



TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN OTHER EU MEMBER STATES

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Perchards
1 College Street
St Albans, AL3 4PW
United Kingdom

Tel: (+44) 1727 843227
Fax: (+44) 1727 843193

e-mail: info@perchards.com

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN OTHER EU MEMBER STATES

Work on the transposition of European Parliament and Council Directives 2002/96/EC (the “WEEE Directive”) and 2002/95/EC (the “RoHS Directive”) into UK law is now almost complete.

By way of background information, the DTI has commissioned Perchards to provide a series of short factual reports on existing WEEE-related measures and what type of transposition plans are developing in other member states. This is the sixth issue in this series.

This report has been culled from a variety of official and industry sources, and the information it contains on the likely shape of legislation not yet adopted does not necessarily represent the final positions of those member states.

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TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Austria	Belgium
Progress of transposition	Transposition completed – Waste Management Law amended 12/04; Ordinance on Waste Treatment adopted 12/04; Electro Ordinance adopted 8/05.	Transposition completed –RoHS Directive transposed nationally in 10/04, WEEE transposition completed by Flanders 12/04, Wallonia 3/05, and Brussels 6/04.
Household WEEE: collection & take-back requirements	Local govt. to organise free-of-charge collection. Producers to finance take-back from retailers, consumers and local govt. collection points. They may also have to finance establishment of local govt. collection infrastructure. Producers can fund individually or according to market share. Suppliers to take back on 1:1 basis and deliver to local govt. collection points free of charge.	Local govt. to organise free-of-charge collection in container parks (producers are charged for using these sites). 1:1 take-back by retailers, free-of-charge to consumers. Distributors to take back from retailers, producers to take back from distributors and retailers.
Historical household WEEE	Historical household WEEE to be financed collectively by all producers according to market share.	Historical household WEEE to be financed collectively by all producers according to market share, or else by an individual financial guarantee.
Financial guarantee	Only required from individual compliers.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Dual-use WEEE may be treated as household. Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
Visible fee	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).
Compliance systems	UFH (refrigeration equipment, large and small appliances, monitors, gas discharge lamps). ERA (all categories). ERP (all except lighting)	Recupel (6 divisions covering different product categories). Individual compliers need govt. approval.
National Register	All collective organisations & individual compliers to register with UBA (Environment Agency) by 30 Sept 2005.	By 1 Aug 2005, all producers must inform the 3 Regional Environment Agencies how they intend to comply.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Cyprus	Czech Republic
Progress of transposition	Regulation transposing RoHS & WEEE Directives adopted 7/04.	Amendment to Waste Act published 1/05 transposes RoHS Directive and provides enabling powers for WEEE. Further draft amendment and draft WEEE Decree published 6/05.
Household WEEE: collection & take-back requirements	Producers, not local govt, to finance collection and sorting as well as transportation and treatment. Local govt. not obliged to collect WEEE.	Producers to finance separate collection. 1:1 take-back by retailers, free-of-charge to consumers.
Historical household WEEE		Must be collected by a single organisation.
Financial guarantee		Only required from individual compliers.
WEEE from other users: collection & take-back requirements		Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
Visible fee		A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances). The level of the fee to be determined by the Register.
Compliance systems	None as yet. There are no producers of electronic equipment in Cyprus. Collective organisation would need govt. approval.	A collective organisation must collect all products from at least one of the 4 collection categories. Envidom (Categories 1,2, 10). REMA (Categories 3, 4, 6 and 'other appliances'). RETELA (Categories 3, 4, 6, 8, 9).
National Register	Producers must register with the Environment Service of the Ministry of Agriculture, Natural Resources and Environment.	Producers to apply for registration to Environment Ministry's Department of Waste Management by 13 Oct 2005.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Denmark	Estonia
Progress of transposition	RoHS Directive transposed 10/04, transposition of WEEE Directive completed 5/05.	RoHS Directive transposed 4/04. WEEE Directive partially transposed by Waste Act amendment (4/04). Draft Decree on Treatment of WEEE published 2/05, further amendment of Waste Act expected 9/05 and Decree on Registration expected by end 2005.
Household WEEE: collection & take-back requirements	Local govt. to ensure sufficient free-of-charge collection points, and may organise pick-up collection themselves or in collaboration with producers). Retailers who have made provision to receive waste accept it on 1:1 basis. Producers responsible for take-back from 1/06.	Producers to be entirely responsible for financing WEEE management, but may contract this out to local authorities. 1:1 take-back by retailers, free-of-charge to consumers. They must take back WEEE from any category they sell if no industry collection point within 10 km.
Historical household WEEE	Historical household WEEE to be financed collectively by all producers according to market share.	<i>No information as yet.</i>
Financial guarantee	Individual compliers must provide guarantee. Compliance schemes may be exempted if their members have more than 30% market share.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.	Producers to pay for collection.
Visible fee		
Compliance systems	EPA Elretur Denmark to begin 4/06. It will cover household and B2B WEEE in all categories.	EES-Ringlus established 2/05.
National Register	Environmental Protection Agency to manage the Register and Clearing House. All producers and importers to register by 1 Oct 2005.	Registration with the Environment Ministry's Environment Information Centre to be made mandatory.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Finland	France
Progress of transposition	Waste Act amended 6/04 and Ordinances completing transposition of the RoHS and WEEE Directives adopted 9/04.	Basic Decree transposing RoHS and WEEE Directives expected 7/05. Subsidiary Orders to be adopted on detailed RoHS and some WEEE requirements.
Household WEEE: collection & take-back requirements	1:1 take-back by retailers, free to consumers (or retailers may inform consumers about alternative collection arrangements). Producers to be responsible for organising & funding collection, but may contract out operations to local authorities or waste management companies. All collectable WEEE must be collected – not just 4 kg per capita.	Retailers to offer consumers 1:1 take-back free-of-charge, but may delegate this to a compliance system. Producers to pay local govt. for additional costs of separate collection, or get approval for their own collection systems. Producers to divide cost according to market share.
Historical household WEEE		Producers to divide cost of household WEEE according to current market share. If not members of a compliance system, they must make their own collection arrangements. Users of other WEEE take responsibility for it.
Financial guarantee	Only required from individual compliers.	Collective & individual compliance schemes must demonstrate financial capacity to carry out their obligations.
WEEE from other users: collection & take-back requirements	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.	Producers may set up individual or collective compliance systems. Alternatively, contracts may specify that the buyer takes responsibility and how he will fulfil this responsibility.
Visible fee	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).	To be mandatory for certain types of large appliance in historical waste (yet to be defined) until 2011. Fee must be shown on the producer's invoice, and passed down through the chain.
Compliance systems	SERTY Oy (household WEEE). FLIP Py (lamps and lighting). ICT Producer Cooperative (ICT). SELT Ry (lighting equipment, heating, professional electronics and retail sectors).	Draft Decree sets rules for approval of collection coordinating organisations and collective & individual compliance systems. Eco-Systèmes (Categories 1,4). ERP (all except Category 5). Syndicat de l'Éclairage (Category 5). Alliance TICS may set up one or more compliance organisations for the telecoms and IT sector. Several organisations will apply for approval as collective systems for B2B WEEE once the legislation is in place.
National Register	Individual compliers must register with the Pirkanmaa Regional Environmental Centre.	Individual compliers must register with the Central Register to be run by the Environment Agency.

TRANSPPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Germany	Greece
Progress of transposition	ElectroG Law transposing RoHS and WEEE Directives published 3/05.	Decree transposing RoHS and WEEE Directives adopted 3/04.
Household WEEE: collection & take-back requirements	<p>Local govt. to finance collection, and may keep some WEEE categories & co-ordinate treatment. Local govt. to sort collected WEEE for pick-up by producers' Clearing House.</p> <p>Retailer or producer take-back from consumers voluntary.</p> <p>Producers to finance take-back from local govt. collection points. Responsibility divided between producers according to their current market share in the relevant product category, unless a producer asks the Register to calculate his fees on the basis of his products' share in the waste stream.</p> <p>Producers' take-back obligations do not apply in full until 24 Mar 2006.</p>	<p>Local govt. to organise free-of-charge collection.</p> <p>1:1 take-back by retailers, free-of-charge to consumers.</p> <p>Collection to be co-ordinated by compliance scheme, in collaboration with local govt.</p>
Historical household WEEE	Producers to divide cost of household WEEE according to current market share.	All WEEE to be treated like new waste. Producers to pay into compliance scheme or fund their own activities according to their market share.
Financial guarantee	<p>Collective & individual compliance schemes must demonstrate financial capacity to carry out their obligations. Guarantees must be paid in addition to system costs for historical waste.</p> <p>Clearing House decides if the guarantee is to be paid out.</p> <p>BSG is developing an insurance scheme for individual and collective compliers.</p>	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	<p>Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed.</p> <p>Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.</p>	<p>Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed.</p> <p>Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.</p>
Visible fee	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).
Compliance systems	<p>EcologyNet Europe (Europe-wide system for all B2B EEE except Category 5).</p> <p>ERP (all except Category 5).</p> <p>ProReturn (Categories 3 and 4, but not producers of TV sets).</p> <p>Waste management companies Interseroh, Landbell and Remondis are offering full-service packages for EEE producers.</p>	All producers are expected to join the approved collective compliance scheme (Recycling of Appliances S.A.), but the law provides an individual compliance option.
National Register	<p>Federal Environment Agency expected to designate the industry-run EAR Foundation as the Central Register. EAR will also operate the clearing house.</p> <p>Deadline for registration is 24 Nov 2005.</p>	Environment Ministry responsible for registration and data collection.

TRANSPPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Hungary	Ireland
Progress of transposition	RoHS Decree adopted 10/04. WEEE Directive transposed by Decrees of 9/04 and 10/04 and by an amendment to the Product Fees Act in force from 1/05.	Regulations amending the Waste Management Act and Regulations on WEEE and RoHS adopted 7/05.
Household WEEE: collection & take-back requirements	Local govt. to be reimbursed by producers for collection & sorting costs. Producers may establish and operate collection centres. Free 1:1 take-back by retailers above minimum selling area and by any retailer selling mobile phones. Producers' take-back obligations to be set each year from 2005 on the basis of their market shares in the year the waste arises. Producers to have the option of individual or collective compliance. Product Fee (tax) payable on the difference between the recovery targets and the rates actually achieved.	Local govt. to finance collection through delivery to civic amenity sites. Distributors must either take back WEEE on a 1:1 basis or display a notice informing retailers about the available collection systems. Producers to finance take-back from local govt. and other collection points.
Historical household WEEE	As for post-13 Aug 2005 WEEE.	Producers to divide cost of household WEEE according to market share.
Financial guarantee	Only required from individual compliers.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005. No provision for alternative arrangements. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
Visible fee	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).
Compliance systems	ELECTRO-COORD Hungary (white goods, lighting). Elektro-Waste Kht (IT). Ökomat Kht (all categories, B2B and B2C, except mobile phones and refrigerators). Re-Elektro Kht.	ERP. WEEE Ireland Ltd.
National Register	Producer registration mandatory from 1/05. The National Environmental Inspectorate manages the register.	WEEE Register to be run by an independent management committee. The deadline for applying for registration is 20 July 2005. A company supplying both B2B and B2C equipment must register separately for each.

TRANSPPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Italy	Latvia
Progress of transposition	Draft Decree transposing the RoHS and WEEE Directives awaiting final approval. Subsidiary legislation will follow.	RoHS Directive transposed 8/04. WEEE Directive partially transposed by amendments to Waste Law 2/04 and 12/04, and further measures expected in 9/05 and 10/05.
Household WEEE: collection & take-back requirements	Local govt. to organise separate collection. Producers are individually or collective responsible for financing take-back from local govt. collection points. Producers finance waste management of lighting equipment. 1:1 take-back by retailers, free-of-charge to consumers.	It is proposed that producers who comply individually or as members of a collective organisation will be fully exempt from the new tax on EEE. Tax rates expected to be approved 10/05. Producers are responsible for separate collection.
Historical household WEEE	Producers to be collectively responsible for take-back from local govt. collection points. Producers finance waste management of lighting equipment, regardless of when put on the market.	Still discussions on whether and how the tax should finance historical WEEE. Alternatively, responsibility for historical waste might be entrusted to one collective system.
Financial guarantee	A sub-Decree will fix details.	
WEEE from other users: collection & take-back requirements	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased and the new equipment is less than double the weight of the old equipment; otherwise, end-users pay. Producers may set up individual or collective systems for B2B WEEE and may reach agreements with local authorities on the use of their collection systems.	There will be a tax on some EEE, linked to the recovery rate achieved.
Visible fee	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).	
Compliance systems	ANIE is preparing compliance organisations for each treatment category – Ecodom (large appliances), Ecolamp and Ecolight already set up, others in preparation for small appliances, air conditioners and IT equipment. ecoR'it set up to cover B2B and B2C IT and telecoms equipment.	LZE will cover IT and perhaps other sectors. CECED Latvia may set up an organisation to cover household appliances.
National Register:	Producers must register with their local Chamber of Commerce, which will pass on details to the Register to be managed by Environment Ministry. Producers will have 90 days to register after adoption of a sub-Decree regulating the National Register.	Legislation under discussion will empower the Environment Ministry to delegate responsibility for the Register to either a government agency or an industry body. Deadline for registration was to have been 1 Oct 2005, but this has now been postponed.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Lithuania	Luxembourg
<i>Progress of transposition</i>	RoHS Directive transposed 8/04. WEEE Directive partially transposed in 9/04 and 10/04, but a draft Law amending the Law on Waste Management has not yet been approved by Parliament.	Regulation transposing WEEE & RoHS Directives published 1/05, but transposition will not be complete until an environmental agreement has been signed between the Chamber of Commerce and central and local govt.
<i>Household WEEE: collection & take-back requirements</i>	1:1 take-back by retailers, free-of-charge to consumers. Local govt. will run collection centres, but producers can set up their own collection schemes. Producers responsible for meeting collection targets. Collective or individual compliance will be possible. There will probably be a tax on some EEE, linked to the recovery rate achieved.	Producers to finance take-back from existing municipal collection points. 1:1 take-back by retailers, at least free-of-charge to consumers (but retailers may inform consumers of alternatives if they have insufficient space for collections).
<i>Historical household WEEE</i>		Cost of take-back to be allocated according to current market share.
<i>Financial guarantee</i>		Only required from individual compliers.
<i>WEEE from other users: collection & take-back requirements</i>		Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, either through individual or collective arrangements. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
<i>Visible fee</i>		A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances). Visible fee mandatory for Ecotrel members.
<i>Compliance systems</i>	INFOBALT may set up a collective system for ITC and consumer equipment excluding TVs. CECED Lithuania may set up an organisation to cover household appliances. LT, the compliance organisation for packaging, is considering co-ordinating WEEE management.	ECOTREL set up 2/04 to manage members' obligations & perhaps provide their financial guarantees. Fees payable from 1 Sept. 2005.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Malta	Netherlands
Progress of transposition	RoHS Regulations adopted 8/04. Eco-tax imposed on EEE from 9/04. Draft WEEE Regulations published for consultation 10/04, but still not adopted. Discussions ongoing on conditions for eco-tax exemptions, and on relationship between eco-tax and WEEE Regulations.	Decree and Regulation adopted 7/04. In force from 1/05 for all categories except lighting (13 Aug 2005), except for provisions on take-back and marking (effective 13 Aug 2005) and RoHS (effective 1 July 2006).
Household WEEE: collection & take-back requirements	Eco-tax on EEE. Minister empowered to grant full or partial exemption according to recovery rate achieved and/or for members of a compliance system. Collective or individual compliance will be possible.	1:1 take-back by distributors. Local govt. collection points take back household WEEE from households and distributors. Producers may arrange their own take-back from households. From 8/05, producers must take back own brands from local govt. collection points & pay for sorting, transport and reprocessing.
Historical household WEEE	Cost of take-back to be allocated according to current market share.	Cost of take-back to be allocated according to current market share.
Financial guarantee	Will only be required from individual compliers.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Eco-tax on EEE. Minister empowered to grant full or partial exemption according to recovery rate achieved and/or for members of a compliance system.	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
Visible fee		A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).
Compliance systems		NVMP (household appliances). ICT-Milieu (IT, office equipment, telecoms). Stichting Lightrec (lighting).
National Register:	Malta Environment and Planning Authority to be responsible. No timetable for registration yet. Individual compliers must conclude agreements with the Register on how they intend to fulfil their obligations.	

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Poland	Portugal
Progress of transposition	RoHS Ordinance adopted 10/04. Latest draft of WEEE Act issued 5/05, and adoption by Parliament expected 9/05.	Decree-Law transposing the RoHS and WEEE Directives adopted 9/04 and published 10 Dec 2004.
Household WEEE: collection & take-back requirements	Producers to be required to achieve a collection rate of 1%-40% of household EEE marketed (<i>exact amount to be specified by Ministerial Order</i>). Producers to finance take-back from municipal collection points. 1:1 take-back by retailers free-of-charge to consumers. Producers to be taxed on the difference between the targets and the recovery/recycling rates actually achieved.	Producers responsible for setting up and developing a collection system which combines local authority WEEE collection centres, WEEE collected by distributors on a 1:1 basis, distributors' WEEE collection points and individual or collective WEEE collection systems. 1:1 take-back by retailers free-of-charge to consumers. Producers to finance take-back from municipal collection points.
Historical household WEEE	Cost of household WEEE financed by producers in accordance with market share when costs incurred.	To be funded by producers according to their market share at the time the waste arises.
Financial guarantee	Only required from individual compliers.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Producers to finance take-back of products placed on market after 13 August 2005; end-users to fund historical waste. Producers to be taxed on the difference between the targets and the recovery/recycling rates actually achieved.	Producers responsible for B2B WEEE placed on the market after 13 Aug 2005, unless alternative arrangements agreed. Producers to bear the cost of pre-13 Aug WEEE if a replacement is purchased; otherwise, end-users pay.
Visible fee	Cost may be shown for historical waste. It may be set by the producer or by the collective organisation.	A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).
Compliance systems	Not yet clear whether CECED (white goods), KIGEiT (brown goods and IT) and Philips (lighting) will form a single or separate compliance organisations. ERP is also active in Poland.	Producers are setting up an organisation called Amb3E .
National Register:	Chief Inspector of Environmental Protection to be responsible, but some of the duties of the Central Register may be contracted out to a competent producer organisation. It will register producers, collect data and determine individual producers' market shares.	All producers to be registered. Register to be run by producer associations and the compliance system, under licence from the Waste Institute.

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Slovakia	Slovenia
Progress of transposition	<p>Amendment to Waste Act adopted 12/04 transposed the RoHS Directive and the producer responsibility provisions of the WEEE Directive.</p> <p>A Ministerial Order adopted 4/05 provides detailed instructions about registration, the guarantee, marking, reporting and RoHS exemptions.</p> <p>A draft Ministerial Order on collection and recovery targets will define the amount of WEEE each producer must collect and recover in each category.</p>	<p>Decree transposing the RoHS Directive and partially transposing the WEEE Directive adopted 11/04.</p> <p>A Decree defining criteria for tenders for managing the public service part of the WEEE management system was also published 11/04, but was amended 6/05.</p> <p>Environmental Product Charges Decree of 10/04 introduces an eco-tax on WEEE. It will be amended to postpone introduction of product charge to Jan-2006.</p>
Household WEEE: collection & take-back requirements	<p>Producers must finance 'bring' containers for collection in seven categories, and must arrange collection from municipal sites.</p> <p>If a retailer is also a producer then 1:1 take back of EEE is mandatory; otherwise it is voluntary.</p> <p>There is a product fee (tax) on EEE, based on quantities of EEE placed on the market minus the quantities covered by a take-back system.</p> <p>Revenues flow into the Recycling Fund, which will subsidise local govt. operations and may provide financial support for waste collection & recovery companies.</p>	<p>Local authorities currently operate collection centres for WEEE.</p> <p>There is a tax on EEE, linked to the recovery rate achieved.</p>
Historical household WEEE	<p>Cost of household WEEE financed by producers in relation to their market share by category and weight in the previous year.</p>	
Financial guarantee		<p>Required from all producers, including members of collective schemes.</p>
WEEE from other users: collection & take-back requirements	<p>There is a tax on EEE, linked to the recovery rate achieved.</p>	<p>There will be a tax on EEE, linked to the recovery rate achieved.</p>
Visible fee	<p>A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).</p> <p>However, the compliance organisation Envidom has opted for members to display it.</p>	<p>A visible fee is allowed for management costs of historical waste until 2011 (2013 for large appliances).</p>
Compliance systems	<p>Ekolamp (Category 5) Envidom (Categories 1, 2) SEWA (Categories 3, 4)</p>	<p>Three local importers have registered the local system of the European Lamp Federation's take-back scheme.</p>
National Register:	<p>30 June 2005 was the deadline for registration with the Ministry of Environment.</p>	<p>Ministry of Environment and Spatial Planning responsible. Producers to register by 30 June 2005 (<i>but no penalty for late submission</i>) and to submit their WEEE management strategy for approval by 13 Aug 2005 (<i>but the Ministry expects late submissions as compliance organisations not yet set up</i>).</p>

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES IN SUMMARY		
	Spain	Sweden
Progress of transposition	Royal Decree transposing the RoHS and WEEE Directives adopted 2/05.	Statutory Order transposing the RoHS and WEEE Directives adopted 4/05.
Household WEEE: collection & take-back requirements	1:1 take-back by retailers free-of-charge to consumers. Local govt. collection points take back household WEEE from households and distributors. Producers may arrange their own take-back from households.	Local govt. responsible for collecting WEEE that has not been returned to a producers' collection system. Producers to organise collection from municipal sites. No new obligations for retailers – their obligations unchanged from previous (2000) legislation.
Historical household WEEE	Cost of take-back to be allocated according to current market share.	Cost of take-back to be allocated according to current market share.
Financial guarantee	Only required from individual compliers.	Only required from individual compliers.
WEEE from other users: collection & take-back requirements	Producers to finance take-back of products placed on market after 13 August 2005, and of historical waste if a replacement is bought; otherwise, end-users to fund historical waste. Local govt. collection points may take back non-household WEEE if there is a voluntary agreement.	Producers to finance take-back of products placed on market after 13 August 2005, and of historical waste if a replacement is bought; otherwise, end-users to fund historical waste.
Visible fee	A visible fee is <i>mandatory</i> for management costs of historical waste until 2011 (2013 for large appliances).	Mandatory until end of the transitional period.
Compliance systems	Ecofimatica (reprographic equipment). ECOLEC (household appliances). ECOTIC (consumer electronics). SIG Lámparas (lamps and lighting equipment). Tragamovil (mobile phones).	El-Kretsen runs the El-Retur system jointly with local govt., and also operates a recovery system for ICT products. El-Kretsen is revising its statutes to bring them into line with the requirements of the new Statutory Order.
National Register:	Process not yet finalised. The National Register of Industrial Establishments will register producers, but they must also register with the competent body of the Autonomous Region where their head office is located. Data to be reported to the competent body of the Autonomous Region, which will pass it on to the National Register.	The Environmental Protection Agency is to run the National Register. More details about the Register to be available 9/05, and registration expected to start early 2006.

