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## **No. S 583**

### **RESOURCE SUSTAINABILITY ACT 2019**

#### **RESOURCE SUSTAINABILITY (PRODUCER RESPONSIBILITY SCHEMES) (AMENDMENT) REGULATIONS 2024**

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

#### **Citation and commencement**

1. These Regulations are the Resource Sustainability (Producer Responsibility Schemes) (Amendment) Regulations 2024 and come into operation on 12 July 2024.

#### **New Part 1 heading**

2. In the Resource Sustainability (Producer Responsibility Schemes) Regulations 2021 (G.N. No. S 96/2021) (called in these Regulations the principal Regulations), before regulation 1, insert —

“PART 1  
PRELIMINARY”.

#### **Amendment of regulation 2**

3. In the principal Regulations, in regulation 2 —

(a) delete the definitions of “category of e-waste”, “collection target”, “compliance year”, “peripheral item”, “portable battery” and “regulated consumer product”;

(b) before the definition of “licence”, insert —

““beverage container” has the meaning given by section 23M(1) of the Act;”;

(c) after the definition of “licensee”, insert —

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““regulated product” has the meaning given by section 7(1) of the Act.”.

### **New Part 2 and Division 1 headings**

4. In the principal Regulations, before regulation 3, insert —

“PART 2  
LICENSED OPERATORS OF PRODUCER  
RESPONSIBILITY SCHEMES, ETC.

*Division 1 — Fees”.*

### **Replacement of regulation 3**

5. In the principal Regulations, replace regulation 3 with —

#### **“Fee for licence**

3. The fee for a licence granted under section 29(2) of the Act is —

- (a) in the case of a licence to operate a producer responsibility scheme for regulated products — \$4,907; and
- (b) in the case of a licence to operate a producer responsibility scheme for beverage containers — \$28,000.”.

### **New Division 2 of Part 2**

6. In the principal Regulations, before regulation 4, insert —

*“Division 2 — Licensed operators of e-waste licensed schemes*

#### **Definitions of this Division**

3A. In this Division —

“category of e-waste” means one or more types of regulated consumer products in respect of which one collection target is imposed under a licence;

“collection target” means a minimum waste collection amount imposed under a licence;

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“compliance year” has the meaning given by section 12(4) of the Act;

“peripheral item”, in relation to any regulated consumer product, means any cable, adaptor, remote control, keyboard, mouse or other similar peripheral item, other than a portable battery, that is used in connection with the regulated consumer product;

“portable battery” has the meaning given by regulation 2 of the Resource Sustainability (Prescribed Regulated Products) Regulations 2019 (G.N. No. S 900/2019);

“regulated consumer product” has the meaning given by section 7(1) of the Act.

### **Application to regulated product licensees**

**3B.** This Division applies only to a licensee of a producer responsibility scheme for regulated products.”.

### **Amendment of regulation 5**

7. In the principal Regulations, in regulation 5(4)(a) and (b), delete “report or”.

### **New Division 3 of Part 2**

8. In the principal Regulations, after regulation 10, insert —

*“Division 3 — Licensed operators of beverage container return licensed schemes*

### **Definitions of this Division**

11. In this Division —

“beverage product”, “deposit”, “return point”, “return point operator” and “supply” have the meanings given by section 23M(1) of the Act;

“compliance year” means the period starting from 1 April 2026 and ending on 31 March 2027 (both dates inclusive) and every subsequent period of 12 months starting on 1 April and ending on 31 March;

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“recycle”, in relation to an empty beverage container, means to process the body of the empty beverage container into recycled materials, but does not include —

- (a) any energy recovery process where the empty beverage container is combusted to generate energy; or
- (b) the baling of the empty beverage container with any other beverage container or other waste;

“recycled material” means any object, material or substance that is recovered from recycling an empty beverage container and —

- (a) that may be used instead of a raw material in the manufacture of a product; or
- (b) that is of economic value.

### **Application to beverage container licensees**

12. This Division applies only to a licensee of a producer responsibility scheme for beverage containers.

### **Termination or rejection of membership**

13.—(1) A licensee must not terminate the membership of a producer of beverage products in, or reject the producer’s application to rejoin, the licensee’s licensed scheme except —

- (a) if the producer is in arrears of any fees due to the licensee for more than 2 months; or
- (b) if the producer is in arrears of any deposit due to the licensee for more than 2 months.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

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### **Empty beverage container collection plans and contingency plans**

**14.—(1)** A licensee must submit to the Agency, not less than 2 months (or a shorter time that the Agency may allow in a particular case) before the start of a compliance year —

- (a) a collection plan for the compliance year, in accordance with paragraph (2); and
- (b) a contingency plan for the compliance year, in accordance with paragraph (3).

