

HAZARDOUS AND ELECTRONIC WASTE CONTROL AND MANAGEMENT ACT, 2016 Act
917

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REPUBLIC OF GHANA

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

HAZARDOUS AND ELECTRONIC WASTE CONTROL AND MANAGEMENT ACT, 2016

AN ACT to provide for the control, management and disposal of hazardous waste, electrical and electronic waste and for related purposes.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President:

PART ONE - HAZARDOUS WASTES AND OTHER WASTES

Control and management of hazardous wastes and other wastes

Prohibited acts

1. (1) For purposes of this Act, hazardous wastes and other wastes are wastes specified in the First Schedule.

(2) A person shall not except as otherwise provided in this Act

(a) import or cause hazardous wastes or other wastes to be imported into the country;

(b) export or cause hazardous waste or other waste to be exported out of the country;

(c) transport or cause to be transported hazardous wastes or other wastes that has been imported into the country or that is in transboundary movement through the country; or

(d) sell, purchase or deal in hazardous wastes or other wastes.

(3) A person who contravenes subsection (2) (b), (c) or (d) commits an offence and is liable on summary conviction

(a) to a fine of not less than two thousand five hundred penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both; and

(b) for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other mitigating action required to deal with the effect of the waste.

(4) A person shall not deposit hazardous wastes or other wastes on any land in the country or in the territorial waters of the country.

(5) A person who contravenes subsection 2(a) or (4) commits an offence and is liable on summary conviction to a fine of the cedi equivalent of two million United States dollars or to a term of imprisonment of not more than twenty years or to both and shall in addition

(a) re-export the waste; and

(b) pay for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other mitigating action required to deal with the effect of the waste

(6) A vehicle, vessel, aircraft, container or carrier used in unlawfully transporting the waste into, from or across the country shall be seized by the Agency and confiscated to the State on the orders of a Court.

Importation of hazardous wastes or other wastes

2. (1) The Minister shall on the advice of the Agency grant a written authorization for hazardous wastes or other wastes to be imported into the country if

(a) the State that desires to export the waste is a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal or is a party to a bilateral, multilateral or regional agreement or arrangement regarding transboundary movement of hazardous waste or other wastes in accordance with Article 11 of the Basel Convention;

(b) a request has been received for a transboundary movement of the hazardous wastes or other wastes and the request contains the information required by Annex V of the Basel Convention;

(c) the labelling, packaging and transportation identified in the notification conforms to the requirements of recognised international rules, standards and practices;

(d) the specified approved site or facility for the disposal of the waste is capable of managing and disposing of the waste in an environmentally sound manner or if the importer has identified a certified indigenous hazardous waste management entity to manage and dispose of the waste in an environmentally sound manner;

(e) the disposer guarantees in the disposer's contract with the exporter that the waste will be managed in an environmentally sound manner;

(f) the disposer has informed the exporter, the Competent Authority of the State of export and the Minister of the receipt of the hazardous waste or other wastes and of the completion of disposal as specified in the notice;

(g) the importer and the disposer have a valid licence to deal with the categories of hazardous wastes or other wastes proposed for importation;

(h) the generator, exporter, importer, disposer or carrier have appropriate insurance or other adequate financial guarantee; and

(i) the importer or an agent acting on behalf of the importer is resident in Ghana or in the case of a corporation, has a permanent place of business in Ghana.

(2) An authorisation granted under subsection(l) for the multiple importation of hazardous wastes or other wastes may subject to the written consent of the States concerned be granted to the same disposer for a maximum period of one year, if

(a) the hazardous wastes or other wastes have the same physical and chemical characteristics,

(b) the hazardous wastes or other wastes are shipped regularly through the same customs office and through the same entry customs office of the importing country,

(c) in the case of transit, the hazardous wastes or other wastes is imported through the same customs port of entry and exit of the State of transit, and

(d) the States concerned agreed to grant a similar authorisation.

(3) The importer shall inform the Agency on receipt of each shipment of the hazardous waste or other waste and provide the details of the hazardous wastes or other wastes as specified in the notification document.