Notes:

- 1) **Throughout this report, the terms 'producer' and 'manufacturer and importer' are synonymous.**
- 2) **So far Hungary is the only member state to have confirmed that it will accept registrations from OEMs based outside the country. Other member states require the importers to register if the manufacturer does not have an office there.**

AUSTRIA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

The WEEE and RoHS Directives are being transposed into Austrian law through

- an amendment to the Waste Management Law (*Abfallwirtschaftsgesetz, AWG*), which was approved by the Parliament on 20 December 2004 and came into force on 1 January 2005;
- a new Electro Ordinance (*EAG-Verordnung*), which was adopted on 18 April 2005. The Electro Ordinance supersedes the Lamp Ordinance and the Cooling Equipment Ordinance on 13 August 2005; and
- a new Ordinance on Waste Treatment Obligations (*Abfallbehandlungspflichtenverordnung*), published on 3 December 2004.

AMENDMENT TO THE WASTE MANAGEMENT LAW

The amendment to the Waste Management Law covers, among other things, waste holders' obligation to have waste inspected before it is handed over to a landfill site, mandatory registration for waste collectors and treatment facilities, and provisions relating to the setting up, operation and control of treatment facilities.

The key points relating to WEEE are as follows:

Obligations of WEEE producers and importers:

- To register with the Environment Agency (*Umweltbundesamt - UBA*);
- To set up at least one collection centre in each of Austria's 99 political districts for free-of-charge take back of WEEE from retailers, consumers and local authorities;
- To take part in a collective system to collect and recover historical WEEE (i.e. WEEE placed on the market before 13 August 2005);
- To provide financial guarantees for the waste management of EEE placed on the market;
- To conclude an agreement with the Clearing House covering collection infrastructure and public information.

The Clearing House ('Co-ordinating Body'):

The Environment Ministry is responsible for coordinating collection, pick-up and treatment of WEEE. The Minister may by decree entrust these duties to a qualified not-for-profit legal entity, for a maximum period of 10 years. The duties include:

- execution of collection agreements, establishment of collection infrastructure and provision of public information;

- collection of data on equipment placed on the market;
- calculating the market share of obligated companies (*companies must be granted access to this calculation on request*);
- co-ordination of collection and transfer of waste from collection points;
- collection of waste management data and reporting to the EU Commission.

The Clearing House may levy a quarterly fee to finance its activities.

Obligation of local authorities:

To set up WEEE collection points for free-of-charge take-back from consumers.

THE ELECTRO ORDINANCE (EAG Verordnung)

The ***Electro Ordinance*** was adopted on 18 April 2005.

Scope:

All ten product categories in the WEEE Directive are to be covered.

Substance bans and restrictions:

As in the RoHS Directive.

Collection and take-back requirements:

From 13 August 2005, consumers may return bulky WEEE free of charge through municipal collections, take-back points and collection centres. Consumers can also return WEEE free of charge to retailers when buying similar equipment.

WEEE is to be collected in five 'equipment categories' – brown goods, white goods, equipment with monitors and screens, small appliances and lamps. Collective organisations will probably be required to specialise in one or more of these equipment categories rather than in the ten product categories in the WEEE Directive.

Recovery:

The recovery and reuse/recycling targets are as in the WEEE Directive.

Producer Registration

The Environment Agency (UBA) is the body responsible for producer registration. Producers and importers of B2C and B2B EEE (including distance sellers) must register by 30 September 2005. Producers starting to place EEE on the market after that must register within one month of starting operations. Producers must report by 31 October 2005 on the amount of EEE placed on the market in the third quarter of 2005.

The UBA will pass the registration information on to the Clearing House (*see below*).

The Clearing House:

The Clearing House will be managed by the Austrian Chamber of Commerce (*Wirtschaftskammer Österreich*). Registration is now underway. New organisations must register no more than one month after they start operations.

The duties of the Clearing House include making agreements with and coordinating collection and treatment systems. This includes the financing of the collection infrastructure and provision of information to end-users.

Producers or their compliance systems must pick up collected WEEE no more than one week after being notified and after defined minimum quantities have been collected. If they fail to do so, the Clearing House shall organise collection and treatment and pass on the cost to the registered systems or individual compliers.

Financing WEEE from private households:

Producers are to finance collection from municipal collection points onwards. Local authorities may also invoice the Clearing House for the costs of setting up their collection infrastructure, and these costs will be passed on to producers.

Producers have a choice between financing their obligations individually, or joining a collective system and paying according to their market share. If they opt for individual compliance, they must have agreements with all collection facilities to sort their equipment separately.

Producers' shares of 'new' waste will be determined by the Clearing House, unless the individual complier or collective system has contracts for separate collection with all the municipal collection centres.

Historical waste is to be financed collectively by all producers based on market share. A visible fee is allowed until 13 February 2005 (Category 1 appliances) and 13 February 2011 (all other categories).

Retailers with a sales area of more than 150 sq metres must take back equipment on a 1:1 basis.

Collection and treatment systems:

A compliance system must

- take back all products of one or more of the 5 categories;
- operate at least one take-back centre per district;
- represent at least 5% EEE by weight of the category covered;
- provide the Ministry of Environment with a list of member companies and the quantity put on the market by each by 31 March of the following year.

Financing WEEE from users other than private households:

Dual-use equipment may be treated as household waste.

In the case of professional equipment, new waste and historical waste is to be financed by producers if a replacement is purchased. If no replacement is bought, the costs of treatment and disposal will be borne by the last owner. Producers may enter into different agreements with their B2B customers.

Information for users:

As in the WEEE Directive. Producers must inform end-users of the rationale and purpose of separate collection of WEEE; the take-back and collection options available; the benefits of reuse and recovery; the potential effects on the environment and human health of the hazardous substances in EEE; and the meaning of the crossed-out bin symbol.

If they opt for individual compliance, then with effect from 13 August 2005 importers sourcing EEE from other EU member states must identify the producer. Stock in the warehouse on 13 August is exempted.

THE ORDINANCE ON WASTE TREATMENT OBLIGATIONS

The Ordinance on Waste Treatment Obligations, published on 3 December 2004, covers WEEE and a number of other waste streams – batteries and accumulators, varnishes, paints and solvents, clinical waste, amalgam residues, and waste containing PCB.

It transposes the provisions of Article 6 (treatment) and Annex III of the WEEE Directive. The aim of the Ordinance is to define minimum requirements for collection, storage and treatment of different waste types to meet waste management objectives and to promote a closed material flow loop and material efficiency.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)**Umweltforum Haushalt (UFH):**

UFH was one of two recovery organisations set up to meet the requirements of the Lamps Ordinance of 1991 and the Cooling Equipment Ordinance of 1995 (the other was *Umweltforum Lampen*). UFH was a private not-for-profit organisation, which was responsible for organising and financing the collection and treatment of fridges, freezers and air conditioning units. The tonnage collected in 2000 equated to 1.06 kg per person per year.

In May 2004 UFH announced that it planned to extend its activities to provide full compliance services for EEE producers and importers for all five WEEE treatment categories (brown goods, white goods, equipment with monitors and screens, small appliances and lamps). Its services would include registration and gathering of mandatory information from producers/importers, take-back of WEEE from collection points and their treatment, recovery and disposal.

UFH is now ready to take back refrigeration equipment, large and small appliances, monitors and gas discharge lamps. Operations are divided between two separate entities, *UFH Altlampen Systembetreiber GmbH* and *UFH Elektroaltgeräte Systembetreiber GmbH*.

UFH member companies can register with the central producers' register via the UFH website www.ufh.at, but producers remain responsible for reporting. They can authorise UFH to update on their behalf.

UFH has estimated the costs of such a central clearing house at € 850,000 (£578,000) per annum, and the total costs of WEEE management to producers and importers at € 8.6 million (£5.8 million) per annum. UFH will use this figure to benchmark bids received from treatment and collection companies.

ERA (Elektro Recycling Austria)

ERA GmbH offers a combined packaging and WEEE obligation transfer to its customers. It was set up by EEE retailers Conrad Electronic and Niedermeyer GmbH and is run by ARA AG and ARGEV.

Membership of ERA is open to producers of all categories of EEE on an equal treatment basis. ERA currently has six members, mostly from the retail sector.

ERP (European Recycling Platform)

ERP will register as a "System" in Austria. ERP results from a cooperation agreement between Braun, Electrolux, HP and Sony in December 2002 as the first pan-European take back and compliance scheme for WEEE. ERP was registered in Paris as the limited company ERP SAS on 11 November 2004. ERP represents about 15 % of the European WEEE market.

Negotiations are taking place with a number of other companies interested in becoming ERP Members. Membership is on a Europe-wide basis, and is open to producers of all categories except category 5 (lighting equipment). Due to high membership fees only very large producers are presently joining.

BELGIUM

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Product standards and RoHS are regulated on a national level, and a Royal Decree published on 12 October 2004 transposed the RoHS Directive.

However, waste management is the responsibility of the three Regions – Flanders, Wallonia and Brussels Capital. All three have their own regulations on WEEE, co-ordinated through an inter-regional agreement of 19 February 2001, and these have been amended to complete transposition of the WEEE Directive. The Regions have co-ordinated their transposition of the Directive so that it can be implemented through a single nationwide system.

Flanders:

In December 2003, the Government of the Flemish Region approved an amendment of the Waste Prevention and Management Ordinance (*VLAREA - Vlaamse Reglement inzake Afvalvoorkoming en-beheer*), which deals with WEEE among other things. A further amendment was adopted on 8 November 2004 to clarify certain issues, and this entered into force on 1 December 2004.

Wallonia:

An amendment of the Producer Responsibility Decree which transposes the provisions relating to producers and a decree transposing the provisions on collection and treatment facilities were adopted in March 2005 and published on 18 April.

Brussels Capital:

An amendment to the existing Producer Responsibility Decree and a decree covering collection and treatment facilities were adopted in June 2004. They were published on 28 July 2004 and 3 June 2005 respectively.

THE FLEMISH PROVISIONS

The following summary reflects the content of both the amended VLAREA and the new Ordinance.

Scope:

The amendment introduces 12 product categories, two more than the WEEE Directive. Category 6 of the Directive (electrical and electronic tools) has been split into two – ‘gardening tools’ (VLAREA category 5) and ‘other electric and electronic tools’ (VLAREA category 7). A further category, ‘large and small household appliances not for household use’ (VLAREA category 10), has been introduced. The Ministry may establish a detailed list of equipment for each category.

Collection and take-back requirements:

The VLAREA sets minimum requirements for collection centres regarding their legal status and their density (minimum 1 per 75,000 inhabitants), and defines the authorisation process necessary for operations.

Retailers must take back all categories of WEEE on a 1:0 basis. They must display at each sales point a clearly visible sign headed '*OBLIGATION TO TAKE BACK USED ELECTRICAL AND ELECTRONIC PRODUCTS*' which explains the way in which the retailer meets the take-back requirements.

With effect from July 2004 lamps must be taken back free of charge on a 1:0 basis and lighting equipment on a 1:1 basis.

The quantitative target of 4 kg per person to be reached by 2006 has not been included as it has already been reached. Instead the following minimum collection targets per inhabitant have been set:

- 5 kg in 2004
- 6 kg in 2005
- 7 kg in 2006
- 8.5 kg in 2007 and beyond

These collection targets may be amended by the Flemish Government after 1 July 2009.

Recovery:

The Amendment provides for targets in line with or above those in the Directive.

Reuse and recycling targets by material type:

- ferrous metals – 95%;
- non-ferrous metals – 95%;
- plastics – 50%;
- batteries and accumulators – 65%.

Recovery target for plastics – 80%.

Reuse and recycling targets by category:

- large household appliances and discharge lamps – 80%;
- dispensing machines – 75%;
- all other WEEE – 70%.

Recovery targets by category:

- large household appliances and discharge lamps – 85%;
- dispensing machines – 80%;
- all other WEEE – 75%.

Financing WEEE:

Flanders already has an efficient collection system, Recupel [see below], which is in line with the Directive's requirements and covers the financing of historical waste. The Ordinances provide that producers, importers and distributors wishing to use existing container parks and recycling centres to meet their take-back obligation, must cover the costs of collecting and sorting WEEE.

At present, the 'recycling premium' (fee paid by purchasers of new equipment) is shown alongside the price of the product. The Directive permits such 'visible fees' to be displayed only until 2011, or 2013 in the case of large household appliances, and discussions continue on what to do about this.

When placing a product on the market, producers must provide a guarantee of their ability to finance take-back costs. This guarantee can be a recycling insurance, a blocked bank account or proof of an agreement with a third party which takes back WEEE. Only producers who comply individually must provide a guarantee.

Information and reporting:

Retailers and distributors must inform OVAM (the Flemish Environment Agency) by 1 July each year of the quantities (by weight) of WEEE:

- taken back over the past 12 months;
- selected for reuse; and
- returned to the producers or any other party for recovery and recycling.

By 1 July each year producers and importers must provide OVAM with the following information for each WEEE category:

- the amount of EEE (by weight) placed on the Flemish market;
- the amount of WEEE taken back in the context of the take-back obligation;
- treatment facilities contracted and treatment methods used; and
- quantities of WEEE recycled, recovered, incinerated or disposed of.

The take-back obligation of retailers, distributors, importers and producers may be further specified in the waste prevention and management plan of the Regional Ministry of Environment and/or environmental agreements signed between the Regional Environment Ministry and the private sector.

Within one year of placing a new product on the market, producers must provide dismantling and recycling facilities with information on the various materials used and the location of any hazardous substances contained in the product.

THE WALLOON PROVISIONS

The provisions of the amended Producer Responsibility Decree are as follows.

Scope:

The definition of 'producers' has been extended to include mail-order and internet purchases and to cover those who sell under their own brand name products manufactured by others.

The list of products covered by the 2002 Producer Responsibility Decree have been replaced by the lists in the Directive, which are much broader. It will clearly stipulate that the list of products in Annex 1 B is not comprehensive.

Collection and take-back requirements:

The only new requirements added to the existing regulation are the collection target and the specification that the take-back obligation applies only to WEEE generated by private households or those generating similar quantities of waste:

- take-back by retailers is free of charge to consumers if an equivalent item is bought;
- distributors must take back items from retailers free of charge;
- producers must take back free of charge from retailers and/or distributors;
- collection must reach 4 kg per person by 2006.

Recovery:

The existing recovery and recycling targets (ferrous metals 95%, non-ferrous metals 95%, plastics 20%) have been replaced by those in the Directive.

Financing WEEE from private households:

As in the current legislation, the costs of historical waste from households from products for which no producers could be identified are to be borne collectively by all producers in relation to their market share.

Financing WEEE from users other than private households (B2B):

Producers are liable for B2B products placed on the market after 13 August 2005.

Non-household historical waste placed on the market before 13 August 2005 is the financial responsibility of the producer if the equipment is replaced – if not, the end-user assumes responsibility. Producers and users other than households may agree on a different method of financing, but any such agreement must be submitted to and approved by the Walloon Waste Agency.

Information for users:

In addition to having to put up a sign saying '*OBLIGATION TO TAKE BACK USED ELECTRICAL AND ELECTRONIC PRODUCTS*' at their point of sale (a requirement of the current legislation), retailers will have to indicate for each new product the costs of its collection, management, treatment and disposal. These costs may not be higher than the actual costs incurred. Manufacturers and importers also have the right to inform buyers about these costs until 13 August 2011.

Information and reporting:

As required by the existing measure, producers must report waste management data to the Walloon Waste Agency. Retailers only have to be prepared to provide information at the Agency's request.

Reporting requirements have been aligned with the Directive: quantities of equipment, their components or materials/substances placed on the market (in kg), quantities collected, quantities entering and leaving pre-treatment facilities, and the treatment facilities used.

For each new type of equipment placed on the market, the producer/importer must make reuse and treatment information available to the recycling/treatment companies.

Treatment:

The draft Decree relating to Collection and Treatment Facilities covers the obligations for operators of collection, pre-treatment and treatment facilities, i.e. the establishment of such facilities, their operation (controls and procedures for refusal of waste), prevention of accidents and fires, waste and noise, guarantees and insurances, and control and reporting measures.

THE BRUSSELS CAPITAL PROVISIONS

The 28 July 2004 amendment to the existing Producer Responsibility Decree of the Brussels Region generally follows the Walloon Ordinance.

Recovery:

The reuse and recovery targets in the existing legislation were higher than those in the WEEE Directive, but have now been brought into line with the Directive.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Recupel:

In Flanders, take-back requirements for WEEE were introduced by the Waste Prevention and Management Ordinance, and Recupel was set up in 1997 to implement the Flemish take-back requirements and inter-regional agreement and following adoption of an inter-regional agreement on WEEE in February 2001 it has been in full operation throughout Belgium since January 2002.

Recupel is divided into six divisions:

- Recupel AV for audiovisual equipment,
- Recupel BW for brown and white goods,
- Recupel SDA for small household appliances,
- Recupel ICT for IT and office equipment,
- Recupel-ET&Garden for electric tools including gardening tools, and
- LightRec for the collection of private and professional lighting equipment.

LightRec covers the collection of both private and professional lighting equipment, but does not cover torches, lighted signs and billboards and equipment which cannot be directly connected to an electric circuit. The lamps or light bulbs themselves are not subject to the take-back obligation, and for safety reasons they must be removed before the equipment is handed over to LightRec. A Pocket Torch Covenant between the Regional Governments, the Electronics Federation and BEBAT (the take-back organisation for spent batteries) will take care of these products, but it has not yet been signed by the Walloon Government.

Recupel does not cover anything that is an integral part of an item of equipment for professional use as a whole and whose component parts can never end up separately in households – for example, medical equipment.

Although the Walloon and Brussels Capital Decrees on producer responsibility prescribe mandatory take-back of all product categories covered by the WEEE Directive, the agreement

between the Regions and Recupel to cover electronic toys, leisure and sports equipment, medical devices, automatic dispensers and monitoring devices has not yet been signed. However, a temporary licence allows Recupel to take back discharge lamps and medical equipment from 1 July 2005. While no other take-back system for these product categories has been set up, discussions between government and industry about whether Recupel should handle such WEEE began in December 2004.

Recupel is funded through a recycling premium paid by purchasers of new equipment. The level of the premium is based on an estimate of the number of appliances returned per year and the estimated costs of collection, treatment and recycling. The premiums are passed through the chain from the final retailer to his supplier, and then to the manufacturer or importer who transfers the money to Recupel. Membership is free. The finances of each sector of Recupel are kept separate, so for example, the fee paid for an item of ICT equipment would not be used to finance the treatment of an audiovisual appliance.

'Recycling premiums' are printed separately next to the purchase price of the product, and are calculated on the basis of the actual recovery and recycling costs involved. The 'recycling premiums' range, inclusive of VAT, from 10 eurocents (7p) for an electric clock to €20 (£13.60) for a fridge or freezer.

To comply with the Directive, the recycling premium will have to be integrated into the selling price of the product with effect from 2012. This change will not be included in the respective laws of the three Regions, but in the agreement signed between the Regions and Recupel.

Individual Compliance:

With Recupel, there is an established collective system in Belgium to which producers of most EEE can transfer their obligation under the various decrees. As of mid-June 2005, no producers – either of B2C or of B2B EEE – have applied for individual compliance.

This might change in the next few months as some producers establish individual or joint Europe-wide take back systems. Also, producers of B2B EEE categories for which Recupel does not have a licence need to comply, given the explicit 13 August 2005 deadline in the amendments of the Decree.

Hence the environment agencies of the three regions, OVAM in Flanders, DGRNE in Wallonia and IBGE in the Brussels Capital Region, are preparing for requests for individual compliance. OVAM will publish detailed requirements and a model individual system on its website at the beginning of July.

CYPRUS

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Regulation 668-204 transposing the RoHS and WEEE Directives was approved by Parliament on 30 July 2004.

Financing of WEEE from households:

Producers, not local authorities, are required to finance collection and sorting as well as transportation and treatment of WEEE from households. Local authorities are not obliged to collect WEEE.

National Register:

Producers must register with the Environment Service of the Ministry of Agriculture, Natural Resources and Environment. No deadline for registration has yet been published, although it may be before end 2005.

System requirements:

A joint system is to be approved by the Environment Committee, which consists of representatives of several Ministries.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

There are no producers of electronic equipment in Cyprus, but there are several large importers and a number of smaller importers. Some meetings have been held between government, industry and the Chamber of Commerce (which also initiated the Green Dot scheme for packaging waste), but no plans for a collective system have as yet emerged.

CZECH REPUBLIC

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Under Waste Act 185/2001, local authorities have been responsible for the collection of fluorescent lamps and fridges since January 2003. Producers have to reimburse them for the costs incurred.

The Waste Act has now been amended by Act No. 7/2005, published on 6 January 2005. This transposes the RoHS Directive and sets out the broad outlines of the WEEE provisions, leaving details – particularly about producer systems and the central register – for further regulation. A further amendment was published for consultation on 8 June 2005.

A Ministerial Decree to implement the detailed provisions of the WEEE Directive is in preparation. Consultations closed in early January 2005, and a revised draft was published for consultation on 8 June 2005.

Waste Act Amendment Act No. 7/2005 includes the following provisions:

Scope, collection and recovery targets:

As in the WEEE Directive, except that in accordance with the Czech derogation provided for in Council Decision 2004/312/EC, the collection, recovery and reuse/recycling targets apply from end 2008 rather than end 2006.

Producer responsibility:

From 13 August 2005, producer responsibility can be fulfilled individually, in groups, or by transfer to a third party founded by producers. Producers must prepare annual reports showing proof of compliance.

Central Register (list of EEE producers):

Producers must submit registration applications to the Environment Ministry's Department of Waste Management by 13 October 2005. The register may eventually be designated to an industry body. The Department of Waste Management will also operate the Clearing House, which will allocate market shares to the compliance organisations.

