

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

ARRANGEMENT OF SECTIONS

Section

PART ONE – HAZARDOUS WASTES AND OTHER WASTES

Control and management of hazardous wastes and other wastes

1. Prohibited acts
2. Importation of hazardous wastes or other wastes
3. Exportation of hazardous wastes or other wastes
4. Notification procedure for transboundary movements
5. Transit of hazardous wastes or other wastes
6. Liability for contravention
7. Sealing
8. Assisting persons to escape
9. Power of search, seizure and arrest
10. Samples for testing
11. Exclusion of diplomatic immunity
12. Obligations of the Agency
13. Management of hazardous wastes or other wastes
14. Database of written authorisation
15. Insurance cover
16. Register of hazardous wastes and other wastes

Control and management of Polychlorinated biphenyls

17. Polychlorinated biphenyls
18. Phase out period
19. Classification of polychlorinated biphenyls waste

PART TWO – ELECTRICAL AND ELECTRONIC WASTE

Electrical and Electronic waste levy

20. Electrical and Electronic waste levy
21. Designation of External Service Provider
22. Requirements for wholesalers, distributors and retailers

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

Electrical and Electronic Waste Management Fund

23. Establishment of the Fund
24. Object of the Fund
25. Sources of money for the Fund
26. Bank accounts for the Fund
27. Management of the Fund
28. Disbursement from the Fund

Electrical and Electronic waste recycling plant and other provisions

29. Establishment of recycling facilities
30. Obligation of taking back
31. Obligation of disposal
32. Enforcement notice
33. Delegation
34. Regulations
35. Interpretation

SCHEDULES

FIRST SCHEDULE

List of hazardous wastes and other wastes

SECOND SCHEDULE

Notification form for transboundary movement or shipment of waste

THIRD SCHEDULE

Movement document for transboundary movement or shipment of waste

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

FOURTH SCHEDULE

Classification of polychlorinated biphenyls waste for segregation

FIFTH SCHEDULE

*List of electrical and electronic equipment for which advance eco levy is
applicable*

A
BILL

ENTITLED
**HAZARDOUS AND ELECTRONIC WASTE CONTROL AND
MANAGEMENT ACT, 2016**

AN ACT to provide for the control, management and disposal of hazardous waste, electrical and electronic waste and for related purposes.

PASSED by Parliament and assented to by the President:

PART ONE – HAZARDOUS WASTES AND OTHER WASTES

Control and management of hazardous wastes and other wastes

Prohibited acts

1. (1) For purposes of this Act, hazardous wastes and other wastes are wastes specified in the First Schedule.

- (2) A person shall not except as otherwise provided in this Act
- (a) import or cause hazardous wastes or other wastes to be imported into the country;
 - (b) export or cause hazardous waste or other waste to be exported out of the country;

Hazardous and Electronic Waste Control and Management Bill, 2016

- (c) transport or cause to be transported hazardous wastes or other wastes that has been imported into the country or that is in transboundary movement through the country; or
 - (d) sell, purchase or deal in hazardous wastes or other wastes.
- (3) A person who contravenes subsection (2) (b), (c) or (d) commits an offence and is liable on summary conviction
 - (a) to a fine of not less than two thousand five hundred penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both; and
 - (b) for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other mitigating action required to deal with the effect of the waste.
- (4) A person shall not deposit hazardous wastes or other wastes on any land in the country or in the territorial waters of the country.
- (5) A person who contravenes subsection 2(a) or (4) commits an offence and is liable on summary conviction to a fine of the cedi equivalent of two million United States dollars or to a term of imprisonment of not more than twenty years or to both and shall in addition
 - (a) re-export the waste; and
 - (b) pay for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other mitigating action required to deal with the effect of the waste
- (6) A vehicle, vessel, aircraft, container or carrier used in unlawfully transporting the waste into, from or across the country shall be seized by the Agency and confiscated to the State on the orders of a Court.

Importation of hazardous wastes or other wastes

2. (1) The Minister shall on the advice of the Agency grant a written authorization for hazardous wastes or other wastes to be imported into the country if
- (a) the State that desires to export the 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 or arrangement regarding transboundary movement of hazardous waste or other wastes in accordance with Article 11 of the Basel Convention;

Hazardous and Electronic Waste Control and Management Bill, 2016

- (b) a request has been received for a transboundary movement of the hazardous wastes or other wastes and the request contains the information required by Annex V of the Basel Convention;
- (c) the labelling, packaging and transportation identified in the notification conforms to the requirements of recognised international rules, standards and practices;
- (d) the specified approved site or facility for the disposal of the waste is capable of managing and disposing of the waste in an environmentally sound manner;
- (e) the disposer guarantees in the disposer's contract with the exporter that the waste will be managed in an environmentally sound manner;
- (f) the disposer has informed the exporter, the Competent Authority of the State of export and the Minister of the receipt of the hazardous waste or other wastes and of the completion of disposal as specified in the notice;
- (g) the importer and the disposer have a valid licence to deal with the categories of hazardous wastes or other wastes proposed for importation;
- (h) the generator, exporter, importer, disposer or carrier have appropriate insurance or other adequate financial guarantee; and
- (i) the importer or an agent acting on behalf of the importer is resident in Ghana or in the case of a corporation, has a permanent place of business in Ghana.

(2) An authorisation granted under subsection(1) for the multiple importation of hazardous wastes or other wastes may subject to the written consent of the States concerned be granted to the same disposer for a maximum period of one year, if

- (a) the hazardous wastes or other wastes have the same physical and chemical characteristics,
- (b) the hazardous wastes or other wastes are shipped regularly through the same customs office and through the same entry customs office of the importing country,

Hazardous and Electronic Waste Control and Management Bill, 2016

- (c) in the case of transit, the hazardous wastes or other wastes is imported through the same customs port of entry and exit of the State of transit, and
- (d) the States concerned agreed to grant a similar authorisation.

(3) The importer shall inform the Agency on receipt of each shipment of the hazardous waste or other waste and provide the details of the hazardous wastes or other wastes as specified in the notification document.

(4) The Minister may, at any time after issuing the written authorization for the importation of the hazardous wastes or other wastes, revoke the permit if the Minister on the advice of the Agency has reason to believe that the hazardous waste or other wastes will not be managed in an environmentally sound manner.

Exportation of hazardous wastes or other wastes

3. (1) The Minister shall on the advice of the Agency grant a written authorization to a person to export hazardous wastes or other wastes where

- (a) the Republic does not have the technical capacity, suitable disposal sites and other necessary facilities for the disposal of the hazardous waste or other waste in an environmentally sound manner;
- (b) the hazardous wastes or other wastes to be exported is required as raw material for recycling or to a recovery industry in the State that desires the waste;
- (c) the exportation of the hazardous wastes or other wastes is in accordance with an agreement or arrangement that conforms to the requirements specified under Article 11 of the Basel Convention;
- (d) the exporter has formally applied for the transboundary movement of the hazardous wastes or other wastes and has provided the Agency with the information requested in the notification form specified in the Second Schedule including details on labelling in relation to the hazardous wastes or other wastes that is intended to be exported;

Hazardous and Electronic Waste Control and Management Bill, 2016

- (e) an adequate contract exists between the exporter and the disposer specifying environmentally sound management of the hazardous waste or other waste to be exported;
 - (f) the packaging, labelling and transportation of the hazardous wastes or other wastes are in conformity with recognized international rules, standards and practices; and
 - (g) the written consent of the Competent Authority of the other States concerned have been received by the exporter.
- (2) In the case of exporting the hazardous wastes or other wastes through a State
- (a) where the State does not have a policy on the grant of written consent or has waived the requirement of written consent, the Minister or generator shall make a request to the transit State to transport the hazardous waste or other waste through that State; and
 - (b) it shall be presumed that the transit State has given its consent for the hazardous wastes or other wastes to be exported through that State subject to any conditions imposed and objections raised by that State within sixty days of receipt of the request.
- (3) Where the Minister grants an authorization under subsection (1) for the multiple export of hazardous wastes or other wastes the authorisation shall subject to the written consent of the States concerned, be valid for a maximum period of one year, if
- (a) the hazardous wastes or other wastes have the same physical and chemical characteristics,
 - (b) the hazardous wastes or other wastes are shipped regularly to the same disposer through the same customs office and through the same entry customs office of the State importing the waste,
 - (c) in the case of transit, the hazardous wastes or other wastes is exported through the same customs office of entry and exit of the State or States of transit, and
 - (d) the States concerned agree to grant a similar permit.

Hazardous and Electronic Waste Control and Management Bill, 2016

(4) A person shall not export hazardous wastes or other wastes from the Republic

- (a) to any State which has imposed a ban on the import of hazardous waste and other waste and has given notice of the ban to the Republic or the Secretariat of the Basel Convention;
- (b) to any State which does not have the capacity to dispose of the hazardous wastes or other wastes in an environmentally sound manner; or
- (c) to any State which is not a party to the Basel Convention unless that State is a party to
 - (i) a bilateral, multilateral or regional agreement to which the Republic is a party; or
 - (ii) an arrangement with the Republic which specifies that the hazardous waste or other wastes shall be disposed of in an environmentally sound manner as stipulated in the Basel Convention.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Notification procedure for transboundary movements

4. (1) Transboundary movements of hazardous wastes or other wastes are subject to the following :

- (a) the person in charge of the transboundary movement shall sign a movement document specified in the Third Schedule which shall accompany the hazardous waste or other wastes; and
- (b) the hazardous wastes or other wastes shall be covered by insurance, a bond or other guarantee.

