



ADMINISTRATIVE POLICY FOR THE RECOVERY OF ELECTRONICS ADS

I. LEGISLATIVE MANDATE

1. Designated Material Recycling and Management Regulation (the “Designated Material Regulation”)

Section 3(3) of the Designated Material Regulation requires suppliers to remit the advance disposal surcharge (“ADS”) to ARMA, and to account for all of the ADS that must be remitted in the form and manner as required by ARMA bylaws:

- 3(3) A supplier shall, in accordance with the Bylaws,
- (a) remit all advance disposal surcharges to the Association, and
 - (b) account to the Association for all advance disposal surcharges remitted.

Section 9 of the Designated Material Regulation prohibits a supplier from supplying a designated material if not registered:

- 9 No person shall supply a designated material in Alberta unless the person is registered in accordance with the Bylaws and the registration is not under suspension.

Section 3(2) of the Designated Material Regulation requires payment of the ADS for each designated material or class of designated material for which it is prescribed:

3(2) If an advance disposal surcharge for a designated material or class of designated material is prescribed, a supplier shall remit to the Association the prescribed advance disposal surcharge in accordance with the Bylaws.

Section 12(1) of the Designated Material Regulation allows ARMA to make bylaws in respect of matters relating to the ADS:

12 The Association may make bylaws

...

(e) respecting the registration of suppliers, including prescribing registration fees;

(f) subject to any material designation regulation, prescribing the advance disposal surcharges that are to be collected and remitted;

(h) respecting the form and manner in which and the times at which an accounting must be made and advance disposal surcharges must be remitted to the Association;

(i) respecting the payment of interest on advance disposal surcharges that are not remitted as required;

(j) providing for the assessment by the Association of the amount of advance disposal surcharges owing to the Association where a return has not been made by a supplier, where a return has been made but is incorrect or misleading or where surcharges that should have been remitted were not remitted;

(n) respecting the records that suppliers must keep in respect of supply transactions in designated materials and the making of those records available for inspection by the Association and representatives of the Department of Environment.

2. The Electronics Designation Regulation

Section 2 of the Electronics Designation Regulation provides that electronics are a designated material under the *Environmental Protection and Enhancement Act* and the Designated Material Regulation:

2 Electronics are a designated material for the purposes of Part 9, Division 1 of the Act and the *Designated Material Recycling and Management Regulation*.

Section 3 of the Electronics Designation Regulation prescribes the maximum ADS for electronics:

3 For the purposes of the *Designated Material Recycling and Management Regulation*, the maximum advance disposal surcharge that may be prescribed for the following electronics is as follows:

televisions

18" screen and smaller \$15

19" to 29" screen \$25

30" to 45" screen \$30

46" screen and larger \$45

desk top computers (including CPU, mouse, keyboard, cables and other components in the computer) \$10

computer monitors \$12

laptops and notebooks (including CPU, mouse, keyboard, cables and other components in the laptop or notebook) \$5

printers (including printers that have scanning or fax capabilities, or both) \$8

3. The Electronics Recycling Bylaw

Article 3.1 of the Electronics Recycling Bylaw provides for the ADS to be remitted:

3.1 The advance disposal surcharge to be remitted by a supplier is:

- (a) Televisions
 - 18" screen and smaller \$15
 - 19" - 29" screen \$25
 - 30" – 45" screen \$30
 - 46" screen and larger \$45
- (b) desktop computer (including CPU, mouse, keyboards, cables and other components in the computer) \$10
- (c) computer monitors \$12
- (d) laptops and notebooks (including CPU, mouse, keyboard, cables, and other components in the laptop or notebook) \$5
- (e) printers (including printers that have scanning fax capabilities, or both) \$8

The remainder of Article 3 sets out the requirements on suppliers to remit:

3.2 The advance disposal surcharge applies to any supply of new electronics, regardless of where the sale, gift or other transfer occurs;

3.3 A supplier shall levy and collect as a surcharge from the person to whom the electronics are supplied the advance disposal surcharge in the amount prescribed for that class or type of electronics as set out in this Bylaw.

3.4 A supplier in section 3.3 of this Bylaw shall remit to the Association with the returns required by the Association all advance disposal surcharges the supplier has collected or for which the supplier is required to have collected under section 3.3 of this Bylaw.