Marking:

As in the Directive, producer marking is mandatory from 13 August 2005.

Substance bans:

As in the RoHS Directive, Categories 8 and 9 (tools and medical) and spare parts for historical waste (pre-13 August 2005 equipment) are excluded. Explicitly *included* are all types of household lighting equipment, including light bulbs, as well as equipment for national defence, unless they contain substances that will be defined in an implementing regulation.

Take-back of household WEEE:

Producers must ensure and finance take-back and separate collection. Retailers must take back equipment on a 1:1 basis. If no new equipment is purchased, the end-user can take old equipment to a collection point or reprocessor.

Information for users:

The producer must inform consumers about separate collection via the retailer.

Treatment:

Producers must set up a system for WEEE treatment.

Financing household WEEE:

Producers must finance separate collection. Historical waste must be collected by a single organisation. A visible fee may be shown until 13 February 2013 for Category 1 equipment and until 13 February 2011 for all other categories. The amount of the visible fee will be determined by the register and published on its website. For new waste, a financial guarantee is required only in the case of individual compliance.

Financing principles for non-household WEEE:

Producers must finance treatment of post-13 August 2005 WEEE.

They must also finance the treatment of historical WEEE if it is replaced with new equipment. If the historical WEEE is not replaced with new equipment, the last owner is responsible for it.

The Ministerial Decree on WEEE:

The WEEE Decree will define more closely certain provisions of the Waste Act, in particular those relating to separate collection and its financing, the Central Register and the obligations on collective systems. Provisions currently under discussion are as follows:

- ***Collection of WEEE from households:***

Producers may use municipal collection points or set up their own collections. Producers must provide containers and financial compensation for municipal collection. Currently four collection categories are planned (refrigerators, CRT, lighting, and others). 1:1 take-back at retailers is mandatory, but financing is not defined.

- ***System requirements:***

A collective system must collect all products from at least one of the four collection categories.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

The following collective systems are emerging:

RETELA

Founders:

Retela is being set up by the Czech and Moravian Electrical And Electronic Association (EIA). EIA has around 70 members from both international companies and local SMEs.

Categories:

RETELA is planning a compliance system for Categories 3, 4, 6, 8 and 9 (ITC, consumer electronics, power tools, medical equipment and monitoring devices).

Target Customers:

RETELA is open to producers of the above categories on an equal treatment basis.

Waste management contractors:

RETELA will cooperate with AREO, the Association of Recyclers of Electronic Waste, which had considered applying for a separate system itself.

Envidom

Founders:

Envidom is being set up by members of the Czech branch of CECED.

Categories:

1, 2 and 10 (large and small appliances, and dispensing machines).

REMA

Founders:

Rema was started by manufacturers and importers of IT and consumer AV equipment in February 2005.

Categories:

- REMA for IT, telecommunication and office equipment;
- REMA AV for audio-video equipment;
- REMA EN & ZT for electric tools and garden equipment;
- REMA OS for other appliances.

Visible Fee:

REMA is likely to make the visible fee mandatory for its members.

Ecolamp

Founders:

Ecolamp was set up in mid-2004, but will only be finalised by the European Lighting Companies Federation (ELC) in summer 2005.

ERP

See Austria / Germany.

AREO (Association of Electronic Appliance Recyclers)

Founders:

AREO offers an option for individual compliance or as recovery partner for collective systems. It was founded on 12 December 2001 as a professional association of electronics recyclers with the objective to participate in creation of the system of take back, collection and recycling of WEEE.

AREO and Retela originally intended to set up a joint system. This plan was abandoned when it became clear at the end of March 2005 that the regulation would not allow only producers as shareholders in compliance organisations. AREO members' capacity of 8,368 tonnes in 2003 is planned to be expanded to 39,000 tonnes in 2006, which is equivalent to 4 kg per person per annum.

Categories:

All.

DENMARK

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES:

In April 2005, Law L100 amending the Environmental Protection Act was adopted. This empowers the government to introduce the producer responsibility provisions required by the WEEE Directive.

This was followed by a Statutory Order concerning the management of Waste Electrical and Electronic Equipment (the WEEE Order) which was adopted on 17 May. It repeals Order 1067 of 22 December 1998.

The provisions covering producer responsibility for WEEE will come into force on 1 January 2006. Provisions applying to the register of producers and marking of products came into force on adoption of the Order.

The RoHS Directive was transposed by Statutory Order 1008 of 12 October 2004. It follows the text of Directive 2002/95/EC closely.

Scope, definitions, collection and recovery targets:

As in the WEEE Directive.

Central Register (list of EEE producers):

The Environmental Protection Agency (EPA) will draw up the producers' register. Producers and importers based in Denmark, as well as distributors of EEE acquired from unregistered producers, must register by 1 October 2005. Producer responsibility provisions then come into force on 1 January 2006. Producers/importers starting to place EEE on the market after that date must apply to register at least 14 days before commencing operations.

Producers/importers must register whether or not they are members of a compliance scheme.

The EPA will act as a clearing house for the assignment of WEEE to producers.

Marking:

EEE placed on the market after 13 August 2005 must be marked in accordance with the agreed specifications of the DS/EN50419 standard.

Collection and take-back of household WEEE:

Local authorities must ensure sufficient bring sites for WEEE from private households and may also set up pick-up collection schemes, either by themselves or in co-operation with producers and importers.

WEEE may also be handed over on a 1:1 basis to a retailer who has made provision to receive waste.

Financing household WEEE:

Producers and importers must provide for the collection and treatment of WEEE from private households which was placed on the market after 31 December 2005. They can fulfil this

obligation by collecting and treating the same quantities of similar equipment placed on the market by other producers.

With regard to historical WEEE (placed on the market before 1 January 2006), producers shall be responsible for collection and treatment according to their market share.

Producers who opt for individual compliance must provide the EPA with a financial guarantee to cover their obligations. Compliance schemes may be exempted from providing a guarantee, if the joint market share of their members exceeds 30% of the total market.

Financing principles for non-household (B2B) WEEE:

For B2B WEEE placed on the market before 1 January 2006, the producer must take back a waste product free of charge if it is replaced by new equipment performing the same function.

Producers and importers shall be responsible for the collection and treatment of all B2B WEEE placed on the market after 31 December 2005. However, producers may conclude agreements with their customers, making the customers (end-users) responsible for the waste. In such cases, the end-user becomes the 'producer' and must register as such with the EPA.

Information and reporting:

Producer and importers must inform users about:

- the requirement for WEEE to be collected separately from other household waste;
- the waste scheme for the equipment in question and the user's role in respect of reuse, recycling and recovery of the equipment.

Users must also be informed about the importance of the product's marking, and the potential effects of hazardous substances in EEE.

This information may be shown in sales and information manuals, including the directions for use.

By 31 January of each year, producers and importers must inform the EPA of the quantity of EEE placed on the market in the previous year, and the amount of WEEE taken back and treated. If they are members of a collective scheme, they may entrust this reporting to the scheme.

Treatment:

Treatment centres must ensure that hazardous materials and substances listed in Annex 2 are removed and properly disposed of before further treatment of the WEEE. WEEE falling under categories set out in Annex 1 must be stored under a roof and on an impermeable surface.

Treatment centres are required to report to the EPA on the type and provenance of waste received and the type of treatment.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Industry association Danish Industry and consumer electronics organization BFE have established ***EPA Elretur Denmark*** to provide a collective system for producers and importers.

Elretur expects to begin operations in April 2006 and will cover B2B and household waste in all ten categories as laid out in the Directive. Producers can register now.

ESTONIA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

The WEEE Directive is being transposed into Estonian Law by amendments to the 1998 Waste Act and a new Ministerial Decree on Producer Responsibility and related subsidiary regulations.

An amendment to the Waste Act which entered into force on 1 May 2004 contains provisions relating to the financial guarantee, the principle of sharing the costs of historical WEEE and the principles of a collective system. A further amendment, which is expected to be adopted in September 2005, will allow a separate regulation to make registration with a Central Register mandatory. The regulation is expected to be adopted by the end of 2005.

A draft Ministerial Decree on Treatment of WEEE was published on 17 February 2005.

The RoHS Directive was transposed in April 2004.

Collection, recovery and reuse/recycling targets:

In line with Council Decision 2004/312/EC, 31 December 2008 will be the deadline for meeting the collection, recovery and reuse/recycling targets.

Collection of WEEE from households:

Producers will be fully responsible for financing separate collection systems. They may contract this to municipal waste collectors (very little WEEE is currently collected).

Retailers must take back equipment on a 1:1 basis. They will be required to take back WEEE from any category that they sell if there is no industry collection point within a 10 km radius (industry is opposing this requirement, arguing that kerbside collection is suitable for many villages).

Financing WEEE:

The Act makes EEE producers responsible for financing the waste management of WEEE.

Membership of a compliance organisation will suffice as a financial guarantee.

Marking:

Products will be required to show the producer's full address. (Industry is opposed to this, and has proposed a code system and has requested more time for implementation.)

Central Register:

Producers must register with the Environment Information Centre, a division of the Ministry of Environment. (The Waste Act amendment will make registration mandatory.)

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Three Estonian industry associations (ITL, the Union of Traders and CECED Estonia) set up the EES-Ringlus project in May 2004 with the aim of forming a recovery organisation.

EES-Ringlus was finally established in February 2005 and represents about 90% of Category 1 and 80% of Category 3, which accounts for about 60% of EEE on the market.

FINLAND

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES

Transposition of the WEEE Directive was completed on 9 September 2004.

Act 452/2004 amending the 1993 Waste Act was adopted by Parliament on 4 June 2004, and an Ordinance on Electrical and Electronic Waste (852/2004) transposing the WEEE Directive was adopted by the Government on 9 September 2004.

A further Ordinance on the Restriction of the Use of Hazardous Materials in Electrical and Electronic Equipment, transposing the RoHS Directive, was also adopted by the Government on 9 September 2004.

The texts are in general very much in line with the wording of the Directives.

Scope, definitions, targets:

As in the WEEE Directive.

Product design and manufacture:

Products must be designed in such a way that the use of dangerous substances is minimised; disassembly, reuse, recycling or other recovery is as easy as possible. No method must be used that deliberately prevents the reuse of WEEE unless this presents over-riding advantages with regard to environmental protection and safety.

Central Register:

The Pirkanmaa Regional Environmental Centre is the body responsible for the producers' register, and registration is underway. Producers who join a compliance scheme do not have to register separately.

Only companies with a Finnish Y-code (i.e. those registered in Finland) may register.

Collection and take-back requirements:

All collectable WEEE must be collected, whether the 4 kg per capita target has been achieved or not.

Retailers must either take back WEEE on a 1:1 basis, or inform customers about the local collection points. Producers must set up a collection network, so that consumers have a reasonable possibility of returning WEEE.

Producers are responsible for the cost of managing non-household WEEE put on the market after 13 August 2005. In principle, they are responsible for taking back products put on the market before that date (on a 1:1 basis), but producers and purchasers can agree on alternative arrangements if they wish.

WEEE must not be mixed with other municipal waste.

Treatment:

Producers must organise treatment of WEEE at an authorised facility, giving priority to facilities that have introduced certified environmental management systems.

Financing WEEE from private households:

Finnish local authorities will not be responsible for collection of WEEE from households – the obligation to organise this and set up ‘bring’ sites will fall on the producers. In practice, the Environment Ministry expects them to contract this out to local authorities and waste management companies which have experience in this field.

Producers of EEE shall offer a guarantee for the financing of the future waste management of household appliances going onto the market after 13 August 2005. This may be done by, for example, undertaking to perform material recycling, setting up a frozen bank account, or subscribing to a suitable financing system.

Financing WEEE other than from private households:

Producers shall meet the costs of recovery and other forms of waste management of WEEE from users other than households, if the product was placed on the market after 13 August 2005. For products placed on the market before this date, producers shall meet the costs of recovery and other forms of waste management only if the discarded product is replaced with an equivalent product or a product used for the same purpose. Otherwise, users other than households shall be liable for the costs of recovery of the WEEE, but the producer and user may also agree on a different distribution of costs.

Information and reporting:

Costs of management of WEEE arising from products placed on the market after 13 August 2005 may not be shown separately at the time of purchase. However, producers may show the costs of management of historical waste (placed on the market before 13 August 2005) until 13 February 2011 (13 February 2013 for large appliances).

Producers must provide information to users of the EEE about the obligation for separate collection of WEEE and the collection facilities that are available; the consumer’s role in collection and recovery of WEEE; the potential effects on the environment and health of dangerous substances in WEEE; and the meaning of the crossed-out bin symbol shown on the product.

Producers must also provide treatment facilities with dismantling information for each new product within one year of it being placed on the market. They must also inform treatment facilities about the type and location of any dangerous substances used in the product. Information must be delivered in the form of a manual or by electronic means.

By the end of April each year, producers, or treatment facilities or other third parties acting on their behalf, must submit to the Pirkanmaa Regional Environment Centre the following information for the previous year: quantity (tonnes and items) of new EEE put on the domestic market; estimated accumulated tonnage of WEEE; quantity of collected WEEE, including (in tonnes and items) the quantity reused, recycled or otherwise recovered; the amount of WEEE (in tonnes and items) exported; changes to the guarantee arrangements and amount of guarantee.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Serty Oy:

An organisation called SER-TUOTTAJAYHTEISÖ (SERTY - Society of WEEE Producers) has been set up to take responsibility for the collection of all household WEEE, both large and small items.

Elker Oy:

Producers' umbrella organisation Elker Oy will provide an extensive collection network for household WEEE. It will also fulfil the registration and reporting obligations of the producer entities belonging to Elker Oy:

- FLIP Ry – the entity set up for producers of lamps and lighting.
- ICT producer Cooperative – for producers of 'teleinformatic' and telecoms equipment.
- SELT Ry – for producers in the lighting equipment, heating, professional electronics and retail sectors.

FRANCE

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

The Ministry of Environment, together with a 40-strong working group representing producers, reprocessors and waste collectors, has been working on a Decree to transpose the WEEE and RoHS Directives. The Cabinet approved the 7th draft on 25 November 2004. The draft was notified to the European Commission on 15 December 2004.

The draft was submitted to the National Council of Competition for approval of the provision for a visible fee. Since then, the Council of State has been reviewing the whole text, and it is expected to be published in July. Parliamentary approval is not needed.

The draft Decree (*Décret relatif à la prévention et à la gestion des déchets d'équipements électriques et électroniques*) transposes the broad lines of the WEEE and RoHS Directives. Detailed provisions will be implemented through several Ministerial Orders which are under preparation. They will regulate detailed requirements regarding RoHS, coordinating bodies and compliance bodies, individual compliance systems, the visible fee and the national register.

The draft includes the following provisions:

Scope and definitions, product design:

As in the WEEE and RoHS Directives.

Substance restrictions:

The draft refers to the substance bans and restrictions which take effect on 1 July 2006, and specifies that a sub-decree jointly signed by the Environment, Industry and Consumer Ministers will set out the details.

Marking:

EEE must be labelled to identify the producer and show clearly that the product was placed on the market after 13 August 2005.

EEE placed on the market after 13 August 2005 must bear a label showing the crossed-out wheeled bin symbol as in Annex IV of the WEEE Directive. If the appliance is too small for this to be possible, the symbol must be printed on the packaging, on the instructions for use and on the warranty accompanying the EEE.

Information for treatment facilities:

For equipment placed on the market after 13 August 2005, producers shall provide treatment facilities with information relevant to its recovery within one year of the launch of a new product.

Collection and take-back requirements:

Producers shall specify the household WEEE which they want the local authorities to collect separately. Provided the municipalities agree to collect it separately, the producers – through a Coordinating Body – must compensate them for the additional costs of separate collection. The draft Decree is ambiguous as to whether producers must finance both the setting-up costs and running costs or only the setting-up costs. According to the Ministry, however, both costs are to be covered by producers.

For WEEE that is not collected by the local authorities, producers must set up a separate collection system. This must be approved by a Ministerial Order of the Ministries of Environment, Industry, Economic Affairs and Local and Regional Government. A joint Ministerial Order shall lay down the conditions for the granting and withdrawal of approval of the Coordinating Body.

Retailers must take back WEEE at least free-of-charge on a 1:1 basis. Retailers may organise take-back themselves or delegate it to a collective compliance organisation in return for a fee.

Approval of organisations coordinating collection (Clearing Houses):

Organisations coordinating collection require joint approval for a 6-year period from the relevant ministries. The approval will specify:

- the terms of agreement between the organisation and the producers or distributors;
- the basis for the payments to be made by the organisation to local authorities to ensure that their costs for setting up separate collection systems are covered, and the arrangements for allocating the WEEE which has been collected by the local authorities;
- measures taken to ensure information for users regarding separate collection;
- the obligation to provide an annual activity review to the Ministry of Environment, specifying the coverage and the collection results achieved (this will be available to the public).

The Government's conditions for granting and withdrawing approval of coordinating organisations will be covered in a separate approvals sub-decree.

Information for users:

Local authorities, producers, retailers and compliance systems must inform consumers of EEE about:

- existing take-back systems, especially those that are free of charge;
- their obligation to use separate collection systems;
- their role in the reuse, recycling and recovery process; and
- the impact on the environment and their health of hazardous substances contained in equipment.

Rules on financing WEEE from private households:

Producers are responsible for the take-back and treatment of separately-collected WEEE placed on the market after 13 August 2005. They may set up or join a compliance system to which this responsibility can be transferred.

All producers may fulfil this obligation by joining a compliance body approved by a joint order of the Ministers of Environment, Economic Affairs, Industry, Consumer Affairs and Local and Regional Authorities.

If a producer opts for individual compliance, a joint order of the same Ministers must approve the individual system.

A producer's share of the waste management costs of each category of household WEEE in a given year is proportional to the market share of products placed on the market in that same year.

For products put on the market after 13 August 2005, producers must either

- ensure the financing of their obligations by paying in advance their contributions to a collective compliance organisation, or
- provide a financial guarantee that their obligations will be fulfilled. This guarantee shall take the form of an insurance contract, a blocked bank account or a deposit given by a credit institution.

Approval of collective compliance organisations:

Collective compliance organisations which allow producers to jointly meet their obligations for household WEEE require joint approval for a 6-year period from the relevant ministries. The approval will specify:

- the terms of agreement between the coordination bodies and the compliance system;
- the terms of agreement between the compliance system and the producers, especially with regard to the scale of charges per equipment category or category groups to be paid by the producer;
- measures taken for reuse of equipment;
- measures taken to reach the recovery and reuse targets;
- measures taken to meet information requirements for users, the central registry and treatment facilities;
- the financial capacity of the recovery organisation to carry out its obligations;
- the obligation to provide the Ministry of Environment with an annual public review of activities, as well as the take-back, reuse, recovery and disposal results achieved and the treatment methods used.

The Government's conditions for granting and withdrawing approval of collective compliance organisations will be set out in the approvals sub-decree.

Approval of individual compliance systems:

Individual compliance systems for household WEEE require joint approval for a 6-year period from the relevant ministries. The approval will specify:

- conditions for WEEE collection and, where appropriate, the terms of agreement between the coordination bodies and the individual complier;
- the 'visible fee' shown on the sales invoices for all new household WEEE;
- measures taken for reuse of equipment;
- measures taken to reach the recovery and reuse targets;
- measures taken to meet information requirements for users, Ministries and treatment facilities;
- proof of the financial capacity of the producer to meet the take-back obligation for the current year. This guarantee can be provided in the form of an insurance policy, a bank guarantee or any similar arrangement;
- the obligation to provide the Ministry of Environment with an annual public review of activities, as well as the take-back, reuse, recovery and disposal results achieved and the treatment methods used.

The Government's conditions for granting and withdrawing approval of individual compliance systems will be set out in the approvals sub-decree.

WEEE cost indication on new equipment (visible fee):

Producers and distributors must show the cost of managing WEEE from products marketed prior to 13 August 2005, separately from the basic price of the new equipment. The fee must be shown on the product invoice, and must be passed down through the supply chain. This obligation will only apply during a transitional period which will run from the date the new Decree comes into force until 13 February 2011. A joint Ministerial sub-decree will specify the types of equipment for which the transition period will be extended to 13 February 2013.

This is the main reason why the draft Decree has to be submitted to the National Council on Competition, as it is not in accordance with French competition rules.

Rules on financing WEEE from users other than private households:

Producers will be responsible for the collection and treatment of WEEE arising in businesses and placed on the market after 13 August 2005. To do this, they may make individual arrangements or join an approved collective compliance organisation.

As an alternative, sales contracts relating to professional equipment may provide that the buyer will take over responsibility for the waste arising from it. In that case, the sales contract must specify the conditions under which the buyer will ensure the total or partial elimination of the waste arising from this equipment at end of life.

The user is responsible for the management of non-household WEEE from products put on the market before 13 August 2005, unless otherwise agreed at the time of purchase.

Approval of compliance systems for non-household WEEE:

Collective compliance organisations which allow producers to jointly meet their obligations for non-household WEEE require joint approval for a 6-year period from the relevant ministries. The approval will specify:

- the terms of agreement between the commercial users and the compliance system;
- the legal and technical conditions under which WEEE collection, treatment, recovery or disposal are being carried out;
- the measures taken to reach the recovery and reuse targets;
- the measures taken to meet information requirements of users and the central registry;
- the obligation to provide the Ministry of Environment with an annual public review of activities, as well as the take-back, recovery and disposal results achieved.

The Government's conditions for granting and withdrawing approval of individual compliance systems will be set out in the approvals sub-decree.

Treatment:

WEEE collected separately has to be reused or treated in France in compliance with the Environmental Code, or in any authorised facility in another EU member state or in any other country where it will be reused, recovered or disposed of in line with this Decree and in compliance with the Regulation of 1 February 1993 on the cross-border shipment of waste.

Components of WEEE have to be treated separately as described in Annex 2 of the Decree (which is in line with the WEEE Directive).

Recovery and especially reuse are preferable to disposal, and by 31 December 2006 at the latest, the recovery and reuse/recycling targets laid down (i.e. those in the WEEE Directive) must be achieved.

The Central Register:

The French Environment Agency, ADEME, will manage a National Register for producers. It had been proposed that there should also be a National Register for distributors, but this idea has been dropped. ADEME also manages the '*Observatoire*' for batteries and accumulators.

The National Register will collect details of all producers, including proof of participation in a collective take-back system or approval of individual take-back, and the quantities of EEE placed on the market, treated and disposed of. A joint Ministerial order will lay down the registration procedure, the nature of the information appearing in the register, modes of access to this information and the organisation in charge of maintaining the Register.

