electronic equipment collected, recycled, and reused
30 during the preceding calendar year; and

1 (B) Documentation certifying that the collection, recycling, and reuse of
2 electronic equipment during the preceding calendar year were
3 conducted in conformity with sound environmental management.

4 *Sec. 9. Compliance by More Than One Manufacturer.* — If more than one
5 person is the manufacturer of a certain brand of electronic equipment, any of those
6 persons may assume responsibility for and satisfy the obligations of a manufacturer
7 for that brand. If none of those persons assume responsibility or satisfies the
8 obligations of a manufacturer, the Department may consider any of those persons to
9 be the responsible manufacturer for purposes of this Act.

10 *Sec. 10. Other Prohibitions.* —

11 (A) A person who is a retailer of electronic equipment shall not sell or offer
12 to sell new electronic equipment unless the equipment is labeled with
13 the manufacturer's label and the manufacturer is included on the
14 Department's list of manufacturers that have recovery plans. The
15 Department shall keep a database in its Internet site of the
16 manufacturers that are on its list of manufacturers with recovery plans;

17 (B) No person shall knowingly dispose of any electronic equipment in mixed
18 solid waste; and

19 (C) No Solid Waste Management Facility shall knowingly accept for disposal
20 or incineration of any electronic equipment, or any truckload or container
21 of solid waste which includes electronic equipment.

22 *Sec. 11. Penalties.* — The Department shall assess a penalty against a
23 manufacturer that does not comply with the requirements set forth in Sections 5 to 9
24 of this Act. No penalty shall be assessed for a first violation. The penalty shall not be
25 less than one hundred thousand pesos (Php100,000.00) but not more than one million
26 pesos (Php1,000,000.00) for the second and each subsequent violation.

27 Any violation of Section 10(A) shall be punished with a fine of fifty thousand
28 pesos (Php50,000.00). Any violation of Section 10(B) of this Act shall be punished with
29 a fine of twenty thousand pesos (Php20,000.00) or imprisonment of not less than one
30 month but not more than three months. Any violation of Section 10(C) of this Act shall
31 be punished with a fine of fifty thousand pesos (Php30,000.00) and revocation of the
32 license of the Solid Waste Management Facility.

1 Public officers responsible for any of the abovementioned violations shall
2 be personally liable for the imposable fine.

3 Sec. 12. *E-Waste Recycling Fund.* — Any penalty collected under the preceding
4 section shall be credited to the "E-Waste Recycling Fund," which is hereby created,
5 and the money collected from this fund shall be used for the purpose of funding the
6 administrative requirements of this Act. Any amount remaining at the end of every
7 two years shall revert to the National Treasury.

8 Sec. 13. *Auditing and Inspection Powers.* — The Department is empowered to
9 conduct audits and inspections to determine compliance with this Act.

10 Sec 14. *Recycling of Collected Equipment.* — All electronic equipment collected
11 under this Act shall be recycled or reused in a manner that complies with the standards
12 to be set by the Secretary of Environment and Natural Resources provided that its
13 cost is reasonable and environmentally sound.

14 The Department shall conduct research and make use of the best available
15 technology in the disposal of electronic equipment consistent with the principles in the
16 Ecological Solid Waste Management Act.

17 Sec. 15. *Role of the Local Government Units.* — Cities and Municipalities, in
18 coordination with the Department and the manufacturers, consistent with the
19 principles in the Ecological Solid Waste Management Act, shall assist in the collection
20 and disposal or recycling of electronic equipment through their respective solid and
21 special waste management programs.

22 Sec. 16. *Implementing Rules and Regulations.* — The Secretary shall
23 promulgate the rules and regulations to implement this Act within ninety (90) days
24 from the effectivity of this Act.

25 Sec. 17. *Separability Clause.* —If any provision or part thereof is held invalid or
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall
27 remain valid and subsisting.

28 Sec. 18. *Repealing Clause.* — Any law, presidential decree or issuance,
29 executive order, letter of instruction, administrative order, rule, or regulation contrary
30 to or inconsistent with the provisions of this Act is hereby repealed, modified, or
31 amended accordingly.

1 Sec. 19. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after
2 its publication in at least two (2) newspapers of general circulation.

Approved,