(2) The Agency shall give notice or request the exporter to give notice, in writing to the competent authority of the State of import concerned, in a language acceptable to the competent authority of that State.

(3) The notification shall contain detailed information as required by Annex VA of the Basel Convention.

(4) Where the States concerned consent to a transboundary movement of hazardous wastes or other wastes and the agreement cannot be completed in accordance with the terms of the contract, the Agency shall require the exporter to re-export the hazardous wastes or other wastes if alternative arrangements cannot be made for the disposal of the hazardous wastes or other wastes in an environmentally sound manner

(a) within ninety days from the time that the competent authority of the State of import informed the Agency or the generator and the Secretariat of the Basel Convention, or

(b) any other period of time that the parties concerned may agree.

Transit of hazardous wastes or other wastes

5. (1) A person shall not transit hazardous wastes or other wastes through the Republic except with the written consent of the Minister.

(2) The Minister may refuse to give consent for the transit of the hazardous wastes or other wastes but shall give reasons for the refusal.

(3) The competent authority of the State of export of a proposed movement of hazardous wastes or other wastes through the Republic shall, not less than three months before the export give notice to the Agency of the movement of the hazardous wastes or other wastes

(4) The notice shall be in the English language and include details of

(a) the final destination of the hazardous waste or other waste,
(b) a timetable specifying expected dates of transit through the Republic,

(c) proof that the exporter, carrier and disposer are authorized to carry out the operations in question in relation to the hazardous waste or other waste at the designated site or facility for the disposal of the hazardous waste or other waste.

(d) information specifying emergency procedures in case of accidents, and

(e) information related to insurance.

(5) The labelling and packaging of the hazardous wastes or other wastes shall conform to international standards.

Hazardous and Electronic Waste Control and Management Bill, 2016

- (6) The Agency shall
- (a) acknowledge receipt of a notice given under subsection (1); or
 - (b) request for additional information where necessary from the competent authority.

(7) Where the Agency is satisfied with a notice given under subsection(1) ,the Agency shall make a decision in respect of the notice within six days of receipt of the notice and inform the exporter or the competent authority of the State of export of its decision and the decision may include specific conditions relating to the transport of the hazardous wastes or other wastes through the Republic.

(8) In case of movement of the hazardous wastes or other wastes by land through the Republic, the Customs Division of the Ghana Revenue Authority, shall ensure that

- (a) the container is sealed at the port of entry; and
- (b) the seal is not broken and is intact at the point of exit.

Liability for contravention

6. (1) A person who contravenes section 5 is liable to pay an amount equivalent to fifteen thousand penalty units and shall in addition re-export the hazardous waste or other waste to the State of export or the Minister shall re-export the waste at the expense of that person .

(2) Where re-export of the hazardous waste or other waste is impracticable or the waste cannot be attributed to a particular person, the Minister and the competent authority of the other States concerned shall ensure that the waste is disposed of in an environmentally sound manner and in accordance with the provisions of this Part.

(3) Where there is an illegal traffic as a result of the conduct of an importer or disposer, the importer or disposer shall, in addition to the penalty imposed on that importer or disposer

- (a) ensure that the hazardous wastes or other wastes is disposed of in an environmentally sound manner; and
- (b) pay the appropriate sum determined by the Minister in consultation with the Agency for the purpose of ensuring the environmentally sound disposal of the imported waste.

Sealing

7. (1) Where the Minister has reason to believe that an area, site, facility or premises is being used for the disposal of hazardous wastes or other wastes, the Minister may on the advice of the Agency order the sealing up of the area, site, facility or premises and publish it in the *Gazette* or in two national dailies of wide circulation .

(2) A person who without the approval or authorisation of the Minister enters the area, site, facility or premises sealed by the order of the Minister, commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(3) The Minister may after sealing up an area, site, facility or premises order that any hazardous wastes or other wastes found in the area be destroyed or disposed of in an environmental sound manner.

(4) The sealing up of an area, site, facility or premises shall be for the period that the Minister may direct.

(5) A person aggrieved by the order of the Minister may apply to the Minister within ten days after the order for a review of the decision of the Minister.

(6) The Minister may, after considering the application revoke the order or take an appropriate decision.

Assisting persons to escape

8. A person who, knowing that another person has committed an offence under this Act assists that other person to avoid arrest or prosecution commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Power of search, seizure and arrest

9. (1) A law enforcement officer may

- (a) enter and search any land, premises, facility, or vehicle and seize any substance suspected to be hazardous wastes or other wastes found on that land, premises, facility, or vehicle; and

Hazardous and Electronic Waste Control and Management Bill, 2016

- (b) arrest a person on whose land, premises, facility, carrier or vehicle a substance suspected to be hazardous wastes or other wastes are found.

(2) A person who is in possession of hazardous wastes or other wastes is for the purposes of this Act the importer of that hazardous wastes or other wastes and is liable to the penalty specified under section 1, unless that person satisfies the Court that that person did not have knowledge of the hazardous wastes or other wastes on the land, premises, facility or vehicle.

Samples for testing

10. A law enforcement officer shall forward to the Agency, samples of any substance suspected to be hazardous wastes or other wastes which comes into the possession of the officer in the course of the performance of the functions of the officer for tests to determine its components.

Exclusion of diplomatic immunity

11. The immunity from prosecution conferred on a person by article 3 of the Diplomatic Immunities Act, 1962 (Act 148) does not extend to a crime committed under this Act by that person.

Obligations of the Agency

12. The Agency shall

- (a) monitor the management of hazardous wastes and other wastes in order to prevent any harmful effects of these wastes on human health and the environment;
- (b) encourage the adoption of new environmentally sound technologies aimed at minimizing the generation of hazardous wastes and other wastes;
- (c) ensure that adequate recovery and disposal facilities are located as close as possible to the sites of generation of hazardous wastes and other wastes and if appropriate, that an integrated network of the facilities is established;
- (d) endeavor to establish funding arrangements for assistance in emergency situations at both the national, regional and district levels; and
- (e) take, encourage and facilitate preventive measures.

Management of hazardous wastes or other wastes

13. (1) A person involved in the management of hazardous wastes or other wastes shall

- (a) take the steps that are necessary to prevent pollution from hazardous wastes and other wastes arising from the management; and
- (b) where pollution occurs, minimize the consequences of the pollution on human health and the environment.

(2) The Agency shall ensure that hazardous wastes or other wastes are not mixed with non-hazardous wastes or other wastes unless the generator, collector, storer, transporter or disposer proves that the mixing of the waste is environmentally sound.

(3) The Agency shall not allow hazardous wastes or other wastes to be transported from the site of generation unless

- (a) the packaging and containers for the transport of the hazardous waste or other wastes are labelled in a clearly visible form; and
- (b) it is accompanied by the respective movement document.

Database of written authorization

14. The Agency shall maintain a database of written authorisation granted by the Minister under this Act.

Insurance cover

15. A person who generates, collects, stores, transports or disposes of hazardous wastes or other wastes shall maintain an adequate insurance cover in respect of the management of the hazardous wastes or other wastes.

Register of hazardous wastes and other wastes

16 (1) A holder of a permit shall maintain a register to record

- (a) the quantity, type, quality and origin of hazardous wastes or other wastes generated, collected, stored, transported, recovered or disposed of by the holder of the permit; and
- (b) submit to the Agency each year information related to the preceding year.

(2) The Agency shall inspect the register at least once in every three months.

Hazardous and Electronic Waste Control and Management Bill, 2016

Control and management of Polychlorinated Biphenyls

Polychlorinated biphenyls

17. (1) The provisions on the control and management of hazardous wastes and other wastes as provided under section 1 to 16 shall apply to polychlorinated biphenyls with the necessary modification.

(2) A person shall not import polychlorinated biphenyls into the country.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than sixty-thousand penalty units or to a term of imprisonment of not more than ten years or to both, and in addition the person shall re-export the polychlorinated biphenyls.

Phase out period

18. (1) The phase-out date for polychlorinated biphenyls that remain in use in equipment such as transformers, capacitors or other receptacles containing liquid stocks is the year 2025.

(2) The Agency shall ensure that the holders of

(a) equipment containing polychlorinated biphenyls take inventory and provide storage facilities for the polychlorinated biphenyls during the phase out period; and

(b) keep and update the inventory until the end of the phase out period in the year 2025.

