

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 1*

**Subject matter**

This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment (WEEE) and by reducing overall impacts of resource use and improving the efficiency of such use in accordance with Articles 1 and 4 of Directive 2008/98/EC, thereby contributing to sustainable development.

*Article 2*

**Scope**

- 1 This Directive shall apply to electrical and electronic equipment (EEE) as follows:
  - a from 13 August 2012 to 14 August 2018 (transitional period), subject to paragraph 3, to EEE falling within the categories set out in Annex I. Annex II contains an indicative list of EEE which falls within the categories set out in Annex I;
  - b from 15 August 2018, subject to paragraphs 3 and 4, to all EEE. All EEE shall be classified within the categories set out in Annex III. Annex IV contains a non-exhaustive list of EEE which falls within the categories set out in Annex III (open scope).
- 2 This Directive shall apply without prejudice to the requirements of Union legislation on safety and health, on chemicals, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency<sup>(1)</sup>, as well as of specific Union waste management or product design legislation.
- 3 This Directive shall not apply to any of the following EEE:
  - a equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes;
  - b 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;
  - c filament bulbs.
- 4 In addition to the equipment specified in paragraph 3, from 15 August 2018, this Directive shall not apply to the following EEE:
  - a equipment designed to be sent into space;
  - b large-scale stationary industrial tools;
  - c large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
  - d means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;
  - e non-road mobile machinery made available exclusively for professional use;

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- f equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- g 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.

5 No later than 14 August 2015, the Commission shall review the scope of this Directive set out in point (b) of paragraph 1, including the parameters to distinguish between large and small equipment in Annex III, and shall present a report thereon to the European Parliament and to the Council. The report shall be accompanied by a legislative proposal, if appropriate.

### *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<sup>(2)</sup>:
    - (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

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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<sup>(3)</sup> 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<sup>(4)</sup> 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<sup>(5)</sup> 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.

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#### Article 4

##### Product design

Member States shall, without prejudice to the requirements of Union legislation on the proper functioning of the internal market and on product design, including Directive 2009/125/EC, encourage cooperation between producers and recyclers and measures to promote the design and production of EEE, notably in view of facilitating re-use, dismantling and recovery of WEEE, its components and materials. In this context, Member States shall take appropriate measures so that the ecodesign requirements facilitating re-use and treatment of WEEE established in the framework of Directive 2009/125/EC are applied and producers do 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.

#### 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

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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.

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.

#### *Article 6*

### **Disposal and transport of collected WEEE**

1 Member States shall prohibit the disposal of separately collected WEEE which has not yet undergone the treatment specified in Article 8.

2 Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which allows optimal conditions for preparing for re-use, recycling and the confinement of hazardous substances.

In order to maximise preparing for re-use, Member States shall promote that, prior to any further transfer, collection schemes or facilities provide, where appropriate, for the separation at the collection points of WEEE that is to be prepared for re-use from other separately collected WEEE, in particular by granting access for personnel from re-use centres.

#### *Article 7*

### **Collection rate**

1 Without prejudice to Article 5(1), each Member State shall ensure the implementation of the 'producer responsibility' principle and, on that basis, that a minimum collection rate is achieved annually. From 2016, the minimum collection rate shall be 45 % calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State. Member States shall ensure that the volume of WEEE collected evolves gradually during the period from 2016 to 2019, unless the collection rate laid down in the second subparagraph has already been achieved.

From 2019, the minimum collection rate to be achieved annually shall be 65 % of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85 % of WEEE generated on the territory of that Member State.

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Until 31 December 2015, a rate of separate collection of at least 4 kilograms on average per inhabitant per year of WEEE from private households or the same amount of weight of WEEE as was collected in that Member State on average in the three preceding years, whichever is greater, shall continue to apply.

Member States may set more ambitious rates for separate collection of WEEE and shall in such a case report this to the Commission.

2 In order to establish whether the minimum collection rate has been achieved, Member States shall ensure that information concerning the WEEE that is separately collected in accordance with Article 5 is transmitted to the Member States free of charge, including at least information on WEEE that has been:

- a received by collection and treatment facilities;
- b received by distributors;
- c separately collected by producers or third parties acting on their behalf.