(2) The collection plan mentioned in paragraph (1) must state the following for the compliance year:

- (a) the name of each return point operator (if any) that the licensee has entered into an arrangement with to operate any return point;
- (b) the type of each of the premises at which a proposed return point is to be operated by, or for or on behalf of, the licensee;
- (c) the location of each proposed return point at each of the premises in sub-paragraph (b);
- (d) the infrastructure and mechanism to be used by the licensee for collecting empty beverage containers at each such return point;
- (e) the system to be used for the collection of empty beverage containers from each such return point;
- (f) any change from the prior compliance year (if any) to any matter specified in sub-paragraphs (a) to (e);
- (g) details on public education and awareness raising programmes relating to the return and collection of empty beverage containers;
- (h) any other information relevant to the licensee's collection of empty beverage containers that the Agency may require in a particular case.

(3) The contingency plan mentioned in paragraph (1) must state the licensee's plans to ensure continuity of collection and recycling operations in the compliance year despite disruptive events.

(4) The Agency may, in respect of any plan submitted by a licensee that is incomplete at the time of submission, in writing direct the licensee to do the following within the time period specified in the direction (or a longer time that the Agency may allow in a particular case):

(a) to rectify any matter in the plan as the Agency may require;

(b) to resubmit the plan to the Agency,

and the licensee must comply with the direction.

(5) A licensee who, without reasonable excuse, contravenes paragraph (1) or fails to comply with a direction under paragraph (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Manner of disposing and treating collected empty beverage containers**

**15.—**(1) A licensee must dispose of all empty beverage containers collected —

(a) to a licensee of a general waste disposal facility (*X*);  
or

(b) if the licensee is unable to enter into an arrangement with *X* for the purpose of sub-paragraph (a) — to any person outside Singapore.

(2) The licensee must —

(a) arrange with *X* or the person outside Singapore (as the case may be) mentioned in paragraph (1) for the empty beverage containers to be recycled; and

(b) obtain any documents and information that the Agency may require, evidencing that the empty beverage containers have been recycled.

(3) A licensee who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) In paragraph (1), “general waste disposal facility” has the meaning given by regulation 2 of the Environmental Public Health (General Waste Disposal Facility) Regulations 2017 (G.N. No. S 380/2017).

### **Manner of determining return rate of empty beverage containers collected**

**16.—**(1) For the purposes of determining whether the return rate of empty beverage containers collected by a licensee has met the return rate target for empty beverage containers imposed under the licensee’s licence in a compliance year, only the following information may be included:

- (a) the number of units of empty beverage containers (used for any beverage product supplied by any member of the licensee’s licensed scheme) that are accepted at any return point operated by, or for or on behalf of, the licensee in the compliance year;
- (b) the number of units of beverage products supplied in Singapore by any member of the licensee’s licensed scheme in the compliance year.

(2) A licensee commits an offence if the licensee knowingly includes or excludes any number of units of empty beverage containers or beverage products otherwise than in accordance with paragraph (1) for the purposes of determining whether the licensee has met the return rate target.

(3) A licensee who is guilty of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In this regulation, the return rate of empty beverage containers collected by a licensee is calculated by dividing the total number of units of empty beverage containers (used for beverage products supplied by any member of the licensee’s

licensed scheme) accepted at all return points operated by, or for or on behalf of, the licensee in a compliance year, by the total number of units of beverage products supplied in Singapore by all members of the licensee's licensed scheme in the compliance year.

### **Requirements relating to key appointment holders**

17.—(1) For the purposes of section 29A(1) of the Act and subject to paragraph (2) —

- (a) if a licensee has more than one but fewer than 4 key appointment holders — at least one key appointment holder must be —
  - (i) an individual who is a small producer; or
  - (ii) an individual who, in the Agency's view, represents the interests of small producers; or
- (b) if a licensee has 4 or more key appointment holders — at least 2 key appointment holders must each be —
  - (i) an individual who is a small producer; or
  - (ii) an individual who, in the Agency's view, represents the interests of small producers.

(2) If a key appointment holder who was appointed with the approval of the Agency mentioned in paragraph (4) —

- (a) resigns;
- (b) ceases to be a key appointment holder for any other reason; or
- (c) ceases to satisfy both of the following conditions:
  - (i) be a small producer;
  - (ii) be an individual who, in the Agency's view, represents the interests of small producers,

the licensee must, within 3 months after that event (or such longer time as the Agency may allow in any particular case), appoint the number of new key appointment holders that is



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necessary for the licensee to comply with the requirements under paragraph (1).

