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RESOURCE SUSTAINABILITY ACT 2019
(SECTION 52)

RESOURCE SUSTAINABILITY
(PRODUCER RESPONSIBILITY SCHEMES)
REGULATIONS 2021

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*Division 3 — Licensed operators of beverage container
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Regulation

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[11 February 2021]

**PART 1
PRELIMINARY**

Citation

1. These Regulations are the Resource Sustainability (Producer Responsibility Schemes) Regulations 2021.

Definitions

2. In these Regulations —

“beverage container” has the meaning given by section 23M(1) of the Act;

“licence” means a licence to operate a producer responsibility scheme granted under section 29(2) of the Act;

“licensee” means a person who is issued a licence;

“regulated product” has the meaning given by section 7(1) of the Act.

PART 2

LICENSED OPERATORS OF PRODUCER RESPONSIBILITY SCHEMES, ETC.

Division 1 — Fees

Fee for licence

3. The fee for a licence is —

- (a) in the case of a licence to operate a producer responsibility scheme for regulated products — \$4,907; and
- (b) in the case of a licence to operate a producer responsibility scheme for beverage containers — \$28,000.

Division 2 — Licensed operators of e-waste licensed schemes

Definitions of this Division

3A. In this Division —

“category of e-waste” means one or more types of regulated consumer products in respect of which one collection target is imposed under a licence;

“collection target” means a minimum waste collection amount imposed under a licence;

“compliance year” has the meaning given by section 12(4) of the Act;

“peripheral item”, in relation to any regulated consumer product, means any cable, adaptor, remote control, keyboard, mouse or other similar peripheral item, other than a portable battery, that is used in connection with the regulated consumer product;

“portable battery” has the meaning given by regulation 2 of the Resource Sustainability (Prescribed Regulated Products) Regulations 2019;

“regulated consumer product” has the meaning given by section 7(1) of the Act.

Application to regulated product licensees

3B. This Division applies only to a licensee of a producer responsibility scheme for regulated products.

Termination or rejection of membership

4.—(1) Where a registered producer is required under section 12(1)(b) of the Act to join a licensed scheme, a licensee must not terminate the membership of the producer in, or reject the producer’s application to rejoin, the licensee’s licensed scheme except where the producer is in arrears of any fees due to the licensee for more than 2 months.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Waste collection plans and contingency plans

5.—(1) A licensee must submit to the Agency, not less than 2 months (or a shorter time that the Agency may allow in any particular case) before the start of a compliance year —

- (a) a collection plan for the compliance year, in accordance with paragraph (2); and
- (b) a contingency plan for the compliance year, in accordance with paragraph (3).

(2) The collection plan mentioned in paragraph (1) must state the following for the compliance year:

- (a) every type of collection programme to be conducted;
- (b) the location or locations for each proposed collection programme;
- (c) a projected date for, or period within which, each proposed collection programme is to be conducted;

- (d) the system for the removal of waste collected in relation to each collection programme;
- (e) details on public education and awareness raising programmes relating to the collection of waste;
- (f) any other information relevant to the licensee's collection of waste that the Agency may require in any particular case.

(3) The contingency plan mentioned in paragraph (1) must state the licensee's plans to ensure continuity of collection and recycling operations in the compliance year despite disruptive events.

(4) The Agency may, in respect of any plan submitted by a licensee that is incomplete at the time of submission, in writing direct the licensee to do the following within the time period specified in the direction (or a longer time that the Agency may allow in a particular case):

- (a) to rectify any matter in the plan as the Agency may require;
- (b) to resubmit the plan to the Agency,

and the licensee must comply with the direction.

(5) A licensee who, without reasonable excuse, contravenes paragraph (1) or fails to comply with a direction under paragraph (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Manner of disposing and treating collected waste

6.—(1) A licensee must dispose of all e-waste it collected —

- (a) with a licensed e-waste recycler; or
- (b) if the licensee is unable to dispose of any type of e-waste with a licensed e-waste recycler in Singapore who is willing and able to recycle that type of e-waste — with an e-waste recycler outside Singapore.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Manner of determining quantity of e-waste collected

7.—(1) For the purposes of determining whether a licensee has met the collection target under the licensee's licence for any category of e-waste in a compliance year, only the weight of the following items may be included:

- (a) e-waste collected by or on behalf of the licensee through a collection activity specified in the licence conditions;
- (b) e-waste collected through an approved public collection activity under section 16(1)(b) of the Act;
- (c) the weight of any peripheral item —
 - (i) collected with any e-waste mentioned in sub-paragraph (a) or (b); and
 - (ii) that is commonly used in connection with a regulated consumer product in the category of e-waste,unless the weight of the peripheral item has been accounted for under another category of e-waste;
- (d) any e-waste or peripheral item mentioned in sub-paragraph (c) collected in the compliance year immediately preceding the compliance year that is in excess of the collection target for the firstmentioned compliance year.