Classification of polychlorinated biphenyls waste

19. Polychlorinated biphenyls waste shall be classified in accordance with the Fourth Schedule.

PART TWO – ELECTRICAL AND ELECTRONIC WASTE

Electrical and Electronic waste levy

Electrical and electronic waste levy

20. (1) A person shall not import or export or cause to be imported or exported used or discarded electrical or electronic equipment, unless that person

(a) is registered with the Agency;

- (b) obtains a permit from the Agency to import or export the electrical or electronic equipment, and
- (c) *pays the advanced eco levy* specified in the Fifth Schedule *in respect of* the electrical or electronic equipment.

(2) A manufacturer of electrical or electronic equipment or an importer of new electrical or electric equipment shall pay an advance eco levy in respect of an electrical or electronic equipment specified in the Sixth Schedule that is manufactured in or imported into the country.

(3) Despite subsection (1), the Agency may grant a permit to a person to import used or discarded electrical or electronic equipment for purposes of recycling without paying an advanced eco levy.

(4) A person who contravenes sub-section (1) or (2) is liable to pay an administrative penalty equivalent to twice the amount of the levy payable in respect of the electrical or electronic equipment.

Designation of External Service Provider

21. (1) The Minister shall in consultation with the Minister responsible for Finance designate an External Service Provider to collect the advance eco levy on behalf of Government.

(2) The External Service Provider shall serve on an importer or manufacturer of electrical or electronic equipment in the exporting country the assessable advance eco levy payable in respect of the electrical or electronic equipment .

Requirements for wholesalers, distributors and retailers

22. (1) A retailer, distributor or wholesaler shall retain a copy of the receipt of payment made by the importer or manufacturer of electronic equipment imported into the country or manufactured in the country which is in the custody of or sold by the retailer, distributor or wholesaler.

(2) A retailer, distributor or wholesaler who is a manufacturer of electronic equipment shall register with the Agency particulars of electronic equipment manufactured or assembled in the country.

(3) Where the retailer, distributor or wholesaler is not the manufacturer of the electronic equipment made in or assembled in the country, the wholesaler, distributor or retailer of the electronic equipment shall

- (a) register with the Agency the particulars of the manufacturer of the electronic equipment; and
- (b) the particulars of the electronic equipment received from the manufacturer.

Electrical and Electronic Waste Management Fund

Establishment of the Fund

23. There is established by this Act an Electrical and Electronic Waste Management Fund.

Object of the Fund

24. (1) The object of the Fund is to provide finance for the management of electrical and electronic waste and reduce the adverse impact of electrical and electronic waste on human health and the environment.

- (2) To achieve its object, moneys from the Fund shall be used
- (a) to provide support for the construction and maintenance of electrical and electronic waste recycling or treatment plants;
 - (b) to support research into methods of electrical and electronic waste preservation, prevention and control;
 - (c) for research into electrical and electronic waste treatment and recycling;
 - (d) for publication of reports;
 - (e) for education of the public on the safe disposal of electrical and electronic waste and the negative effects of electronic waste;
 - (f) to offer incentives for collection, transportation and disposal of electronic waste;
 - (g) for monitoring, compliance and enforcement;
 - (h) for training;
 - (i) for the collection, safe disposal and recycling of electrical and electronic waste;
 - (j) *for matters related to hazardous wastes and other wastes; and*
 - (k) any other matter necessary to achieve the object of the Fund.

Sources of money for the Fund

25. The sources of money for the Fund include

- (a) levies including the advance recycle eco levy collected in respect of items specified in the Fifth Schedule;
- (b) any other moneys received from other sources or that may in any manner become lawfully payable and vested in the Fund;
- (c) grants, donations, gifts and other voluntary contributions; and
- (d) moneys approved by Parliament.

Bank accounts for the Fund

26. (1) Moneys for the Fund shall be paid into bank accounts that shall be opened for the Fund with the approval of the Controller and Accountant-General.

(2) Moneys received in respect of the Fund shall be paid directly into the bank accounts of the Fund opened under subsection (1).

Management of the Fund

27. The Fund shall be managed by an Administrator appointed by the Minister in consultation with the Minister responsible for Finance.

Disbursement from the Fund

28. The funds shall be disbursed as follows:

- (a) twenty per cent of the funds shall be allocated for the collection of electrical and electronic waste and collection centres;
- (b) thirty per cent of the funds shall be allocated for the construction and management of electrical and electronic waste recycling plant and related facilities;
- (c) thirty- per cent of the funds shall be allocated to the Agency;
- (d) ten per cent of the funds shall be allocated to the Ministry responsible for Environment;
- (e) five per cent of the funds shall be allocated for research and developments in electrical and electronic waste management;
- (f) three and a half per cent of the *funds which shall be used for monitoring activities by the Agency*;
- (g) *one percent* of the funds shall be allocated to key trade associations and manufactures of electrical and electronic equipment for capacity building; and
- (h) 0.5% for the administrative expenses of the Fund.

Electrical and Electronic Waste Recycling Plants and other provisions

Establishment of recycling facilities

29. The Minister may by Legislative Instrument make Regulations for the establishment of electrical and electronic waste recycling plants and related facilities in the country.

Obligation of taking back

30. A manufacturer, distributor or wholesaler of electrical or electronic equipment shall take back used or discarded electrical or electronic equipment manufactured or sold by it for recycling purposes.

Obligation of disposal

31. A person who is responsible for the disposal of an electrical or electronic equipment shall ensure that the disposal is carried out in an environmentally sound manner.

Enforcement notice

32. (1) Where the Agency has reasonable grounds for suspecting that any of the requirements of this Part have not been complied with, an enforcement notice shall be served by the Agency or the appropriate authority on the defaulting person.

(2) The notice shall

- (a) state the specified requirement of this Part which has been contravened; and
- (b) request the defaulting person to comply with the necessary requirements and provide evidence to the Agency or the appropriate authority that the requirements of this Part have been complied with within thirty days of receipt of the notice.

(3) A person who fails to comply with an enforcement notice shall pay an administrative penalty of not more than two thousand five hundred penalty units to the Agency

Delegation.

33. The Minister may delegate the functions of the Minister under this Act to the Agency.

Regulations

34. The Minister, in consultation with the Agency and other relevant national authorities may by legislative instrument make Regulations for

- (a) the application procedures for permits;
- (b) the establishment of a Hazardous Wastes and Electronic Wastes Management Committee;
- (c) the classification, control and management of waste;
- (d) the disposal of hazardous wastes or other wastes;
- (e) matters relating to polychlorinated biphenyls;

- (f) the establishment of electrical and electronic waste recycling plants through public-private partnership arrangements;
- (g) the management of bio-medical waste; and
- (h) the effective implementation of this Act.

Interpretation

35. In this Act unless the context otherwise requires

“Agency” means the Environmental Protection Agency established under the Environmental Protection Agency Act, 1994 (Act 490);

“analysis” means the extraction, purification, separation, identification, quantification, and reporting of polychlorinated biphenyls concentrations in the matrix of interest;

“approved site or facility” means a site or facility authorized or permitted by the Agency for the disposal of hazardous wastes or other wastes;

“after-care of disposal site” means the after-care of a site which is still in operation as well as of a site which is no longer in operation;

“area” means any land, marine area or air space within which the Republic exercises administrative and regulatory responsibility, as regards the protection of human health or the environment;

“Basel Convention” means the Basal Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal adopted on March 22, 1989 and entered into force on 1992;

“carrier” means a person who transports hazardous wastes and other wastes by means of conveyance such as trucks, taxi auto, bus, airplane, train, or ship;

“collection” includes the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility for hazardous wastes and other wastes as well as waste generated in small quantities within the Republic;

Hazardous and Electronic Waste Control and Management Bill, 2016

- “collection” includes the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility for hazardous wastes and other wastes as well as waste generated in small quantities within the Republic;
- “commercial building” means an enclosed structure that is used for the selling of goods and the provision of services and is open to the public and includes, but is not limited to malls, restaurants, schools, hotels, offices, including government buildings and the like;
- “Court” means a Court of competent jurisdiction;
- “disposer” means a person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of the wastes;
- “distributor” means any person who is a wholesaler or retailer of electronic goods with an annual turnover of ten thousand Ghana cedis;
- “electrical and electronic waste” means discarded electronic equipment inclusive of all components, subassemblies and consumables which are part of the product at the time of discarding;
- “energy recovery” means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;
- “environmentally sound disposal” means disposal in a manner which will protect human health and the environment against the adverse effects of the hazardous wastes and other wastes;
- “environmentally sound management” means taking practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from the wastes;
- “environmentally sound manner” means in a manner which will protect human health and the environment against the adverse effects which may result from hazardous wastes and other wastes;

