



European Union: Waste Electrical and Electronic Equipment (WEEE 2)

March 2019

Summary

U.S. companies selling electrical and electronic goods in the European Union (EU) are required to comply with the Waste Electrical and Electronic Equipment Directive (“WEEE” Directive – Directive [2012/19/EU](#) of July 2012). Its objective is to contribute to the efficient use of resources, reduce the amount of e-waste entering the landfill and encourage the reuse and recycling of electrical and electronic equipment.

Since 15 August 2018, all electrical and electronic equipment are covered by the directive, except for the ones specifically excluded. The WEEE directive covers electrical and electronic equipment (EEE) used by consumers (B2C) and EEE intended for professional use (B2B).

WEEE requirements include:

- Registration and reporting to national authorities on volumes of EEE placed on their market
- Organizing and/or financing the collection, treatment, recycling and recovery of WEEE and providing specific information to recycling companies.
- Labeling products with the ‘crossed out wheellie bin’ symbol to allow for correct disposal by end-users.

WEEE implementation varies across the EU from country to country, with procedures and costs differing. It is essential for companies to ensure that they are aware of national WEEE legislation in the Member States where they intend to do business.

The WEEE Directive

The WEEE Directive 2012/19/EU (WEEE 2), replaced WEEE 2002/96/EC (WEEE 1) and came into force on 14 February 2014.

1. Scope

Since 15 August 2018, all electrical and electronic equipment is covered by the directive except for the ones specifically excluded.

To determine whether a product falls within the scope of the directive, companies should check if their products meet the definition of EEE and if they are covered by exclusions.

EEE definition: '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' (WEEE article 3.a).

Since 15 August 2018, all EEE are classified within 6 categories set out in Annex III of the WEEE directive:

1. Temperature exchange equipment (TEE)
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm²
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)

Note: WEEE 1 had 10 categories (Large household appliances; Small household appliances; IT & Telecoms equipment; Consumer Equipment & PV panels; Lighting equipment; EE Tools; Toys, Leisure & Sports; Medical devices; Monitoring & Control Instruments; Automatic Dispensers).

Annex IV gives a non-exhaustive list of products falling within these categories (e.g. photovoltaic panels fall within category 4 – Large equipment).

The Commission FAQ document includes a decision tree to help you determine if your product is covered by WEEE:

<http://ec.europa.eu/environment/waste/weee/pdf/faq.pdf>

See also guidance from the European WEEE registers network on the definition of categories:

https://www.ewrn.org/fileadmin/ewrn/content/documents/170905_EWRN_Definition_6_categories_fin.pdf

Exclusions: Article 2.3 lists products excluded from the WEEE directive:

- Military equipment
- Equipment parts
- Filament bulbs
- Equipment designed to be sent into space
- Large scale stationary industrial tools (LSIT)
- Large-scale fixed installations
- Means of transport
- Non-road mobile machinery
- Research and development equipment
- Medical devices and in vitro diagnostic medical devices.

See guidance from the European WEEE registers network on WEEE exclusions:

<https://www.ewrn.org/publications-events/publications/new-weee2-exclusions>

2. WEEE Requirements for Producers

Manufacturers of electrical and electronic equipment, importers, distributors and foreign distance sellers (i.e. internet sales) are affected by the legislation.

The WEEE Directive defines producers as “any person who irrespective of the selling techniques:

- Manufactures and sells EEE under his own brand;
- Resells under his own brand, equipment produced by other suppliers;
- Imports or exports EEE on a professional basis into a Member State; or,
- Sells EEE by means of distance communication (e.g., over the Internet) directly to households or to users other than private households in a Member State, and is established in a third country.”

In some cases, U.S. exporters will have no direct compliance obligations. However, U.S. exporters should still be mindful of the Directive’s requirements as their importers and distributors are allowed to pass along the costs associated with compliance. In addition, U.S. exporters have an obligation to remain vigilant in monitoring their contractual arrangements with respect to WEEE because the EU places ultimate responsibility on the manufacturer regardless of country of origin.

“Producers” of electrical and electronic equipment must:

- Register as a producer with the competent Member State authority;
- Submit data on their EEE in the EU market and on what has been recycled by them or by a competent body (i.e., the collective systems set up in Member States);
- Ensure products are correctly labeled and designed to ease re-use and recycling;
- Ensure collection systems are in place, either by setting up an individual scheme or joining a collective one;

- Pay their share of treatment and recycling costs for separately collected items.

2.a Registration and reporting obligations

The WEEE legislation requires Member States to establish a register of producers and to collect information on the quantities of WEEE sold within their respective national territories and report to the European Commission on the amount collected and recycled (Article 16).

Producers must register with a designated authority in each Member State, the so-called national register which registers producers and collects information on the categories and quantities of EEE put on their market, as well as the amounts collected, recycled, recovered and collected. When a product is distributed in different Member States, registration is mandatory in each country. Without the WEEE registration, a product cannot be placed on the market.

WEEE Annex X details information to be submitted upon registration and information to be submitted for reporting.