In practice, only producers who comply through individual systems will have to register with ADEME. Approved collective systems will register on behalf of their members.

Due diligence to prevent free riders:

Distributors of household equipment and buyers of non-household equipment are entitled to ask their suppliers to furnish documentation showing that the producers' obligations for those

appliances are covered. If a producer has not registered and a commercial transaction takes place, the distributor or waste holder is considered to be the producer and will be responsible for meeting the producer's legal obligations.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Eco-Systèmes

Founders:

Gifam (*Groupement Interprofessionnel des Fabricants d'Appareils d'Équipement Menager*), the association of large household appliance producers, in cooperation with FCD (the retailers association) and Simavelec (an association of consumer electronic manufacturers), started to prepare Eco-Systèmes to act as a compliance system in early 2005. Eco-Systèmes was advised by, and recruited human resources from Eco-Emballages, the packaging compliance organisation.

Categories:

1, 4 (large household appliances and consumer electronics).

ERP France

European Recycling Platform (ERP) will register in France as an 'eco-système' for all categories except Category 5.

ERP results from a cooperation agreement between Braun, Electrolux, HP and Sony in December 2002 as the first pan-European take back and compliance scheme for WEEE. ERP was registered in Paris as the limited company ERP SAS on 11 November 2004. The founders represent about 15 % of the European WEEE market.

The scheme estimated that it would save 30% costs versus membership in a single consortium in each country. The rationale for this was that

- competition between recyclers alone is not enough and competition between take back schemes would reduce costs further and that
-
- local recycling services can be bought more costs-efficient Europe-wide (administrative and quantitative synergies)

Negotiations are taking place with a number of other companies interested in becoming ERP Members. Membership is on a Europe-wide basis. Due to high membership fees, only very large producers are presently joining.

Systems by Alliance TICS

Alliance TICS (*Union des Syndicats des Industries des Technologies de l'Information, de la Communication et des Services Associées*), an umbrella organisation of the telecommunications and IT sector formed in April 2004, is in discussion with its members about the setting up of one or several compliance organisations. Alliance TICS represents over 60 enterprises with combined sales of €25 billion (£17 billion) and 100,000 employees.

Syndicat de l'Eclairage

The lighting association is developing a system for Category 5.

B2B Schemes

There are several organisations committed to B2B WEEE that will apply for approval as collective systems once the implementing regulation is in place:

- **ELEN Association** (*Electricité Environnement*): ELEN Association was founded by producers and industry organisations in 2005 on the initiative of Gimelec (*Groupement des industries de l'équipement électrique, du contrôle-commande et des services associés*) to help its members find WEEE solutions.
- **Conibi**: Conibi SAS resulted from a working group of office equipment manufacturers who were asked to take back their consumables in 1997. The members have a 95% market share of new office equipment.
- **Recy'stem Pro**: Recy'stem Pro was set up in January 2004 by recycling professionals in the sector. It will apply to become an approved Eco-Organisation as soon as the implementing regulation has been published.

GERMANY

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

The ElektroG Law (*Law regarding the placing on the market, the take back and the environmentally compatible treatment of electronics and electrical goods – Gesetz über das Inverkehrbringen, die Rücknahme und die umweltverträgliche Entsorgung von Elektro- und Elektronikgeräten*) was published on 23 March 2005 and enters fully into force on 13 August 2005, although producers' obligations to take back WEEE do not begin in full until 24 March 2006.

The ElektroG maintains local authorities' responsibility for separate collection and provides for a neutral industry-managed Clearing House (*'Gemeinsame Stelle'*) to coordinate waste management from municipal collection points onwards.

Registration and pilot operations are likely to begin in late summer 2005, with the registration deadline being 24 November 2005.

The main points in the ElektroG are as follows.

Scope and definitions:

In line with the WEEE Directive.

Product design:

In line with the WEEE Directive.

Substance bans and restrictions:

The ElektroG incorporates the substance bans and exempted applications of the RoHS Directive. Like the Directive, it exempts from the ban products in Categories 8 (medical equipment) and 9 (measuring and control equipment).

Collection and take-back requirements:

From 2006 an average of at least 4 kg WEEE per inhabitant shall be separately collected. This will be calculated on a nationwide, not municipal basis. Owners of WEEE (i.e. householders) must ensure separate collection from household waste.

Local authorities will remain responsible for financing and setting up separate collection. The ordinance allows local authorities to keep WEEE of at least one group and coordinate treatment by themselves, provided they maintain this activity for at least one year and announce it to the Clearing House three months before commencement. If they remove valuable components, they may not return the equipment to producers in this state but must treat it in accordance with this law.

Local authorities will be responsible for setting up collection points at a 'reasonable distance' from consumers according to the specifications of the Material Loop Management Law (*Kreislaufwirtschafts- und Abfallgesetz*), and take back household WEEE free of charge. Local authorities may also organise door-to-door collections of WEEE, and for this they may charge.

The Explanatory Memorandum attached to the Cabinet proposal stresses that collection points may not be financed by a fee charged at the moment of take-back of used equipment, but may be financed through local waste taxes.

Local authorities must provide producers free of charge with collected WEEE sorted into just five collection groups (not six, as previously planned):

1. Large household appliances and automatic dispensers;
2. refrigerators and freezers;
3. Information technology and telecommunications equipment and consumer equipment;
4. Gas discharge lamps;
5. Small household appliances; lighting equipment; electrical and electronic tools; toys, sports and leisure equipment; medical products; monitoring and control instruments.

A municipal collection point may request the Clearing House [see below] to pick up WEEE once it has collected 30m³ of WEEE in Categories 1 to 3, 15m³ in Categories 4 and 6, and 3m³ in Category 5. Take-back must take place in a 'timely manner'. Producers shall provide local authorities with containers for these collections.

Producers or retailers may set up their own separate collection facilities. Retailers may take back WEEE on a 1:1 basis.

Financial Guarantee:

An insolvency-proof financial guarantee is a precondition for registration of producers of EEE used in households.

For non-household EEE, the producer does not have to provide a guarantee if he can provide proof that the EEE is used solely in establishments other than private households.

The guarantee may be provided in the form of an insurance policy, a frozen bank account or the producer's participation in an appropriate system to fund WEEE disposal.

[On 5 January 2005, EAR, which will run the Clearing House (see below), issued an explanatory note regarding the financial guarantee which highlighted the following:

- *The guarantee is a precondition for registration.*
- *Guarantees ensure treatment of future waste and as such are to be paid in addition to system costs for historical waste.*
- *Collective systems are not exempt from the guarantee.*
- *Parties involved in the guarantee are*
 - (a) the producer,*
 - (b) a German-based security provider (e.g. a bank),*
 - (c) a German-based trustee,*
 - (d) the beneficiary (producer paying for orphan product), and*
 - (e) the Clearing House (assesses appropriateness of guarantee, triggers payout).*
- *The Clearing House decides if the guarantee is to be paid out. If so, it instructs the security provider to pay the trustee and the trustee to pay the producers financing the orphan products.*

- *The guarantee is calculated as follows:
Guarantee amount = Quantity (kg) placed on market x expected collection rate x expected treatment costs.]*

BSG WEEE Guarantee Fund:

BSG, the services arm of the ITC association Bitkom, is developing a reciprocal insurance scheme which will be based on one legal entity for each category. The ElektroG requires a separate financial guarantee for individual and collective compliance, unless the latter is based on a pay-as-you go principle.

The premium is expected to be equivalent to about 1-2% of actual waste management costs. It covers the residual risk of a default of the all producers that are not covered in a pay-as-you-go-scheme.

Financing WEEE from households:

Manufacturers and importers shall finance transport costs from municipal collection points onwards.

For equipment placed on the market before 13 August 2005, producers' obligations are based on the share of the total quantity of EEE in each category that the producer places on the market in the respective calendar year.

For equipment placed on the market after 13 August 2005, producers may opt for their obligation to be based on either:

- their verified share of clearly identifiable WEEE in the total WEEE, arrived at through sorting and application of scientifically recognised methods, or
- their share of the total quantity of electrical and electronic equipment per type of equipment placed on the market in the previous calendar year.

Financing WEEE from users other than households (B2B):

Manufacturers and importers will be responsible for providing non-household (B2B) WEEE placed on the market after 13 August 2005 with an acceptable return facility.

In principle, treatment costs for B2B equipment placed on the market prior to 13 August 2005 are to be borne by the final user, but users and manufactures will be free to negotiate their own agreements for different arrangements.

The Competent Authority and the Producers' Clearing House:

Producers and importers based in Germany, including distance sellers, must register with the Central Register before 24 November 2005. The Competent Authority, the UBA (*Umweltbundesamt*) is expected to designate EAR Foundation (Elektro-Altgeräte Register) as the 'suitable agency' with responsibility for the central register shortly. Producers must supply the central register with data on EEE placed on the market and provide proof of financial guarantees for waste management.

Producers must state their registration number in all transactions as proof of compliance.

Responsibility for the environment lies with the *Länder* governments, but to avoid a fragmented implementation of the ElektroG and to minimise bureaucracy both for the *Länder* and for

producers, the *Länder* governments and the Federal Ministry for Environment agreed to assign this role to one body, the Federal Environment Agency (*Umweltbundesamt*, UBA). The UBA acts under the legal and functional supervision of the Ministry of Environment.

Producers shall set up a Clearing House [see below] within 3 months of the law's coming into force (*entry into force is one day after publication*). Should a Clearing House not be set up, or fail to operate, producers shall reimburse local authorities' costs.

The Clearing House will be granted sovereign powers and will be supervised by the Competent Authority. It will have an Advisory Committee consisting of representatives of the producers, retailers, local authorities, and the *Länder* and central government.

[In practice, the intention is for the entire task to be handled by a single, industry-run, neutral organisation, almost certainly EAR Foundation (see below). The Clearing House and the Competent Authority will be divisions of that organisation. This division of bodies and tasks is legally necessary so that quasi-governmental powers can be granted to one division. The Ministry of Environment will retain only supervisory control.]

Position of the German Competition Authority

The German Competition Authority (*Bundeskartellamt*, BKA) pointed out in November 2004 that it would not tolerate any take-back organisations comprising an entire sector. It claimed that discussions with the representatives of each EEE category had resulted in solutions that achieve efficient sectoral cooperation while maintaining a minimum degree of competitiveness. This had even been the case for the lighting sector, where competition in recovery would be the most difficult to achieve.

The Competition Authority's approach towards the DSD, the national compliance organisation for household packaging, had changed from tolerance in the early 1990s to criminal investigations and prosecution. This has led to a recent sell-off of the majority of DSD's shares. Formerly 75% of the shares were owned by packers and fillers, who have the legal obligation for meeting the recovery and recycling targets; now 90% of the shares are in the hands of US finance house Kohlberg Kravis Roberts, and DSD will be floated on the stock market in due course.

Producers' reporting obligations to the Clearing House:

Producers shall report the following data to the Clearing House:

- *monthly by category* – EEE placed on the market by type of end-user (household, non-household);
- *annually by category* – the quantity of WEEE collected from municipal collection points and/or through own take-back system, and the quantity of WEEE reused, recovered or collected for export.

The quantity is preferably to be reported by weight. The Clearing House may ask for quantities placed on the market and quantities collected to be reported on a unit basis.

Tasks of the Clearing House:

The Clearing House is to receive local authorities' pick-up requests and send them on to the Competent Authority. However, its main role is to determine scientifically which producer or designated third party is to pick up which quantities of WEEE from which collection point. The formula used is to be published on the internet.

A producer's share of the waste management costs in a given year shall be proportional to the market share of products placed on the market in that same year. However, for equipment placed on the market after 13 August 2005, an individual producer may request that his fees are calculated according to the share of his products in the waste stream, if the producer provides evidence of this share.

(HDE, the umbrella association of German retailers, has highlighted the administrative burden created by the reporting requirements. Pan-European and international traders and retailers will have to register and de-register EEE multiple times whenever they shift stock across borders to balance demand.)

The Clearing House must not conclude agreements with collection or treatment operators. It must publish on the internet a list of registered companies and report WEEE statistics in detail to the Ministry of Environment.

Organisation of the Clearing House:

The Clearing House must be set up in such a way as to ensure the same conditions for all producers, participation of all producers in the making of internal rules and compliance with secrecy and data protection regulations.

Recovery and treatment:

Prior to treatment, WEEE must be checked for its reusability as a product or as components. The treatment requirements defined in Annex III mainly relate to the removal of hazardous substances and are in line with the provisions of the WEEE Directive. Treatment and storage facilities must comply with the requirements in Annex IV.

The recovery and reuse targets per product category are in line with the WEEE Directive. They exempt medical equipment, where the WEEE Directive provides for targets to be set by the end of 2008. WEEE which can be reused as a complete product will be excluded from the targets until 31 December 2008.

Information for users:

The costs of historical waste may be separately indicated on price stickers on new equipment until 13 February 2013 in the case of large household goods (Category 1) and until 13 February 2011 in the case of all other categories. The costs indicated may not exceed actual costs. Treatment costs of equipment placed on the market after 13 August 2005 may not be shown separately.

Labelling on EEE or documentation accompanying small EEE must show clearly that the product was placed on the market after 13 August 2005, and must include the crossed-out bin symbol shown in Annex IV of the WEEE Directive.

Municipalities must inform households about the take-back or collection possibilities available; the user's contribution to reuse, material recovery or other type of recovery of WEEE; the consequences of hazardous substances contained in the equipment; and the meaning of the crossed-out dustbin symbol.

Information for treatment facilities:

Within one year of the launch of a new product, the producer shall provide treatment facilities with information relevant to its recovery such as components and materials used and the location of hazardous substances.

Elektro-Altgeräte Register (EAR): The EAR Projektgesellschaft and EAR Foundation:

On 2 June 2003 several companies close to industry associations ZVEI (the association for the German electronic and electric industry) and Bitkom (the association for the information technology, telecommunications and new media sectors) started the *EAR project* to develop the basic structures for a neutral Clearing House with the objective of ensuring maximum competition in the management of WEEE. It was estimated that the Clearing House would cost about 1% of total WEEE management while ensuring competition and efficiency in the rest.

On 12 February 2004, the *EAR Projektgesellschaft* (project partnership) was founded, with 11 companies and 6 associations as partners. About 140 companies in 5 EEE categories were paying members. The *EAR Projektgesellschaft* is planned to be terminated 12 months after foundation of the Clearing House or on 13 August 2006 at the latest. The partners' voting weights are proportional to the expected costs of each WEEE segment – large household appliances (incl. domestic heating) 42 %, small domestic appliances 7 %, ITC 26 %, consumer electronics 12 %, lamps & light fittings 5 %, power tools 8 %, miscellaneous 0 %.

On 19 August 2004, 27 EEE manufacturers and three associations (ZVEI, BITKOM and the *Photoindustrie-Verband*) set up the EAR Foundation to underline the neutrality of the body. The objective of the EAR Foundation is to act as a neutral Clearing House and accept the responsibilities of the sovereign tasks of the Competent Authority, which will enable it to give legally binding instructions to obligated parties.

Tasks of the EAR Foundation:

The EAR Foundation will be responsible for the registration of producers, receiving pick-up notifications from municipal collection points, calculating the share of each obliged party, sending out requests to producers to pick up WEEE and monitoring producers' activities.

The Clearing House is to coordinate about 15,000 producers, 2000 municipal exchange facilities, 500 recyclers and logistics firms and the six collection categories.

It may not enter into contracts with logistics or treatment companies from the environmental services sector.

The EAR Foundation may derive revenues from

- fees charged to producers as provided for in the ElektroG,
- reimbursement of costs as provided for in the ElektroG, and
- consulting fees from services to similar organisations in other countries.

The calculation methodology for allocating waste management fees to individual producers are still under discussion. Bitkom/ZVEI's guiding principle for the Central Register is 'as individual as possible, as communal as necessary'. The objective of the Central Register is to ensure competition and thus lowest costs for manufacturers/importers and consumers while taking no operational role in waste management.

EAR Foundation Structure:

A '*Category Assembly*' consists of all registered producers in each of the six categories. Each Assembly elects one or two trustees to the executive board and regulates its respective segment. If an Assembly fails to do so, the EAR Foundation's executive board will carry out the task in line with the ElektroG and at its own discretion.

The 11 members of the Board of Trustees will decide on the Executive Board (max. 2 members), the Advisory Committee (max. 18 members) and the members of the Appeals Board.

Seven of the 11 members of the *Board of Trustees* must be on the Executive Board of a member company: two representing the large and small household appliance category, two the ITC category, one the consumer electronics category, one for lighting equipment, and one for power tools. These seven trustees are elected by the Category Assemblies. A further four trustees (only two of whom have voting rights) are designated by ZVEI and Bitkom.

The *Advisory Committee* comprises 10 representatives of manufacturers, two of retailers and six from public bodies.

The *Appeals Board* will regulate conflicts between the Executive Board and the 'rule setting body' of the Category Assembly. It has four members: one designated by the Executive Board (who can be the Chief Executive), two members of the affected Category Assembly and one member of the Board of Trustees.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

ProReturn

ProReturn was established by Loewe, Philips and Sharp on 1 April 2005. It will cover Germany and may later expand to other member states. ProReturn plans to finish preparation for the start of operations in Germany by the end of 2005. Membership is open to producers in Categories 3 and 4. However, producers of TV sets should not join since that would draw the attention of the German competition authorities, who have asked that the market share of a producer system does not exceed 33%.

ENE (EcologyNet Europe)

EcologyNet Europe GmbH is the result of a recycling concept under development by Panasonic in cooperation with Thomson and JVC since June 2004. ENE was established on 1 April 2005 as a subsidiary of Panasonic.

ENE Europe will offer a collective system in Germany for B2C EEE and will set up a Europe-wide system for B2B EEE. In member states where existing schemes achieve low collection and treatment cost structures, ENE will cooperate with existing schemes. In three new member states, ENE is likely to set up its own system.

ENE's sister company, EcologyNet Japan, has been in operation since 2001 in response to producer responsibility legislation. It operates a system for 21 well known producers there. The EcologyNet companies are supported by METEC (Matsushita Eco Technology Centre), another Panasonic subsidiary.

ENE is open to membership to producers from all categories except Category 5. ENE offers extensive advice on compliance throughout Europe.

ERP (European Recycling Platform)

ERP results from a cooperation agreement between Braun, Electrolux, HP and Sony in December 2002 as the first pan-European take back and compliance scheme for WEEE in all

categories except Category 5. ERP was registered in Paris as the limited company ERP SAS on 11 November 2004. The founders represent about 15 % of the European WEEE market.

The scheme estimated that it would save 30% costs against membership in a single consortium in each country. The rationale for this was that

- competition between recyclers alone is not enough and competition between take-back schemes would reduce costs further, and that
- local recycling services can be bought more cost-efficiently Europe-wide (through administrative and quantitative synergies)

Negotiations are taking place with a number of other companies interested in becoming ERP Members. Membership is on a Europe-wide basis. Due to high membership fees only very large producers are presently joining.

Individual Compliance

Waste management companies, often regionally operating SMEs, have been seeking alliances to be able to offer nationwide take-back to EEE producers in all collection categories. BVSE, the Association for Secondary Raw Materials and Waste Disposal, estimates that 20 such groups will emerge in Germany.

Companies from the waste management sector that have announced full service packages to EEE producers nationwide include:

- **REMONDIS**, which offers Europe-wide take-back of WEEE in large quantities. The former RETHMANN waste management company was renamed Remondis after its takeover of 70% of the business of RWE Environment in 2004.
- **Landbell AG**: The second operator of the Green Dot system for packaging cooperates with eds-r, an EEE recycling firm, and DHL Solutions, logistics specialist, to offer full service EEE take back, treatment and reporting. Landbell AG was founded in September 1995 with the intention of opening up the monopolistic market for packaging compliance.
- **Interseroh**, Take-E-Way. *More details to follow*

GREECE

TRANSPOSITION OF THE WEEE and RoHS DIRECTIVES

Presidential Decree no. 117 transposing the WEEE and RoHS Directives is now in place. It was published in Government Gazette No. A82 on 5 March 2004.

RoHS

The Decree reproduces the terms of Directive 2002/95 exactly.

Scope:

Annexes IA and IB of the WEEE Directive have been reproduced exactly.

Product design and manufacture:

Producers must ensure that the design of a new product facilitates the repair, upgrade, disassembly and recycling of WEEE, unless manufacturing processes and specific design features are used which present overriding advantages, for example with regard to protection of the environment and/or safety requirements. Producers must also restrict the use of hazardous substances in order to enhance the possibilities of recycling, decrease the negative health impact on workers in recycling plants and avoid the need to dispose of hazardous waste. Priority must be given to designing for reuse of whole appliances, components, sub-assemblies and consumables, and the use of increasing amounts of recycled materials in new products.

Collection and take-back requirements:

WEEE may be handed over on a 1:1 basis to a retailer who has made provision to receive waste. There will also be municipal collection points. Collection arrangements will be organised by the compliance scheme(s), in collaboration with the local authorities. Arrangements may well differ from place to place, according to local conditions, but it will be forbidden to collect WEEE along with household waste.

Compliance schemes are required to make special provisions for islands and remote areas.

Treatment:

Annexes II and III to the WEEE Directive have been reproduced word-for-word.

Recovery:

The targets are as in the WEEE Directive.

Financing WEEE from private households:

Producers will fund collection either through self-compliance and financing guarantees or through a collective system. At the time the Directive was transposed, there were no facilities for recycling, and all manufacturers and importers have agreed to join a collective system. Although individual compliance is an option provided for in the law, it would be very difficult for companies to fulfil their obligations this way.

No distinction will be made between new and historical WEEE. Producers will pay into the compliance scheme or will fund their own activities according to their market share. The assumption is that most of the money collected by the compliance scheme in the early years will be spent on the collection, treatment and recovery of historical waste.

In principle the Decree will not allow a visible fee. However, in accordance with the Directive, there will be a transitional period of eight years (10 years for large household appliances) during which time producers will be allowed to inform purchasers, at the time of sale of new products, of the cost of collection, treatment and disposal of WEEE.

Financing WEEE from users other than private households (B2B):

From 13 August 2005, collection, treatment, recovery and environmentally sound disposal of WEEE from non-household users, put on the market after this date, will be financed by the manufacturers, unless the purchaser and supplier have agreed alternative arrangements. The cost of managing waste from equipment placed on the market before that date will be met the producer of the replacement product. When the end-user returns B2B WEEE to an approved system, the system must issue the end-user with a certificate of return.