3 By way of derogation from paragraph 1, Bulgaria, the Czech Republic, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia may, because of their lack of the necessary infrastructure and their low level of EEE consumption, decide to:

- a achieve, from 14 August 2016, a collection rate that is lower than 45 % but higher than 40 % of the average weight of EEE placed on the market in the three preceding years; and
- b postpone the achievement of the collection rate referred to in the second subparagraph of paragraph 1 until a date of their own choice which shall not be later than 14 August 2021.

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 20 laying down the necessary transitional adjustments in order to address difficulties faced by Member States in adhering to the requirements laid down in paragraph 1.

5 In order to ensure uniform conditions for the implementation of this Article, the Commission shall, by 14 August 2015, adopt implementing acts establishing a common methodology for the calculation of the weight of EEE placed on the national market and a common methodology for the calculation of the quantity of WEEE generated by weight in each Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

6 The Commission shall, by 14 August 2015, present a report to the European Parliament and to the Council on the re-examination of the deadlines relating to the collection rates referred to in paragraph 1 and on possibly setting individual collection rates for one or more categories set out in Annex III, particularly for temperature exchange equipment, photovoltaic panels, small equipment, small IT and telecommunication equipment and lamps containing mercury. The report shall, if appropriate, be accompanied by a legislative proposal.

7 If the Commission considers, on the basis of an impact study, that the collection rate based on WEEE generated requires revision, it shall submit a legislative proposal to the European Parliament and the Council.

## *Article 8*

### **Proper treatment**

1 Member States shall ensure that all separately collected WEEE undergoes proper treatment.

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2 Proper treatment, other than preparing for re-use, and recovery or recycling operations shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex VII.

3 Member States shall ensure that producers or third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems may be set up by producers individually or collectively. Member States shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex VIII.

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 20 concerning the amendment of Annex VII in order to introduce other treatment technologies that ensure at least the same level of protection for human health and the environment.

The Commission shall evaluate, as a matter of priority, whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays need to be amended. The Commission is invited to evaluate whether amendments to Annex VII are necessary to address nanomaterials contained in EEE.

5 For the purposes of environmental protection, Member States may set up minimum quality standards for the treatment of the WEEE that has been collected.

Member States which opt for such quality standards shall inform the Commission thereof, which shall publish these standards.

The Commission shall, not later than 14 February 2013, request the European standardisation organisations to develop European standards for the treatment, including recovery, recycling and preparing for re-use, of WEEE. Those standards shall reflect the state of the art.

In order to ensure uniform conditions for the implementation of this Article, the Commission may adopt implementing acts laying down minimum quality standards based in particular on the standards developed by the European standardisation organisations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

A reference to the standards adopted by the Commission shall be published.

6 Member States shall encourage establishments or undertakings which carry out treatment operations to introduce certified environmental management systems in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)<sup>(6)</sup>.

## *Article 9*

### **Permits**

1 Member States shall ensure that any establishment or undertaking carrying out treatment operations obtains a permit from the competent authorities in compliance with Article 23 of Directive 2008/98/EC.

2 Exemptions from permit requirements, conditions for exemptions and registration shall be in compliance, respectively, with Articles 24, 25 and 26 of Directive 2008/98/EC.

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3 Member States shall ensure that the permit or the registration referred to in paragraphs 1 and 2 includes all the conditions that are necessary for compliance with the requirements of Article 8(2), (3) and (5) and for the achievement of the recovery targets set out in Article 11.

#### *Article 10*

### **Shipments of WEEE**

1 The treatment operation may also be undertaken outside the respective Member State or the Union provided that the shipment of WEEE is in compliance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply<sup>(7)</sup>.

2 WEEE exported out of the Union shall only count towards the fulfilment of obligations and targets set out in Article 11 of this Directive if, in compliance with Regulations (EC) No 1013/2006 and (EC) No 1418/2007, the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of this Directive.

3 The Commission shall, not later than 14 February 2014, adopt delegated acts, in accordance with Article 20, laying down detailed rules supplementing those in paragraph 2 of this Article, in particular the criteria for the assessment of equivalent conditions.

