Electronics and Electricals Sector in Rwanda

TECHNICAL PROPOSAL REPORT ON THE IMPLEMENTATION OF THE EXTENDED PRODUCER RESPONSIBILITY PRINCIPLE

Contributors

With special thanks to Charles Gahungu (RURA), Brice Murara (RURA), Anita Batamuliza (RURA), Emmanuel Nkurunziza (RURA), Fred Nyemazi (RURA), Damascene Uwizeyemungu (RURA), Valentin Bigango (RICA), Dismas Karuranga (Ministry of Environment), Theophile Dusengimana (Ministry of Environment), Thadee Twagirimana (Ministry of Environment), J. d'Amour Nizeyimana (RSB), Fabien Nshizirungu (RHA), Jean Baptiste Dusenge (RBC), Christine Mukasine (RGB), Charlotte Umulisa (RRA), Richard Niyomugabo (RISA), Sinzi Ignace (RISA), Thomas Wiemann (RISA/GIZ), Eric Murera (PSF), Julien Niyibizi (RIB), Jean Pierre Mwizerwa (RRA), P. Mbungiramihigo (MINALOC), James Mulolo (ITU), Andrea Cararo (ITU) Concorde Kananura (ITU), Yolanda Martinez (ITU), Alexander Mangwiro (UNEP), Marco Meloni (dss+), Federico Magalini (dss+).

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Executive Summary

Proposal:

Following several rounds of consultation through Government stakeholder workshops, bilaterals and weekly meetings, it has been identified that two options are available for the implementation of EPR in Rwanda:

***-Government-led*:** Producers register themselves with the EPR system through RICA eRalis platform. Producers pay the EPR fee to RRA who transfers this to RURA. RURA contracts recyclers and does awareness raising.

***-Private sector-led*:** Producers pay EPR fee to PSF-led PRO, they obtain a recommendation, and submit application to RURA for special authorization. PSF contracts recyclers and does awareness raising.

The purpose of this report is to **inform the senior management of RURA, RICA, RRA, MoE, PSF and REMA with regards the recommended approach and implementation steps for a legally transparent, digitally supported and appropriately financed EPR system for the management of e-waste in Rwanda**. A decision is requested from the senior management in order to allow the project to move forwards towards implementation.

Currently the legal regime for EPR for the electronics and electricals sector is lacking clear definitions of stakeholder and clear definitions of the roles and responsibilities of these stakeholders. It is lacking enforcement measures on producers for non-compliance towards EPR obligations and it is lacking a clear procedure for EPR fee collection. This report recommends an administrative arrangement for the Government-led and private sector-led models. Ideally these administrative arrangements, in particular the registration of producers to the EPR system, would be developed based on a digital procedure and incorporated into existing digital services provided by the Government. A study has been conducted to determine the cost of e-waste management in Rwanda and to acquire data on the amount of electrical and electronic equipment put on the market in a given year. This has led to the calculation of an EPR fee as detailed in the following pages of the proposal.

In a Government-led model of EPR in Rwanda for the electronics and electricals sector, the following three legal instruments would play a critical role, by co-existing, to justify administrative arrangements (once all Gazetted):

- **Regulation N˚002 of 26/4/2018 Governing E-waste Management;**
- **(Draft) Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste);**
- **(Draft) Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products.**

The administrative arrangement itself would encompass the following procedure:

- When a producer (e.g. an importer, manufacturer, distributor or reseller) first puts electrical or electronic equipment on the market in Rwanda, they would need to register themselves with **RICA** as part of a business operator licensing and product registration process, where the EPR registration would also be captured. The producer would pay the EPR fee in a separate process with **RRA**. The fee would then be transferred to **RURA** from RRA, to ensure the expenditure of the fee on e-waste management.

The administrative arrangement for the private sector-led model would encompass the following procedure:

- The producer would pay the EPR fee directly to **PSF** (acting as the PRO) who would then inform **RURA** and in response RURA would make a decision and issue a certificate of approval. Based on the finding in this proposal and in order to move to the next phase of project implementation, senior management is requested to make a decision on which EPR model to opt for, for electronics and electricals.

Abbreviations

(GIZ) Deutsche Gesellschaft für Internationale Zusammenarbeit

(EEE) Electrical and Electronic Equipment

(EPR) Extended Producer Responsibility

(HS) Harmonised System code

(ICT) Information and Communications Technology

(IT) Information Technology

(ITU) International Telecommunication Union

(MoE) Ministry of Environment

(PSF) Private Sector Federation

(PRO) Producer Responsibility Organisation

(REMA)Rwanda Environment Management Authority

(RWF)Rwandan Franc

(RICA) Rwanda Inspectorate, Competition and Consumer Protection Authority

(RRA) Rwanda Revenue Authority

(RURA) Rwanda Utilities Regulatory Authority

(UNEP) United Nations Environment Programme

Background

Since March 2022, several institutions of the Government of Rwanda have been part of the development of a framework for the management of waste electrical and electronic equipment (e-waste) in Rwanda through the extended producer responsibility principle (EPR). The focal points and their institutions of all those involved are listed on the "Contributions" page.

Rwanda currently generates seven thousand tonnes of e-waste per year[1]. **In comparison to neighbouring countries, Rwanda has made great steps forward to address this issue and to transition towards a circular economy for electrical and electronic equipment (EEE).** Notably, the Regulation N°2 of 2018 Governing E-waste Management in Rwanda and the current public-private partnership with Enviroserve Rwanda Green Park have helped this shift.

If not managed properly, e-waste can contribute to environmental and human health impacts. At the same time, the materials and components contained within this waste stream are complex and often valuable. The value of the raw materials in the e-waste estimated to be generated in Rwanda equates to almost 7.7 billion Rwandan Francs[2]. With an organised and well-enforced e-waste management system, there is an opportunity to create green jobs and new businesses in this sector.

Despite the great steps forward, Rwanda's e-waste management system has no financing mechanism and the EPR principle currently enshrined in Article 24 on the *Specific Obligations of Producer*, is neither being implemented nor enforced. The producers[3] of EEE in Rwanda are currently not fulfilling their obligations under Article 24, there is no means to identify the producers, to register them or to collect the EPR fee. There is also a lack of understanding and /or coordination of the specific roles and responsibilities of the relevant Government institutions. The overall procedure as to how to implement EPR is unclear and the overarching legal framework of EPR in the electronics and electricals sector requires adjustment to ensure the harmonization of definitions and to reflect a unified Government vision, so as to remove anticipated confusion for producers, consumers and recyclers.

