

STATUTORY INSTRUMENT NO..... OF 2023

**The Environmental Management Act, 2011
(Act No. 12 of 2011)**

**The Environmental Management (E-Waste Management) Regulations,
2024**

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IN EXERCISE of the powers contained in section 43 and 134 of the Environmental Management Act, 2011, the following Regulations are made:

**PART I
PRELIMINARY**

Title and commencement	1.	These Regulations may be cited as the Environmental Management (e-waste management) Regulations, 2023, and shall come into operation ninety days after publication in the <u>Gazette</u> .
Interpretation	2.	In these Regulations, unless the context otherwise requires-
Act. No 11 of 2012		“Act” means the Environmental Management Act No.11 of 2012.
Act. No 11 of 2012		“Agency” means the Zambia Environmental Management Agency established under the Environmental Management Act
		“Collector” means a person who assembles/gathers different types of electrical or electronic waste from different sources.
		“dismantler” means any person or organisation engaged in dismantling of e-waste into their components and having facilities as per the guidelines

“disposal” means the final location of or the act of destroying e-waste

“electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in schedule xxx of these Regulations;

“e-waste” means waste resulting from electrical and electronic equipment including components and sub-assemblies thereof

“e-waste management license” means the licence issued under regulation 4;

“Environmentally sound management” means taking all steps required to ensure that e-waste is managed in a manner which shall protect health and environment against any adverse effects, which may result from hazardous substance contained in such waste;

“generator” means any person who produces e-waste as listed or characterized in this regulation.

“Importer” means a person who, in the ordinary course of business imports e-waste into the country or arranges for e-waste to be imported into the Country

“inspector” means a person appointed as such under section *Fourteen* of the Act

“Personal Protective Equipment” means clothing and equipment that is worn or used in order to provide protection against e-waste substances or environments.

“Recycler” means any person or entity engaged in recycling or reprocessing used electrical and electronic equipment or assemblies or their component

“Refurbisher” means any person who repairs, dismantles or re-assembles electrical and electronic equipment to extend the working life of the product;

“Reuse” means making use of a material, article more than once, or for a subsequent time

“storage” means the interim containment of e-waste after generation and prior to collection for ultimate recovery or disposal

“transporter” means a person or entity that is in the conduct of carrying or conveying e-waste from one point to another

Non-application of Regulations

3.

These Regulations do not apply to products for military use.

PART II

APPLICATION FOR E-WASTE MANAGEMENT LICENCE

Application for an e-waste management licence

4. (1)

A person who intends to generate, collect, export, store, transport, refurbish, recycle, dismantle, import or dispose of e-waste shall apply to the Agency for an e-waste management licence in Form I set out in the First Schedule on the payment of a fee set out in the xxx Schedule.

(2)

The Agency shall, within thirty days of receipt of an application under sub-regulation (1), approve application if the applicant-

(a) demonstrates technical capacity to safely generate, collect, store, transport, refurbish, recycle, dismantle, import or dispose of e-waste; and

(b) has measures and facilities to ensure the safe generation, collection, storage, transportation, refurbishment, recycling,

dismantling, importation or disposal of e-waste

- (3) Where a person applies for a licence under subsection (2) and approval is not granted within 30 days of lodging the application, approval shall be deemed to have been granted.
- (4) The Agency shall reject an application for an e-waste management licence if the applicant does not meet the requirements of the Act and these Regulations.
- (5) The Agency shall, where it rejects an application under sub regulation (4) notify the applicant in Form II set out in the xxx Schedule stating the reasons for the rejection.
- (6) The Agency shall, where it approves an application under subregulation (1), issue the applicant with an e-waste licence in Form III set out in the First Schedule, subject to conditions as the Agency may determine.

Validity period of Licence **5.**

Subject to Regulation 4, an e-waste management licence shall be valid for three years and may be renewed in accordance with these Regulations for a like period.

Amendment of e-waste Licence

- 6.** (1) A holder of an e-waste management licence may apply for an amendment of the e-waste management licence in Form IV set out in the 1st Schedule on payment of a prescribed fee set out in the xxx Schedule.
- (2) The Agency shall, within thirty days of receipt of an application under subregulation (1) approve or reject the application.
- (3) The Agency shall, where it rejects the application, notify the applicant in Form V set out in the 1st Schedule stating the reasons for the rejection.
- (4) The Agency shall, where it approves the application make an endorsement on the e-waste management licence and amend the conditions accordingly.