- “equipment” means electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly, including components that can be removed from equipment and can be tested for functionality and either be subsequently directly reused or reused after repair or refurbishment;
- “exporter” means a person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
- “facility” means a site, building, structure, installation equipment, pipe or pipeline, well, pit, pond, lagoon, ditch, landfill, storage container, motor, vehicle, rolling stock or aircraft in which an act prohibited by this Act occurs but does not include a vessel;
- “generator” means a person whose activity produces hazardous wastes or other wastes or a person who is in possession or control of those wastes;
- “hazardous wastes” means wastes that belong to any category contained in the schedule (categories of wastes to be controlled), unless they do not possess any of the characteristics contained in the schedule (list of hazardous characteristics) and wastes that do not belong to any category contained in the schedule (categories of wastes to be controlled) but are defined as, or considered to be, hazardous wastes by the domestic legislation of the party of export, import or transit under the Basel Convention and material regarded as a hazardous waste in one country may not in another country be regarded as hazardous;
- “industrial facility” means a facility including factories, power generation or distribution stations or sub-stations, assembly plants, feed mills and other buildings and structures used in general industrial assembly;
- “illegal traffic” means any unauthorised transboundary movement of hazardous wastes or other wastes;
- “import” means any entry into the national territory other than entry for transit;

Hazardous and Electronic Waste Control and Management Bill, 2016

“importer” means a person who, in the ordinary course of business imports electronic equipment into the Republic or arranges for hazardous waste or other wastes to be imported into the Republic;

“law enforcement officer” includes a nominated Customs Officer, a member of the Ghana Armed Forces, a designated officer or an inspector of the Environmental Protection Agency, the Port Health Authority, the Ghana Atomic Energy Commission and personnel of other institutions authorised in writing by the Minister who shall have the same powers, authority and privileges of a police officer;

“management” means the collection, transport and disposal of hazardous wastes and other wastes and the after-care of disposal sites;

“manufacturer” means any person who assembles or produces an electronic equipment in the Republic;

“Minister” means the Minister responsible for the Environment;

“other wastes” means wastes collected from households or residues arising from the incineration of household wastes and classified under the first schedule as categories of wastes requiring special consideration or waste that possess any of the characteristics contained in the list of hazardous characteristics specified in the first schedule

“person” for purposes of liability includes

- (a) an owner or operator of a vessel or facility used to perform acts identified in this Act as prohibited acts;
- (b) persons who by contract, agreement or other means indulges in acts identified in this Act as prohibited acts.

“polluter-pays principle” means the principle by which the polluter bears the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptance level or standard of pollution;

“polychlorinated biphenyls” means discarded materials that contain polychlorinated biphenyls or have been contaminated with polychlorinated biphenyls, that are without any safe commercial, industrial, agricultural or economic usage;

“polychlorinated biphenyls equipment” means any equipment that contains 50ppm polychlorinated biphenyls;

“polychlorinated biphenyls waste” means contaminated solvent or water, used oil and waste oil, sludges and slurries, dredged spoils, contaminated soils or sediments, by products, scraps, ballasts and capacitors, other materials contaminated with polychlorinated biphenyls as a result of spills, decommissioning and other demolition activities;

“stored for future use, safekeeping or disposal;

“used equipment” means electrical and electronic equipment that is directly reused for the purpose for which it was originally intended or presented for sale, or transported across borders for the purpose of being put back to direct reuse or sold to end consumers for such reuse and is considered waste if:

- (a) the equipment is destined for disposal or recycling instead of being transported with the intent of reuse or its fate is uncertain;
- (b) the equipment is not complete - essential parts are missing and the equipment cannot perform its essential key functions;
- (c) it shows a defect that materially affects its functionality and fails relevant functionality tests;
- (d) it shows physical damage that impairs its functionality or safety, as defined in relevant standards, and cannot be repaired at reasonable cost;
- (e) the protection against damage during transport, loading and unloading operations is inappropriate, for example the packaging or stacking of the load is insufficient;
- (f) the appearance is particularly worn or damaged, thus reducing the marketability of the item;

Hazardous and Electronic Waste Control and Management Bill, 2016

- (g) the item has among its constituent parts hazardous components that are required to be disposed of or are prohibited to be exported or prohibited for use;
- (h) the equipment is destined for disposal or recycling instead of reuse or its fate is uncertain;
- (i) there is no regular market for the equipment;
- (j) it is destined for disassembly to gain spare parts; or
- (k) the price paid for the items is significantly lower than that is a value approaching \$0 than would be expected from a fully functional equipment intended for reuse;

“vessel” means a watercraft or other artificial contrivance which is used or is capable of being used as a means of transportation on water;

“wastes” means substances or objects, which are disposed of or are intended to be disposed of or are required to be disposed of; and

“waste electrical and electronic equipment” means electrical or electronic equipment that is waste, including all components, sub-assemblies and consumables which are part of the equipment at the time the equipment becomes waste.

FIRST SCHEDULE
Hazardous wastes and other wastes
Section 1 (1)

CATEGORIES OF WASTES TO BE CONTROLLED

(A) WASTE STREAMS

- Y1 Clinical wastes from medical care in hospitals, medical centers and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives

Hazardous and Electronic Waste Control and Management Bill, 2016

- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

(B) WASTES HAVING AS CONSTITUENTS:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form

Hazardous and Electronic Waste Control and Management Bill, 2016

SECOND SCHEDULE:													
Notification form for transboundary movements/shipments of waste													
(Section 3 (1), (d))													
1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A. (i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B. (i) Disposal (7): <input type="checkbox"/> (ii) Recovery: <input type="checkbox"/> C. Pre-consented recovery facility (2,3) Yes <input type="checkbox"/> No <input type="checkbox"/>												
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments: 5. Total intended quantity(4): Tonnes (Mg): m ³ : 6. Intended period of time for shipment(s) (4): First departure: Last departure:												
8. Intended carrier(s) Registration No: Name(7): Address: Contact person: Tel: Fax: E-mail: Means of transport(5):	7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/> 11. Disposal / recovery operation(s) (2) D-code / R-code (5): Technology employed (6): Reason for export (1,6):												
9. Waste generator(s) - producer(s)(1,7,8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	12. Designation and composition of the waste(6): 13. Physical characteristics(5): 14. Waste identification (8) in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HST):												
10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:	15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">State of export - dispatch</th> <th style="width: 33%;">State(s) of transit (entry and exit)</th> <th style="width: 33%;">State of import - destination</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td></td> <td></td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </tbody> </table>	State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination	(a)			(b)			(c)		
State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination											
(a)													
(b)													
(c)													
16. Customs offices of entry and/or exit and/or export (European Community): Entry: Exit: Export:													
17. Exporter's - notifier's / generator's - producer's (7) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.													
Exporter's - notifier's name: Date: Signature: Generator's - producer's name: Date: Signature:	18. Number of annexes attached												
FOR USE BY COMPETENT AUTHORITIES													
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch(9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:	20. Written consent (1,8) to the movement provided by the competent authority of (country): Consent given on: _____ until: _____ Consent valid from: _____ until: _____ Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Name of competent authority: Stamp and/or signature:												
21. Specific conditions on consenting to the movement document or reasons for objecting													

(1) Required by the Basel Convention
 (2) In the case of an R13/R13 or D13-D15 operation, also attach corresponding information on any subsequent R13/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilities when required
 (3) To be completed for movements within the OECD area and only if (3) applies
 (4) Attach detailed list if multiple shipments
 (5) See list of abbreviations and codes on the next page
 (6) Attach details if necessary
 (7) Attach list if more than one
 (8) If required by national legislation
 (9) If applicable under the OECD Decision

Hazardous and Electronic Waste Control and Management Bill, 2016

List of abbreviations and codes used in the notification document

DISPOSAL OPERATIONS (block 11)		
D1	Deposit into or onto land, (e.g., landfill, etc.)	
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)	
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)	
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)	
D6	Release into a water body except seas/oceans	
D7	Release into seas/oceans including sea bed insertion	
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list	
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)	
D10	Incineration on land	
D11	Incineration at sea	
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)	
D13	Blending or mixing prior to submission to any of the operations in this list	
D14	Repackaging prior to submission to any of the operations in this list	
D15	Storage pending any of the operations in this list	
RECOVERY OPERATIONS (block 11)		
R1	Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/CECO) - Use principally as a fuel or other means to generate energy (EU)	
R2	Solvent reclamation/regeneration	
R3	Recycling/reclamation of organic substances which are not used as solvents	
R4	Recycling/reclamation of metals and metal compounds	
R5	Recycling/reclamation of other inorganic materials	
R6	Regeneration of acids or bases	
R7	Recovery of components used for pollution abatement	
R8	Recovery of components from catalysts	
R9	Used oil re-refining or other reuses of previously used oil	
R10	Land treatment resulting in benefit to agriculture or ecological improvement	
R11	Uses of residual materials obtained from any of the operations numbered R1-R10	
R12	Exchange of wastes for submission to any of the operations numbered R1-R11	
R13	Accumulation of material intended for any operation in this list	
PACKAGING TYPES (block 7)		H-CODE AND UN CLASS (block 14)
1. Drum		UN Class H-code Characteristics
2. Wooden barrel		
3. Jerrycan		
4. Box	1	H1 Explosive
5. Bag	3	H3 Flammable liquids
6. Composite packaging	4.1	H4.1 Flammable solids
7. Pressure receptacle	4.2	H4.2 Substances or wastes liable to spontaneous combustion
8. Bulk	4.3	H4.3 Substances or wastes which, in contact with water, emit flammable gases
9. Other (specify)	5.1	H5.1 Oxidizing
MEANS OF TRANSPORT (block 8)	5.2	H5.2 Organic peroxides
R = Road	6.1	H6.1 Poisonous (acute)
T = Train/rail	6.2	H6.2 Infectious substances
S = Sea	8	H8 Corrosives
A = Air	9	H10 Liberation of toxic gases in contact with air or water
W = Inland waterways	9	H11 Toxic (delayed or chronic)
PHYSICAL CHARACTERISTICS (block 13)	9	H12 Ecotoxic
1. Powdery/powder	9	H13 Capable, by any means, after disposal of yielding another material, e.g., leachate, which possesses any of the characteristics listed above
2. Solid		
3. Viscous/paste		
4. Sludgy		
5. Liquid		
6. Gaseous		
7. Other (specify)		

