

## E-Waste Obligations Take Effect in Ontario

Ontario's Minister of the Environment approved the Waste Electrical and Electronic Equipment ("WEEE") Program Plan on July 9, 2008. Phase I of the WEEE Program takes effect on April 1, 2009.

The WEEE Program Plan was approved pursuant to the *Waste Diversion Act 2002*, S.O. 2002, c. 6, and Ontario Regulation 393/04: Waste Electrical and Electronic Equipment. The WEEE Program Plan is designed to collect funds to cover 100% of the Province of Ontario's costs in relation to the management of end-of-life electrical and electronic equipment. These costs include the collection, transportation, and processing of WEEE that is supplied into Ontario, including electrical and electronic equipment ("EEE") that is sold, leased, donated or distributed in Ontario.

The WEEE Program Plan is managed by Ontario's Electronic Stewardship ("OES"), an industry-funding organization with a Board comprised of manufacturers and retailers. Unlike other waste diversion programs in Ontario, the WEEE Program Plan applies not only to material destined for the residential market, but also to WEEE sold or supplied to the commercial, industrial and institutional sector.

Phase I of the program covers desktop and laptop computers, peripherals such as mice and keyboards, monitors, televisions and printers. Phase II of the program, targeted to take effect in the summer of 2009, will expand the reach of the WEEE Program Plan to include equipment such as modems, copiers, scanners, telephones (including cellular phones and PDAs), audio and video players, cameras, sounds system equipment and radios. Phase II has not yet received Ministerial approval.

There is a published tariff of fees for each of the hardware components covered by Phase I of the WEEE Program Plan. Fees range from 32 cents for mice to \$12.03 for monitors, and \$13.44 for desktop computers, as set out below. The tariffs will remain in force for 12 months, until April 2010.

Hardware Component	Includes	Tariff
Desktop Computers	CPU, computer terminal	\$13.44/unit
Portable Computers	Laptop, Notebook	\$2.14/unit
Computer Peripherals	Disk drive, keyboard, mouse	\$0.32/unit
Monitors	CRT, LCD, Plasma	\$12.03/unit
Televisions	CRT, LCD, Plasma, Rear Projection	\$10.07/unit
Printing Devices	printer, fax machine	\$5.05/unit

Obligations pursuant to the WEEE Program Plan are borne by “Stewards”. Generally speaking, the first entity to be obligated as a Steward is the person that owns or licences the intellectual property rights or brand associated with the hardware component, provided that person is “resident” in Ontario. If the Brand Owner is not resident in Ontario, the First Importer will be obligated as a Steward, followed by Franchisors, and Manufacturers of non-branded WEEE.

If there is more than one resident Brand Owner resident in Ontario, then the Brand Owner that is “more directly connected to the production” of the electrical and electronic equipment will be the designated Steward (OES, Schedule A: Rules for Stewards with Respect to Payment of EEE Fees, 2009, “2009 Rules”).

The WEEE Program Plan applies only to WEEE sold or supplied within or into Ontario. EEE manufactured in Ontario, but sold or supplied to customers in other provinces or other countries, is not subject to fee payment obligations. If that EEE is supplied back into Ontario at a later date, the obligated Steward would have to pay report and fees when the WEEE re-enters Ontario.

After the initial report and fee payment due May 31, 2009, reports and fees will be submitted on a monthly basis. The second report and fee payment will be due on June 30, 2009.

For a guidebook discussing whether or not your company is obligated, see:  
<http://www.ontarioelectronicstewardship.ca/pdf/stewards/guidebooks/guidebook1.pdf>.

Stewards may register with OES at the following link:  
<http://www.ontarioelectronicstewardship.ca/stewards/stewards.html>.

For assistance determining what your company’s obligations are, please contact a member of **Gowlings’ Toronto Environmental Law Group**:

Harry Dahme at (416) 862-4300  
David Estrin at (416) 862-4301  
Mark Madras at (416) 862-4296  
Jennifer Mesquita at (416) 369-7290  
Ian Richler at (416) 369-6680, or  
Laura Zizzo at (416) 862-3648



Barristers & Solicitors | Patent & Trade Mark Agents

[gowlings.com](http://gowlings.com)

Montréal | Ottawa | Toronto | Hamilton | Waterloo Region | Calgary | Vancouver | Moscow | London