

[LEGAL NOTICE NO. 108]

ENVIRONMENT MANAGEMENT ACT 2005

Environment Management (Waste Disposal and Recycling) (Amendment) Regulations 2011

IN exercise of the powers conferred upon me by Part 7 section 61 (1) of the Environment Management Act 2005, I hereby make these Regulations—

Citation and commencement

1.—(1) These Regulations may be cited as the Environment Management (Waste Disposal and Recycling) (Amendment) Regulations 2011.

(2) These Regulations shall come into force on a date appointed by the Minister by notice in the *Gazette*.

(3) The Environment Management (Waste Disposal and Recycling) Regulations 2007 is referred to as the "Principal Regulations".

Part 2—Lead Acid Batteries amended

2. Part 2—Lead Acid Batteries of the Principal Regulations is amended by deleting "2" and substituting "6".

Part 3—Plastic Bottles amended

3. Part 3—Plastic Bottles of the Principal Regulations is amended by deleting "3" and substituting "7".

Part 4—Landfills And Recycling amended

4. Part 4—Landfills And Recycling of the Principal Regulations is amended by deleting "4" and substituting "8".

Part 5—Waste Collection amended

5. Part 5—Waste Collection of the Principal Regulations is amended by deleting "5" and substituting "9".

Part 6—Conditions Of Permits amended

6. Part 6—Conditions Of Permits of the Principal Regulations is amended by deleting "6" and substituting "10".

Part 7—Permits System amended

7. Part 7—Permits System of the Principal Regulations is amended by deleting "7" and substituting "11".

Part 8—Miscellaneous amended

8. Part 8—Miscellaneous of the Principal Regulations is amended by deleting "8" and substituting "13".

Part 7 amended

9. Part 7 of the Principal Regulations is amended by deleting "Plastic Bottles" and substituting "Beverage Containers".

Regulation 30 amended

10.—(1) Regulation 30 of the Principal Regulations is amended by deleting, in its sub-heading, "plastic bottle" and substituting "beverage container".

(2) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (1), "plastic bottles" and substituting "beverage containers" and deleting "plastic bottle" and substituting "beverage container".

(3) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (2), "plastic bottle" and substituting "beverage container".

(4) Regulation 30 of the Principal Regulations is amended, by deleting sub-regulation (2) (c) and substituting the following—

"(c) describe a Product Stewardship Plan in accordance with the provisions in the Environment Management (Container Deposit) Regulations 2011;"

(5) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (2) (d), "bottles" and substituting "the beverage containers".

(6) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (3), "plastic bottle" and substituting "beverage container".

(7) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (3) (a), "manufacture of plastic bottles" and substituting "manufacturing of beverage containers".

(8) Regulation 30 of the Principal Regulations is amended, by deleting sub-regulation (3) (b) and substituting the following—

"(b) that the facility operates in accordance with the provisions in the Environment Management (Container Deposit) Regulations 2011;"

(9) Regulation 30 of the Principal Regulations is amended by inserting, after sub-regulation (3) (b), the following sub-regulation—

"(c) that the plan will achieve, or is capable of achieving within a reasonable time, the recovery rates outlined in the Environment Management (Container Deposit) Regulations 2011".

(10) Regulation 30 of the Principal Regulations is amended, by deleting in sub-regulation (4), "plastic bottle" and substituting "beverage container".

Regulation 31 amended

11.—(1) Regulation 31 of the Principal Regulations is amended by deleting, in its sub-heading, "plastic bottle" and substituting "beverage container".

(2) Regulation 31 of the Principal Regulations is amended, by deleting in sub-regulation (1), "plastic bottle" and substituting "beverage container".

(3) Regulation 31 of the Principal Regulations is amended, by deleting sub-regulation (1) (a) and substituting the following—

"(a) the permit holder will adequately train staff to administer the Environment Management (Container Deposit) Regulations 2011;"

(4) Regulation 31 of the Principal Regulations is amended, by deleting in sub-regulation (1) (b), "bottles" and substituting "beverage containers".

(5) Regulation 31 of the Principal Regulations is amended, by deleting sub-regulation (1) (d) and substituting the following—

"(d) the permit holder will continue to operate in accordance with the provisions in the Environment Management (Container Deposit) Regulations 2011."

(6) Regulation 31 of the Principal Regulations is amended, by deleting sub-regulation (2) (a)—(d).