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Hazardous and Electronic Waste Control and Management Bill, 2016

FOURTH SCHEDULE

Classification of polychlorinated biphenyls waste for segregation
(Section 19 (1))

PCB oil	High chloride concentration
PCB contaminated mineral oil	Low chloride concentration
Water contaminated by PCB	Separation and adsorption process
Solvent contaminated by PCB	Miscible
Porous material (PCB oil)	Decontamination process
Porous material (PCB contaminated mineral oil)	Decontamination process
Non porous material	Recycling of metallic parts

Hazardous and Electronic Waste Control and Management Bill, 2016

FIFTH SCHEDULE

Section 20(1) (c)

List of electrical and electronic equipment for which levy is applicable

HS Code	Product label	4 Dig	Fees (\$)
4011	New pneumatic tires, of rubber	4011	7.00
4012	Retreaded/used tire;solid tire,interchangeable tire treads& flaps	4012	15.00
820150	One-handed secateurs (shears) including poultry shears	8201	1.50
820330	Metal cuttg shears,tinmen's snips & other metal or wire cuttg shears	8203	3.25
820411	Wrenches, hand-operated, with nonadjustable jaws	8204	1.50
820540	Screwdrivers	8205	1.50
821410	Paper knives,letter openers,erasing knives,pencil sharpeners & blades	8214	1.50
830300	Safes,safe deposit lockers,cash,deep/strong boxes&the like of base met	8303	3.25
841370	Centrifugal pumps nes	8413	1.50
841451	Fans: table,roof etc w a self-cont elec mtr of an output nt excdg 125W	8414	3.25
841459	Fans nes	8414	3.25
841510	Air conditioning machines window or wall types, self-contained	8415	8.50
841581	Air condition machines inc a ref unit&a valve f rev of the cool/heat cycle	8415	8.50
841583	Air condition machines, not incorporating refrigerating unit	8415	8.50
841810	Combined refrigerator-freezers, fitted with separate external doors	8418	8.50
841821	Refrigerators, household type, compression-type	8418	8.50
841829	Refrigerators, household type, nes	8418	8.50
841830	Freezers of the chest type, not exceeding 800 l capacity	8418	8.50
841840	Freezers of the upright type, not exceeding 900 l capacity	8418	8.50
841850	Refrigerating or freezing display counters, cabinets, show-cases, etc	8418	8.50
841869	Refrigerating or freezing equipment nes	8418	8.50
841920	Medical, surgical or laboratory sterilizers	8419	8.50
841981	Machinery for makg hot drinks or for cookg or heatg food,non domestic	8419	8.50
842111	Cream separators	8421	8.50
842112	Clothes-dryers, centrifugal	8421	8.50
842121	Filtering or purifying machinery and apparatus for water	8421	8.50
842122	Filterg or purifyg machinery & apparatus for beverages,excludg water	8421	8.50
842211	Dish washing machines of the HH type	8422	1.50
842219	Dish washing machines nes	8422	1.50
842230	Mach f fill/clos/seal/etc btle/can/box/ bag/ctnr nes,mach f aeratg bev	8422	1.50
842310	Personal weighing machines, including baby scales; household scales	8423	0.65
842320	Scales for continuous weighing of goods on conveyors	8423	0.65
842330	Constant weight scales, including hopper scales	8423	0.65
842381	Weighg machinery havg a maximum weighg capacity not exceed 30 kg nes	8423	0.65
842382	Weighg mach havg a maximum weighg cap > 30 kg but <=5000 kg nes	8423	0.65
842389	Weighing machinery, nes	8423	0.65
842489	Mech appl (whether/not hand-op) for proj/disp/sprayg liq/powders nes	8424	0.65
842790	Trucks fitted with lifting or handling equipment, non-powered	8427	8.50
843069	Construction equipment, not selfpropelled nes	8430	3.25
843143	Parts of boring or sinking machinery, whether or not self-propelled	8431	3.25

Hazardous and Electronic Waste Control and Management Bill, 2016

843210	Ploughs	8432	1.50
843311	Mowers, powered, lawn, with horizontal cutting device	8433	1.50
843319	Mowers, powered, lawn, nes	8433	1.50
843680	Agr/hortic/forestry bee-keeping mach nes inc germination plant	8436	8.50
843880	Mach nes f the ind prep/mfr of food/drink ex f extrac/prep veg fat/oil	8438	1.50
843930	Machinery for finishing paper or paperboard	8439	1.50
844010	Book-binding machinery, including book-sewing machines	8440	1.50
844110	Cutting machines for paper pulp, paper or paperboard of all kinds	8441	8.50
844331	Machines which perform two or more of the functions of printing, copyi	8443	1.50
844400	Machines for extruding, drawing, text or cutting m-m textile materials	8444	1.50
844610	Machines for weaving fabrics of a width not exceeding 30 cm	8446	1.50
844621	Machines f weavg fabrics of a width exc 30 cm,shuttle type,power loom	8446	1.50
844629	Machines for weavg fabrics of a width exceedg 30 cm shuttle type nes	8446	1.50
844630	Machines for weavg fabrics of a width exceedg 30 cm shuttleless type	8446	1.50
844711	Circular knitting machines with cylinder diameter not exceeding 165 mm	8447	8.50
844712	Circular knitting machines with cylinder diameter exceeding 165 mm	8447	8.50
844720	Flat knitting machines; stitch-bonding machines	8447	8.50
844790	Mach f makg gimpd yarn/tulle/face/embroidery/trimmgs/braid/net/tuftg	8447	8.50
845011	Automatic washing machines,of a dry linen capacity not exceeding 10 kg	8450	8.50
845012	Washg mach of a dry linen capacity <= 10 kg,with built-in dryer,nes	8450	8.50
845019	Household/laundry-type washg mach of a dry linen capa <= 10 kg,nes	8450	8.50
845020	Household/laundry-type washg mach of a dry linen capacity exceedg 10kg	8450	8.50
845110	Dry-cleaning machines o/t hdg No 84.50	8451	8.50
845121	Dryg machines (o/t hdg No 84.50) each of a dry linen cap nt > 10kg	8451	8.50
845129	Drying machines (o/t No 84.50) nes	8451	8.50
845210	Household type sewing machines	8452	1.50
845221	Automatic sewing machines, other than book-sewing machines, nes	8452	1.50
845229	Sewing machines, other than book-sewing machines, nes	8452	1.50
845610	Mach-its f work any mat by rem of mat optd by laser/lt/photo beam proc	8456	1.50
845910	Way-type unit head mches for removing metal	8459	8.50
845921	Drilling mches nes; numerically controlled for removing metal	8459	8.50
845929	Drilling mches nes, for removing metal	8459	8.50
845931	Boring-milling mches nes, numerically controlled for removing metal	8459	8.50
845939	Boring-milling mches nes for removing metal	8459	8.50
845940	Boring machines nes for removing metal	8459	8.50
845951	Milling mach, knee-type numerically controlled for removing metal	8459	8.50
845959	Milling mach, knee-type nes for removing metal	8459	8.50
845961	Milling machines nes, numerically controlled for removing metal	8459	8.50
845969	Milling machines nes, for removing metal	8459	8.50
846090	Mach-tools for deburring polishing etc for fin met nes o/t hdg 84.61	8460	8.50
846150	Sawing or cutting-off machines by removing metal	8461	3.25
846221	Bendg foldg stgtg or flatteng mach (inc presses) n/c for workg met	8462	8.50
846229	Bending/folding/stgtg/flatteng mach (inc presses) nes for workg metal	8462	8.50
846231	Shearg mach (inc presse) o/t combin punchg/shearg mach n/c f wrkg met	8462	8.50