(4) The Minister may, at any time after issuing the written authorization for the importation of the hazardous wastes or other wastes, revoke the permit if the Minister on the advice of the Agency has reason to believe that the hazardous waste or other wastes will not be managed in an environmentally sound manner.

Exportation of hazardous wastes or other wastes

3. (1) The Minister shall on the advice of the Agency grant a written authorisation to a person to export hazardous wastes or other wastes where

(a) the Republic does not have the technical capacity, suitable disposal sites and other necessary facilities for the disposal of the hazardous waste or other waste in an environmentally sound manner;

(b) the hazardous wastes or other wastes to be exported is required as raw material for recycling or to a recovery industry in the State that desires the waste;

(c) the exportation of the hazardous wastes or other wastes is in accordance with an agreement or arrangement that conforms to the requirements specified under Article 11 of the Basel Convention;

(d) the exporter has formally applied for the transboundary movement of the hazardous wastes or other wastes and has provided the Agency with the information requested in the notification form specified in the Second Schedule including details on labelling in relation to the hazardous wastes or other wastes that is intended to be exported;

(e) an adequate contract exists between the exporter and the disposer specifying environmentally sound management of the hazardous waste or other waste to be exported;

(f) the packaging, labelling and transportation of the hazardous wastes or other wastes are in conformity with recognized international rules, standards and practices; and

(g) the written consent of the Competent Authority of the other States concerned have been received by the exporter.

(2) In the case of exporting the hazardous wastes or other wastes through a State

(a) where the State does not have a policy on the grant of written consent or has waived the requirement of written consent, the Minister or generator shall make a request to the transit State to transport the hazardous waste or other waste through that State; and

(b) it shall be presumed that the transit State has given its consent for the hazardous wastes or other wastes to be exported through that State subject to any conditions imposed and objections raised by that State within sixty days of receipt of the request.

(3) Where the Minister grants an authorization under subsection (1) for the multiple export of hazardous wastes or other wastes the authorisation shall subject to the written consent of the States concerned, be valid for a maximum period of one year, if

(a) the hazardous wastes or other wastes have the same physical and chemical characteristics,

(b) the hazardous wastes or other wastes are shipped regularly to the same disposer through the same customs office and through the same entry customs office of the State importing the waste,

(c) in the case of transit, the hazardous wastes or other wastes is exported through the same customs office of entry and exit of the State or States of transit, and

(d) the States concerned agree to grant a similar permit.

(4) A person shall not export hazardous wastes or other wastes from the Republic

(a) to any State which has imposed a ban on the import of hazardous waste and other waste and has given notice of the ban to the Republic or the Secretariat of the Basel Convention;

(b) to any State which does not have the capacity to dispose of the hazardous wastes or other wastes in an environmentally sound manner; or

(c) to any State which is not a party to the Basel Convention unless that State is a party to

(i) a bilateral, multilateral or regional agreement to which the Republic is a party; or

(ii) an arrangement with the Republic which specifies that the hazardous waste or other wastes shall be disposed of in an environmentally sound manner as stipulated in the Basel Convention.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Notification procedure for transboundary movements

4. (l) Transboundary movements of hazardous wastes or other wastes are subject to the following:

(a) the person in charge of the transboundary movement shall sign a movement document specified in the Third Schedule which shall accompany the hazardous waste or other wastes; and

(b) the hazardous wastes or other wastes shall be covered by insurance, a bond or other guarantee.

(2) The Agency shall give notice or request the exporter to give notice, in writing to the competent authority of the State of import concerned, in a language acceptable to the competent authority of that State.

(3) The notification shall contain detailed information as required by Annex VA of the Basel Convention.

(4) Where the States concerned consent to a transboundary movement of hazardous wastes or other wastes and the agreement cannot be completed in accordance with the terms of the contract, the Agency shall require the exporter to re-export the hazardous wastes or other wastes if alternative arrangements cannot be made for the disposal of the hazardous wastes or other wastes in an environmentally sound manner

(a) within ninety days from the time that the competent authority of the State of import informed the Agency or the generator and the Secretariat of the Basel Convention, or

(b) any other period of time that the parties concerned may agree.