(3) For the purposes of paragraphs (1) and (2), a person is a small producer at a particular time if —

- (a) the person is a producer of a beverage product; and
- (b) the person's annual turnover for the most recent financial year of the person that expired before that particular time, did not exceed \$10 million.

(4) A licensee must obtain the Agency's approval for the appointment of a key appointment holder in relation to whom any requirement mentioned in section 29A(1)(a) is imposed.

(5) A licensee who contravenes paragraph (1), (2) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Requirements for keeping of records**

**18.**—(1) For the purposes of section 34(1)(a) of the Act, a licensee must keep records for each compliance year of the following details of the licensee's collection activities:

- (a) the name of each return point operated by, or for or on behalf of, the licensee;
- (b) every location of a return point operated by, or for or on behalf of, the licensee;
- (c) the date and time of each collection of empty beverage containers that the licensee makes from each such return point;
- (d) the amount of the deposits collected by the licensee from each member of the licensee's licensed scheme;
- (e) the amount of the deposits refunded by the licensee upon the acceptance of empty beverage containers at each return point operated by, or for or on behalf of, the licensee;

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- (f) the number of units and the materials and shapes of the empty beverage containers (used for beverage products supplied by the members of the licensee's licensed scheme) that are collected at each return point operated by, or for or on behalf of, the licensee.
- (2) For the purposes of section 34(1)(b) of the Act, a licensee must keep records for each compliance year of the following details on the quantity of empty beverage containers that the licensee has sent for treatment and recycling:
- (a) the documents and information mentioned in regulation 15(2)(b);
  - (b) the weight and the material of the empty beverage containers that are recycled under the arrangement with *X* or the person outside Singapore (as the case may be) mentioned in regulation 15(1).
- (3) For the purposes of section 34(1)(c) of the Act, a licensee must keep records for each compliance year of —
- (a) the fees charged to each member of the licensee's licensed scheme; and
  - (b) the breakdown of fees charged to the members of the licensee's licensed scheme for each type of material, volume, shape, dimension or other characteristic of the beverage containers (used for beverage products supplied by the members of the licensee's licensed scheme) collected by the licensee.

### **Retention period for records**

**19.** For the purposes of section 34(2)(a) of the Act, the prescribed period is 7 years after the end of the compliance year in relation to which the record is kept.

### **Matters to be included in annual report**

**20.—(1)** The annual report mentioned in section 35 of the Act for a compliance year must be submitted within 3 months after the end of the compliance year.

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(2) The annual report must be prepared in a manner consistent with the Singapore Financial Reporting Standards (International) and give a true and fair view of the financial position and performance of the licensee.

(3) For the purposes of section 35 of the Act, the annual report must include the following matters:

- (a) the accounts for the licensee;
- (b) where the licensee has one or more wholly owned subsidiaries or is a wholly owned subsidiary, the consolidated accounts for the licensee and all its subsidiaries or the licensee's holding company and all the holding company's subsidiaries, as the case may be;
- (c) the fees collected from each member of the licensee's licensed scheme;
- (d) the fees paid by the licensee to each return point operator that the licensee enters into an arrangement with to operate any return point for or on behalf of the licensee;
- (e) a breakdown of revenue and expenses for each of the following:
  - (i) collection of empty beverage containers;
  - (ii) logistics;
  - (iii) processing of empty beverage containers, and their disposal for recycling;
  - (iv) administration;
  - (v) marketing;
  - (vi) manpower;
  - (vii) information technology system;
- (f) the amount of the deposits collected by the licensee from each member of the licensee's licensed scheme;

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- (g) the amount of the deposits refunded by the licensee upon the acceptance of empty beverage containers at each return point operated by, or for or on behalf of, the licensee;
  - (h) if a condition of the licensee's licence requires the licensee to set aside contingency funds to ensure the licensee's continued operations, the amount of such funds.

**Circumstances where licensees may use deposits for purposes other than for refunds**

21. A licensee may use any amount of deposit (in respect of beverage containers) provided to the licensee under section 23R(1) of the Act for the purpose of paying any expenses incurred by the licensee as a result of the licensee's operation of the licensee's licensed scheme, subject to any restrictions on the amount of the deposit, or any circumstances in which any amount of the deposit, may be so used, as may be specified in a condition of the licensee's licence imposed under section 30 of the Act."

Made on 9 July 2024.

STANLEY LOH KA LEUNG  
*Permanent Secretary,  
Ministry of Sustainability and  
the Environment,  
Singapore.*

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