The International Telecommunication Union (ITU), the United Nations Environment Programme (UNEP) and, through the GovStack[4] initiative, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) have been providing technical assistance to the Government of Rwanda with the design and implementation of the EPR system for EEE. This **Technical Proposal Report on the Implementation of EPR in Rwanda for the Electricals and Electronics Sector** is a 2022 culmination of two Government stakeholder consultation workshops (March 29th and 30th and July 20th and 21st) and several bilateral consultations (18th and 19th July). The contributing institutions have met regularly with ITU, UNEP and GIZ since March 2022 to oversee the project progress.

The purpose of this report is to **inform the senior management of RURA, RICA, RRA, MoE, PSF and REMA with regards the recommended approach and implementation steps for a legally transparent, digitally supported and appropriately financed EPR system for the management of e-waste in Rwanda**.

[1] The Global E-waste Monitor 2020. https://www.itu.int/en/ITU-D/Environment/Documents/Toolbox/GEM_2020_def.pdf

[2] Calculation based on The Global E-waste Monitor 2020.

[3] Any person or entity who introduces or causes to be introduced new and used EEE into the market by sale, donation, gifts, inheritance or by any such related methods and can either be a manufacturer, importer, distributor or assembler (Regulation N°2 of 2018 Governing E-waste Management in Rwanda).

[4] https://www.govstack.global/

Legal Regime

There are four legal instruments (some in draft and some gazetted), from three institutions, which have been identified as critical for the completion of the EPR regulatory framework for e-waste management in Rwanda. As we speak, the harmonization of the definitions, the procedures and obligations related to EPR of these instruments are being reviewed along with their accuracy concerning technical requirements associated with the EPR principle.

Legal Regime Objective:

To achieve a legally harmonized, transparent and concise framework to govern the management of e-waste in Rwanda using the EPR principle whereby Government, producers, consumers, dismantlers, recyclers and refurbishes each know their roles and responsibilities in this framework.

Regulation N˚002 of 26/4/2018 Governing E-waste Management:

The custodian institution is RURA. *The purpose of this regulation is to establish a legal framework for electrical and electronic waste management in Rwanda*. Focal Point: Emmanuel Nkurunziza.

The regulation sets out several key definitions of stakeholders and processes associated with the management of e-waste. It outlines obligations for licensing (fee-based) of persons carrying out activities related to e-waste collection, transportation, retailing, importation, dismantling, recycling, refurbishing.

Article 24 sets specific obligations for producers:

a) Provide information to the Regulatory Authority on the subsequent year's projected imports of any electrical and electronic equipment products;
b) Provide information to recyclers on how to dismantle their product at the end of life and the location of any hazardous substances or items within the product;
c) Finance and organize a system to meet the costs involved in the environmentally sound management of e-waste (collection and treatment for problematic fractions by the licensed treatment facility) to ensure effective take back and treatment of e-waste;
d) Create awareness on sound management of e-waste through publications, posters, take back campaign or any other means of communication and information.

Annex one on the categories of products lists the types of electrical and electronic equipment covered by the regulation. These include small household appliances, large household appliances, IT and telecommunications equipment, consumer equipment, lighting equipment, electrical and electronic tools, toys, leisure and sports equipment, medical devices (with the exception of all implanted and infected products), monitoring and control instruments, automatic dispensers, batteries, security and military equipment, and fluorescent tubes.

The regulation outlines three types of license. These include a collection and transportation license, dismantling and refurbishment service license and a recycling service license. The regulation makes producers responsible for registering with RURA whilst also stipulating faults and administrative sanctions in Articles 28 to 32.

(Draft) Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste):

The custodian institution is MoE. *The purpose of this (draft) Ministerial Order is to establish a legal framework for processing, importation and exportation of new and used electrical and electronic equipment and their waste (e-waste) in Rwanda.* Focal Point: Dismas Karuranga.

The draft Ministerial Order, like the Regulation N˚002 of 26/4/2018 Governing E-waste Management, lays out several key definitions of stakeholders and processes associated with the management of e-waste.

Chapter III sets obligations for producers under EPR; for example, stipulating that any producer who intends to introduce new or used electrical and electronic equipment into Rwanda shall register in accordance with relevant procedures and conditions established by the Regulatory Authority (being RURA).

The draft Ministerial Order lays out obligations for producers to:

- Article 10- report data on electrical and electronic equipment or their waste (e-waste) introduced on the market in Rwanda;
- Article 11- finance the management of electrical and electronic waste including the treatment of e-waste problematic fractions.

Formulas outlining the market share calculation for a producer and the obligation calculation for a producer are expected to be included in the annexes of the Ministerial Order to be promulgated.

Regulations N˚ DGO/REG/005 of 07/07/2022 Governing Trade of Used Electrical and Electronic Equipment:

The custodian institution is RICA. *The purpose of this regulation is to establish a framework for trade of used electrical and electronic equipment*. Focal Point: Valentin Bigango.

The regulation stipulates that a person who intends to carry out trade of used electrical or electronic equipment must apply for license to the Authority (being RICA). It defines any natural or moral person involved in the trade of used electrical or electronic equipment as a business operator.

It outlines obligations for licensing (fee-based) for business operators, including the document to be submitted:

a) Duly filled application form determined by the Authority;
b) A copy of business registration certificate issued by the competent authority;
c) Proof of payment of license application fees;
d) A document indicating a list of existing used electrical or electronic equipment in the store or shop.

Further to licensing, the regulation sets out obligations of the business operator to ensure that used electrical or electronic equipment which he or she intends to buy meets the safety requirements of the standard IEC 60950-1.

The list of used electrical or electronic equipment authorized to be commercialized is listed in Annex II and comprises consumer electronics, Office, IT and telecommunications equipment, Refrigeration equipment, Large household

appliances, Small household appliances, Lighting fixtures, Lamps (without incandescent lamps), Sport and leisure appliances, toys (except coin slot machines).

(Draft) Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products:

The custodian institution is RICA. *The purpose of this technical regulation is to establish a regulatory framework for compliance of electrical and electronic products with intention to prevent fire, electric shock, explosion, radiation and other hazards that could result in injuries or death to humans or animals and/or damage private properties or cause any negative environmental effect including those associated with inefficient energy consumption. In addition, it will allow for the provision of energy performance information through the display of energy labels on energy using products and will allow for the setting of minimum energy performance requirements, when appropriate.* Focal Point: Valentin Bigango.

The draft regulation lays out several key definitions of stakeholders and processes associated with doing business with EEE and e-waste. Article 7 sets out general requirements for EEE - all products supplied or distributed or put on the market for sale shall:

- Be in good working condition;
- Not give rise to any additional hazards when used in normal working conditions;
- Comply with relevant product standard requirements.