Transit of hazardous wastes or other wastes

5. (1) A person shall not transit hazardous wastes or other wastes through the Republic except with the written consent of the Minister.

(2) The Minister may refuse to give consent for the transit of the hazardous wastes or other wastes but shall give reasons for the refusal.

(3) The competent authority of the State of export of a proposed movement of hazardous wastes or other wastes through the Republic shall, not less than three months before the export give notice to the Agency of the movement of the hazardous wastes or other wastes

(4) The notice shall be in the English language and include details of

(a) the final destination of the hazardous waste or other waste,

(b) a timetable specifying expected dates of transit through the Republic,

(c) proof that the exporter, carrier and disposer are authorized to carry out the operations in question in relation to the hazardous waste or other waste at the designated site or facility for the disposal of the hazardous waste or other waste.

(d) information specifying emergency procedures in case of accidents, and

(e) information related to insurance.

(5) The labelling and packaging of the hazardous wastes or other wastes shall conform to international standards.

Sealing

7. (1) Where the Minister has reason to believe that an area, site, facility or premises is being used for the disposal of hazardous wastes or other wastes, the Minister may on the advice of the Agency order the sealing up of the area, site, facility or premises and publish it in the *Gazette* or in two national dailies of wide circulation .

(2) A person who without the approval or authorisation of the Minister enters the area, site, facility or premises sealed by the order of the Minister, commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(3) The Minister may after sealing up an area, site, facility or premises order that any hazardous wastes or other wastes found in the area be destroyed or disposed of in an environmental sound manner.

(4) The sealing up of an area, site, facility or premises shall be for the period that the Minister may direct.

(5) A person aggrieved by the order of the Minister may apply to the Minister within ten days after the order for a review of the decision of the Minister.

(6) The Minister may, after considering the application revoke the order or take an appropriate decision.

Assisting persons to escape

8. A person who, knowing that another person has committed an offence under this Act assists that other person to avoid arrest or prosecution commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Power of search, seizure and arrest

9. (1) A law enforcement officer may

(a) enter and search any land, premises, facility, or vehicle and seize any substance suspected to be hazardous wastes or other wastes found on that land, premises, facility, or vehicle; and

(b) arrest a person on whose land, premises, facility, carrier or vehicle a substance suspected to be hazardous wastes or other wastes are found.

(2) A person who is in possession of hazardous wastes or other wastes is for the purposes of this Act the importer of that hazardous wastes or other wastes and is liable to the penalty specified under section 1, unless that person satisfies the Court that that person did not have knowledge of the hazardous wastes or other wastes on the land, premises, facility or vehicle.

Samples for testing

10. A law enforcement officer shall forward to the Agency, samples of any substance suspected to be hazardous wastes or other wastes which comes into the possession of the officer in the course of the performance of the functions of the officer for tests to determine its components.

Exclusion of diplomatic immunity

11. The immunity from prosecution conferred on a person by article 3 of the Diplomatic Immunities Act, 1962 (Act 148) does not extend to a crime committed under this Act by that person.

Obligations of the Agency

12. The Agency shall

(a) monitor the management of hazardous wastes and other wastes in order to prevent any harmful effects of these wastes on human health and the environment;

(b) encourage the adoption of new environmentally sound technologies aimed at minimizing the generation of hazardous wastes and other wastes;

(c) ensure that adequate recovery and disposal facilities are located as close as possible to the sites of generation of hazardous wastes and other wastes and if appropriate, that an integrated network of the facilities is established;

(d) endeavor to establish funding arrangements for assistance in emergency situations at both the national, regional and district levels; and

(e) take, encourage and facilitate preventive measures.

Management Act, 2016

Management of hazardous wastes or other wastes

13. (1) A person involved in the management of hazardous wastes or other wastes shall

(a) take the steps that are necessary to prevent pollution from hazardous wastes and other wastes arising from the management; and

(b) where pollution occurs, minimize the consequences of the pollution on human health and the environment.

