

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3179



Introduced by **Honorable ABRAHAM "BAMBOL" N. TOLENTINO**

EXPLANATORY NOTE

The emergence of new technologies in various aspects of human life has given us a glimpse of what the world can be like in the future. However, this also means that there are gadgets and other electronic equipment being produced and then disposed without the intent of using or reusing them. The improper disposal and waste management of these gadgets and other electronic equipment, collectively called e-waste, is one of the major factors of environmental degradation in the Philippines.

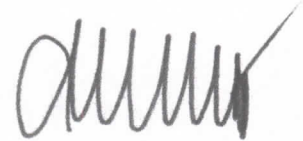
E-waste contains various chemicals and heavy metals which are hazardous to human health and the environment when not properly disposed or handled. This requires e-waste to be processed separately and handled in a particular manner. Despite this, a formal and comprehensive e-waste management system is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

According to a report released in December 2017 by the International Telecommunication Union, the United Nations University and the International Solid Waste Association, each Filipino produces two to five kilos of e-waste that are not being segregated and recycled.

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, this bill seeks to prohibit the 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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HOUSE BILL NO. **3179** _____

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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:*

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

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

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

8 (A) *Brand* - refers to the name, symbol, logo, trademark, or other
9 information that identifies a product rather than the components of the
10 product;

11 (B) *Consumer* - refers to an individual who uses an electronic equipment
12 that is primarily for personal or home business use;

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

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

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

5 a. Manufactures or manufactured electronic equipment under a
6 brand that:

7 i. The person owns or owned; or

8 ii. The person is or was licensed to use, other than under a
9 license to manufacture electronic equipment for delivery
10 exclusively to or at the order of the licensor;

11 b. Sells or sold electronic equipment manufactured by others under
12 a brand that;

13 i. The person owns or owned; or

14 ii. The person is or was licensed to use, other than under a
15 license to manufacture electronic equipment for delivery
16 exclusively to or at the order of the licensor;

17 c. Manufactures or manufactured electronic equipment without
18 affixing a brand;

19 d. Manufactures or manufactured electronic equipment to which
20 the person affixes or affixed a brand that:

21 i. The person does not or has not owned; or

22 ii. The person is not or was not licensed to use; or

23 e. Imports or imported electronic equipment manufactured outside
24 the Philippines into the Philippines unless at the time of
25 importation the company or licensee that sells or sold the
26 electronic equipment to the importer has or had assets or a
27 presence in the Philippines sufficient to be considered as the
28 manufacturer;

29 (F) *Television* – refers to any telecommunication system device that can
30 receive moving pictures and sound broadcast over a distance and
31 includes a television tuner or a display device peripheral to a computer
32 in which the display device contains a television tuner.

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

2 (A) Televisions as defined in Section 3, any major part of a moving vehicle,
3 or telephones;

4 (B) A consumer's lease of electronic equipment or a consumer's use of
5 electronic equipment under a lease agreement; or

6 (C) The sale or lease of electronic equipment to an entity when the
7 manufacturer and the entity enter into a contract that effectively
8 addresses the collection, recycling, and reuse of electronic equipment
9 that has reached the end of its useful life.

10 Sec. 5. *Requirements.* —

11 (A) Before a manufacturer, as defined in Section 3, may offer electronic
12 equipment for sale, the manufacturer shall -

13 a. Adopt and implement a recovery plan;

14 b. Submit a written copy of the recovery plan to the department;
15 and

16 c. Affix a permanent, readily visible label to the electronic
17 equipment with the manufacturer's brand.

18 (B) The recovery plan shall enable a consumer to recycle electronic
19 equipment without paying a separate fee at the time of recycling and
20 shall include provisions for:

21 a. The manufacturer's collection from a consumer of any electronic
22 equipment that has reached the end of its useful life and is
23 labeled with the manufacturer's brand; and

24 b. Recycling or reuse of electronic equipment collected under the
25 recovery plan of this subsection.

26 (C) The collection of electronic equipment provided under the recovery
27 plan shall be:

28 a. Reasonably convenient and available to consumers; and

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

30 Sec. 6. *Standard Collection Methods.* — The collection methods shall include a
31 system:

1 (A) By which the manufacturer or the manufacturer's designee offers the
2 consumer the option for returning electronic equipment by mail at no
3 charge to the consumer;

4 (B) Using a physical collection site that the manufacturer or the
5 manufacturer's designee keeps open and staffed and to which the
6 consumer may return electronic equipment; and/or

7 (C) Using a collection event held by the manufacturer or the
8 manufacturer's designee at which the consumer may return electronic
9 equipment.

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

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

21 (A) Shall include collection, recycling, and reuse information on the
22 manufacturer's publicly available Internet site;

23 (B) Shall provide collection, recycling, and reuse information to the
24 Department; and

25 (C) Shall include collection, recycling, and reuse information in the
26 packaging for or in other materials that accompany the manufacturer's
27 electronic equipment when the equipment is sold.

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

30 (A) The weight of electronic equipment collected, recycled, and reused
31 during the preceding calendar year; and

1 (B) Documentation certifying that the collection, recycling, and reuse of
2 electronic equipment during the preceding calendar year were
3 conducted in conformity with sound environmental management.

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

10 Sec. 10. *Other Prohibitions.* —

11 (A) A person who is a retailer of electronic equipment shall not sell or offer
12 to sell new electronic equipment unless the equipment is labeled with
13 the manufacturer's label and the manufacturer is included on the
14 Department's list of manufacturers that have recovery plans. The
15 Department shall keep a database in its Internet site of the
16 manufacturers that are on its list of manufacturers with recovery plans;

17 (B) No person shall knowingly dispose of any electronic equipment in
18 mixed solid waste; and

19 (C) No Solid Waste Management Facility shall knowingly accept for
20 disposal or incineration of any electronic equipment, or any truckload
21 or container of solid waste which includes electronic equipment.

22 Sec. 11. *Penalties.* — The Department shall assess a penalty against a
23 manufacturer that does not comply with the requirements set forth in Sections 5 to
24 9 of this Act. No penalty shall be assessed for a first violation. The penalty shall not
25 be less than one hundred thousand pesos (Php100,000.00) but not more than one
26 million pesos (Php1,000,000.00) for the second and each subsequent violation.

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

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

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

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

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

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

17 Sec. 15. *Role of the Local Government Units.* — Cities and Municipalities, in
18 coordination with the Department and the manufacturers, consistent with the
19 principles in the Ecological Solid Waste Management Act, shall assist in the collection
20 and disposal or recycling of electronic equipment through their respective solid and
21 special waste management programs.

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

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

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

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

Approved,