The draft regulation states that any business operator who wishes to manufacture or import the products and put them on the Rwandan market shall have to be licensed by the Regulatory Authority (being RICA). Business operators applying for a license would be required to submit the following:

- Duly filled and signed application form;
- Copy of business registration certificate issued by the Competent Authority;
- Copy of existing operational license issued by the Regulatory Authority (if any);
- Proof of relevant competences of the business operator or employees;
- Environmental impact assessment certificate from the Competent Authority (if applicable);
- Approval document from the competent authority that the site is complying with the physical masterplan (if applicable);
- Efficient facilities (storage, transport, production facility, …);
- Proof of Tax Clearance;
- Proof of Social Security Clearance Certificate;
- Proof of payment of applicable fees.

Article 1 of the draft regulation spells out the documents that would be submitted by the business operator for product registration (which is defined by the regulation as the process of documenting and maintaining records of products that comply with standards and regulation requirements):

- A duly filled application form signed by an authorized representative;
- A copy of existing registration certificate of a product, if any;
- Certificate of Conformity issued by a designated Conformity Assessment Body;
- Users' instructional manual and/or Installation instructions where applicable;
- Document indicating product lifespan as prescribed by the product manufacturer, where applicable;
- Proof of payment of applicable fees.

The regulation also makes provisions for the importation of unregistered products, products other than computers imported for personal use and the issuance of import permits of products imported for personal use.

Article 23 stipulates that the importation of used electrical and electronic products is prohibited.

Administrative Arrangements

There is a need to map out the most efficient procedure of supporting EPR from an administrative perspective, i.e., from the viewpoint of who does what. The potential roles and responsibilities of different government organisations in the support for EPR implementation is not clear. For example, it is not clear which organisation a producer should register with, although the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) does indicate RURA. It is also not clear which organisation should collect the EPR fee, it is not clear which organisation should manage the EPR fee and it is not clear where information should flow and where data should be collected and who should manage the data collection. Which organisation would carry out enforcement of the EPR system for electricals and electronics is also not clear. It was highlighted that the government administrative arrangements must be agreed upon, the producer administrative arrangements must be clear and the review of procedures to digitize the administrative arrangements for producers, in particular e-registration, must be done.

Situational Analysis:

Producer Definition

There are various definitions of the entity introducing EEE into the market in Rwanda, across the relevant legal instruments. For example, the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) defines a producer as follows:

"any person or entity who introduces or causes to be introduced new or used electrical and electronic equipment into the market by sale, donation, gifts, inheritance or by any such related methods and can either be a manufacturer, importer, distributor or assembler; and excludes importation by a private individual for personal use"

Whilst the Regulation N˚002 of 26/4/2018 Governing E-waste Management defines a producer as:

"any person or entity who introduces or causes to be introduced new and used electrical and electronic equipment into the market by sale, donation, gifts, inheritance or by any such related methods and can either be a manufacturer, importer, distributor or assembler"

The Regulations N˚ DGO/REG/005 of 07/07/2022 Governing Trade of Used Electrical and Electronic Equipment does not make specific reference to the definition of a producer but does lay out the following related definition

"Business operator: a natural or moral person involved in trade of used electrical or electronic equipment"

The draft Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products also does not make specific reference to the definition of a producer but does lay out the following related definitions (which could all infer the "introduces or causes to be introduced" action defined in the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) and the Regulation N˚002 of 26/4/2018 Governing E-waste Management:

"Business operator: importer or manufacturer performing business in the sector regulated by this technical regulation"

"Dealer: a retailer or other person who sells, hires, offers for hire-purchase or displays products to consumer"

"Distributor: a person appointed by a brand owner and engaged in the business of purchase and sale of regulated goods to consumers"

"Placing on the market: making a product available for the first time on the national market with a view to its distribution or use within the nation, whether for reward or free of charge and irrespective of the selling technique"

"Supplier: the manufacturer or their authorized representative in the nation or the person who places the product on the national market"

"Wholesaler: an intermediary person or entity in the distribution channel of electrical and electronics products that buys them in large quantities and sells them to retailers rather than to consumers"

Interestingly, the draft Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products provides a solid definition for *placing on the market*, and this is very useful for the EPR legal framework:

"making a product available for the first time on the national market with a view to its distribution or use within the nation, whether for reward or free of charge and irrespective of the selling technique"

In light of the various definitions across the 4 legal instruments / draft instruments analysed, there is a need to:

--Each custodian of the instruments to understand and explain the precise meaning of the definitions and thus the role of the entity being defined in relation to the EPR system for electricals and electronics.

- -Collectively, the custodians of the instruments to identify duplication points, to harmonize the definitions and to make reference, pursuant to, across the instruments where required.

The terms "business operator" and "producer" are used interchangeably and the term "business operator" is defined differently in the two RICA regulations.

Producer Registration

The first port of call is for the producer to register with the relevant regulatory authority of the EPR system for electricals and electronics. As mentioned, the Ministry of Environment's draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) (Article 9) says that any producer who intends to introduce new or used electrical and electronic equipment into Rwanda shall register in accordance with relevant procedures and conditions established by the Regulatory Authority.

Article 24 of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management lays out the type of information to be provided to RURA but it does not say that the producer must register with RURA.

The RICA Regulations N˚ DGO/REG/005 of 07/07/2022 Governing Trade of Used Electrical and Electronic Equipment also stipulates that a person who intends to carry out trade of used electrical or electronic equipment must apply for license to the Authority (being RICA).

The draft RICA Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products states that any business operator who wishes to manufacture or import EEE products and put them on the Rwandan market shall have to be licensed by the Regulatory Authority (being RICA).

From an administrative arrangements perspective, the various obligations to register and to acquire a license for the various modes of doing business in the electricals and electronics sector in Rwanda is confusing. The exact producer obligations are clearly laid out in the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management. But to support these, the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) must be finalised in a manner which does not duplicate or add confusion to these obligations. The two RICA regulations must also complement the overall framework, and it must be clear what purpose the obligations set on business operators in the RICA regulations have in terms of EPR for electricals and electronics. And in this sense how these obligations would differ from those already laid out in the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management and to be supported by the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste).

Fee Collection

The RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management sets out obligations for the following types of licensing:

a) Collection and transportation license;
b) Dismantling and Refurbishment service license;
c) Recycling service license.