Note that different registration and reporting systems have been developed in the Member States which may result in different costs of registration and data requirements. There is no EU-wide registration authority.

Link to national registers: (WEEE Member States contacts, updated June 2018)
http://ec.europa.eu/environment/waste/weee/pdf/WEEE_Member_State_Contacts_June_2018.pdf

If you are not based in the EU country where you sell EEE, your importer will fulfill all the responsibilities of a producer, including registering and reporting. WEEE 2 allows non-EU based companies, including distance sellers, to appoint an **Authorized Representative** to fulfil their obligations (article 17). The Authorized Representative will represent your company and ensure that you meet WEEE obligations. For example, the Authorized Representative can register in the national register of EEE producers and may join a collective compliance scheme on your behalf (see below). Finding an Authorized Representative can be difficult and costly. For more information, see our list of [business service providers](#).

2.b Financing the collection, treatment and recycling of WEEE

Based on the Extended Producer Responsibility (EPR) principles, the Directive makes producers (manufacturer, distributor, importer, distance seller) responsible for the organization and/ or financing of the collection, treatment, recycling and recovery of their WEEE.

Producers may either join a fee-based organization (typically referred to as a “compliance scheme”) that will handle collection, treatment and recycling for them, or choose to assume the tasks under the producer responsibility individually and submit their own waste management plans to the relevant national or regional authorities. Most producers choose to join a collective scheme.

Financial obligations are different for household and commercial WEEE as well as for “historical waste” (products put on the market before 2005) and “new waste” (products put on the market after 2005).

As systems vary from one country to the other, it is important to check possibilities at the national level.

An example: The Belgian take-system [RECUPEL](#).

For other countries, check the producer collective schemes for household and non-household WEEE:

http://ec.europa.eu/environment/waste/weee/pdf/WEEE_Member_State_Contacts_June_2018.pdf

2.c Information for recycling companies

WEEE requires proper treatment of WEEE (Article 8) by, as a minimum, removing all fluids and a selective treatment in accordance with Annex VII (e.g. removal of batteries, plastic containing brominated flame retardants).

Article 15 contains the obligation for producers to communicate information relevant for recycling. This includes providing information free of charge about preparation for reuse and treatment for EEE. Producers have set up the Information for Recyclers Platform ([I4R](#)) to allow the exchange of information between producers of EEE and recyclers of WEEE about the different components and materials and the location of dangerous substances and mixtures in EEE.

European standards (EN) have been developed for the marking, collection, transport, reuse and treatment of WEEE. Note that the use of standards is voluntary. Standard users can demonstrate compliance through a third-party conformity assessment or by self-declaration:

- List of European standards for WEEE treatment:
http://ec.europa.eu/environment/waste/weee/standards_en.htm
- CENELEC guidance on European Standards for WEEE:
<https://www.cenelec.eu/News/Publications/Publications/WEEE-brochure.pdf>

Note that, unlike the ROHS directive restricting hazardous substances in EEE, the WEEE directive does not require a CE mark and that different countries in Europe have different requirements, which makes compliance more complex for companies exporting to several EU countries. Please visit our webpage for assistance in the various EU countries:

<https://2016.export.gov/europeanunion/weerohs/weerohscountry-by-country/index.asp>

2.d Labeling requirements

The WEEE Directive requires that producers mark EEE sold in Europe with a crossed-out wheelee bin (depicted below – Annex IX). In exceptional cases (e.g. where this is necessary because of the size of the product) the symbol may be printed on the packaging. Businesses complying with standard EN 50419 are presumed to be in compliance with WEEE labeling requirements.

For consumers, this symbol on the product or on the packaging indicates that the product must not be disposed with other household waste. Instead, they should hand over their waste equipment to a designated collection point for the recycling of waste electrical and electronic equipment.



3. WEEE and used EEE exported outside the EU

WEEE 2 has introduced new requirements to fight illegal shipment of WEEE outside the EU. Documentation showing that used EEE exported outside the EU is being shipped for repair or reuse is required (Annex VI: Minimum requirements for shipments).

For exports of WEEE (article 10), companies need to demonstrate that treatment of WEEE outside the EU takes place in conditions that are equivalent to the requirements of the WEEE Directive. They also need to ensure that waste shipped is managed in an environmentally sound manner, in line with the EU regulation on the shipment of waste (Regulation EC n. 1013/2006).

4. Additional Information

The following links provide additional WEEE information and resources for U.S. companies.

- U.S. Commercial Service: <http://export.gov/europeanunion/weeerohs/>
- EU WEEE Directive: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0019>

- WEEE contacts (including Member States authorities):
http://ec.europa.eu/environment/waste/weee/contacts_en.htm
- EU WEEE FAQ Document:
<http://ec.europa.eu/environment/waste/weee/pdf/faq.pdf>

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For More Information

The U.S. Commercial Service at the U.S. Mission to the European Union can be contacted via email at: office.brussels@trade.gov ; Phone: +32 2-811-5598; Fax: +32 2-811-5151; or visit our website: <http://www.export.gov/europeanunion>.

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