(2) A licensee commits an offence if the licensee knowingly includes the weight of any item otherwise than in accordance with paragraph (1) for the purposes of determining whether the licensee has met any collection target under the licensee's licence.

(3) A licensee who is guilty of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Requirements for keeping of records

8.—(1) For the purposes of section 34(1)(a) of the Act, a licensee must keep records of the following details of the licensee's collection activities:

- (a) the name and description of each collection service offered by the licensee;
- (b) every location of a collection point provided by the licensee;
- (c) every location from which the licensee offers a collection service;
- (d) the date and time of each collection that the licensee makes.

(2) For the purposes of section 34(1)(b) of the Act, a licensee must keep records of the following details on the quantity of waste regulated products that the licensee has sent for treatment and recycling:

- (a) the weight of all e-waste and peripheral items mentioned in regulation 7(1)(c) collected by the licensee (called in this regulation collected waste);
- (b) the weight of collected waste sent to each e-waste recycler engaged by the licensee;
- (c) any document evidencing the matters in sub-paragraph (a) or (b).

(3) For the purposes of section 34(1)(c) of the Act, a licensee must keep records of —

- (a) the fees charged to each member of the licensed scheme, according to billing quarters; and
- (b) the breakdown of fees charged for each type of regulated consumer product supplied by each member.

Retention period for records

9. For the purposes of section 34(2)(a) of the Act, the prescribed period is 5 years after the end of the compliance year in relation to which the record is kept.

Matters to be included in annual report

10.—(1) The annual report mentioned in section 35 of the Act for a compliance year must be submitted within 3 months after the end of the compliance year.

(2) The annual report must be prepared in a manner consistent with the Singapore Financial Reporting Standards (International) and give a true and fair view of the financial position and performance of the licensee.

(3) For the purposes of section 35 of the Act, the annual report must include the following matters:

- (a) the accounts for the licensee;
- (b) if the licensee has one or more wholly owned subsidiaries or is a wholly owned subsidiary — the consolidated accounts for the licensee and all its subsidiaries or the licensee's holding company and all the holding company's subsidiaries, as the case may be;
- (c) the fees collected from each member according to the type of regulated consumer product collected in the compliance year;
- (d) a breakdown of revenue and expenses for each of the following activities:
 - (i) e-waste collection;
 - (ii) logistics;
 - (iii) recycling;
 - (iv) administration;
 - (v) marketing;
- (e) if a condition of the licensee's licence requires the licensee to set aside contingency funds to ensure the licensee's continued operations — the amount of the contingency funds.

*Division 3 — Licensed operators of beverage container
return licensed schemes*

Definitions of this Division

11. In this Division —

“beverage product”, “deposit”, “return point”, “return point operator” and “supply” have the meanings given by section 23M(1) of the Act;

“compliance year” means the period starting from 1 April 2026 and ending on 31 March 2027 (both dates inclusive) and every subsequent period of 12 months starting on 1 April and ending on 31 March;

“recycle”, in relation to an empty beverage container, means to process the body of the empty beverage container into recycled materials, but does not include —

- (a) any energy recovery process where the empty beverage container is combusted to generate energy; or
- (b) the baling of the empty beverage container with any other beverage container or other waste;

“recycled material” means any object, material or substance that is recovered from recycling an empty beverage container and —

- (a) that may be used instead of a raw material in the manufacture of a product; or
- (b) that is of economic value.

Application to beverage container licensees

12. This Division applies only to a licensee of a producer responsibility scheme for beverage containers.

Termination or rejection of membership

13.—(1) A licensee must not terminate the membership of a producer of beverage products in, or reject the producer’s application to rejoin, the licensee’s licensed scheme except —

- (a) if the producer is in arrears of any fees due to the licensee for more than 2 months; or
- (b) if the producer is in arrears of any deposit due to the licensee for more than 2 months.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Empty beverage container collection plans and contingency plans

14.—(1) A licensee must submit to the Agency, not less than 2 months (or a shorter time that the Agency may allow in a particular case) before the start of a compliance year —

- (a) a collection plan for the compliance year, in accordance with paragraph (2); and
- (b) a contingency plan for the compliance year, in accordance with paragraph (3).