This current precision does not have any bearing on the obligations of producers. Despite this, the same regulation, in Article 24(c), indicates that producers must:

"finance and organize a system to meet the costs involved in the environmentally sound management of e-waste (collection and treatment for problematic fractions by the licensed treatment facility) to ensure effective take back and treatment of e-waste"

Thus there is already a lack of clarity on how Article 24(c) must be exercised by producers when it comes to fee paying. This is especially the case given that the "organisational" element of producer obligations being fulfilled is absent. In the South African EPR regulations, for example, Article 5(a)1 sets out rules for producers that establish and implement collective producer responsibility schemes whilst Article 5(b)1 sets out rules for produces that organise and implement their own individual scheme.

Fee collection activities already exist and are referred to in the current legal instruments/ draft instruments as detailed below. And these must be considered in the administrative arrangements for EPR:

- Business Operator license with RICA.
- Product registration fee.
- EPR fee to be included in the administrative arrangements.

The current regulatory framework for electronics and electricals EPR makes it very clear who covers the cost of e-waste management. The onus for this is put squarely on the producer in Rwanda.

There is currently no enforceable methodology for EPR fee collection in Rwanda. However, the (Draft) Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) provides a formula:

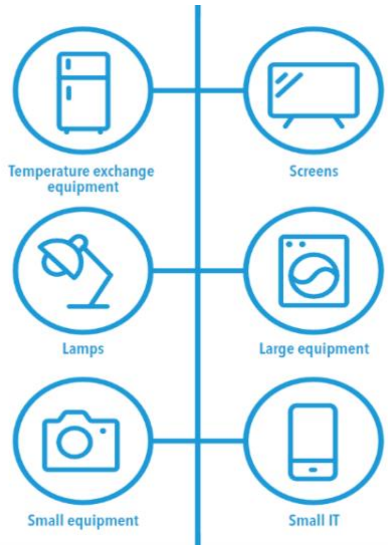
a. Market Share calculation for a producer

$$\textbf{Market share} = \frac{\textit{The weight of products put on the market by an individual producer in his product type/s}}{\textit{The total weight of products put on the market by all producers in his product type/s}}$$

b. Obligation calculation for a producer

$$\textbf{Obligation for a producer} = \textit{Total reported tonnage by product type} \times \textit{Individual producer market share}$$

The regulatory framework must clearly spell out which entity will collect the EPR fee, how much the fee is and what the methodology is being used to determine the fee. The methodology should take into account the products put on the market in the previous year (rather than estimated put on the market products in the following year), to ensure greater accuracy. The EPR fee collection stage, in line with the EPR registration process, should take into consideration the other fees currently being requested from producers, or "business operators".



Product Scope

It must be clear what electrical and electronic products are to be covered by the regulatory framework for EPR. Generally speaking it could be assumed that Annex 1 of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management provides the benchmark for this in Rwanda. However, it is not clear from the RICA regulations and the draft Ministerial Order which products are in scope in those instruments.

Electrical and electronic equipment is generally defined in 6 categories, including temperature exchange equipment, screens, lamps, large equipment, small equipment and small IT. Annex 1 of the RURA regulation defines it in 13 categories and also includes batteries in this listing, which are traditionally not in the scope of e-waste.

There is a need to adjust Annex 1 of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management in order to better harmonize the categorisation of electrical and electronic equipment with international best practice and to review the products under scope of the EPR system. It is also advisable to ensure that there is clarity on the products in scope in the draft RICA Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products and the RICA Regulations N˚ DGO/REG/005 of 07/07/2022 Governing Trade of Used Electrical and Electronic Equipment, should they play a role in the EPR legal framework.

Roles and Responsibilities

None of the legal instruments analysed, which are complementary for the purpose of forming a sound legal framework for EPR for electricals and electronics, refer to each other in any preamble or any articles, in the context of EPR. However, the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste) and the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management appear most complementary in their definitions and approaches.

The regulatory framework should spell out which stakeholder plays what role and where necessary there should be a link to corresponding Government institution. For example, if producers are obligated to register with RICA but the EPR is paid to RURA, yet the fee is collected by RRA, then these different roles must be soundly instructed in the legal instruments.

E-waste Collection Targets

Currently there are no e-waste collection targets stipulated in any of the legal instruments in Rwanda relating to e-waste management. In order to improve the EPR system, such collection targets must be agreed on and communicated but they must be fair and not overly ambitious. This provides a target for producers and a benchmark for the system.

It would be suggested to include information on collection targets (and related information on enforcement measures and penalties as referred to below) in the Annexes of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management, which already includes information on product scope as mentioned.

Enforcement Measures and Penalties

Chapter VI of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management sets out faults and administrative sanctions of the licensing regime for organisation conducting collection and transportation, dismantling and refurbishment and recycling activities. Non-compliance measures are also listed for business operator licenses in the RICA Regulations N˚ DGO/REG/005 of 07/07/2022 Governing Trade of Used Electrical and Electronic Equipment and also in Chapter 5 of the draft RICA Regulation N˚… of …/…/2022 Governing Electrical and Electronics Products.

It is however not clear in any of the legal instruments, including in the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste), whether enforcement and non-compliance sanctions exist for the EPR system for electricals and electronics. In this sense, enforcement measure could be included for:

- Not registering with the EPR system.
- Avoiding paying the EPR fee.
- Not achieving targets.

It would be suggested to include information on enforcement in the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management, which already includes enforcement information concerning licensing of e-waste management operators as mentioned above.

Financing Modalities

There is a need to determine the level of EPR fee based on the cost of e-waste management in Rwanda. Equally, it was highlighted that based on the current Regulation Governing E-waste Management in Rwanda, it is unclear where the point of charge of the fee would sit and who would manage and spend this fee. There is also a need to set criteria for the allocation of funding across the value chain and to involve the representation of government and industry in the discussions around the financing modality.

Situational Analysis:

There is currently no EPR financing mechanism for electricals and electronics in Rwanda. However, as mentioned, Article 24 of the RURA Regulation N˚002 of 26/4/2018 Governing E-waste Management obligates producers to "finance and organize a system to meet the costs involved in the environmentally sound management of e-waste (collection and treatment for problematic fractions by the licensed treatment facility) to ensure effective take back and treatment of e-waste". As also mentioned previously there are no obligations laid out in the legal framework for producer responsibility organisations or for producers wishing to organise their producer responsibility individually. The RURA regulation clearly stipulates who pays for e-waste management but there is no information in any of the legal instruments about who the fee should be paid to, how much the fee should be and how it should be calculated. As mentioned though, a calculation methodology is proposed in the draft Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste (E-waste).