#### *Article 11*

### **Recovery targets**

1 Regarding all WEEE separately collected in accordance with Article 5 and sent for treatment in accordance with Articles 8, 9 and 10, Member States shall ensure that producers meet the minimum targets set out in Annex V.

2 The achievement of the targets shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery or recycling/preparing for re-use facility, after proper treatment in accordance with Article 8(2) with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.

Preliminary activities including sorting and storage prior to recovery shall not count towards the achievement of these targets.

3 In order to ensure uniform conditions for the implementation of this Article, the Commission may adopt implementing acts establishing additional rules on the calculation methods for the application of the minimum targets. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

4 Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the weight of WEEE, its components, materials or substances when leaving (output) the collection facility, entering (input) and leaving (output) the treatment facilities and when entering (input) the recovery or recycling/preparing for re-use facility.

Member States shall also ensure that, for the purposes of paragraph 6, records on the weight of products and materials when leaving (output) the recovery or recycling/preparing for re-use facility are kept.

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5 Member States shall encourage the development of new recovery, recycling and treatment technologies.

6 On the basis of a report of the Commission accompanied, if appropriate, by a legislative proposal, the European Parliament and the Council shall, by 14 August 2016, re-examine the recovery targets referred to in Annex V, Part 3, examine the possibility of setting separate targets for WEEE to be prepared for re-use and re-examine the calculation method referred to in paragraph 2 with a view to analysing the feasibility of setting targets on the basis of products and materials resulting (output) from the recovery, recycling and preparation for re-use processes.

## *Article 12*

### **Financing in respect of WEEE from private households**

1 Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households that has been deposited at collection facilities set up under Article 5(2).

2 Member States may, where appropriate, encourage producers to finance also the costs occurring for collection of WEEE from private households to collection facilities.

3 For products placed on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer may choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and shall ensure that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

4 The responsibility for the financing of the costs of the management of WEEE from products placed on the market on or before 13 August 2005 ('historical waste') shall be borne by one or more systems to which all producers existing on the market when the respective costs occur contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

5 Member States shall take the necessary measures to ensure that appropriate mechanisms or refund procedures are developed for the reimbursement of contributions to the producers where WEEE is transferred for placing on the market outside the territory of the Member State concerned. Such mechanisms or procedures may be developed by producers or third parties acting on their behalf.

6 The Commission is invited to report, by 14 August 2015, on the possibility of developing criteria to incorporate the real end-of-life costs into the financing of WEEE by producers, and to submit a legislative proposal to the European Parliament and the Council if appropriate.

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### Article 13

#### **Financing in respect of WEEE from users other than private households**

1 Member States shall ensure that the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from users other than private households resulting from products placed on the market after 13 August 2005 is to be provided for by producers.

For historical waste being replaced by new equivalent products or by new products fulfilling the same function, the financing of the costs shall be provided for by producers of those products when supplying them. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for this financing.

For other historical waste, the financing of the costs shall be provided for by the users other than private households.

2 Producers and users other than private households may, without prejudice to this Directive, conclude agreements stipulating other financing methods.

### Article 14

#### **Information for users**

1 Member States may require producers to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the best estimate of the actual costs incurred.

2 Member States shall ensure that users of EEE in private households are given the necessary information about:

- a the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
- b the return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the producers or other operators which have set them up;
- c their role in contributing to re-use, recycling and other forms of recovery of WEEE;
- d the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE;
- e the meaning of the symbol shown in Annex IX.

3 Member States shall adopt appropriate measures so that consumers participate in the collection of WEEE and to encourage them to facilitate the process of re-use, treatment and recovery.

4 With a view to minimising the disposal of WEEE as unsorted municipal waste and to facilitating its separate collection, Member States shall ensure that producers appropriately mark — preferably in accordance with the European standard EN 50419<sup>(8)</sup> — EEE placed on the market with the symbol shown in Annex IX. In exceptional cases, where this is necessary because of the size or the function of the product, the symbol shall be printed on the packaging, on the instructions for use and on the warranty of the EEE.

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5 Member States may require that some or all of the information referred to in paragraphs 2, 3 and 4 shall be provided by producers and/or distributors, e.g. in the instructions for use, at the point of sale and through public awareness campaigns.