(2) The collection plan mentioned in paragraph (1) must state the following for the compliance year:

- (a) the name of each return point operator (if any) that the licensee has entered into an arrangement with to operate any return point;
- (b) the type of each of the premises at which a proposed return point is to be operated by, or for or on behalf of, the licensee;
- (c) the location of each proposed return point at each of the premises in sub-paragraph (b);
- (d) the infrastructure and mechanism to be used by the licensee for collecting empty beverage containers at each such return point;
- (e) the system to be used for the collection of empty beverage containers from each such return point;

- (f) any change from the prior compliance year (if any) to any matter specified in sub-paragraphs (a) to (e);
- (g) details on public education and awareness raising programmes relating to the return and collection of empty beverage containers;
- (h) any other information relevant to the licensee's collection of empty beverage containers that the Agency may require in a particular case.

(3) The contingency plan mentioned in paragraph (1) must state the licensee's plans to ensure continuity of collection and recycling operations in the compliance year despite disruptive events.

(4) The Agency may, in respect of any plan submitted by a licensee that is incomplete at the time of submission, in writing direct the licensee to do the following within the time period specified in the direction (or a longer time that the Agency may allow in a particular case):

- (a) to rectify any matter in the plan as the Agency may require;
- (b) to resubmit the plan to the Agency,

and the licensee must comply with the direction.

(5) A licensee who, without reasonable excuse, contravenes paragraph (1) or fails to comply with a direction under paragraph (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Manner of disposing and treating collected empty beverage containers

15.—(1) A licensee must dispose of all empty beverage containers collected —

- (a) to a licensee of a general waste disposal facility (*X*); or
- (b) if the licensee is unable to enter into an arrangement with *X* for the purpose of sub-paragraph (a) — to any person outside Singapore.

(2) The licensee must —

- (a) arrange with *X* or the person outside Singapore (as the case may be) mentioned in paragraph (1) for the empty beverage containers to be recycled; and
- (b) obtain any documents and information that the Agency may require, evidencing that the empty beverage containers have been recycled.

(3) A licensee who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) In paragraph (1), “general waste disposal facility” has the meaning given by regulation 2 of the Environmental Public Health (General Waste Disposal Facility) Regulations 2017.

Manner of determining return rate of empty beverage containers collected

16.—(1) For the purposes of determining whether the return rate of empty beverage containers collected by a licensee has met the return rate target for empty beverage containers imposed under the licensee’s licence in a compliance year, only the following information may be included:

- (a) the number of units of empty beverage containers (used for any beverage product supplied by any member of the licensee’s licensed scheme) that are accepted at any return point operated by, or for or on behalf of, the licensee in the compliance year;
- (b) the number of units of beverage products supplied in Singapore by any member of the licensee’s licensed scheme in the compliance year.

(2) A licensee commits an offence if the licensee knowingly includes or excludes any number of units of empty beverage containers or beverage products otherwise than in accordance with paragraph (1) for the purposes of determining whether the licensee has met the return rate target.

(3) A licensee who is guilty of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In this regulation, the return rate of empty beverage containers collected by a licensee is calculated by dividing the total number of units of empty beverage containers (used for beverage products supplied by any member of the licensee's licensed scheme) accepted at all return points operated by, or for or on behalf of, the licensee in a compliance year, by the total number of units of beverage products supplied in Singapore by all members of the licensee's licensed scheme in the compliance year.

Requirements relating to key appointment holders

17.—(1) For the purposes of section 29A(1) of the Act and subject to paragraph (2) —

- (a) if a licensee has more than one but fewer than 4 key appointment holders — at least one key appointment holder must be —
 - (i) an individual who is a small producer; or
 - (ii) an individual who, in the Agency's view, represents the interests of small producers; or
- (b) if a licensee has 4 or more key appointment holders — at least 2 key appointment holders must each be —
 - (i) an individual who is a small producer; or
 - (ii) an individual who, in the Agency's view, represents the interests of small producers.

(2) If a key appointment holder who was appointed with the approval of the Agency mentioned in paragraph (4) —

- (a) resigns;
- (b) ceases to be a key appointment holder for any other reason; or
- (c) ceases to satisfy both of the following conditions:
 - (i) be a small producer;

- (ii) be an individual who, in the Agency's view, represents the interests of small producers,

the licensee must, within 3 months after that event (or any longer time that the Agency may allow in any particular case), appoint the number of new key appointment holders that is necessary for the licensee to comply with the requirements under paragraph (1).