As mentioned, the RURA regulation indicates who should pay for e-waste management. Furthermore through the current project support from ITU, UNEP and GovStack, a study is being carried out by dss+ to identify the appropriate EPR fee and the calculation methodology. The initial results of this can be found in the Proposed Solution section below. Despite this, the legal framework is missing the answer to the question: who should the EPR fee be paid to? This must be clearly defined in the legal framework. It is recommended that the EPR financing component is also assessed in view of the overall ICT penetration policy of Rwanda and analysed in alignment with the strategic development objectives of Rwanda (e.g. accessibility of ICT products etc.). However, as indicated in the following section, the additional fee – to be applied to producers – is minimal for ICT products. The Ministry of Finance has thus far not been involved in the EPR fee study nor are they aware of it.

Proposed Solution

This Technical Proposal Report on the Implementation of the Extended Producer Responsibility Principle for the electricals and electronics sector in Rwanda, suggests two options of EPR system for decision by senior management. A Government-led or private sector producer responsibility organisation (PRO)-led system of EPR.

***-Government-led*:** Producers register themselves with the EPR system through RICA eRalis platform. Producers pay the EPR fee to RRA who transfers this to RURA. RURA contracts recyclers and does awareness raising.

***-Private sector-led*:** Producers pay EPR fee to PSF-led PRO, they obtain a recommendation, and submit application to RURA for special authorization. PSF contracts recyclers and does awareness raising.

Government-led:

RICA is responsible for "*ensuring that all products, transport facilities (carriers) and premises regulated by RICA are registered and all business operators under RICA mandate are licensed*. *To achieve this mission, the Registration and Licensing Unit develops technical regulation, guidelines and procedures for registration and licensing*"[5]. It is in this regard that the (Draft) Regulation N˚… of …/…/2022 Governing Electrical and Electronic Equipment is currently being drafted by RICA.

Business Operator Licensing

Art. 9 of the Technical Regulation Governing Electrical and Electronic Equipment requires *any business operator that wishes to manufacture or import electronic and electrical equipment and put them on the Rwandan market to be licensed* by the Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA), while art. 10 lists the requirements for business operator licensing. Guided by this draft Regulation, below is the proposed procedure for Business operator licensing:

[5] Rica.gov.rw

Procedure	Business Operator Licensing			
Steps	1. Pay application and licensing fee (offline)	2. Submit application (offline)	3. Premises inspection (offline)	4. Obtain licence (offline)
Requirement	Amount TBD (Draft regulation)	1. Payment receipt 2. Application form 3. Certificate of domestic company registration 4. Operational licence 5. Proof of relevant competences of the business operator 6. Environmental impact assessment 7. Site approval 8. Tax clearance certificate 9. RSSB contributions clearance certificate	Physical presence of the authorized representative	Physical presence of the authorized representative
Legal Justification	Legal justification RICA draft regulation governing electrical and electronics products, art 10	Legal justification RICA draft regulation governing electrical and electronics products, art 10	Legal justification RICA draft regulation governing electrical and electronics products, art 10	Legal justification RICA draft regulation governing electrical and electronics products, art 10
Result	Payment Receipt	Appointment	Appointment	Business Operator License

Figure 1: Procedure for Business operator license

Product Registration

Art. 11 of the same draft Regulation focuses on the product registration, which is defined as the process of documenting and maintaining records of products that comply with standards and regulation requirements. The proposed procedure is as follows:

Procedure	Product registration		
Steps	1. Pay application and registration fee (offline)	2. Submit application (offline)	3. Obtain certificate (offline)
Requirements	Amount TBD (Draft regulation)	1. Payment receipt 2. Application form 3. Certificate of conformity 4. User manual 5. Installation instructions 6. Document indicating product lifespan	Application Receipt
Legal Justification	Legal justification RICA draft regulation governing electrical and electronics products, art 11	Legal justification RICA draft regulation governing electrical and electronics products, art 11	Legal justification RICA draft regulation governing electrical and electronics products, art 11
Result	Payment receipt	Application receipt	Product registration certificate

Figure 2: Procedure for product registration

EPR Fee Collection

The EPR fee is to be paid by each producer who introduces EEE into the Rwandan market. The fee to be paid shall be proportional to the amount of EEE introduced into the market. The fee will be used at the end of the product lifecycle to cover the collection, treatment, recycling and awareness raising when it becomes e-waste.

Government-led EPR fee collection

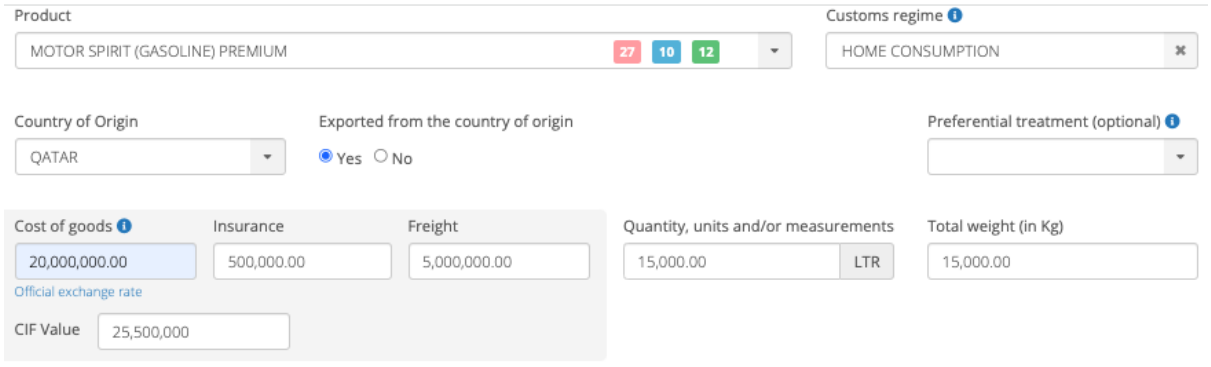
In this scenario, the EPR fee is collected on imports at the point of entry by the Rwanda Revenue Authority (RRA) on behalf of the Rwanda Utilities Regulatory Authority (RURA), along with other taxes and fees paid during the clearing process. A periodic reconciliation exercise will then take place periodically, where for a given period of time (monthly, quarterly, etc.) the amount of EPR fee collected by the RRA will be transferred to the RURA account. This is visualised on the following page.