(7) Regulation 31 of the Principal Regulations is amended, by deleting sub-regulation—

- (a) "(3)" and substituting "(2)";
- (b) "(4)" and substituting "(3)"; and
- (c) "(5)" and substituting "(4)".

(8) Regulation 31 of the Principal Regulations is amended by deleting, in sub-regulation (3), "plastic bottle" and substituting "beverage container" and deleting "bottles" and substituting "beverage containers".

(9) Regulation 31 of the Principal Regulations is amended, by deleting sub-regulation (4) and substituting the following—

"(3) Every holder of a beverage container permit must provide appropriate documentation that it is operating in accordance with the provisions in the Environment Management (Container Deposit) Regulations 2011."

Schedule 1 amended

12.—(1) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 1, "Plastic bottles" and substituting "Beverage containers".

(2) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 6, "Plastic bottles" and substituting "Beverage containers".

(3) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 7, "Plastic bottles" and substituting "Beverage containers".

(4) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 10, "Plastic bottles" and substituting "Beverage containers".

(5) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 15, "Plastic bottles" and substituting "Beverage containers".

(6) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 16, "Plastic bottles" and substituting "Beverage containers".

(7) Schedule 1 of the Principal Regulations is amended by deleting in Form: EMA/WDR 17, "Plastic bottles" and substituting "Beverage containers".

Schedule 2 amended

13. Schedule 2 of the Principal Regulations is amended by deleting "Plastic bottle" and substituting "Beverage container".

Made at Suva this 19th day of October 2011.

S. SAUMATUA
Minister for Local Government,

[LEGAL NOTICE No. 109]

ENVIRONMENT MANAGMENT ACT 2005

**Environment Management
(Container Deposit) Regulations 2011**

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ENVIRONMENT MANAGEMENT ACT 2005

Environment Management (Container Deposit) Regulations 2011

In exercise of the powers conferred upon me by Part 7 section 61 (1) of the Environment Management Act 2005, I hereby make these Regulations—

PART 1—PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Environment Management (Container Deposit) Regulations 2011.

(2) These Regulations shall commence on a date declared by the Minister by notice in the *Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“baling” means the process by which a facility compacts items designated under these Regulations in a manner suitable for sale as recycled material;

“beverage” means any liquid intended for human consumption by drinking and is declared by Schedule 1 of these Regulations to be a beverage;

“beverage container” means a jar, carton, can, bottle made of glass, polyethylene terephthalate (PET) or aluminium that is or was sealed by its manufacturer;

“Board of Directors” means a group of elected members who jointly oversee the activities of the Managing Agency in accordance with the Deposit Refund Scheme;

“Collection Agency” means any person, retailer, producer, distributor, agency or legal entity that collects items designated under these Regulations for transport to a processor;

“consumer” means any person or legal entity, including a distributor and retailer, that uses or purchases to use, items designated under these Regulations;

“deposit” means the fee charged by the State and paid to the Managing Agency by the producers of items designated under these Regulations (see Schedule 1);

“Deposit Refund Scheme” means the system by which a deposit is paid to the Managing Agency and a deposit reimbursement is paid out with the main objective to meet target recovery rates of used items designated under these Regulations;

“deposit reimbursement” means the fee paid out by the processor to the Collection Agency or by the Managing Agency to the Processor that is equal to the deposit upon collection of items designated under these Regulations (see Schedule 1);

“distributor” means any person or legal entity who sells, offers for sale or supplies items designated under these Regulations to retailers;

“export” means any person or legal entity who manufactures, distributes, produces or accepts delivery of items designated under these Regulations for sale or distribution outside Fiji;

“ex-factory” means the point at which the title of goods passes to the buyer when it leaves the producers facility;

“handling fee” means the amount of money that can be retained by the Collection Agency upon payment of a refund to be used only as required to recycle the item designated under these Regulations;

“importer” means any person or legal entity that buys, brings or accepts delivery of items designated under these Regulations from outside Fiji for sale or distribution within Fiji;

“Managing Agency” means a non-profit corporation appointed by the State that controls and administers the Deposit Refund Scheme in accordance with these Regulations;

“Managing Agency Fund” means a fund established by the Managing Agency that contains all deposit paid by producers and is used to pay out deposit reimbursements and other costs associated with the Deposit Refund Scheme;