(2) The Agency shall ensure that hazardous wastes or other wastes are not mixed with non-hazardous wastes or other wastes unless the generator, collector, storer, transporter or disposer proves that the mixing of the waste is environmentally sound.

(3) The Agency shall not allow hazardous wastes or other wastes to be transported from the site of generation unless

(a) the packaging and containers for the transport of the hazardous waste or other wastes are labelled in a clearly visible form; and

(b) it is accompanied by the respective movement document.

Database of written authorization

14. The Agency shall maintain a database of written authorisation granted by the Minister under this Act.

Insurance cover

15. A person who generates, collects, stores, transports or disposes of hazardous wastes or other wastes shall maintain an adequate insurance cover in respect of the management of the hazardous wastes or other wastes .

Register of hazardous wastes and other wastes

16. (1) A holder of a permit shall maintain a register to record

(a) the quantity, type, quality and origin of hazardous wastes or other wastes generated, collected, stored, transported, recovered or disposed of by the holder of the permit; and

(b) submit to the Agency each year information related to the preceding year.

(2) The Agency shall inspect the register at least once in every three months.

Control and management of Polychlorinated Biphenyls

Polychlorinated biphenyls

17. (1) The provisions on the control and management of hazardous wastes and other wastes as provided under section 1 to 16 shall apply to polychlorinated biphenyls with the necessary modification.

(2) A person shall not import polychlorinated biphenyls into the country.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than sixty-thousand penalty units or to a term of imprisonment of not more than ten years or to both, and in addition the person shall re-export the polychlorinated biphenyls.

Phase out period

18. (1) The phase-out date for polychlorinated biphenyls that remain in use in equipment such as transformers, capacitors or other receptacles containing liquid stocks is the year 2025.

(2) The Agency shall ensure that the holders of

(a) equipment containing polychlorinated biphenyls take inventory and provide storage facilities for the polychlorinated biphenyls during the phase out period; and

(b) keep and update the inventory until the end of the phase out period in the year 2025.

Classification of polychlorinated biphenyls waste

19. Polychlorinated biphenyls waste shall be classified in accordance with the Fourth Schedule.

PART TWO - ELECTRICAL AND ELECTRONIC WASTE

Electrical and Electronic waste levy

Electrical and electronic waste levy

20. (1) A person shall not import or export or cause to be imported or exported used or discarded electrical or electronic equipment, unless that person

(a) is registered with the Agency;

(b) obtains a permit from the Agency to import or export the electrical or electronic equipment,

(c) *pays the advanced eco levy* specified in the Fifth Schedule *in respect* of the items specified in the Fifth Schedule

(2) A manufacturer of electrical or electronic equipment or an importer of new electrical or electric equipment shall pay an advance eco levy in respect of an electrical or electronic equipment specified in the Fifth Schedule that is manufactured in or imported into the country.

(3) Despite subsection (1), the Agency may grant a permit to a person to import used or discarded electrical or electronic equipment for purposes of recycling without paying an advanced eco levy.

(4) A person who contravenes sub-section (1) or (2) is liable to pay an administrative penalty equivalent to twice the amount of the levy payable in respect of the electrical or electronic equipment.

Designation of External Service Provider

21. (1) The Minister shall in consultation with the Minister responsible for Finance designate an External Service Provider to collect the advance eco levy.

(2) The External Service Provider shall serve on an importer or manufacturer of electrical or electronic equipment in the exporting country the assessable advance eco levy payable in respect of the electrical or electronic equipment .

Requirements for wholesalers, distributors and retailers

22. (1) A retailer, distributor or wholesaler shall retain a copy of the receipt of payment made by the importer or manufacturer of electronic equipment imported into the country or manufactured in the country which is in the custody of or sold by the retailer, distributor or wholesaler.

(2) A retailer, distributor or wholesaler who is a manufacturer of electronic equipment shall register with the Agency particulars of electronic equipment manufactured or assembled in the country.