Procedure	Pay EPR fee through customs (RRA)	
Steps	1. Declare Cargo (Online: e-Single Window)	2. Pay taxes and fees (Mobile Money)
Requirements	1. Invoice 2. Packing list 3. Type approval 4. Standardisation mark permit 5. Certificate of analysis	1. Processing fee: RWF 3,000 2. Import duty: 25 % CIF 3. Value added tax: 18 % CIF 4. Infrastructure develpt levy: 1.5 % CIF 5. Levy for financing AU activities: 0.2 % CIF 6. Extended producer responsibility fee: rate TBD
Legal Justification	1. EAC Common External Tariff 2017 2. EAC Customs Management Regulations, 2010	1. EAC Common External Tariff 2017 2. Law establishing the infrastructure development levy on imported goods 3. Law establishing the levy on imported goods, financing AU activities
Result	1. Home consumption declaration - IM 4 2. Assessment notice for import declaration	Payment confirmation - import declaration

Figure 3: Procedure for EPR fee payment via Customs

A similar approach is currently applied on various products, such as petroleum products (e.g.: Gasoline premium - HS code 27 10 12) where RRA collects the Roads Maintenance Fee - rwf 115 / litre (RRA Tax Handbook, p. 369) and the Strategic Petroleum Reserve Levy - rwf 32.75 / litre (RRA Tax Handbook, p. 367) on behalf of the Ministry of Infrastructure, and the RURA Levy (2%) collected on behalf of RURA.

The table below highlights these examples:



Estimated duties, taxes and fees to pay

Applicable duties, taxes & fees	Tax base	Rate	Amount due
CUSTOMS DUTY PETROLEUM PRODUCTS	20,500,000	0	0
EXCISE DUTY - PETROLEUM PRODUCTS	15,000	183	2,745,000
VALUE ADDED TAX PETROLEUM PRODUCTS	29,601,600	0	0
WITHHOLDING TAX	20,500,000	0.05	1,025,000
QUALITY INSPECTION FEES	20,297,030	0.002	40,594
INFRASTRUCTURE DEVELOPMENT LEVY	20,500,000	0.01	307,500
STRATEGIC PETROLEUM RESERVE LEVY	15,000	32.73	490,950
AFRICAN UNION FEE	20,500,000	0.002	41,000
ROAD MAINTENANCE FEE	15,000	115	1,725,000
RURA LEVY	24,135,000	0.02	372,405
COMPUTER PROCESSING FEE	1	3,000	3,000
Total (in RWF):			**6,750,449**

Figure 4: Import Duties & Taxes Calculator - case of Gasoline premium

Private sector PRO-led EPR Fee Collection

The alternative to a Government-led model is to have the EPR fee in Rwanda be paid through a private sector-led not-for-profit PRO-led model which collects the EPR fee and gives a recommendation for a producer to obtain the authorization from RURA to import or put EEE on the market.

The procedure would be as follows:

Procedure	Pay EPR through PRO			
Steps	1. Pay EPR fee (offline)	2. Obtain PRO recommendation (offline)	3. Submit application for RURA authorization (Online: CLMS)	4. Declare cargo licence (Online: e-single Window)
Requirement	1. Invoice 2. Packing List	Proof of payment	PRO recommendation letter	1. Invoice 2. Packing list 3. Type approval 4. Standardisation mark permit 5. Certificate of analysis 6. RURA authorization
Legal Justification	Legal justification 1. Draft MO on EEE	Legal justification	Legal justification	Legal justification 1. EAC Common External Tariff 2017 2. EAC Customs Management Regulations, 2010
Result	Proof of payment	PRO Recommendation letter	RURA authorization	Home consumption declaration - IM 4 Assessment notice for import declaration

Figure 5: Procedure for EPR fee payment via PRO

Financing Modalities Overview

It is important to note that while the decision to opt for a Government-led or private sector PRO-led model in Rwanda remains pending, the overarching principle of the financial mechanism of EPR remains the same: producers must pay a sufficient fee on EEE that is placed on the market in Rwanda to finance the sound management of e-waste.

The only difference between the two models is the entity in charge of collecting and disbursing the funds: in the case of a Government-led model, producers are paying to the designated Government entity (e.g. RURA or other bodies),

while in the case of PRO-led model the private sector sets up the legal entity in charge of this, which could be for-profit or not-for-profit.

Determining the financial mechanism for an e-waste scheme requires identifying:

- Who is paying for the e-waste management – in this case the producers;
- Which organisation runs the scheme and who collects the funds – either Government or PRO;
- How the fees are collected – for example upon import (as discussed in detail above) and frequency;
- The fee producers have to pay to finance the system;
- Cross-financing – determining whether costs of managing some EEE types may be subsidised by other categories.

This section presents the principles, method and initial calculation of costs and fees that producers would pay under an EPR system for e-waste management in Rwanda.

There are two main components of calculating the fees that producers would pay:

1) Creating an annual budget for the administration and the operations of the system (i.e., the costs of running the system);
2) And allocating the costs to the producers.

Cost Components

The costs of running the system can be split between operational or technical costs and overhead or administrative costs.

Operational costs are those associated with take back (collection, transport, treatment and disposal) operations. Technical costs represent the net remuneration for all the activities carried out by different players along the e-waste recycling chain to ensure e-waste disposed by the holder is collected and properly treated. Technical costs can be divided into four groups:

- *Access to waste:* includes the costs (or revenues) to get the waste from the original holder (the consumer). In the majority of developed countries consumers get rid of their waste for free (or in some cases they have to pay for that). In the context of developing countries in most of the cases it is the opposite: the holder of the product to be discarded expects an economic compensation when disposing off the waste. Access to waste is considered a cost when the waste holder is receiving economic compensation. It will be considered revenue when the consumer will pay for disposing it.
- *Collection:* includes the cost for hiring, purchasing (or the corresponding depreciation) the collection infrastructures like containers, cages, bins used to collect and store waste at the collection points. This also includes the salary of staff at collection points.
- *Transport:* includes all the transportation costs from the collection point or from the consumers' house/place to the treatment plant.
- *Treatment:* represents the net costs for the proper treatment, including disposal of hazardous fractions. Each treatment plant processing e-waste incurs operational costs: labour, energy, depreciation of capital

investment, other costs related to the functioning of the plant itself; e-waste being processed into the plant is dismantled and results in different fractions that are sold on national or international commodities markets. Allocation can be based on market share (most common in EPR models) or according to other principles.

The table below presents the operational costs for the e-waste streams in scope:

Table 1. Operational costs of managing e-waste in Rwanda. Data provided by Enviroserve.