Renewal of e-waste licence

- 7.** (1) A holder of an e-waste management licence may apply to the Agency for a renewal of the e-waste management Licence in Form VI set out in the First Schedule on payment of a prescribed fee set out in the xxx Schedule.
- (2) An application for the renewal of an e-waste Management Licence shall be made sixty days before the expiry of the license

- (3) The Agency shall, within twenty-one days of receipt of an application under sub regulation (1), approve or reject the application.
- (4) The Agency shall, where it rejects the application, notify the applicant in Form VII set out in the First Schedule.
- (5) The Agency shall, where it approves the application, issue the applicant with an e-waste management licence in Form III set out in the First Schedule.

Suspension
or revocation
of e-waste
management
license

- 8.** (1) Subject to the other provisions of these Regulations, the Agency may suspend or revoke an e-waste management license, if the holder of an e-waste management licence-
 - (a) fails to comply with the Act, these Regulations or any other written law;
 - (b) obtained the e-waste management licence by fraud, misrepresentation or concealment of a material fact;
 - (c) obtained the e-waste management licence by deliberately or negligently submitting false information or making a false statement;
 - (d) contravenes the terms and conditions of the e-waste management licence; or

(e) or where the Agency determines that it is necessary for the protection of the environment.

(2) The Agency shall, before suspending or revoking an e-waste management licence in accordance with sub-regulation (1), give the holder of an e-waste licence a notice of its intention to suspend or revoke the e-waste management licence in Form VIII set out in the First Schedule giving reasons for the intended suspension or revocation and requiring the holder of the e-waste management licence to-

(a) show cause, within a period specified in the notice, why the e-waste licence should not be suspended or revoked; or

(b) take remedial measures, within a period specified in the notice, to the satisfaction of the Agency to prevent the suspension or revocation of the e-waste management licence.

(3) The Agency shall not suspend or revoke an e-waste management licence, if remedial measures are taken, to the satisfaction of the Agency, that ensure compliance with the Act, these Regulations or other relevant

written laws, within the period specified under sub-regulation (2) except where suspension or revocation is necessary for the protection of the environment and human health.

- (4) The Agency may, after giving the holder of an e-waste management licence an opportunity to be heard, in person or in writing, suspend or revoke the e-waste management licence in Form IX set out in the First Schedule, if the holder of an e-waste management license –

(a) fails to give reasons, to the satisfaction of the Agency, why the e-waste management licence should not be suspended or revoked; or

(b) does not take remedial measures, to the satisfaction of the Agency, within the period specified under sub-regulation (2).

Transfer of
e-waste
management
license

- 9.** (1) A holder of an e-waste management licence shall not transfer the licence to a third party without prior approval of the Agency.

- (2) An application for transfer of a licence shall be made in form X set out in First Schedule.

(3) An application for a transfer of a licence shall be-

(a) made by a transferor at least six months before expiry of the licence; and

(b) accompanied by an application for the licence made by the prospective transferee.

(4) The Agency may within thirty days of receipt of the application under sub regulation (2) approve the application if the transferor meets the requirements of the Act and these Regulations.

(5) The Agency shall where it rejects the transfer of a licence, notify the applicant in writing within seven days of the decision to reject the application.

(6) The Agency shall where it approves an application to transfer, issue a new licence for the unexpired period of the licence.

Lost or
destroyed e-
waste
management
license

10. (1)

A holder of an e-waste management licence may, where the e-waste management licence is lost or destroyed, apply to the Agency, in writing, for a replacement of the licence on payment of a fee set out in the xxx Schedule.

- (2) The Agency shall, after being satisfied with the proof of loss or destruction in accordance with subregulation (1), issue a copy of the e-waste management licence to the holder of the e-waste management.
- (3) A copy of the e-waste licence issued under subregulation (2) shall be as effective as the original e-waste permit.

PART III OBLIGATIONS

Obligations
for
Generator of
e-waste

- 11.** (1) A Generator shall:
- (a) Seek to prevent the generation of e-waste;
 - (b) Seek to minimise and reduce the generation of e-waste
 - (c) segregate the e-waste in an environmentally sound manner;
 - (d) endeavour to reuse the e-waste generated
- (2) ensure the e-waste generated is taken to a licenced e-waste collection centre or

refurbisher or recycler or disposal facility;

- (3) Submit returns to the Agency twice a year in a form prescribed under the second schedule
- (4) Comply with prescribed e-waste management guidelines and standards.
- (5) cease, modify or control an act or process generating e-waste that causes adverse effects to the environment or harm to human health, animal or plant life;

Obligations
for Recyclers
of e-waste

12. (1) Recyclers shall: -

- (a) Receive, segregate and dismantle the e-waste in an environmentally sound manner;
- (b) Categorise e-waste into hazardous and non-hazardous components.
- (c) Ensure that the components which cannot be recycled locally are managed in accordance with the Environmental Management (Licencing Regulations 2013) and the Solid Waste Management Regulations Act, 2018
- (d) ensure that they receive or collect e-

waste from licenced collection centres.