(3) Where the retailer, distributor or wholesaler is not the manufacturer of the electronic equipment made in or assembled in the country, the wholesaler, distributor or retailer of the electronic equipment shall

(a) register with the Agency the particulars of the manufacturer of the electronic equipment; and

(b) the particulars of the electronic equipment received from the manufacturer.

Electrical and Electronic Waste Management Fund

Establishment of the Fund

23. There is established by this Act an Electrical and Electronic Waste Management Fund.

Object of the Fund

24. (1) The object of the Fund is to provide finance for the management of electrical and electronic waste and reduce the adverse impact of electrical and electronic waste on human health and the environment.

(2) To achieve its object, moneys from the Fund shall be used

(a) to provide support for the construction and maintenance of electrical and electronic waste recycling or treatment plants;

(b) to support research into methods of electrical and electronic waste preservation, prevention and control;

(c) for research into electrical and electronic waste treatment and recycling;

(d) for publication of reports;

(e) for education of the public on the safe disposal of electrical and electronic waste and the negative effects of electronic waste;

(f) to offer incentives for collection, transportation and disposal of electronic waste;

(g) for monitoring, compliance and enforcement;

(h) for training;

(i) for the collection, safe disposal and recycling of electrical and electronic waste;

(j) for matters related to hazardous wastes and other wastes; and

(k) any other matter necessary to achieve the object of the Fund.

Sources of money for the Fund

25. The sources of money for the Fund include

(a) levies including the advance recycle eco levy collected in respect of items specified in the Fifth Schedule;

(b) any other moneys received from other sources or that may in any manner become lawfully payable and vested in the Fund;

(c) grants, donations, gifts and other voluntary contributions; and

(d) moneys approved by Parliament.

Bank accounts for the Fund

26. (1) Moneys for the Fund shall be paid into bank accounts that shall be opened for the Fund with the approval of the Controller and Accountant-General.

(2) Moneys received in respect of the Fund shall be paid directly into the bank accounts of the Fund opened under subsection (1).

Appointment of Administrator and management of the Fund

..27. The Fund shall be managed by an Administrator appointed by the President in accordance with article 195 of the Constitution.

Disbursement from the Fund

28. The funds shall be disbursed as follows:

(a) twenty per cent of the funds shall be allocated for the collection of electrical and electronic waste and collection centres;

(b) forty per cent of the funds shall be allocated for the construction and management of electrical and electronic waste recycling plant and related facilities;

(c) twenty- per cent of the funds shall be allocated to the Agency for activities in furtherance of the object of this Act;

(d) ten per cent of the funds shall be allocated to the Ministry responsible for Environment;

(e) five per cent of the funds shall be allocated for research and development in public awareness creation, education and sensitisation at the national, regional, district and community level;

(f) three and a half per cent of the funds shall be used for monitoring activities in furtherance of this Act;

(g) one percent of the funds shall be allocated to key trade associations and manufactures of electrical and electronic equipment for capacity building; and

(h) 0.5% for the administrative expenses of the Fund.

Accounts and Audit

29. (1) The Administrator shall keep books of accounts and proper records of the Fund in a form approved by the Auditor-General.

(2) The books of account shall be audited by the Auditor-General within three months after the end of each financial year.

(3) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General.

(4) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General.

Annual Report

30. (1) The Administrator shall submit to the Minister within six months at the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates.

(2) The report shall include

(a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund; and

(b) any other information that the Minister considers necessary.

(3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

Electrical and Electronic Waste Recycling Plants and other provisions

Establishment of recycling facilities

31. The Minister, on the advice of the Agency may make arrangements for the establishment of electrical and electronic waste recycling plants and related facilities in the country.

Obligation of taking back

32. A manufacturer, distributor or wholesaler of electrical or electronic equipment shall take back used or discarded electrical or electronic equipment manufactured or sold by it for recycling purposes.