Stream Name	Access to Waste Cost (RWF/tons)	Collection Cost (RWF/tons)	Transport Cost (RWF/tons)	Treatment Cost (RWF/tons)	Total (RWF/tons)
Cooling and Freezing equipment	400,000	31,000	100,000	300,000	831,000
Screens and monitors	3,500,000	31,000	100,000	250,000	3,881,000
Lamps	(100,000)	31,000	100,000	470,000	501,000
Large household appliances	200,000	31,000	100,000	50,000	381,000
Small household appliances	200,000	31,000	100,000	50,000	381,000
Small IT and telecommunication equipment	8,000,000	31,000	100,000	10,000	8,141,000
Solar Home Systems (excluding Connected devices)	(200,000)	31,000	100,000	70,000	1,000
PV Panels	(200,000)	31,000	100,000	1,000,000	931,000
Pb batteries	500,000	31,000	100,000	10,000	641,000
Li batteries	(1,400,000)	31,000	100,000	32,000,000	30,731,000
Portable Batteries	(1,400,000)	31,000	100,000	32,000,000	30,731,000
Automotive Batteries	500,000	31,000	100,000	100,000	731,000
Mixed Solar	(200,000)	31,000	100,000	200,000	131,000
Mixed EEE	200,000	31,000	100,000	50,000	381,000
Mixed Batteries	-	31,000	100,000	3,200,000	3,331,000

E-Waste Plastic	(200,000)	31,000	100,000	200,000	131,000

Administrative or overhead costs, on the other hand, are associated to all those activities enabling operations or monitoring the proper functioning of the system, ensuring all relevant provisions are enforced and enacted, creating a level playing field for all stakeholders.

These costs can be divided in four main groups:

- *Enforcement:* includes all the costs for enforcement of all provisions; costs for control that producers are registered and each stakeholder fulfil his own role and take care of responsibilities in the system.
- *Auditing:* includes the costs for auditing the treatment plants and other relevant stakeholders involved in the e-waste recycling chain to ensure all the provisions are properly enforced and preventing or sanctioning un-fair or illegal behaviour.
- *Awareness Raising:* includes the costs for raising public awareness on the importance of proper e-waste management, indications on how to properly dispose e-waste and public campaigns.
- *Guarantees:* include the costs covering the situations where a producer ceases to exist (goes bankrupt or is no longer active on the market) or for other reasons cannot assume the financing of its share of e-waste.

Estimating Costs Per Waste Stream

Over 650 different types of EEE are in use. For the purposes of e-waste management, these can be grouped into a few categories that undergo similar kinds of treatments, such as: small IT equipment, small household equipment (e.g., a kettle or a microwave), screens, lamps, large household equipment (e.g., a washing machine), and temperature exchange equipment (e.g., fridges and air conditioners).

Each of these individual e-waste streams has different operational costs[1] associated with them, due to differences in the costs related mainly to accessing the e-waste and its treatment. The operational costs of managing an e-waste waste stream will consequently depend on the cost per tonne and the number of tonnes to be collected.

The total costs consider the operational costs per stream as well as the overhead costs. Overhead costs are split per stream to arrive at a total cost per e-waste stream. The splitting of overhead costs per stream can be done according to the mass of products put on market (% market share) or proportion of e-waste collected.

The following formula expresses the total costs per e-waste stream:

$$Total\ Costs = Overhead\ costs * \%\ Market\ Share + \ Operational\ Costs\ (per\ tonne) * Tonnes\ Collected$$

Finally, it is important to note that the collection target per e-waste stream can be defined as a percentage of tonnes of products put on market or of the e-waste generated.

[1] Costs per tonne. In waste management, costs are mainly expressed in relation to mass of waste managed instead of number of products.

Results- Quantification of Costs

Below is a summary of the key results regarding the quantification of the costs:

- Operational costs represent the majority of costs (currently estimated at 98% of costs).
- For some product categories, particularly small IT and telecommunications equipment, access to waste is a key contributor to the total costs – representing over 95% of total costs. Therefore, it is critical to ensure the appropriate classification of products.
- Costs, both operational and overhead, may change due to changes in prices of raw materials, processing technologies, energy prices, and awareness raising, among others, and therefore, it is important to yearly review costs the appropriate amount of funds are collected, and to ensure the sound management of the e-waste. To capture the uncertainty in costs over the course of the year, a safety margin maybe applied, which has been currently set at 10%.
- The operational costs are directly proportional to the collection targets. Therefore, these should be carefully reviewed, and fees updated, according to the collection targets. **Error! Reference source not found.** presents the collection targets for each e-waste stream considered.

Cost Allocation to Producers

E-waste is processed and financed according to the so-called "pay-as-you-go" mechanism. This means that costs arising in a given year (operational and overhead) are allocated to entities responsible (the producers) to bear the costs in the same year. In order to do this in a fair way, the total costs of e-waste management are allocated to the producers considering the number of EEE products, corresponding to each e-waste stream, placed on the market by the producer in that year.

Therefore, the costs are allocated to the producer by adding an EPR fee to each product that is placed on the market. The fee for a product of a specific waste stream, expressed as RWF / kg of product, can be calculated using the following the formula:

$$Product\ fee = \frac{Total\ costs\ for\ waste\ stream}{Mass\ of\ products\ put\ on\ market}$$

Each producer then pays the product fee as calculated above, for each product placed on the market. This is in line with the principles outlined in the formulas in the draft (Draft) Ministerial Order N˚…/2019 of …/…/2019 Determining Modalities for the Processing of Electronic Waste as referred to earlier.

Results- Allocation of fees to products

Below is a summary of the key results of the allocation of the fees to producers:

- Fees vary significantly between product categories, due to the costs of managing each stream, and the collection targets.

- Given the high access to waste costs, the fees/kg for small IT and telecommunications equipment are the highest. However, due to the small average size of these products, the product remains relatively small.

- The fees are expressed per kg and per unit placed on the market. It is important to note that fees per kg are the preferred option, as estimating the fees per unit requires assuming an average weight for products in each category (which may significantly over or underestimate their contribution).

The table below presents the total costs and fees by e-waste category:

Table 1. Total costs and EPR fees for EEE in Rwanda.

