

Brussels, June 4, 2008

EICTA position on the review of Directive 2002/96/EC (WEEE Directive)

Table of Content

1	Introduction.....	2
2	Legal basis.....	3
3	Scope and definition of EEE	4
4	Definition of Producer.....	7
5	Start of producer obligations	8
6	Definition of 'WEEE from private households'	9
7	Product design.....	10
8	Roles and Responsibilities in Separate Collection of WEEE from Private House-holds	11
9	Annex II: Selective treatment.....	13
10	Finance household WEEE	14
11	Information to users	15
12	Information for treatment facilities.....	16
13	Information and reporting.....	16
14	Role of Reuse	18
	Annex 1 Scope.....	21
	Annex II article 11	24

1 Introduction

Over the last couple of years the EICTA membership has been directly involved in the implementation of the WEEE Directive by setting up recycling solutions in the European Member states. EICTA believes that these experiences can be very valuable in the review process of the WEEE Directive. In this paper we have tried to cover all the aspect that EICTA believes will be relevant for the revision of the WEEE Directive.

Whilst the following paragraph will discuss all these issues in detail this introduction tries to highlight the most important aspects if this paper:

- **Legal Basis:** During the implementation of the WEEE Directive into national law there have been many problems with differing implementations in the member states. These differences are partly caused by ambiguous definitions in the Directive but also partly by the freedom in implementation of the Member States. EICTA would like to propose a dual legal basis for the Directive where art 95 of the Treaty should form the basis for those articles which affect internal market aspects.
- **Harmonization:** under the WEEE Directive producers are required to follow the 27 national implementations of the WEEE Directive. Differences in these implementations are putting an additional burden on producers without any environmental benefit. During the revision of the WEEE directive attention should be paid ensuring harmonized requirements in Europe. Examples of difficulties are:
 - Differences in the Scope of the Directive
 - Different definitions of weight,
 - Criteria to discern “WEEE from private households” from “WEEE from user other than private households”
 - Different Segmentation by Type of Equipment (ToE)
 - Differences in content and frequency of reporting
 - Registration of foreign companies (within the EU).
- **Roles of stakeholders:** Although the current WEEE Directive defines the roles of responsibilities involved in the collection process there has been a lot of discussion during the implementation of the Directive on the details of these responsibilities. The revision of the WEEE Directive should take into account these unclear points and should define in more detail the responsibilities of all stakeholders involved in the collection of WEEE.
- **Selective treatment:** The Annex II defines as a minimum a list of substances, preparations and components that have to be removed from any separately collected WEEE. The annex sets specific mandatory steps for the end-of-life treatment of a very diverse product group, without delivering any significant environmental benefits. Annex II should be deleted in its present form. A set of environmental objectives for the treatment operations can solve the concern about hazardous materials getting substandard treatment.
- **Finance of WEEE treatment:** During the review of the Directive there is an opportunity to strengthen the freedom of choice for financing of future waste. In the implementation of article 8, it should be made mandatory for Member States to give producers the option to

choose between Individual or collective solutions based on their product portfolio and business models used.

- **Reuse:** Producers welcome the intent of the WEEE directive to encourage greater reuse of electronic products. However we believe that attempting to measure reuse is very difficult and therefore inaccurate. Setting targets for reuse is consequently meaningless. Next to these practical problems there are also several legislative requirements that will impact the reuse of WEEE. Examples of such problems are: Storage requirements, potential trans-boundary movement across the Member States and data privacy requirements.

2 Legal basis

The WEEE directive, being based on Article 175 of the Treaty, inherently poses a threat to the realization of the internal market related to free circulation of products and services. However, Recital 8 of the WEEE directive clearly indicates an objective of preserving the internal market by harmonizing conditions for waste handling (*"The objective of improving the management of WEEE cannot be achieved effectively by Member States acting individually. In particular, different national applications of the producer responsibility principle may lead to substantial disparities in the financial burden on economic operators. Having different national policies on the management of WEEE hampers the effectiveness of recycling policies. For that reason the essential criteria should be laid down at Community level."*).

Experience has shown that this aim to achieve a functional internal market approach to waste management has not been realized. During the implementation of the WEEE Directive into national law there have been many problems with differing implementations in the member states. These differences are partly caused by ambiguous definitions in the Directive but also partly by the freedom in implementation of the Member States given by Article 175 of the Treaty. This paragraph will focus on the freedom during implementation and the related problems.

The WEEE Directive relates to the environment, which is dealt with mainly on a national basis in line with Article 175 of the Treaty. Although the WEEE Directive relates to the environment there are a number of elements contained in the WEEE Directive that are critical to preserve the internal market aspects. We believe that for these articles the legal basis should be Article 95.

We do however understand that for some articles of the Directive Article 175 of the treaty is appropriate and therefore we would like to advocate a dual legal basis for the revised WEEE Directive in which articles that affect the internal market aspects are covered by Article 95 of the Treaty. This thinking is also inline with the findings of the recently released report entitled "2008 Review of Directive 2002/96 on Waste Electrical and Electronic Equipment (WEEE)" dated August 5, 2007 and prepared by United Nations University for the European Commission (hereinafter referred to as the "UNU Report").

In the WEEE Directive, the following clauses should have Article 95 as legal basis.

Table 1 Possible WEEE Directive articles under Article 95 of the Treaty

Article	Title	Comments
2	Scope	The scope of the WEEE Directive is the basis of the producer obligations. A difference in scope in the Member

		States will affect the internal market. For instance product marking might not be required in country A where the product is produced but is required in country B where the product is exported to.
3	Definitions	Differences in definitions will cause several problems. Some of these problems are related to the administrative burden on industry but differences in for instance the definition of producer could create barriers to intra-community trade. For more details see the different paragraphs of this document that discuss the definitions in more detail.
4	Product design	Freedom for member states to introduce national design requirements will immediately affect the internal market. All product related matters should be dealt with at Community level.
6	Treatment	A harmonized, pan-European approach to waste treatment is needed to facilitate a healthy competition and level playing field, thus improving the effectiveness of treatment within the EU.
7	Recovery	Same as for article 6.
10	Information for users	The Directive should allow for a common product marking requirement, and possible use of symbols in manuals for information to users. National product marking requirements will create barriers to intra-community trade
11	Information for treatment facilities	Similar to article 10 of the Directive, the information requirements for treatment facilities should be harmonized across the EU. Different information requirements between Member States will only lead to an increased administrative burden with no environmental gain.
12	Information and reporting	Different reporting systems are costly and serve no purposes. Since the Commission expects uniform reporting from member States, industry should also be allowed to use a uniform reporting method. Harmonised EU registration eliminates barriers to free trade in the internal market.

More details on the reasoning for Article 95 can be found in the different paragraphs of this paper.