Obligation of recycling and disposal

33. A person who is responsible for the recycling and disposal of an electrical or electronic equipment shall ensure that the disposal is carried out in an environmentally sound manner.

Enforcement notice

34. (1) Where the Agency has reasonable grounds for suspecting that any of the requirements of this Part have not been complied with, an enforcement notice shall be served by the Agency or the appropriate authority on the defaulting person.

(2) The notice shall

(a) state the specified requirement of this Part which has been contravened; and

(b) request the defaulting person to comply with the necessary requirements and provide evidence to the Agency or the appropriate authority that the requirements of this Part have been complied with within thirty days of receipt of the notice.

(3) A person who fails to comply with an enforcement notice shall pay an administrative penalty of not more than two thousand five hundred penalty units to the Agency

Delegation.

35. The Minister may delegate the functions of the Minister under this Act to the Agency.

Regulations

36. The Minister, in consultation with the Agency and other relevant national authorities may by legislative instrument make Regulations for

(a) the application procedures for permits;

(b) the establishment of a Hazardous Wastes and Electronic Wastes Management Committee;

(c) the classification, control and management of waste;

(d) the disposal of hazardous wastes or other wastes;

(e) matters relating to polychlorinated biphenyls;

(f) the management of bio-medical waste; and

(g) the effective implementation of this Act.

Interpretation

37. In this Act unless the context otherwise requires

"Agency" means the Environmental Protection Agency established under the Environmental Protection Agency Act, 1994 (Act 490);

"analysis" means the extraction, purification, separation, identification, quantification, and reporting of polychlorinated biphenyls concentrations in the matrix of interest;

"approved site or facility" means a site or facility authorised or permitted by the Agency for the disposal of hazardous wastes or other wastes;

"after-care of disposal site" means the after-care of a site which is still in operation as well as of a site which is no longer in operation;

"area" means any land, marine area or air space within which the Republic exercises administrative and regulatory responsibility, as regards the protection of human health or the environment;

"Basel Convention" means the Base 1 Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal adopted on March 22, 1989 and entered into force on 1992;

"carrier" means a person who transports hazardous wastes and other wastes by means of conveyance such as trucks, taxi auto, bus, airplane, train, or ship;

"collection" includes the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility for hazardous wastes and other wastes as well as waste generated in small quantities within the Republic;

"collection" includes the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility for hazardous wastes and other wastes as well as waste generated in small quantities within the Republic;

"commercial building" means an enclosed structure that is used for the selling of goods and the provision of services and is open to the public and includes, but is not limited to malls, restaurants, schools, hotels, offices, including government buildings and the like;

"Court" means a Court of competent jurisdiction;

"disposer" means a person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of the wastes;

"distributor" means any person who is a wholesaler or retailer of electronic goods with an annual turnover of ten thousand Ghana cedis;

"electrical and electronic waste" means discarded electronic equipment inclusive of all components, subassemblies and consumables which are part of the product at the time of discarding;

"energy recovery" means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;

"environmentally sound disposal" means disposal in a manner which will protect human health and the environment against the adverse effects of the hazardous wastes and other wastes;

"environmentally sound management" means taking practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from the wastes;

"environmentally sound manner" means in a manner which will protect human health and the environment against the adverse effects which may result from hazardous wastes and other wastes;

"equipment" means electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly, including components that can be removed from equipment and can be tested for functionality and either be subsequently directly reused or reused after repair or refurbishment;

"exporter" means a person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;

"External Service Provider" means an entity that is or has at any time been engaged under section 21 of this Act to collect the advance eco levy from ewaste exporting countries;

"facility" means a site, building, structure, installation equipment, pipe or pipeline, well, pit, pond, lagoon, ditch, landfill, storage container, motor, vehicle, rolling stock or aircraft in which an act prohibited by this Act occurs but does not include a vessel;

"generator" means a person whose activity produces hazardous wastes or other wastes or a person who is in possession or control of those wastes;