(3) For the purposes of paragraphs (1) and (2), a person is a small producer at a particular time if —

- (a) the person is a producer of a beverage product; and
- (b) the person's annual turnover for the most recent financial year of the person that expired before that particular time, did not exceed \$10 million.

(4) A licensee must obtain the Agency's approval for the appointment of a key appointment holder in relation to whom any requirement mentioned in section 29A(1)(a) of the Act is imposed.

(5) A licensee who contravenes paragraph (1), (2) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Requirements for keeping of records

18.—(1) For the purposes of section 34(1)(a) of the Act, a licensee must keep records for each compliance year of the following details of the licensee's collection activities:

- (a) the name of each return point operated by, or for or on behalf of, the licensee;
- (b) every location of a return point operated by, or for or on behalf of, the licensee;
- (c) the date and time of each collection of empty beverage containers that the licensee makes from each such return point;
- (d) the amount of the deposits collected by the licensee from each member of the licensee's licensed scheme;

- (e) the amount of the deposits refunded by the licensee upon the acceptance of empty beverage containers at each return point operated by, or for or on behalf of, the licensee;
- (f) the number of units and the materials and shapes of the empty beverage containers (used for beverage products supplied by the members of the licensee's licensed scheme) that are collected at each return point operated by, or for or on behalf of, the licensee.

(2) For the purposes of section 34(1)(b) of the Act, a licensee must keep records for each compliance year of the following details on the quantity of empty beverage containers that the licensee has sent for treatment and recycling:

- (a) the documents and information mentioned in regulation 15(2)(b);
- (b) the weight and the material of the empty beverage containers that are recycled under the arrangement with *X* or the person outside Singapore (as the case may be) mentioned in regulation 15(1).

(3) For the purposes of section 34(1)(c) of the Act, a licensee must keep records for each compliance year of —

- (a) the fees charged to each member of the licensee's licensed scheme; and
- (b) the breakdown of fees charged to the members of the licensee's licensed scheme for each type of material, volume, shape, dimension or other characteristic of the beverage containers (used for beverage products supplied by the members of the licensee's licensed scheme) collected by the licensee.

Retention period for records

19. For the purposes of section 34(2)(a) of the Act, the prescribed period is 7 years after the end of the compliance year in relation to which the record is kept.

Matters to be included in annual report

20.—(1) The annual report mentioned in section 35 of the Act for a compliance year must be submitted within 3 months after the end of the compliance year.

(2) The annual report must be prepared in a manner consistent with the Singapore Financial Reporting Standards (International) and give a true and fair view of the financial position and performance of the licensee.

(3) For the purposes of section 35 of the Act, the annual report must include the following matters:

- (a) the accounts for the licensee;
- (b) if the licensee has one or more wholly owned subsidiaries or is a wholly owned subsidiary — the consolidated accounts for the licensee and all its subsidiaries or the licensee's holding company and all the holding company's subsidiaries, as the case may be;
- (c) the fees collected from each member of the licensee's licensed scheme;
- (d) the fees paid by the licensee to each return point operator that the licensee enters into an arrangement with to operate any return point for or on behalf of the licensee;
- (e) a breakdown of revenue and expenses for each of the following:
 - (i) collection of empty beverage containers;
 - (ii) logistics;
 - (iii) processing of empty beverage containers, and their disposal for recycling;
 - (iv) administration;
 - (v) marketing;
 - (vi) manpower;
 - (vii) information technology system;

- (f) the amount of the deposits collected by the licensee from each member of the licensee's licensed scheme;
- (g) the amount of the deposits refunded by the licensee upon the acceptance of empty beverage containers at each return point operated by, or for or on behalf of, the licensee;
- (h) if a condition of the licensee's licence requires the licensee to set aside contingency funds to ensure the licensee's continued operations — the amount of the contingency funds.

Circumstances where licensees may use deposits for purposes other than for refunds

21. A licensee may use any amount of deposit (in respect of beverage containers) provided to the licensee under section 23R(1) of the Act for the purpose of paying any expenses incurred by the licensee as a result of the licensee's operation of the licensee's licensed scheme, subject to any restrictions on the amount of the deposit, or any circumstances in which any amount of the deposit, may be so used, as may be specified in a condition of the licensee's licence imposed under section 30 of the Act.