#### *Article 15*

### **Information for treatment facilities**

1 In order to facilitate the preparation for re-use and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, Member States shall take the necessary measures to ensure that producers 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. This information shall identify, as far as it is needed by centres which prepare for re-use and treatment and recycling facilities in order to comply with the provisions of this Directive, the different EEE components and materials, as well as the location of dangerous substances and mixtures in EEE. It shall be made available to centres which prepare for re-use and treatment and recycling facilities by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

2 In order to enable the date upon which the EEE was placed on the market to be determined unequivocally, Member States shall ensure that a mark on the EEE specifies that the latter was placed on the market after 13 August 2005. Preferably, the European Standard EN 50419 shall be applied for this purpose.

#### *Article 16*

### **Registration, information and reporting**

1 Member States shall, in accordance with paragraph 2, draw up a register of producers, including producers supplying EEE by means of distance communication. That register shall serve to monitor compliance with the requirements of this Directive.

Producers supplying EEE by means of distance communication as defined in Article 3(1)(f)(iv) shall be registered in the Member State that they sell to. Where such producers are not registered in the Member State that they are selling to, they shall be registered through their authorised representatives as referred to in Article 17(2).

- 2 Member States shall ensure that:
- a each producer, or each authorised representative where appointed under Article 17, is registered as required and has the possibility of entering online in their national register all relevant information reflecting that producer's activities in that Member State;
  - b upon registering, each producer, or each authorised representative where appointed under Article 17, provides the information set out in Annex X, Part A, undertaking to update it as appropriate;
  - c each producer, or each authorised representative where appointed under Article 17, provides the information set out in Annex X, Part B;
  - d national registers provide links to other national registers on their website to facilitate, in all Member States, registration of producers or, where appointed under Article 17, authorised representatives.

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3 In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the format for registration and reporting and the frequency of reporting to the register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

4 Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported, by weight.

<sup>F15</sup> .....

<sup>F26</sup> Member States shall report the data concerning the implementation of paragraph 4 for each calendar year to the Commission.

They shall report the data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 9.

The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 9, and it shall cover the data for that reporting period.

7 The data reported by Member States in accordance with paragraph 6 shall be accompanied by a quality check report.

8 The Commission shall review the data reported in accordance with paragraph 6 and publish a report on the results of its review. The report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data by the Member States and every four years thereafter.

9 The Commission shall adopt implementing acts laying down the format for reporting the data referred to in paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).]

#### **Textual Amendments**

- F1** Deleted by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (Text with EEA relevance).
- F2** Inserted by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (Text with EEA relevance).

### *<sup>F2</sup>Article 16a*

#### **Incentives for the application of the waste hierarchy**

In order to contribute to the objectives laid down in this Directive, Member States may make use of economic instruments and other measures to provide incentives for the

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application of the waste hierarchy, such as those indicated in Annex IVa to Directive 2008/98/EC or other appropriate instruments and measures.]

#### **Textual Amendments**

- F2** Inserted by [Directive \(EU\) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment \(Text with EEA relevance\)](#).

#### *Article 17*

#### **Authorised representative**

- 1 Each Member State shall ensure that a producer as defined in Article 3(1)(f)(i) to (iii) established in another Member State is allowed, by way of exception to Article 3(1)(f)(i) to (iii), to appoint a legal or natural person established on its territory as the authorised representative that is responsible for fulfilling the obligations of that producer, pursuant to this Directive, on its territory.
- 2 Each Member State shall ensure that a producer as defined in Article 3(1)(f)(iv) and established on its territory, which sells EEE to another Member State in which it is not established, appoints an authorised representative in that Member State as the person responsible for fulfilling the obligations of that producer, pursuant to this Directive, on the territory of that Member State.
- 3 Appointment of an authorised representative shall be by written mandate.

#### *Article 18*

#### **Administrative cooperation and exchange of information**

Member States shall ensure that authorities responsible for implementing this Directive cooperate with each other, in particular to establish an adequate flow of information to ensure that producers comply with the provisions of this Directive and, where appropriate, provide each other and the Commission with information in order to facilitate the proper implementation of this Directive. The administrative cooperation and exchange of information, in particular between national registers, shall include electronic means of communication.

