

STUDY ON THE TRANSPOSITION OF THE 2012 WEEE DIRECTIVE IN EUROPE

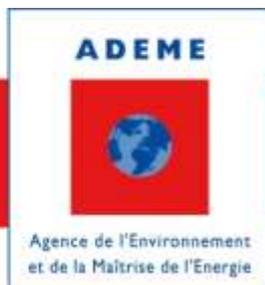
FINAL REPORT – PART 1 TRANSVERSAL ANALYSIS

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RAPPORT D'ETUDE

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Summary

The 2012/19/EU Directive on electrical and electronic equipment (Directive) amended the European regulatory framework for the management of electrical and electronic equipment waste (WEEE) that was put in place by the previous 2002/96/EC Directive, notably by widening its scope and by increasing the collection and treatment targets. This study offers an overview of the transposition of the Directive transposition in the 28 Member States of the European Union (EU) by identifying the main differences between them, with an objective to serve both professionals and the public authorities.

The study notes in particular that:

- As of December 31st 2015, all Member States have adopted regulations transposing the Directive. 20 of the 28 Member States (including France) have transposed the Directive late, after the deadline of February 14th 2014. Six Member States should also adopt further transposition acts. Twelve Member States (including France) published various application guides.
- Almost all Member States have adopted all the definitions and exclusions of the Directive. The differences of interpretation and approaches in case of doubt, however, may persist.
- After the transitional period, 25 Member States (not including France, Denmark or Spain) have adopted the same categories as those set out in the Directive. The vast majority (22 with France) Member States provide for the entry into force of the new categories as of August 15, 2018, as the Directive. France and Spain provide a specific category for photovoltaic panels. Four Member States (Bulgaria, Hungary, Poland, Slovenia) advance the entry into force of the new six categories to 1st January 2018. In contrast, the UK shifts their entry into force to 1st January 2019. Denmark has not yet transposed the six new categories.
- Member States have transposed the eco-design requirements and marking: 24 Member States impose labeling with the barred bin symbol on all equipment, household and professional. In four Member States (Germany, Finland, France and Lithuania) this obligation only applies to household EEEs. The obligation to comply with EN 50419 is only present in a minority of Member States.
- While the Member States have generally transposed all the obligations relative to separate collection, treatment and financing by producers, the implementation varies considerably among the Member States. This is especially true for household EEEs. 11 Member States impose collection obligations on local authorities (Germany, Austria, Cyprus, Denmark, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Sweden). 25 Member States (including France) give the producers of household and professional EEEs the possibility to fulfill their obligations individually or collectively, through compliance schemes (producers' responsibility organisations, PROs).
- In Austria, Cyprus, Spain, Estonia, France and the Netherlands, the system for household WEEEs is currently 100% collective despite the possibility to organize individually. In Sweden, producers of household EEEs are required to join a collective system, without the possibility to organize individually. In Germany, on the other hand, producers of household EEEs have an individual obligation to take back equipment that is not transferable to third parties. Therefore, there are no PROs in Germany.

1. Introduction

This study aims to make an inventory of the transposition of the 2012/19/EU Directive on electrical and electronic equipment (WEEE) and to identify the main differences among the Member States that have an impact for professional traders in the EU in order to provide useful information for professionals as well as the French public authorities when they compare themselves with other European countries (level of requirements, good practices that can be replicated in France, etc.).

A secondary objective is to update the study on the implementation of the 2002 WEEE Directive by Member States that was carried out by ADEME in 2009. This update was requested by the players of the sector.

The new obligations of the 2012 WEEE Directive should be explained to the players of the sector, in particular the deadlines with which they must comply (eg the extension of the scope from August 15th, 2018 requires that new producers have to set up a collection system before that date).

In France, a notice to producers was elaborated to inform the actors of the sector about the impacts that the new Directive will have on their current obligations. The notice to producers addresses in particular the new scope of the Directive, electrical and electronic equipment (EEE) that is considered as being outside the scope of the regulations, examples to determine the household or professional status of EEEs, articulation with other extended producers' responsibility (EPR) schemes, etc.

However, companies also need information about their obligations in other Member States, especially if they export or wish to export EEEs in those countries. The obligations for producers in Member States are not always clear as countries have transposed them in different ways at the national level. For example, France has gone further than the Directive regarding the collection targets, by setting, in the PROs' specifications, specific collection targets for household WEEE per category of equipment, in order to encourage the collection of equipment that is currently insufficiently collected.

The work leading to this report was conducted between July 2015 and January 2016 for the data collection and the drafting phase took place between January and March 2016. The data collection included the literature review which was completed by interviews with competent authorities in the EU Member States in regards to WEEE management (the list of interviewees is provided in Appendix 1). The bibliographical sources were :

- Regulations
- Internet websites :
 - PROs
 - professional associations
 - registers of producers
 - authorities in charge of the implementation and transposition (Ministry of the environment)
- Available studies and working documents of the European Commission

This report summarizes, by means of transversal analysis, the results of the transposition in the various Member States regarding the following themes: transposition status and deadlines (3.1), scope (3.2), design and marking of the equipment (3.3), organization and financing of the sector (3.4), collection and recovery objectives (3.5), registration and reporting (3.6).

The original French version of this report also contains synthetic country factsheets in its appendix. It is also complemented by detailed country profiles published in a separate document, also in French.

The information contained in this document has no legal value and the reader is invited to systematically refer to the regulations in force in the concerned country.

2. Presentation of the 2012 WEEE Directive

The 2002/96/EC Directive established the European regulatory framework that organizes the collection and treatment of electronic waste in each Member State. This Directive was significantly revised by the 2012/19/EU Directive (hereafter called the 2012 WEEE Directive), published on July 24th, 2012 in the Official Journal of the European Union. Member States had until February 14, 2014 to transpose this Directive. The 2012 WEEE Directive introduces a number of changes, of which the major ones and their consequences for all players of the sector are listed below :

CHANGES	CONSEQUENCE(S)
<ul style="list-style-type: none"> - The scope is expanded and applies to all EEEs (except the excluded ones) that must be classified into one of the categories proposed in the Annex. 	<ul style="list-style-type: none"> - This change requires new producers to comply with the regulations.
<ul style="list-style-type: none"> - The six categories replace the previous ten, and the 4th category now includes photovoltaic panels. These new categories are more similar to the WEEEs that are collected and treated separately, and thus permits to compare more easily the types of equipment that are collected with respect to equipment placed on the market that are divided into six different categories. 	<ul style="list-style-type: none"> - The players of the sector have to report the collected and processed quantities that are placed on the market in a different manner. Targets will also be set in the future for these product categories.
<ul style="list-style-type: none"> - The WEEEs which may be used both by households and professionals are considered household WEEEs. 	<ul style="list-style-type: none"> - Producers with household equipment previously classified as professional must establish authorized collection systems for household WEEE. In France, these producers must therefore join a collective scheme or set up an individual system approved by the authorities. Other obligations are imposed on domestic producers of EEEs: provide a guarantee showing that the management of WEEEs will be financed during the marketing of a product or mark the equipment so that the product was put on the market after 13 August 2005 (by European standard EN 50419 preferably).
<ul style="list-style-type: none"> - The collection and recovery rates are increased. The collection targets are now set based on equipment placed on the market or WEEE generated, not by volume per capita, and apply to both household and professional EEEs. 	<ul style="list-style-type: none"> - These performance targets oblige the collection players to improve their collection system efficiency and to develop new collection channels.
<ul style="list-style-type: none"> - Producers that are established in another Member State have the opportunity to appoint a physical or a legal person on the territory of the given Member State where they are not established to act as an "authorized representative" for ensuring their compliance with the obligations in that Member State. 	<ul style="list-style-type: none"> - Companies exporting EEEs in a Member State where they are not established, can now manage the end of life of their equipment within that Member State (through a proxy). That responsibility laid previously on the company that imported the equipment. The risk that producers avoid sector fulfill their obligations is decreased: the major exporting companies retain control of their equipment and importers of smaller sized equipment once regarded as producers within the meaning of the regulations, no longer need to declare. Consequently, "producers" are not multiplied.

The new Directive also seeks to limit illegal exports of waste from the European Union, to improve the environmental performance of all actors involved in the life cycle of EEE (notably by setting European standards for treatment of WEEEs) as well as to promote the reuse and the social economy. The structural elements of the 2012 WEEE Directive are presented at the beginning of each transversal analysis.

3. Transversal analysis of the transposition in the 28 Member States

3.1. Level of appropriation of the Directive

The Directive was adopted on July 4th, 2012. The transposition deadline was set to February 14^h, 2014. It also provides for a transitional phase and implementation deadlines.

3.1.1. Points of convergence among the Member States

On December 31st, 2015, all Member States have adopted regulations to transpose the 2012 WEEE Directive.