Producers may join a collective system to fulfil their obligations on B2C WEEE and set up individual systems for their B2B WEEE.

Marking requirements, information for users and reporting:

The Decree reproduces the wording of the Directive's provisions regarding the crossed-out wheeled bin symbol.

The Decree says that participation in a collective system grants the right to the participating producer to mark the equipment with a symbol specified in his membership contract, as proof of his participation in the system. Use of this symbol is not mandatory, however, and its design has not yet been finalised.

Producer and importers must inform users about

- the requirement for WEEE to be collected separately from other household waste;
- the return and collection schemes available to them;
- their role in contributing to reuse, recycling and other forms of recovery of WEEE;
- the potential affects on human health and the environment of the presence of harmful substances in EEE;
- the meaning of the crossed-out bin symbol.

The decree does not specify how information should be distributed.

The Ministry of Environment, Planning and Public Works will collect information on quantities and categories of EEE placed on the market and the amount of WEEE collected, reused, recycled and recovered or exported. The Ministry will prepare data reports for the Commission every two years, within 18 months of the end of the period. The first report will cover 2005 and 2006. The Ministry will report to the Commission on implementation every three years.

The Central Register:

The Ministry of Environment, Planning and Public Works is to draw up a register of producers and collect information, including substantiated estimates, on the quantities and categories of

electrical and electronic equipment put on the market, collected through all routes, reused, recycled and recovered, and on collected waste exported, by weight or, if this is not possible, by numbers.

The Ministry is to use this information to report to the European Commission.

The 'Certificate of Alternative Management'

The adoption of Presidential Decree no. 117 triggers the application to EEE of Law 2939/2001 on Packaging and Other Waste. Packaging and any product groups covered by a Presidential Decree on 'alternative management' of waste fall within the scope of Law 2939/2001, which is administered) on behalf of the Ministry of the Environment, Planning and Public Works by EOEDSAP (the National Organisation for the Alternative Management of Packaging and Other Waste, whose English acronym is NOAMPOW). The key provisions of Law 2939/2001 are reproduced in Presidential Decree no. 117.

Law 2939/2001 prescribes that companies must hold a 'certificate of alternative management' (PED) for each of the products covered. Companies must pay a fee to get the PED, which is issued by EOEDSAP after an inspection, which is to be carried out every three years. EOEDSAP will publish a list of PED holders.

Members of a collective system can delegate their obligations to the system and have the right to mark their packaging with the symbol described in the participation contract, as a proof of participation. Members of a collective system only have to submit documentation verifying their participation in the system and fulfilment of their obligations to it.

If EOEDSAP finds that the company has failed to carry out 'alternative packaging management' or to fulfil its obligations as a collective scheme member, it can set special conditions for the issue of the PED or impose a fine. Ultimately, the operator of an unsatisfactory individual system can be compelled to join an existing collective system or to act jointly to create one; an unsatisfactory collective system can be set new operating conditions, or its approval may be revoked. EOEDSAP will publish a list of PED holders.

In authorising individual or collective systems, EOEDSAP may impose more specific conditions to ensure more effective implementation. Authorisation is valid for a period of six years, and is renewable. Operators of individual or collective systems must submit an annual report to EOEDSAP by 1 January each year, together with plans for the following year.

The Decree sets out the information that individual compliers and collective systems need to provide in order to obtain authorisation. This includes

- the type and annual quantities of equipment put on the market during the previous three years;
- previous experience in alternative management, if any;
- the purpose and target quantities of the system;
- the system's field of application, e.g. geographical range, the population it will cover and the population density, and the schedule for extension of the system;
- the system methodology in detail, including a technical and economic report covering the expected results, the infrastructure already available and the additional infrastructure needed, the personnel needed, the environmental benefit deriving from the system, and a description of the guarantee system if any;

- copies of agreements with third parties and with members;
- the information to be given to the public.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

A nationwide collective take-back and recycling scheme has been set up to meet the requirements of the new Presidential Decree – Recycling of Appliances S.A. It covers both commercial/industrial and household WEEE, and secured official operating approval in July 2004.

The obligation to pay fees in Greece began on 1 July 2004. Until 31 December 2004, Recycling of Appliances S.A. charged a flat-rate fee of 50 euros per tonne for all types of electrical and electronic equipment, but a differentiated fee structure took effect in January 2005. As the law stands, producers have to pay for everything in the warehouse, even if it is destined for export.

Recycling of Appliances S.A. estimates that about 150,000-200,000 tonnes of WEEE will be available annually, and that management costs will be in the region of 26-30 million euros.

HUNGARY

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Council Decision 2004/312/EC of 30 March 2004 granted Hungary a two-year extension (to the end of 2008) to the deadline for meeting the collection, recovery and reuse/recycling targets in the WEEE Directive.

The WEEE and RoHS Directives have been transposed by:

- Government Decree no. 264/2004 on the take-back of WEEE, adopted on 23 September 2004;
- Ministerial Decree no. 16/2004, transposing the RoHS Directive, adopted on 8 October 2004;
- Ministerial Decree no. 15/2004, transposing the treatment provisions of the WEEE Directive, adopted on 8 October 2004.

Also, an amendment to the Product Fee Act no. 103/2004, incorporating the WEEE categories, was approved and entered into force on 1 January 2005. The product fee is partially reimbursed if certain targets are met.

Product fees:

Product Fee Act LVI of 1995 imposed product charges (i.e. a tax) on air conditioning systems, domestic and commercial refrigerators and freezers and ice machines. The original aim was to raise funds from producers to cover waste management costs. Since late 2002, exemptions from the charges have been gradually introduced, on condition that certain recovery targets are met. The objective of these exemptions is to provide producers with an incentive to join private waste management schemes which are less expensive than the charge.

With effect from 1 January 2005, product fees have been imposed on WEEE categories not previously covered. The fee for mobile phones is 1000 HUF (£2.80) per kg; for other categories, it ranges between 83 HUF (23p) and 100 HUF (28p) per kg.

Government Decree no. 264/2004 on the take-back of WEEE

The Decree transposes those parts of the WEEE Directive which are relevant to producers. It places full responsibility for WEEE collection and treatment on producers.

Producers are exempt from the Product Fee in proportion to their compliance with the WEEE Decree.

Producers are to reimburse local authorities if they provide separate collection of WEEE from households.

As provided for in the Directive, the Government will leave it to industry to decide on individual or collective take-back solutions, such as the setting up of a collective producer responsibility organisation to fulfil obligations on behalf of producers and importers.

Collection and take-back requirements:

Producers may establish and operate collection centres, but must obtain a permit from the environmental protection authorities.

Free take back from consumers on a 1:1 basis applies to

- retailers with a sales space of at least 35 sq m;
- retailers selling exclusively ITC equipment with a sales space of at least 25 sq m;
- any retailer selling mobile phones.

The retailer may pay consumer returning WEEE. A producer must take back free of charge from retailers an amount of WEEE equivalent to the quantity sold to them.

Financing WEEE from private households:

No distinction is made between the financing of historical and new WEEE.

Although the Product Fee Act levies a tax on EEE from 1 January 2005, producers participating in a collective system can apply for exemption from 1 March and in practice the current collective systems have acquired exemptions for their members.

Financing WEEE from users other than private households (B2B):

The producer is responsible for B2B WEEE from products placed on the market after 13 August 2005, and the current legislation makes no provision for alternative agreements.

In the case of WEEE from B2B products placed on the market before 13 August 2005, the end-user is responsible for the WEEE unless a replacement equivalent product is purchased.

Visible fee:

A visible fee is optional on all WEEE until 13 February 2013 (Category 1) and 13 February 2011 (all other categories).

Information for users, marking requirements and reporting:

The crossed-out bin symbol, date and producer identity markings are all mandatory from 13 August 2005.

Producers must inform consumers *in Hungarian* about

- the harmful effects of WEEE on the environment if the equipment is not handled according to the relevant environmental provisions;
- the parts of the WEEE that contain hazardous substances;
- the obligation for separate collection;
- facilities available for the take-back of WEEE;
- the role of consumers in WEEE management.

Central Register:

The Central Register will be hosted by the National General Directorate of Environment and Water. Producer registration is mandatory from 1 January 2005. New Producers must register before placing EEE on the market. As in France, the initial proposal of a Central Registry for distributors has been dropped.

Unusually, registration is open to producers outside of Hungary, although this is not encouraged.

A financial guarantee is required from producers of B2C EEE who opt for individual compliance. For collective schemes, the high paid-up capital requirement is accepted as a financial guarantee. Guarantees can be in the form of a blocked cash deposit or insurance.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Members of compliance schemes are exempt from the Product Fee and do not need to provide a separate guarantee.

Electro-Coord Kht. (CECED)

Electro-Coord Hungary was set up in September 2004 as a not-for-profit organisation by CECED and the Association of Producers of Lighting Equipment. Electro-Coord started take back operations with white goods and lighting equipment in January 2005, but aims to cover all EEE categories. Both B2C and B2B WEEE will be covered.

As of beginning June 2005, Electro-Coord had 130 members representing about 75% of the EEE placed on the market. Producers from outside Hungary may join the scheme.

Ökomat Kht.

Ökomat was founded in November 2004 by 12 producers of automatic dispensers and gaming machines. Initially open only to these categories, Ökomat has now extended its scope to all WEEE, B2B and B2C, except mobile phones and refrigerators. By the end of March 2005 it had 60 members.

Ökomat started treatment in January 2005.

Elektro-Waste Kht.

Electro-Waste was set up in late 2003 with the aim of coordinating the management of IT waste. Elektro-Waste Kht. Was planning to be operational in June 2005, when it will start to recruit members.

Re-Elektro Kht.

No information available yet.

IRELAND

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Draft regulations on WEEE and RoHS were published for consultation on 15 April 2005. At the same time, draft legislation amending the Waste Management Acts 1996 and 2003 to provide the enabling provisions for WEEE and RoHS was published. The Regulations were finally published on 6 July.

The scope, definitions and targets all follow the provisions of the Directive. Ireland is taking advantage of its two-year derogation for the recovery and recycling targets.

RoHS:

The Regulations follow the requirements in the Directive. From 1 July 2006, producers must maintain records of certification of compliance by suppliers of components utilised in the production or laboratory testing of EEE in order to verify that it complies with the requirement to prohibit specified hazardous substances. Some products are exempted as in the Directive, and also spare parts for the repair or reuse of EEE placed on the market before 1 July 2006.

The EPA will have sole responsibility for enforcing the RoHS regulations.

Collection and take-back requirements:

Local authorities will provide collection points for household WEEE at civic amenity sites. Products may also be returned free of charge to a distributor when a product of equivalent type or function is purchased (or within 30 days of purchase if not available at the time).

Distributors may also make alternative arrangements for the take-back of WEEE with a nominated distributor or group of distributors or through a third party. Instructions as to the last date for return of a product and any alternative take back arrangements, must be given to the purchaser in writing at the point of sale. Distributors must display a notice stating the arrangements for taking back WEEE.

Distributors must ensure that WEEE taken back by themselves is transported and stored in accordance with the Waste Management Act. They must either transfer collected WEEE to a civic amenity site with which they have reached prior agreement or to a collector acting on behalf of the responsible producer or an approved body acting on the producer's behalf.

Producers must ensure that they or a third party acting on their behalf shall make adequate arrangements to provide for the collection of WEEE from private households placed on the market before 13 August 2005 in proportion to their current market share by type of equipment, and for all waste arising from EEE from private households placed on the market by themselves after 13 August 2005.

Central Register:

The WEEE Register will be run by an independent management committee.

The deadline for applying for registration is 20 July 2005. A company supplying both B2B and B2C equipment must register separately for each.

Distance sellers must register and provide on request proof that they contribute to the environmentally-sound management of WEEE in each member state where they place products on the market.

Financing WEEE from private households:

From 13 August 2005, producers, or third parties acting on their behalf, must finance the environmentally-sound management of WEEE from private households deposited at collection and civic amenity facilities relating to

- all of the producer's own products placed on the market on and after 13 August; and
- all products placed on the market prior to 13 August 2005 in proportion to current market share by type of equipment, as determined by the registration body or a third party acting on its behalf, when the respective costs occur.

Separate identification of environmental management costs (visible fee) is prohibited, although the actual costs of management for historic WEEE may be shown until 13 February 2011 for EEE in Categories 2-10 and until 13 February 2013 in the case of EEE in Category 1. Where this is the case, the distributor must, when supplying a new product, ensure that such costs are indicated to the customer in writing.

Financing WEEE from users other than private households (B2B):

Producers will be responsible for financing the environmentally-sound management of waste arising from B2B products placed on the market from 13 August 2005. For products placed on the market before 13 August 2005, producers will bear the cost if a replacement is purchased. If no replacement is being bought, the final user is responsible for delivering the WEEE to an authorised recovery facility and for financing its treatment, recovery and environmentally-sound disposal.

However, producers and users may conclude agreements on alternative financing methods, providing the waste is managed in an environmentally-sound manner. In this case, the producer must notify the final user of his obligations with regard to the treatment of WEEE.

Product design:

Producers are prohibited from preventing WEEE from being reused or recycled through specific design features or manufacturing processes unless these present overriding advantages with sustainable environmental practices or health and safety requirements. Producers must also take into account and facilitate, at the design stage, dismantling and recovery (particularly reuse and recycling) of the WEEE and of all components and materials.

Marking, information for users and reporting:

Producers must ensure that products placed on the market on and after 13 August 2005 are marked with the crossed-out wheeled bin symbol.

When supplying a new product, producers must ensure that the user is informed of the requirement for WEEE to be separately collected; the user's role in contributing to the reuse, recycling and other recovery of WEEE; the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE; and the meaning of the crossed-out wheeled bin symbol.

Producers (or a third party acting on their behalf) must keep detailed records of their WEEE and details of its treatment and recovery in accordance with the monitoring requirements of the Directive.

Producers must also draw up waste management plans to show how they will ensure environmentally-sound management of WEEE. Producers must also display a sign advising of the existence and whereabouts of its waste management plan. Producers must submit, not later than the date on which they apply for renewal of their registration, a report showing what steps they have taken to comply with the regulations, and the results of those steps.

Within one year of placing a new product on the market, the producer must provide recovery facilities with information on the reuse and treatment of the product, its components and materials, and the location of dangerous substances and preparations in the product.

Regulation and enforcement:

The Environmental Protection Agency (EPA) will be responsible for enforcement of registration and treatment of WEEE.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

A new compliance organisation, **WEEE Ireland**, has been set up.

The **European Recycling Platform (ERP)**, the first pan-European take back and compliance scheme for WEEE, is also active in Ireland. It represents about 15 % of the European WEEE market.

ITALY

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

A revised draft of a Legislative Decree on the Transposition of the WEEE and RoHS Directives has been approved by the Prime Minister's office, Parliament's Environment Commission and the Conference of the Regions. It is now awaiting final approval by the Environment Minister.

The Decree will be complemented by several orders, on the central register as well as details on marking and financing, no later than 6 months after the Decree has come into force.

The key provisions of the revised draft are as follows:

Separate Collection:

The 4 kg separate collection target is to be achieved by 31 December 2006:

- Local authorities will organise separate collection systems for WEEE from households, taking into account population density, institutions and relative costs, allowing final holders to drop WEEE free of charge.
- Retailers must ensure that they take back old equipment free of charge when a new product of an equivalent type is purchased.
- Producers can set up collection systems individually or collectively for both B2C and B2B WEEE, and may reach agreements with interested local authorities on the use of their collection systems.

Take-Back Obligation:

From 13 August 2005, producers or parties acting on their behalf must finance and organise the transport the separately collected WEEE to authorised treatment centres, except where collected products are to be reused.

Those responsible for separate collection and take back must ensure that reuse and recycling are optimised.

Financing historical WEEE from households:

Producers are responsible for financing the transport of historical WEEE from collection centres to treatment operators. To this end, they will set up collective management systems for historical waste.

The financing of WEEE Category 5 (lighting equipment) is the responsibility of the producers, irrespective of the date when it was placed on the market or whether used in household or commercial premises. A sub-decree to regulate Category 5 will be adopted no later than 6 months after the adoption of this Decree.

Financing new WEEE from households:

For EEE put on the market after 13 August 2005, producers are responsible for financing of transport from collection centres and treatment operations. Producers can fulfil this obligation individually or by joining a collective or mixed system.

Producers must provide a 'suitable' financial guarantee when EEE is placed on the market. A sub-decree to regulate details will be adopted no later than 6 months after the adoption of this Decree.

Visible fee:

A visible fee (showing the cost of waste management) is optional, with rules as in the WEEE Directive.

Financing WEEE from users other than households:

For EEE marketed after 13 August 2005, the producer is responsible for financing all operations from the end-user onwards; for historical WEEE the producer is only responsible if new equipment of a similar type is purchased and the new equipment is less than double the weight of the old equipment.

Producers must provide a financial guarantee when EEE is placed on the market. A sub-decree regulating details will be adopted no later than 6 months after the adoption of this Decree.

Producers and users may agree different arrangements for the financing of WEEE as long as the purpose of the Decree is achieved.

A sub-decree will contain the obligations of distance-selling retailers in this respect.

Information, marking and reporting:

All EEE placed on the market after 13 August 2005 must be marked with the crossed-out bin symbol, the producer's identification mark and proof that the product was placed on the market after 13 August 2005.

For the information of consumers, the producer must also indicate in the product's manual, adequate information about:

- the obligation for separate collection;
- the collection systems and the possibility to return the product to retailers on purchase of similar EEE;
- the role of the producer in waste management;
- potential health risks;
- the meaning of the crossed out dustbin symbol;
- the penalties for incorrect disposal.

Producers must provide relevant information on dismantling to treatment centres within one year of a product being placed on the market.

Each year, producers must inform the National Register about quantities of EEE marketed, collected and treated by category. Internet retailers must provide details of the country of destination and information about how they fulfil their obligation.

A sub-decree will regulate the detailed labelling requirements.

Central Register:

To control the management of WEEE and to define market shares (for historical WEEE management), a National Register is to be set up under the auspices of the Ministry of Environment.

According to the latest draft, producers will only have to register with their local chamber of commerce. The Chambers of Commerce will notify the Central Register of producers' details. If a producer's existing activity code does not explicitly identify him as an EEE producer in the sense of the Decree (i.e. producer or importer, or anyone who produces EEE solely for export to other member states), he must declare a code that does. On registration, the producer must also indicate the system through which he intends fulfil his obligation. Distance sellers supplying EEE to other member states must comply there and report annually to the Central Register on the quantities and types of EEE placed on the market and the methods of compliance used.

A sub-decree to regulate the National Register will be adopted no later than 6 months after the adoption of this Decree. Producers will then have 90 days to register.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)**ANIE**

The members of ANIE, the Federation of the Electrical and Electronics Industry representing the industry in Confindustria, are preparing compliance consortia, one consortium for each treatment category.

Three have been established:

- Ecolamp
- Ecolight
- Ecodom (see below).

Three others are in preparation – for small appliances, air conditioners and IT equipment.

ecoR'it

EcoR'it was set up March 2005 by Ecoqual'It to cover B2B and B2C WEEE in Category 3. Ecoqual'It is a voluntary consortium of producers of office equipment. It was created in 1994 to take back consumables like cartridges. Its members are medium to large IT producers. Members pay a fee to join.

Ecodom

Ecodom is a voluntary, not-for-profit consortium established in November 2004 by the main producers of large appliances (Category 1).

Ecodom will probably require its members to show the visible fee on their paperwork.

LATVIA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Like the other Baltic states, Latvia has been granted a grace period of two years (until 31 December 2008) to meet the 4 kg collection target and the recovery targets in the WEEE Directive. The deadlines for implementing the legal framework are not affected by this.

Latvia transposed the RoHS Directive through Cabinet of Ministers Regulation No.723 which was adopted on 17 August 2004.

The WEEE Directive is being transposed via a number of measures:

- Law on Waste Management, as amended 19 February 2004 and 2 December 2004;
- Amendment to the Natural Resource Tax Law, which will regulate the financing of WEEE – expected October 2005;
- Cabinet of Ministers Regulations Nos. 624, 736, 923 and Draft on National Register - expected September 2005;
- Revision of the National Waste Management Plan 2003-2012.

Law on Waste Management, as amended 19 February 2004 and 2 December 2004:

An amendment to the Waste Management Law adopted by the Cabinet on 19 February 2004 transposed the WEEE Directive's more general provisions such as the definitions, the promotion of product design facilitating WEEE reuse and recycling, general provisions regarding the collection of WEEE from households and the financial mechanisms for producer responsibility organisations.

The amendment of 2 December 2004 defined the responsible authority for the Central Register as the State Environmental, Geological and Meteorological Agency. This will be responsible for the mandatory registration of producers.

A further amendment which is under discussion will allow the Environment Ministry to delegate responsibility for the register to one organisation. This could be a government agency (as above) or an industry association or not-for-profit organisation set up by producers which has been active for at least five years (such as LETERA, the Latvian Engineering and Electronic Industry Association and LDTA, the Latvian Electronics Producers Association).

The new amendment also further refines the definition of 'producer' to ensure that only entities established in Latvia can register.

It also redefines take-back – it must now be 'at least without costs' rather than 'free of charge', i.e. and end-user can be paid a fee for returned WEEE.

The amendment provides for producers who comply individually or as members of a collective system to be fully exempt from the Natural Resources Tax.

Amendment to the Natural Resource Tax Law:

Discussions continue on this draft amendment. It will regulate the following:

- A *Tax on EEE* will be introduced. There is already a packaging tax with an 80% reduction in the rate for producers who fulfil their producer responsibility obligations. Revenues from the tax flow into the Environmental Protection Fund, which could pay for the management of both historical and new waste. With the tax in place, the law might provide for a collective producer responsibility scheme.

A new draft has suggested rates for the EEE tax after industry rejected an initial proposal by the Ministry to have a flat weight-based tax for all EEE categories. The proposed taxes range from LVL 2.10 (£2.15) per kg for large refrigeration equipment to LVL 0.9 (92p) per unit for mobile phones. The tax rates are expected to be approved in October 2005.

- **Financing of WEEE:** Discussion on whether and how the tax should finance historical WEEE from households continues. The government has also considered a call for tender that would award responsibility for historical waste to one collective system.

Cabinet of Ministers Regulation No. 624 on Categories of EEE:

This Regulation, adopted on 27 July 2004, lists the categories as they appear in the WEEE Directive.