“manufacturer” means any person or legal entity that makes or processes into a finished product, items designated under these Regulations including those persons or legal entities who import materials to assemble for sale or distribution within Fiji;

“permit” means a beverage container permit or a waste recycling permit;

“processor” means any person or legal entity that bales items designated under these Regulations for recycling;

"producer" means any person or legal entity that manufactures or imports items designated under these Regulations for sale or distribution within Fiji;

"Product Stewardship Plan or PSP" means a proposed written plan in accordance with Section 3, that must be approved by the Department of Environment prior to receiving a beverage container permit;

"recovery rate" means a percentage of the total amount of collected items designated under these Regulations divided by the amount of items generated;

"recycling" means the process by which items designated under these Regulations are recovered, collected, transported, separated, baled and sold for reuse and would otherwise be disposed of as solid waste;

"refillable beverage container" means items designated under these Regulations which would be collected and returned to the manufacturer after use, to be refilled and resold;

"refund" means the fee paid out by the producer, retailer or any other agency that collects items designated under these Regulations to the consumer for transport to the processor;

"retailer" means any person or legal entity that sells, offers for sale or distributes items designated under these Regulations;

"unused or unencumbered funds" means any monies that remain in the Managing Agency Fund after all recycling expenses have been paid;

"used beverage container" means an empty jar, carton, can, bottle made of glass, polyethylene terephthalate (PET) or aluminium that was sealed by its manufacturer;

"WPC Administrator" has the same meaning given in the Environment Management Act 2005.

PART 2—PRODUCT STEWARDSHIP PLAN

Requirements for a Product Stewardship Plan

3.—(1) Every producer must submit a Product Stewardship Plan ("PSP") in a manner satisfactory to the WPC Administrator in order to obtain a beverage container permit in accordance with Part 7 of the Environment Management (Waste Disposal and Recycling) Regulations 2007.

(2) The PSP can be a draft form prepared by a Managing Agency.

Managing Agency and consultation with the Board of Directors

4. Prior to submitting the PSP to the WPC Administrator, the producer must submit the PSP to the Managing Agency and undertake consultation with the Board of Directors and obtain—

- (a) approval by the Managing Agency of the PSP and all provisions in the PSP;
- (b) a contract with the Managing Agency to operate the Deposit Refund Scheme except where the producer manufactures or imports refillable beverage containers and is meeting the recovery rates indicated in these Regulations.

Requirements by a WPC Administrator

5. On receipt of the submitted PSP and permit, the WPC Administrator may approve the PSP and the permit, if satisfied that—

- (1) the PSP will achieve or is capable of achieving within a reasonable time—
 - (a) a sixty percent recovery rate or higher from one year following the date of implementation of these Regulations, subject to the review of a WPC Administrator;
 - (b) a seventy percent recovery rate or higher from two years following the date of implementation of these Regulations;
 - (c) an eighty percent recovery rate or higher from three years and onwards, following the date of implementation of these Regulations; or
 - (d) any performance requirements or targets established by the WPC Administrator or requirements established by these Regulations;
- (2) each recovery rate indicated is calculated separately as to the individual type of beverage container, including—
 - (a) aluminium cans;
 - (b) glass;
 - (c) PET; and
 - (d) refillable beverage containers.
- (3) the producer will pay a deposit in an amount not less than the amount specified in Schedule 1 of these Regulations, at the time of sale to consumers, retailers or distributors of the beverage containers and the deposit is paid into the Managing Agency Fund except where the producer manufactures or imports refillable beverage containers and is meeting the recovery rates indicated in these Regulations;
- (4) the producer will participate and assist in the creation of a public awareness campaign primarily implemented by the Managing Agency to inform the public of the—
 - (a) Deposit Refund Scheme;
 - (b) location of collection facilities; and
 - (c) safe management of products.

Permit conditions

6. The Product Stewardship Plan, in conjunction with the permit issued, may be issued for a period of up to 3 years subject to the—

- (a) semi-annual inspections carried out by the Department of Environment in accordance with section (36) (2) of the Environment Management Act 2005; and
- (b) quarterly inspections and audits carried out by the Managing Agency.

Requirements for producers

7. Producers of refillable beverage containers are required to submit a PSP and meet all requirements outlined in these Regulations, except for payment of a deposit and where producers do not meet the recovery rates in accordance with these Regulations, he or she will be subject to the Deposit Refund Scheme and/or penalties.