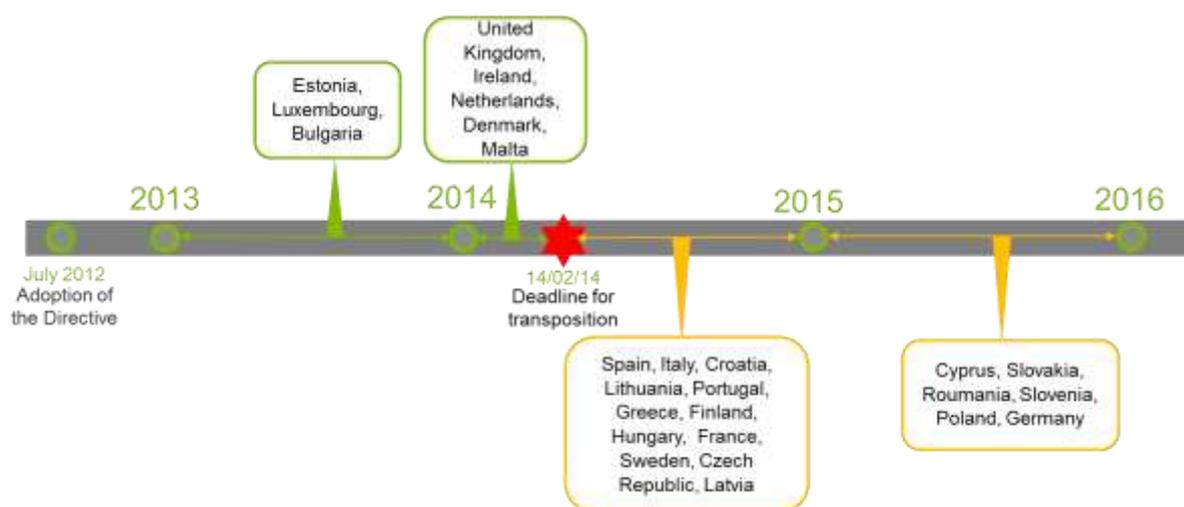
3.1.2. Points of divergence among the Member States

Dates of transposition

Only **Bulgaria, Denmark, Estonia, Ireland, Luxembourg, Malta, the Netherlands and the United Kingdom** transposed the Directive on time respecting the deadline that was set on February 14th, 2014.

20 of the 28 Member States, including **France**, have transposed the Directive at a later stage. In particular, five States, namely **Germany, Cyprus, Poland, Romania, Slovakia and Slovenia** adopted transposition regulations only in 2015, the last ones being **Poland and Germany** (September and October 2015, respectively).

Figure 1 : Chronology of the transposition by Member States



Complementary transposition acts to be adopted

Although all Member States have adopted acts for the transposition of the 2012 WEEE Directive, some have not finished to transpose it entirely.

Though Denmark has transposed the Directive in time, it has not yet transposed the new categories and targets applicable from August 15th, 2018.

Hungary has not yet transposed the 65% collection target.

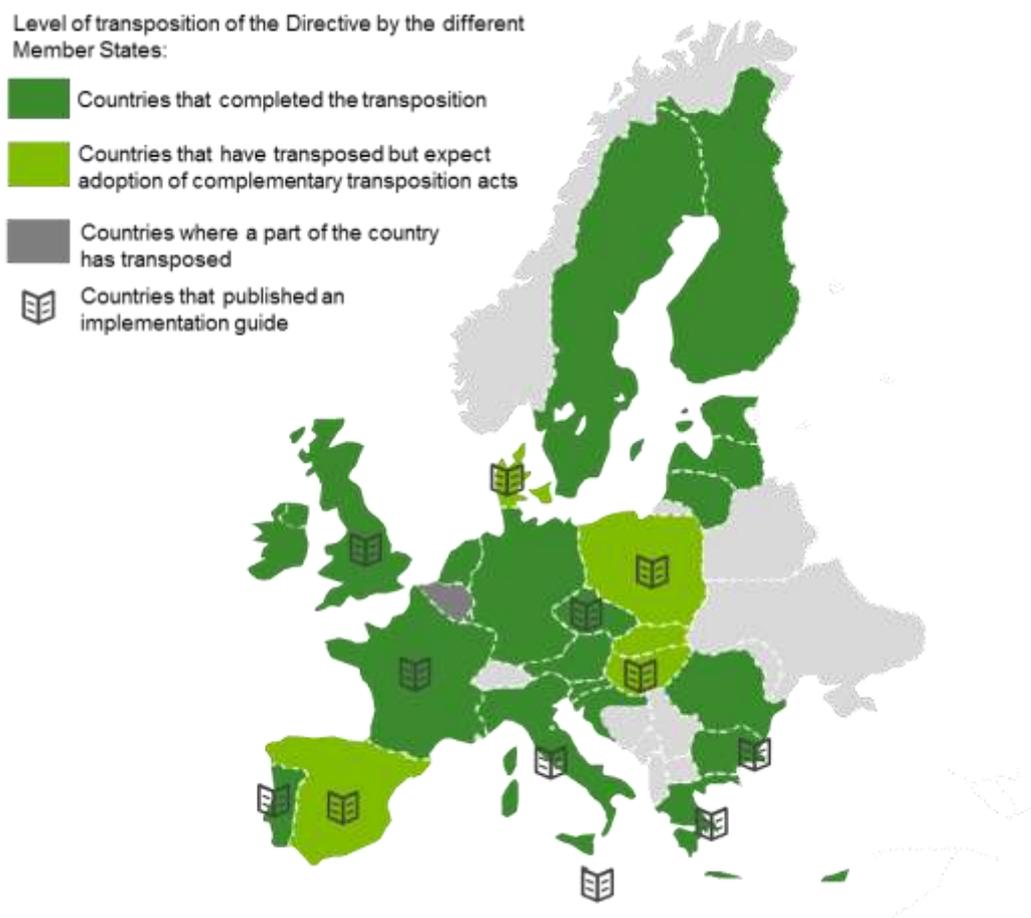
In Belgium, only the Flemish region transposed the Directive, the Walloon region and Brussels have yet to transpose it.

Spain, Poland and Slovakia also plan to adopt additional transposition acts.

Implementation guides

Member States have, for the most part, transposed the Directive in a single legislative or regulatory act. Twelve Member States (with France) have published an implementation guide (see figure below).

Figure 2 : Level of transposition of the Directive by the Member States



Links to the transposition acts and application guides are presented in the country profiles (see the annexes of this report).

The application guides all have different content. In **Spain**, the 64-page implementation guide translates the FAQ of the European Commission document and specifies several national transposition elements which are not addressed in the Commission's FAQ document (obligations for producers, organizational process and registration modalities).

In the **Czech Republic**, two documents of 8 and 14 pages summarize the main provisions of the transposing regulation.

In **Denmark**, the Register of producers DPA System publishes factsheets from one to two pages regarding the scoping for certain types of equipment.

In **Malta**, the Government issued a short 4-page guide that includes a scoping guidance.

The **Netherlands** have transposed the Directive in a very literal way without integrating all of the annexes but directly referring to the annexes of the Directive.

3.1.3. Focus on specific practices

The Netherlands transposed the Directive almost literally and transposed the annexes of the Directive by referring directly to the text of the Directive.

3.1.4. Summary of the transposition

On December 31st 2015, all Member States have taken measures to transpose the Directive. 20 out of 28 Member States (including France) have transposed the Directive only at a later stage, after the deadline which was on February 14th, 2014.

Six Member States still have to adopt further transposition acts. Twelve Member States (including France) have published implementation guidelines.

3.2. Scope

3.2.1. Provisions laid down in the Directive

Directive sets the EEE as follows: *"equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current"*.

The Directive defines WEEE as follows: '[EEE] which is waste within the meaning of article 3 (1), of Directive 2008/98/EC', i.e. an EEE that the holder *"discards or intends or is required to discard"*.

The placing on the market is defined in the Directive as making a product available on national territory in the course of a commercial activity, whether in return for payment or free of charge.

The Directive defines household WEEE as *"WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households"*.

Professional WEEE are all WEEE that do not meet this definition.

The Directive distinguishes between WEEE that stem from EEEs placed on the market before or on August 13th 2005, also known as historical WEEE, and non-historical WEEE that originate from EEEs that were placed on the market after this date.

The following EEE are excluded from the scope of the Directive :

- Equipment which is necessary for the protection of the essential interests of the security of Member States ;
- Equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment (see below on the distinction between components and subassemblies) ;
- Filament bulbs ;
- The large-scale stationary industrial tools (exclusion appears in the title of the category 6) ;
- Household luminaires (exclusion appears in the list of equipment of category 5).