Hazardous and Electronic Waste Control and Management Bill, 2016

846239	Shear mach (inc presse) o/t combin pnch/shear mach nes f wrkg metal	8462	8.50
846241	Punchg/notchg mach (inc presse)inc comb pnch/shear mach n/c f wrkg met	8462	8.50
846249	Punchg/notchg mach (inc presse)inc comb pnch/shear mach nes f wrkg met	8462	8.50
846291	Hydraulic presses for working metal	8462	8.50
846299	Presses nes for working metal	8462	8.50
846593	Grinding/sandg o polishg mach for workg wood/cork/bone/hard rubber etc	8465	1.50
846721	Drills of all kinds for working in the hand, with self-contained elect	8467	3.25
846722	Saws for working in the hand, with self-contained electric motor	8467	3.25
846789	Tools for workg in the hand with selfcontaind non-electric motor nes	8467	3.25
846810	Torches, hand-held, for soldering, brazing or welding	8468	0.65
846900	Typewriters and word-processing machines (excl. automatic data-process	8469	0.65
847010	Electronic calculators capable of oper w/o an external source of power	8470	1.50
847021	Electronic calculating machines, incorporating a printing device, nes	8470	1.50
847029	Electronic calculating machines, nes	8470	1.50
847030	Calculating machines, nes	8470	1.50
847050	Cash registers	8470	1.50
847090	Postage franking mchy ticket-issuing mchy etc incorp a calc device,nes	8470	1.50
847130	Portable digital computers <10kg	8471	1.50
847141	Non-portable digital edp machines w processor & i/o	8471	1.50
847149	Digital data processing systems, nes	8471	1.50
847150	Digital processing units not sold as complete systems	8471	1.50
847160	Computer input/outputs, with/without storage	8471	1.50
847170	Computer data storage units	8471	1.50
847180	Units of automatic data processing equipment nes	8471	1.50
847190	Automatic data processing equipment nes	8471	1.50
847290	Office machines, nes	8472	1.50
847330	Parts&accessories of automatic data processg machines&units thereof	8473	0.65
847431	Concrete or mortar mixers	8474	3.25
847621	Automatic beverage vending machines with heat/cool	8476	8.50
847629	Automatic beverage vending machines, nes	8476	8.50
847681	Automatic vending machines (heat/cool) exc beverage	8476	8.50
847689	Automatic vending machines, nes	8476	8.50
847780	Mach for workg rubber/plastics/for the mfr of prods form these mat nes	8477	8.50
847980	Evaporative air coolers	8479	8.50
848180	Taps, cocks, valves and similar appliances, nes	8481	1.50
850131	DC motors, DC generators, of an output not exceeding 750 W	8501	0.65
850211	Generatg sets,diesel/semi-diesel engines,of an output not exceed 75 KVA	8502	8.50
850440	Static converters, nes	8504	1.50
850440	Static converters, nes	8504	1.50
850610	Manganese dioxide primary cells and batteries	8506	0.15
850630	Mercuric oxide primary cells and batteries	8506	0.15
850640	Silver oxide primary cells and batteries	8506	0.15
850650	Lithium primary cells and batteries	8506	0.15
850660	Air-zinc primary cells and batteries	8506	0.15

Hazardous and Electronic Waste Control and Management Bill, 2016

850680	Primary cells & primary batteries nes	8506	0.15
850690	Parts of primary cells and primary batteries	8506	0.15
850710	Lead-acid electric accumulators of a kind used for starting piston engines	8507	7.00
850720	Lead-acid electric accumulators nes	8507	7.00
850730	Nickel-cadmium electric accumulators	8507	7.00
850740	Nickel-iron electric accumulators	8507	7.00
850750	Nickel-metal hydride accumulators (excl. spent)	8507	7.00
850760	Lithium-ion accumulators (excl. spent)	8507	7.00
850780	Electric accumulators, nes	8507	7.00
850811	Vacuum cleaners, incl. dry cleaners and wet vacuum cleaners, with self	8508	0.65
850819	Vacuum cleaners, incl. dry cleaners and wet vacuum cleaners, with self	8508	0.65
850860	Vacuum cleaners, incl. dry cleaners and wet vacuum cleaners (excl. with	8508	0.65
850940	Domestic food grinders and mixers; fruit or vegetable juice extractors	8509	1.50
850980	Electro-mechanical domestic appliances, with self-contained electric motor	8509	1.50
851010	Shavers, with self-contained electric motor	8510	0.65
851020	Hair clippers, with self-contained electric motor	8510	0.65
851220	Lighting or visual signalling equipment nes	8512	1.50
851310	Portable electric lamp designed to function by their own source of energy	8513	1.50
851511	Electric soldering irons & guns	8515	3.25
851519	Electric brazing or soldering machines and apparatus nes	8515	3.25
851521	Electric machine/apparatus for resistance welding of metal fully or partly auto	8515	3.25
851529	Electric machine/apparatus for resistance welding of metal nes	8515	3.25
851531	Electric machine/apparatus for arc (incl. plasma arc) welding of metal fully/partly auto	8515	3.25
851539	Electric machine/apparatus for arc (incl. plasma arc) welding of metals nes	8515	3.25
851560	Electric/laser/ultrasonic machine etc for welding/cutting nes/for hot spray of metal	8515	3.25
851610	Electric instantaneous or storage water heaters and immersion heaters	8516	0.65
851621	Electric space heating apparatus, having storage heating radiators	8516	0.65
851629	Electric space heating apparatus & electric soil heating apparatus, nes	8516	0.65
851631	Electro-thermic hair dryers	8516	0.65
851632	Electro-thermic hair-dressing apparatus, nes	8516	0.65
851633	Electro-thermic hand-drying apparatus	8516	0.65
851640	Electric smoothing irons	8516	0.65
851650	Microwave ovens	8516	0.65
851660	Ovens; cookers, cooking plates, boiling rings, grills & roasters, elec. nes	8516	0.65
851671	Electro-thermic coffee or tea makers, domestic, nes	8516	0.65
851672	Electro-thermic toasters, domestic	8516	0.65
851679	Electro-thermic appliances, domestic, nes	8516	0.65
851680	Electric heating resistors	8516	0.65
851711	Line telephone sets with cordless handsets	8517	1.50
851712	Telephones for cellular networks mobile telephones or for other wireless	8517	1.50
851718	Telephone sets (excl. line telephone sets with cordless handsets and t	8517	1.50
851761	Base stations of apparatus for the transmission or reception of voice,	8517	1.50
851762	Machines for the reception, conversion and transmission or regeneration	8517	1.50
851769	Apparatus for the transmission or reception of voice, images or other	8517	1.50

Hazardous and Electronic Waste Control and Management Bill, 2016

851810	Microphones and stands therefor	8518	0.65
851821	Single loudspeakers, mounted in the same enclosure	8518	0.65
851822	Multiple loudspeakers, mounted in the same enclosure	8518	0.65
851829	Loudspeakers, nes	8518	0.65
851830	Headphones, earphones and combined microphone/speaker sets	8518	0.65
851840	Audio-frequency electric amplifiers	8518	0.65
851850	Electric sound amplifier sets	8518	0.65
851920	Sound recording or sound reproducing apparatus, operated by coins, ban	8519	0.65
851930	Turntables record-decks	8519	0.65
851950	Telephone answering machines	8519	0.65
851961	Sound recording or sound reproducing apparatus, using magnetic, optica	8519	0.65
851989	Sound recording or sound reproducing apparatus (excl. using magnetic,	8519	0.65
852110	Video recording or reproducing apparatus magnetic tape-type	8521	0.65
852190	Video recording or reproducing apparatus nes	8521	0.65
852290	Parts and accessories of apparatus of heading Nos 85.19 to 85.21, nes	8522	0.65
852321	Cards incorporating a magnetic stripe for the recording of sound or of	8523	0.65
852329	Magnetic media for the recording of sound or of other phenomena (excl.	8523	0.65
852341	Optical media for the recording of sound or of other phenomena, unrecorded (excl. goods of	8523	0.65
852349	Optical media for the recording of sound or of other phenomena (excl. unrecorded and goods	8523	0.65
852351	Solid-state, non-volatile data storage devices for recording data from	8523	0.65
852352	Cards incorporating one or more electronic integrated circuits smart c	8523	0.65
852359	Semiconductor media, unrecorded, for the recording of sound or of othe	8523	0.65
852380	Gramophone records and other media for the recording of sound or of of	8523	0.65
852511	Pulley tackle/hoists electr (exc skip hoists/hoists f raisg vehicles)	8525	0.65
852550	Transmission apparatus for radio-broadcasting or television, not incor	8525	0.65
852560	Transmission apparatus for radio-broadcasting or television, incorpora	8525	0.65
852580	Television cameras, digital cameras and video camera recorders	8525	0.65
852691	Radio navigational aid apparatus	8526	0.65
852712	Pocket-size radio-cassette-players	8527	1.50
852713	Radio apparatus nes with sound recording/reproducing	8527	1.50
852719	Radio broad rece capable of op w/o an external source of power, nes	8527	1.50
852721	Radio rece nt capabl of op w/o ext source of power f motor veh,combind	8527	1.50
852729	Radio rece nt capable of op w/o ext source of power f motor vehicl,nes	8527	1.50
852791	Radio-broadcast receivers, for mains operation only, combined with sou	8527	1.50
852792	Radio-broadcast receivers, for mains operation only, not combined with	8527	1.50
852799	Radio-broadcast receivers, for mains operation only, not combined with	8527	1.50
852841	Cathode-ray tube monitors of a kind solely or principally used in an a	8528	8.50
852851	Monitors of a kind solely or principally used in an automatic data-pro	8528	8.50
852861	Projectors of a kind solely or principally used in an automatic data-p	8528	8.50
852871	Reception apparatus for television, whether or not incorporating radio	8528	8.50
852872	Reception apparatus for television, colour, whether or not incorporati	8528	8.50
852873	Reception apparatus for television, black and white or other monochrom	8528	8.50