PART 3—DEPOSIT SCHEME

Requirements for a deposit

8. A deposit on each filled beverage container ready for sale must be paid in an amount not less than the amount specified in Schedule 1 of these Regulations, at ex-factory from the producer to the consumer, retailer, distributor or any other purchaser, except where the—

- (a) purchaser is purchasing for export and not for consumption in Fiji; or
- (b) producer manufactures or imports refillable beverage containers and is meeting the recovery rates in accordance with these Regulations.

Payments

9. Payments must be made to the Managing Agency and deposited in the Managing Agency Fund.

Deposit fees

10. Deposit fees may not be used for any purpose other than expenses related to waste and recycling efforts in Fiji, including the—

- (a) funding of administrative, audit and compliance activities associated with the Deposit Refund Scheme;
- (b) collection of deposits and payment of refunds to processors after the processor provides documentation of proper baling of the used beverage containers;
- (c) conduct of public awareness campaigns to promote the Deposit Refund Scheme and other waste and recycling activities; and
- (d) funding of other waste and recycling efforts that benefit Fiji.

PART 4—REFUND SCHEME

Refund and handling fees

11.—(1) A Collection Agency that collects used beverage containers from consumers, must pay a refund to the consumer, in an amount equal to the deposit in Schedule 2, which is an amount of at least eighty percent of the deposit paid by a producer to the Managing Agency Fund.

(2) The twenty percent which is being withheld as handling fees is to be used for the sole purposes of—

- (a) storing, transporting, collecting and funding any other costs that are incurred in association with these Regulations; or
- (b) refunding or depositing reimbursements under these Regulations except where the used beverage container collected is a refillable beverage container.

Deposit reimbursement

12. A Collection Agency is entitled to a deposit reimbursement from the processor in an amount not less than the amount specified in Schedule 1 of these Regulations, upon delivery of used beverage containers to the processor for baling except where the used beverage container collected is a refillable beverage container.

Reimbursement to processors

13. After the processor provides documentation of a deposit reimbursement payment and proper baling of the used beverage containers to a Collection Agency, the Managing Agency must pay a full deposit reimbursement to the processor in an amount not less than the amount specified in Schedule 1 of these Regulations except where the used beverage container collected is a refillable beverage container.

Collection Agency and processors

14. The Collection Agency and processors can—

- (a) establish a minimum number of used beverage containers for which a refund will be paid;
- (b) for any number of beverage containers in excess of fifty used beverage containers, calculate the number of used beverage containers by volume; or
- (c) refuse to accept a used beverage container if it is—
 - (i) contaminated, rusted or dirty;
 - (ii) cannot be reasonably identified as a beverage container to which these Regulations apply; or
 - (iii) a refillable beverage container.

PART 5—PRODUCER, RETAILER OR DISTRIBUTOR

Responsibilities of a producer

15. Every producer must—

- (1) obtain a beverage container permit pursuant to Part 7 of the Environment Management (Waste Disposal and Recycling) Regulations 2007;
- (2) pay a deposit in an amount not less than the amount specified in Schedule 1 of these Regulations, at the point of sale to the consumer, retailer, distributor or any other purchaser to the Managing Agency Fund, except where the—
 - (a) purchaser is purchasing for export and not for consumption in Fiji; or
 - (b) producer manufactures or imports refillable beverage containers and is meeting the target recovery rates in accordance with these Regulations;
- (3) accept used beverage containers for recycling and also offer payment of a refund as well as deduct the handling fee to the consumer, except where the—
 - (a) used beverage container offered is not the type of beverage container sold or offered for sale at the producer's facility;

