



EXECUTIVE SUMMARY

The project “Improving and strengthening the legal framework for effective electrical and electronic waste management in the Kyrgyz Republic” is funded by the European Union. The project is a part of the technical assistance of the Secretariat of the Basel Convention and is implemented by the civil society organization “Independent Ecological Expertise”.

A rapid growth of the amount of e-wastes in the waste flow was recently observed. Also the lack of e-waste management system in the country caused concern in the society since there is enough information regarding adverse environmental and health consequences of e-wastes (EEE) impact ending up in ordinary landfill.

E-wastes in the hierarchy of solid waste ranks first in terms of complexity of the process of re-use, resource recovery, recycling, and disposal. Nonetheless, as the international experience shows, there are ways to address the issue of disposal of this type of waste provided that there are strong commitment of the government, appropriate legislation and active public position concerning this issue.

In this context, the project aimed at developing recommendations for the Government of the Kyrgyz Republic at the legislative level in order to establish a comprehensive approach for the sound management systems regarding e-wastes. The Project Expert Working Group carried out this study drawing on the review of the international experience in this field, various analytical studies, available developments in national legislation of other countries and expert analyses to identify opportunities to adapt to the best international practices.

The project was divided into four stages:

- At the first stage, the review of the international experience on e-waste management was conducted on the basis of the study concerning the legislation of developed countries;
- At the second stage, the experience of member states of the Eurasian Economic Union (EAEU) was examined;
- At the third stage, the national legislation was reviewed and existent gaps and needs were identified;
- At the fourth stage, the proposals and recommendations for the decision-makers were developed to establish an efficient e-waste management system.

Brief description of the results obtained within the frame of this project implementation is provided below¹.

¹ Full version of the study is presented in the following document: “**Assessment of the capacity of the Kyrgyz Republic in the field of electrical and electronic equipment waste management**”

International experience

In the course of international experience review, normative legal acts were studied related to e-wastes regulation in the European Union and in countries such as Switzerland, Germany, Sweden, Norway, USA, China, Japan, and South Korea. The following conclusions were drawn in the course of this work:

1. Today, in developed countries functioning e-waste management system has already been established, including mechanisms for this type of waste collection and methods for financing collection and recycling activities;

2. Each government has its own specific rules in accordance with effective legislation. At the same time, the main tasks are similar and are aimed at restricting hazardous substances use in electrical and electronic equipment and organization of safe EEE recycling;

3. Introduction and implementation of the principle of extended responsibility of producer (importer) (ERP) is a key in the process of creation of e-waste recycling system. In countries where the responsibility of producers is effective, various forms of payments from the producers are introduced to be further transferred through the several channels to recyclers to compensate their costs. As a general rule, these payments are proportional to the share of products that manufacturing companies contribute to the market. In this case production costs related to waste recycling are included into the price of goods purchased by consumers;

4. To effectively implement the activities on e-waste management, it is important to identify roles and responsibilities of all participants in the process. Thus, for example, in the countries of the European Union, with insignificant differences depending on the provisions of the national legislation, responsibilities are distributed as following:

- The government is responsible for adopting a legal framework, licensing, approval of implementation plans, as well as control and supervision of compliance with the legislation;
- Producers and suppliers are responsible for organizing and financing e-waste management systems;
- Trading companies are responsible for establishing specially designated places for waste collection points; they are obliged to receive waste for free and show relevant expenditures in a cash receipt;
- The operators are responsible for offering relevant services.

5. Practices worldwide confirmed show that in the organization of e-waste management the role of the state is minimal and is reduced to legislative and normative regulation, as well as to control these processes. Producers (suppliers) and no-profit entities are the responsible entities in the process;

6. Producers' (suppliers) accountability may be induced in the following ways:

- Making payments (in the form of tax, fees, etc.);
- Creating an independent organization of in-house recycling system;
- Organizing of collective recycling scheme together with other producers;
- Concluding contracts with the operators specialized in recycling through waste management systems.

7. Collection is one of the main stages of the e-waste management. There are two types of such schemes in the international practice – collective and individual;

The collective system is responsible for collection, recycling and funding all or most part of e-waste management in the country.

The individual or clearance system with multiple partners, including producers, recyclers and others to render services on a competitive basis;

8. It is more feasible to develop separate regulatory acts providing the rules of each type of waste management for different categories of finished products.

Stage II. Experience of the EAEU countries

Currently, Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan are member states of the EAEU.

The EAEU allows free movement of goods, services, capital and labor force and provides for coordinated, agreed upon or single policy in the economic sectors. The EAEU was established to ensure comprehensive modernization, cooperation and enhancement of competitiveness of national economies and to create conditions for stable development in order to improve the living standards of the population of its member states.

In this regard, the experience of the EAEU countries was considered from the perspective of available opportunities to develop a mutually beneficial approach that might be a basis for creation of a common system of e-waste management in the territory of the Union.

Summing up the results obtained at the end of this work, we should emphasize the following:

1. E-waste recycling industry in all EAEU countries is in the beginning of its development. However, there are needs and opportunities to formulate and implement common approaches towards e-waste recycling.

