MINISTERIAL ORDER NO ……. OF …….. DETERMINING MODALITIES FOR MANAGEMENT OF ELECTRICAL AND ELECTRONIC WASTE (E-WASTE)

The Minister of Environment,

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 revised in 2015 , especially in articles 121,122 and 176;

Pursuant to Order N° …… of ……governing environment especially in its article 20

After consideration and approval by the Cabinet, in its session of……...;

ADOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article 1: Purpose & Scope

This Order determines modalities for management of electrical and electronic waste . This order shall cover all categories of electrical and electronic equipment as set out in Annex 1 and shall apply to every producer/importer, collector, dismantler, recycler, refurbisher, consumer or bulk consumer involved in the manufacture/assembly, importation, and processing of electronic and electrical equipment or e-waste in Rwanda

Article 3: Definitions of Term

a. **Collection centre**: a centre established to undertake collection operations of e-waste
b. **Electronic and Electrical equipment**: equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer, and measurement of such currents and fields
c. **Electrical and Electronic equipment registry'** means a unit housed by the Regulatory Authority for the purposes of effecting registration of all electrical and
a. electronic equipment producers and recyclers;
b. **Energy recovery:** Use of waste in order to utilize the energy in the waste.
c. **E-waste:** Any electronic or electrical equipment which the holder discards or intends or is required to discard. All components, subassemblies and consumables which are part of the equipment at the time of discarding are also included.
d. **Environment:** a diversity of things made up of natural and built environment, including chemical substances, biodiversity as well as socio-economic activities, cultural, aesthetic and scientific factors likely to have direct or indirect, immediate or long term effects on the development of an area, biodiversity and on human activities;
e. **Management**: the system of managing E-waste through the entire chain, from manufacturing or importation of new and used equipment, collection to recycling/reuse or disposal of E-waste and transformation of waste into electronic or electrical equipment which can be useful.

f. **Material recovery**: Processing of waste material for some other usesthan reuse or energy recovery.
g. **problematic fractions'** means components or parts of e-waste where the collection and treatment cost far outweighs the material recovery value;
a. **Producer:** any person or entity who introduces or causes to be introduced new and used electrical and electronic equipment into the market by sale, donation, gifts, inheritance or by any such related methods and can either be a manufacturer, importer, distributor or assembler; and excludes importation by a private individual for personal use.
b. **Recovery:** any operation of which the principal result is E-waste serving a useful purpose by replacing other materials .
c. **Refurbishing**: the action of repair, dismantling, improvement of E-waste for the purposes of extending the working life of the product;
d. **Recycling** means any operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;
e. **License"** refers to any document issued by the Regulatory Authority which permits the licensee to carry out E-waste related activities in accordance with this law.
f. **Regulatory Authority:** a body with the responsibilities to regulate certain public utilities;
g. **User:** a person or an entity that uses or is obliged to use the E-waste management system for recycling or disposal of E-waste.
h. **Authority**: The agency in charge of Environment

CHAPTER III: PRODUCER RESPONSABILITY

Article 4: Obligation to register as a producer

Any producer who intends to introduce new or used electrical and electronic equipment into Rwanda shall register in accordance with relevant procedures established by the Regulatory Authority.
Every Producer operating in Rwanda must register with the Regulatory Authority within ninty (90) days of the coming into force of this Ministerial Order.

The Regulatory Authority shall maintain an online register for electrical and Electronic Equipment Producers which will be opened to the recyclers and the public for inspection.

The Regulatory Authority shall determine the registration fees and determine the use of the fees in the activities such as awareness raising, regular inspections, etc.

Article 5: Obligation to report data on equipment introduced on the marketin Rwanda

Any producer shall supply the Regulatory Authority the following information d on any equipment introduced into the market :

- The previous year's electrical and electronic equipment products introduced into the market (weight of electrical and electronic equipment by product type); and provide to the Authority subsequent year's projected production or imports of any electrical and electronic equipment products.
- Valid contractual agreement with a licensed dismantling or recycling facility to ensure proper recycling at the end of life of equipment introduced in the market

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. The content, manner, and form of data provision under this Article shall be prescribed by the Regulatory Authority.

Article 6: Obligation to Finance the collection and treatment of e-waste problematic fractions

Every producer shall, within their relevant product category and on the basis of their market share, support the financing of collection and treatment for problematic fractions by the licenced dismantling and recycling facility to ensure effective take back and treatment of e-waste

Every producer shall pay to the licenced dismantling or recycling facility the treatment fee determined by the Regulatory Authority based on the market share of the producer on annual basis.

The Regulatory Authority shall determine the producer responsibility fee by market share as per the formula in Annex…… for collection and treatment of e-waste problematic fractions and shall communicate this to the producer;

The Regulatory Authority shall provide Annual compliance certificate to the producer complying with the producer responsibility obligations.

Article 6: Use of Data

Any

CHAPTER III: TRANSBOUNDARY MOVEMENT OF e-wastes

Article 7: importation and exportation of e-waste

Importation and exportation of e-waste is done upon written authorisation by the Minister .The duration of the authorisation shall be one year renewable upon request.

Article 8: Conditions of importation of e-wastes

The Minister shall on the advice of the authority grant a written authorization for e-wastes to be imported into the country if:

1. The State that desires to export the e-waste is a party to the Basel Convention on the Control of transboundary Movements of Hazardous Wastes and their Disposal or is a party to a bilateral, multilateral or regional agreement.
2. a request fulfilling the requirement has been received for a transboundary movement of the e- waste;
3. the labelling, packaging and transportation identified in the notification conforms to the requirements of recognized international rules, standards and practices;

4. the specified licenced facility for the dismantling or recycling of the waste is capable of managing and disposing of the waste in an environmentally sound manner or if the importer has identified a certified indigenous hazardous waste management entity to manage and dispose of the waste in an environmentally sound manner;
5. the disposer guarantees in the disposer's contract with the importer that the e-waste will be managed in an environmentally sound manner;
6. The importer and the recycler have a valid license to deal with the categories of e-wastes proposed for importation;
7. The importer or an agent acting on behalf of the importer is resident in Rwanda or in the case of a corporation, has a permanent place of business in Rwanda.