"hazardous wastes" means wastes that belong to any category contained in the schedule (categories of wastes to be controlled), unless they do not possess any of the characteristics contained in the schedule (list of hazardous characteristics) and wastes that do not belong to any category contained in the schedule (categories of wastes to be controlled) but are defined as, or considered to be, hazardous wastes by the domestic legislation of the party of export, import or transit under the Basel Convention and material regarded as a hazardous waste in one country may not in another country be regarded as hazardous;

"industrial facility" means a facility including factories, power generation or distribution stations or sub-stations, assembly plants, feed mills and other buildings and structures used in general industrial assembly;

"illegal traffic" means any unauthorised transboundary movement of hazardous wastes or other wastes;

"import" means any entry into the national territory other than entry for transit;

"importer" means a person who, in the ordinary course of business imports electronic equipment into the Republic or arranges for hazardous waste or other wastes to be imported into the Republic;

"law enforcement officer" includes a nominated Customs Officer, a member of the Ghana Armed Forces, a designated officer or an inspector of the Environmental Protection Agency, the Port Health Authority, the Ghana Atomic Energy Commission and personnel of other institutions authorised in writing by the Minister who shall have the same powers, authority and privileges of a police officer;

"disposer" means a person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of the wastes;

"distributor" means any person who is a wholesaler or retailer of electronic goods with an annual turnover of ten thousand Ghana cedis;

"electrical and electronic waste" means discarded electronic equipment inclusive of all components, subassemblies and consumables which are part of the product at the time of discarding;

"energy recovery" means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;

"environmentally sound disposal" means disposal in a manner which will protect human health and the environment against the adverse effects of the hazardous wastes and other wastes;

"environmentally sound management" means taking practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from the wastes;

"environmentally sound manner" means in a manner which will protect human health and the environment against the adverse effects which may result from hazardous wastes and other wastes;

"equipment" means electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly, including components that can be removed from equipment and can be tested for functionality and either be subsequently directly reused or reused after repair or refurbishment;

"exporter" means a person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;

"External Service Provider" means an entity that is or has at any time been engaged under section 21 of this Act to collect the advance eco levy from ewaste exporting countries;

"facility" means a site, building, structure, installation equipment, pipe or pipeline, well, pit, pond, lagoon, ditch, landfill, storage container, motor, vehicle, rolling stock or aircraft in which an act prohibited by this Act occurs but does not include a vessel;

"generator" means a person whose activity produces hazardous wastes or other wastes or a person who is in possession or control of those wastes;

"hazardous wastes" means wastes that belong to any category contained in the schedule (categories of wastes to be controlled), unless they do not possess any of the characteristics contained in the schedule (list of hazardous characteristics) and wastes that do not belong to any category contained in the schedule (categories of wastes to be controlled) but are defined as, or considered to be, hazardous wastes by the domestic legislation of the party of export, import or transit under the Basel Convention and material regarded as a hazardous waste in one country may not in another country be regarded as hazardous;

"industrial facility" means a facility including factories, power generation or distribution stations or sub-stations, assembly plants, feed mills and other buildings and structures used in general industrial assembly;

"illegal traffic" means any unauthorised transboundary movement of hazardous wastes or other wastes;

"import" means any entry into the national territory other than entry for transit;

"importer" means a person who, in the ordinary course of business imports electronic equipment into the Republic or arranges for hazardous waste or other wastes to be imported into the Republic;

"law enforcement officer" includes a nominated Customs Officer, a member of the Ghana Armed Forces, a designated officer or an inspector of the Environmental Protection Agency, the Port Health Authority, the Ghana Atomic Energy Commission and personnel of other institutions authorised in writing by the Minister who shall have the same powers, authority and privileges of a police officer;

"management" means the collection, transport, treatment and disposal of hazardous wastes and other wastes and the after-care of disposal sites;

"manufacturer" means any person who assembles or produces an electronic equipment in the Republic;

"Minister" means the Minister responsible for the Environment;

"other wastes" means wastes collected from households or residues arising from the incineration of household wastes and classified under the first schedule as categories of wastes requiring

special consideration or waste that possess any of the characteristics contained in the list of hazardous characteristics specified in the first schedule

"person" for purposes of liability includes

(a) an owner or operator of a vessel or facility used to perform acts identified in this Act as prohibited acts;

(b) persons who by contract, agreement or other means indulges in acts identified in this Act as prohibited acts.