- (b) producer has contracted with a Collection Agency through the Managing Agency, the producer must notify the person offering the used beverage container of the nearest location of the Collection Agency;
 - (c) used beverage container is significantly contaminated, rusted or dirty;
 - (d) used beverage container cannot be reasonably identified as a beverage container to which these Regulations apply; or
 - (e) used beverage container is a refillable beverage container;
- (4) meet the recovery rate in accordance with these Regulations for each type of used beverage container produced including refillable beverage containers;
- (5) make available, upon the request of the Managing Agency and/or the Department of Environment, documentation of sales, recovery rates, administrative expenses and other recycling program expenses which are subject to the exclusive review of the Managing Agency and Department of Environment;
- (6) ensure that all documentation must be kept completely confidential and not be disclosed to any other person;
- (7) ensure that the used beverage containers are not being disposed of in the landfill, incinerator or by any other means other than in accordance with these Regulations; and
- (8) participate and assist in the creation of a public awareness campaign primarily implemented by the Managing Agency to inform the public of the—
- (a) Deposit Refund Scheme;
 - (b) location of collection facilities; and
 - (c) safe management of products.
- Responsibilities of a retailer or distributor*
16. Every retailer or distributor of beverage containers must—
- (1) ensure that the beverage container purchased comes from a producer who holds a valid beverage container permit;
 - (2) accept used beverage containers for recycling and offer payment of a refund to the consumer, except where the retailer or distributor—
 - (a) chooses not to act as a Collection Agency; or
 - (b) notifies the person seeking to dispose of the used beverage container of the nearest Collection Agency;
 - (3) ensure that used beverage containers are not being disposed of in the landfill, incinerator or by any other means other than in accordance with these Regulations;
 - (4) make available, upon the request of the Managing Agency and/or the Department of Environment, all documentation in association with the

- sale of beverage containers, recovery rates of used beverage containers, administrative expenses that relate to the Deposit Refund Scheme and all other recycling program expenses subject to the exclusive review of the Managing Agency, Department of Environment and/or an external auditor;
- (5) ensure that all documentation must be kept completely confidential and not be disclosed to any other persons;
 - (6) participate and assist in the creation of a public awareness campaign primarily implemented by the Managing Agency to inform the public of the—
 - (a) Deposit Refund Scheme;
 - (b) location of collection facilities; and
 - (c) safe management of products.

PART 6—COLLECTION AGENCY

Consultation and approval from the Managing Agency

17. Every entity acting as a Collection Agency of beverage containers must—
- (a) consult and obtain approval from the Managing Agency to act as a Collection Agency; and
 - (b) obtain a waste collection permit to operate in accordance with Part 9 of the Environment Management (Waste Disposal and Recycling) Regulations 2007.

Responsibilities of a Collection Agency

18. Upon approval from the Managing Agency to act as a Collection Agency, all collection agencies of used beverage containers must—
- (a) ensure that the used beverage container comes from a producer who holds a valid beverage container permit;
 - (b) accept used beverage containers for recycling and offer payment of a refund in accordance with Part 4 and Schedule 2 of these Regulations, except where the used beverage container—
 - (i) is significantly contaminated, rusty or dirty;
 - (ii) cannot be reasonably identified as a beverage container to which these Regulations apply; or
 - (iii) is a refillable beverage container;
 - (c) ensure that the used beverage containers are not disposed of in the landfill, incinerator or by any other means other than in accordance with these Regulations;
 - (d) ensure that they do not collect refillable beverage containers;
 - (e) make available upon the request of the Managing Agency, Department of Environment and/or an external auditor, all documentation of the sale of beverage containers, recovery rates, administrative costs and other recycling program costs and documentation is not to be disclosed to any other persons and is subject to the exclusive review of the Managing Agency, Department of Environment and/or an external auditor;

- (f) participate and assist in the creation of a public awareness campaign primarily implemented by the Managing Agency to inform the public of the—
- (i) Deposit Refund Scheme;
 - (ii) location of collection facilities; and
 - (iii) safe management of products.

PART 7—PROCESSOR

Responsibilities of a processor

19. Every entity acting as a processor must—
- (1) obtain a recycling facility permit pursuant to Part 8 of the Environment Management (Waste Disposal and Recycling) Regulations 2007;
 - (2) pay out a deposit reimbursement to the Collection Agency upon receipt of used beverage containers from producers, retailers and collection agencies, in an amount not less than the amount specified in Schedule 1 of these Regulations, except where the—
 - (i) producers, retailers and collection agencies do not have the appropriate WPC permit;
 - (ii) used beverage container is a refillable beverage container; or
 - (iii) number of used beverage containers furnished is less than the processors established minimum, which is no more than twenty-five cans and for any number of beverage containers in excess of fifty cans, the number of cans collected can be calculated by volume;
 - (3) ensure that beverage containers are not being disposed of in the landfill or incinerator; and
 - (4) participate and assist in the creation of a public awareness campaign primarily implemented by the Managing Agency to inform the public of the—
 - (i) Deposit Refund Scheme;
 - (ii) location of collection facilities; and
 - (iii) safe management of products.

