CLARIFICATION QUESTIONS

RFT:	2026/GEFIS/029
File:	AP_6/5/9
Date:	21 August 2026
To:	Interested Service Providers
Contact:	Procurement Unit (procurement@sprep.org)

Subject: Request for tenders (RFT): Design of an E-Waste Product Stewardship Scheme for Vanuatu

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Indicative budget

Question 1:
Is SPREP able to provide an indicative budget range or maximum available funding for this consultancy? This would assist bidders in proposing a level of effort and team composition that aligns with project expectations.

Response:
Bidders are encouraged to clearly reflect in their financial proposals the costs associated with undertaking all activities and deliverables identified in the Terms of Reference.

Legislative drafting, legal pathways and required expertise

Question 2:
In relation to Component 4 (Develop legislative drafting notes for scheme legislation and regulation), are you seeking notes specific to the legal pathways of the Vanuatu Parliament, or more technical notes on the recommended inclusion and nature of elements needed to support a successful scheme? We would like to understand whether to include technical personnel with understanding of regulatory/policy frameworks, a practicing lawyer and/or specifically a lawyer with knowledge of Vanuatu parliament legal processes, locally or internationally based.

Response:
The Legislative Pathway identifies the key legislative and regulatory frameworks that may be affected by, or require amendment to, enable the introduction and effective implementation of the E-Waste Product Stewardship Scheme (PSS). It provides an overview of the legal instruments that may need to be reviewed, amended, or developed to establish the necessary institutional, regulatory, financial, compliance, collection, recovery, recycling, and disposal arrangements for e-waste.

The Drafting Notes provide detailed advice and guidance to Government legal drafters on the proposed components and provisions of the regulations. They are intended to support the development of legally sound and practical regulatory provisions that give effect to the E-Waste PSS framework, including the roles and responsibilities of relevant stakeholders, product stewardship obligations, registration and reporting requirements, collection and recovery arrangements,

standards for environmentally sound management, compliance and enforcement mechanisms, and transitional provisions.

Question 3:
The ToR refers both to drafting regulations and to providing legislative drafting notes and pathway documentation. Could SPREP clarify whether the consultant is expected to prepare complete draft regulation text, or whether the deliverable is limited to drafting instructions/notes and supporting documentation for subsequent drafting by the Attorney General's Office?

Response:
We have also accommodated the actual drafting of the regulations within the deliverable, recognising that the Government may have limited internal resources available to undertake the drafting. This approach is intended to provide practical support to the Government and ensure that draft regulations are available for review, consultation and further refinement as required.

Question 4:
Could SPREP please clarify the legislative mechanism by which WEEE is, or is intended to be, brought within the scope of the Product Stewardship Scheme framework? In particular, is WEEE to be prescribed by regulation under the Act, or will amendment to primary legislation be required?

Response:
No amendments to the Product Stewardship Scheme Act No. 50 of 2025 are anticipated as part of this assignment. The Act provides the legislative framework for establishing sustainable financing mechanisms to support the collection and recycling of products subject to a Product Stewardship Scheme, including activities such as collection, transportation, pre-processing for recycling, and the sale of pre-processed materials.

The proposed approach is therefore to develop regulations under the Product Stewardship Scheme Act to establish the specific requirements and arrangements for the collection and environmentally sound management of e-waste. The regulations would provide the necessary operational and regulatory framework for implementing an E-Waste Product Stewardship Scheme, while remaining within the enabling framework established by the Act.

Question 5:
Could SPREP please identify the extent to which the existing Act or Bill addresses, or authorises regulations concerning:

- manufacturers, brand owners, importers, distributors, retailers and other liable suppliers;
- deposits, advance recovery or disposal fees, handling fees and administration charges;
- custody, ring-fencing, permitted uses and audit of scheme funds;
- Customs collection and data-sharing functions;
- delegation of administrative or financial functions to a scheme coordinator;
- registration, reporting, inspection, compliance, offences and enforcement;
- treatment and financing of legacy products;
- transfer of ownership or title when an end-of-life product is surrendered; and
- review and appeal rights?

Response:

Part 1 of the PSS Act (No.50 of 2025) highlight the objective of the Act which is to establish a sustainable Product Stewardship Scheme that reduces littering and the release of designated products into the environment by incentivising their collection and return. It promotes recycling and diversion of waste from landfill through a self-financing system that supports the collection, transport, pre-processing, recycling and sale of recovered materials. The Act also seeks to ensure equitable access to collection services for all communities, encourage community participation through appropriate financial incentives, and support economic development by creating new employment opportunities in the waste management, recycling and resource recovery sectors.

Product Stewardship Scheme Act — status, enactment and legal framework

Question 6:

Could SPREP please provide the full enacted and certified text of the Vanuatu Product Stewardship Scheme Act referred to in section 1.6 of the RFT, including its formal title, Act number, date of parliamentary passage, assent date, Gazette publication reference and commencement date?

Response: The Product Stewardship Scheme Act No. 50 of 2025

Question 7:
If the Product Stewardship Scheme Act has not yet commenced in full, could SPREP please identify which provisions, if any, are currently in force; the remaining commencement requirements; and the expected legal pathway and timing?

Response:
The Product Stewardship Scheme Act No.50 of 2025 commenced in December 2025.

Question 8:
Could SPREP please provide all existing or draft subsidiary instruments associated with the Product Stewardship Scheme framework, including any regulations, orders, codes, schedules, administrative instruments or draft Container Deposit Regulation?

Response:
This can be provided at the Inception Phase subject to approval by the Department of Environment Protection and Conservation.