Hazardous and Electronic Waste Control and Management Bill, 2016

852990	Parts suitable f use solely/princ w the app of headings 85.25 to 85.28	8529	0.65
853110	Burglar or fire alarms and similar apparatus	8531	0.65
853120	Indicator panels incorporatg liquid crystal device/light emittg diode	8531	0.65
853180	Electric sound or visual signalling apparatus, nes	8531	0.65
853650	Electrical switches for a voltage not exceeding 1,000 volts, nes	8536	3.25
853710	Boards, panels, includg numerical control panels, for a voltage <=1000 V	8537	1.50
853720	Boards, panels, includg numerical control panels, for a voltage > 1,000 V	8537	1.50
853810	Boards, panels, etc for goods of headg no. 85.37, not equippd w their app	8538	0.65
853921	Filament lamps, tungsten halogen	8539	0.15
853922	Filament lamps, of a power not exceed 200 W&for a voltage exceedg 100 V	8539	0.15
853929	Filament lamps, excluding ultraviolet or infra-red lamps, nes	8539	0.15
853931	Fluorescent lamps, hot cathode	8539	0.15
853932	Mercury or sodium vapour lamps	8539	0.15
853939	Discharge lamps, other than ultra-violet lamps, nes	8539	0.15
853941	Arc-lamps	8539	0.15
853949	Ultra-violet or infra-red lamps	8539	0.15
854011	Cathode-ray television picture tubes, inc video monitor tubes, colour	8540	12.00
854012	Cathode-ray TV picture tube incl video monitor tube, B&W/oth monochrom	8540	12.00
854020	Television camera tubes, image converter and other photocathode tubes	8540	12.00
854040	Data/graphic display tubes, colour	8540	12.00
854060	Cathode-ray tubes, nes	8540	12.00
854370	Electrical machines and apparatus, having individual functions, n.e.s.	8543	1.50
900211	Objective lenses f cameras, projectors/photographic enlargers/reducers	9002	0.65
900510	Binoculars	9005	0.65
900651	Cameras, single lens reflex, for roll film of a width not exceedg 35 mm	9006	0.65
900810	Slide projectors	9008	1.50
901010	Apparatus & equip for automatically developing photo (incl cine) films	9010	1.50
901110	Stereoscopic microscopes	9011	3.25
901320	Lasers, other than laser diodes	9013	0.65
901410	Direction finding compasses	9014	0.65
901580	Surveyg, hydrographic, oceanographic, meteorologic/geophysical inst nes	9015	0.65
901600	Balances of a sensitivity of 5 cg or better with or without weights	9016	1.50
901730	Micrometers, callipers and gauges	9017	0.65
901811	Electro-cardiographs	9018	0.15
901813	Magnetic resonance imaging apparatus	9018	0.15
901814	Scintigraphic apparatus	9018	0.15
901819	Electro-diagnostic apparatus, nes	9018	0.15
901820	Ultra-violet or infra-red ray apparatus	9018	0.15
901831	Syringes, with or without needles	9018	0.15
901832	Tubular metal needles and needles for sutures	9018	0.15
901839	Needles, catheters, cannulae and the like, nes	9018	0.15
901841	Dental drill engines, whether o not combi on a single base w oth equip	9018	0.15
901849	Instruments and appliances, used in dental sciences, nes	9018	0.15
901850	Ophthalmic instruments and appliances, nes		

Hazardous and Electronic Waste Control and Management Bill, 2016

901890	Instruments and appliances used in medical or veterinary sciences, nes	9018	0.15
901910	Mechano-therapy appl;massage app;psychological aptitude-testg apparatus	9019	1.50
901920	Oxygen therapy,artificial respiration/oth therapeutic respiration app	9019	1.50
902110	Orthopaedic or fracture appliances	9021	1.50
902140	Hearing aids, excluding parts and accessories	9021	1.50
902150	Pacemakers for stimulating heart muscles,excluding parts & accessories	9021	1.50
902190	Orthopedic&other appliances,worn,carried or implanted in the body,nes	9021	1.50
902212	Computed tomography apparatus	9022	8.50
902213	X-rays apparatus, dental use, nes	9022	8.50
902214	X-rays apparatus, medical/surgical/veterinary use nes	9022	8.50
902219	Apparatus based on the use of X-rays for other uses	9022	8.50
902221	Apparatus based on the use of alpha beta/gamma radiations,for medic use	9022	8.50
902229	Apparatus based on the use of alpha beta/gamma radiations,for oth uses	9022	8.50
902230	X-ray tubes	9022	8.50
902290	Parts&accessories for app based on the use of X-rays or oth radiations	9022	8.50
902410	Machines & appliances for testing the mechanical properties of metals	9024	8.50
902480	Machines&appliances f testg the mechanical properties of oth materials	9024	8.50
902511	Thermometers, not combined with other instruments, liquid-filled	9025	0.65
902519	Thermometers, not combined with other instruments, nes	9025	0.65
902580	Hydrometers,pyrometers,hygrometers & psychrometers,recordg or not,nes	9025	0.65
902610	Instruments&apparatus for measurg o checkg the flow o level of liquids	9026	0.65
902620	Instruments and apparatus for measuring or checking pressure	9026	0.65
902680	Instruments&apparatus for measurg o check variables of liq o gases,nes	9026	0.65
902710	Gas or smoke analysis apparatus	9027	1.50
902720	Chromatographs and electrophoresis instruments	9027	1.50
902730	Spectrometers,spectrophotometers&spectrographs usg optical radiations	9027	1.50
902750	Instruments and apparatus using optical radiations (UV,visible,IR),nes	9027	1.50
902780	Instruments and apparatus for physical or chemical analysis, nes	9027	1.50
902810	Gas supply, production and calibrating meters	9028	0.65
902820	Liquid supply, production and calibrating meters	9028	0.65
902830	Electricity supply, production and calibrating meters	9028	0.65
902910	Revolution counters,prodion counters taximeters,mileometers&the like	9029	0.65
902920	Speed indicators and tachometers; stroboscopes	9029	0.65
903010	Instruments & apparatus for measuring or detecting ionising radiations	9030	0.65
903020	Cathode-ray oscilloscopes and cathoderay oscillographs	9030	0.65
903031	Multimeters	9030	0.65
903032	Multimeters with recording device	9030	0.65
903033	Instruments and apparatus for measuring or checking voltage, current,	9030	0.65
903039	Inst & app,for measurg or checkg voltage,current,etc w/o a record dev	9030	0.65
903040	Instruments & apparatus, specially designed for telecommunications nes	9030	0.65
903082	Instruments for checking semiconductor wafers	9030	0.65
903084	Instruments and appliances for measuring or checking electrical quanti	9030	0.65
903089	Instruments&apparatus for measurg or checkg electrical quantities nes	9030	0.65
903110	Machines for balancing mechanical parts, nes	9031	3.25

Hazardous and Electronic Waste Control and Management Bill, 2016

903120	Test benches for measuring or checking instruments, appliances & machines nes	9031	3.25
903141	Optical instruments for checking semiconductor wafers	9031	3.25
903149	Optical instruments and appliances nes	9032	0.65
903210	Thermostats	9032	0.65
903220	Manostats	9032	0.65
903281	Hydraulic or pneumatic automatic regulating or controlling inst & app	9032	0.65
903289	Automatic regulating or controlling instruments and apparatus, nes	9101	0.65
910111	Wrist-watches w mech display, battery powered & with case of precious met	9102	0.65
910211	Wrist-watches, battery/accumulator powered w mechanical display only nes	9103	0.65
910310	Clocks w watch movements, battery/accumulator powered, exc clocks of 9104	9105	0.65
910511	Alarm clocks, battery, accumulator or mains powered	9105	0.65
910521	Wall clocks, battery, accumulator or mains powered	9105	0.65
910591	Clocks, nes, battery, accumulator or mains powered	9106	0.65
910610	Time-registers; time-recorders	9207	1.50
920710	Keyboard instruments, ex accordions, sound generated/amplified electricly	9207	1.50
920790	Musical instruments nes, sound generated or amplified electrically	9208	3.25
920890	Decoy calls, musical inst nes & mouth blown sound signalg instrument nes	9209	1.50
920999	Parts and accessories for the musical instruments nes	9402	8.50
940210	Dentists', barbers' or similar chairs and parts thereof	9403	8.50
940320	Furniture, metal, nes	9405	1.50
940510	Chandeliers & other electric ceiling or wall lighting fittings	9405	1.50
940520	Electric table, desk, bedside or floorstanding lamps	9405	1.50
940530	Lighting sets of a kind used for Christmas trees	9405	1.50
940540	Electric lamps and lighting fittings, nes	9405	1.50
940560	Illuminated signs, illuminated nameplates and the like	9503	0.65
950300	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carr	9503	0.65
950310	Electric trains, incl tracks, signals and other accessories thereof	9504	0.65
950410	Video games of a kind used with a television receiver	9504	0.65
950430	Games, coin or disc-operated, other than bowling alley equipment	9504	0.65
950450	Video game consoles and machines (excl. operated by any means of payment)	9504	0.65
950490	Art funfair, game tab, pintab, sp tab casino game & auto bowl alley equip	9505	0.65
950590	Festive, carnival or oth entertainment art incl conjurg tricks & nov jokes	9506	1.50
950691	Gymnasium or athletics articles and equipment	9506	1.50
950699	Articles & equip for sports & outdoor games nes & swimming & paddlg pools	9503	1.50
960340	Paint distemper, varnish or similar brushes nes, paint pads and rollers	9613	0.65
961380	Lighters, nes		
	Vehicles & Parts		

Date of Gazette notification: 16th February, 2016.

