



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR / TO : The Director
Legal Affairs Service

The Assistant Director
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau

Representative, Office of the Head Executive Assistant/ Office of Chief of Staff

Representative, Office of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs

Representative, Office of the Undersecretary for Finance, Information Systems and Climate Change

Representative, Office of the Undersecretary Policy, Planning and International Affairs

Representative, Office of the Undersecretary for Field Operations (FO) - Luzon, Visayas and Environment

Representative, Office of the Undersecretary for FO - Mindanao

Representative, Office of the Undersecretary for Enforcement, Solid Waste Management, Local Government Units Concerns and Attached Agencies

Representative, Office of the Undersecretary for Special Concerns, Muslim Affairs and BARMM

Representative, Office of the Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Projects

Representative, Office of the Assistant Secretary for Enforcement, Solid Waste Management and Local Government Units Concerns

Representative, Office of the Assistant Secretary for Legal Affairs

Representative, Office of the Assistant Secretary for FO - Luzon and Visayas

Representative, Office of the Assistant Secretary for FO - Eastern Mindanao

Representative, Office of the Assistant Secretary for FO - Western Mindanao

Representative, Office of the Assistant Secretary for Finance, Information Systems and Mining Concerns

Representative, Office of the Assistant Secretary for Human Resources, Strategic Communication and Sectoral Initiatives

Representative, Office of the Assistant Secretary for Administration and Legislative Affairs

Representative, Office of the Assistant Secretary for Indigenous Peoples Affairs

Representative, Office of the Assistant Secretary for Special Concerns- Mindanao

Representative, Legal Affairs Service

Representative, Climate Change Service
Representative, Strategic Communication and Initiatives Service
Representative, Foreign-Assisted and Special Projects Service
Representative, River Basin Control Office

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **HIGHLIGHTS OF THE POLICY TECHNICAL WORKING GROUP
(PTWG) MEETING NO. 2022 – 15 HELD ON NOVEMBER 29, 2022
VIA ZOOM**

DATE : 09 DEC 2022

Furnished herewith is the Highlights of the Policy Technical Working Group (PTWG) Meeting No. 2022-15 held on 29 November 2022, 9:30 AM via Zoom, which tackled the Draft DAO re: Guidelines on the Environmentally Sound Management (ESM) of Waste Electrical and Electronic Equipment (WEEE).

FOR INFORMATION.


MELINDA C. CAPISTRANO

DENR-POLICY TECHNICAL WORKING GROUP

Minutes of Meeting No. 2022-15

29 November 2022, 9:30 AM

Meeting via Zoom

I. Attendees

- | | |
|--|-------------------------------|
| 1. Dir. Melinda Capistrano – PPS | Secretariat (PPS-PSD) |
| 2. Ms. Lolit Presbitero – OULAHRLA | 28. Ms. Cherry Winsom Holgado |
| 3. Ms. Analyn Domingo – OUFOM | 29. Ms. Ma. Theresa Enriquez |
| 4. Ms. Ma. Cristina Francisco – OUFOLVE | 30. Ms. Anna Michelle Lim |
| 5. Ms. Jean Ocampo – OASFOWM | 31. Ms. Zayrelle Ann Suello |
| 6. Ms. Ericka Marie Jabagat – OASFOWM | 32. Ms. Nim Hyde Eusebio |
| 7. Ms. Reina Frances Requieron –
OASECFISMC | 33. Ms. Hazel Jasmine Donato |
| 8. Mr. Ricky Dave Daguro – OASECFOEM | |
| 9. Ms. Adeluisa Siapno – OASEC Legal
Affairs | |
| 10. Ms. Eva Jane Ligaya – OASEC Legal
Affairs | |
| 11. Engr. Roberto Aguda – OASPPFASP | |
| 12. Ms. Kryshlaine Raquel - OASPPFASP | |
| 13. Engr. Ernestina Jose – SCIS | |
| 14. Ms. Jennifer Flores – CCS | |
| 15. Ms. Lovella Luzette Galindon – LMB | |
| 16. For. Kenneth Tabliga – FMB | |
| 17. For. Lemuelle Celis – FMB | |
| 18. Dr. Lynlei Pinter – ERDB | |
| 19. Ms. Marleane Ferrer – ERDB | |
| 20. Mr. Janus Alpano – EMB | |
| 21. Ms. Kim Geo Bernal – EMB | |
| 22. Mr. Irvin Cadavona – EMB | |
| 23. Engr. Geronimo Sanz – EMB | |
| 24. Ms. Crister Kae Alcaraz – EMB | |
| 25. Mr. Phillip Aquino – EMB | |
| 26. Mr. Patrick Cristobal – EMB | |
| 27. Ms. Rowena Bolinas – BMB | |