3.5 An end user who imports electronics into Alberta for the end user's own use shall pay to the Association as a surcharge an advance disposal surcharge in the amount prescribed for that class or type of electronics as set out in this Bylaw.

3.6 A supplier or end user who purchases new electronics from someone who is not registered with the Association is required to remit the advance disposal surcharge in the amount prescribed for that class or type of electronics as set out in this Bylaw.

3.7 A supplier or end user in sections 3.4 or 3.5 of this bylaw is not required to remit the advance disposal surcharge to the Association where the supplier or end user has paid the advance disposal surcharge to a supplier registered with the Association and remits the advance disposal surcharge to the Association.

3.8 A courier, transporter, carrier or mail service who carries or supplies new electronics in or into Alberta shall be liable to remit the advance disposal surcharge in respect of those new electronics where the supplier on whose behalf or under whose direction the electronics are supplied or carried, is not registered with the Association or the advance disposal surcharge is not paid by that supplier to the Association.

3.9 It is the intent of this Bylaw that the advance disposal surcharge in respect of a particular electronics product be paid to the Association only once.

Article 5.1 requires suppliers to remit both the ADS and the form of report required by ARMA:

5.1 Each supplier required to pay the advance disposal surcharge under this bylaw shall

- (a) complete and file with the Authority at its head office a return in respect of a reporting period not later than 30 days after the end of a reporting period, and
- (b) remit to the Authority at its head office with the return all advance disposal surcharges owing in respect of supply transactions entered into during the reporting period.

Article 6.1 of the Electronics Recycling Bylaw provides for the provision of records to ARMA upon request:

- 6.1 A supplier shall
- (a) keep records in respect of his transactions in electronics and make them available for inspection by the Authority or its agents, and
 - (b) provide to the Association on request information in respect of his transactions in electronics.

II. ADMINISTRATIVE POLICY FOR THE RECOVERY OF ADS (THE “POLICY”)

The Policy provides for administrative procedures to most efficiently collect and recover electronics ADS, and which supports the Electronics Recycling Bylaw.

III. PROCEDURES

In order to most effectively and efficiently recover electronics ADS, ERA administration and management shall have regard to the following priorities for collection points for electronics ADS:

1. Electronics manufacturers will be encouraged to remit all ADS relating to all electronics supplied in or into Alberta which are manufactured by that manufacturer, and in any event, will be primarily responsible for remitting the ADS for all electronics supplied by that manufacturer directly or indirectly in or into Alberta where the conditions of paragraphs 3 and 4 below have not been met;
2. Electronics manufacturers will be required to remit the ADS where the manufacturer directly supplies electronics directly in Alberta;
3. Electronics retailers shall remit the ADS where:
 - (a) the retailer supplies electronics to end users;
 - (b) the retailer has entered into a formal arrangement (in writing) regarding the retailer’s obligation to report and remit the ADS with the manufacturers whose electronics products are supplied, or the distributor by whom the retailer is supplied electronics; and
 - (c) a copy of the written agreement or arrangement has been provided to ARMA.
4. Electronics distributors shall remit the ADS where:
 - (a) the distributor supplies electronics to end users or retailers who do not remit the ADS; and

- (b) the distributor has entered into a formal arrangement (in writing) with the manufacturers whose electronics products are supplied regarding the distributor's obligation to report and remit the ADS; and
 - (c) a copy of the written agreement or arrangement has been provided to ARMA.
5. A courier, transporter, carrier or mail service who carries or supplies new electronics in or into Alberta shall remit the ADS where:
- (a) the supplier on whose behalf or under whose direction the electronics are supplied or carried is not registered with ARMA, or
 - (b) the courier, transporter, carrier or mail service has entered into a formal arrangement (in writing) with the manufacturer or distributor of the electronics regarding the obligation to report and remit the ADS by the courier, transporter, carrier or mail service; or
 - (c) the courier, transporter, carrier or mail service carries or supplies electronics in or into Alberta, and the arrangement for delivery of the electronics was made by parties over the internet, web site, telephone or catalogue or similar arrangement and the courier, transporter, carrier or mail service does not have evidence the supplier of electronics has remitted the ADS.
6. End users of electronics in Alberta, including businesses and individual consumers, will be required to remit the ADS to ARMA directly where the end user is in possession of new electronics on which ADS was required to be paid, but for which no ADS has been paid to ARMA.