

**WEEE2 guidance document:
Large-scale stationary industrial tools
("LSSIT")**



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1 Objective

The European Commission previously published two FAQ documents¹ to interpret the prerequisites of large-scale stationary industrial tools (LSSIT). Unfortunately, those interpretations did not remove the possible misunderstandings in this area. Therefore, this document provides guidance and clarification for the interpretation of the exclusion LSSIT for the Directive 2012/19/EU (WEEE2).

2 Tool

Tools (b2c and b2b) are in scope of WEEE2 and allocated to category 6 until 14.08.2018 and categories 4 and 5 from 15.08.2018.

Electrical and electronic tools are 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 **Tools can also be** electrical pumps, power generators and compressors.

Only if a tool is a LSSIT it is excluded from the WEEE2 scope.

3 Definition of LSSIT subject to WEEE2

According to WEEE2

*"large-scale stationary industrial tools' means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility"*³

¹ <http://ec.europa.eu/environment/waste/weee/pdf/faq.pdf> concerning Directive 2012/19/EU and http://ec.europa.eu/environment/waste/rohs_eee/pdf/faq.pdf concerning Directive 2011/65/EU

² RoHS2 FAQ, Q3.1, p.10

³ Article 2 (4) (b), Article 3 (1) (b) WEEE2

The definition of LSSIT consists of three specific prerequisites. In detail:

- (i) **assembly of machines, equipment, and/or components, functioning together for a specific application ("tools");**
- (ii) **permanently installed and de-installed by professionals at a given place and used and maintained by professionals in an industrial manufacturing facility or research and development facility;**
- (iii) **and large size.**

All three prerequisites must be met for the exclusion to apply.

4 Interpretation of the LSSIT prerequisites

The interpretation of the above quoted prerequisites follows the Commission's FAQs subject to WEEE2 and RoHS2. EWRN provides further interpretation where the Commission's interpretation does not lead to a clear conclusion. In detail:

Ad (i). It must be a "tool" (see above No. 2). It must be placed on the market as a single tool and it is not custom built.⁴

Ad (ii). "Permanently installed at a given place" means that the equipment will not change location in its entire lifespan. This is the case when it is *intended* for use at one single location.⁵ Although the equipment itself may have some mobility, for example, on rails located within the site/plant.

"Installation and de-installation as well as **usage and maintenance must be performed by professionals** in an **industrial manufacturing facility or research and development facility**". This means that the LSSIT is exclusively used in a professional context only⁶ (b2b-equipment only).

⁴ Custom built/tailor-made tools cannot be excluded as LSSIT. But they may be excluded as large-scale fixed installation.

⁵ RoHS2 FAQ Q3.1, p. 11: a LSSIT once installed at a given place can be de-installed and installed again at another given place by professionals if the company for example moves from one premises to another.

⁶ WEEE2 FAQ 4.2, p.13, RoHS2 FAQ Q3.1, p. 9 and **ECJ, C-369/14, (para 49)** subject to Garage-door operating devices: *As regards whether the operating devices at issue constitute 'large-scale stationary industrial tools', excluded from the 'electrical and electronic tools' category within the meaning of Directives 2002/96 and 2012/19, [...] it should be noted that that concept commonly refers to large tools or machines used in the manufacture or industrial processing of products, which are installed in a fixed position and cannot normally be moved or removed. It follows from this that the operating devices at issue may not on any view be described as 'industrial tools' since those operating devices are not used in the manufacture or industrial processing of products. Secondly, those operating devices do not fit the definition of 'large-scale stationary industrial tools' in Article 3(1)(b) of Directive 2012/19 either, since they are not primarily 'used and maintained by professionals in an industrial manufacturing facility or research and development facility'.*

Ad (iii). **Large-scale** refers both to the *performance* and the actual *size* of the tool, where the tool is capable of handling a *large "throughput"*.

WEEE2 does not define what "large-scale" means metrically.⁷ Since there is no metric guidance that defines "large-scale" subject to LSSIT EWRN proposes to introduce the following metrics as an orientation to determine "large-scale".⁸ **Both metrics must be met.**

- 1. Weight: more than 2 tons**
- 2. Volume: minimum of 15,625 m³ (e.g. 2,5 m x 2,5 m x 2,5 m).**