II. Highlights of the Meeting

The meeting was called to order at 10:00 am by Dir. Melinda C. Capistrano (PPS). The agenda was adopted with no further changes.

Draft DAO re: Guidelines on the Environmentally Sound Management (ESM) of Waste Electrical and Electronic Equipment (WEEE)

Presentation and Discussions:

- Engr. Geronimo Sanz (EMB) stated that the cause of delay was the conducted consultation with the stakeholders based on the comments/inputs provided by PTWG during the previous meeting held last April 30, 2021.
- On the Prefatory Statement, Ms. Lolit Presbitero (OULAHRLA) asked about the technical term of WEEE. Engr. Sanz confirmed that this is the term used for WEEE.

- On Section 1. Basic Policy, Engr. Roberto Aguda (OASPPFASP) stated that the first paragraph should state as “.. risk and/or injury to human health and to the environment”.
- Dir. Capistrano inquired if the secretariat incorporated the comments/ agreements last PTWG. Ms. Cherry Holgado (PSD) affirmed, she said that the Policy is being deliberated again for the reason that there’s no motion for approval last PTWG.
- On the introductory statement under Section 2 Objectives, Ms. Presbitero said to observe consistency in the grammar and sentence formatting. She proposed to revise “this guideline” to “these guidelines”. Further she also suggests the general use of “this order” instead of “this guideline”.
- On item g under Section 2. Objectives, Engr. Aguda stated that instead of institutionalizing, it should be “to strengthen the participation of LGUs”. Engr. Sanez stated that until now, the function of LGUs are not yet institutionalized under RA 9003. Engr. Aguda stated that it was explicitly stated under the Solid Waste Management (SWM) Act. In relation to special wastes, Engr. Sanez stated that the responsibilities of LGUs are not yet specified under the said law. Dir. Capistrano clarified that the responsibility should be at the household level. Engr. Sanez responded that there is a proposed policy on the clustering of MRFs. There is a permitting system under the hazardous waste management and the LGUs should be the one to manage MRFs and shall charge fees for households for the disposal of their electronic wastes. Dir. Capistrano asked if there is a need for LGUs to draft a resolution for this purpose and who shall monitor the LGUs. Engr. Sanez stated that the LGUs and the MRFs will be monitored by the Regional Offices. Engr. Aguda proposed that the term to be used should be specified instead of stating “solid waste”. Ms. Presbitero, also suggested removing the word “their” on item d.
- On section 3. Scope and Coverage, line 84, Engr. Aguda suggested to use “exemption” instead of “exemption”. On line 66, Ms. Prebistero also suggested adding the word “thus” before DENR. She suggested checking whether the paragraph can be rearranged. Engr. Sanez proposed that the first paragraph be moved to the last paragraph. Ms. Lovella Luzette Galindon (LMB) stated that the order be retained and other descriptions shall be included in a separate section. Ms. Adeluisa Siapno (OASEC Legal Affairs) stated that the first paragraph be retained and the exemptions should follow. Ms. Galindon proposed that Table 1. shall be omitted and be placed into another section. However, Ms. Siapno disagreed and proposed to retain the order of the provision in this section. Engr. Sanez informed that the definition was adopted from the Basel Convention Technical guidelines.
- On Section 5. Criteria for Used Equipment to be considered as Waste and Non-Waste, Ms. Siapno sought clarification on item 5.1.a regarding “failure analysis”. Engr. Sanez stated that it is based on the manufacturer. The body proposed to replace “instead of” with “not for”. Engr. Aguda stated that on item 5.1.e, it is not considered as criteria. He suggested to omit the said item. Ms. Presbitero suggested to rephrase the statement into “Equipment damaged during transport...” Engr. Sanez agreed to the proposed statement. Dir. Capistrano asked if there is only a dent and if this will be considered as waste. Engr. Sanez responded that this is not categorized as waste. On item 5.2.a.4, Engr. Aguda proposed to revise the term “transportation” to “transport”.
- On Section 7. Environmentally Sound Management (ESM) Assessment Criteria, Ms. Siapno sought clarification on item b. Engr. Sanez stated that they are referring to TSD facilities, the destination of the local collection or imported WEEE. Ms. Siapno proposed to revise as “Sites o facilities of an adequate standard of technology and pollution control are authorized to deal with hazardous wastes in the way proposed...”

