


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

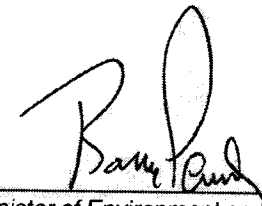
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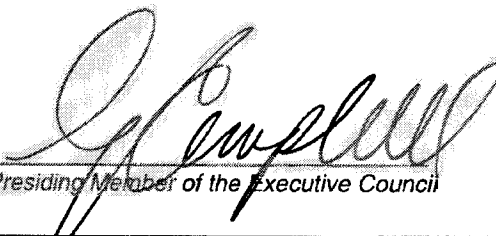
, Approved and Ordered FEB 16 2006


~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~^{Administrator}, by and with the advice and consent of the Executive Council, orders that the Recycling Regulation, B.C. Reg. 449/2004, is amended as set out in the attached Schedule.


Minister of Environment and Minister Responsible for
Water Stewardship and Sustainable Communities


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Environmental Management Act, S.B.C. 2003, c. 53, ss. 21 and 138

Other (specify):- oic 995/2004

December 13, 2005

1079 /2005/12

SCHEDULE

- 1** ***Section 1 of the Recycling Regulation, B.C. Reg. 449/2004, is amended***
 - (a) in the definition of “collection facility” by repealing paragraph (c) and substituting the following:***
 - (c) in respect of a product within the
 - (i) empty oil container product category, or
 - (ii) electronic product category,a collection facility established by the producer; , ***and***
 - (b) in the definition of “product category” by adding the following paragraph:***
 - (j) electronic product category; .
- 2** ***Section 3 is amended by striking out “or” at the end of paragraph (a), adding “, or” at the end of paragraph (b) and by adding the following paragraph:***
 - (c) that is required under section 3.1 to comply with this Part in respect of a product category.
- 3** ***The following section is added:***

Requirement to comply with this Part

3.1 A director may require a producer to comply with this Part, on and after a date specified by the director, in respect of a product category specified by the director if, in the opinion of the director, the producer does not primarily sell, offer for sale or distribute the products that it produces in the product category from the producer’s retail premises in British Columbia or through another retailer’s premises in British Columbia.
- 4** ***Section 5 (4) is repealed and the following is substituted:***
 - (4) This section applies to
 - (a) a director’s approval of a producer’s proposed amendment to an approved plan, and
 - (b) a director’s amendment to an approved plan.
 - (5) A director may amend an approved plan.
 - (6) An amendment referred to in subsection (5) takes effect on the date specified by the director.
- 5** ***Section 7 is amended by adding the following paragraph:***
 - (a.1) the director amends an approved plan, .
- 6** ***Section 8 is amended by adding the following subsection:***

- (3.1) If an agency is appointed by more than one producer to carry out the duties of the producer under this section, the agency may provide and post one report referred to in subsection (1) on behalf of all of those producers.

7 *Section 9 is amended by adding the following subsection:*

- (3) This Part does not apply to a producer in relation to a product category for which the producer is required under section 3.1 to comply with Part 2.

8 *The following schedule is added:*

SCHEDULE 3 – ELECTRONIC PRODUCT CATEGORY

Definitions

1 In this Schedule:

“**computer**” includes a computer monitor and computer peripheral;

“**computer peripheral**” means a keyboard, mouse or cable that attaches or is attached to a computer;

“**desktop printer**” means a printer that will print on paper not exceeding 8.5 inches in width but does not include a label printer.

Electronic product category

2 (1) Subject to subsection (2), the electronic product category consists of the following:

- (a) computers that are designed
 - (i) for desktop use by an individual,
 - (ii) for desktop use as a server, or
 - (iii) to be portable, except hand-held devices;
- (b) desktop printers;
- (c) televisions.

- (2) The electronic product category does not include computers and televisions that are part of or attached to vehicles, marine vessels or commercial or industrial equipment.

Transitional – duty of producer

- 3 (1) Subject to subsection (2), section 2 [*duty of producer*] of this regulation does not apply to a producer of a product in the electronic product category until 540 days after this regulation comes into force.**

- (2) A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] by the applicable date under subsection (1) must submit, within 360 days of the date this section comes into force, a product stewardship plan under section 4 of this regulation [*submission of product stewardship plan*] respecting products in the electronic product category.