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

MEMORANDUM

The object of this Bill is to provide for the control, management and disposal of hazardous waste and electronic waste and for related purposes.

Discarded electrical and electronic equipment such as computers, mobile phones, refrigerators and television sets are considered to be among the fastest growing waste streams in the world with estimated five to ten percent increase in global e-waste annually.

Containers filled with old and broken-down computers, monitors and television sets arrive in Ghana from Germany, Korea, Switzerland and the Netherlands under the false label of “second-hand goods”. Exporting e-waste from Europe is illegal but exporting old electronic goods for re-use is a means by which unscrupulous traders profit from dumping old electronic goods in Ghana. The contents of majority of the containers end up in Ghana’s scrap metal yards to be crushed and burned by unprotected workers. Statistics from the Environmental Protection Agency on Ghana’s e-waste assessment on importation of electronic equipment in 2009 revealed that used equipment represent seventy percent of all electrical and electronic gadgets brought into the country.

The present hazardous waste management in Ghana does not only pollute natural resources and endanger the health of people but also affects substantial business opportunity in material recovery and recycling.

In the light of the above, it has become necessary to enact legislation on hazardous and electronic waste in order to ensure a sound waste management and recycling system to save our forests and future generations and for Ghana to fulfil her obligations under the Basel Convention on the Control of Transboundary Movement of Hazardous Waste, the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

The Bill is divided into two Parts. Part One deals with hazardous wastes and other wastes and seeks to domesticate the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal while Part Two deals with electrical and electronic wastes.

Clauses 1 to 16 deals with the management of hazardous waste and other wastes as well as their disposal.

Clause 1 provides for prohibited acts. It prohibits the importation, exportation, transportation, selling, purchasing or dealing in hazardous wastes or other waste, or depositing of hazardous wastes or other wastes on any land in the country or in the territorial waters of Ghana except as otherwise provided for in the Bill.

Clause 2 deals with the importation of hazardous wastes and other wastes and sets out the conditions under which the Minister may grant written authorization or permission for importation of hazardous wastes or other wastes.

Clause 3 is on the exportation of hazardous wastes and provides the conditions that must be satisfied before a person can export hazardous wastes or other wastes. It further

stipulates that a person shall not export hazardous wastes or other wastes from Ghana to another country unless that person can guarantee that the waste will be disposed of in an environmentally sound manner as stipulated in the Basel Convention.

Clause 4 provides for notification procedures for transboundary movements. A person in charge of a transboundary movement of hazardous wastes or other waste is required to sign a notification or movement document specified in the Second Schedule which is to accompany the respective hazardous wastes or other wastes.

Clause 5 deals with transit of hazardous wastes and other wastes. It provides that where a State desires to export hazardous waste or other

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

wastes through Ghana that State is required, not less than three months before the export of the waste to give notice to the Minister responsible for the Environment of the movement of the hazardous wastes or other wastes through the Republic of Ghana.

A person who contravenes clause 5 is liable to pay an administrative penalty equivalent to fifteen thousand penalty units and shall in addition take back the waste to the State of export or the waste shall be taken back to the State of export at the expense of the importer or generator, *clause 6*.

Clause 7 provides for sealing. It confers on the Minister responsible for the Environment the power to seal an area or order a person to seal up an area if the Minister has reason to believe that the area, site, facility or premises is being used for the disposal of hazardous wastes or other wastes.

Clause 8 makes it an offence for a person who knows that another person has committed an offence under this Bill to assist that other person to avoid arrest or prosecution and the penalty is a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

Clause 9 deals with the power of search, seizure and arrest. A law enforcement officer may enter and search any land, premises, facility, carrier or vehicle and seize any substance suspected to be hazardous wastes or other waste found on that land, premises, facility, carrier or vehicle. The enforcement officer may also arrest any person on whose land, premises, facility, carrier or vehicle a substance suspected to be hazardous wastes or other waste is found and forward to the Environmental Protection Agency, samples of any substance that the officer suspects to be hazardous wastes or other waste for tests to determine its component, *clause 10*.

HAZARDOUS AND ELECTRONIC WASTE CONTROL AND MANAGEMENT BILL, 2016

Clause 11 provides for exclusion of diplomatic immunity. The immunity from prosecution conferred on a person by article 3 of the Diplomatic Immunities Act, 1962 (Act 148) does not extend to a crime committed by that person under this Bill.

Clause 12 spells out the obligations of the Agency which are among other things to monitor the management of hazardous wastes and other wastes in order to prevent any harmful effects of the waste on human health and the environment and encourage the adoption of new environmentally sound technologies aimed at minimizing the generation of hazardous wastes and other wastes.

Under *clause 13* a person who is involved in the management of hazardous wastes or other wastes is mandated to manage the waste in an environmentally sound manner to prevent pollution of the environment, whilst *Clause 14* requires the Agency to keep data base of written authorisation granted by the Minister.

Clause 15 provides for insurance cover. A generator, collector, storer, transporter or disposer of hazardous waste and other waste is mandated to maintain an adequate insurance cover in respect of the management of the hazardous wastes or other waste.

Clause 16 is on register of hazardous wastes and other wastes. A holder of a permit under this Part is required to maintain a register to record the quantity, type, quality and origin of hazardous wastes or other wastes generated, collected, stored, transported, recovered or disposed of by the holder of the permit and submit to the Agency each year information in relation to the hazardous wastes or other wastes.

Clause 17 to 19 provides for the control and management of polychlorinated biphenyls in accordance with the Stockholm Convention on Persistent Organic Pollutants. Polychlorinated biphenyls is also another form of waste, therefore the provisions of *clause 1 to 16* of the Bill is to apply to the control and management of polychlorinated

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

biphenyls with the necessary modification. *Clause 18* sets the phase out date of polychlorinated biphenyls as 2025 whilst *clause 19* provides for the classification of polychlorinated biphenyls.

Part Two of the Bill is on electrical and electronic waste. *Clause 20* provides for the payment of an electrical or electronic advance eco levy specified in the Fifth Schedule .

Clause 21 empowers the Minister in consultation with the Minister responsible for Finance to designate an external service provider for the collection of the advance recycle eco levy. *Clause 22* on the other hand requires wholesalers, distributors and retailers to among other matters register with the Agency.

Clause 23 to 28 provides for the establishment of an Electrical and Electronic Waste Management Fund. *Clause 23* establishes the Fund. The object of the Fund is to provide finance for the management of electrical and electronic waste and reduce the adverse impact of electrical and electronic waste on human health and the environment, *clause 24*.

The sources of money for the Fund include levies collected in respect of items specified under the Fifth Schedule, any other moneys received from other sources or that may in any manner become lawfully payable and vested in the Fund and moneys approved by Parliament, *clause 25*.

The Fund is to have bank accounts and moneys for the Fund are to be paid into bank accounts that shall be opened for the Fund with the approval of the Controller and Accountant-General, *clause 26*.

The management of the Fund is provided for under *clause 27* and *clause 28* deals with disbursement from the Fund. The moneys of the Fund shall only be disbursed for the purpose of achieving the objects of the Fund.

**HAZARDOUS AND ELECTRONIC WASTE CONTROL
AND MANAGEMENT BILL, 2016**

Under *clause 29* to *34* provision is made for the Minister to make arrangement by legislative instrument for the establishment of electrical or electronic waste recycling plants among others.

Clause 30 and *31* provide for obligation of taking back and obligation of disposal. A manufacturer, distributor or wholesaler of electronic equipment is required to take back used or discarded electronic equipment manufactured or sold for recycling purposes.

In addition to the above, the Agency may issue an enforcement notice under *clause 32*.

Clause 33 and *34* is on miscellaneous provisions. The enabling power of the Minister in consultation with the Environmental Protection Agency to make Regulations for the effective implementation of this Bill is dealt with under *clause 34* whilst *clause 35* provides for interpretation.

The passage of this Bill is crucial because the improper treatment, storage, importation, disposal or management of hazardous wastes and other wastes poses great danger to human health as well as the environment.

HON. MAHAMA AYARIGA (M.P.)
Minister of Environment, Science, Technology and Innovation

Date: 15th February, 2016.