- On Section 8. Environmental Risk and Health Hazard of WEEE, Engr. Aguda proposed to revise the term “food growing areas” to “agricultural land areas”. Ms. Siapno proposed to revise the last paragraph to “and disposal chain of WEEE”. Ms. Presbitero proposed that the health risks and hazards should be placed first followed by actions that should be undertaken. Ms. Rowena Bolinas (BMB) proposed the first sentence to be revised to state as “dispersion of pollutants into the environment, including protected areas, agricultural areas, water sources, residential communities and sanitary landfills” consistent with the ENIPAS Act.
- On Section 9. Suitability of Wastes for the Processing of Re-used WEEE, Ms. Presbitero proposed to revise the title of this section to state as “Suitability of Processing WEEE for Recycling or Re-use”. The first paragraph is also revised to “...collected WEEE must be removed, taking in consideration the applicability and viability of the same.” Mr. Philip Aquino (EMB) proposed to harmonize the order of reuse and recycling from the title and the paragraph.
- On Section 11. Responsibilities of Parties in the ESM of WEEE, Dir. Capistrano proposed to revise item iii to “Quantities, weight in tones or number of units.” Ms. Presbitero suggested to omit “wherein the objective is the” on the first paragraph to state as “...clean production methods and attainment of longest life of EEE...” Engr. Aguda asked for any intervention set by EMB to set a standard fee. Engr. Sanez stated that the PRO shall be the one to determine the amount of WEEE Management Fee since this is considered as one of the principles of EPR. Engr. Aguda asked if there will be no possible issues which may arise when the PRO shall be the one to determine the amount. Engr. Sanez stated that this will be based on the corporations. Engr. Aguda proposed to reformat the annual report into a tabular type/matrix which will serve as an annex of the proposed DAO. Dir. Capistrano stated to retain the said format in the body of the section. Ms. Presbitero asked regarding the provision on the WEEE management plan. Engr. Sanez stated that this will be discussed further in the succeeding provisions.
- Engr. Aguda sought clarification on the title of Section 11.1 Producers and Importers, Engr. Sanez affirmed and revised the statement to “All producers and importers...” On 11.1.e Ms. Cherry Holgado (PSD) suggested putting the information on the footnote as Annex. Dir. Capistrano said to retain the said information. Dir. Capistrano proposed to revise item 11.1.b as “A WEE Management Fee shall be paid by the member producer in the amount to be determined by the PRO...”
- On Section 11.2. Distributors, Ms. Presbitero asked regarding item e and proposed to revise it. Mr Sanez proposed to state as “Provide the relevant data in case of consignment sales to the producer in order to comply with the requirements of the PRO”. Engr. Aguda proposed to revise the term used as “producer and importer”.
- On item 11.3 LGUs, Ms. Presbitero stated that the last paragraph should be itemized as c. Engr. Sanez agreed and further stated that this is still on the establishment phase. Dir. Capistrano asked if the LGUs will not be compelled and asked about the subdivisions. Engr. Sanez stated that they will be under the LGUs that shall compel the subdivisions to comply.
- On item 11.4 Collection Points or Consolidation Centers, revisit the reference section for item a. item i is revised into “appropriate **personnel** protection equipment and training for staff...” Ms. Presbitero sought clarification if this will be under LGUs. Engr. Sanez stated that this will serve as another item. Engr. Aguda asked if where the collection points and consolidation centers should secure permits, Engr. Sanez stated that they should register with EMB for permits and licenses. Dir. Capistrano asked if the PROs are required to set up collection points/consolidation centers. Engr. Sanez stated that PROs shall designate an