Cabinet of Ministers Regulation No. 736 on Requirements for Labelling of EEE and on Providing Information:

This Regulation, adopted on 24 August 2004, sets out the requirements related to marking and information for users as they appear in the WEEE Directive.

Cabinet of Ministers Regulation No. 923 on the Management of WEEE:

This Regulation, adopted on 9 November 2004, says that producers are responsible for separate collection.

It also contains the provisions on treatment, targets and deadlines, and information about the targets, as they appear in the WEEE Directive.

Draft Cabinet of Ministers Regulation on the National Register:

A new Cabinet of Ministers Regulation was expected in September 2005, but a change of Cabinet made it necessary to resubmit the draft. This means that the original schedule (producers to register by 1 October 2005) will have to be postponed.

Revision of the National Waste Management Plan 2003-2012:

A revision of the National Waste Management Plan 2003-2012 will set waste management targets for WEEE. It is expected to be approved by the Government at the end of July 2005.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

The planning of producer organisations is hampered by the fact that the financing provisions in the Product Fee Act have yet to be defined. Nevertheless, one producer responsibility organisation has been set up, LZE, and household appliance makers have set up a local chapter of CECED with a view to establishing another.

Latvia Green Electronics (Latvijas Zaļais Elektrons, LZE)

LZE was set up in November 2004 by LETERA, the Latvian Electrical Engineering and Electronic Industry Association, and LDTA, the Latvian Electronics Producers Association. The initiative came from the IT sector. LZE will be coordinating the collection and recovery of IT equipment and is in negotiation to cover other categories.

A licence is not needed to operate as a compliance organisation, and pilot operations could start in August 2005 provided the legal issues are clarified. LZE is waiting for the Government to sign its operating protocol before starting a pilot project in Riga in early July which will take back all categories at 4 collection points.

LITHUANIA

TRANSPPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

The RoHS Directive was transposed on 22 April 2004 through Order No V-258 of the Minister of Environment, which amended the Lithuanian Hygienic Norm HN 36:2002 on Banned and Restricted Substances.

Lithuania has been allowed a two-year extension (to the end of 2008) to the deadline for meeting the collection, recovery and reuse/recycling targets in the WEEE Directive (Council Decision 2004/312).

The WEEE Directive is being transposed in several separate texts. Some are still at the drafting and/or consultation stage and are being revised frequently:

Draft Law amending the Law on Waste Management:

The Draft Law was sent for approval by the Government on 7 January 2005 and has been under discussion since then. The main reason for the delay seems to be a stalemate between Parliamentarians in favour of a solution without collective producer systems, e.g. by producers contracting recycling companies directly or paying municipalities to do so, and those supporting compliance through collective systems established by producers. A Parliamentary decision about the draft is expected shortly.

The draft amendment transposes the provisions of the EU Directive closely:

- Definitions and the financing of WEEE are as in the WEEE Directive.
- Importers and producers are responsible for achieving the collection target of 4 kg per capita from households. *(The producers are lobbying against the proposal to make them responsible for financing separate collection.)*
- Retailers must offer 1:1 take-back. Municipalities will run collection centres, but producers can set up their own collection schemes.
- It will be mandatory for producers and importers established in Lithuania to register with a Central Register. The Ministry of Environment or the Environment Agency will be responsible for maintaining the register. The deadline for registration is not expected to be until January 2006.
- Producers are allowed to meet their obligations individually or by establishing an appropriate collective compliance system. Compliance systems must be not-for profit, open to all producers and have a minimum registered capital requirement.
- More detailed requirements on marking, registration, requirements for collective systems and reporting will be set later in separate Ministerial Orders or as amendments to the Rules on Management of WEEE.

Rules on Management of WEEE:

Rules on the Management of WEEE were adopted on 10 September 2004 by Order No D1-481 of the Minister of Environment. The rules transpose the WEEE Directive's Annex II (selective treatment) and Annex III (technical requirements for treatment and storage sites).

Amendment of Government Resolution on National Strategic Waste Management Plan:

The Government Resolution on the National Strategic Waste Management Plan was amended by Government Resolution No 1252 on 5 October 2004. The amendment includes recovery targets for WEEE.

Draft Amendment of Law on the Administrative Code:

The penalties for non-compliance with the legislation will be set out in an Amendment of the Law on the Administrative Code.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Lithuania is the only Baltic country with a significant EEE manufacturing industry – about 250 companies, of which two-thirds are SMEs. However, their representative bodies are fragmented, which is slowing the development of compliance systems.

INFOBALT

INFOBALT, an association of EEE manufacturers and importers has invited other associations to become founding members of a compliance organisation for ITC and consumer equipment excluding TVs.

Zaliasis taskas (Green Dot)

Zaliasis taskas (ZT), the 'Green Dot' compliance organisation which was set up in 2002 to comply with packaging legislation, is considering coordinating WEEE management. ZT's shareholders are 26 fillers and importers, 6 packaging producers, and 3 waste management companies and recyclers.

CECED

As in Latvia, Phillips, Electrolux and Whirlpool set up a local branch of CECED in November 2004 with a view to setting up a compliance organisation.

LUXEMBOURG

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

A Regulation transposing the WEEE and RoHS Directives was published on 31 January 2005.

It stays very close to the WEEE Directive. It stipulates that detailed provisions regarding separate collection, treatment and other provisions shall be the subject of an environmental agreement between the Chamber of Commerce, the relevant ministries and the municipalities. This has not yet been finalised, mainly due to fears that Luxembourg consumers would shop in neighbouring France and Germany in the next few months, as those countries do not require producers to finance WEEE until early 2006.

Scope:

The Regulation covers the same 10 product categories as the Directive. However, it excludes spare parts placed on the market before 1 July 2006.

Taking into account the high percentage of EEE purchased in neighbouring countries, the draft includes in its definition of 'producers' those based in another country that sell EEE (B2B and B2C) directly to Luxembourg residents.

Collection and take-back requirements:

From 13 August 2005, take-back of WEEE from households shall be handled through existing municipal collection points for 'problematic' waste. Retailers must take back WEEE at least free of charge on a one-for-one basis. If they are unable to do so (due to lack of storage capacity, for example), they are obliged to inform consumers about alternative take-back points. Retailers shall return the taken-back WEEE free of charge to the municipal collection points.

Producers, or third parties acting on their behalf, may set up alternative or complementary take-back systems for WEEE from households. They must also ensure, individually or collectively, the take-back of WEEE from other sources.

Managers of municipal collection points must accept all WEEE unless it is contaminated and represents a serious risk for the health and safety of their staff.

WEEE collected as described above must be transported to authorised dismantling and treatment facilities.

By 31 December 2006, a collection rate of 4 kg per capita must be reached.

Treatment:

The Regulation follows the provisions of the WEEE Directive.

Recovery:

The provisions relating to producers' responsibility and the recovery targets are those in the Directive.

Environmental agreements may encourage the development and use of new recovery, recycling or treatment technologies.

Financing WEEE from private households:

From 13 August 2005, producers must finance take-back at least from waste collection points onwards, for products they place on the market after that date. They can fulfil their obligation either by joining a collective organisation ensuring the financing of WEEE take-back, or they can comply individually and provide a financial guarantee such as a recycling insurance or a blocked bank account.

The costs of taking back historical and orphan products will be allocated to all producers in a proportional manner, for example according to current market share. The compliance organisation Ecotrel will in future be allowed to tender out take-back from municipal collection centres.

SuperDrecksKëscht fir Biirger was launched as a pilot project for the collection of 'problematic' (usually hazardous) household waste by the Administration for the Environment in 1985, and has expanded with the growing list of household waste classified as problematic. *SuperDrecksKëscht fir Biirger* offers four different methods of waste collection free of charge:

- *Mobile collections* – 4 times a year in every communal district. Citizens bring their waste, collected in special boxes provided free of charge, to a special *SuperDrecksKëscht* truck.
- *House-to-house collections* are offered to communal districts which do not have convenient access to a container park. For larger quantities a special van can be ordered by phone.
- *Collection in recycling parks*, equipped with containers for problematic substances managed by *SuperDrecksKëscht fir Biirger*.
- *Take-back by retailers* (since 2002).

Collective organisations may charge collection and treatment costs to non-members if their products have entered their collection and treatment channels.

Financing WEEE from users other than private households:

Producers must finance the take-back of B2B products placed on the market after 13 August 2005. They can fulfil this obligation individually or through a collective system.

In the case of EEE placed on the market before 13 August 2005, the producer is responsible for the WEEE if a replacement is bought. If no new equipment is purchased, the end-user is responsible for the WEEE.

Registration and accreditation:

Producers, retailers and third parties acting on their behalf may fulfil the above obligations individually or by joining a Ministry-approved collective organisation.

Companies deciding to comply individually will have to register with the Administration of the Environment by filling in a standardised form in which they explain how they intend to fulfil their obligations. Companies which join a collective scheme will not have to register separately. The deadline for registration is 13 August 2005.

The Regulation sets out registration and accreditation procedures and conditions. Accreditation is granted for a period of 5 years only.

Information for consumers:

Producers must mark EEE placed on the market after 13 August 2005 with the crossed-out bin symbol as in Annex IV of the Directive.

The producer must be clearly identified on the product label, and there must be a clear indication that the EEE was placed on the market after 13 August 2005.

A visible fee is allowed until 13 February 2011, or in the case of large household appliances, until 13 February 2013. After those dates, the costs of segregated waste collection and treatment may not be communicated separately to the consumer when new products are sold. (Ecotrel makes the visible fee mandatory for its members.)

These provisions also apply to producers using distance selling methods for the distribution of their products in Luxembourg.

Information for users:

Producers, retailers and/or the Administration of Environment must inform users about the separate collection of WEEE, the collection facilities available to them, their role in take-back, reuse, recycling and recovery of WEEE, the meaning of the crossed out bin symbol and the potential impact on human health and the environment of the hazardous substances used in WEEE.

Households must contribute to separate collection.

Information for treatment facilities:

The Regulation follows the Directive regarding provision of marking and other information by producers.

Reporting:

The Regulation covers reporting by producers, retailers, third parties acting on their behalf and accredited Clearing Houses to the Administration of the Environment. Each year, by 31 March at the latest, they must provide information about:

- quantities and categories of EEE placed on the market;
- quantities and categories of WEEE collected through the different channels;
- quantities and categories of WEEE reused, recycled or recovered with indication of intermediary and final parties involved;
- quantities and categories of WEEE exported;
- recovery rates.

The Administration of the Environment has developed standard forms for reporting. The information should be provided by weight, or if this is not possible, in number of units. Controllers may validate the information provided.

Producers selling via mail order and the Internet must provide information on the quantities and categories of EEE placed on the Luxembourg market.

Monitoring:

A Monitoring Commission is to be set up, comprising representatives from central government, the municipalities and trade associations, to help with implementation of the Regulation and to discuss and formulate opinions on problems arising in its implementation.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)**ECOTREL**

ECOTREL ('Etude, Collecte, Traitement des Electroniques') was set up by 43 members of the Confederation du Commerce and the Federation of Retailers in EEE as a not-for-profit organisation in February 2004. In October 2004 Ecotrel had 100 members, representing about 80% of EEE sold in Luxembourg. ECOTREL aims to follow the Belgian Recupel model.

Once the Covenant covering Ecotrel's operations has been signed, producers will be able to register on Ecotrel's website. The first declarations will cover the period from 1 September 2005 to the 31 December 2005. However, Ecotrel operations with a fee visible to end-users will start on 1 January 2006. The fees advanced for the earlier period are planned to be paid back in 2008.

Ecotrel is promoting its services to local importers and foreign producers who have been mandated by local importers:

- For importers, the payment to Ecotrel is due at the same time VAT is due for the first time in Luxembourg.
- For foreign suppliers (i.e. based outside Luxembourg) that have been mandated by one or several importers in Luxembourg to take over their obligation, the Ecotrel contribution is due when exporting.
- For any end purchaser, when buying from a local supplier, the fee is due when buying the equipment.

To become a member of Ecotrel, an entity must first be a member of the Confederation du Commerce or the Federation of Artisans. In view of the preparatory work for Ecotrel which has been done, membership is retrospective to 1 January 2004. This provision does not apply to foreign producers mandated by Luxembourg importers.

The visible fee is mandatory:

- If a purchaser is VAT-registered, the amount of the visible fee needs to be explicitly shown on all documents that indicate the price of the EEE (purchase order, invoice, contract, etc) so that the client can in turn charge it to the end-user.
- If a purchaser is NOT VAT-registered (i.e. most private users), the fee should appear on brochures, labels, sales slips etc, but Ecotrel also accepts that the recycling contribution can be visible at point-of-sale via posters.

The financial guaranteed is provided for by Ecotrel.

In 2004 Ecotrel planned to utilize existing collection and treatment infrastructures wherever possible. However Ecotrel complained that the operations of the public organisations SuperFreonsKëscht and SuperDrecksKëscht were outsourced under uncompetitive conditions to

Oekoservice Luxembourg, a private company. ECOTREL has therefore been lobbying for the availability of other options for WEEE management, such as exports, to be able to operate on a competitive basis.

Ecotrel's fees range from €0.13 (9p) for small appliances to € 16 (£11) for fridges and freezers.

MALTA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Malta has been granted a two-year extension of the deadline for meeting the collection, recovery and reuse/recycling targets in the WEEE Directive because of its lack of recycling infrastructure and low quantities of WEEE generated, the constraints of its being a small and geographically isolated country with a small local market and high population density, as well as being a net importer of electrical and electronic equipment.

The RoHS Directive was transposed through the Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, 396/2004, published on 31 August 2004, under the Product Safety Act (Act No. V of 2001).

The WEEE Directive is being transposed through a number of texts:

- The Eco-Contribution Act, in force since 1 September 2004, was the first text with elements of producer responsibility for WEEE. In essence, it enables the VAT department to charge importers a tax on WEEE of between Lm 3 (£4.85) and Lm 30 (£48.50), depending on the type of appliance. The Act provides for the possibility of exemptions, but the conditions for exemption are not specified.
- A draft of the Waste Management (WEEE) Regulations 2004 was published on 22 October 2004 for a one-month consultation. The draft transposes many parts of the WEEE Directive almost word-for-word, replacing the words 'member states' in the Directive with 'competent authority', but there are some deviations and additions. This has still not been adopted.

MEPA, the Malta Environment and Planning Authority, has invited a commission of government and private sector representatives to define conditions for exemption from the Eco-Contribution. The outcome will also clarify how the Eco-Contribution Act and the draft WEEE Regulations are meant to work together.

MEPA is working on further regulations detailing several issues, such as a national register and guidelines for producer responsibility organisations, but little progress can be made until the WEEE Regulations are adopted.

Separate Collection:

For WEEE from private households, the Competent Authority shall take necessary measures to ensure that by 13 August 2005 economic operators shall use existing systems or set up systems for the collection of such waste allowing holders of such waste to return it at least free of charge.

The Competent Authority shall take the necessary measures to ensure that by 31 December 2008 at the latest a separate collection rate of at least 4 kg of WEEE on average per inhabitant per year is achieved.

Financing WEEE from households:

The financing responsibility remains ambiguous if no collective system is set up: 'For new waste (i.e. from EEE placed on the market after 13 August 2005), the producer shall finance [the waste management related to his own products]: it is provided that the producer can choose to fulfil this

obligation either individually or by joining a collective authorised WEEE collection, treatment and recovery scheme;’.

For historical WEEE, i.e. from EEE placed on the market before 13 August 2005, producers must contribute proportionately (e.g. according to market share) to one or more authorised WEEE collection, treatment and recovery schemes).

Producers who opt for individual compliance will have to provide a financial guarantee to the producers’ register (though details of acceptable guarantees have yet to be defined). Due to Malta’s small size and high population density, it seems likely that some individual systems, for example for PCs or household appliances, may be set up.

Financing WEEE from users other than private households:

Provisions follow the WEEE Directive.

Registration:

MEPA, the Malta Environment and Planning Authority, will be the body responsible for the producers’ register. As yet there is no timetable for setting up the register or for registration. Producers and importers placing EEE on the Maltese market will have to register, but this needs to be further defined in implementing legislation after the adoption of the WEEE Regulation (since there are no actual producers in Malta, it needs to be clarified if producers outside the country can register or not).

The registration body shall draw up a register of producers and collect information on an annual basis on the quantities and categories of EEE put on their market, collected through all routes, reused, recycled and recovered, and on collected waste exported, by weight or, if this is not possible, by number of units.

Marking and information for consumers:

The obligation for producer identification is not explicit in the draft regulations (but may be covered by further regulation). Producers of EEE must ensure that the date on which the EEE was placed on the market is clearly identifiable.

Provisions for information for consumers is as in the WEEE Directive.

Information for treatment facilities:

Not yet defined.

Reporting:

The operator of an authorised WEEE collection, treatment and recovery scheme shall provide the competent authority with detailed compliance reports every six months.

Participants in a collective system must submit to the Competent Authority every six months, a statement of compliance with the provision of these Regulations, signed by the operator of the authorised WEEE collection, treatment and recovery scheme.

The Competent Authority shall ensure that long distance sellers provide the Register with data on EEE placed on the market in each member state and about compliance with regulations in the member state of the purchaser.

Compliance System Agreements with the Producers' Register:

Producers or importers must conclude agreements with the Register that specify how they implement these regulations. These agreements:

- shall be enforceable at law;
- shall specify the objectives with the corresponding deadlines;
- shall be published in the Gazette;
- shall have the results achieved under them monitored regularly, reported to the Competent Authority and made available to the public under the conditions set out in the agreement;
- shall have the progress reached under them examined in terms of provisions to be made by the Competent Authority.

Producers participating in an authorised WEEE collection, treatment and recovery scheme may be exempt from these regulations. The scheme must obtain a permit in terms of the Waste Management (Permit and Control) Regulations and must include in its application:

- details of any deposit-refund scheme or other scheme adopted in order to ensure the return of WEEE by consumers;
- a financial plan in relation to the proposed scheme;
- the annual weights of WEEE in each category to be collected, treated and recovered;
- annual WEEE recovery targets to be achieved under the proposed scheme;
- proposals for determining and verifying the level of recovery of WEEE;
- proposals for the certification of producers who will make use of such schemes.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)***WasteServ***

In January 2003, the Maltese Government established WasteServ Malta Ltd, a company responsible for organising, managing and operating integrated waste management systems for all waste streams. WasteServ is to set up and operate all necessary infrastructure for the planned producer responsibility schemes until industry organisations take over collection and recovery.

WasteServ's activities include the closure and rehabilitation of certain landfills, collection of dry recyclables, collection, storage and final treatment of used electronic equipment, collection and storage of used batteries, and collection of data on all waste entering Government-owned waste management facilities in Malta and Gozo. It runs more than 70 'bring' sites all over the island, and planning is underway for five civic amenity sites to be run by WasteServ in Malta and one in Gozo.

Collection activities are minimal and will only be carried out until the necessary infrastructure and regulations exist for producers to take over.

WasteServ's business plan for WEEE envisages it being able to recover the costs of disassembly, recovery and export of WEEE within three years.

Until specific legislation comes into force, small electrical and electronic appliances are discarded with household waste. Large appliances are picked up free of charge by the local councils or in the case of fridges, private companies contracted for waste collection on request of householders. Collected items are brought to one of the 'bring' sites run by WasteServ, where a gate fee of 2.5 Maltese lira (£3.90) per tonne is levied. There is some illegal dumping.

NETHERLANDS

TRANSPOSITION OF THE WEEE DIRECTIVE

The WEEE Management Decree of 6 July 2004 repeals the Decree on the Management of White and Brown Goods and transposes the EU rules for the management of WEEE and for the use of hazardous substances in EEE. WEEE Management Regulations were adopted on 19 July 2004.

The Decree came into force on 13 August 2004, with the exception of the provision for marking equipment which comes into force on 13 August 2005, and for restriction of hazardous substances, which comes into force on 1 July 2006. The Regulations came into force on 1 January 2005 for all equipment except lighting, for which they apply from 13 August 2005.

Scope:

As in the WEEE Directive.

Collection and take-back requirements:

Local authorities are responsible for separate collection. Each municipality (or group of municipalities where they are working together on a joint scheme) must provide at least one location where final holders and distributors have adequate opportunity to return WEEE from private households at least free of charge. Any such equipment deposited by distributors must be similar to equipment supplied to households, even if it has not actually originated from households (equipment similar to household equipment will not however be *collected* by local authorities).

Retailers must take back WEEE at least free of charge when supplying similar equipment. However, distributors may refuse to take back an item of WEEE which has been contaminated in use such that it poses a risk to health and safety. WEEE that has been contaminated in use can be taken to local authority collection points.

Producers may introduce and operate their own systems for taking back WEEE from private households, provided that any such system is consistent with the objectives of the WEEE Directive.

From 13 August 2005 at the latest, a producer shall provide for the separate collection of all WEEE originally produced by him, other than WEEE from private households.

Treatment:

Producers are individually responsible for ensuring that household WEEE taken back by local authorities and distributors, and non-household WEEE, are collected and treated using best available techniques. 'Best available techniques' may be specified in more detail in accordance with the procedures of Directive 96/61/EC on integrated pollution prevention and control (IPPC).

Permits for treatment facilities shall require fulfilment of the conditions set out in Annexes II and III of the WEEE Directive. Municipal and distributors' collection points are not regarded as treatment sites, and do not have to fulfil these requirements.

Recovery:

Recovery, reuse and recycling targets are as in the WEEE Directive. Reuse of components is included when recovery, reuse and recycling rates are calculated, but not reuse of whole appliances. WEEE exported outside the European Community should be counted only if the exporter can demonstrate that it has been recovered, reused or recycled to standards equivalent to those of the EC.

The recovery targets come into effect on 1 January 2005, not 31 December 2006 as provided for in the WEEE Directive. This earlier deadline is possible since the WEEE Management Regulations build on the requirements of the Decree on the Management of White and Brown Goods previously in force in the Netherlands.

Financing WEEE from private households (B2C):

Producers are responsible for financing and organising the management of WEEE from private households which they place on the market after 13 August 2005. 'Placing on the market' is the initial action of making a product available for the first time in the European Community, with a view to distribution or use in the Community. It applies to individual products, rather than types of product. 'Making available' includes offering it free of charge as well as offering it for sale.

Producers' responsibility begins from the moment that WEEE is returned to the municipal collection facility or to the distributor. Producers bear the cost of sorting the collected WEEE by brand or by type of equipment. They can however delegate management of the system to a compliance organisation.