3 Scope and definition of EEE

Since the WEEE Directive is based on EC Treaty Article 175, in theory, strict harmonization among the Member States is not required. However, in practice, it is essential that the basic requirements of the WEEE Directive including scope be harmonized throughout the various Member States. Whether a product is within the scope of the Directive determines a number of responsibilities for manufacturers, importers, and retailers who place products on the national markets of the Member States.

Annex IB of the Directive provides a list of products; however, the generality of the list provides opportunities for significant variation in product scope among the Member States. Some Member States have addressed uncertainties regarding scope by preparing comprehensive lists which determine whether a particular product is within the scope of the Directive. However, most

Member States have simply included Annex IB into their nation transposition of the Directive without providing additional clarification regarding scope.

Section 10.1 of the UNU Report recognizes that harmonization among the Member States regarding scope is essential and provides several options for achieving such harmonization.

We are concerned that some Member States have chosen to adopt the widest scope possible for the WEEE Directive and not to limit themselves to the categories listed in Annex I A, or to those that are reasonably close to the products listed in Annex I B.

The Commission should clarify that WEEE only covers finished products. Components, sub-assemblies and consumables (such as semi-conductors, separately sold cables, etc.), which are part of electrical and electronic equipment (EEE) and yet do not have a direct function on their own, should not be considered as EEE within the scope of the Directive. Such clarification could be accomplished either through revisions to Articles 2 and 3 of the Directive, a comprehensive list of in-scope products, a detailed set of criteria that can be used to determine whether a product is in scope, or some combination of these options. Language should also be added to clarify that component parts sold individually for upgrade or repair are not in scope. Since reuse/recycling occurs at the finished product level, the method of sale of individual components should not be relevant in determining whether a product is in scope. The UNU report concluded that adding components into the scope would have low environmental effectiveness since the current scope already includes most relevant products and could potentially complicate matters by treating components differently when sold individually versus when sold to OEMs (see Table on p. 243 of UNU Report).

Another example of the problems companies are currently facing relates to the Directive's lacking definition of 'fixed installations', which by their nature, should not be covered by the WEEE Directive. Industry believes that equipment which is permanently integrated into a building, and which is not removed by temporary users, should be explicitly exempted from the scope of WEEE. However, several years after the Directive's entry into force, we still have no guidelines on fixed installations and therefore, Member States have adopted different interpretations on the scope of WEEE.

Additional information regarding semiconductor components and medical products is provided in Annex I.

Waste Stream Oriented Scope

The UNU report suggests abandoning the current ten WEEE product categories and basing the scope of the Directive on the five common treatment groups.

EICTA is concerned that the report does not explain how such a system would work in detail. For example it is unclear how producers would report their sales data, and how they would demonstrate evidence that they have fulfilled their obligations. It is also unclear how a waste stream oriented scope would enable producers to determine whether their products were obligated under the WEEE Directive or not. Consequently it is likely that the UNU's proposals would require both a product and a waste oriented scope, and it is therefore highly questionable how this achieves a simplification of the WEEE Directive.

A waste stream oriented scope for WEEE is untried and untested. No examples of such a system exist for WEEE which means it is not possible to evaluate such an approach. Therefore no

evidence is available to justify the UNU's arguments that this would provide a better framework than the current product category oriented scope.

The need for complex protocols and sampling to determine each producer's obligations could create enormous complexity and administrative burden. For example the UK Packaging Regulations, which use waste stream oriented targets require producers to weigh all of their packaging materials and undertake lengthy calculations in order to determine their obligations. The UK Packaging Regulations are widely criticised as overly complex and highly bureaucratic, contrasting with the principles of better regulation. It is highly possible that a waste stream oriented scope could lead to an increased administrative burden.

A waste stream oriented scope may require the creation of protocols which are liable to significant assumptions and large margins of error. Major problems have arisen in the UK with the development of a protocol for mixed WEEE. Protocols will require frequent and accurate sampling of the waste stream, which has not been costed or trialed.

A waste stream oriented scope will move the WEEE Directive away from the principles of Producer Responsibility. The WEEE Directive was founded on the principle of Producer Responsibility. A waste stream oriented scope could provide a barrier to those companies that wish to comply with their obligations for 'future WEEE' through individual producer responsibility. It is unclear how such companies could take responsibility for their own waste products (either own branded or an equivalent share) if their obligations are based on a waste stream oriented scope.

A waste stream oriented scope is not future proof. Advances in recycling technologies could change the required collection groups.

The UNU proposal could also lead to greater potential for cross subsidy and costs for businesses whose products are cheaper to recycle or last longer and therefore appear in lower volumes in the waste stream.

EICTA would be willing to discuss the waste stream oriented scope in more detail with the European Commission to discuss the potential effects of this policy change.

WEEE from users other than private households (B2B)

EICTA believes that B2B products should be excluded from the scope of the WEEE Directive if the Producer can demonstrate that the products are not normally used within a private household, as mentioned in the UNU report on the WEEE revision. Dual use products that are used both in private households and businesses should continue to be in scope.

B2B equipment is not treated within the municipal waste stream because of technical and business reasons. Most part of this B2B equipment has been managed through Producer's Product Take Back Processes for years. Basically the reuse of entire equipment or spare parts is a key component of B2B producers business to improve customer service and cost. Including B2B within the scope of the Directive has resulted in the need to set up different recycling arrangements, duplicating efforts and under-utilizing them, since there were already established products take back mechanisms for their treatment. In most of the cases, this used B2B equipment can be reutilized entirely or by parts for the producers. At the end of the product take back process, there is a residual value, (very high for most of the IT B2B equipment), which makes possible B2B user to receive money back. End users are not likely to return B2B equipment through a Producer's established WEEE takeback

system when they can receive money from a third party or a better new lease rate. In those instances, B2B equipment is responsibly managed completely independent of the WEEE Directive.

More details on the definition of B2B products can be found in section 7.

4 Definition of Producer

According to the Directive 'Producer' means any person who, irrespective of the selling technique used, including by means of distance communication in accordance with Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (1):

- (i) manufactures and sells electrical and electronic equipment under his own brand,
- (ii) resells under his own brand equipment produced by other suppliers, a reseller not being regarded as the 'producer' if the brand of the producer appears on the equipment, as provided for in subpoint (i), or
- (iii) imports or exports electrical and electronic equipment on a professional basis into a Member State.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed a 'producer' unless he also acts as a producer within the meaning of subpoints (i) to (iii).

For comparison, please also note the definition of producer in the revised Batteries Directive:

"producer" means any person in a Member State that, irrespective of the selling technique used, including by means of distance communication as defined in Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts 1, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of that Member State on a professional basis.

From these definitions it is clear that the Member States need to be able to identify a natural or legal person in their national territory who can be held responsible for fulfilling the legal requirements of the WEEE Directive.