area for collection but they are not required to do so, however, they should submit the necessary requirements.

- On Section 12. Registration of Producers, Ms. Presbitero asked if the registration shall only apply to producers. Engr. Sanz confirmed that this should be registration of producers and importers. Ms. Presbitero proposed to revise the title of Section 12 as “Registration of Producers and Importers”
- On Section 13. Requirements for Importing Second-hand or Used EEE, Engr. Aguda proposed to include the term “further” on time c.
- On Section 14. WEEE Management Plan, item 14.1 Preparation of WEEE Management Plan, to “producers” is revised into “producers and importers”, “...organization **in behalf...**”. Item c to state as “... include, but not limited to. A detailed forecast...” on item e, Ms. Presbitero suggested revision to state as “Detailed procedure and documentary requirements on the collection and payment of WEEE Management Fee.” On Item 14.2. Submission and Approval of WEEE Management Plan, Ms. Presbitero suggested to put the paragraph prior to the table and revise the first sentence into “The preparation, submission and approval of the WEEE Management Plan shall be based on the requirements set forth in Section 13 (Check the proper section number) of this Order and in accordance to the following procedures”. Ms. Presbitero asked regarding the composition of the steering committee. Engr. Sanz stated that there is a succeeding section on this. Engr. Aguda asked if there will be violation if the plan will not be implemented after 6 months upon approval. This will be included in the section on Penalties for Violation.
- On Section 15. Producers Responsibility Organization (PRO), Ms. Presbitero proposed to revise item 15.2 to state as “The PRO shall be established based on the following requirements to effectively implement the WEEE Management Plan:” On item C, omit “but”. Ms. Jennifer Flores (CCS) stated to assure that the RAC equipment containing refrigerants that properly recover either for recycling or destruction be included in the database system. Engr. Sanz responded that the WEEE management plan in terms of disposal of air-conditioning units shall be taken care of under TSD registration. On item 15.3 Creation of Steering Committee for PRO, Ms. Presbitero asked if the DENR pertains to DENR CO or EMB. Engr. Sanz stated that this will be DENR-EMB. Ms. Presbitero proposed that EMB to review the members of the Steering Committee.
- On Section 16. Treatment, Storage, and Disposal Facilities, Ms. Flores stated to include RAC Recovery for recycling or destruction. Engr. Sanz stated that the policy focuses on the general guidelines for WEEE. Ms. Presbitero said that the DENR can be retained as this also applies in the regional offices.
- On Section 17. Penalties for Violation, Ms. Presbitero suggested to omit “for violation” Engr. Aguda raised earlier regarding the failure to implement the WEEE Management Plan for a period of 6 months. Add provision on Section 14 to state as “A WEEE Management Plan shall be revised and resubmitted for approval in case of non-implementation within the six (6) months period.” Item b to be revised as “A producer and importer may be blacklisted from the registry of producers and importers for three (3) consecutive non-compliances with the WEEE Management Plan and this Order”. Ms. Presbitero asked what would happen if the producer/importer was blacklisted. She also mentioned the term “relative” be revised to “related “laws. Engr. Sanz stated that they will pay for their own disposal and their product will not be patronized. Dir. Capistrano stated that the license be revoked. Engr. Sanz stated that this will pertain to their business permit and this will be under the responsibility of Bureau of Product Standards and Bureau of Import Services. Dir. Capistrano stated that EMB should provide recommendations to these respective

