

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 5*

**Separate collection**

1 Member States shall adopt appropriate measures to minimise the disposal of WEEE in the form of unsorted municipal waste, to ensure the correct treatment of all collected WEEE and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment as referred to in categories 5 and 6 of Annex III.

- 2 For WEEE from private households, Member States shall ensure that:
- a systems are set up allowing final holders and distributors to return such waste at least free of charge. Member States shall ensure the availability and accessibility of the necessary collection facilities, taking into account, in particular, the population density;
  - b when supplying a new product, distributors are responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment. Member States may derogate from this provision provided that they ensure that returning the WEEE is not thereby made more difficult for the final holder and that it remains free of charge for the final holder. Member States making use of this derogation shall inform the Commission thereof;
  - c distributors provide for the collection, at retail shops with sales areas relating to EEE of at least 400 m<sup>2</sup>, or in their immediate proximity, of very small WEEE (no external dimension more than 25 cm) free of charge to end-users and with no obligation to buy EEE of an equivalent type, unless an assessment shows that alternative existing collection schemes are likely to be at least as effective. Such assessments shall be available to the public. WEEE collected shall be properly treated in accordance with Article 8;
  - d without prejudice to points (a), (b) and (c), producers are allowed to set up and to operate individual and/or collective take-back systems for WEEE from private households provided that these are in line with the objectives of this Directive;
  - e having regard to national and Union health and safety standards, WEEE that presents a health and safety risk to personnel because of contamination may be refused for return under points (a), (b) and (c). Member States shall make specific arrangements for such WEEE.

Member States may provide for specific arrangements for the return of WEEE pursuant to points (a), (b) and (c) for cases in which the equipment does not contain its essential components or if the equipment contains waste other than WEEE.

3 Member States may designate the operators that are allowed to collect WEEE from private households as referred to in paragraph 2.

4 Member States may require that the WEEE deposited at collection facilities referred to in paragraphs 2 and 3 is handed over to producers or third parties acting on their behalf or is handed over, for purposes of preparing for re-use, to designated establishments or undertakings.

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5 In the case of WEEE other than WEEE from private households, and without prejudice to Article 13, Member States shall ensure that producers or third parties acting on their behalf provide for the collection of such waste.