Current Producer status

There is some uncertainty with regards to the definition of the producer. This has become most apparent during the implementation of the WEEE Directive in national legislation and the obligations on producers to register. In some Member States a company that is not the producer in that Member State can assume the producer responsibility on behalf of its customers (e.g. the local distributors/reseller) and register from abroad. In other Member States, national registers are restricted to companies legally established within the Member State's territory only. This creates problems for larger companies, who wish to fulfill the legal obligations for their distributors in countries where the company does not have a legal presence. More importantly, it creates problems for SMEs which want to sell to consumers in the European Union, but cannot afford to create legal entities in each Member State. The cost of proper registration, i.e. with a locally registered legal entity, can be largely disproportional to the potential turnover or profit. This simply limits the possibility to register and comply effectively, therefore create barriers to intra-community trade.

Solution required

We believe all national registers should be open for registration to any producer legally established within EU, subject of course to the same obligations as any company established in the Member State. In addition it should be allowed for European producers to take over the obligation from the default national producers. Clearly, legal provisions must also be in place to allow Member States to pursue legal action against companies which have committed to fulfil the legal obligations in their territory, but do not have a legal presence (e.g. using similar approaches to the general product Safety Directive or allowing producers to discharge their obligations to local legal representatives or the Compliance Schemes).

We would urge the Commission to investigate on which legal basis certain Member States allow companies from abroad to fulfil the producer obligations in their territory, and see if it can encourage all Member States to adopt a similar approach.

Proposal : amended Spanish definition, in order to give flexibility to Industry

The Spanish Royal Decree adds the following to the WEEE Directive definition:

'The distributor will not be considered as a manufacturer if the brand of the manufacturer appears on the appliances, when the owner of this brand is registered on the state Industrial Establishments Register to which the first additional provision refers.

This actually gives the ability for brand owners to take over the liability of importers on national territory (distributors). The goal should be to provide ability for any manufacturer to indeed register to National Registries from outside Member State AND provide flexibility for brand owner to take its brand obligation as a whole for sales on a national territory under contractual agreement with his distributors.

5 Start of producer obligations

The definition of put on the market in the WEEE Directive is used for two purposes; firstly it is used for product related articles such as the marking obligations and secondly it is used to define the moment when the collection and recycling responsibility starts.

For the product related requirements of the WEEE Directive, a European definition of put on the Market is essential to ensure free movement of goods on the community market. In the framework of the revision of the New Approach, We call on the European Commission to provide a common understanding of the definition of 'placing a product on the Community market' and 'making it available' to its users and consumers. Our understanding of these definitions is explained in a separate position paper.

Under the WEEE Directive producers are responsible for collection and environmentally sound treatment of EEE put on the market after 13 August 2005. The Interpretation of Put on the market in this respect often differs from the European definition of the New Approach. The term 'put on the market' is not defined in the WEEE Directive and even though the exact interpretation and timing of put on the market for the WEEE Directive differs from country to country, they all refer to the national market. Industry understands that a national approach is necessary for an effective enforcement on national level.

Adopting a 'put on the market' definition that is referring to the Community market, for the collection and recycling obligations under WEEE, confronts companies that use a centralized European warehouse with great difficulties. They would have to report all of their products to a

recycling scheme or authorities in the country where the products are first 'put on the Community market'. When exporting products to other Member States this results in extra administrative burdens (deducting exported goods from earlier declaration, reporting products in new country, etc.) for both companies and reporting offices.

For industry the most relevant question in respect to the collection and recycling obligations is at what point in time they need to report products that they have put on the market. In order to avoid unnecessary administrative work a clear definition of the timing of reporting is required.

Industry proposes to include a harmonized approach for reporting and registration in the revised WEEE Directive. Common practice is to report products not when they clear customs (i.e. are placed on the national market), but when they are actually moved from the producers warehouse to the next step in the distribution chain. This would be the moment that a manufacturer or importer needs to register at the WEEE register as required by article 12 of the Directive.

This harmonized approach for reporting and registration would allow for a European definition of put on the market for the product related requirements

6 Definition of WEEE from private households'

The WEEE Directive foresees different financing mechanisms for WEEE from private households (art. 8, or commonly referred to as "B2C") and WEEE from users other than private households (art. 9, or commonly referred to as "B2B"). In order to achieve full compliance it is therefore essential for producers to know whether their products classify as "B2C" or "B2B", and for compliance schemes, registers and authorities to have the same understanding.

Unfortunately there is a lot of confusion as to the definition of "B2B". Registers and compliance schemes use very different definitions based on a variety of criteria. This means that for every register or compliance scheme producers need to verify what the criteria for B2B and B2C are and this leads to a lot of unnecessary administrative work. We would prefer to have more guidance on a European level on the definition of WEEE from private households and WEEE from users other than private households. This would lead to a reduction of the amount of administrative work involved in complying with the WEEE Directive and it would allow producers to determine during the product launch under which financing regime the product would fall in all Member States.

Possible criteria to differentiate WEEE from users other than private households from WEEE from private households could be:

1. Evidence in the form of signed contract between the business user and the Producer (or party representing the Producer e.g. reseller under contract), that clearly assigns responsibilities for End of life collection and treatment costs, ensuring that the EEE will not be disposed of through municipal waste streams, or
2. EEE that due to its features is not used in private households and that will therefore not be disposed of through municipal waste streams. This criterion should be supported by either one or a combination of the following criteria:

- a) EEE that is operated by specialised software as for example an operating system or system environment requiring a special configuration for professional use.
 - b) EEE operating at a voltage or having a power consumption outside of the range available in private households
 - c) EEE requiring professional licenses to operate, e.g. Base Stations requiring the license of the telecommunication regulator
 - d) EEE of large size or weight requiring to be installed and de-installed or transported by specialists
 - e) EEE which requires a professional environment and / or professional education (e.g. medical X-ray equipment)
 - f) EEE in category 10 of Annex 1A
 - g) EEE outside of the scope of the General Product Safety Directive for Consumer products
3. EEE provided to a consumer but by its nature once used has to be returned to commercial facilities for processing and hence never appears in the domestic waste stream. (for example one time use cameras.)

7 Product design

By the adoption of Directive 2005/32/EC on 6 July 2005, establishing a framework for the setting of ecodesign requirements for energy-using products the European Commission now has a tool to develop ecodesign requirements for amongst others EEE. Via the impact analysis that is required under the EuP Directive all environmental impacts of the product's life cycle are taken into account and via a proper assessment of the improvement potential the implementing measures of the EuP Directive will lead to justified ecodesign requirements.

One of the main advantages of the EuP Directive is that it is based on art 95 of the Treaty. Via article 95 of the Treaty there will be a harmonized implementation of the implementing measures of the Directive. This harmonized implementation will ensure that free movement of goods on the community market is guaranteed.

As the WEEE Directive is based on article 175 of the Treaty it only sets a minimum requirement and it allows for freedom during the implementation into national law. This freedom of implementation is well justified as the differences in waste management in the Member States will require a different implementation of the Directive. There are however articles, such as Article 4, of the current WEEE Directive where this freedom of implementation may hamper the free movement of goods on the community market. Under art 4 Member States could implement additional eco design requirement and these differing product related requirements could be lead to problems on the internal market.

