



Japan Machinery Center
for Trade and Investment

24th January 2024

Ministry of Environmental Protection and Natural Resources of Ukraine
Waste Management Policy Formation Unit of the Department of Digital Transformation,
Electronic Public Services and Waste Management
st. 35 Metropolitan Vasyl Lypkivsky Ave., m. Kyiv, 03035
Ukraine

Dear Sirs,

Our comments on “the promulgation of the Draft Law "On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment”

The Japan Machinery Center for Trade and Investment (“**JMC**”) is a non-profit organization. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorization of the Minister of Economy, Trade and Industry of Japan. The objective of the JMC is to engage in activities that enhance the common benefit of member companies and promote the sound development of international trade and investment by the machinery industry. JMC comprises member companies engaged in machinery and systems-related exports and foreign investments such as machinery manufacturers, trading houses and engineering companies. At present, the total number of JMC member companies is about 240.

Our committee handles environmental and product safety issues regarding products for trade and is strongly concerned with overseas environment- and product safety-related regulations on products. From this standpoint, we would like to comment on “the promulgation of the Draft Law "On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment”.

Rm. 401, Kikai Shinko Bldg., 3-5-8 Shiba-koen Minato-ku, Tokyo 105-0011, Japan

Tel : 81-3-3431-9230 , Fax : 81-3-3436-6455

E-mail : morikawa@jmcti.or.jp

URL : <https://www.jmcti.or.jp>



Japan Machinery Center
for Trade and Investment

If you have any questions, please feel free to contact our secretariat (Mr. Chiaki Morikawa, E-mail: morikawa@jmcti.or.jp)).

Sincerely yours,

A handwritten signature in black ink, reading "Kanno Yasuhiko" in a cursive script.

KANNO Yasuhiko

Chairman

Environment Law Committee

Our comments on “the promulgation of the Draft Law on Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment”.

First of all, we, the Japan Machinery Center for Trade and Investment, welcome the introduction of the Draft Law on Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment, which will make a significant contribution to promoting environmental protection under the difficult circumstances in your country.

We would also like to thank you for giving us the opportunity to invite comments regarding consultation on “NOTICE on promulgation of the Draft Law on Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment”.

<https://mepr.gov.ua/povidomlennya-pro-oprylyudnennya-proyektu-zakonu-pro-elektrychne-ta-elektronne-obladnannya-ta-vidhody-elektrychnogo-ta-elektronnogo-obladnannya/>

We are vigorously committed to protecting human health and the environment, to reducing EEE waste worldwide, to voluntarily promoting assessment activities that take into account the entire life cycle, and to complying with national regulations. In particular, we have been active in complying with regulations on EEE waste set by a number of countries, including those in Europe. After diligent consideration of this draft Law, we are concerned that there are provisions that would create non-tariff barriers for manufacturers and make it practically difficult for them to comply with this Law, and we submit the following comments.

We support this Ukraine initiative to introduce WEEE regulation, on condition that there will be no requirement beyond what is already required in the well-established EU WEEE Directive, and there is sufficient preparation time for manufacturers to meet the requirements so as not to impede access to the Ukraine market. In this regard, we propose the following changes.

1. Remove the second paragraph of Article 8. point 1. 11)., Article 9. point 1. 4), and the second paragraph of Article 10. point 1. 3)

Reason:

The draft Law has an additional requirement to the EU WEEE Directive. Specifically, Article 8. point 1. 11) is an information provision requirement which is required in Article 14. 2. of the EU

WEEE Directive. However, requirement to provide information on the content of hazardous substances in the second paragraph of Article 8. point 1. 11) is not required in the EU WEEE Directive. We therefore request that it be removed to be in alignment with the EU WEEE Directive. Nevertheless, if the requirement should remain, it is essential that the term of hazardous substances and the information to be provided be specifically defined for effective implementation.

2. Modify point 1. of CHAPTER VII FINAL AND TRANSITIONAL PROVISIONS as follows:

This Law shall enter into force on the day following its publication and shall apply from ~~enter into force on January 1 of the year following the expiration of six months from the date of its entry into force, except for:~~

~~the first and second parts of Article 13, the second part of Article 26, the first part of Article 36, subparagraph "a" of paragraph 1 of the second part of Article 38, which shall be put into effect one year after the date of entry into force of this Law;~~

~~the third part of Article 13, Article 15, the first part of Article 21, the first part of Article 26, which shall come into effect~~ two years after the date of entry into force.

Reason:

Manufacturers also need a sufficient transitional period to prepare for the new requirement. Point 1 of Chapter VII requires that Article 8 apply on 1 January of the year following the expiration of six months from the date of entry into force of the Law, whilst Article 15 shall apply as of two years after the date of entry into force of the Law. The former allows at a minimum only six months preparation time which is not sufficient. Also, having different implementation target dates causes confusion to manufacturers, suppliers and consumers. We propose that the applicable date for this Law be uniformly two years after the date of entry into force.

End