

# THE NEW REQUIREMENTS OF THE WEEE DIRECTIVE 2012/19/EU BEING EFFECTIVE FROM AUGUST 2018 *A SUMMARY FOR PRODUCERS*

## BACKGROUND

In 2008, in order to further increase the volume of electrical and electronic equipment (EEE) collected and treated, the European Commission proposed a recast of the Waste Electrical and Electronic Equipment (WEEE) Directive. While increased recycling of WEEE mitigates the risks to environment and health, it also offers opportunities for secondary raw materials to become available on the market.

Consequently, on 4 July 2012 the new WEEE Directive (2012/19/EU) was adopted and replaced the old WEEE Directive (2002/96/EC) of 27 January 2003, implementing a number of substantial changes. These, among others, also include amendments that shall facilitate and increase the collection of WEEE, e.g. by changing basic definitions which significantly expand the scope.

This booklet provides an overview of the new requirements being effective from 15 August 2018 and also reviews their related national transpositions as far as being available.

## THE REQUIREMENTS OF THE EU LEGISLATION

### 2.1 New “Open Scope”

With the new WEEE Directive (2012/19/EU) and starting from 15 August 2018 Member States shall make sure that **all** EEE, which meets the definition in Article 3(1)(a) and does not fall under one of the exclusions mentioned below, is considered to be in scope of their national transposition.

In contrast to the first WEEE Directive (2002/96/EC) where assignment to one of 10 categories was a key condition deciding whether equipment is in scope or not, the second WEEE Directive has a so called “**Open Scope**”.

In order to determine whether equipment is EEE within the Open Scope or not one has to answer two core questions presented below

#### **Question 1.** *Does the equipment meet the definition of EEE?*

##### **EEE according to Article 3(1)(a) of Directive 2012/19/EU:**

Electrical and electronic equipment or EEE means 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.

## Question 2. Does the equipment fall under any of the exclusions?

### Equipment excluded from EEE scope based on Article 2(3):

- military equipment;
- 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;
- filament bulbs

### Equipment excluded from EEE scope based on Article 2(4):

- equipment designed to be sent into space;
- large-scale stationary industrial tools;
- large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those 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 ineffective prior to end of life, and active implantable medical devices

## 2.2 New Categories

Another big change arising from the second WEEE Directive (2012/19/EU) is the introduction of 6 new categories which are set out in Annex III, namely:

1. Temperature exchange equipment
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm<sup>2</sup>
3. Lamps
4. Large equipment (any external dimension more than 50 cm)
5. Small equipment (no external dimension more than 50 cm)
6. Small IT and telecommunication equipment (no external dimension more than 50 cm)

Assignment of equipment to one of these 6 categories will give a preference either to its functionality or to a combination of functionality and size (i.e. categories 4, 5 and 6).

The Open Scope approach should be legally binding from 15 August 2018, which means that the 10 categories set out in the old Directive apply until this date. However, with the new Directive there is an addition in category 4 (Annex I): during the transitional period from 13 August 2012 to 14 August 2018, category 4 not only includes consumer equipment but photovoltaic panels as well.

The Directive gives each Member State the possibility to design freely and use additional categories and subcategories, as long as reporting to the Commission is in line with the requirements of the Directive.

## THE NATIONAL TRANSPOSITIONS

Member States were obliged to transpose the requirements of the second WEEE Directive into national law by 14 February 2014.

The table below gathers currently available information about this national transposition with regard to Open Scope and new categories also listing EFTA countries in addition to EU Member States.

It displays differences between the Directive and the respective national transpositions related to:

- the change of EEE definitions and exclusions,
- the date of shift from 10 to 6 categories and
- the addition of EEE categories.


COUNTRY	SAME DEFINITIONS?		SHIFT TO OPEN SCOPE		
	Definition of EEE	Exemption from EEE Scope	When in force?	(Sub) Categories	Reporting in new categories
Austria	YES	YES	15.08.2018	NO	01.01.2018 (products newly in scope from 15.08.2018 only)
Belgium Flanders	YES	YES	15.08.2018	NO	From 01.07.2018 products newly in scope have to be reported
Belgium Wallonia	YES	YES	15.08.2018	NO	From 01.07.2018 products newly in scope have to be reported
Belgium Brussels	YES	YES	15.08.2018	NO	From 01.07.2018 products newly in scope have to be reported
Bulgaria	YES	YES	01.01.2018	NO	01.01.2018
Croatia	YES	YES	15.08.2018	NO	Awaiting authorities clarification
Cyprus	YES	YES	15.08.2018	NO	Already in place
Czech Republic	YES	YES	15.08.2018	NO	01.01.2019
Denmark	YES	YES	15.08.2018	YES	01.01.2019
Estonia	YES	YES	15.08.2018	NO	01.01.2019
Finland	YES	YES	15.08.2018	NO	01.01.2019
France	YES	YES	15.08.2018	YES	15.08.2018
Germany	YES	YES	15.08.2018	YES	September 2018
Greece	YES	YES	15.08.2018	NO	Already in place
Hungary	YES	YES	01.01.2018	NO	01.01.2018
Iceland	NO	NO	Not applicable	10 categories are used	Not applicable
Ireland	YES	YES	15.08.2018	NO	01.01.2019
Italy	YES	YES	15.08.2018	YES	Data for 2018 should be reported in new categories by 30.04.2019
Latvia	YES	YES	15.08.2018	NO	01.01.2019
Liechtenstein	NO	NO	Not applicable	Different categories are used	Not applicable
Lithuania	YES	YES	15.08.2018	NO	March 2018
Luxembourg	YES	YES	15.08.2018	NO	01.01.2019
Malta	YES	YES	15.08.2018	NO	15.08.2018
Netherlands	YES	YES	15.08.2018	NO	01.01.2019
Norway	YES	NO	Already in force	YES	Already in place
Poland	YES	YES	01.01.2018	NO	01.01.2018
Portugal	YES	YES	15.08.2018	NO	01.01.2018
Romania	YES	YES	15.08.2018	NO	01.01.2019
Slovakia	YES	YES	15.08.2018	NO	01.01.2019
Slovenia	YES	YES	01.01.2018	NO	01.07.2019*
Spain	YES	YES	15.08.2018	YES	01.01.2018 (products newly in scope from 15.08.2018 only)
Sweden	YES	YES	15.08.2018	NO	01.01.2019


COUNTRY	SAME DEFINITIONS?		SHIFT TO OPEN SCOPE		
	Definition of EEE	Exemption from EEE Scope	When in force?	(Sub) Categories	Reporting in new categories
Switzerland	NO	NO	Not applicable	Different categories are used	Not applicable
UK	YES	YES	01.01.2019	Existing 14 categories kept*	01.01.2019

\*Based on unofficial feedback or draft of legal act.

 National transposition does not deviate from Directive

 National transposition deviates from Directive

 Status of national transposition needs still to be confirmed

 Status of national transposition is matter of change

## HOW CAN WE HELP YOU?

For any questions on the topics covered in this booklet, especially on the different transpositions of the WEEE Directive and the actual status in a specific country, please contact [info@erp-recycling.org](mailto:info@erp-recycling.org).

ERP is closely monitoring the developments in the Member States in order to keep this booklet up to date.

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