Taking into account that article 4 of the WEEE Directive could lead to problems on the internal market and the fact that the new EuP Directive is specifically developed to set eco design requirements We would propose to delete article 4 of the current WEEE Directive.

8 Roles and Responsibilities in Separate Collection of WEEE from Private House-holds

In April 2008 the combined Dutch WEEE recycling systems published a research report that studied the movement of WEEE in the Netherlands¹. Via research at municipal collection points, regional storage points, reuse centres, retailers, distributors and recyclers the systems aimed at getting a clear view on the WEEE generated in the Netherlands and the leakages that occur.

It is estimated that in the Netherlands a total of 18.5 Kg of WEEE is generated per inhabitant per year. Of this generated WEEE about 5.7 kg is treated by the Dutch recycling systems ICT Milieu and NVMP. At the Municipal collection points 2.5 kg of WEEE is sent directly to scrap metal dealers. Furthermore the scrap metal dealers receive 3.6 kg that mainly consists of boilers and central heating system from installers or fitters.

It is estimated that retailers send around 3 kg of metal dominated products out of their collected 4.7 kg directly to recyclers. Table 2 shows the summary results of this research

Table 2 Mass Balance Household WEEE in Netherlands

Product categories	Recycling Systems	Municipal leakage	Reuse + installers	Waste bin	Retail & uncertain	WEEE (total)
1a Large Household Appliances	0.82	1.25	3.3	-	2.64	8.0
1b Household Cooling Appliances	1.55	-	-	-	0.28	1.8
3a IT and Telecom	<i>In 3b</i>	-	-	-	-	-
3b Personal Computer	1.25	0.95	-	0.30	0.19	2.7
5 lighting (energy saving lamps)	0.02	-	-	0.07	-	0.1
2 Small Household Appliances	<i>In 4</i>	-	-	-	-	-
4 Consumer Equipment	1.73	0.30	0.3	1.11	1.58	5.1
6 Tools	0.35	-	-	0.37	-	0.7
7 Toys	0.02	-	-	0.18	-	0.2
TOTAL	5.7	2.5	3.6	2.0	4.7	18.5

The above table shows clearly that although only 5.7 kg of WEEE is currently being reported as recycled WEEE in accordance with the WEEE Directive, at least 13.8 kg is being recycled in the Netherlands. This clearly shows that although the WEEE Directive holds producers primary responsible for the recycling of WEEE there are many other stakeholders involved that have a great influence on the volumes collected and recycled. As such the revision of the WEEE Directive should define in more detail the responsibilities of all stakeholders involved in the collection of WEEE. Clarifying the responsibilities between the stakeholders can ensure that all WEEE treated will be accounted for and that the minimum treatment requirements are met.

Users from private households:

Users of electrical and electronic equipment from private households should return WEEE to the appropriate collection points at no cost. This could either be a Municipality Collection Points or via a distributor when a replacement purchase, on a one by one basis, took place.

¹ Witteveen+Bos, Onderzoek naar complementaire afvalstromen voor e-waste in Nederland, 10 April 2008

Municipalities:

Municipalities shall ensure the availability and accessibility of the necessary collection points, taking account in particular the population density. There has been significant discussion of the roles of producers in this collection process, we are of the opinion that organizing and financing the collection of WEEE should remain a responsibility of the municipalities as it is their core expertise:

- Municipalities or local governments are the main contact point for any person when they are faced with any waste issue. This is not limited to WEEE but these responsibilities range from household waste to more complex chemical waste disposal. As municipalities and local governments have the experience and are recognized as waste collection authorities they would be most successful in achieving high collection volumes of WEEE
- In some countries, like Spain, WEEE is described as Municipal Solid Waste (MSW), and as required by law, MSW can be only managed by Municipalities. So, Municipalities are the only responsible party for providing and financing the collection service of WEEE from private house-holds to Municipal collection points and to organize these collection points.
- Collection of waste has no direct relation to the design of a product; this means that by changing the design of a product a producer will not be able to influence the cost of operating the collection point. Extended Producer Responsibility legislation should only transfer obligations to producers when the producer actually can have an influence on the cost. In the case of the WEEE Directive municipalities should finance and operate the collection points as a transfer of these cost to the producers would only lead to an increased burden on industry without any environmental improvement
- The Dutch research shows that around 2,5 kg/cap/y of high value WEEE is send for treatment directly from the Municipal collection points and this generates a high revenue for the municipalities. Looking only at the IT fraction, on average it should be relatively easy to earn around 100€/ton of IT WEEE. Based on 16.4 million inhabitants and 0.95 kg/cap/y collected IT waste this represents a positive value of around 1.6 million €. The value of the remaining 1.55 kg will only increase this figure.
- Duplicating roles in the collection process is not going to improve the service, quite the contrary. Municipalities should maintain their roles and manage and financing accordingly.

Based on the above points EICTA believes that municipal collection points should remain responsible for setting up collection points for separately collected WEEE. EICTA also believes that municipalities should remain responsible for the financing of these collection points especially as the municipalities generate high revenues from the separately traded high value WEEE.

If during the revision of the WEEE Directive producers are made responsible for the financing of municipal collection points, EICTA believes that there should be a mandatory obligation for municipalities to hand over all separately collected WEEE, including the high value WEEE, to the official producer recycling schemes.

Distributors:

When distributors supply a new product, distributors shall be responsible for ensuring that such waste can be returned to the distributor on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment.

Big distributors should have a role in the process and negotiate with producers their financial responsibilities, in order to establish appropriate take back systems. For example: Distributors to pay the WEEE shipment to Producers Collection Points or Distributors to establish Collection points where producers will have to collect the WEEE.

Producers:

Separately collected WEEE needs to undergo environmental sound treatment and this is part of the producers' obligation. Producers are responsible to finance the collection from municipal collection points. After the collection of WEEE, producers need to ensure that the WEEE is properly treated in accordance with the legislation.

Recyclers:

The Dutch research made it very clear that large volumes of WEEE are being recycled without ever being reported on. Instead of placing a reporting obligation on all other stakeholders, including thousands of small retailers, EICTA proposes to include a reporting obligation in the waste licenses required to treat WEEE. This means that when a recycler receives a shipment of WEEE he needs to report on these volumes to the central waste authorities in the country. This will ensure that all WEEE recycled will be reported on instead of only the volumes recycled by the official producer recycling.

Member States:

The Dutch research clearly shows that many stakeholders are involved in the collection and recycling of WEEE. Member states should ensure that all actors involved in the collection and recycling are monitored to ensure that all recycled WEEE is accounted for in the reports on collection volumes. The question on responsibility of the overall collection targets, as set in article 5 of the Directive, should therefore be addressed at the Member States. Only Member States through their enforcement agencies, local governments and municipalities can influence the overall collection results.

