

Directive 2012/19/EU of the European Parliament and of
the Council of 4 July 2012 on waste electrical and electronic
equipment (WEEE) (recast) (Text with EEA relevance)

Article 3

Definitions

- 1 For the purposes of this Directive, the following definitions shall apply:
- a ‘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;
 - b ‘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;
 - c ‘large-scale fixed installation’ means a large-size combination of several types of apparatus and, where applicable, other devices, which:
 - (i) are assembled, installed and de-installed by professionals;
 - (ii) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
 - (iii) can only be replaced by the same specifically designed equipment;
 - d ‘non-road mobile machinery’ means machinery, with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;
 - e ‘waste electrical and electronic equipment’ or ‘WEEE’ means electrical or electronic equipment which is waste within the meaning of Article 3(1) of Directive 2008/98/EC, including all components, sub-assemblies and consumables which are part of the product at the time of discarding;
 - f ‘producer’ means any natural or legal person who, irrespective of the selling technique used, including distance communication within the meaning of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts⁽¹⁾:
 - (i) is established in a Member State and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of that Member State;
 - (ii) is established in a Member State and resells within the territory of that Member State, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the ‘producer’ if the brand of the producer appears on the equipment, as provided for in point (i);

- (iii) is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or
- (iv) sells EEE by means of distance communication directly to private households or to users other than private households in a Member State, and is established in another Member State or in a third country.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed to be a ‘producer’ unless he also acts as a producer within the meaning of points (i) to (iv);

- g ‘distributor’ means any natural or legal person in the supply chain, who makes an EEE available on the market. This definition does not prevent a distributor from being, at the same time, a producer within the meaning of point (f);
- h ‘WEEE from private households’ means 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;
- i ‘finance agreement’ means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;
- j ‘making available on the market’ means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;
- k ‘placing on the market’ means the first making available of a product on the market within the territory of a Member State on a professional basis;
- l ‘removal’ means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;
- m ‘medical device’ means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 1(2) of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices⁽²⁾ which is EEE;
- n ‘in vitro diagnostic medical device’ means an in vitro diagnostic device or accessory within the meaning of, respectively, point (b) or (c) of Article 1(2) of Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices⁽³⁾ which is EEE;
- o ‘active implantable medical device’ means an active implantable medical device within the meaning of point (c) of Article 1(2) of Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices⁽⁴⁾ which is EEE.

2 In addition, the definitions of ‘hazardous waste’, ‘collection’, ‘separate collection’, ‘prevention’, ‘re-use’, ‘treatment’, ‘recovery’, ‘preparing for re-use’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC shall apply.

- (1) OJ L 144, 4.6.1997, p. 19.
- (2) OJ L 169, 12.7.1993, p. 1.
- (3) OJ L 331, 7.12.1998, p. 1.
- (4) OJ L 189, 20.7.1990, p. 17.