Take Back and Recycling Requirements in Latin America:
A Challenge for Electrical & Electronic Device Producers
Agenda

• Overview of e-scrap legislation in Latin American countries
• Key elements of E-waste legislations
• Key differences between the countries
• Challenges for Electrical & Electronic Device Producers
In 2014, Latin America produced around 9% of the global WEEE and this is likely to increase in the future.

E-waste legislations in the Region

LEGEND

- **Enacted**: Argentina (Framework/ Buenos Aires and Cordoba Province), Brazil, Colombia, Costa Rica, Ecuador, Mexico, Peru, Puerto Rico, Venezuela (Framework);

- **Pending**: Bolivia, Chile, El Salvador, Uruguay
Key elements of E-Waste legislations

- Definition of the liable producer
- Product scope
- Collection requirements infrastructure
- Defined collection and recycling targets
- Minimum standards /requirements for recycling
- Responsibilities for the producer (e.g. collection from private households and/or businesses, registration and reporting with authorities, labelling)
Who is the liable producer?

<table>
<thead>
<tr>
<th>Country</th>
<th>Regulation/Decree</th>
<th>Definition/Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>Law No. 12 305 of August 2, 2010</td>
<td><strong>No producer definition is available.</strong> According to art. 30 manufacturers and importers of products in scope of the law are considered to be responsible for the lifecycle of those products. According to art. 33 § 6 manufacturers and importers are obliged to provide for the environmentally sound treatment of collected or returned waste in accordance with the manner established by the competent organ of the National Environmental System (and the existing municipal plan of solid waste management (if one has been implemented).</td>
</tr>
<tr>
<td>Columbia</td>
<td>Law No. 1672 as of July 19, 2013;</td>
<td>Any natural or legal person who, irrespective of the selling technique used, including distance or electronic sales. (which can be a manufacturer, importer, assembler (for computers) or own brands distributors</td>
</tr>
<tr>
<td>Peru</td>
<td>Supreme Decree N° 001-2012</td>
<td><strong>Producer is as any natural or legal person who carries out activities related to EEE</strong> in one of the following forms: a) as a manufacturer or assembler, who places EEE on the market without any or under his own brand; b) as an importer of EEE with the brand of the manufacturer; c) as an importer of components of EEE who assembles them and sells EEE under his own brand, d) as a distributor of EEE or e) as a retailer. Additionally a definition of importer of EEE is available in annex 1 no. 12 WEEE Regulation. According to that importer of EEE means a company importing new or used EEE or only parts to put them together in order to sale it later.</td>
</tr>
</tbody>
</table>
Who is Scope of products?

Brazil

**Law No. 12 305 of August 2, 2010**

Law 12 305 refers to solid waste in general and **does not specify the scope of products covered**; only general provisions to be amended by further sectorial agreements. However, art. 33 Law 12 305 lists electronic products, as well as batteries and packaging as products for which obligations are imposed. Radioactive waste is exempted from scope according to art. 1 § 2 Law No. 12 305.

Columbia

**Law No. 1672 as of July 19, 2013, Resolution 1512/2010**

**General definition of electrical and electronic equipment:** ‘Equipment that needs electric currents or electromagnetic fields to work properly, as well as equipment necessary for the generation, transfer and measurement of such currents.’

There are different resolution covering specific products (e.g. Resolution 1512 covers computers and/or peripherals and Resolution 1511: luminaries (bulbs)).

Peru

**Supreme Decree N° 001-2012**

**Specifies the scope (10 WEEE categories)** comparable to the (‘old’) EU Directive 2002/96/EC.
Collection targets?

The law does not define specific collection targets. The collection targets are defined in the sectoral agreements which will be approved by the government. The first draft agreement set contained the requirement that 17% (weight) on the amount placed on the market must be collected.

Resolutions 1511 and 1512 for light bulbs and computers and peripherals, respectively, set an initial annual collection target of 5% of the units sold during 2009 and 2010, which must be fulfilled during 2012. These goals are increased annually by 5% to reach 50% in 2021. For computer and peripherals a reuse goal is included that is set permanently at 30% of the total collected year on year.

The Peruvian Ministry of the Environment is authorized to approve the annual WEEE management targets (art. 5 no. 4 WEEE Regulations). However, no such targets have been implemented. But according to actual information on their website the Ministry of the Environment is currently busy elaborating an additional regulation in order to establish such targets and to improve the Peruvian WEEE management.
Conclusion

- The legal framework relevant to take-back of EEE is a patchwork in this region.
- The requirements for e-waste management in Latin America are relatively new.
- Some countries have introduced excessively rigid legal frameworks.
- Lack of infrastructure for WEEE management (E-waste management technologies, logistics infrastructure).
- End-users in the region ignore the environmental risks of inappropriate e-waste management.
Recommendations

- Identify relevant legislations in your markets
- Verify/assess your legal obligations based on product scope and distribution channel
- Verify what is required to ensure compliance (product marking, registration with local authorities, provision of end-of-life disposal)
- Collection of required company data for registration and reporting
- Ensure that sales partner / distributor comply with legislation (at the end of the day it is your name on the product)
- Regularly tracking of new and updated legislation
Q&A
1cc GmbH
1cc provides a full range of consulting services for waste and product-related environmental compliance, and compliance with copyright levies legislation. Our service portfolio incorporates three modules:

**Regulatory Monitoring**
- Stay up to date with new or upcoming regulations that may affect your business
- Be aware of your local producer responsibilities
- Assess your company-specific questions

**Business and Legal Consulting**
- Ensure full legal compliance
- Optimize your compliance tasks
- Activate your cost saving potentials
- Are your products in the scope of the respective legislation?
- Is your company the obligated party?
- Which are your individual requirements?

**Compliance Services**
- Registration
- Take-Back and Recycling
- Reporting/Data Management
- Auditing
- Compliance Check
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For questions please do not hesitate to contact us!

Ofira Varga
Senior Consultant
Mobile: + 1 469 222 0745
o.varga@1cc-consulting.com
www.1cc-consulting.com

Office in Germany: 1cc GmbH
GEO PARK I, Max-Eyth-Strasse 35
71088 Holzgerlingen, Germany

Office in USA: 1WEEE Services Corp.
1431 Greenway Drive #800
Irving, TX, 75038 USA