9 Annex II: Selective treatment

The Annex II defines as a minimum a list of substances, preparations and components that have to be removed from any separately collected WEEE. The aim is to remove leakage of potentially environmentally harmful materials from the collected WEEE stream thus ensuring high environmental standards. Currently the annex sets specific mandatory steps for the end-of-life treatment of a very diverse product group, without focusing on the objective and therefore without delivering any significant environmental benefits.

Targeting for removal a specific component by the function it performs, even with the aim of isolating a certain material, does not take into consideration developments in technology and subsequent changes in material content, which may make the required removal obligations completely redundant.

As an example, the benefits of removing printed wiring boards from mobile phones without specifying the environmental concerns targeted by this are not evident even with the currently used recycling technologies. In addition this static requirement does not encourage further improvements in the recycling technologies or take into account changes in product material content which makes any reasoning for the removal redundant.

Manufacturers of Electrical and Electronic equipment and recyclers need to be able to apply best available treatment technologies and to explore the economies of scale of the end-of-life treatment. Too detailed regulation slows down the development of recovery / recycling practices and technologies. Legislators should instead set environmental objectives for waste treatment

without describing techniques, i.e. annex II in its present form should be removed from the WEEE Directive or replaced with a list of the environmental objectives.

We support the introduction of mandated treatment standards, setting effluent limits for processes in line with the BAT-BREFS already applied, and where relevant certain quality aspects regarding the result of different processes. Recycling process is an industrial process in its own right and should be treated as any production process striving for cleaner production.

Use of treatment standards will enable producers to more easily ensure that article 6.1 is complied with (they are formally responsible for the quality of treatment of their WEEE). Standards will also support use of proper treatment processes on a global level, as producers operating on a global market can make use of them as references in their negotiations with treatment partners in other regions as well

In the absence of standards, the definition of the interpretation of “have to be removed” as prepared by a TAC working group composed of member states should be applied. This definition reads as follows:

“Substances, preparations and components may be removed manually, mechanically or chemically, metallurgically with the result that hazardous substances, preparations, and components and those mentioned in Annex II are contained as an identifiable stream or identifiable part of a stream at the end of the treatment process. A substance, preparation or component is identifiable if it can be (is) monitored to prove environmentally safe treatment.”

This agreed member states’ interpretation again places more emphasis on the issue of sound monitoring of hazardous substances, preparations or components at the end of a treatment process rather than on prescribing particular treatment techniques and/or practices.

As just one example LCD’s > 100cm² shall be removed according to Annex II, however the guidance document clearly limits the concern to the Hg contained in their backlighting lamps; developing alternatives consequently eliminates this removal requirement.

10 Finance household WEEE

Individual Producer Responsibility

Article 8 of the WEEE Directive obliges producers of electrical and electronic equipment to meet the costs of recycling their products at the end of their products’ life. The EU established an individual producer responsibility requirement through Article 8.2 of the WEEE Directive, whereby each producer is financially responsible for the recycling of waste from his own-brand products from private households, put on the market after 13 August 2005. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

EICTA shares the view that article 8.2 is an appropriate legal framework for the implementation of producer responsibility for WEEE.

EICTA highlights that many Member States have not implemented the principle of Individual Producer Responsibility in transposing the WEEE Directive into their national legislation. Therefore the intended incentives of IPR are not provided within these national laws. Currently, many Member States have implemented or propose to implement a system of collective responsibility for waste, attributed on the basis of a company’s market share rather than making each company responsible for their products when they are actually returned. This situation will not only be applied for historic waste (products put on the market before the Directive came into force) but also

extended to all future waste. This analysis was further substantiated by Okopol in their report to the European Commission, and confirmed by the European Commission in Parliamentary Answer P-4971/2007 given by Mr Dimas on 9th November 2007.

During the review of the Directive there is an opportunity to strengthen the freedom of choice between Individual Producer Responsibility and collective solutions. EICTA believes that the European Institutions should ensure that this choice as defined by Article 8.2 of the WEEE Directive should be properly transposed into national legislation by Member States. In the implementation of article 8, it should be made mandatory for Member States to give producers the option to choose between individual or collective solutions based on their product portfolio and business models used.

At this moment there are producers that are investigating potential IPR solutions. It could well be that in the near future producers may want to set up IPR solutions either in individual or collective systems. A step towards IPR solutions is the possibility to allow Producers to collect products, of an equivalent type as sold by the producer, directly from end users. It should be possible to deduct these volumes from the obligation that the company has. This step has already been implemented in for instance UK, Germany and Netherlands.

Guarantee

It is not beneficial for the EU economy when industry has to put a large financial reserve aside, which cannot be used actively to invest in e.g. sustainable growth or innovations. In the current text of the WEEE Directive art. 8.2, the producer can choose to fulfil the obligation either individually or by joining a collective scheme. Three options are given to the producer on how to provide a guarantee showing that the management of all WEEE will be financed.

It should be unambiguous that the producer has the choice out of these options and that the obligation is not accumulative; e.g. the producer joining an appropriate scheme should not be forced to make additional provisions.

11 Information to users

Marking according to Article 10 (3) has no implications as regards the obligations of the producer. Its only aim is to inform the users that the equipment should not be disposed of together with municipal waste. For equipment which does not end up in municipal or retailers' waste streams, this marking would bring no additional information to the user. Some Member States have, in their transposition process, been more specific in their wording than the European Directive . Their national legislation clearly indicates that marking as required by Directive in Article 10 (3) shall only apply to EEE which can end up in collection points operated by municipalities or by retailers; in other words, WEEE from private households as defined in Article 3 (k) of the Directive.

The EEE Industry proposes that marking according to Article 10(3) of the WEEE Directive shall be mandatory for all equipment that may end up in municipal waste streams, i.e. WEEE from private households. Simultaneously, the use of this marking shall be neither required nor forbidden for WEEE from users other than private households, especially as the crossed-out wheeled bin with additional black bar is part of one of Cenelec's standard EN 50419 options to mark products according to Article 11 of the WEEE Directive.

Mandatory Consumer Education

The UNU report calls for the establishment of mandatory consumer education. EICTA highlights that evidence suggests such campaigns do not increase collection rates. Examples from battery take back programmes indicate that there is no correlation between extensive communication and take back rate. Austria and Switzerland, the countries reporting the highest collection rates within Europe, report the lowest figures for spending on advertising and awareness raising. Belgium currently spends more money on battery recycling communication than any other country and has consistently failed to meet its collection targets. For WEEE, Ireland has recently reached a collection rate in excess of 10kg/inhabitant without any ongoing communication. The current collection target is being exceeded in most MS.