"polluter-pays principle" means the principle by which the polluter bears the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptance level or standard of pollution;

"polychlorinated biphenyls" means discarded materials that contain polychlorinated biphenyls or have been contaminated with polychlorinated biphenyls, that are without any safe commercial, industrial, agricultural or economic usage;

"polychlorinated biphenyls equipment" means any equipment that contains 50ppm polychlorinated biphenyls;

"polychlorinated biphenyls waste" means contaminated solvent or water, used oil and waste oil, sludges and slurries, dredged spoils, contaminated soils or sediments, by products, scraps, ballasts and capacitors, other materials contaminated with polychlorinated biphenyls as a result of spills, decommissioning and other demolition activities;

"stored for future use, safekeeping or disposal;

"used equipment" means electrical and electronic equipment that is directly reused for the purpose for which it was originally intended or presented for sale, or transported across borders for the purpose of being put back to direct reuse or sold to end consumers for such reuse and is considered waste if:

(a) the equipment is destined for disposal or recycling instead of being transported with the intent of reuse or its fate is uncertain;

(b) the equipment is not complete - essential parts are missing and the equipment cannot perform its essential key functions;

(c) it shows a defect that materially affects its functionality and fails relevant functionality tests;

(d) it shows physical damage that impairs its functionality or safety, as defined in relevant standards, and cannot be repaired at reasonable cost;

(e) the protection against damage during transport, loading and unloading operations is inappropriate, for example the packaging or stacking of the load is insufficient;

(f) the appearance is particularly worn or damaged, thus reducing the marketability of the item;

(g) the item has among its constituent parts hazardous components that are required to be disposed of or are prohibited to be exported or prohibited for use;

(h) the equipment is destined for disposal or recycling instead of reuse or its fate is uncertain;

(i) there is no regular market for the equipment;

(j) it is destined for disassembly to gain spare parts; or

(k) the price paid for the items is significantly lower

that is a value approaching \$0 than would be expected from a fully functional equipment intended for reuse;

"vessel" means a watercraft or other artificial contrivance which is used or is capable of being used as a means of transportation on water;

"wastes" means substances or objects, which are disposed of or are intended to be disposed of or are required to be disposed of; and

"waste electrical and electronic equipment" means electrical or electronic equipment that is waste, including all components, sub-assemblies and consumables which are part of the equipment at the time the equipment becomes waste .

"vessel" means a watercraft or other artificial contrivance which is used or is capable of being used as a means of transportation on water;

"wastes" means substances or objects, which are disposed of or are intended to be disposed of or are required to be disposed of; and

"waste electrical and electronic equipment" means electrical or electronic equipment that is waste, including all components, sub-assemblies and consumables which are part of the equipment at the time the equipment becomes waste.

Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known

Y15 Wastes of an explosive nature not subject to other legislation

Y16 Wastes from production, formulation and use of photographic chemicals and processing materials

Y17 Wastes resulting from surface treatment of metals and plastics

Y18 Residues arising from industrial waste disposal operations

(B) WASTES HAVING AS CONSTITUENTS:

Y19 Metal carbonyls

Y20	Beryllium;	beryllium	compounds
Y21	Hexavalent	chromium	compounds

Y22 Copper compounds

Y23 Zinc compounds

Y24 Arsenic; arsenic compounds

Y25	Selenium;	selenium	compounds
Y26	Cadmium;	cadmium	compounds
Y27	Antimony;	antimony	compounds
Y28	Tellurium;	tellurium	compounds
Y29	Mercury;	mercury	compounds
Y30	Thallium;	thallium	compounds

Y31 Lead; lead compounds

Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33 Inorganic cyanides

Y34 Acidic solutions or acids in solid form

Y35 Basic solutions or bases in solid form