Historical waste shall be financed by producers in proportion to their market share at the time the costs were incurred.

Each producer must provide a guarantee to cover financing of the management of the product when it is discarded, even in the event of the issuer's insolvency. This can be done through recycling insurance, a blocked bank account or membership of an appropriate financing scheme. Any such collective scheme must have sufficient members and be appropriately organised and funded so that it can fulfil its guarantee on behalf of its members.

When new equipment is sold to private households, the cost of WEEE management shall not be made known to purchasers as a separate item. However, up to 13 February 2011 (or 13 February 2013 in the case of large household appliances), purchasers may be informed of the cost of managing historical WEEE, provided that the figure given does not exceed the actual cost. Thus a visible fee is permitted only in the case of historical waste.

Rules on financing WEEE from users other than private households (B2B):

Producers shall finance the management of WEEE placed on the market after 13 August 2005; the person discarding the equipment shall take responsibility for the management of WEEE placed on the market before that date. Producers and final users are however free to agree alternative financing arrangements between themselves.

Central Register:

The Ministry of Housing, Spatial Planning and Environment is responsible for the Producers' Register. Registration began in July 2004. Producers and importers, or a collective system acting on their behalf must register.

Marking rules:

The WEEE Regulation will require the separate collection symbol, an indication identifying the producer, and information specifying that the product was placed on the market after 13 August 2005 to appear on the product. In exceptional cases where it is not possible to show the separate collection symbol on the product, it may appear on the packaging or in the instructions for use or the product warranty. However, the name of the producer or parallel importer, and information specifying that the product was placed on the market after 13 August 2005, must always appear on the equipment itself (parallel importers take on the producer's responsibilities).

Information for treatment facilities:

Within a year of the equipment being placed on the market, producers of equipment of a new type shall furnish reuse, recycling and treatment information to repairers and maintenance and treatment facilities. This can be done in electronic form or hard copy. The information shall identify the components and materials used and the location within the equipment of any hazardous substances and preparations.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)**The NVMP system**

The NVMP (the Netherlands Foundation for the Disposal of Metal and Electrical Products) is the 'umbrella organisation' for six separate organisations – VLEHAN for white goods, FIAR For brown goods, VLA For ventilation equipment, SVEG For electrical tools, SMR For metal and electrical products and Stichting Lightrec for lighting equipment.

The system was set up to meet the requirements of the Management of White and Brown Goods Decree 1998, now repealed. NVMP started operating in January 1999, and since January 2000 has been responsible for the full range of WEEE.

It is financed through a disposal levy which covers all WEEE generated, including historical waste and orphan products. Producers report on the number of products placed on the Dutch market and share the costs of the independent office which consolidates this information, but take-back costs are passed on by the manufacturers and importers to the retailers who pass them on to the consumer. The NVMP system requires distributors to show the disposal fee as a separate item on invoices.

The fees charged per appliance, including VAT, range from one euro (70p) on items such as coffee machines and vacuum cleaners, to 17 euros (£11.90) on fridges and freezers. There is now no charge for many small items – microwave ovens, hair dryers, shavers, audio/video equipment and garden tools, for instance.

Suppliers of electrical and electronic equipment are obliged to take back at least free of charge a product returned to them at the same time as a similar new product is purchased:

- Retailers with their own distribution centres (e.g. mail order companies and retail chains) can either take the WEEE back to their distribution centre or send it to the local authority site. They can ask the transport company contracted by the system to collect the equipment if that is part of their agreement. If not, the equipment is collected in bulk from the distribution centres and sent for processing. This service is not open to mail order companies that import appliances unless they have joined the scheme.

- Retailers without their own distribution centres can return the equipment they collect to the municipal site or have it collected by transport companies at the same time as they deliver new products. Suppliers are permitted to dispose of both orphaned and non-orphaned products through this system.

Repair shops exclusively engaged in the repair of white and brown goods can only return non-orphaned products through the system. However, it is preferred that they return unrepairable equipment to the local authority or the retailer who ordered the repair. Local authorities accept the equipment free of charge, as the disposal fee has already been paid for.

There are 600 municipal collection facilities in the Netherlands, and 69 regional centres collect and sort WEEE from them – in 2001, they received 87% of the WEEE collected. The regional centres also accept WEEE delivered to them by retailers, but are allowed to charge for this. 3-4% of the WEEE collected is picked up from retail chains' distribution centres, and the remaining 10% is collected direct from small retailers. Five recycling companies have been contracted to reprocess the collected equipment.

The foundations pay the regional centres between 1.80 and 3.40 euros per collected item towards the costs of sorting appliances into orphaned and non-orphaned brands. Contracted waste management companies collect equipment for processing from one site only in each municipality. The equipment collected is then sent to accredited dismantlers and treatment plants. To take part in the system, treatment plants must be able to demonstrate that they can attain the targeted recycling rates – 75% for cooling and freezing appliances, 73% for large white goods, 69% for TVs and 53% for other categories, including small items.

The ICT Milieu scheme

The ICT Milieu take-back scheme covers IT and office equipment and telecommunications equipment. It is funded by 160 participating manufacturers and importers, but there is no visible fee – companies are billed individually according to actual recycling costs and these costs are internalised. However, ICT Milieu says that participants are free to pass on disposal costs to their consumers 'in one way or another'.

Distributors accept WEEE back and producers arrange to transport it to disassembly plants. It is anticipated that most old equipment will be exchanged for new. The recyclers document the quality and quantity of the equipment received and then calculate the fees chargeable to producers. It is the responsibility of producers to decide how to charge for collection and recycling.

Equipment is taken back from all sources – resellers and repair centres and local authorities.

In 2002, 32% of all equipment collected were orphan or free-rider products. As a result, the system was changed for 2003. Producers are now responsible for collection and recycling of all "grey" goods, not just their own brands, which will simplify sorting. There is also a fairer charging system. All companies now report the total weight of equipment, divided into product categories, which has been placed on the market during a certain period. The distribution of costs for each category is then calculated as follows:

$$\frac{\text{Kg category 8, participant } x}{\text{total weight category 8}}$$

Market share data are submitted in confidence to Cap Gemini Ernst and Young, who invoice members according to their share, calculated on the basis of 12-month rolling data, issue notices to defaulters and send payment to recyclers and carriers. Each month manufacturers and

importers participating in the ICT take-back system pay a share in the disposal costs (including the costs for disposal of orphan and free rider products). Payment is made after the equipment taken back has actually been processed. A printer weighing 5 kg costs about 2.75 euros (£1.85) to dispose of, and a complete PC weighing 30 kg costs around 15 euros (£10).

The charges payable are reduced if the equipment is processed by the manufacturer himself. This is done through a second declaration form together with associated recycling invoices.

Stichting Lightrec

Stichting Lightrec Nederland was set up in December 2003 by companies including Philips, SLI Benelux and Cooper Menvier, to fulfil their obligations under the Directives. Lightrec will be responsible for commercial and household waste lamps and luminaires (items containing at least one lamp) Products will bear a visible flat fee. NVMP will carry out the actual collection and recycling of the products.

POLAND

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Poland has been granted a two-year extension of the deadline for meeting the collection, recovery and reuse/recycling targets in the WEEE Directive due to its lack of recycling infrastructure, low population density and high proportion of rural areas.

The RoHS Directive was transposed through the Ordinance on Hazardous Substance Restrictions in Electronic and Electrical Equipment, adopted on 6 October 2004.

The WEEE Directive has to be transposed by means of an Act, which requires Parliamentary approval. The government adopted a draft Act on 7 January 2005, and after discussions with stakeholders, a new draft was released in May 2005. If there are no further amendments, this draft should be adopted by Parliament in September 2005.

The Central Register:

The Act introduces a powerful state-managed Central Register which will collect an initial registration fee and an annual fee, each not exceeding EUR 5,000 (£3,350).

The Central Register is to be maintained by the Chief Inspector of Environmental Protection. It will register and collect data from producers, importers, entities in other member states issuing an invoice that confirms intra-EU acquisition, collection centres, treatment and recycling plants and coordinating organisations.

When registering, producers must either specify the recovery system they have an agreement with or else provide a financial guarantee. The Chief Inspector for Environmental Protection shall specify the guarantee.

The fee for registration will be specified by the Environment and Industry Minister, but shall not exceed €5,000 (£3,500).

The Register shall be available for public inspection on the website of the Chief Inspector of Environmental Protection.

The Chief Inspector of Environmental Protection will be responsible for determining individual producers' market shares and will publish the shares of each category for the preceding year.

The duties of the Central Register may be delegated to a competent organisation for a period of 3 to 12 years. However, the following tasks cannot be delegated:

- providing registration numbers;
- determining the financial guarantee to be provided by individual compliers;
- enforcement activities and prosecutions.

Marking, information and reporting:

The crossed-out bin symbol is mandatory. Producer and date identification requirements have not so far been provided for.

The provisions relating to information for users are as in the WEEE Directive.

Producers must make information on reuse and reprocessing available to treatment facilities within 30 days of the facility requesting this information. The information may be supplied in hard copy or electronic form.

Producers must put their registration number on invoices.

Data are to be sent to the Central Register monthly, and producers must report to the Central Register (for publication on its website) the recovery levels achieved six months after marketing the equipment.

Producers are to be audited each year by an accredited environmental auditor, even if they participate in a collective system.

Separate collection:

Producers are obliged to achieve a collection rate for household WEEE of 1-40% of EEE marketed. *[The exact amount will be specified by ministerial order.]*

The role of local authorities in separate collection is not defined. The draft defines the operating and reporting requirements for collection point operators, but there are no rules regarding the density of collection points.

Producers must ensure that collection point operators take back household WEEE free of charge.

Distributors must take back WEEE free of charge on a 1:1 basis.

Users of non-household (B2B) EEE placed on the market before 13 August 2005 are responsible for financing its waste management. For B2B equipment marketed after that date, the producer is responsible.

Producers must arrange for the take-back and reprocessing of the WEEE collected by local authorities or distributors. Producers may delegate their obligations to a collective compliance system.

Producers of lighting equipment must join a recovery organisation.

Financing WEEE from households:

Producers are obliged to take back WEEE of their own brand if it was placed on market after 13 August 2005, and any brands in the same category if marketed before that date. The amount they will be required to take back will be specified by the Central Register.

A recovery organisation must have the form of a joint stock company. Only producers may be shareholders.

A visible fee is optional and can be set by the producer or the collective organisation. If it is shown, the retailer must also display the fee to the consumer.

The Product Fee:

The product fee (in effect a tax) is calculated on the difference between the targets laid down and the collection and recovery rates actually achieved. The fee will be calculated separately for each of the ten product categories listed in the WEEE Directive. The Economics and Environment Ministers shall determine the fees applicable to each product category by way of an Ordinance, but the maximum fee shall be 4 zloty (63p) per kg (adjustable in line with inflation). Interest will be charged on unpaid product fees, and ultimately there will be a 50% surcharge.

Settlement shall take place at end of the calendar year.

The fee will go to the National Fund for Environmental Protection which will finance the management of orphan products, consumer education on selective collection and recycling of WEEE, and the development of new WEEE recycling technologies.

Recovery:

The targets are as in the WEEE Directive.

The weight of equipment refurbished for reuse shall be counted with the tonnage recovered and recycled.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

The Ministry currently envisages limiting the number of take-back organisations in the Regulation to avoid the situation which has arisen in the packaging sector, where take-back is handled by around 40 organisations on behalf of producers and importers.

Due to uncertainty about the detailed legal requirements, progress in setting up compliance schemes is slow. It is not yet clear whether CECED (white goods), KIGEiT (brown goods and IT) and Philips (lighting) would form a single or separate compliance organisations. KIGEiT supports a single system.

The following systems are being worked on:

- **System by CECED:** The Polish branch of CECED has created a forum to prepare the ground for a recovery system for white goods.
- **System by KIGEiT:** KIGEiT, the Polish Chamber of Commerce for Electronics and Telecommunications, is in favour of a single producer system for all categories.
- **System for Lamps:** Several producers led by Philips are working on a system for Category 5.
- **ERP:** ERP announced on 1 December 2004 that CCR will manage operations in Poland.

PORTUGAL

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Decree-Law No. 20/2002 of 30 January 2002 introduced producer responsibility for the take-back and recovery of WEEE, ahead of the EU Directive. The law aimed to provide momentum towards compliance with the Directive by requiring the collection of 2 kg of WEEE per head by the end of 2003, but an 'integrated system' for the management of WEEE was not put in place.

Decree-Law 230/2004 transposing the WEEE and RoHS Directives was adopted on 16 September 2004 and gazetted in the Official Bulletin on 10 December 2004.

Collection and take-back requirements:

Distributors will be obliged to take back WEEE free of charge on a 1:1 basis. Where distributors deliver replacement EEE to the home, they shall provide free transport of the WEEE to the collection points.

There will also be municipal collection points.

Recovery:

The targets are as in the WEEE Directive.

Prohibited substances:

Subject to the exemptions set out in Annex V, EEE falling under Categories 1, 2, 3, 4, 5, 6, 7 and 10 set out in Annex I, and also light bulbs and luminaires in households, may only be put on the market from 1 July 2006 if they do not contain lead, mercury, cadmium, hexavalente chromium, polybromobiphenyl (PBB) and/or polybrominated diphenyl ether (PBDE).

This restriction does not apply to the reuse of EEE put on the market before 1 July 2006 or to spare parts for the repair of such equipment.

Financing WEEE from private households (B2C):

Producers will be responsible for setting up and gradually developing a collection system which combines local authority WEEE collection centres, WEEE collected by distributors on a 1:1 basis, distributors' WEEE collection points and individual or collective WEEE collection systems.

In principle, these collections are free of charge to consumers, but local authorities may charge for collecting direct from households when such collections are requested.

Producers are individually or collectively responsible for financing the selective collection of WEEE falling into their product category and temporary storage at municipal or distributors' collection centres, and for transporting the collected WEEE to reprocessors and ensuring reuse or recovery.

Historical WEEE (from EEE placed on the market before 13 August 2005) shall be funded by producers according to their market share at the time the WEEE is collected. Producers shall be responsible for all products they place on the market after 13 August 2005.

Producers who opt for individual compliance must provide a financial guarantee in the form of a blocked bank account or bank guarantee. Collective systems need not provide a guarantee, but must pay a licensing fee of €2,500 (£1,660), adjustable for inflation.

The Decree-Law does not allow a visible fee. However, a fee not exceeding the actual cost of waste management may be shown temporarily, until 13 February 2013 for Category 1 products and until 13 February 2011 for all other categories.

Financing WEEE from users other than private households (B2B):

Producers must finance and organise, directly or through third parties, the collection of WEEE from non-household users which was put on the market after 13 August 2005. This may be done through an 'integrated system' (compliance system).

The cost of managing waste from equipment placed on the market before that date will be met by the producer if the WEEE is replaced by new equipment, and by the end-user if it is not.

Producers are also individually or collectively responsible for financing the transport, storage, treatment, recovery and disposal of the 'new' WEEE collected and for historic WEEE for which they have supplied a replacement. End-users bear this responsibility if no replacement has been purchased.

However, suppliers and non-household end-users are free to negotiate alternative arrangements for both 'new' and historic waste.

Information for users and marking requirements:

EEE placed on the market after 13 August 2005 must be marked with the identity of the producer and the crossed-out wheeled bin symbol.

Individual and collective compliance systems must inform users about the separate collection of WEEE, the collection facilities available to them, the role of the compliance system, the potential impact on human health and the environment of the hazardous substances used in WEEE, and the meaning of the crossed out bin symbol.

Information for treatment facilities:

Information on dismantling of EEE and the hazardous substances it contains must be supplied to treatment centres within one year of the EEE being placed on the market.

The Central Register:

Registration shall be carried out by a body set up by producer associations and by the collective compliance system, under licence from the National Waste Institute. The Waste Institute will also be responsible for supervising compliance and approving individual or collective compliance systems.

All producers and importers based in Portugal must be registered, and must show their registration number on invoices and transport documents. All producers must register, even if they belong to a collective system.

The Central Register shall be responsible for organising and maintaining the compulsory EEE producer registration system, classifying EEE, verifying the tonnages reported, reporting to the public authorities and managing the financial guarantees (*see below*).

Reporting:

Management entities must report quarterly to the Waste Institute on the producers who have transferred their responsibility.

An annual activity report must be submitted by the management entity or individual complier by 15 February for the preceding year, giving details of results of WEEE management, including the allocation of funds to information and awareness campaigns and to recycling and other forms of recovery or disposal.

Rules relating to compliance systems:

Only EEE which is part of an approved individual or collective system will be allowed onto the market from 13 August 2005.

Collective systems must be operational 6 months after the Decree-Law comes into force. They must be not-for-profit organisations. They may enter into agreements with producers and also any other entities engaged in the management of WEEE. Producers may transfer responsibility for the management of certain types of WEEE to the collective system and also set up their own individual system for other types of WEEE that they put on the market.

Approval for an individual compliance system is dependent on provision of a financial guarantee.

Producers transferring responsibility to a collective compliance system shall do so under a contract valid for at least 5 years and which includes the characteristics of the EEE, a forecast of the WEEE to be received each year by the collective system, the control measures the system will take to ensure compliance, the fees due and how they are to be updated.

Membership of a collective compliance system is open to any entities whose activity is related to WEEE management.

The functions of a collective compliance system shall be as follows:

- to organise a network of authorised reception centres and of transport and treatment operators, which it shall contract to receive, transport and treat WEEE. The selection criteria must give preference to operators with certified environmental management systems;
- if necessary, to sign contracts with operators of collection systems for household WEEE;
- to decide on the destination of each batch of WEEE, with regard to the targets to be met;
- to sign contracts with producers and other entities whose activities include the reuse and recovery of WEEE, in order to set the payments or charges determined according to the destinations assigned to WEEE;
- to monitor the integrated system, particularly in terms of the flow of WEEE and of the materials resulting from its treatment, and also monitor operators;
- to promote research and development of new technologies for shredding, sorting and recycling; and
- to raise public awareness and knowledge about WEEE management procedures.

Collective compliance systems shall be financed by fees by producers according to their EEE placed on the national market. The amounts to be paid shall be determined according to the characteristics and number of EEE placed on the market and must reflect the main principles of this statute, particularly the minimal use of hazardous substances, the incorporation of recycled materials and the potential for dismantling, reuse and recovery.

Fees may be adjusted on the basis of a proposal to be submitted to the Waste Institute by 30 September each year, and subsequent approval by the relevant Minister.

The Decree-Law also sets out the information which compliance systems must provide when seeking authorisation. This will include

- an indication of how they propose to work with local authorities, and how they will compensate the local authorities for their WEEE collection operations;
- how they will co-ordinate their activities with those of other collectors of WEEE;
- how they will fund an information and awareness campaign for EEE users; and
- the economic circuit involved in the collection and recovery of WEEE.

WEEE management follow-up committee:

The Decree-Law establishes a committee (CAGREEE) to act as a liaison between the public authorities and the private sector in dealing with any issues arising from the legislation. Its members will be drawn from central government, local government, trade associations, the Confederation of Environmental Protection Associations and the compliance systems.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Industry is setting up an organisation to be called ***Amb3E***.

SLOVAKIA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Slovakia has been granted a grace period of 2 years (until 31 December 2008) to meet Article 5 (4 kg collection per capita) and Article 7 (recovery targets) of the WEEE Directive. The legal transposition is not affected by the postponement.

The WEEE Directive will be transposed into Slovak law by an amendment to the Waste Act, a Governmental Order setting the recovery targets and Ministerial Orders which will transpose the provisions relating to marking and storage requirements.

Act 733/2004, amending Waste Act 223/2001 was adopted on 6 December 2004. It transposes the RoHS Directive and makes producers responsible for financing waste management, including door-to-door collections and the operation of static collection points. Retailers may continue or extend voluntary take-back schemes. It also set a 30 June 2005 deadline for registration of producers.

Ministerial Order 208/2005 on WEEE management was adopted 29 April 2005, and entered into force on 1 June 2005. It provides detailed instructions about registration, guarantee, marking, reporting and RoHS exemptions.

A draft Ministerial Order on collection and recovery targets provides targets regarding the amount of WEEE each producer has to collect and recover in each category. It also sets an increasing collection target for all sectors (0.5 kg per inhabitant in 2005, rising to 4 kg in 2008).

The Recycling Fund:

Waste Act No. 223/2001 provides for a Recycling Fund to be established and for manufacturers and importers of certain end-of-life products and packaging types to be charged product fees.

The Act defines two ways in which the Fund's resources are to be spent:

- obligatory payments to local authorities. They are eligible if they establish a reliable separation and recycling system for one or more products covered by the Waste Act;
- subsidies or loans to waste collection and waste recovery companies.

A Regulation dating from December 2001 listed the items of consumer electronics caught by the fee, and in 2002 the scope was extended to all electrical and electronic equipment. The fee is SKK 12 (20p) per kg for all types of EEE and SKK 15 (26p) per kg of mercury-containing fluorescent light tubes. Producers only have to pay into the fund for the difference between the recovery target and their actual recovery rate.

As amended, the Waste Act

- requires manufacturers and importers of electrical and electronic equipment to pay a quarterly contribution to the Recycling Fund and to be accountable for its correct calculation. Importers must always pay the contribution before importing the products;

- requires manufacturers and importers to keep records on the quantities produced and imported and report quarterly to the Recycling Fund and the competent district authority;
- empowers the state administration to check the calculations;
- imposes detailed record-keeping and reporting requirements on anybody collecting, recovering or disposing of electronic scrap.

The quarterly payments to the Recycling Fund are based on the quantities or weight of products a company expects to place on the Slovak market, minus those quantities for which an importer or manufacturer has provided his own take-back system. The level of the fee will be based on the estimated costs of collection and recovery.

An amendment to the Order on Contributions to the Recycling Fund, last amended by Ministerial Order No. 127/2004, was sent to the Ministry of Finance for comments in June 2005. It aligns the categories with those in the Directive and introduces new and revised fees. Producers who comply will be exempt from the contribution.

Financing WEEE from households (B2C):

Producers must finance containers for collection in seven categories, and must arrange collection from municipal sites.

If a retailer is also a producer then 1:1 take back of EEE is mandatory; otherwise it is voluntary.

Producers are responsible for WEEE from products placed on the market before 13 August 2005, in relation to their market share by category and weight in the previous year. For WEEE from products placed on the market after 13 August 2005, producers are responsible for waste from their own EEE.

A visible fee is optional, but the compliance organisation Envidom has opted for members to display it.