The success of meeting the collection targets depends on other factors ranging from availability of collection points to the volume of WEEE being generated by the end user. According to findings of the WEEE Forum, the European association of collective WEEE take-back systems in Europe, the achievement of collection rate is influenced by "sources" covered by the collection (private consumers, business consumers), general economic data as well as consumer awareness. The value of the appliances and/or the material, convenience of the collection system, population density and the form of the legislation also important factors. Even within a single Member State, the collection rates can be different depending on economic and structural discrepancies.

The responsibility to achieve collection targets must be taken by the individual Member States' authorities. As meeting the collection targets can only be a responsibility of the Member State, the responsibility for these awareness campaigns can only be an obligation of administrative bodies in the Member States.

It is also important to properly manage the funding and monitor the effectiveness of education campaigns. The effectiveness, immediacy and length of impact of publicity campaigns can vary considerably. Monitoring and evaluating scheme performance is a key recommendation of the UK's Waste and Resources Action Programme (WRAP), who is responsible for promoting recycling in the UK.

12 Information for treatment facilities

If based under article 95 of the European Treaty and harmonized, Article 11 should not get into technical details to ensure best available technologies can be used and that evolutions are not hindered by the Directive text, similarly with the remark made above on Article 6 / Annex II.

Furthermore it is important to note that EICTA, CECED and EERA have reached in agreement on the information required for treatment and the methods to disseminate this data. This requirement has been in place for over two years and EICTA believes that that no additional legislative requirements are needed.

Additional information regarding the EICTA, CECED and EERA agreement is provided in Annex II.

13 Information and reporting

In general, registration is a pre-requisite to make business at Member State level. The possibility to register is in most cases limited to (i) Companies that place the product at MS and it is also interpreted that (ii) Companies must be resident at MS. This regime of compartmentalized

National Registers has become a **de-facto trade barrier** making business and intra-community trade more complex for multinational companies but almost impossible for SMEs that are required to set up local companies or appoint local representatives at the different MSs where they want to sell their products. More details on the issue of the producer definition can be found in section 0 of this paper.

Since Article 12 of the WEEE Directive is not transposed in a harmonized way, producers are facing different requirements on similar issues at different MSs, making business more cumbersome. In the UNU reports it was also highlighted in section 11.5.4 that simplification and harmonisation is one of the key conditions for success of the WEEE Directive. EICTA would like to highlight following difficulties and propose corresponding solution / approach:

- **Different definitions of weight**
One single definition of weight. *the weight of the unpacked product including all electrical & electronic accessories, but excluding batteries, non-electronic / non-electrical accessories, consumables, documentation and packaging that normally accompany the product.*
- **Criteria to discern “WEEE from private households” from “WEEE from user other than private households”**
See item 6 of this paper.
- **Different Segmentation by Type of Equipment (ToE) for the calculation of historical responsibilities**
We believe that stakeholders should strive for a situation in which the registers use the same (as simple as possible) classification of types of equipment, as well as common guidelines for ambiguous cases of this classification. This would not only simplify compliance for producers but would also increase the quality of the information and therefore facilitate the reporting of coherent and comparable data from Member States to the Commission.
- **Differences in content and frequency of reporting requested by National Registers leading to complexity in IT systems and unnecessary administrative burden**
We would like to see that all registers use the same set of data or registration form, as aligned as possible with the data reporting requirements from Member States to the Commission, and the same reporting frequency. The reporting frequency should be chosen so as to minimize workload but also take into account seasonality in sales and be high enough to ‘capture’ temporary market entrants. A quarterly reporting seems to fulfill all these criteria.
- **Uncertainty about the applied determination methods for calculating the rates of recovery, component, material and substance reuse and recycling.**
that in order to have a level playing field for the producers, who are responsible for keeping targets on recovery, component, material and substance reuse and recycling, a unified European determination method for calculating performance against those targeted rates is seen necessary."
- **Registration of foreign companies within the EU**
See section 0 of this paper.

Proposed way forward towards more harmonisation

We recommend to strongly encourage every step towards a harmonised EU registration process leading to harmonised national requirements and procedures, or even a single EU-wide registration body. The national registers should at least follow a coordinated approach towards registration and should regularly exchange their data.

We believe that it would be both appropriate and essential to involve the Registers in the discussion around the harmonization of (the processes of) those registers. At a conference on the subject of harmonization of registers held in February 2006 at INSEAD in Fontainebleau it became clear that there is willingness among the registers to discuss harmonizing their procedures. Moreover our members see that several authorities and registers are currently still struggling to set up registration procedures, cooperation could certainly help those organisations and foster harmonization.

14 Role of Reuse

Producers welcome the intent of the WEEE Directive to encourage greater reuse of electronic products. However we believe that attempting to measure reuse is very difficult and therefore inaccurate. Setting targets for reuse is consequently meaningless.

Research by Technical University of Vienna and HP² shows that it would be very difficult to apply reuse targets to IT in the waste stream. The economic viability of reuse diminishes rapidly with the age of ICT products. Storage by the first user reduces the resale potential of products even further. Most products that have been discarded through municipal waste collection points have little or no value and therefore cannot be reused. The amount of IT which is 'potentially reusable (following a visual inspection) is 2.86%. The amount of IT which is 'technically reusable' (it works) is 0.55%. This is attributed to the high proportion of CRT based products and ink based printers within the municipal waste stream, and also to the presence of partly dismantled laptops and PCs.

Storage and cannibalization decreases the financial viability of reuse. Products, particularly laptops and PCs, are often partially dismantled for data security and value recovery reasons. Hard disks are removed and destroyed to secure personal data. Other parts are cannibalized to be sold for spare parts. These products have no reuse potential. The research also revealed that social enterprises and refurbishment organisations can often over estimate the value of IT for reuse in the waste stream.

The need for data wiping, consumer guarantees, software licenses and testing adds cost and decreases the financial viability of reuse.

The UNU WEEE Revision Study did not support the introduction of reuse targets. The review of reuse targets for the Packaging Directive demonstrated that targets would be difficult to apply, and would not lead to environmental benefits.

A great deal of informal reuse is carried out by the consumer market through passing on products to family and friends, through classifieds ads, e-bay and other such mechanisms. All this happens before the end-user discards the product. It would be impossible to measure this level of activity in such a vast market.

² Dempsey, M. K. McIntyre, L-G. Scheidt, and M. Burke. 2008. The reuse potential of used consumer IT equipment: Lessons from the German implementation of the Waste Electrical and Electronic Equipment (WEEE) Directive. Submitted for publication in *Journal of Industrial Ecology*.

The dilemma with setting re-use targets for separately collected WEEE, is that, for it to be counted, the item must have entered the waste stream. A requirement to meet re-use targets, may force Member States to introduce measures which have an overall negative environmental impact, by pulling reusable items into the waste stream earlier than they would have done. Any proposal to introduce re-use targets for WEEE, on the assumption that this will automatically result in reducing environmental impacts, needs to be tested before it incorporated in EU legislation.