Cooperation shall include, inter alia, granting access to the relevant documents and information including the results of any inspections, subject to the provisions of the data protection law in force in the Member State of the authority which is requested to cooperate.

#### *Article 19*

#### **Adaptation to scientific and technical progress**

[<sup>F3</sup>The Commission is empowered to adopt delegated acts in accordance with Article 20 of this Directive concerning the amendments necessary in order to adapt Annexes IV,

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VII, VIII and IX to this Directive to scientific and technical progress. The Commission shall adopt a separate delegated act in respect of each Annex to be amended. When amending Annex VII to this Directive, the exemptions granted under Directive 2011/65/EU of the European Parliament and of the Council<sup>(9)</sup> shall be taken into consideration.]

Before the Annexes are amended, the Commission shall, inter alia, consult producers of EEE, recyclers, treatment operators and environmental organisations and employees' and consumer associations.

#### **Textual Amendments**

- F3** Substituted by [Directive \(EU\) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment \(Text with EEA relevance\).](#)

### *Article 20*

#### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 7(4), Article 8(4), Article 10(3) and Article 19 shall be conferred on the Commission for a period of five years from 13 August 2012. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 7(4), Article 8(4), Article 10(3) and Article 19 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 7(4), Article 8(4), Article 10(3) and Article 19 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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## Article 21

### Committee procedure

1 The Commission shall be assisted by the Committee established by Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

## Article 22

### Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 14 February 2014 at the latest and shall notify it without delay of any subsequent amendment affecting them.

## Article 23

### Inspection and monitoring

1 Member States shall carry out appropriate inspections and monitoring to verify the proper implementation of this Directive.

Those inspections shall at least cover:

- a information reported in the framework of the register of producers;
- b shipments, in particular exports of WEEE outside the Union in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007; and
- c the operations at treatment facilities in accordance with Directive 2008/98/EC and Annex VII of this Directive.

2 Member States shall ensure that shipments of used EEE suspected to be WEEE are carried out in accordance with the minimum requirements in Annex VI and shall monitor such shipments accordingly.

3 The costs of appropriate analyses and inspections, including storage costs, of used EEE suspected to be WEEE may be charged to the producers, to third parties acting on their behalf or to other persons arranging the shipment of used EEE suspected to be WEEE.

4 In order to ensure uniform conditions for the implementation of this Article and of Annex VI, the Commission may adopt implementing acts establishing additional rules on inspections and monitoring and in particular uniform conditions for the implementation

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of Annex VI, point 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

#### *Article 24*

### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 February 2014. They shall immediately communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directives repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3 Provided that the objectives set out in this Directive are achieved, Member States may transpose the provisions set out in Article 8(6), Article 14(2) and Article 15 by means of agreements between the competent authorities and the economic sectors concerned. Such agreements shall meet the following requirements:

- a agreements shall be enforceable;
- b agreements shall specify objectives with the corresponding deadlines;
- c agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;
- d the results achieved shall be monitored regularly, reported to the competent authorities and the Commission and made available to the public under the conditions set out in the agreement;
- e the competent authorities shall ensure that the progress achieved under the agreement is examined;
- f in the case of non-compliance with the agreement, Member States must implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.

#### *Article 25*

### **Repeal**

Directive 2002/96/EC as amended by the Directives listed in Annex XI, Part A is repealed with effect from 15 February 2014, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex XI, Part B.

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XII.

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*Article 26*

**Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 27*

**Addressees**

This Directive is addressed to the Member States.

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- (1) OJ L 396, 30.12.2006, p. 1.
- (2) OJ L 144, 4.6.1997, p. 19.
- (3) OJ L 169, 12.7.1993, p. 1.
- (4) OJ L 331, 7.12.1998, p. 1.
- (5) OJ L 189, 20.7.1990, p. 17.
- (6) OJ L 342, 22.12.2009, p. 1.
- (7) OJ L 316, 4.12.2007, p. 6.
- (8) Adopted by Cenelec in March 2006.
- (9) [<sup>F3</sup>Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).]

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#### **Textual Amendments**

- F3** Substituted by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (Text with EEA relevance).