

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 956



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

The entire world is in a different plane because of the continuous emergence of new technologies. Various aspects of human life have given us a glimpse of what the world can be like in the future. These advancements in technology bring new types of gadgets and electronic equipment in a really fast pace.

Though technology brings new ways for improving our lives, one negative matter it brings is the waste the gadgets and equipment bring. The improper disposal and waste management of these gadgets and other equipment, collectively called e-waste, is one of the major factors of environmental degradation in the Philippines.

E-waste contains various chemicals and heavy metals which are hazardous to human health and the environment when not properly disposed or handled. This requires e-waste to be processed separately and handled in a particular manner. Despite this, a formal and comprehensive e-waste management system is still lacking in the country as most e-waste is being handled by the informal sector which include waste pickers, junkshop operators, and scavengers.

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, the proposed law herein seeks to provide the proper disposal of e-waste in solid waste management facilities and to require the recycling and reusing of appliances, gadgets, electronic equipment and the like.

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

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

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

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

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

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

- (A) *Brand* - refers to the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product;
- (B) *Consumer* - refers to an individual who uses an electronic equipment that is primarily for personal or home business use;

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

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

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

- a. Manufactures or manufactured electronic equipment under a brand that:
 - i. The person owns or owned; or
 - ii. The person is or was licensed to use, other than under a license to manufacture electronic equipment for delivery exclusively to or at the order of the licensor;
- b. Sells or sold electronic equipment manufactured by others under a brand that;
 - i. The person owns or owned; or
 - ii. The person is or was licensed to use, other than under a license to manufacture electronic equipment for delivery exclusively to or at the order of the licensor;
- c. Manufactures or manufactured electronic equipment without affixing a brand;
- d. Manufactures or manufactured electronic equipment to which the person affixes or affixed a brand that:
 - i. The person does not or has not owned; or
 - ii. The person is not or was not licensed to use; or
- e. Imports or imported electronic equipment manufactured outside the Philippines into the Philippines unless at the time of importation the company or licensee that sells or sold the electronic equipment to the importer has or had assets or a presence in the Philippines sufficient to be considered as the manufacturer;

(F) *Television* – refers to any telecommunication system device that can receive moving pictures and sound broadcast over a distance and

includes a television tuner or a display device peripheral to a computer in which the display device contains a television tuner.

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

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

Section 5. *Requirements.* —

- (A) Before a manufacturer, as defined in Section 3, may offer electronic equipment for sale, the manufacturer shall -
 - a. Adopt and implement a recovery plan;
 - b. Submit a written copy of the recovery plan to the department; and
 - c. Affix a permanent, readily visible label to the electronic equipment with the manufacturer's brand.
- (B) The recovery plan shall enable a consumer to recycle electronic equipment without paying a separate fee at the time of recycling and shall include provisions for:
 - a. The manufacturer's collection from a consumer of any electronic equipment that has reached the end of its useful life and is labeled with the manufacturer's brand; and
 - b. Recycling or reuse of electronic equipment collected under the recovery plan of this subsection.
- (C) The collection of electronic equipment provided under the recovery plan shall be:
 - a. Reasonably convenient and available to consumers; and

- b. Designed to meet the collection needs of consumers.

Section 6. *Standard Collection Methods.* — The collection methods shall include a system:

- (A) By which the manufacturer or the manufacturer's designee offers the consumer the option for returning electronic equipment by mail at no charge to the consumer;
- (B) Using a physical collection site that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return electronic equipment; and/or
- (C) Using a collection event held by the manufacturer or the manufacturer's designee at which the consumer may return electronic equipment.

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

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

- (A) Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site;
- (B) Shall provide collection, recycling, and reuse information to the Department; and
- (C) Shall include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's electronic equipment when the equipment is sold.

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

- (A) The weight of electronic equipment collected, recycled, and reused during the preceding calendar year; and
- (B) Documentation certifying that the collection, recycling, and reuse of electronic equipment during the preceding calendar year were conducted in conformity with sound environmental management.

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

Section 10. *Other Prohibitions.* —

- (A) A person who is a retailer of electronic equipment shall not sell or offer to sell new electronic equipment unless the equipment is labeled with the manufacturer's label and the manufacturer is included on the Department's list of manufacturers that have recovery plans. The Department shall keep a database in its Internet site of the manufacturers that are on its list of manufacturers with recovery plans;
- (B) No person shall knowingly dispose of any electronic equipment in mixed solid waste; and
- (C) No Solid Waste Management Facility shall knowingly accept for disposal or incineration of any electronic equipment, or any truckload or container of solid waste which includes electronic equipment.

Section 11. *Penalties.* — The Department shall assess a penalty against a manufacturer that does not comply with the requirements set forth in Sections 5 to 9 of this Act. No penalty shall be assessed for a first violation. The penalty shall not be

less than one hundred thousand pesos (Php100,000.00) but not more than one million pesos (Php1,000,000.00) for the second and each subsequent violation.

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

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

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

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

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

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

Section 15. *Role of the Local Government Units.* — Cities and Municipalities, in coordination with the Department and the manufacturers, consistent with the principles in the Ecological Solid Waste Management Act, shall assist in the collection

and disposal or recycling of electronic equipment through their respective solid and special waste management programs.

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

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

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

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

Approved,