Next to these difficulties in reporting there are also very concrete problems with the current definition of reuse. A product classified as waste is subject to regulatory requirements concerning (a) Storage and (b) potential trans-boundary movement across the Member States. As a result of the classification, the easier option or greater motivation is often to recycle products as opposed to the original intention of Re-Use of product for its original purpose.

Alternatively if returned EEE is to be classified as waste, we would support lighter procedures (for movement, transport, storage and trans-boundary transfer) concerning WEEE sent for reuse / or WEEE that is likely to be reused. This would assist in driving up the Re-use

Problems created by the ‘waste’ classification for WEEE:

- **Storage:**__The distributors/resellers/producers who take back WEEE (1 for 1, or general obligation to take-back) have under other local regulations the obligation to use a special storage space and to act under special storage authorizations. In some countries, like France, each storage site needs to hold a valid administrative authorization, awarded regionally and only after a burdensome application (as they are then considered to be “*installations classées pour la protection de l’environnement*”). Not many Member States have made these procedures lighter/easier for small volumes of WEEE nor have they taken into account the fact that each site/shop/ gathering site would be considered as storage space for waste. The UK is also requesting waste management licenses prior to any such storage, which depending on the volume take-back/gathered by the producer, has to be requested or declared before any WEEE is accepted. Producers are in effect faced with regulations on waste that go beyond the WEEE Directive, and this creates unnecessary challenges in the compliance process.
- A possible alternative could be to recommend that any 1 for 1 return or any individual pick-up of WEEE (containing non-hazardous substances) at least is partially exempted from temporary storage and waste transport rules, so as to allow for consolidation of the WEEE at a larger (authorized) waste collection or disposition site, or for longer. Or that lighter procedures are allowed, particularly for companies who want to encourage returns by launching “one-off” WEEE days.
- **Transport:** Waste transport licenses are necessary as soon as the returned equipment are classified as waste: This is likely to prevent effective implementation of the producer (and reseller/distributor) obligation to accept one for one take back as companies have to contract authorized waste transporters and this often does not allow for an integration into existing return logistics solutions. This is particularly burdensome when products are collected with a view to reuse.

Definition of what should be classified as reuse:

There should be no distinction between the re-use of products and components. The difference between what’s reused as a whole and reused as component(s) or sub-component(s) is difficult to track and can impose huge business and overhead costs especially for small businesses. Differentiating is extremely difficult to implement, and likely

to end up in lower reuse rates. Also, with regard to reporting, some national registers combine recycling, re-use and recovery targets, which causes confusion and does not allow for comparing figures across the EU. This definition requires more clarity as a result.

Reuse Targets:

Current Asset Recovery or incentives for return programs highlight that it is extremely difficult to get all or in some cases any product back. Setting target on reuse will not change the end-user behaviour. In certain cases the products are already being re-used elsewhere but not coming back to the producers, as the grey market and ebay and brokers etc are already greatly used as reuse routes.

The producer has little control over what comes back to him and should not be subjected to heavy or unachievable re-use or collection targets. No producer can bind its customers to return the products to the producer. These products may still have value and customers may use their own brokers for reuse as they still have legal ownership and control of the products even at end of life. As these brokers are not under the control of producers it is impossible to get a good overview of the number of products being reused. Another challenge is how to capture information of parts processed and reused by asset companies.

Reuse to the social/charitable economy sector (*Philanthropy*): It is our opinion that this specific area for encouraging re-use of products is hampered by the producer responsibility rules still remaining with producers. The definition of a product as waste is a barrier in itself. There might still be liability issues with the entity who holds WEEE (classified as waste) as it remains responsible for ensuring that the waste does not have any negative consequences to people or the environment. Reuse by donations is also potentially discouraged from a VAT perspective because it costs more, this kind of external tax circumstances does hamper reuse (depending on the countries: an issue in the Netherlands for instance).

Legal implications

There may be legal implication that need to be considered if waste left in a collection point by a consumer on the understanding that the product is going to be recycled, subsequently gets re-used and the original product owners data has not been erased.

Annex 1 Scope

Specific Example: Semiconductor components

The applicability of the WEEE Directive to a particular product depends on whether that product is considered to be “electrical and electronic equipment (EEE)” as defined in Article 3 of the Directive.

Current state:

The applicability of the Directive to component products is unclear in some Member States. Further clarification is needed in Article 2 or 3 regarding the applicability of the Directive to component products. Some Member States are using criteria such as how a component product is sold in order to determine whether a component product is within the scope of the Directive. This practice conflicts with the intent of the Directive which focuses on the characteristics of a particular product to determine whether it is in scope.

Problem statement:

The definition of electrical and electronic equipment or EEE in article 3(a) is unclear and needs to be revised. Semiconductor components and products are not in the scope of the WEEE Directive and the national implementation legislation of this Directive. Examples of such component products include development boards, motherboards, memory cards and modules, processors and microprocessor cards, graphic cards, PC plug-in cards, network interface cards, internal drives, power supply units, and electromechanical components.

Main supporting arguments:

Component products are not EEE and the concept of EEE shall be interpreted according to the Commission EMC guidelines as applying only to equipment having a direct function (EC FAQ: finished products are defined as ‘those with a direct function’). Despite certain comments in the EC FAQ that suggest that certain component products have a direct function (e.g., microprocessors and motherboards), such products have no direct function until they are incorporated into a final product. The intent of the WEEE Directive is to improve the management and recycling of WEEE. Such goals are very different from those of the EMC guidelines and can only be accomplished at the final product level.

The language of the Directive supports this approach. Article 3(b) defines components that are part of the product at the time of discarding as WEEE. Although not directly stated, this language implies that components would not be subject to the requirements of the Directive until they are incorporated into a final product. The language from the original proposal for the WEEE Directive more clearly expressed this intent as follows: “The provisions regarding waste electrical and electronic equipment apply **only** to components, sub-assemblies and consumables **when** these materials are part of the product at the time of discarding. (Emphasis added)” (See p.28, Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment/Proposal for a Directive of the European of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment, June 13 2000).

Proposed Solution:

Revise the EC FAQ to indicate that component products are not within the scope of the Directive unless and until they are incorporated into a final functional product regardless as to the method of sale of such components. Add clarifying language in Article 2 or 3 that the Directive applies only to

final products and revise the definition of EEE to indicate that **EEE means finished equipment (final end product) with a direct function** that is dependant on electric currents. Language should also be added to clarify that component parts sold individually for upgrade or repair are not in scope. Since reuse/recycling occurs at the finished product level, the method of sale of individual components should not be relevant in determining whether a product is in scope.

The UNU report discusses this issue in detail and concluded that adding parts [components] into the scope of the Directive would have low environmental effectiveness since the current scope already includes most relevant products and could potentially complicate matters by treating components differently when sold individually versus when sold to OEMs (see Table on p. 243 of UNU Report).