The first four exclusions are maintained from 15 August 2018. The Directive lists the following exclusions from August 15, 2018 :

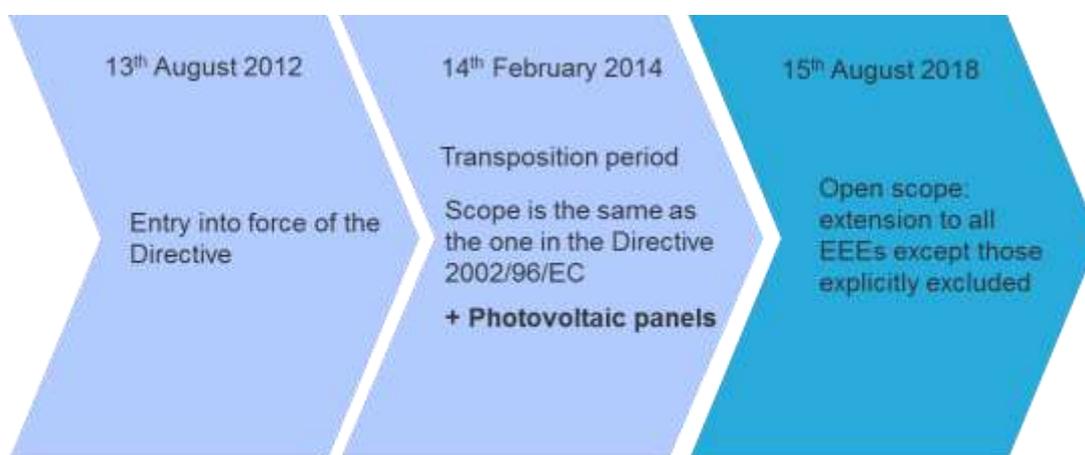
- Equipment designed to be sent into space ;
- Large-scale fixed installations ;

- Means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved ;
- Non-road mobile machinery made available exclusively for professional use ;
- Equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis ;
- Medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.

During the transitional period from August 13th 2012 to August 14th 2018, the scope of application concerns EEEs that are listed in annexes I and II of the Directive classified in the same 10 categories as under the previous Directive, with the exception of photovoltaic panels: these are included in the scope as of the transitional period into category 4 “consumer equipment and photovoltaic panels”.

From August 15th 2018 onwards, the Directive provides an open scope of application. It applies to all EEEs except those explicitly excluded. In particular, household luminaires that are excluded from the category 5 under the transitional period, fall within the scope of application.

Figure 3 : Scope of the 2012 Directive



Source: European Commission FAQ document

Table 1 : Categories of equipment during the transitional period and from August 15, 2018 onwards

10 CATEGORIES OF EQUIPMENT VALID UNTIL AUGUST 14 TH 2018		6 CATEGORIES OF EQUIPMENT APPLICABLE FROM AUGUST 15 TH , 2018	
1	Large household appliances	1	Temperature exchange equipment
2	Small household appliances	2	Screens, monitors and equipment containing screens having a surface greater than 100 cm ²
3	IT and telecommunications equipment	3	Lamps
4	Consumer equipment and photovoltaic panels	4	Large equipment (with at least one external dimension more than 50 cm)
5	Lighting equipment	5	Small equipment (with external dimensions less than or equal to 50 cm)
6	Electrical and electronic tools (with the exception of large-scale stationary industrial tools)	6	Small IT and telecommunication equipments (with all external dimensions less than or equal to 50 cm)
7	Toys, leisure and sports equipment		
8	Medical devices (with the exception of all implanted and infected products)		
9	Monitoring and control instruments		
10	Automatic dispensers		

As far as the scope is concerned, the question arises of when a component should be considered as an equipment subject to the regulation. In France, the producer's notice to producers distinguishes between components (excluded from the scope) and subassemblies (included in the scope). The Directive does not define the concept of components and subassemblies. The European Commission states in a document of frequently asked questions published in April 2014 (Frequently Asked Questions "FAQ")¹, that the "components cover the range of items that, when assembled, enable an EEE to work properly". It then states that "components placed on the market separately in order to be used to manufacture and/or repair an EEE fall outside the scope of the Directive unless they have an independent function themselves". In contrast, sub-assemblies are within the scope. The European Commission states that "a self-assembly kit that consists of components that form an EEE when assembled is an EEE at the stage when it is sold as an assembly kit (example: remote controlled electric helicopter delivered as an assembly kit)".

Printer cartridges are not specifically addressed in the Directive, but in the FAQ document of the European Commission cited above, which indicates that "a printer cartridge falls within the scope of the Directive if it meets the definition of EEE given in Article 3(1)(a) and does not fall under the exclusions of Article 2 of the Directive. The decisive criterion is the fulfilment of the definition of EEE. Thus, printer cartridges which contain electrical parts and are dependent on electric currents or electromagnetic fields in order to function properly fall within the scope of the Directive. Printer cartridges which merely consist of ink and a container, without electrical parts, do not fall within the scope of the Directive".

3.2.2. Points of convergence among the Member States

Definitions and exclusions

Definitions

¹ Commission européenne, Frequently Asked Questions on Directive 2012/19/EU on Waste Electrical and Electronic Equipment (WEEE) : <http://ec.europa.eu/environment/waste/weee/pdf/faq.pdf>

All Member States take up the definitions of the EEE, WEEE, large-scale stationary industrial tools, large-scale fixed installations, non-road mobile machinery, definition of the producer. 27 countries (not the Hungary) also reflect the definition of household EEEs although some bring more information (see the section on the points of difference below).

The Member States provide more details on the definitions. They reflect the indications of the European Commission FAQ document. Thus, the **Danish registry** DPA-System defines the large-scale stationary industrial tools using the definition of the Directive and citing as an example "*oil platforms, airport luggage transport systems and elevators*".

In **Spain**, the application guide translates the FAQ document of the European Commission which refers to the definition of the Directive as well as the FAQ document on the RoHS Directive. It specifies that "*essentially machines, stand-alone or assemblies, often with moving parts, and used for example for the treatment or manufacturing of materials and work pieces*"². This document of the European Commission specifically states that "*it is the responsibility of the manufacturer, importer, or any other economic operator involved to assess whether his tool or installation benefits from either exclusion*".

Exclusions

All Member States provide the same exclusions as the Directive's.

Categories

During the transitional period, 25 Member States (excluding France, Spain and the United Kingdom) have transposed the same categories.

After the transitional period, 25 Member States (excluding France, Denmark and Spain) have the same categories as those provided in the Directive.

The vast majority (22 Member States including France) provide for an entry into force of the new categories as planned by the Directive, starting on August 15, 2018.

3.2.3. Points of divergence among the Member States

Definitions and exclusions

Definitions – household EEE

All Member States except Hungary define WEEEs from private households by adopting the same definition as set out in the Directive.

Hungary does not include any specific definition for household WEEEs in the transposition regulation. Other Member States provide clarification. For example, **France** and the **UK** directly deal with the subject in the notice to producers. **Spain** explicitly defines the notion of professional EEE by exclusion as the EEE that are not household.

In **Germany**, the criteria to distinguish between domestic and professional equipment are the same as those of the Directive. Producers of professional EEEs must demonstrate that the EEE they place on the market are not intended for household use. The German authorities state that all equipment that may be used by households are considered as household EEE, unless the producer provides an evidence that the EEE in question is not at all used within the household.

The **Danish** legislation provides that the Minister of the environment may decide that waste of commercial, industrial, institutional or other origin should be considered as household waste even though they are not, by their use and volume, similar to household waste, because of the volume of waste.

The **Slovak** Environment Ministry said that the Government could provide clarification on the distinction between EEA household and professional in additional transposition acts.

Exclusions

In addition to the exclusions provided in the Directive since August 15th 2018, **Sweden** excludes the organ pipes used in churches.

² http://ec.europa.eu/environment/waste/rohs_eee/pdf/faq.pdf

Categories

France and Spain plan to create a category specifically for photovoltaic panels.

In the United Kingdom, four additional categories were added during the transitional period : screens, equipment containing refrigerants, discharge lamps, LEDs and photovoltaic panels.