The importer shall inform the Authority on receipt of each shipment of the e- waste and provide the details as specified in the notification document.

Article 10: Cancellation of permit

The Minister may, at any time after issuing the written authorisation for the importation of the e-wastes, revoke the permit if the Minister on the advice of the Authority has reason to believe that the wastes will not be managed in an environmentally sound manner.

Article 11: Conditions of exportation of e-wastes

The Minister shall on the advice of the authority grant a written authorization for e-wastes to be exported from the country if:

1. Rwanda does not have the technical capacity, suitable disposal sites and other necessary facilities for the disposal of the electronic wastes in an environmentally sound manner;
2. the e-wastes to be exported is required as raw material for recycling or to a recovery industry in the State that desires the waste;
3. the exporter has formally applied for the transboundary movement of the e-wastes and has provided to the Authority with the information requested;
4. An adequate contract exists between the exporter and the disposer specifying environmentally sound management of the e-waste to be exported;
5. the packaging, labelling and transportation of the electronic wastes are in conformity with recognized international rules, standards and practices; and
6. the written consent of the Competent Authority of the concerned State of have been received by the exporter.

Dismantled e-waste components or fractions excepts hazardous components which cannot be recycled in Rwanda shall be exported to smelting or recovery facility without any prior authorisation

Article 12: Transit of e-wastes in the National territory

A person shall not transit e-wastes through the national territory except with the written authorisation of the Minister.

The competent authority of the State of export of a proposed movement of e-waste shall, not less than three months before the export give notice to the Authority of the movement of the e-wastes.

The notice shall include details below:

1. the final destination of the e-wastes;
2. a timetable specifying expected dates of transit through the Republic of Rwanda;
3. proof that the exporter, carrier and disposer are authorised to carry out the operations in question in relation to the e-waste at the designated site or facility for the disposal of e-wastes;
4. information specifying emergency procedures in case of accidents, and
5. information related to insurance.

Article 14: Labelling of products

A producer who sells electronic or electrical equipment in Rwanda shall ensure that the equipment is labelled according to the guideline for labelling which will be issued by the Authority in charge of standards.

Article 16: Collection system

A collection system shall be regarded as appropriate if in compliance with the Order and regulations issued by the Regulatory Authority.

The system shall be easily accessible and provide good service to households and users that want to or need to discard of E-waste.

Article 17: Information on the content and disposal of the electronic or electrical equipment

A producer shall supply the users with necessary information about the contents of electronic or electrical equipment that the producer placed on the market in Rwanda in Rwanda.

The information shall comprise necessary environmental and health data in order to facilitate maintenance.

Article 19: Recycler's responsibilities

Recyclers shall:

1. Be licenced
2. Receive and dismantle the Waste electrical and electronic equipment into hazardous and non-hazardous components in an environmentally sound manner;
3. Ensure that the components which cannot be recycled locally are exported in accordance with the conditions of exportation as stipulated in this order;
4. collect and treat e-waste in an environmentally sound manner;

5. The licenced recycler shall submit the electrical and electronic equipment registry to the regulatory authority with copy to Authority on a annual basis and as per schedule including the following:
    i. Quantities in weight by category of e-waste received;
    ii. Quantities in weight by category of materials for recycling and recovery within the facility;
6. ensure that they receive or collect e-waste from approved collection centres or other persons;
7. give priority to the refurbishment of used electrical and electronic equipment to increase its working life before dismantling for recycling purposes, material recovery or reprocessing;
8. ensure that the e-waste fractions that cannot be recycled or disposed off in the country are exported in accordance with relevant Law;
9. Subject to sub-regulation of this order, the licenced recycler shall obtain an export permit for any e-waste fractions after application to the Authority in the manner set out in Schedule 14 of these regulations.
10. The Authority shall notify the applicant in writing of its decision under

Article 19: Responsibilities of e-waste Generators

The e-waste generator shall ensure e-waste is segregated from other forms of waste and is taken to licenced refurbishers, collection centres or recyclers.

E-waste shall be disposed free-of charge in any licensed refurbishers, collection center or recycler

Article 20: Responsibilities of Refurbishers

Refurbishers shall ensure that the resultant e-waste is transferred to a collection centre or to licenced recyclers;

Every person involved in the repair or refurbishment of electrical and electronic equipment shall ensure that the e-waste is recycled in a facility licenced by the Authority.

Article 21: Collection and transportation of e-wastes

E-waste generators shall bring their E-waste to the collection centres or any other systems organized by the producers.

The modalities for collection and transportation shall be determined by the Regulatory Authority.

CHAPTER VI: LICENSING REGIME

Article 22: License categories

The regulatory Authority shall determine categories of license to be used in E-waste management

Article 23: Licensing requirements

Any person intends to carry out an activities of collection, transportation, dismantling, recycling and disposal shall first apply for a license to the Regulatory Authority.

The requirements for license issuance, validity of the licence and modalities for its renewal shall be determined by the regulations set by the Regulatory Authority.

CHAPTER VIII: FINAL PROVISIONS

Article 24: Repealing provision

All prior legal provisions inconsistent with this Order are hereby repealed.

Article 25: Commencement

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on ……

BIRUTA Vincent
Minister of Environment

Seen and sealed with the Seal of the Republic:

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General