Question 9:
Could SPREP please explain whether the legislation referred to in the RFT differs materially from the Product Stewardship Scheme Bill developed under PacWastePlus? If so, could SPREP provide either a comparison or the latest Bill and enacted Act so bidders can understand the changes relevant to the WEEE design?

Response:
The legislation referred to in the RFT is the same legislation developed under the PacWaste Plus Programme. Following its approval in December 2025, the Bill was formally enacted as the Product Stewardship Scheme Act No. 50 of 2025. The proposed assignment is therefore not intended to develop new primary legislation, but rather to develop regulations under the Act to establish a Product Stewardship Scheme for electronic products and e-waste. The regulations will provide the necessary legal and operational framework to implement the E-Waste Take-Back Scheme and will reflect its technical design, including requirements for the collection, return, transport, recovery, recycling and environmentally sound management of e-waste.

Question 10:
Publicly accessible SPREP material appears to refer to a drafted Product Stewardship Scheme Bill and draft Container Deposit Regulation, while another published account refers to Council of Ministers approval and legislation proceeding through the Attorney General's office. Could SPREP please confirm whether the RFT's statement that the Act was passed in 2025 is correct, or whether Council of Ministers approval has been described as enactment?

Response:
The Product Stewardship Scheme Act No. 50 of 2025 was passed by Parliament and commenced on 18th December 2025.

Previous work, background documentation and existing materials

Question 11:
Could you make available the key documents referenced within the ToR, including the National Product Stewardship Scheme Report, the ARFD Feasibility Report, the E-Waste Country Assessment, and any relevant legislation or guidance documents? Access to these documents would help bidders better understand the existing evidence base and avoid duplication of previous work.

Response:
All documents will be provided at the Inception Meeting. There was no previous E-Waste Take Back Scheme design so duplication is not anticipated.

Question 12:
Will the successful consultant be provided with the complete outputs of the previous Vanuatu Product Stewardship Scheme work, including the three feasibility-study documents, economic model, Fund Operations Manual, Policy Note, stakeholder consultation records, operating procedures, contract templates and legislative drafting materials?

Response:
The successful consultant will be provided with the complete outputs from previous Product Stewardship Scheme (PSS) activities. However, it should be noted that the previous work focused primarily on the development of the overarching PSS legislation and the design of a Container Deposit Product Stewardship Scheme for beverage containers. No previous technical or regulatory work has been undertaken specifically for e-waste. Accordingly, the consultant will be required to develop the E-Waste Product Stewardship Scheme and supporting regulations based on the technical design of

the proposed E-Waste Take-Back Scheme, while ensuring consistency with the existing Product Stewardship Scheme Act No. 50 of 2025.

Question 13:
If those earlier materials are supplied, could SPREP please confirm whether the successful consultant may rely upon, update and incorporate them into the WEEE assignment, and identify any confidentiality, intellectual-property, attribution or use restrictions that will apply?

Response:
Issues of confidentiality, and intellectual- property is highlighted in the Service Agreement Template provided.

Question 14
If the certified legislation and the earlier scheme-design outputs will not be supplied before tender close, could SPREP please advise how bidders should make consistent assumptions about the amount of legislative review, economic remodelling, consultation, procedure development and document reconstruction to include in their methodology and price?

Response:
Bidders are encouraged to include in their proposals the design of an E-Waste Take-Back Scheme and the associated drafting of regulations required to establish and implement the scheme under the Product Stewardship Scheme Act No. 50 of 2025. It should be noted that no previous design work has been undertaken for an E-Waste Take-Back Scheme. The successful consultant will therefore be responsible for developing the technical design of the scheme and translating the agreed design into an appropriate regulatory framework.

In-country missions and consultation approach

Question 15:
The ToR includes various face-to-face workshops, consultations, stakeholder meetings, and site visits. Could SPREP clarify the expected number and duration of in-country missions that bidders should budget for? Additionally, would a combination of in-person and virtual consultations be acceptable where appropriate?

Response:
At least two in-country visit with each visit lasting 5 working days.

Stakeholder engagement and geographic coverage

Question 16:
Could you provide further guidance regarding the anticipated stakeholder groups to be consulted and the expected consultation requirements (e.g., government agencies, private sector importers, recyclers, retailers, community groups, provincial representatives)?

Further, could you clarify the expected scale and geographic coverage of community consultations, including whether consultations are expected beyond Port Vila (e.g., Santo and/or outer islands), and the anticipated role of the consultant in facilitating these sessions?

Response:
While the stakeholder list will be confirmed by the Department of Environment Protection and Conservation, the consultant will be expected to undertake targeted consultations with relevant government agencies, private sector representatives, recyclers, retailers, and municipal councils to inform the design of the national E-Waste Take-Back System. These consultations should focus on understanding existing e-waste management practices, institutional roles, collection and recycling arrangements, and practical considerations for implementing the proposed system. Community-level consultations are not anticipated as part of the consultant's scope of work. However, a representative from government ministry responsible for Community development will be part of the consultation.

Scope of products covered by the WEEE scheme

Question 17:
Has DEPC already identified the categories of electrical and electronic equipment intended to be included within the initial phase of the E-Waste Product Stewardship Scheme, or is determining the scope of covered products expected to form part of this consultancy?

Response:
The consultant will be expected to undertake an assessment of electrical and electronic equipment (EEE) relevant to the national context and recommend appropriate categories of equipment to be covered under the E-Waste Take-Back Scheme. The recommended categories should be presented to the Department of Environment Protection and Conservation (DEPC) for consideration and decision, taking into account factors such as product volumes, environmental and health risks, collection and recycling feasibility, existing market arrangements, and international practice.