offices. Engr. Sanez stated that the compliance of the businesses should be under the purview of DTI.

- On Section 18. Prohibited Acts, the referred sections will be checked and the “producers” will be revised to “producers and importers”. Engr. Aguda stated that the proposed policy should be harmonized with IRR of EPR Law.

Agreements:

- On Section 1. Basic Policy, the first paragraph shall state as “...risk and/or injury to human health **and** to the environment”.
- On Section 2. Objectives, the statement shall be revised from “This guidelines” to “This Order”.
 - On Item g “solid waste” is replaced with “WEEE”.
- On Section 3. Scope and Coverage, the order shall be retained.
- On Section 5. Criteria for Used Equipment to be Considered as Waste and Non-Waste:
 - Replace “instead of” with “not for” for item 5.1.a.
 - For item 5.1.e, EMB to rephrase the statement.
 - On item 5.2.a.4 , “transportation” is revised to “transport”
- On Section 7. Environmentally Sound Management (ESM) Assessment Criteria, revise to state as “Sites or facilities of an adequate standard of technology and pollution control are authorized to deal with hazardous wastes in the way proposed...”
- On Section 8. Environmental Risk and Health Hazard of WEEE:
 - Revise the term “food growing areas” to “agricultural land areas”.
 - Revise the last paragraph to “and disposal chain of WEEE”.
 - The health risks and hazards should be placed first followed by actions that should be undertaken.
 - The first sentence to be revised to state as “...dispersion of pollutants into the environment, including protected areas, agricultural areas, water sources, residential communities and sanitary landfills” consisted with the ENIPAS Act.
- On Section 9. Suitability of Wastes for the Processing of Re-used WEEE:
 - Revise the title of this section to state as “Suitability of Processing WEEE for Recycling or Re-use”.
 - The first paragraph is also revised to state as “...collected WEEE must be removed, taking in consideration the applicability and viability of the same.”
 - Harmonize the order of reuse and recycling from the title and up to the body of the paragraph.
- On Section 11. Responsibilities of Parties in the ESM of WEEE:
 - Omit “wherein the objective is the” on the first paragraph to state as “...clean production methods and attainment of longest life of WEEE...”
 - Revise item iii to “Quantities, weight in tones or number of units.”
 - Retain the format of the body of the section.
 - Revise item b to state as “A WEEE Management Fee shall be paid by the member producer in the amount to be determined by the PRO, shall be used for the implementation of the EMB-approved WEEE Management Plan.”
 - On Section 11.1 Producers and Importers, revise the statement to “All producers and importers...”