In **Spain**, from August 15, 2018 :

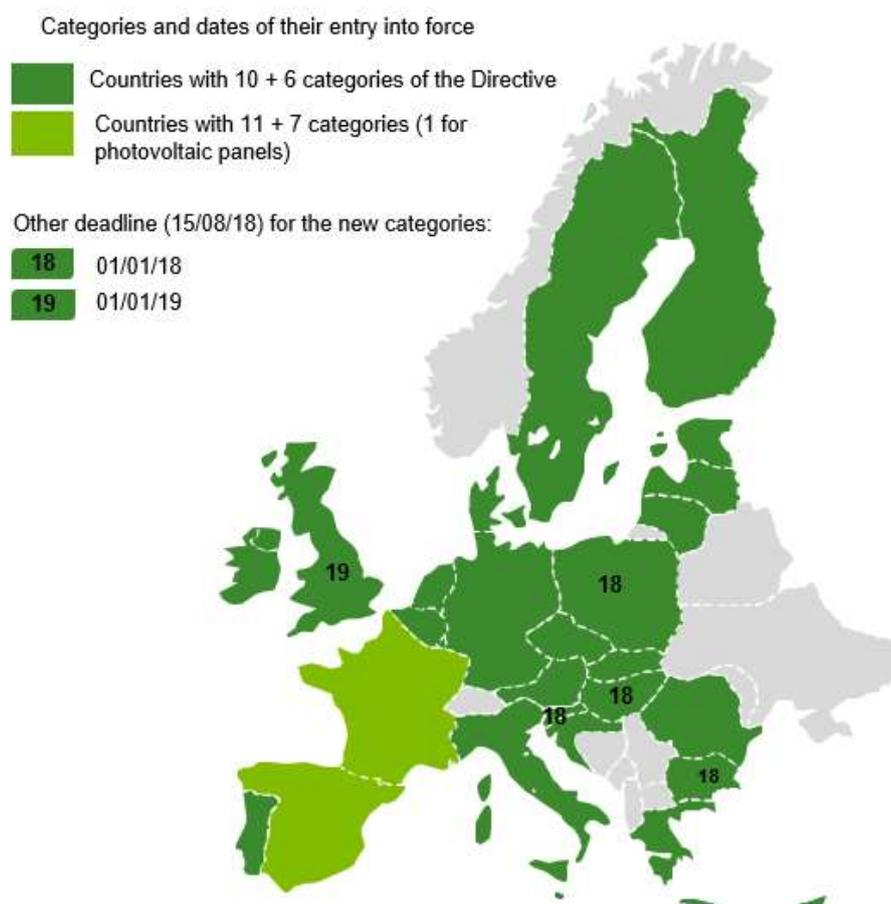
- There are two sub-categories for photovoltaic panels: 7.1 Photovoltaic panels with silicon ; 7.2 Photovoltaic panels with cadmium telluride.
- and two other sub-categories for lamps : 3.1 Discharge (mercury) and fluorescent lamps ; 3.2 LED Lamps.

Four Member States including **Bulgaria, Hungary, Poland** and **Slovenia** advance the entry into force of the six new categories for January 1st, 2018.

The **UK** on the other hand, postponed their entry into force for January 1st, 2019.

Denmark has not yet transposed these six new categories. However, in practice, the collection is organized in six flows that correspond to these six categories and the registry of producers is charged with the conversion into the ten categories of the Directive (in particular for the reporting purposes of the European Commission).

Figure 4 : Scope - categories and dates of their entry into force



Risk of divergence in interpretation

Even if the Member States define the scope in the same terms, certain EEE pose difficulties with regard to their inclusion in the scope and it is not excluded that the practical implementation may vary from one Member State to another.

For example, **German** authorities have indicated during the interviews that the definitions of almost all new exclusions are problematic. In this regard, the registry network of national WEEE (European WEEE Registers Network, EWRN) offers members a tool to help determine whether an EEE falls or not within the scope³.

Some existing definitions can also continue to cause some difficulties: During the transposition in Germany, questions arose concerning storage heaters.

Components and sub-assemblies continue to fuel discussions. The Member States use as reference the European Commission's FAQ document.

In **Denmark**, it is the DPA-System register that is entitled to decide in the case of uncertainty, whether or not a component falls within the scope. In principle, when a component can be sold separately to an end user, it is considered as an EEE. On the other hand, if it is to be sold to a producer, it is not considered as such.

The DPA System precises that cables are in the scope when they are finished products. Cables and wires without connectors are considered to be components and are therefore not covered by the producer's responsibility.

DPA-System also states that electrical cabinets such as electrical control panels, monitoring and distribution systems, metering and connection systems are also included in the scope of application: *"electrical cabinets ready for use, i.e. placed on the market in their final form for installation and use with the end user without further preparation, are covered by producer responsibility as a separate product. This applies whether or not the electrical cabinet is assembled with other equipment, such as transport systems, ventilation facilities, processing machines or assemblies, process lines or similar. This also applies if the finished electrical cabinet is installed in private homes or businesses in connection with the general electricity supply system"*.⁴

In **Spain**, the application guide includes an explanation of the European Commission FAQ document, specifying that components are the items or products which, when assembled, allow an EEE to function properly. The components placed on the market separately to produce or repair an EEE fall outside the scope, unless they have an independent function themselves.

Regarding the **printer cartridges with electronic chip**, 12 Member States have included them in the scope, while they are excluded in Romania and Finland.⁵

In the **Belgian region of Flanders**, the printer cartridges with chips will be included in the scope from July 2016 onwards and in Spain, France and Lithuania in the year 2018.

In **Denmark**, the ink cartridges with chips are included in the scope. When they are not equipped with an electric chip, ink cartridges are considered *"as auxiliaries in line, for instance, with printing paper"*.⁶

The Directive does not specify whether a specific authority or legal body should be designated in response to uncertainties that could concern the scope.

In addition to the advices given to producers through a notice issued by the French Government, producers in **France** must position themselves and in case of dispute, it is ultimately up to the courts to decide.

³ <https://www.ewrn.org/nc/national-registers-section/>

⁴ <https://www.dpa-system.dk/en/WEEE/Products/WEEEscopingofproducts>

⁵ The information has not been given for the other countries

⁶ <https://www.dpa-system.dk/en/WEEE/Products/WEEEscopingofproducts>

Austria has set up a working group which decides upon any scope-related issue.

3.2.4. Focus on specific practices

The German transposition of October 20, 2015 provides additional information compared to the Directive by setting specific definitions for photovoltaic panels, lamps and lighting fixtures.

- Photovoltaic panels : electrical appliances intended for usage in a system and which are designed, assembled and installed for the production of electricity from solar energy ;
- Lamps ("Lampen") : devices for the production of light ;
- Luminaires ('Leuchten') : equipment intended for the distribution, filtering or transforming of the light that is transmitted from one or more lamps and which includes all necessary parts for the fixing and protection of lamps and, where appropriate, auxiliary elements including devices for connection to the electrical network ; Are also included all lamps which cannot be taken away without damaging the generated luminosity in a sustainable manner.

The German Act of 2015 defines historical WEEEs as :

- WEEE place on the market before August 13, 2005 or
- Household waste from lighting and photovoltaic panels placed on the market before October 24, 2015 (date of the entry into force of the 2015 measures).

WEEE Electrolysis Cyprus Ltd has published on its website, a detailed list of equipment covered by the WEEE legislation.

Recupel, the Belgian PRO in charge of WEEE management, publishes on an annual basis a list of equipment covered by the take-back obligation : <http://www.recupel.be/appliance-list-7.html>.

3.2.5. Summary of the transposition

Almost all the Member States have adopted the definitions and exclusions of the Directive.

However, differences of interpretation and approaches in case of doubt may persist.

Following the transitional period, 25 Member States (excluding France, Denmark and Spain) have the same categories as those provided by the Directive.

The vast majority (22 including France) of the Member States provide, like the Directive, the entry into force of the new categories, from August 15th, 2018 onwards.

France and Spain both provide a specific category for photovoltaic panels.

Four countries (Bulgaria, Hungary, Poland and Slovenia) have advanced the entry into force of the 6 new categories for January 1st, 2018.

In contrast, the United Kingdom postponed their entry into force to January 1st, 2019.

Denmark has not yet transposed the six categories.

3.3. Design and marking of the equipment

3.3.1. Provisions laid down in the Directive

The Directive imposes a series of eco-design obligations for EEEs in compliance with the 2009/125/EC Directive, in order to facilitate their reuse and treatment. In addition to that, producers must not “prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements”.



The Directive requires the marking with a crossed-out wheeled bin symbol on all EEEs (or, in the event of insufficient size of a given EEE, the marking must appear on the packaging, instruction manual, or the guarantee certificate).

In addition to this, for each new equipment placed on the market after August 13th, 2005, producers must “provide information free of charge about preparation for re-use and treatment in respect of each type of new EEE placed for the first time on the Union market within one year after the equipment is placed on the market”.

3.3.2. Points of convergence among the Member States

Ecodesign and information for treatment facilities

22 Member States have transposed the obligations related to eco-design and 24 Member States have transposed the obligation to inform treatment facilities.⁷

Marking

All Member States provide for the obligation to mark the EEE with crossed-out wheeled bin accompanied by the information to the user outlined in the Directive.

Almost all Member States (24 of them) require labeling with a crossed-out wheeled bin symbol on all household and professional equipment. However, in four Member States, **France, Germany, Finland** and **Lithuania**, this obligation only applies to household EEE that is in contradiction with the Directive.

3.3.3. Points of divergence among the Member States

Information for treatment facilities

Flanders goes beyond the WEEE Directive regarding the cooperation obligations between producers and processing facilities. Producers must cooperate with treatment facilities to promote the reuse and recycling of WEEEs, by organizing a consultation at least twice a year. They have the obligation to transmit a prevention plan to their PRO, which must also provide to OVAM (the waste management agency in Flanders) an action plan to promote the prevention and recycling. The PRO has an advisory role with regard to product ecodesign for its members.

Marking

Almost half of the Member States (13) refer in their regulations to EN 50419.

⁷ Information on other Member States could not be obtained on the work carried out.

Figure 5 : Marking requirements in the Member States



3.3.4. Focus on specific practices

Eco-modulation of the producers' contributions

In some Member States, as in France, there are financial incentives for the ecodesign of EEEs in the form of eco-modulated contributions paid to PROs.