Marking, information and reporting:

The crossed-out bin symbol must be shown on all new EEE placed on the market.

Provisions for information to consumers are as in the WEEE Directive.

Producers must report to the Register annually before 31 March of the following year, the amount of EEE placed on the market by category, type and brand in kg, as well as the amount of WEEE collected, exported, recovered, reused and recycled.

Treatment operators must report quarterly to the recycling fund and producers, no later than one month after the end of the quarter, the WEEE by category, type and brand in kg they have taken back, disposed of, recovered energy from, and recycled.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Collective systems for Categories 1-5 have been established:

Envidom

Envidom, the association of producers of appliances for recycling, was founded on 15 March 2005 by the nine biggest producers, importers, and retailers of home appliances in Slovakia.

Envidom will provide a collective system for large domestic appliances and small domestic appliances.

CECED announced in August 2004 that officials had agreed to exempt CECED home appliance producers from the requirement to contribute to the Recycling Fund.

All costs for take back, sorting, transport, recycling and valorisation are financed by the visible fee. The amount will be reviewed every one to two years.

Ekolamp

Founded by leading manufacturers to collect Category 5 (lighting) equipment.

SEWA

Founded by *Asociácia dovozcov A/V techniky aIT asociácia Slovenska*, SEWA will cover Category 3 (ITC) and Category 4 (consumer electronics).

SLOVENIA

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Slovenia has been granted a grace period of one year (until end 2007) to meet the 4 kg per capita collection target and the recovery targets of the WEEE Directive. Implementation of the legal framework is not affected by the postponement.

The WEEE Decree:

Decree 4871 published in November 2004, transposes the RoHS Directive and partly transposes the WEEE Directive. A second Decree, 4863, published on the same day, made provision for tenders for B2B and B2C WEEE management to be called in early 2005, but the tender idea was postponed and an amended regulation gave priority to a producer responsibility approach more in line with the EU Directive.

The amendment to Decree 4871 published on 10 June 2005 introduces a 2-step registration process and also changes the date and condition for the tender – the government will call for a tender for WEEE management in 2009, but only if the WEEE collection and recovery targets have not been achieved.

Decree 4711 on Environmental Product Charges:

The Environmental Product Charges Decree of 22 October 2004 introduces an environmental tax for the 10 different EEE categories, to be raised at the point of sale.

The amount of the eco-tax will be set by the Minister of Environment, taking into account the costs specified in the successful tender bid. This Decree will be amended to postpone the start of the product charge from 13 August 2005 to the beginning of 2006.

Meanwhile a 2001 Decision on the Management of the Separately Collected Fractions of Municipal Waste already required local authorities to set up at least one collection centre for the wastes collected and sorted by households by the end of 2003. To comply, they have been establishing 'bring' centres or organising door-to-door collections of bulky waste including WEEE. In practice, collections mainly cover white goods and other large items and are financed through a monthly waste charge paid by households. Smaller items are still disposed of with normal household waste.

Collection and take back:

Municipalities will operate collection points from which producers take back WEEE free of charge. Producers must provide municipal collection points and large retailers with collection containers.

Financing WEEE from households (B2C):

The producers' obligation starts on 13 August 2005, but in reality take-back and financing by producers will probably not begin until early 2006.

All producers, including those in collective schemes, will need to provide the Environment Ministry with a financial guarantee in the form of a bank guarantee or insurance.

A visible fee showing the cost of waste management is optional.

Central Register:

The Ministry of Environment and Spatial Planning is the body responsible for the producers' register. Registration is open only to producers and importers established in Slovenia. There is a two-step registration process:

- By 30 June 2005, registration of the producer's name, categories and quantities placed on the market before 30 June 2005;
- Approval of each producer's WEEE management strategy before 31 December 2005.

Marking, information and reporting:

Products must be marked with the bin symbol in compliance with the European Standard (CEN 5491). Date and producer identification marking is mandatory from 13 August 2005.

Provisions for information to consumers is as laid down in the WEEE Directive.

Collection and treatment data must be reported annually by 30 March for the previous year.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

As yet no requirements for collective systems have been published. These will be established once data about producers, quantities and collective systems have become available (during the registration process).

Gorenje, a large household EEE producer based in Slovenia, would have met all the requirements for the proposed tender. With the amended regulation in place, the MoE expects between two and six schemes to emerge. As of June 2005, it is not yet clear which role, if any, Gorenje intends to play in them.

By late June 2005, three main lamp importers had registered the local system of the European Lamp Federation's take-back scheme. The system is expected to provide collection containers at 25 public collection points and 12 of the biggest retailers by 13 August 2005. The collected lamps will be exported for reprocessing

SPAIN

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Royal Decree 208/2005 was finally adopted in February 2005. It transposes both the WEEE and RoHS Directives, and includes provision for a national producers' register.

Prevention:

Producers of EEE, components and materials must:

- design all appliances, light bulbs and domestic lighting so as to contain no hazardous substances. The use of lead, mercury, cadmium, chromium hexavalent are banned except in the applications listed in Annex II. This applies to products placed on the market after 1 July 2006;
- ensure that hazardous substances as above are not used in the repair or reuse of appliances;
- design and produce appliances with a view to easy dismantling, repair and above all reuse. To this end, appliances should contain no mechanisms which impede reuse, unless the omission of such mechanisms is prejudicial to the environment or the safety of the product;
- provide waste management companies, within one year of placing a product on the market, with dismantling information to facilitate the identification of different components and materials suitable for reuse or recycling as well as the location of any hazardous substances;
- include in the documentation accompanying the appliance, information to consumers on the correct environmental management of WEEE, the free-of-charge return system, selective collection and the effect of waste management costs on the final price of the appliance.

Collection and take-back requirements:

In accordance with waste legislation, WEEE must be correctly collected and managed. To this end, final users may deliver appliances, at least free of charge, to the retailer or distributor or a designated collection point. Producers must then take charge of the WEEE, guaranteeing its management.

Retailers and distributors must take back a used appliance when the consumer buys a new appliance, providing it fulfils the same or equivalent function as the new appliance, and it contains its essential components and contains no other waste harmful to the appliance and poses no threat to health from radioactive or biological components.

Local authorities with more than 5,000 inhabitants must provide selective collection of WEEE from households. Temporary storage depots for the selective reception of WEEE from households. In local authorities of less than 5,000 inhabitants, or groups of authorities this will be carried out according to regulations established by the respective Autonomous Community.

Producers must establish selective collection systems for non-household WEEE and arrange transportation to treatment centres. The producer will be responsible for his waste.

By means of voluntary agreements, local authorities or groups of authorities may also receive, at no cost to themselves, WEEE from non-household sources. Reception must be separate from other municipal waste, in accordance with municipal ordinances.

Waste which may pose a health risk by containing contaminated components may be refused by the party who would otherwise take it back. It then becomes the responsibility of the final owner to dispose of the waste correctly according to the specified regulations.

Producers must guarantee the correct management of waste from their products by ensuring safe transport of waste, whether from distributors or municipal sites, to authorised treatment centres. This may be carried out individually by producers, or they may participate in an integrated management system.

Treatment:

WEEE containing hazardous materials or elements must be decontaminated before further treatment. Decontamination plants must be authorised by the Autonomous Community in which they are situated. They must conform to technical requirements laid down in Annex III, or other treatment technologies which guarantee the same minimum level of protection to the environment and to human health.

Recovery after decontamination will be prioritised with reuse first, then recycling, then energy recovery and finally disposal.

All treatment operations must be carried out to the highest technical specifications possible. In particular, transportation of WEEE must be carried out so as to achieve the maximum reuse and recycling of appliances and components.

Public administrations will promote the adoption of systems of certification for the environmental management of WEEE.

The entry or exit of WEEE from the national territory for treatment will be subject to the requirements of national waste law 10/1998 and EU Regulation 259/1993.

Technical requirements:

WEEE collection and treatment facilities must comply with the provisions of Annex IV of the present decree, and must be authorised by the competent body of the Autonomous Community. This does not apply to distributors or temporary storage facilities provided in municipalities of less than 5,000 inhabitants, which will be subject to specific legislation.

Treatment facilities must complete a register of activities, including proof that they meet the requirements of article 13.3 of law 10/1998 on waste.

Financing WEEE from households (B2C):

Every producer must ensure that every appliance he places on the market after 13 August 2005 will be separately collected and correctly managed when it becomes waste, unless the whole appliance can be reused. To this end, producers must establish and finance systems for the collection and treatment of their appliances.

The costs of such systems may not be shown separately to consumers at the point of purchase. However, for products placed on the market before 13 August 2005, producers must show the disposal costs separately to consumers until 13 February 2011 for most appliances and 13 February 2013 for large appliances.

For products placed on the market before 13 August 2005, the costs of collection and treatment will be borne by the producers (in the case of waste arising from households) in proportion to their market share for each type of appliance.

Producers may comply individually, according to the provisions of law 10/1998, or through one or several integrated management systems as provided for in article 8 of the current decree.

Producers who opt for individual compliance must provide a financial guarantee covering management of waste arising from all EEE they place on the market. This may be in the form of a recycling insurance or frozen bank account.

In order to finance the separate collection of WEEE, producers who manage their own waste and producers who belong to an integrated system must bear the costs and must enter into framework agreements with the Autonomous Communities, to which local authorities may also adhere voluntarily. In drawing up the framework agreements, the Autonomous Communities will guarantee the participation of the local councils to provide documentary evidence of the additional costs that they incur by providing separate collection of WEEE.

Producers of EEE must declare to the Autonomous Community in which their head office is situated the procedure they choose to fulfil their obligations under this article. Producers who do not participate in an integrated system and who elect to establish individual systems must produce documentary evidence of their own systems and must present financial guarantees to the Autonomous Community to ensure fulfilment of their obligations.

Financing non-household (B2B) WEEE:

In the case of non-household waste from EEE placed on the market before 13 August 2005, the cost will be borne by the producer if a product is being replaced with a similar one, but if the product is not being replaced the costs of disposal will be the responsibility of the final user, although producers and users can enter into different contractual agreements.

The producer is responsible for WEEE arising from all EEE placed on the market after 13 August 2005.

Integrated management systems:

Authorisation for integrated management systems will be granted by the Autonomous Communities for a period of five years. Authorisation shall be published in the official journal, which will give details of the area covered by the system; name and address of the management company and its not-for-profit status; position of collection points and treatment centres; estimated percentages of collection, reuse, recycling and recovery together with the timescale and method of monitoring; financial mechanisms; and procedures for supplying information to the public administration.

Recovery:

The targets are as in the WEEE Directive. WEEE sent to other member states for treatment may be included in these figures, providing their treatment conforms to community and Spanish law.

Marking and labelling:

Equipment placed on the market after 13 August 2005 must be marked to show the name of the producer or the integrated system to which the producer belongs, together with the date the product was put on the market.

Also, the product (or if it is very small, its packaging, guarantee or instruction booklet) must be labelled with the wheeled bin symbol shown in Annex IV of the Decree.

Information for treatment centres:

Within one year of placing a product on the market, producers must provide waste management companies with dismantling information to facilitate the identification of different components and materials suitable for reuse or recycling as well as the location of any hazardous substances.

Data reporting:

Producers not participating in an integrated system must report the following information annually to the competent body of their Autonomous Community:

- the amount by category of EEE manufactured at national level in the previous year and where applicable goods imported or acquired from, or exported to, other EU countries;
- the amount of WEEE collected from distributors or local authorities;
- the amount of waste managed directly or delivered to authorised treatment centres for treatment.

Integrated systems for WEEE management must report annually to the competent body of their Autonomous Community certified information for the external auditor on the quantity of equipment by category placed on the national market and final quantities of waste managed by each system.

Operators of treatment centres will provide annually registered data to the competent body of the Autonomous Community. Other economic operators who carry out recovery operations must send information on the quantities of WEEE managed by themselves. For waste treated in other member states or third countries, the same data must be sent by the treatment centre to the competent body of the Autonomous Community from which the waste was sent.

The Autonomous Communities must report annually to the Directorate-General of Environmental Quality and Evaluation, information expressed in kg or where necessary numbers of appliances, according to category, placed on the market; the amount of waste collected; and the percentage of selective collection, reuse, recycling and recovery.

Register of producers:

The Registration process is not yet finalised. Producers and importers, including producers from other member states with an office in Spain, are to register.

A new section of the National Register of Industrial Establishments, for producers of EEE, will register producers. They must also register with the competent body of the Autonomous Community in which their head office is situated.

Integrated (collective) management systems set up by producers must be authorised by the Autonomous Community within whose borders they are established. Authorisation will be granted for five-year periods and will be renewable. The same applies for individual B2B schemes.

Producers will report end of year data to the competent body of their Autonomous Community, which will then pass this information on to the national register.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Authorisation for integrated management systems – *Sistemas Integrados de Gestión* – SIGs - (recovery organisations) will be granted by the Autonomous Communities for a period of five years. Authorisation shall be published in the official journal, which will give details of the area covered by the system; name and address of the management company and its not-for-profit status; position of collection points and treatment centres; estimated percentages of collection, reuse, recycling and recovery together with the timescale and method of monitoring; financial mechanisms; and procedures for supplying information to the public administration.

Several integrated management systems have already been set up:

Tragamovil, for mobile phones, was set up by ASIMELEC with the support of the Ministry of the Environment in 2001.

Ecofimatica was set up in 2002, by companies from the reprographics industry, in association with ASIMELEC, to deal with waste reprographic equipment.

ECOTIC – for consumer electronics.

ECOLEC – for household appliances.

SIG Lámparas – for lamps and lighting equipment.

SWEDEN

TRANSPOSITION OF THE WEEE AND RoHS DIRECTIVES: CURRENT STATUS

Statutory Order SFS 2005:205 transposing the WEEE and RoHS Directives was adopted on 14 April 2005. Most provisions will be implemented on 13 August 2005.

As Sweden already has an efficient WEEE recovery system in place, the main changes will be the introduction of the producers' register and the requirement for producers to provide financial guarantees for the management of WEEE. Additional tertiary legislation and regulations will be enacted by the EPA to regulate treatment, reporting etc. The EPA will issue draft guidelines and regulations.

Scope:

As in the WEEE Directive.

Collection and take-back requirements:

Municipalities will be responsible for collecting WEEE from households that has not been returned to a producers' collection system. Producers are to organise collection from municipal sites. Producers and municipalities may reach agreements on optimum methods of managing WEEE.

In practice there will probably be a continuation of the current collection system run in close co-operation between the industry's compliance organisation (EI-Kretsen) and the local authorities.

Producers must consult with the local authorities to agree an 'appropriate' collection system which is compatible with local refuse collection arrangements. Producers must provide local authorities with the information necessary to provide appropriate facilities and to inform households, and local authorities must give producers the opportunity to voice their opinion on the design of information issued to households.

A collection system shall be regarded as 'appropriate' if it

- is easily accessible and provides good service to private households, municipalities and others who can be expected to want to deliver WEEE to the system;
- enables WEEE other than equipment covered by the producer's obligation to be delivered to the system;
- makes it easier for households and other users to sort the equipment from household waste and other waste;
- promotes the reuse of all or part of the equipment;
- is designed so that people handling the equipment in the system are not exposed to health and safety risks due to the nature of the equipment; and
- provides at least one collection point per local authority for household waste, unless the local authority and the producer make alternative arrangements.

Financing WEEE from private households (B2C):

Producers must take back free of charge products placed on the market (in Sweden or other EU member states, or sold by means of distance selling) after 12 August 2005.

They must also take back free of charge historical waste, i.e. products placed on the market before 13 August 2005, according to market share:

- 'Market share' is in principle 'a share of the waste produced in Sweden of equivalent ratio to the producer's market share of total household equipment sold in Sweden', but the draft Ordinance adds that it 'may refer to a certain type of product or product market or other appropriate division';
- 'If involved in distance selling to another EU member state, a share of the waste produced in each such state of equivalent ratio to the market share occupied by the producer's household products sold by distance sales of the total household products sold in that state.'

Producers will be deemed to have complied with the collection and treatment requirements if they ensure that there is one or more adequate collection system for WEEE in place, and that collected WEEE is transported, treated, reused, recycled, energy-recovered or otherwise managed in an environmentally-sound manner.

Membership of a collective compliance organisation shall be sufficient to meet the financial guarantee requirement. Producers opting for individual compliance must provide a guarantee in the form of recycling insurance, blocked bank account or other.

Financing WEEE from users other than private households (B2B):

Producers must take back free of charge products placed on the market (in Sweden or other EU member states, or sold by means of distance selling) after 12 August 2005.

Producers' obligation to take back free of charge, non-household WEEE placed on the market before 13 August 2005 applies only when replacement equipment is supplied on a one-for-one basis. However, producers may enter into agreements with commercial owners which stipulate the reimbursement of take-back costs.

Producers will be deemed to have complied with the collection and treatment requirements if they ensure that simple and practical opportunities are provided to hand over non-household WEEE, and that collected WEEE is transported, treated, reused, recycled, energy-recovered or otherwise managed in an environmentally-sound manner.

Visible fee:

A visible fee indicating 'the presumptive cost of take-back' shall be shown until 13 August 2011, or in the case of large household appliances, 13 August 2013.

Central Register:

The Environment Protection Agency will be responsible for the Register of Producers. More details about the structure of the Register will be available in September 2005, and registration is expected to begin in early 2006.

Producers and importers established in Sweden who sell, import or export EEE, including by distance selling, must register.

Marking, Information and reporting:

Products placed on the market after 12 August 2005, must be marked with the crossed-out bin symbol and markings to identify the producer and the date EEE was placed on the market. If necessary, the symbol may be printed on the packaging, instructions for use or warranty.

Municipalities must inform householders of the potential effects on human health and the environment resulting from the presence of dangerous substances in EEE; the meaning of the crossed-out bin symbol; the need to separately collect WEEE; the collection systems to which householders have access; and the type of recovery to which the sorting of WEE contributes.

Producers must inform B2B users of EEE about the purpose of managing WEEE separately and methods for delivery of WEEE to the producer or collection system.

Producers must provide treatment centres and other interested parties, within one year of placing a product on the market, with information about components of EEE to facilitate maintenance, reuse, recycling etc.

All reporting of quantities, registration, and enforcement etc is to be carried out by the Environmental Protection Agency. All sales by Swedish producers to other EU states must also be reported to the EPA. The first reporting period will be 13 August 2005 to 31 December 2005.

The EPA will calculate market shares.

RECOVERY ORGANISATIONS (COMPLIANCE SYSTEMS)

Under the 1990 Waste Ordinance, local authorities have been responsible for the removal of discarded refrigerators and freezers since 1995. An Ordinance on Producer Responsibility for Electrical and Electronic Products, adopted in 2000, imposed producer responsibility on a number of other product groups.

To meet existing legal requirements, a system is already in place for the major product sectors, owned and run by the relevant trade associations and financed by fees paid by manufacturers and importers. Companies choosing not to join the system have to demonstrate how they are setting up their own nationwide system.

The designers of the scheme were keen to avoid having WEEE returned to retail premises. From January 2002, some WEEE is classified as hazardous waste, and the trade did not want consumers to get into the habit of taking it back to stores. Thus, although the retailers still have the right to accept WEEE from consumers if they so wish, it has been agreed that their take-back obligation will be fulfilled if they tell customers where they can find the central drop-off points where their WEEE will be collected. Retailers have no new obligations under the new Statutory Order.

Thus in practice, the local authorities organise and fund the collection points, and the producers organise and fund the recovery of all WEEE.

Retailers, suppliers and repairers which have taken back WEEE can either transport it to a municipal collection point and deposit it free of charge, or request El-Kretsen, the recovery organisation, to collect stockpiled items at a designated time of year.

Companies and institutions can give back items on an old-for-new basis at selected collection points. Those that want to deposit WEEE without buying a replacement must give it to a recycler, who will charge a fee.

This division of tasks has been confirmed in standard contracts between the producers and the 289 local authorities. There are more than 600 collection stations for household WEEE, plus 250 supplementary collection stations for equipment from commercial sources.

The “service company” taking responsibility for producers’ obligations under the Ordinance is **EI-Kretsen i Sverige AB**, and EI-Retur is the name used to describe the system jointly run by EI-Kretsen and the local authorities.

The collection of refrigerators and other equipment containing ozone depleting substances is handled separately from the EI-Kretsen system. There is mandatory take-back of such equipment, managed by the municipalities. There is a ban on export of these products.

The system’s operating costs are divided among the members according to their sales volumes and the products concerned. Each sector which is part of EI-Kretsen decides how much is needed to cover its costs – there are no cross-subsidies. The main costs to be covered are transport from the collection points, recovery, fee collection and an information programme. Recovery is the main cost, and is dependent on the collection rates achieved.

No ‘visible fee’ is attached to the sales price of EEE products.

Fee collection started in January 2001. For 2005, EI-Kretsen charges suppliers an entry fee of SKr 3,500 (£280), and an annual fee of SKr 500 (£40). Suppliers also pay a variable fee, based on their sales of new products:

- For most products, cost are shared according to turnover, and a “preliminary cost” (per unit, per kg or a percentage of sales value) is fixed for the current year. At the end of the year, the accounts are settled for each product type, and any surplus is either reimbursed or credited to suppliers against future fees.
- For ICT products there is no preliminary cost. Instead, EI-Kretsen calculates the real cost for collection and treatment each month and this is divided among suppliers according to market share. Market share is defined as each supplier’s proportion of total sales in the preceding year. Thus in this model the supplier’s cost per unit sold varies from month to month.
- For certain products special debiting models have been developed.

Differences between the price per unit for various product types arise partly from differences in their recycling costs, but also because their return rates vary. For instance, consumers buying a new washing machine will almost invariably dispose of their old machines, but this is not necessarily the case when they buy a new camera.

Preliminary costs for 2005 range from SKr 0.20 (2p) for mobile phones to SKr 15 (£1.20) for vacuum cleaners, SKr 45 (£3.60) for cookers and SKr 60 (£4.80) for 32” televisions. The charge for 32” televisions delivered to stores which are not part of EI-Kretsen’s collection system is SKr 240 (£19.20).

In 2003, nearly 80,000 tonnes of WEEE were collected for recycling through the EI-Kretsen system – 9 kg per person per year. Additionally, some 23,500 tonnes of refrigeration equipment were collected by the local authorities and processed – a further 2.6 kg per person per year. Thus Sweden’s overall collection rate was around 11.5 kg per person in 2003.

EI-Kretsen is currently revising its statutes to bring it into line with the new Statutory Order.