Entitlements of a processor

20. A processor is entitled to obtain a deposit reimbursement from the Managing Agency Fund, for all deposit reimbursements that the processor has paid to collection agencies, after submitting and obtaining approval from the Managing Agency, of appropriate documentation of—
- (a) all accounting of deposit reimbursements paid to producers, retailers and collection agencies;
 - (b) baling of the used beverage containers for recycling; and
 - (c) any other documentation that is requested by the Managing Agency.

PART 8—MANAGING AGENCY

Responsibilities of a Managing Agency

21. The Managing Agency must—
- (1) establish a non-profit business;
 - (2) employ sufficient staff to manage all necessary functions of these Regulations;
 - (3) establish and maintain an unpaid Board of Directors, made up of no less than seven and no more than thirteen members, and must include—
 - (a) members from the beverage, retail grocery and recycling industries;
 - (b) no less than two members, who are not from the beverage, retail grocery and recycling industries; and
 - (c) no less than one member from the Department of Environment;
 - (4) establish a reasonable term limit and review process for the Board of Directors;
 - (5) maintain a Managing Agency Fund that contains sufficient funds and accurate accounting for all expenses incurred in association with the Deposit Refund Scheme;
 - (6) with respect to the producers—
 - (a) review every producer's PSP in accordance with these Regulations, to ensure full compliance with all aspects of these Regulations within a reasonable time and—
 - (i) before a beverage container permit is obtained under Part 7 of the Environment Management (Waste Disposal and Recycling) Regulations 2007, submit an approval letter to the producer so that the beverage container permit can be issued; or
 - (ii) after a beverage container permit is issued under Part 7 of the Environment Management (Waste Disposal and Recycling) Regulations 2007, contract with the producer so that compliance with all aspects of these Regulations is achieved;
 - (b) ensure that the target recovery rates are met including—
 - (i) a sixty percent recovery rate or higher from one year following the date of implementation of these Regulations subject to the review of a WPC Administrator;
 - (ii) a seventy percent recovery rate or higher from two years following the date of implementation of these Regulations; or
 - (iii) an eighty percent recovery rate or higher from three years and onwards, following the date of implementation of these Regulations;
 - (c) ensure that the deposit paid by the producer in accordance with Schedule 1 is placed in the Managing Agency Fund, except where the producer manufactures or imports refillable beverage containers and is meeting the recovery rates indicated in these Regulations;

- (7) with respect to the processors—
- (a) pay out a deposit reimbursement from the Managing Agency Fund to the processor, upon receipt of appropriate documentation that indicates the amount of—
 - (i) volume of used beverage containers received by the processors;
 - (ii) payment from the processors to the collection agencies; and
 - (iii) volume of used beverage containers that have been baled for recycling;
- (8) conduct audit of the—
- (a) producers, collection agencies and processors;
 - (b) documentation of all sales of beverage containers and recovery rates of used beverage containers;
 - (c) administrative expenses that relate to the Deposit Refund Scheme; and
 - (d) any other recycling program expenses to ensure accurate accounting and full compliance with the PSP including meeting recovery rates,
- whereby the documentation is subject to the exclusive review of the Managing Agency, Department of Environment and/or an external auditor and all documentation must be kept completely confidential and not be disclosed to any other person;
- (9) provide audit documentations from the—
- (a) producers, collection agencies and processors;
 - (b) Managing Agency that is in association with the Deposit Refund Scheme including recovery rates of beverage containers;
 - (c) payment of deposits by the producers;
 - (d) payment of deposit reimbursements to processors; and
 - (e) any other costs in association with these Regulations,
- whereby the documentation is subject to the exclusive review of the Managing Agency, Department of Environment and/or an external auditor and all documentation must be kept completely confidential and not be disclosed to any other person;
- (10) design and implement a public awareness campaign to inform the public of the Deposit Refund Scheme and education about recycling and waste disposal;
- (11) ensure that money deposited into the Managing Agency Fund is used—
- (a) to fund expenses related to waste and recycling efforts in Fiji, including—
 - (i) payment of deposit reimbursements to processors after the processor provides documentation of proper baling of the used beverage containers;
 - (ii) administrative, audit and compliance activities associated with the Deposit Refund Scheme; and
 - (iii) public awareness campaigns to promote the Deposit Refund Scheme and other waste and recycling activities;

- (12) ensure that any unused funds that remain in the beverage container recycling fund shall remain in that fund and be expended only for the purposes described in these Regulations;
- (13) ensure that beverage containers are not disposed of in the landfill, incinerator or any other manner not in accordance with the provisions of these Regulations.