In Spain, producers who comply with the IEC / TR 62635 and who can prove the recyclability of their products, can benefit from a reduction for the contribution they pay to eco-organizations.

In Sweden, the contribution paid to PROs depend on the recycling costs for some specific products, with adjusted costs depending on the difficulty to recycle.

3.3.5. Summary of the transposition

Member States have transposed the labeling and ecodesign requirements.

24 Member States have imposed the labeling with a crossed-out wheeled bin symbol on all household and professional equipment. In four Member States (Germany, Finland, France and Lithuania) this obligation only applies to household EEEs. The obligation to comply with norm EN 50419 is only present in a minority of Member States.

3.4. Organization and financing of the sector

3.4.1. Provisions laid down by the Directive

The Directive establishes the following:

- Take-back obligation for distributors of 1:1 and 1:0 for small EEE (when retail surface dedicated to the EEE > 400 m²).
- Member States should ensure the availability and accessibility of the necessary collection facilities with regard to the population density.
- Collection points must follow national and EU standards regarding health and safety.
- The Directive calls for separate collection of heat exchange equipment that contain fluorinated gases, fluorescent lamps, photovoltaic panels and small appliances.
- Treatment facilities must apply the best available techniques of treatment, recovery and recycling.

The Directive requires **producers of household EEEs** to finance the collection, treatment, recovery and environmentally friendly disposal of household WEEE that have been brought to collection centers.

The Directive stipulates that Member States may encourage producers to finance the collection between users and collection centers.

The Directive requires Member States to ensure that the producers of household EEEs provide a financial guarantee to ensure that the funding will be made. The guarantee may take the form of an appropriate participation by the producer at the financing of WEEE management, a recycling insurance or a blocked bank account.

The Directive stipulates that producers of professional EEEs are responsible for financing of the collection, treatment and recovery of professional WEEE they place on the market. The Directive also stipulates that professional WEEE producers can freely arrange the financing process.

The Directive also outlines the possibility for producers to appoint an authorized representative who will be able to fulfill their obligations in the Member States where their products are placed in the market. However, producers that are established in a Member State and sell EEEs directly to households or to users other than households in another Member State of the EU by ways of distance communication, have the obligation to appoint an authorized representative in the latter Member State who will be responsible for ensuring the compliance with the obligations of the producer.

3.4.2. Points of convergence among the Member States

Separate collection and appropriate treatment obligations

All Member States provide for the establishment of separate collection systems for household EEEs where end users can deposit EEEs for free.

All Member States prohibit the disposal of EEEs that are collected separately without prior treatment.

All Member States provide for the obligation to treat WEEE according to the best available techniques.

Financing

Household EEEs

All Member States have transposed the obligations related to the financing of household EEEs, providing that producers must at least ensure the collection, treatment and recycling of EEEs deposited at the collection centers.

Professional EEEs

All Member States provide in their national legislations that producers of professional EEEs are responsible for financing the collection, treatment, recovery of professional WEEEs that they have placed on the market since August 13th, 2005.

Individual and collective systems

Household EEEs

Almost all Member States (25 with France) provide the opportunity for producers of household and professional EEEs to fulfill their obligations individually (individual system, "IS") or collectively ("CS"), however the implementation varies from one Member State to another (see the section on the differences).

Professional EEEs

27 of the 28 Member States provide the possibility for producers of professional EEEs to organize themselves in an individual or collective system. Luxembourg is the only country that only allows individual systems for professional EEEs.

In practice, systems for WEEE professionals generally have a greater number of individual systems as household WEEE.

Representative

All Member States except Hungary have transposed the same provisions relating to the appointment of an authorised representative.

Member States have not adopted any additional acts specifying the rules applicable to the authorized representative.

3.4.3. Points of divergence among the Member States

Separate collection and appropriate treatment obligations - household EEEs

Local authority collection obligations

11 Member States impose the collection obligations on the local authorities: **Germany, Austria, Cyprus, Denmark, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Sweden.**

Distributors' take-back obligations

The vast majority of Member States (20 including France) have transposed the take-back obligations identically:

- 1:1 take-back obligation in case of purchasing new equipment;
- Free take-back of small equipment with no condition of purchase in case that the distributor has a sales surface dedicated to EEE greater than 400 m².

Austria provides for an exception to the 1:1 rule for sales areas dedicated to EEE of less than 150m².

In **Denmark**, distributors have no take-back obligation, which is in contradiction with the Directive.

In **Finland**, the take-back obligation 1:0 applies to any sales area of more than 200m² dedicated to EEEs.

In **Hungary**, the producer or the distributor must give the consumer a voucher when it receives a WEEE for treatment at the moment of purchase of new equipment.

The amount of the voucher is set by law and depends on the size of the EEE (50 to 1000 HUF (0.16 EUR 3.20)). Equipment with missing parts should also be taken-back, however in this case, the obligation to provide a voucher no longer applies.

The 1 to 1 recovery rule in the hypothesis of distance selling

Member States do not exclude distance sellers from the 1:1 recovery obligation. Distance sellers are subject to the recovery obligation in Germany, Belgium (Flanders and Wallonia), Spain, Italy, the Czech Republic and the UK.

In **Germany**, the transposition law implies that in the case of distance selling, all storage and shipping areas should be taken into account in order to determine the sales area. It is specified that the buyer must inform the distance seller about his intention to give back an old EEE at the time of delivery. The recovery is ensured by a collection point that is selected by the distance seller and within reasonable distance from the consumer's location.

As mentioned previously, in **Denmark**, distributors have no take-back obligation. This applies as well to distributors that sell EEE by ways of distance communication.

In **Spain**, the 1:1 rule also applies to distributors who make distance selling. However, there is resistance to the implementation of the rule among the sellers.

In the **Czech Republic**, the rule 1:1 also applies to distance sellers.

In the **UK**, distance sellers must inform consumers about the take-back modalities (the collection system they put in place). If the distance seller is represented by an authorized representative before its PRO ("Producers' Compliance Scheme") and the authorities, the latter may be responsible for the organization of these returns that are most often at the time of delivery of the new EEE at the client's household. However, if a distance seller does not comply with its take-back obligations, he can join a Distributor Take Back Scheme (DTS) that will do it for him.

Financing

Visible contribution

Member States have **disparate approaches vis-à-vis the visible contribution** published on the final consumer's invoice. Depending on the cases, the visible contribution is:

- Forbidden - in at least five Member States (Germany, Austria, Estonia, United Kingdom)
- Possible - in at least eight Member States (Belgium, Finland, Greece, Ireland, Italy, Luxembourg, Netherlands, Czech Republic)
- Mandatory - in at least three Member States (Bulgaria, France, Slovakia).
- Forbidden to the final consumer, but possible elsewhere in the distribution chain: Cyprus, Austria, Spain.

In **Austria and Cyprus**, the visible contribution to the final consumer is prohibited but possible in the distribution chain.

In **Spain**, it is forbidden **to integrate it to** the bill, however the producer may communicate it on its website or other advertising means.

Obligation for PROs to exercise a non-for-profit activity

In some Member States, it is mandatory for PROs to be non-profit. This is the case for Belgium, Estonia, France, Luxembourg, the Czech Republic and Slovakia.

The exercise of the non-for-profit activity of PROs is not taxed in Denmark, Latvia, Portugal and the UK⁸.

⁸ L'information sur les autres États membres n'a pas pu être obtenue lors des travaux menés.

Differences in the implementation of individual and collective systems

As mentioned above, almost all Member States (25 including France) provide the opportunity for producers of household and professional EEEs to fulfill their obligations individually (individual system, "IS") or collectively ("CS") but implementation varies from one Member State to another.

In **Austria, Cyprus, Spain, Estonia, France and the Netherlands**, the system for household WEEEs is currently a **100% collective** practice, despite the possibility to organize individually.

In **Sweden**, producers of household EEEs are required to join a collective system, without the possibility to organize individually.

In contrast, in **Germany** the household EEEs producers have an individual obligation to take back equipment that is not transferable to third parties (see section on the collection). Therefore, according to the German authorities, "for competitive reasons" there is no PRO in Germany as understood in France.

Some Member States provide an intermediate form of organization, such as a delegation or solidary grouping between producers. Such organizations (in various forms) are present in Hungary, the Netherlands, Czech Republic and Germany (in Germany it is the most advanced form of cooperation between producers). This intermediate form of organization differs from a PRO because producers are responsible to fulfill their obligations.

Some Member States have systems where producers meet their obligations by paying a contribution to a public fund. For example, in Croatia, the management of physical flows is managed by the Fund for Environmental Protection and Energy Efficiency (EPEEF) which is a public institution under direct authority of the government. Producers may organize in two ways:

- Either they pay a contribution to the Fund which is responsible for the WEEE management in their place
- Or they organize individually by obtaining the Fund's decision which certifies that the individual goal of the producer in a particular category of WEEE has been fully reached (see sections on financing).