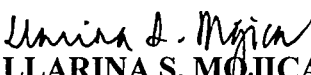
- On item e Section 11.2. Distributors, revise to state as “Provide the relevant data in case of consignment sales to the producer in order to comply with the requirements of the PRO”.
 - Revise the term used as “producer and importer”.
 - On item 11.3 LGUs, the last paragraph should be itemized as c.
 - On item 11.4 Collection Points or Consolidation Centers, revisit the reference section for item a. Item i is revised into “appropriate **personnel** protection equipment and training for staff...”
- On Section 12. Registration of Producers, this should be registration of “producers and importers”.
- On Section 13. Requirements for Importing Second-hand or Used EEE, EMB to revise the term “further” users.
- On Section 14. WEEE Management Plan:
 - On item 14.1 Preparation of WEEE Management Plan, “producers” is revised into “producers and importers”, “...organization **in behalf...**”
 - Item c to state as “...to include, but not limited to. A detailed forecast...”
 - On item e, revise to state as “Detailed procedure and documentary requirements on the collection and payment of WEEE Management Fee.”
 - On Item 14.2. Submission and Approval of WEEE Management Plan, put the paragraph prior to the table and revise the first sentence into “The preparation, submission and approval of the WEEE Management Plan shall be based on the requirements set forth in Section 13 (Check the proper section number) of this Order and in accordance to the following procedures”.
 - Add provision on Section 14 to state as “A WEEE Management Plan shall be revised and resubmitted for approval in case of non-implementation within the six (6) months period.”
- On Section 15. Producers Responsibility Organization (PRO):
 - Revise item 15.2 to state as “The PRO shall be established based on the following requirements to effectively implement the WEEE Management Plan:”
 - On item C, omit “but”.
 - On item 15.3 Creation of Steering Committee for PRO, DENR pertains to EMB. Further, EMB to review the members of the Steering Committee.
- On Section 17. Penalties:
 - Omit “for violation” on the title of the section.
 - Item b to be revised as “A producer and importer may be blacklisted from the registry of producers and importers for three (3) consecutive non-compliances with the WEEE Management Plan and this Order”.
 - The term “relative” be revised to “related” laws.
 - In cases where violation will be committed, Engr. Sanez stated that they will pay for their own disposal and their product will not be patronized. Dir. Capistrano stated that the license should be revoked. Engr. Sanez stated that this will pertain to their business permit and this will be under the responsibility of Bureau of Product Standards and Bureau of Import Services. Dir. Capistrano stated that EMB should provide recommendations to these respective offices. Engr. Sanez stated that the compliance of the businesses should be under the purview of DTI.
- On Section 18. Prohibited Acts, the referred sections will be checked and the “producers” will be revised to “producers and importers”. The proposed policy should be harmonized with IRR of EPR Law.

- The proposed draft policy on EPR Framework which will be discussed during the small-group meeting on Friday, 2 December 2022 shall be harmonized with the draft DAO on WEEE.
- The term “guidelines” shall be replaced with “order” all throughout the proposed policy.
- Apply the appropriate policy tool/s for all the incoming proposed policies.
- The body moved for the approval of the draft DAO on WEEE, subject to the proposed revisions based on the comments/inputs of the PTWG members.

Without other matters to be discussed, the PTWG meeting was adjourned at 4:10 pm.

Prepared by the Secretariat

Noted by:


FOR. LLARINA S. MOJICA
Chief, Policy Studies Division



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DENR POLICY TECHNICAL WORKING GROUP
Notice of PTWG Meeting No. 2022-15

FOR/TO: Director, Legal Affairs Service (Vice- Chairperson, PTWG)
Assistant Director, Biodiversity Management Bureau
Assistant Director, Ecosystems Research and Development Bureau
Assistant Director, Environmental Management Bureau
Assistant Director, Forest Management Bureau
Assistant Director, Land Management Bureau
Assistant Director, Mines and Geosciences Bureau
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Representative, Foreign-Assisted and Special Projects Service
Representative, River Basin Control Office
Representative, Legislative Liaison Office
Representative, Knowledge and Information Systems Service

FROM: The OIC Director
Policy and Planning Service

DATE/TIME: **29 November 2022 (Tuesday) / 9:30 AM**

RESOURCE PERSONS: EMB Technical Representatives

VENUE: Virtual Meeting via Zoom

Meeting ID: 469 574 5952

Passcode: Policy2022

- AGENDA:**
1. Draft DAO Re: Guidelines On The Environmentally Sound Management (ESM) Of Waste Electrical And Electronic Equipment (WEEE)
 2. Other Matters

Note: Please log in to your Zoom Account to be able to access the meeting.


MELINDA C. CAPISTRANO