Specific examples are provided below to illustrate the complexity and inefficiency of trying to regulate WEEE at the component level.

Example 1: A consumer purchases a desktop computer from a computer manufacturer. At some point, the consumer decides to upgrade the computer and purchases a new microprocessor and additional memory each branded by a different company. Under the position of some Member States, the old microprocessor and old memory would not be labeled since they were sold to a computer manufacturer who manufactured and registered the desktop unit itself; however, the new microprocessor and new memory would need to be labeled/registered because such components presumably have some "direct/independent function." This makes no sense. Whether a particular component is in scope should not be dependent on how the product is sold.

Now the consumer is ready to dispose of the computer described above and takes the desktop box to a recycling center. Is the entire weight of this unit attributed to original computer manufacturer or is the recycler supposed to open up the box to see if there are any individually-labeled components? Are the component manufacturers responsible for the recycling costs for the new processor and memory, but not the old motherboard since the motherboard was part of the original unit?

Example 2: A consumer decides to build a computer and purchases all of the components, including a generic chassis, through a distributor. There is no marking or branding on the chassis. What happens when this unit enters the recycling system? Are individual components attributed to each component manufacturer? What about components that are not labeled because they do not have any independent function even under the broadest concept of direct/independent function.

Example 3: Same as Example 2 except the chassis manufacturer has its brand name on the chassis. Same questions as above regarding allocating recycling costs.

Specific Example: Medical equipment

The interpretation of the scope of category 8 by WEEE registration bodies in EU Member States is not consistent. Many companies do not know in which category their product falls.

Useful and recognised definitions of "medical devices" are given in the Active Implanted Medical Device Directive (90/385/EEC), the Medical Devices Directive (93/42/EEC) and the in-vitro medical Devices Directive (98/79/EC). Producers are familiar with these Directives. The WEEE

Directive does not refer to any of these three Medical Device Directives to define category 8 "Medical Devices". Industry suggests to define WEEE Category 8 as "Equipment that meets Article 3(a) of the RoHS Directive AND is within the scope of Directives 90/385/EEC, 93/42/EEC or 98/79/EC".

Furthermore the meaning of "infected products" in the title for Category 8 in the Annex IA and IB is unclear. Industry suggests to use the term "microbial contaminated products" instead of "infected products".

The current list for Category 8 "medical devices" in the Annex to the Directive is unclear because not all the listed "products" are real medical devices, such as e.g. Cardiology, Nuclear medicine. Industry suggests to use the names defined by the Global Medical Device Nomenclature (GMDN) system.

Annex II article 11

EICTA, CECEC and EERA Joint Position Guidance on implementing article 11 of Directive 2002/96 (EC) concerning information for treatment facilities

Producer:	<company name, other on addressing the producer>
Scope of information sheet:	< product category as in Annex IA of WEEE Directive, or type of equipment as in Annex 1B of WEEE Directive, or producer's Product Family, or single products identified by brand and model name >

Component or Material	Remarks / Location
Battery (internal *) containing Mercury (Hg)/ NiCad/Lithium/ Other	↓
Backlighting lamps of LCD/TFT or similar screens containing Mercury (Hg)	
Mercury (Hg) in other applications**	↓
Cadmium**	
Gas discharge lamps	
Plastic containing brominated flame retardants other than in Printed Circuit Assemblies ***	
Liquid Crystal Displays with a surface greater than 100 cm ²	
Capacitors with PCB's	↓
Capacitors with substances of concern**** + height > 25 mm, diameter > 25 mm or proportionately similar volume	↓
Asbestos	
Refractory ceramic fibres	
Radio-active substances	
Beryllium Oxide	↓
Other forms of Beryllium	
Gasses - which fall under Regulation (EC) 2037/2000 and all hydrocarbons (HC).	<type of gas, properties, volume and/or weight> ↓
Components with pressurised gas which need special attention (Pressure > 1,5 bar) *****	<type of gas, pressure level, discharge method> ↓
Liquids ***** if volume > 10 cl (or equivalence in weight, e.g. for PCB, oil...)	<type of liquid, discharge method> ↓
Mechanical components that store mechanical energy (i.e. springs) or equivalent parts which need special attention ***** (diameter > 10 mm and height > 25 mm or proportionally similar volume and expanding)	↓

↓ = arrow indicates the need for the location of the compartment/ substances within the product. When the location of a substance/ components is requested, it is at part level, e.g. main board, housing etc

* Internal means that batteries can only be removed by opening the product by means of (a) tool(s).

EICTA MEMBERSHIP

About EICTA:

EICTA, founded in 1999 is the voice of the European digital technology industry, which includes large and small companies in the Information and Communications Technology and Consumer Electronics Industry sectors. It is composed of 59 major multinational companies and 41 national associations from 29 European countries. In all, EICTA represents more than 10,000 companies all over Europe with more than 2 million employees and over EUR 1,000 billion in revenues.

The membership of EICTA:

Company Members:

Adobe, Agilent, Alcatel-Lucent, AMD, Apple, Bang & Olufsen, Brother, Canon, Cisco, Corning, Dell, EADS, Elcoteq, Epson, Ericsson, Fujitsu, Hitachi, HP, IBM, Infineon, Ingram Micro, Intel, JVC, Kenwood, Kodak, Konica Minolta, Lexmark, LG Electronics, Micronas, Microsoft, Motorola, NEC, Nokia, Nokia Siemens Networks, Nortel, NXP, Océ, Oki, Oracle, Panasonic, Philips, Pioneer, Qualcomm, Research In Motion, Samsung, Sanyo, SAP, Sharp, Siemens, Sony, Sony Ericsson, STMicroelectronics, Sun Microsystems, Texas Instruments, Thales, Thomson, Toshiba, UMC, Xerox.

National Trade Associations:

Austria: FEEL; **Belarus:** INFOPARK; **Belgium:** AGORIA; **Bulgaria:** BAIT; **Cyprus:** CITEA; **Czech Republic:** ASE, SPIS; **Denmark:** ITEK, IT-Branchen; **Estonia:** ITL; **Finland:** FFTI; **France:** ALLIANCE TICS, SIMAVELEC; **Germany:** BITKOM, ZVEI; **Greece:** SEPE; **Hungary:** IVSZ; **Ireland:** ICT Ireland; **Italy:** ANIE, AITech-ASSINFORM; **Latvia:** LIKTA; **Lithuania:** INFOBALT; **Malta:** ITTS; **Netherlands:** ICT-Office, FIAR; **Norway:** ABELIA, IKT Norge; **Poland:** KIGeIT, PIIT; **Slovakia:** ITAS; **Slovenia:** GZS; **Spain:** AETIC, ASIMELEC; **Sweden:** IT Företagen; **Switzerland:** SWICO, SWISSMEM; **Turkey:** ECID, TESID, TÜBISAD; **Ukraine:** IT Ukraine; **United Kingdom:** INTELLECT.