Three State concessionary firms are authorized by the Ministry of Environment to conduct WEEE collection activities and two companies are licensed for treatment.

In **Latvia**, under the Law on natural resources, the producer/importer of EEE has two possibilities of organization. He can:

- Either pay tax on natural resources (high tax, between 1.44 EUR / kg and 8.58 EUR / kg depending on the category of EEE)
- Or join an environmental organization and thus be exempted from this tax.

Number and specialisation of PROs

The number of PROs ranges from 0 (Germany - as explained above) to 35 (UK).

Five Member States have one PRO: **Belgium, Cyprus, Croatia, Luxembourg and Slovenia**.

In the Member States where PROs exist, they can manage both household and professional EEEs.

In the **Netherlands**, two PROs are specialized in household EEEs and one on professional EEEs.

In most cases, they treat all categories of EEEs. The specialized PROs usually concern category 5 (lamps), 4 - photovoltaic panels and category 1 (large household appliances) and 2 (small household appliances).

Governance of PROs

In all Member States except Croatia, PROs are an emanation of producers.

In Croatia, the Fund for Environmental Protection and Energy Efficiency (EPEEF) is the public institution under the authority of the government which provides funding for the management of WEEE in addition to public information regarding the importance of separate collection and proper treatment of WEEE (In general, the Fund is the central point for the collection and investment of additional budgetary resources in programs and projects for environmental protection).

Obligation of certification

16 Member States require a form of approval for individual and collective systems for household and professional EEEs.

No certification is required in **Denmark**, but the Ministry of Environment is currently considering the possibility of imposing one. The **Netherlands** does not require one either, either for household or professional EEEs (IS or CS).

In **Sweden**, an approval is required only for collective systems for household EEEs (compulsory membership). For professional EEEs, it is not required.

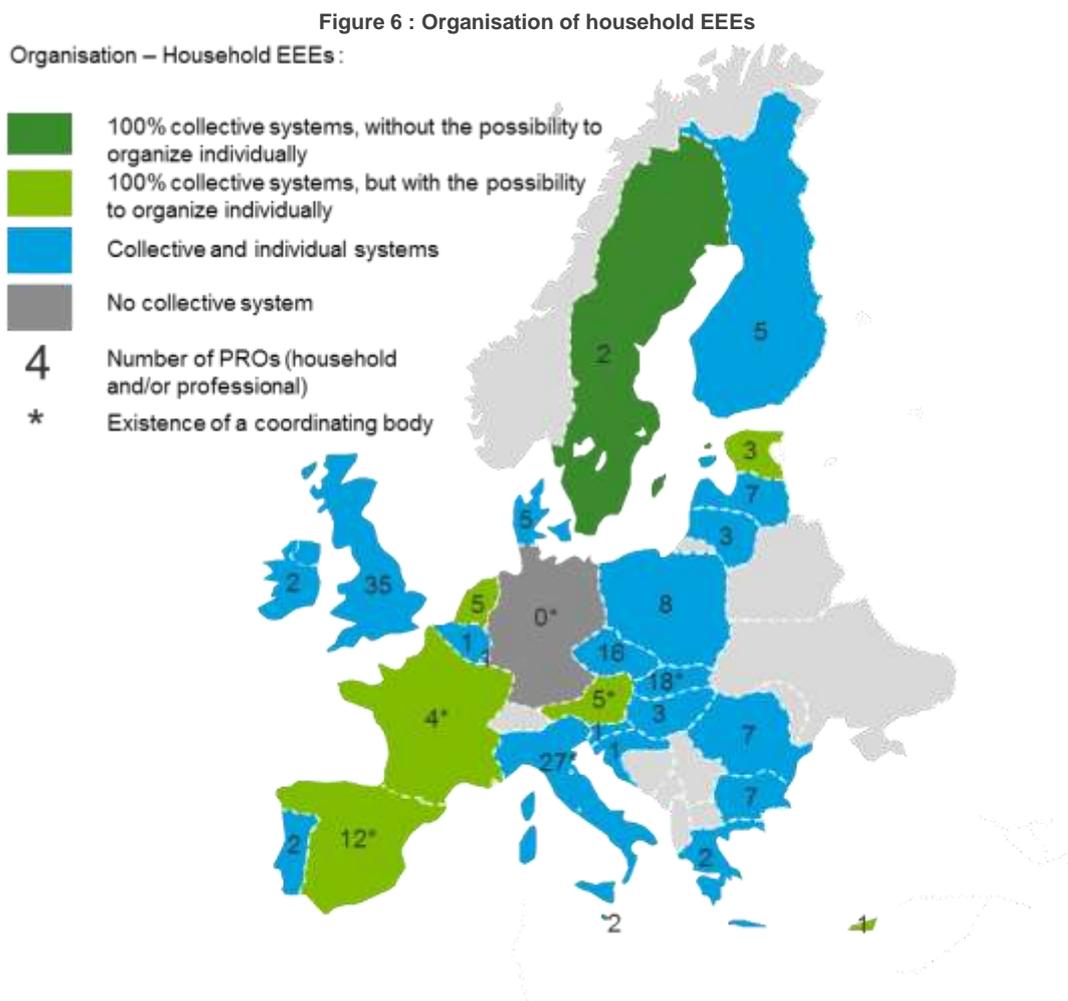
In France, approval is not required for producers of professional EEEs who are individually organized. However, producers must provide and register an annual certificate stating that they have set up an individual system. This certificate is sent by the Registry to the Environment Agency ADEME and the Ministry of the Environment for control purposes.

Existence of a coordinating body

Six Member States (France, Germany, Austria, Spain, Italy, Slovakia) have set up coordinating bodies in order to coordinate the management of flows between different PROs and / or producers.

In **Austria**, the register (EAK Austria) acts as a coordinating body as it coordinates: the collection from different points of collection, public information, the compensation of costs stemming from the use of collection infrastructure (including payment to local communities) and the preparation of reports for the Ministry of environment as well as the European Commission.

In Germany, the producer's register also known as Stiftung Ear, plays a vital role in the allocation of take-back obligations to individual producers.



3.4.4. Focus on specific practices

In **Germany**, the responsibility for the collection is shared: the local authorities are obliged to set up a sufficient number of collection points. Producers must take the quantities of equipment allocated by Stiftung Ear to the municipal collection points.

The Stiftung Ear Register monitors the achievement status of each producer's recovery objectives based on the ratio of the amount of EEE placed on the market and the amount taken from the collection points located in municipalities. The producer that has the highest recovery obligation receives an administrative request from Stiftung Ear to pick-up a container of EEE from a municipality. After treatment, the producer then reports to the Stiftung Ear the quantity treated. The recovery obligation for the producer consequently decreases and Stiftung Ear addresses the request to the next producer with the highest recovery obligation and so on. Producers call upon the waste management operators to remove WEEE when requested by Stiftung Ear.

The producers of household EEEs have an individual obligation to take back any equipment that is not transferable to third parties (see section on the collection). Therefore, according to the German authorities, "for competitive reasons" there are no PROs in Germany⁹.

There are two structures that voluntarily recover WEEEs from their members, which consequently reduces their individual recovery obligation. These structures are not considered "PROs" by the German authorities due to the fact that the recovery obligation continues to rest upon the producer's responsibility and because these structures can only allow the reduction of these individual obligations (Light Cycle the lamps and PV industry cycle for photovoltaic panels). Producers can create additional collection points on a voluntary basis and thus deduct the amounts recovered from the amounts allocated to them.

In the UK, local authorities have no binding obligations with respect to the collection of WEEE with regard to the 2013 law. However they are encouraged to set up Designated Collection Facilities (DCF) or designated collection centers. These DCFs are all registered by Valpak (collective system) that manages the DCF park for the entire UK. The DCF can be financed by Distributor Take Back Schemes (DTS) but local authorities are in general free to find a suitable agreement with producers who opt for collective systems (Producer Compliance Scheme or PCS) to finance the functioning of DCF. This way, the PCS can ensure a constant flow of WEEE that needs to be treated over the year. Note that DCF may not always be put in place by local authorities but can also be private.

The **Czech Republic** has created a specific funding scheme for photovoltaic panels. This regime responded to the concerns of municipalities that many photovoltaic panels that proliferated during the 2009-2011 period due to the very favorable feed-in tariffs and low prices of the panels, remain within the territories without being removed or treated.

Regarding the photovoltaic panels placed on the market after January 1st, 2013, the producer must pay for the separate collection, treatment, reuse and disposal. For these devices, the producer must provide a financial guarantee to cover the cost of these obligations. The regulation provides that the guarantee may take the form of a blocked bank account, without specifying other possible forms.

Regarding the photovoltaic panels placed on the market before January 1st, 2013, the obligation to finance the separate collection, treatment, reuse and disposal of equipment rests upon the photovoltaic panels plant operator's responsibility. Funding is provided through periodic contributions, at least annually, to a collective scheme from 1 January 2014 so that the funding gets fully covered until March 30th, 2019. For these "historic" photovoltaic panels, the State sets a minimum level of contribution. Following on to that, the PRO determines the contributions according to their weight and their content.