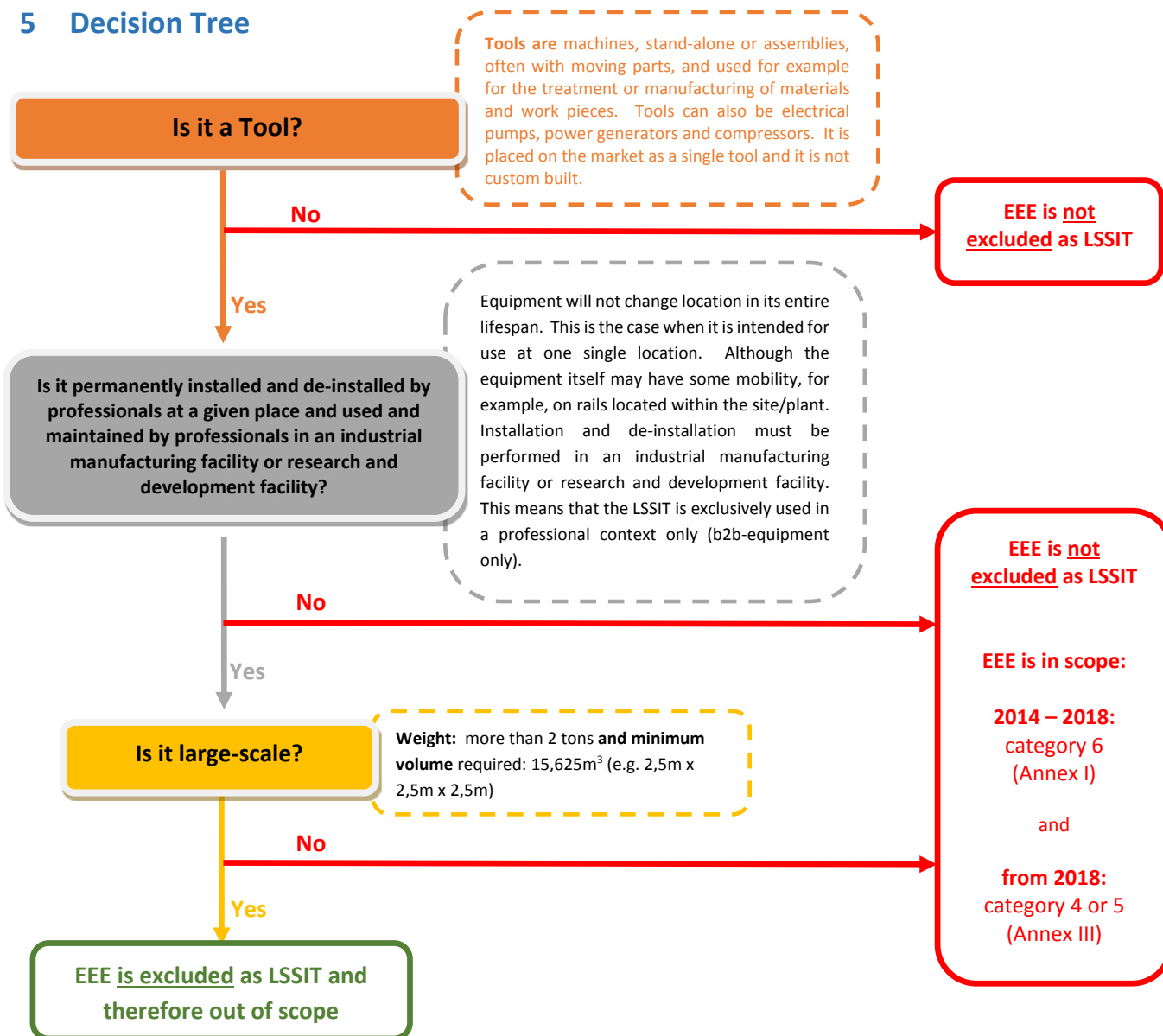
According to RoHS2 FAQ Q3.1, p.12 footnote 12 Commission advises that LSSIT (weight) should be between and significantly different from those for large household appliances and those for LSFI.

The proposed metrics can only be indicative for the prerequisite large-scale. **A tool is only excluded as LSSIT if all three prerequisites mentioned above under No. 3 (i), (ii) and (iii) are met.**

⁷ WEEE2 FAQ No. 4.2. refers to RoHS2 FAQ Q 3.1. Furthermore the RoHS2 FAQ mentions, in footnote 12, that specific guidance related to LSSIT's metrics based on technical data *should be developed in the course of the implementation and enforcement of RoHS2 and incorporated in a revised version of the FAQ RoHS2 document*. The Commission has yet to develop specific metrics.

⁸ The ROHS2 FAQ (p.12) does though present size criteria for determining a large-scale fixed installation.

5 Decision Tree



6 European WEEE Registers Network (EWRN)

EWRN is an independent network of national registers at the heart of the national implementation of Directive 2002/96/EC and the new Directive 2012/19/EU ("WEEE2") in the respective EU Member States.

Those responsible for managing the national registers are working together at EWRN as experts regarding electrical and electronic equipment ("EEE") and its proper treatment.

EWRNs primary objectives includes promoting a harmonised approach to registration, reporting and scoping issues across the Member States. This includes harmonised interpretation of the new exclusions under WEEE2.