

WEEE Policy and Regulatory Development

With an emphasis on extended producer responsibility.

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ITU's WEEE Mandate

At its Plenipotentiary Conference, ITU Member States set global targets for 2023:

- To increase the global WEEE recycling rate to 30% .
- To raise the percentage of countries with a WEEE legislation to 50%.



Global Overview

*Figures from 2019. The Global E-waste Monitor 2020.

WEEE Generation



82.6%
or 44.3
Mt

WEEE generated in 2019 (the destination of WEEE dumping is unknown)



Since 2014, the global generation of WEEE has grown by 9.2 million metric tonnes (Mt) (21%).

Currently, only 78 out of 193 (40% of countries) are covered by a WEEE policy, legislation or regulation.

Policy Toolkit

Provides tools for fair and economically viable EPR, with examples from African countries.

Provides a timeline for developing a national EPR framework.

Considers the need for an all-actors approach.

Serves as a reference for the entire system of WEEE management including financing, regulation, technology and skills, monitoring and control, and marketing and awareness.

Considers the opportunity for regional integration and harmonization by African economies, in particular building on the Regional Economic Communities.



ITU Programme

1 Namibia

2 Malawi

3 Burundi

4 Dominican Rep.

5 Botswana

6 The Gambia

7 Bahrain

8 Mauritania

Support the governments with:

- Definitions and scope.
- Identifying government agencies with important roles.
- Producer outreach.
- Workshops for transparent dialogue.
- Policy and regulation development.
- National awareness campaigns.
- Financing scenarios.
- Organisation of producers in light of regulation.



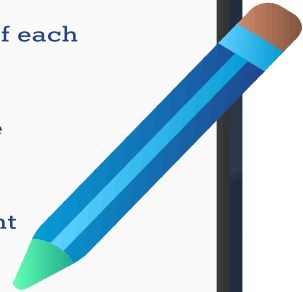
Simplicity...

If no pre-existing legally binding instrument, the policy is first key document, achieving:

- Stakeholder identification.
- Stakeholder engagement.
- Stakeholder coordination.
- Sense of momentum.
- Sense of intention.
- Scope of concept.
- Scope of definitions.
- Scope of coverage.

What needs to go in the regulation?

- ✓ Clear definitions of the stakeholders in the e-waste value chain
- ✓ 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
- ✓ Details on financing mechanisms and institutional structures, such as a PROs
- ✓ Clear stipulations on who covers the cost of e-waste management



Concept

What should EPR regulations do?

- **Apply meaningful categorization and differentiation**, in order to minimize complexity and cross-subsidization. A categorization based on treatment destination can be more efficient than one based on product functionality.
- **Ensure balanced competition**, in order to provide a cost-effective and environmentally sound system.
- **Enable awareness and enforcement**, with clearly defined responsibilities for all stakeholders, as this also reduces non-compliance.
- **Ensure a low burden of administration**, by keeping the fine details outside the legislative framework. Administrative burdens hinder compliance and increase costs.
- **Facilitate international harmonization**, as this makes monitoring and comparison with other countries much easier for legislators and makes it simpler and cheaper for producers to comply with the regulations.

It is also important to ask questions about financing:

- What are the financing mechanism(s) applied?
- 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?
- Will penalties for non-compliance be higher or lower than fees?
- What is the basis of fees and the methodology to calculate the amount to be paid?

Organisation

Systems led by PRO*s are often preferred options for both producers and regulators.

Because of the perceived advantages of having a dedicated third-party institution managing both material and financial flows.

Examples of PRO features		
Type of PRO	Potential strengths	Potential weaknesses
State-fund model Producers pay an eco-fee or eco-levy to a designated waste management fund operated by the government.	<ul style="list-style-type: none">• High legal certainty for producers• Limited liability for producers• Level playing field for all producers	<ul style="list-style-type: none">• Dependent on political priorities with a risk of funds being allocated to unrelated issues where programmes may be underfunded• Fees that are set by the fund manager may be unrealistic• Limited oversight and transparency• Limited third-party regulatory oversight
Industry-led monopoly model Producers form a not-for-profit entity that operates as a PRO.	<ul style="list-style-type: none">• Minimum overheads through economies of scale• High technical standards can be set for recyclers• Often competitive bidding by recyclers to access e-waste streams from the PRO• Transparency around costs and revenues of the PRO for producers who are members• Easier to regulate as a single entity	<ul style="list-style-type: none">• Needs collaboration and agreement with all producers• Can create cost complacency and the accumulation of funds in the PRO• Compliance risk is likely for producers when concentrated on a single source
Compliance service provider model Private businesses that provide the services of a PRO for a fee to the producers.	<ul style="list-style-type: none">• Competitive market for compliance and treatment that can drive efficiency and innovation• Flexibility for producers to choose one or more service providers	<ul style="list-style-type: none">• Greater complexity to regulate producer compliance• Higher overall system administration cost• Potential for race to the bottom regarding treatment costs and standards• Requires large volume of e-waste to be generated in order to be viable

