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RESOURCE SUSTAINABILITY ACT 2019 (ACT 29 OF 2019)

RESOURCE SUSTAINABILITY (PRODUCER RESPONSIBILITY SCHEMES) REGULATIONS 2021

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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) Regulations 2021 and come into operation on 11 February 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “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;
 - “compliance year” has the meaning given by section 12(4) of the Act;
 - “licence” means a licence to operate a producer responsibility scheme granted under section 29(2) of the Act;
 - “licensee” means a person who is issued a licence;
 - “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 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.

Fee for licence

3. The fee for a licence granted under section 29(2) of the Act is \$4,907.

Termination or rejection of membership

4.—(1) Where a registered producer is required under section 12(1)(b) of the Act to join a licensed scheme, a licensee must not terminate the membership of the producer in, or reject the producer's application to rejoin, the licensee's licensed scheme except where the producer is in arrears of any fees 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.

Waste collection plans and contingency plans

5.—(1) A licensee must submit to the Agency, not less than 2 months (or such shorter time as the Agency may allow in any 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) every type of collection programme to be conducted;
- (b) the location or locations for each proposed collection programme;
- (c) a projected date for, or period within which, each proposed collection programme is to be conducted;
- (d) the system for the removal of waste collected in relation to each collection programme;
- (e) details on public education and awareness raising programmes relating to the collection of waste;

(f) any other information relevant to the licensee's collection of waste that the Agency may require in any 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 incomplete plan submitted by a licensee, in writing direct the licensee to do the following within the time period specified in the direction (or such longer time as the Agency may allow in any particular case):

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

(b) to resubmit the report or 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 waste

6.—(1) A licensee must dispose of all e-waste collected with —

(a) a licensed e-waste recycler; or

(b) where the licensee is unable to dispose of any type of e-waste with a licensed e-waste recycler in Singapore who is willing and able to recycle that type of e-waste, an e-waste recycler outside Singapore.

(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.

Manner of determining quantity of e-waste collected

7.—(1) For the purposes of determining whether a licensee has met the collection target under the licensee's licence for any category of e-waste in a compliance year, only the weight of the following items may be included:

- (a) e-waste collected by or on behalf of the licensee through a collection activity specified in the licence conditions;
- (b) e-waste collected through an approved public collection activity under section 16(1)(b) of the Act;
- (c) the weight of any peripheral item —
 - (i) collected with any e-waste mentioned in sub-paragraph (a) or (b); and
 - (ii) that is commonly used in connection with a regulated consumer product in the category of e-waste,unless the weight of the peripheral item has been accounted for under another category of e-waste;
- (d) any e-waste or peripheral item mentioned in sub-paragraph (c) collected in the compliance year immediately preceding the compliance year that is in excess of the collection target for the firstmentioned compliance year.

(2) A licensee commits an offence if the licensee knowingly includes the weight of any item otherwise than in accordance with paragraph (1) for the purposes of determining whether the licensee has met any collection 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.

Requirements for keeping of records

8.—(1) For the purposes of section 34(1)(a) of the Act, a licensee must keep records of the following details of the licensee's collection activities:

- (a) the name and description of each collection service offered by the licensee;
- (b) every location of a collection point provided by the licensee;
- (c) every location from which the licensee offers a collection service;
- (d) the date and time of each collection that the licensee makes.

(2) For the purposes of section 34(1)(b) of the Act, a licensee must keep records of the following details on the quantity of waste regulated products that the licensee has sent for treatment and recycling:

- (a) the weight of all e-waste and peripheral items mentioned in regulation 7(1)(c) collected by the licensee (called in this regulation collected waste);
- (b) the weight of collected waste sent to each e-waste recycler engaged by the licensee;
- (c) any document evidencing the matters in sub-paragraph (a) or (b).

(3) For the purposes of section 34(1)(c) of the Act, a licensee must keep records of —

- (a) the fees charged to each member of the licensed scheme, according to billing quarters; and
- (b) the breakdown of fees charged for each type of regulated consumer product supplied by each member.

Retention period for records

9. For the purposes of section 34(2)(a) of the Act, the prescribed period is 5 years after the end of the compliance year in relation to which the record is kept.

Matters to be included in annual report

10.—(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.

(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 according to the type of regulated consumer product collected in the compliance year;
- (d) a breakdown of revenue and expenses for each of the following activities:
 - (i) e-waste collection;
 - (ii) logistics;
 - (iii) recycling;
 - (iv) administration;
 - (v) marketing;

- (e) where 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.

Made on 4 February 2021.

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the Environment,
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