PART 9—MISCELLANEOUS

Enforcement and penalties

- 22.—(1) Any person who contravenes any aspect of these Regulations, commits an offence and shall be subject to—
- (a) revocation of the beverage container permit pursuant to Part 7 of the Environment Management (Waste Disposal and Recycling) Regulations 2007;
 - (b) revocation of the waste collection permit pursuant to Part 9 of the Environment Management (Waste Disposal and Recycling) Regulations 2007;
 - (c) revocation of the recycling facility permit pursuant to Part 8 of the Environment Management (Waste Disposal and Recycling) Regulations 2007; and/or
 - (d) a fine not less than \$5,000 and a maximum penalty in accordance with Part 6 section 44 of the Environment Management Act 2005.
- (2) The Department of Environment and the Managing Agency must make available to any person or legal entity who requests the appropriate documentation to demonstrate full compliance of these Regulations. This includes meeting of target recovery rates, documentation of collection of deposits, payment of deposit reimbursements and any other accounting in association with these Regulations.

SCHEDULE 1

	Recycling Material	Deposit Amount for beverage containers one litre or less	Deposit Amount for beverage containers more than one litre
1.	Any non-refillable beverage container made from aluminium	\$0.10 per container	\$0.12 per container
2.	Any non-refillable beverage container made from glass	\$0.10 per container	\$0.12 per container
3.	Any non-refillable beverage container made from PET	\$0.10 per container	\$0.12 per container
4.	Any non-refillable cooking oil or other food containers made from PET / glass / aluminium	\$0.00 per container	\$0.00 per container
5.	Any non-refillable beverage container made of PET / aluminium mixed material	\$0.00 per container	\$0.00 per container
6.	Any non-refillable beverage container made of LPB	\$0.00 per container	\$0.00 per container
7.	Any refillable beverage container	\$0.00 per container	\$0.00 per container

SCHEDULE 2

	Recycling Material	Refund Amount for beverage containers one litre or less	Refund Amount for beverage containers more than one litre
1.	Any non-refillable beverage container made from aluminium	\$0.08 per container	\$0.10 per container
2.	Any non-refillable beverage container made from glass	\$0.08 per container	\$0.10 per container
3.	Any non-refillable beverage container made from PET	\$0.08 per container	\$0.10 per container
4.	Any non-refillable cooking oil or other food container made from PET / glass / aluminium	\$0.00 per container	\$0.00 per container
5.	Any non-refillable beverage container made of PET / aluminium mixed material	\$0.00 per container	\$0.00 per container
6.	Any non-refillable beverage container made of LPB	\$0.00 per container	\$0.00 per container
7.	Any refillable beverage container	\$0.00 per container	\$0.00 per container

MADE at Suva this 19th day of October 2011.

S. SAUMATUA
Minister for Local Government,
Urban Development, Housing and Environment

ENVIRONMENT MANAGEMENT (CONTAINER DEPOSIT) REGULATIONS 2011

EXPLANATORY NOTE

The purpose of these Regulations is to minimise environmental pollution by establishing a container deposit scheme in Fiji. The primary objective of these Regulations is to reduce used beverage container waste by requiring producers to meet the target recovery rates for recycling. Currently, only producers of non-refillable glass, aluminium and plastic PET containers are required to adhere to the provisions of these Regulations. To encourage the use of refillable containers, all refillable containers should be returned to the producer and not baled for recycling. Producers of refillable containers are not required to pay a deposit, so long as they are achieving the target recovery rates specified in these Regulations. The future objectives to be considered include the incorporation of used cooking containers, mixed material containers, liquid paperboard containers and all other containers capable of being recycled.

Overall, the key component for the successful implementation of these Regulations is a recycling awareness campaign to educate the public about the benefits of recycling and how to adhere to the Deposit Refund Scheme. This campaign should come primarily from the Managing Agency so that a universal message is delivered to the public to minimise confusion.