- (e) maintain a register of quantities of e-waste received and managed.
- (f) Submit returns to the Agency twice a year in in the form prescribed under the second schedule.
- (g) comply with prescribed e-waste management guidelines and standards.
- (h) cease, modify or control an act or process of recycling that causes adverse effects to the environment or harm to human health, animal or plant life;

Obligations
for
Refurbishers

13. (1)

Refurbishers shall-

- (a) ensure that the resultant e-waste is transferred to a collection centre or to licenced recyclers;
- (b) Submit returns to the Agency twice a year in a format as prescribed under the second schedule.
- (c) comply with prescribed e-waste management guidelines and standards.
- (d) cease, modify or control an act or process

of refurbishing that causes adverse effects to the environment or harm to human health, animal or plant life;

Obligations
for an
Importer of
E-waste

14. (1)

An Importer shall -

- (a) Keep Record of quantities of the e-waste imported
- (b) Only import e-waste that is obtained from a county within the Southern African Development Community;
- (c) Only import e-waste into Zambia for the purpose of reuse, recycling, or recovery
- (d) ensure that the facility to which the e-waste is destined has the capacity to re-use, recycle or recover, the e- waste;
- (e) ensure that the e-waste imported is not or does not contain radioactive waste or material;
- (f) comply with the provisions of the Act;
- (g) the e-waste is not a subject of illegal traffic.
- (h) Submit returns to the Agency twice a year in a format as prescribed under the

second schedule.

- (i) Comply with prescribed e-waste management guidelines and standards

Obligations
for
Dismantlers

15. (1)

Dismantlers shall;

- (a) Categorise e-waste into hazardous and non-hazardous components.
- (b) ensure that they receive or collect e-waste from licenced collection centres.
- (c) maintain a register of quantities of e-waste received and managed.
- (d) Submit returns to the Agency twice a year in in form as set out in the second schedule.
- (e) comply with prescribed e-waste management guidelines and standards.
- (f) cease, modify or control an act or process of dismantling that causes adverse effects to the environment or harm to human health, animal or plant life;

Obligations
for a person
who
disposes of
E-Waste

16. (1)

A person who disposes of e-waste shall;

- (a) Keep Record of quantities of the e-waste disposed of
- (b) Dispose of the e-waste in an environmentally sound manner;
- (c) Submit returns to the Agency twice a year in in form as set out in the second schedule.
- (d) comply with prescribed e-waste management
- (e) guidelines and standards.

Obligations
for a person
who stores
E-Waste

17.

A holder on an e-waste management license who stores e-waste shall –

- (a) monitor the stored e-waste to prevent contamination of the environment and submit the results of the monitoring to the Agency as specified in the e-waste management licence; and
- (b) comply with the requirements for storage of e-waste as per the conditions stipulated in the license.

Obligations
for
transportati
on of E-
Waste

18.

The transportation of e-waste is subject to the following conditions:

- (a) the transporter shall provide for security and an emergency procedure or plan to deal with any accidental spillage or contamination of the environment;
- (b) the transporter shall specify the final destination of the e-waste; and the transporter shall provide adequate insurance security to cover third party liabilities

General
Obligations
of holder of
e-waste
management
license

19.

A holder of an e-waste management license shall –

- (a) comply with prescribed e-waste management standards and practices;
- (b) eliminate any pollution or environmental degradation caused by the e-waste;
- (c) remedy the effects of the pollution or environmental degradation resulting from the - waste; and
- (d) if contamination of the environment occurs, take the relevant steps to

prevent any adverse effects from the e-waste on the environment and immediately notify the Agency.

**PART IV
GENERAL PROVISIONS**

Electrical
and
Electronic
Equipment
Register

20. (1) The Agency shall maintain and make available in accordance with these Regulations an e-waste management Register containing the information contained in the third schedule.

(2) The Agency shall ensure that the register is open for inspection at its principal office by members of the public during working hours.

