

Client Alert

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Introduction to the Resource Sustainability Act 2019

As an integral part of Singapore's strategy to build a sustainable, resource-efficient and climate-resilient nation, the Resource Sustainability Act 2019 (No. 29 of 2019) ("RSA") sets out regulatory measures targeting the following three waste streams which generally have high generation and low recycling rates:

- a. Electrical and electronic waste ("e-waste");
- b. Food waste; and
- c. Packaging waste.

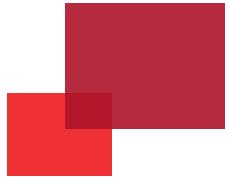
The National Environmental Agency ("NEA") is responsible for administering and enforcing the RSA.

As at the time of writing:

- I. The following provisions relating to **e-waste** and **general requirements** came into force as of **January 2020**:
 - i. Extended Producer Responsibility Framework
 - ii. Producer Responsibility Scheme
 - iii. General enforcement powers
- II. The provisions relating to **packaging waste** will come into force in **July 2020**:
 - i. Reporting of packaging and submissions of 3R (reduce, reuse, or recycle) plans
 - ii. Keeping records of relevant information
- III. The remaining provisions for **e-waste** will come into force in **July 2021**:
 - i. Registered producers must join licensed scheme
 - ii. Collection and disposal of e-waste
- IV. Provisions relating **food waste** may come into force in **2024**:
 - i. Segregation and treatment of food waste

If you believe your company is regulated or may, in the future, be regulated by the RSA, your company may wish to start thinking about the potential challenges and solutions in complying with the RSA. The consequences of failing to comply with the RSA are not insignificant - depending on the severity, is either a fine or imprisonment, or both. In addition, there are several offences under the RSA, particularly those relating to keeping records and submitting plans, that are on a strict liability basis. The mere failure to comply with these obligations is sufficient to trigger liability.





Some of the key features of the RSA that are currently in force as of January 2020 include:

Extended Producer Responsibility ("EPR") Framework

The EPR framework is designed to ensure producers bear the responsibility for the collection and treatment of their electronic products when these products reach their end-of-life. The EPR framework is a broad initiative that will be extended to packaging when the relevant provisions come into force.

Producers of regulated electronic products must apply for registration with NEA, and must keep and maintain complete and accurate records of the regulated products. Regulated electronic products include but are not limited to consumer computers; desktop monitors; refrigerators; air-conditioners; televisions. Unregistered producers who continue to supply regulated electronic products, or registered producers who fail to maintain records, shall be liable under the RSA for a fine not exceeding \$10,000 or imprisonment of up to 3 months, or both.

Producer Responsibility Scheme ("PRS")

The PRS establishes the network for public collection of regulated e-waste, ensuring that such waste is properly collected, treated, and recycled.

NEA will be appointing one PRS operator (through an open tender in 2020) to develop and implement a system to organise the collection and recycling of electronic products on behalf of the producers. The appointed PRS operator will be required to develop programmes to encourage the public to recycle e-waste, provide avenues for e-waste recycling (e.g. scheduled collection drives and e-waste bins in public areas), collect and transport the e-waste to NEA-licensed e-waste recyclers, and report the tonnage of e-waste collected to NEA.

General Enforcement Powers

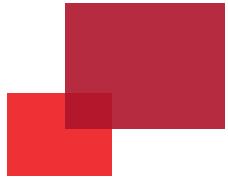
The RSA grants powers to authorised officers to enter and search and examine activities on the premises for the purposes of administering or enforcing the RSA, as well to seize evidence of any alleged/actual contraventions of the RSA.

Authorised officers also have the power to request information and documents from any person. Any individual who hinders, or provides false or misleading information to, an authorised officer performing his/her duty shall be guilty of an offence, and shall be subject to penalties.

A non-exhaustive summary of the key features of the RSA coming into force in July 2020 is as follows:

Reporting of packaging and submission of 3R (Reduce, Reuse, Recycle) Plans:

Mandatory packaging reporting aims to raise companies' awareness of the benefits of packaging waste reduction and to reduce the amount of packaging used.



Under the mandatory packaging reporting framework, producers of packaged products, such as brand owners, manufacturers and importers, as well as retailers such as supermarkets, will be required to submit packaging data as well as 3R plan(s) to NEA.

Companies will have to provide information on the packaging placed on the Singapore market, broken down according to type of packaging material (e.g. plastic, paper, metal, glass), packaging form (e.g. carrier bags, bottles) and the corresponding weights. In relation to the 3R plans, producers will need to include, amongst others, information on the implementation of such plans.

To minimise the impact on micro and small enterprises, the packaging waste requirements appear to only apply to brand owners, manufacturers, importers of packaged goods, as well as supermarkets with an annual turnover of more than \$10 million.

Keeping records of relevant information

This mirrors the EPR framework in relation to e-waste. Producers of packaging who are required to submit any report or plan must keep and maintain complete and accurate records containing the relevant information.

A non-exhaustive summary of the key features of the RSA coming into force in July 2021 is as follows:

Registered producers must join licensed scheme

Registered producers must be aware of thresholds prescribed for specific electronic products and not supply more than that limit, unless they are a member of a licensed scheme for that regulated electronic product.

Collection & disposal of e-waste

Producers must provide for the collection and disposal of unwanted regulated electronic products. Retailers must also provide for the collection and disposal of unwanted electronic products. In disposing of any unwanted electronic products, retailers must ensure that they only present it to, or deposit it at, places directed or designated by persons operating a licensed scheme (for disposal).

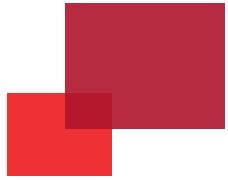
Furthermore, large retailers (any retailer occupying premises with floor area greater than 300 square metres) must offer in-store collection of certain e-waste that is of the same class or type as any product it is supplying.

A non-exhaustive summary of the provisions relating to food waste, which may come into force in 2024, is as follows:

Segregation and Treatment of food waste

Occupiers of prescribed buildings are to dispose of food waste only in the provided food waste segregation facilities, and must not dispose of food waste together with any other type of food waste.

Building managers must provide food waste segregation facilities within prescribed buildings to enable occupiers to meet their obligations. Building



managers of new buildings must also ensure that all food waste disposed of in such segregation facilities are treated within the building.

Where the building is not new, the food waste can either be treated in the building, or passed on to a licensed waste collector to send the food waste for treatment at a licensed waste disposal facility.