However, producers and end-holders may agree on other support arrangements.

3.4.5. Summary of the transposition

Though Member States have generally adopted all of the obligations for separate collection, treatment and producers' financing obligations, the implementation phase varies considerably between Member States. This is especially true for household EEEs.

⁹ Information fournie par le BMUB, l'UBA et le Registre Stiftung Ear, 8 janvier 2016

11 Member States provide collection obligations for municipalities (Germany, Austria, Cyprus, Denmark, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Sweden).

25 Member States (including France) provide the opportunity for producers of household and professional EEEs to fulfill their obligations individually or collectively.

In **Austria, Cyprus, Spain, Estonia, France and the Netherlands**, the system for household WEEE is currently 100% collective practice, despite the possibility to organize individually.

In **Sweden**, producers of household EEEs are required to join a collective system, without the possibility to organize individually.

In contrast to the examples listed above, in **Germany** the producers of household EEEs have an individual obligation to take back equipment that is not transferable to third parties. Therefore, there is no PRO in Germany.

The number of PROs ranges from 0 (Germany) to 35 (UK).

Five Member States only have a PRO: **Belgium, Cyprus, Croatia, Luxembourg and Slovenia**.

Six Member States (France, Germany, Austria, Spain, Italy, Slovakia) have set up coordinating bodies to coordinate the management of flows between different PROs and / or producers.

The **Czech Republic** created a specific financing regime for photovoltaic panels.

3.5. Collection and recovery objectives

3.5.1. Provisions laid down by the Directive

Collection targets

The Directive imposes collection targets at national level :

- Minimum collection rate of 45% from 2016 onwards (Tons collected / EEEs placed on the market by taking the annual average over the previous 3 years)
- Minimum collection rate of 65% from 2019 onwards (or 85% of WEEEs generated in the year).

Some Member States benefit from the derogation under Article 7.3 of the Directive, according to which, because of their lack of the necessary infrastructure and their low consumption of EEEs in the country, the collection rate from 14 August 2016 may be lower than 45% but must be greater than 40% of the average weight of EEE placed on the market in the three preceding years. Member States benefiting from the exemption are : Bulgaria, Czech Republic, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia.

Member States benefiting from the derogation can shift the target for the collection to 65% of WEEE to 14 August 2021.

Treatment objectives

The Directive imposes targets for recycling, recovery and reuse for different categories of WEEEs :

EQUIPMENT CATEGORY		REUSE AND RECYCLING		RECOVERY	
		Until 14/08/2015	From 15/08/2015 to 14/08/2018	Until 14/08/2015	From 15/08/2015 to 14/08/2018
1	Large household appliances	75 %	80 %	80 %	85 %
2	Small household appliances	50 %	55 %	70 %	75 %
3	IT and telecommunications equipment	65 %	70 %	75 %	80 %
4	Consumer equipment	65 %	70 %	75 %	80 %
5	Lighting equipment	50 %	55 %	70 %	75 %
6	Electrical and electronic tools	50 %	55 %	70 %	75 %
7	Toys, leisure and sports equipment	50 %	55 %	70 %	75 %
8	Medical devices	50 %	55 %	70 %	75 %
9	Instruments of supervision and control	50 %	55 %	70 %	75 %
10	Automatic dispensers	75 %	80 %	80 %	85 %

EQUIPMENT CATEGORY		FROM AGUST 15, 2018	
		Reuse and recycling	Recovery
1	Heat exchange equipment	80 %	85 %
2	Screens, monitors, and equipment containing screens having a surface greater than 100 cm ²	70 %	80 %
3	Lamps	80 %	-
4	Large equipment	80 %	85 %
5	Small equipment	55 %	75 %
6	Small IT and telecommunications equipment	55 %	75 %

3.5.2. Points of convergence among the Member States

Collection

The vast majority of Member States (24 with France) have transposed the collection targets applicable to them in their national regulations.

Treatment

All Member States have transposed treatment targets imposed by the Directive and some have gone further (see the section below on points of divergence).

3.5.3. Points of divergence among the Member States

Collection

16 Member States have transposed the collection targets by taking the minimum rates set by the Directive: 45% from 2016 and 65/85% from 2019.

Eight Member States have transcribed in their legislation derogatory collection targets under the exception provided for by the Directive. These are **Bulgaria, Hungary, Latvia, Malta, Poland, Romania, Slovakia and Slovenia**.

Only **Belgium** - Flanders region and **France** have higher targets for certain categories. In **Denmark**, a discussion is underway to see if stricter collection targets should be set. **Hungary** has not yet transposed the target of 65% for 2021.

The **Czech Republic, the United Kingdom, Sweden** and **Lithuania** have not transposed any collection targets in their legislative or national regulation.

In the case of the **Czech Republic** and the **UK**, the national authorities stated that the State was directly obliged and responsible for achieving these objectives under the Directive and to communicate directly to the EU on its progress to achieve these objectives.

In the **UK**, the government imposes targets for collective systems annually by category.

In the **Czech Republic**, in the revision of current regulations, the Ministry of Environment plans to enforce collection targets directly to producers and / or collective systems.

Under the Directive, **Sweden** is to achieve the objective of 45% from 2016 and 65/85% from 2019, The **Czech Republic** and **Lithuania** have got derogatory minimum rates (at least 40% from 2016, 65% no later than 2021).

Treatment

Transitional period

The **Belgian region of Flanders**, provides the highest recycling targets for categories 2, 5, 6, 7, 8 and 9: 70% against 55% in the Directive.

Bulgaria, Slovenia and **Sweden** apply the objectives since January 1st, 2015.

In **Poland, the UK** and **Slovakia**, they are applicable since January 1st, 2016.

Objectives after the transitional period

From August 15, 2018, **Belgium - Flanders**, sets higher recycling targets for categories 5 and 6: 70% against 55% in the Directive.

France provides higher recycling and recovery targets for category 6 (small IT equipment), namely 70 and 80% against 55 and 75% in the Directive.

Denmark has not yet transposed any treatment targets for the period after August 15, 2018.

Five Member States (**Bulgaria, Hungary, Poland, Slovenia** and **Sweden**) advance the entry into force of the treatment objectives to January 1st, 2018 (instead of August 15th, 2018).

The **UK** and **France** are shifting the entry into force of their targets to January 1st, 2019.

In all Member States except France and Sweden, deadlines for new treatment targets coincide with the entry into force of the new categories (described in section 3.2).

3.5.4. Focus on specific practices

France and Hungary are the only Member States to define collection targets *by category* of EEEs.

For Hungary, these objectives since 2015 are:

- Cat. 1 : 48 % ;
- Cat. 3 : 45 % ;
- Cat. 4 et 5a : 40 % ;
- Cat. 6 : 8 % ;
- Cat. 5, 7, 9, 10 : 7 % ;
- No set target for category 8 (medical devices).

3.5.5. Summary of the transposition

The vast majority of Member States (24 including France) have transposed in their national regulations the collection targets that are applicable.

16 Member States have transposed the collection targets by taking the minimum rates set by the Directive: 45% from 2016 and 65/85% from 2019.

Eight have transcribed in their legislation derogatory collection targets under the exception provided for by the Directive. These are **Bulgaria, Hungary, Latvia, Malta, Poland, Romania, Slovakia** and **Slovenia**.

Only **Belgium - Flanders** region and **France** have higher targets for certain categories.

In the **UK** and the **Czech Republic**, the collection targets apply directly on the Member State, without appearing in the national regulations.

All Member States have transposed the treatment objectives outlined in Directive.

Belgium - Flanders sets, from the 15th August 2018, higher recycling targets than those of the Directive for categories 5 and 6: 70% against 55% in the Directive.

France sets higher recycling and recovery targets for category 6 (small IT equipment), namely 70 and 80% against 55 and 75% in the Directive.

Denmark has not yet transposed the treatment targets for the period after August 15th, 2018.

3.6. Registration and reporting

3.6.1. Provisions laid down by the Directive

Member States must create a registry of producers to which all producers must register and report the following information:

- All relevant information regarding their activities in the MS;
- The administrative data;
- The domestic producer identification number;
- The types of EEEs placed on the market;
- The sales method;
- Method of financing;
- Quantities of EEEs placed on the market by categories (annual declaration);
- Quantities of WEEEs treated for which the producer provided funding.

3.6.2. Points of convergence among the Member States

All Member States have established a registry of producers as required by the Directive. All Member States have also implemented a set of obligations concerning the registration and reporting.

