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RESOURCE SUSTAINABILITY ACT 2019 (ACT 29 OF 2019)

RESOURCE SUSTAINABILITY (PACKAGING REPORTING) REGULATIONS 2020

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In exercise of the powers conferred by section 52 of the Resource Sustainability Act 2019, the Minister for the Environment and Water Resources makes the following Regulations:

Citation and commencement

1. These Regulations are the Resource Sustainability (Packaging Reporting) Regulations 2020 and come into operation on 1 July 2020.

Definitions

2. In these Regulations, unless the context otherwise requires —

“3R plan” means a plan by a producer to reduce, re-use or recycle packaging in Singapore required by section 21(1) of the Act;

“aircraft” does not include an aircraft that —

- (a) has a total mass of 7 kg or below; and
- (b) may be flown or used without any individual on board the aircraft to operate it;

“annual turnover”, in relation to a producer, means the gross revenue received by the producer in respect of the producer’s business in Singapore, whether in relation to the supply of regulated products or otherwise;

“motor vehicle” has the meaning given by section 2(1) of the Road Traffic Act (Cap. 276);

“obligated producer” means a producer of specified packaging who is required under section 20(1) of the Act to submit a packaging report;

“packaging report” means a report required by section 20(1) of the Act from a producer relating to the specified packaging that is imported or used in a year;

“specified goods” means —

- (a) a lift or an escalator;
- (b) any sports or recreation equipment;
- (c) an aircraft;
- (d) a spacecraft;
- (e) a vessel; or
- (f) a motor vehicle that is neither a personal mobility device, power-assisted bicycle, motorised wheelchair nor a mobility scooter within the meaning given by section 2(1) of the Active Mobility Act 2017 (Act 3 of 2017);

“sports or recreation equipment” —

- (a) means any mechanised or power-driven equipment or device that is free-standing and attached to the ground, and is designed for use —
 - (i) in a bowling alley;

- (ii) as an amusement ride; or
- (iii) in engaging in other similar sporting or recreational activity; and
- (b) includes any accessory or ancillary item essential to the functioning of any equipment or device in paragraph (a);

“vessel” includes any ship or boat or air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel.

Excluded goods

3. The goods specified in the Schedule are excluded from the definition of “regulated goods” in section 19(1) of the Act.

Excluded packaging

4.—(1) The following types of packaging are excluded from the definition of “specified packaging” in section 19(1) of the Act:

- (a) packaging designed to be re-used by an end user for the containment of any regulated goods that are none of the following:
 - (i) any food or beverage product;
 - (ii) any vitamin and health supplement;
 - (iii) any medicinal product;
 - (iv) any cosmetic product;
 - (v) any personal care or hygiene product;
 - (vi) any detergent or cleaning agent;
- (b) packaging designed to facilitate the protection or handling of the regulated goods when transported in bulk but not presented or delivered to the consumer of the regulated goods.

(2) To avoid doubt, packaging that is provided by a retailer to a consumer who purchases regulated goods from the retailer, to enable

the consumer to put the regulated goods into the packaging, is not packaging designed to be re-used by an end user.

Prescribed threshold criteria

5. For the purposes of section 20(1) of the Act, the prescribed threshold criteria in any year starting 2020 is an annual turnover of more than \$10 million in the course of business in that year.

Website for submission of packaging report and 3R plan

6. An obligated producer must submit every packaging report and 3R plan of the producer through, and in the form set out on, the website of the Agency at <https://www.nea.gov.sg/packaging>.

Packaging report

7.—(1) An obligated producer must, on or before 31 March of any year, submit to the Agency the packaging report relating to the specified packaging imported or used in the year immediately before that year.

(2) Each packaging report relating to a year must —

- (a) explain the methodology used in recording the material, weight and form of specified packaging imported or used by the producer in the year; and
- (b) state the weight and form of specified packaging imported or used according to the type of material of specified packaging, less all specified packaging imported or used in relation to regulated goods that the obligated producer knows have been exported that year or are to be exported.

3R plan

8.—(1) An obligated producer must submit a 3R plan on or before 31 March of the year that the producer is required to submit the packaging report.

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- (2) Each 3R plan must —
- (a) state a target implementation date for the 3R plan that is no later than 3 years after the time limited for the submission of the 3R plan; and
 - (b) contain at least one of the following types of improvement plans:
 - (i) a packaging reduction plan;
 - (ii) a plan to collect packaging for re-use;
 - (iii) a plan to collect packaging for recycling;
 - (iv) a plan to engage and educate consumers on the reduction, re-use or recycling of packaging;
 - (v) a plan to engage and educate any industry sector on the reduction, re-use or recycling of packaging;
 - (vi) a plan to use recycled content in packaging material;
 - (vii) a plan to improve the recyclability of packaging used.

Requirements relating to keeping of records

9.—(1) For the purposes of section 23(1) of the Act, an obligated producer of specified packaging must keep and maintain complete and accurate records of the following:

- (a) any document relied on by the obligated producer to determine the material, weight and form of specified packaging imported or used in relation to any regulated goods, including sales or import receipts and any document stating the packaging weight of the regulated goods;
- (b) where the producer is an obligated producer, any document demonstrating the implementation of a 3R plan.

(2) For the purposes of section 23(2)(a) of the Act, the prescribed period for keeping records containing information mentioned in section 23(1) of the Act is —

- (a) where the record relates to a document in paragraph (1), 5 years after —

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- (i) the date of the document; or
 - (ii) where the document is not dated, the date on which document containing the information in question was received by the producer; or
- (b) 5 years after the record is made by the producer.

THE SCHEDULE

Regulation 3

LIST OF EXCLUDED GOODS

1. Any machine, equipment, appliance or other device that is designed solely for industrial or manufacturing usage or application (including commercial food processing or production) and any spare part, accessory or peripheral item designed for use with or in the equipment, appliance or device.
2. Any specified goods and any spare part, accessory or peripheral item designed for use with or in the specified goods.
3. Any arms or explosives within the meaning of the Arms and Explosives Act (Cap. 13).

Made on 30 June 2020.

ALBERT CHUA
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Ministry of the Environment and
Water Resources,
Singapore.*

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