2. Member countries have found problems that complicate the development of a common e-waste management system at the EAEU level:

- Different degrees of development and introduction of the regulatory frameworks;
- Different financial capacities;
- The lack of reliable statistics related to the generation and recycling of waste to develop feasibility studies, economic forecasts, etc.;
- The lack or poorly developed infrastructure for waste recycling and different levels of its organization;
- Significant share of e-waste recycling is done by the informal sector.

3. To establish comprehensive e-waste collection and recycling system at the EAEU level, the following measures are required:

- Establishment of a regional infrastructure;
- Development of the legislative framework for the EAEU countries to ensure efficient and proper e-waste management;
- Sufficient co-financing by the countries;
- Establishment of sectoral strategic alliances;
- Promotion of sectoral innovations in technology and logistics, establishment of regional eco-technology parks;
- Development of regional training programmes.

Stage III. National legislation

Within the framework of this work, 24 current regulatory acts related to waste management, including e-wastes in the Kyrgyz Republic have been reviewed. The following conclusions were drawn from the results of the analysis conducted:

1. Although legal regulation of e-waste management is sufficiently developed, not all the legal provisions are enforced in practice and require improvement and regulation, since the legislation contains a large number of reference rules that are not stipulated through by-laws;
2. The legislation regulates the introduction of the primary accounting of waste generation, statistical reporting, **passportization** and development of regulatory and technical documents;
3. The activities of waste management facilities are subject to licensing, state control depending on hazard category, as well as state environmental expert examination;
4. Normative legal acts provide for responsibility for offenses related to waste management;
5. Also, according to the legislation, separate collection of waste should be carried out to use it as secondary material resources and to be recycled. Burial of hazardous waste is prohibited;
6. There is no definition of “electrical and electronic wastes” in any domestic legislation, which complicates the identification of such waste, and also there are no separate regulations on EEE management;
7. The problems related to waste management in most cases are **raised by governments**. Waste producers - legal entities, individuals whose economic and daily living activities cause waste generation, are not sufficiently involved in this process. In general, the producers of goods provide only guarantees for quality and safety of goods produced and are not responsible for handling these goods that have become waste products once they lost their consumer properties.

RECOMMENDATIONS

Based on the results of the study of international experience, the existing practices of e-waste management in the EAEU member states, as well as the norms and provisions of national legislation, the group of experts developed recommendations aimed at improving and strengthening the legislative framework for an effective management of electrical and electronic waste in the Kyrgyz Republic.

Efficiently functioning e-waste management system, as shown by world practice, is based on the government commitment, regulation of the system at the legislative level, separate collection of waste and environmental conservation and public health protection.

Recent trends indicate that the international community adopted economic regulation mechanisms to stimulate enterprises while implementing environmental, resource-saving and low-waste technologies to minimize negative environmental consequences from economic activities. In developed and some developing countries, the principle of Extended Producer Responsibility (EPR) for products and goods subject to be processed after the loss of consumer properties has been introduced and implemented.

While developing its e-waste recycling sector, Kyrgyzstan has an opportunity to build upon the successful experience gained from the other countries. The application of existing practices will allow to save both time and resources.

The group of experts who carried out this work suggest that, in order to create an appropriate system of state regulation e-waste management, it is firstly necessary to:

- introduce the definition of “electrical and electronic waste” in the legislation of the Kyrgyz Republic for the purpose of its identification;

- develop and adopt a special regulatory legal act that defines all the aspects of e-waste management in the Kyrgyz Republic.

In order to develop a system of separate waste collection and recycling industry, including EEE, as well as to increase of the use of secondary materials in the production cycle the experts have proposed to introduce the ERP mechanism in domestic legislations.

In this regard, the following is required at legislative level:

- To develop the procedure of state regulation concerning transboundary movements of hazardous and other waste;
- To regulate funding of activities related to collection, transportation and recycling of e-waste, which will be made at the expense of producers and suppliers by improving the regulatory framework regarding non-tax payments and by ensuring that accumulated funds would not be spent for other purposes;
- To develop economic mechanisms to stimulate the enterprises and the population to return secondary raw materials to recycling, in order to increase waste collection rates;
- The legislation should provide for clear attribution of responsibilities between the participants of the processes associated with e-waste management;
- It is necessary to introduce compulsory training and certifications of specialists from enterprise dealing with waste collection and recycling.

In connection with the above proposals, in order to implement the ERP it has been proposed to develop the following **NLAs**:

- List of products / goods subject to extended responsibility of producers / importers;
- Methodology to calculate the payment concerning the organization of collection, transportation, processing, neutralization, use and / or disposal of waste;
- Requirements (or procedure) for an *ad hoc* system of collection, processing and disposal of waste generated after the loss of consumer properties by products (goods), which are subject to extended responsibility of producers / importers and for its / their packaging;
- Rules for the implementation of extended responsibility of producers/importers; and
- Regulation on the identification of the operator concerning the implementation of extended responsibility of producers and importers in the Kyrgyz Republic.