

Brussels, 22 September 2017

**Directive 2012/19/EU (WEEE):
Draft Implementing Regulation on registration and
reporting of producers of EEE and the frequency of
reporting to the register**

In view of the upcoming stakeholder meeting on Directive 2012/19/EU (WEEE) on 29 September 2017, we would like to provide the following joint observations on the Draft Commission Implementing Regulation on registration and reporting of producers of EEE and the frequency of reporting to the register.

We thank the European Commission for the invitation to comment on the Draft Implementing Regulation on registration and reporting of producers of EEE and the frequency of reporting to the register released on 27 July 2017.

Since the first WEEE Directive, which entered into force in 2003, Member States have transposed and implemented the requirements related to registration and reporting differently, thus creating significant administrative burden for companies that operate in several Member States.

We welcome this Draft Implementing Regulation and support the objective of Article 16(3) of Directive 2012/19/EU (WEEE) and ongoing implementation work towards harmonising registration and reporting procedures and frequencies. Establishing a harmonised format for registration and reporting, as well as a common understanding on the frequency of reporting to the register, can contribute to cutting unnecessary administrative burden and costs while support delivering on the environmental objectives of the WEEE Directive.

We also welcome the fact that the Draft Commission Implementing Regulation in its present form covers producers, or authorised representatives where appointed under Article 17 of Directive 2012/19/EU, or third parties acting on their behalf. Regarding “third parties acting on their behalf”, we recommend that, when collective compliance schemes report data on behalf of their producers, these data are always aggregated data for their schemes’ members, and not individual data per producer.

Orgalime, the European Engineering Industries Association, speaks for 41 trade federations representing the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs nearly 11 million people in the EU and in 2016 accounted for some €2,000 billion of output. The industry represents over a quarter of the output of manufactured products and over a third of the manufactured exports of the European Union.

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We, however, suggest the following improvements to the Draft Implementing Regulation:

1. ARTICLE 5.1, paragraph 1 on the frequency for reporting to the register on data related to EEE placed on the market:

We do not support the proposed quarterly frequency of reporting.

Article 16.4. of the WEEE Directive stipulates that “*Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported, by weight*”. Therefore, the Implementing Regulation should foresee an **annual frequency for reporting** and the revised text should read as follows: “*in accordance with the format provided for in Annex II, **on an annual basis***” instead of “*every three months*”.

In addition, the following remarks also support our recommendation:

- The proposed quarterly frequency of reporting to the register will affect current practices in the majority of Member States (2/3) where reporting is currently done on an annual basis. We recommend harmonisation to reflect this reality and be built on existing national practices¹.
- The proposed quarterly frequency reporting instead of annual reporting will mean a significant additional administrative burden, not only for Member States, but also indirectly for producers –including many SMEs - that currently report on an annual basis via their individual system or their collective schemes. It is expected that the number of declarations would be multiplied by 4 and that, as a result, there would be significant additional costs for producers and their collective schemes.
- The reporting period for both, EEE and WEEE, should be aligned (according to Article 5.2 of this Draft Implementing Regulation, data related to WEEE are reported on an annual basis).
- Last but not least, we do not see the added value of the proposed shorter reporting frequency from an environmental point of view.

2. ARTICLE 5.1, paragraph 2 on the frequency for reporting:

We recommend that the report of the data related to EEE should be made available to the Register **within [4] months of the end of the reporting year**, instead of the proposed 15-20 days of the three-months period covered by it.

- The proposed 15-20 days cannot be implemented in practice because the same delay of 15-20 days already applies in most cases today for producers to report to their collective schemes.
- The reporting period for both, EEE and WEEE, should be aligned (according to Article 5.2 of this Draft Implementing Regulation, data related to WEEE have to be reported within [6] months).
- Finally, we remind that Article 16.5 of the WEEE Directive requires Member States to summarize all data for a period of three years and to report to the Commission within nine months following this three years period.

¹ According to the **Commission «Study on harmonisation of the format for registration and reporting of producers of Electrical and Electronic Equipment (EEE) to the national register and on the frequency of reporting»** (Trasys, final version v1.2, January 2016) - see pages 42 to 47:

- **2/3 of Member States currently report annually:** Austria (for non-household WEEE), Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Germany (or non-household WEEE), Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia and Sweden.
- **1/3 of Member States currently report monthly or quarterly or every 6 months:** Austria (for household WEEE), Bulgaria, Germany (for household WEEE), Hungary, Estonia, Ireland, Latvia, Norway, Slovenia, Spain and UK.

3. ANNEX I - Format for registration in a Member State – Part A format for registration of a producer:

- **Type of EEE (private household EEE or other than private household EEE):**
We recommend that this information element should be marked as voluntary “M*” instead of mandatory “M” to avoid significant additional administrative burden for producers in those countries where it is not already a requirement.
 - Producers are not required by all Member States to report private household and other than private household EEE separately, due to the fact that there is no differentiated service provided by the respective WEEE schemes.
 - We question the relevance of collecting data at such a detailed level and doubt that these would be used or be useful for most Member States.
- **Brand name of EEE:** despite being required by the WEEE Directive (Annex X Information for registration and reporting referred to in Article 16), several Member States are today not requiring such information. Indeed, one can doubt the added value of this information requirement.
- **Distance selling:**
 - The proposed information element “*the producer uses distance selling technique to sell EEE directly to private householders or to users other than private household to another member state*” goes beyond the requirements of the WEEE Directive (Annex X Information for registration and reporting referred to in Article 16). We would like the Commission to clarify why “*to another member state*” has been added.
 - The proposed information element “*name of the authorised representative in the Member State(s), in which the producer sells EEE by distance selling*”, seems irrelevant for registration purposes.
 - However, we could support the intention of the above newly proposed requirements provided that the national registers will indeed exchange information between them and use this information for monitoring purposes. We would welcome information on what the Commission is planning to do to ensure that Member States will effectively implement Article 16.2(d) of WEEE (“*national registers provide links to other national registers on their website to facilitate, in all Member States, registration of producers or, where appointed under Article 17, authorised representatives*”)

4. ANNEX I - Format for registration in a Member State – Part B format for registration of an authorised representative:

- **Type of EEE (private household EEE or other than private household EEE):**
we raise the same comments as for Annex I Part A (see above).
- “**Brand name of EEE**”: we raise the same comment as for Annex I Part A (see above).

5. ANNEX II – Format for reporting to the register of a Member State on EEE placed on the market

- Quantity of EEE placed on the market of the Member State (in kg) **per type of EEE (private household EEE or other than private household EEE)**: we raise the same comments as for Annex I Part A (see above).