*PRO: Producer Responsibility Organisation

Definitions

It is recommended to establish clear definitions of the EPR stakeholders.

It is recommended to harmonize definitions across countries regionally.

It is recommended to define at least the following:

- Producers (collective term).
- Consumers (bulk, individual, B2C, B2B).
- Recyclers (and collectors).
- Government (national and local).

CASE-STUDY: AFRICAN EXAMPLES OF DEFINITIONS OF PRODUCERS

The following are examples of definitions of producer from regulations that were either in force or in draft form in 2021.

- Nigeria:** Referred to as the entity (which may include, but is not limited to, the brand owner, manufacturer, franchisee, assembler, distributor, retailer or first importer of the product) who sells, offers for sale or distributes the product. It also includes the local manufacturer or importer of new and used EEE to be placed on a national market at first invoice by sale or donation. A producer can be a legal or natural person.
- South Africa:** Referred to as any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, refurbishment (where applicable) or import of new and / or used identified products as identified by the Minister by Notice in the Government Gazette in terms of section 18(1) of the Act, and a producer includes, where relevant, the same as defined in the specific section 18 Notices for each of the identified products as gazetted by the Minister in terms of section 18(1) and (2) of the Act.
- Kenya:** Referred to as an entity that introduces goods, products and packaging into the country using authorized means by manufacturing, importing, distributing, converting, selling or reselling.
- Ghana:** Ghana applies regulations in regard to manufacturers and importers of EEE, who are defined, respectively, as any person who assembles or produces electronic equipment in the republic and a person who, in the ordinary course of business, imports electronic equipment into the republic or arranges for hazardous waste or other wastes to be imported into the republic.
- Rwanda:** Referred to as any person or entity who introduces or causes to be introduced new and used EEE into the market by sale, donation, gifts, inheritance or by any such related methods and can either be a manufacturer, importer, distributor or assembler.
- Madagascar:** Referred to as polluter and payer and any person who manufactures, ships, imports or introduces EEE on the national market in a private and professional capacity.
- Côte d'Ivoire:** Referred to as any person who manufactures, imports or introduces EEE on the national market, on a professional basis, except where such equipment is sold under the sole brand of a reseller. In this case, the reseller is considered as a producer.
- Cameroon:** Referred to as any natural or legal person who manufactures, imports or introduces on the national market on a professional basis electrical or electronic equipment, unless this equipment is sold under the sole brand of a reseller. In this case, the reseller is considered as a producer.
- Egypt:** Referred to as any manufacturer, exporter or distributor falling under the product's extended liability system.
- Zambia:** Although not explicitly identifying them as a producer, Zambia's 2018 EPR regulations define the actor mandated to implement the regulations as a person who intends to manufacture, retail, import, trade or commercially distribute in Zambia.

Categories













It is recommended to cover all 6 categories of EEE in regulation.

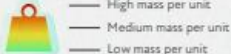
It is recommended that countries harmonize these categories regionally.

It is recommended to also amend regulation to consider emerging EEE.

It is recommended that EPR regulation supports the cost of low-value EEE.

EEE and e-waste categories

	1. Temperature Exchange Equipment	
	2. Screens and Monitors	
	3. Lamps	
	4. Large Equipment	
	5. Small Equipment	
	6. Small IT and Telecommunication Equipment	



Adapted from: Forti V, Baldé C.P., Kuehr R. (2018). E-waste Statistics: Guidelines on Classifications, Reporting and Indicators, second edition. United Nations University, ViE – SCYCLE, Bonn, Germany.

Global Products



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Thank You

Questions?

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