



ORGALIME POSITIONⁱ
concerning
the marking requirements
of article 10(3) and article 11 (2) of Directive 2002/96/EC (WEEE)

Brussels, 13 May 2003

Orgalime speaks for 32 trade federations representing some 130,000 companies in the mechanical, electrical, electronic and metalworking industries of 21 European countries. These industries employ some 7.3 million people and account for 1200 billion Euro of annual output, which is over a quarter of the EU's output of manufactured products and a third of the manufactured exports of the European Union.

1. Introduction: What are the marking requirements of Directive 2002/96/EC?

According to article 10/3 and article 11/2 of the Directive 2002/96/EC on waste electrical and electronic equipment (WEEE), producers will have to mark their products from 13 August 2005 onwards in order to meet three purposes:

- a) Avoid that WEEE enters the municipal waste stream by using the mark of a crossed out wheeled bin (art. 10/3, annex IV)
- b) Specify that an appliance was put on the market after 13 August 2005 and therefore, ensure that it is possible to distinguish “historical” from “new” waste EEE (art. 11/2)
- c) Identification of the producer of an EEE put on the market after 13 August 2005 (art. 11/2).

At present, no specific mark exists, which would indicate both, the producer who put an appliance on the market and the date on which this was done. Following a mandate from the European Commission based on article 11/2 of the WEEE directive, the European Standardisation Bodies will be requested to elaborate such a harmonised standard.

However, the symbol of the crossed out wheeled bin as specified in annex IV of directive 2002/96/EC, has already been required by directives 91/157/EEC and 93/86/EEC for products using batteries that contain dangerous substances and for marking of such batteries, as well as for small chemical waste in the Netherlands.

2. Crossed out wheeled bin and placement on the market
(objectives 1.a and 1.b)

Orgalime believes that the requirement of preventing WEEE from entering the municipal waste stream (art.10/3) and the requirement of marking an appliance to certify that it represents a “new appliance” (art. 11/3) could be fulfilled by one single mark, namely the crossed out wheeled bin adding a reference to Directive 2002/96/EC in a footer:



2002/96/EC

This combined symbol, which would have to be put on the appliance, would provide a realistic solution for most products.

For exceptional cases, however, where this is necessary because of the size or the function of the product, Orgalime believes that the combined symbol may not form the most practical solution. Therefore, in such cases, the possibility of printing the crossed out wheeled bin on the packaging as spelled out in article 10/3, should be considered as an alternative.

3. Producer Identification (objective 1.c)

Orgalime believes that there is no obvious way, and not necessarily only one single way, to determine how to identify a producer.

Therefore, any mandate for the harmonised standard should follow a flexible approach taking into consideration the following thoughts:

The identification of the producer might be achieved through using a harmonised code or barcode on the appliance or product.

To our mind, a “mark on the appliance to ensure identifiability of the producer” should not be interpreted either as a new mnemonic, symbol, sticker or label, or the brand name of the product.

Orgalime doubts that the brand identification in combination with the producer declaration is sufficient for the purpose of directive 2002/96/EC, which aims at traceability of all products to the producer, who has put it on the market. Given the producer definition of the WEEE directive, this could either be the manufacturer or the importer.

To our mind, producer identification needs to be considered on two different levels:

- (1) the data content, and
- (2) the technical vehicle carrying the product identification (bar code, electronic transponder, smart tag...).

Furthermore, marking cannot solely rely on a voluntary industry specification, self-declaration or private solutions, otherwise a common basis for market surveillance and enforcement cannot be guaranteed. Therefore, Orgalime suggests publishing a harmonised reference in the Official Journal of the European Union.

Orgalime supports a transparent process whereby solutions for producer identification are developed by involving the manufacturing industry, in particular as the directive covers an enormous range of products where particularities (such as size, unit costs, etc.) need to be considered.

Finally, Orgalime believes that the introduction of independent marking requirements by member state authorities should be prevented. We do believe that a solution for the internal market is needed as goods circulate freely and are not necessarily sold and disposed of in the same member state.

4. Concluding remark

However, in view of the fact that producers will need some 9 months advance notice before products should comply with marking requirements to put the standard into practice, Orgalime urges the Commission and standardisation bodies to agree on a more appropriate time table.

ⁱ This position is supported by **CITEF**, the Association of European Electricity Meter Manufacturers.