3.6.3. Points of divergence among the Member States

Entity in charge of the registry

The Register is managed by different actors in the Member States:

- Environmental Agency or other governmental agency in charge of environment - 12 Member States (Austria, Belgium, Bulgaria, Finland, France, Greece, Hungary, Lithuania, Poland, United Kingdom, Slovenia and Sweden).
- Ministry of Environment - 9 Member States (Cyprus, Estonia, Italy, Latvia, Luxembourg, Malta, Czech Republic, Romania, Slovakia).
- An entity specifically established for this purpose - 5 Member States (Germany, Denmark, Ireland, Netherlands, Portugal)
- Other
 - Ministry of industry- **Spain**
 - In **Croatia**, the Register is held by the Fund for Environmental Protection and Energy Efficiency – it is a government institution that also receives contributions from producers.

Moreover, in **Latvia**, the Register which is kept by the Ministry of Environment is administered by the Latvian association of electrical and electronic industries, which is the professional association of producers of EEE.

Registration fees

Member States have different approaches to registration fees. There is:

- **Free registration in 12 Member States** (Austria, Belgium, Bulgaria, Estonia, France, Greece, Luxembourg, Czech Republic, Romania, Slovakia, Sweden);
- **Registration fee in 10 Member States** (Germany, Cyprus, Denmark, Finland, Ireland, Latvia, Netherlands, Portugal, UK, Slovenia)¹⁰.

¹⁰ 23 Member States where information on the registry fees was made available.

The registration fees can be :

- Fixed:
 - **Germany:** the cost of the first registration is set at € 210.50. This fee covers the register operation. Producers of small quantities of WEEE can apply reduced fees paid to Stiftung Ear.
 - **Portugal :** 40 EUR
- Variable, depending on the turnover :
 - **UK :** from 38,7 to 575 EUR
 - **Ireland :** from 75 to 2000 EUR.

Annual fees

In addition to registration fees, **Slovenia** and **Latvia** also provide for, **annual fees**:

- Slovenia : 22,66 EUR for registration + 33,38 EUR for the annual registration fees
- Latvia : 42,69 EUR for the registration fees + 42,69 EUR for the annual registration fees for each account

Frequency of reporting

A large majority of Member States (19) provide for an annual declaration period:

- **Annual – 19 États membres** : Germany (professional EEEs), Belgium, Denmark, Finland, France, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Czech Republic, Romania, United Kingdom (professional EEEs), Slovakia, Sweden
- **Quarterly – 7 Member States** : Austria, Bulgaria, Cyprus, Estonia, Latvia, United Kingdom (household EEEs)
- **Monthly – 3 Member States** : Germany (household EEEs), Croatia, Ireland
- **Biannual** – Slovenia.

Sanctions

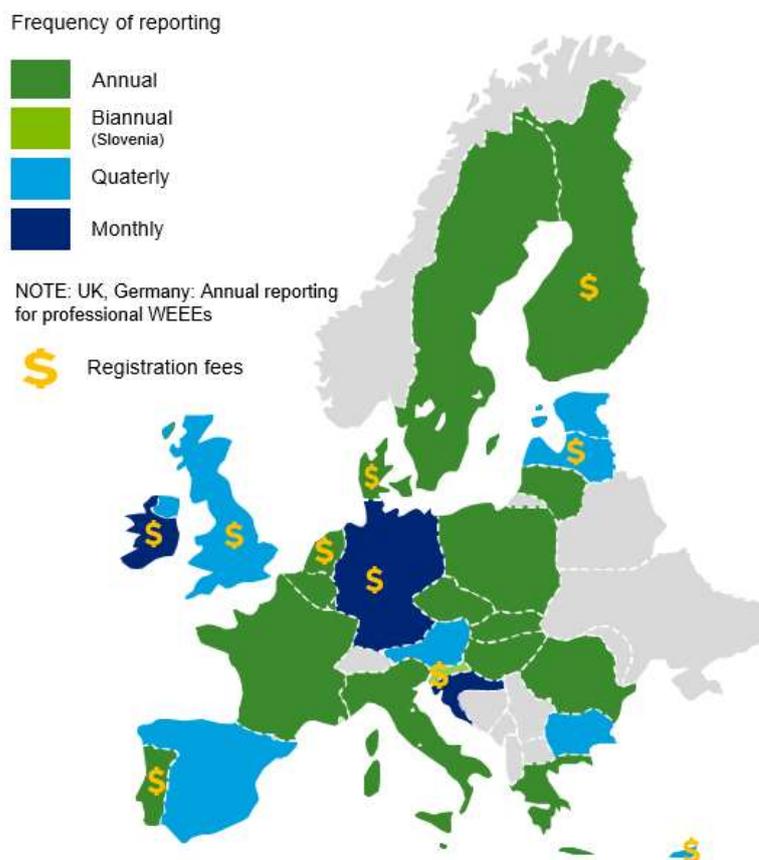
Member States for which information is available, all provide sanctions for non-compliance with regulations on WEEE. These are mainly fines, but prison sentences can also be imposed in cases of intentional or serious noncompliance (Denmark, Ireland, UK).

In the **Netherlands**, unregistered producers incur administrative fines that are proportional to the number of non-registered equipment and to the profit from the lack of registration. In addition, producers and PROs incur penalties if they do not reach the targets.

In the **Czech Republic**, unregistered producers are subject to administrative sanctions: those breaching the regulatory requirements of the WEEE incur an administrative fine of up to 50 million CZK (1.85 million EUR).

In practice, the penalties depend on the amount of non-compliant WEEEs and can amount to several thousands of Czech crowns for smaller producers (hundreds to thousands of euros) to tens of thousands of Czech crowns for larger producers (thousands of euros).

Figure 7: Reporting periods and registration fees



3.6.4. Focus on specific practices

In **Portugal**, the reporting frequency is annual but PROs ask their member producers to provide the data quarterly.

In **Germany** and the **UK**, the communication frequency is different for producers of household and professional EEEs. In both countries, it is annual for professional EEEs whereas for household EEEs, it is monthly for **Germany** and quarterly for the **UK**.

3.6.5. Summary of the transposition

All Member States have established a Register of producers as required by the Directive. All Member States have also implemented the obligations regarding the registration and reporting. In most Member States, the Register is kept by the Environment Agency (12) or the Ministry of the Environment (9).

The reporting period varies among the Member States but it is annual in most (19) of them. Germany and the United Kingdom require more frequent reporting periods (monthly and quarterly respectively) for household EEEs and for professional EEEs (annual).

In 12 Member States, producers must pay the registration fees to cover the cost of operations.

Member States for which information is available, all provide sanctions for non-compliance with regulations on WEEE. These are mainly fines, but prison sentences can also be imposed in cases of intentional or serious noncompliance.

4. Conclusions and perspectives

The majority of Member States transpose the most of the same provisions present in the Directive. These provisions concern:

- Definitions ;
- Scope and exclusions;
- Categories and dates of their entry into force (some countries have advanced the entry into force to January 1st, 2015 and January 1st, 2018, the UK postponed it to January 1st, 2019);
- Information that producers must provide to treatment facilities;
- Marking requirements: the majority of the Member States impose labeling with the crossed-out wheeled bin symbol on all household and professional EEEs;
- Objectives and obligations relative to the treatment;
- Distributors take-back obligations (rule 1:1 and 1:0);
- Provisions relative to the authorized representative;
- Registration obligations.

The major differences concern the organisation of household WEEE management systems and the roles and responsibilities of local authorities and producers.

The differences between Member States particularly concern:

- The collection targets :
 - The difference regarding the collection targets essentially stem from the Directive itself as it provides an opportunity for some Member States to shift the collection target of 65% to 2021 (normally 2019). Member States benefiting from this exemption apply the objectives set by it.
 - Only Belgium - Flanders region and France have higher targets for certain categories and Denmark was considering to set higher targets.
 - Some Member States have not transposed the collection targets considering that this requirement set by the Directive applies directly to the Member State and not the producers (UK, Czech Republic).
- Organization and financing of the collection for household waste: some Member States require local authorities to organise and finance at least part of the collection, while PROs or producers collect WEEEs from public collection points (ex. Denmark, Germany).
- Differences in the number and roles of PROs: in Germany, producers cannot transfer the take-back obligation to a third party. In some countries, joining a collective scheme is mandatory for household EEE producers (Sweden).
- Different levels of constraints for PROs: the majority of countries require PROs to get an approval (eg Denmark does not require an approval but is considering this possibility).
- Different approaches to the visible contribution: sometimes the appearance of the contribution on the end-user invoice is prohibited (Austria, but possible in the supply chain), sometimes it is mandatory (Slovakia).

Compared to the first WEEE Directive transposition period, Member States have all implemented WEEE management systems.

The current challenges include the efficiency of the systems in place within national contexts in order to achieve the objectives, including the financing, organization, competition between PROs and the control mechanisms of the latter.

These issues also resonate in the new circular economy package of the European Commission (particularly regarding the requirements for producers' responsibility schemes and financing of the costs).

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ABOUT ADEME

ADEME provides expertise and advisory services to businesses, local authorities and communities, government bodies and the public at large, to enable them to establish and consolidate their environmental action. As part of this work the agency helps finance projects, from research to implementation, in the areas of waste management, soil conservation, energy efficiency and renewable energy, air quality and noise abatement.

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