Personal
Protective
Equipment

21. (1) A holder of an e-waste management licence shall provide appropriate personal protective equipment to anyone handling or exposed to generation, collection, exportation, storage, transportation, refurbishment, recycling, dismantling, importation or disposal of e-waste.

Notice of
arrival

22. (1) A notice of arrival or possession of a e- waste shall be in Form XI set out in the First Schedule.

(2) A notice of arrival or possession referred to in sub- section (1) shall be lodged with the

Agency ninety days before the arrival or possession of the e- waste.

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|---------------------------------------|------------|-----|---|
| Surrender of a licence | 23. | (1) | A licensee who decides not to continue with the activity to which the licence relates shall agree with the Agency on the terms and conditions of the surrender of the licence. |
| | | (2) | A licence surrendered under sub-regulation (1) shall lapse and be cancelled. |
| Change of particulars | 24. | (1) | A licensee shall, where there is a change in the particulars of the licensee or the licence, notify the Agency, in writing, within fourteen days of the change and apply for amendment of the licence in accordance with these Regulations. |
| Order to cease operations or activity | 25. | | An inspector who intends to order the cessation of an operation or activity causing adverse effects to the environment or which poses or is likely to pose adverse effects to human health, animal or plant life shall make the order in Form XII set out in the Fourth Schedule. |
| Notice of seizure | 26. | | An inspector who seizes and obtains any substance, material, matter, vehicle, aircraft, boat or other conveyance shall furnish the Agency with a report of the |

seizure in Form XII set out in the fourth Schedule.

Receipt for removal of document, matter etc

27. (1)

An inspector who removes from an industrial facility, plant, undertaking, business or premises for purposes of examination and safeguarding, any document, matter, material, substance or article that has a bearing on an investigation shall issue a receipt for the item removed to the owner or person in control of the industrial facility, plant, undertaking, business or premises.

(2)

A receipt for the removal of a document, matter, material, substance or article under sub-regulation (1) shall be in Form XIII set out in the XXX Schedule.

Site restoration order

28. (1)

The Director-General may serve a site restoration order on a person, in accordance with section sixty of the Act, requiring that person to remove waste and restore the site specified in the order to a condition satisfactory to the Director-General.

(2)

A site restoration order shall be issued in Form XIV set out in the First Schedule.

Prevention order

29.

The Director-General may serve a prevention order in Form XV set out in the First Schedule on a person who is or will be

conducting an activity or is or will be in possession or control of a substance or thing that may result in an adverse effect on human health, plant or animal life or the environment.

Protection
order

30.

The Director-General shall, where it is necessary for purposes of conserving, protecting and enhancing the environment serve a protection order in Form XVI set out in the First Schedule on the persons specified in subsection (1) of section one hundred and four of the Act.

Environment
al
restoration
order

31.

Where there is a discharge of a contaminant or pollutant into the environment in an amount, concentration or manner that poses a risk to human health, animal or plant life or that causes or has the potential to cause adverse effects on the environment, an inspector shall serve an environmental restoration order on any of the persons stipulated in subsection (1) of section one hundred and five of the Act in Form XVII set out in the First Schedule.

Compliance
order

32.

The Director-General shall, where there are reasonable grounds to believe that any condition of a licence has been breached, serve a compliance order in Form XVIII set

out in the First Schedule requiring the licensee to remedy the breach.

Cost order

33.

Where a person fails to comply with a requirement in an order, licence or approval issued under the Act and the Director General causes the Agency to take the required measures, the Director-General shall issue a cost order in Form XIX set out in the First Schedule, requiring the person on whom the cost order is served to reimburse the Agency for the cost of taking the measures.

Offences and penalties

34. (1)

A person who—

- a. disposes e-waste by burning, burial or dumping without the written consent of the Agency;
- b. abandons e-waste anywhere other than in the collection centres or in the licenced recycling facilities;
- c. fails to comply with a condition of a licence issued under the Act;
- d. provides to the Agency false information in an application required under the Act; or
- e. contravenes a provision of these Regulations; commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand

penalty units or to imprisonment for a period not exceeding two years, or to both.

- (2) Any person who contravenes a provision of these Regulations commits an offence and is liable, on conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Transitional provisions

35. A person who, on the commencement of these Regulations, generates, imports, exports, stores, transports, refurbishes, recycles, dismantles or disposes of e-waste shall comply with these Regulations within twelve months of the commencement of these Regulations.

36. Every person dealing in e-waste shall practice principles and standards of Environmentally Sound Management of e-waste.

Fees

37. The fees set out in the XXX Schedule shall be the prescribed fees for the matters set out therein.