Stream Name	Total Overhead Cost (RWF)	Total Operations Cost (RWF)	Total Cost (RWF)	Number of tonnes PoM	FEE per kg WG (RWF)	FEE with SAFETY MARGIN (RWF)	FINAL FEE per kg (USD)	FINAL FEE per unit (USD)
Cooling and Freezing equipment	RWF 16,020,258	RWF 167,802,826	RWF 183,823,084	1,010	RWF 182	RWF 200	**USD 0.20**	**USD 8.03**
Screens and Monitors	RWF 7,642,456	RWF 560,785,293	RWF 568,427,749	482	RWF 1,180	RWF 1,298	**USD 1.27**	**USD 8.30**
Lamps	RWF 5,378,951	RWF 8,491,885	RWF 13,870,836	339	RWF 41	RWF 45	**USD 0.04**	**USD 0.01**
Large household appliances	RWF 9,820,154	RWF 82,529,662	RWF 92,349,816	619	RWF 149	RWF 164	**USD 0.16**	**USD 3.56**
Small household appliances	RWF 58,758,207	RWF 564,354,834	RWF 623,113,041	3,703	RWF 168	RWF 185	**USD 0.18**	**USD 0.12**
Small IT and Telecommunication equipment	RWF 14,637,141	RWF 3,003,950,358	RWF 3,018,587,499	922	RWF 3,272	RWF 3,599	**USD 3.53**	**USD 0.54**
TOTAL	**RWF 112,257,168**	**RWF 4,387,914,857**	**RWF 4,500,172,025**	**7,075**				

Cross-financing

Cross-financing refers to the subsidy of the product fees between categories of EEE products. This may be desired when the fees for one category may be high or when a product category is considered of strategic value. When considering cross-financing, it is important to ensure that the total costs of e-waste management are fully covered by the product fees to ensure the sound management of the e-waste.

The table below provides an overview of cross-financing:

Table 2. Cross-financing of EPR fees

Stream Name	Cost based FEE per kg (USD)	Total Cost (USD)	Set FEE per kg (USD)	Total Cost Covered per stream (USD)	% Co-financing
Cooling and Freezing equipment	USD 0.20	USD 198,161	USD 0.50	USD 504,822	255%
Screens and Monitors	USD 1.27	USD 612,765	USD 1.20	USD 577,980	94%
Lamps	USD 0.04	USD 14,953	USD 0.50	USD 169,499	1134%
Large household appliances	USD 0.16	USD 99,553	USD 0.15	USD 92,834	93%
Small household appliances	USD 0.18	USD 671,716	USD 0.20	USD 740,623	110%
Small IT and Telecommunication equipment	USD 3.53	USD 3,254,037	USD 3.00	USD 2,767,428	85%
TOTAL	**USD 5.38**	**USD 4,851,185**	**USD 5.55**	**USD 4,853,186**	

Implementation

Project Team

Anita Batamuliza
RURA Technical Focal Point
Anita.batamuliza@rura.rw

Emmanuel Nkurunziza
RURA Legal Focal Point
Emmanuel.nkurunziza@rura.rw

Didace Ndamira
RURA Comms Focal Point
Didace.ndamira@rura.rw

Alice Higiro
Ministry of ICT Focal Point
ahigiro@minict.gov.rw

Jean-Pierre Mwizerwa
RRA Focal Point
Jeanpierre.mwizerwa@rra.gov.rw

Dismas Karuranga
Ministry of Environment Focal Point
dkaruranga@environment.gov.rw

Theophile Dusengimana
Ministry of Environment Focal Point
Tdusengimana@environment.gov.rw

Richard Niyomugabo
RISA Focal Point
Richard.niyomugabo@risa.gov.rw

Said Ngoga
RISA Focal Point
Saidngoga.rutabayiro@risa.gov.rw

Valentin Bigango
RICA Focal Point
vbingango@rica.gov.rw

Eric Murera
PSF Focal Point
Ericm@psf.org.rw

Patrick Muhoza
REMA Focal Point
pumuhoza@rema.gov.rw

Thomas Wiemann
RISA Focal Point
Thomas.wiemann@cimonline.de

Olivier Mbera
Enviroserve Focal Point
olivier@enviroserve.ae

Steve Sebera
Enviroserve Comms Focal Point
steve@enviroserve.rw

Alex Mangwiro
UNEP Focal Point
Africa Office
Alexander.mangwiro@un.org

Mijke Hertoghs
UNEP Focal Point
Europe Office
mijke.hertoghs@un.org

Andrea Cararo
ITU Focal Point
Headquarters
Andrea.carrao@itu.int

James Mulolo
ITU Consultant
Independent
James.mulolo@itu.int

Frederico Magalini
Consultant
Dss+
Federico.magalini@consultdss.com

Chali Tumelo
ITU Focal Point
Africa Office
Chali.tumelo@itu.int

Yolanda Martinez
ITU Focal Point
GovStack Focal Point
Yolanda.martinez@itu.int

Marco Meloni
Consultant
Dss+
Marco.meloni@consultdsss.com

Provisional Implementation Plan

Upon approval by the senior management of RURA, RICA, RRA, REMA and MoE, the project team will proceed with the following next steps to ensure sound implementation of the EPR system for the electricals and electronics sector moves forward in Rwanda. Given the complex nature of the project, the below implementation plan is limited to the next 6 months.

Month One

The sharing of this technical proposal to senior management, as referred to above.

The briefing of this technical proposal to senior management by technical focal points during a joint in-person meeting in Kigali

Month Two

Bilateral consultations with RURA, RICA, RRA, REMA, MoE and PSF to further develop the legal regime, administrative arrangements and financing modalities.

2-day co-design session, hosted by MoE, on the legal regime for EPR in order to ensure harmonization of relevant regulations (those referred to previously).

2-day co-design session, hosted by RICA and led by the UK Government, on the digitalization of the EPR procedure and the producer user experience in Rwanda.

Month Three

First consultation on the proposed EPR framework to the users of the system, the producers (i.e. importers, distributors, manufacturers and resellers).

Month Four

Second consultation on the proposed EPR framework to the users of the system, the producers (i.e. importers, distributors, manufacturers and resellers).

Month Five

Final adjustments to the legal framework governing EPR for the EEE sector to fit the agreed administrative arrangements and financing modalities.

Month Six

Prepare EPR Implementation Guidelines for EEE Producers in Rwanda, which will include a practical guide to meeting their legal obligations, how the EPR fee is calculated, when and to who it is paid, where to register, how to do this and details on the e-procedure, and a general breakdown of the law.

Month Six and Onwards

Purchasing or installation or integration (of existing procedures) of the EEE producer registration platform for Rwanda.

Awareness campaign directed at producers (i.e. importers, distributors, manufacturers and resellers) to enforce them to start registering / testing the system and paying the EPR fee etc.

Summary

This Technical Proposal Report on the Implementation of EPR for the electronics and electricals sector outlines the suggested administrative arrangements and financing modality supported by a clear and cohesive legal regime to be taken in Rwanda. The current project is supported by a wide array of expertise from across Government and has been backed by a series of detailed consultations. A group of international partners, through ITU, UNEP and GIZ continue to provide dedicated technical assistance.