

## WEEE DIRECTIVES I & II

### Directive 2002/96/CE (WEEE I REPEALED)

Directive 2002/96/CE relating to waste electrical and electronic equipment came into force on 13 February 2003 and had to be adopted by Member States by 13 August 2004.

Its purpose was to prevent the waste of this type of equipment, and to promote their re-use, recycling and other forms of revaluation so as to reduce the quantity of waste that had to be disposed of. The Member States had to set up a collection system.

#### Scope

The WEEE directive applies to the following electrical and electronic equipment:

- Large and small household appliances
- IT and telecommunications equipment
- Consumer equipment
- Lighting equipment
- Electrical and electronic tools (except fixed industrial plant)
- Toys, leisure and sports equipment
- Medical devices (except fixed and infected products)
- Monitoring and control instruments
- Automatic dispensers

#### Financing

Since 13 August 2005, the collection, treatment and recycling of this type of household appliances has had to be financed by the manufacturer.

The manufacturer is responsible for financing the disposal of any product put onto the market after 13 August 2005. They must guarantee that financing is provided. The guarantee can take the form of the manufacturer taking part in an approved financing scheme, recycling insurance or a guarantee linked to a bank account.

For waste originating from products put on the market before 13 August 2005 (historic waste), the management costs are covered by the manufacturers (according to the respective market share for each type of equipment).

Collection systems vary greatly from one Member State to another.

#### Marking electrical and electronic equipment

The manufacturer must affix the following pictogram on electrical and electronic equipment put onto the market after 13 August 2005 in such a way that it is visible, legible and indelible:



## Directive 2012/19/EU (WEEE II)

**The main changes introduced by directive 2012/19/EU are the following:**

From 2019, 85% of electronic waste produced will have to be collected separately in the EU.

The new directive on waste electrical and electronic equipment (WEEE) came out on 24 July 2012 in the EU's *Official Journal*. It repealed directive 2002/96 with deferred effect from 15 February 2014 and allowed for a transitional period. Its final purpose? 20 kg of WEEE per inhabitant are to be collected separately each year by 2020.

WEEE represents one of the waste flows that is increasing the fastest. *"This waste offers sizeable opportunities for putting secondary raw materials onto the market"*, highlights the Commission. *"The systematic collection and suitable treatment of this waste constitutes a condition prior to the recycling of materials such as gold, silver, copper and rare metals present in used televisions, laptop computers and mobile telephones."*

### WEEE II: increased collection targets

The directive introduces a collection target of 45% of electronic equipment sold from 2016. From 2019, this target will rise to 65% of equipment sold or 85% of electronic waste produced. The Member States will be able to choose one of these two counting methods for measuring their progress with regard to the target.

*"Some Member States are likely to be exempt from the new targets for a limited period, where this is justified by a lack of the necessary infrastructure or a low electronic equipment consumption level"*, states the Commission.

Just a third of the EU's WEEE is currently collected separately. The current collection target is 4 kg of WEEE per inhabitant per year. The target for 2020, considered as *"ambitious"* by the Commission itself, is the separate collection of 20 kg of this waste per inhabitant per year.

The directive also provides for **the obligation to collect small-size WEEE free of charge** (less than or equal to 25 cm) in retail stores that have sales areas used for EEE that is at least 400 m<sup>2</sup>, or in the immediate vicinity.

### Scope of WEEE II

In addition, from 2018, the directive's scope will be extended to all categories of electronic waste, subject to an impact analysis beforehand: photovoltaic panels, equipment containing substances harmful to the ozone layer and fluorescent lights, **with the exception of some specifically excluded families of equipment.**

In any case, the Member States will have to adopt the new directive into their national legislation before 14 February 2014. Consumers will then be able to return their small waste electronic equipment to major retailers, unless the existing alternative systems have shown that they are at least as efficient.

## Combating illegal exports

The new directive also provides for a harmonisation of the requirements relating to recording and drawing up links on a national scale.

It finally gives Member States the means to combat illegal waste exports more efficiently. *“The illegal transfer of WEEE constitutes a serious problem, in particular where it is presented as the legal transfer of used equipment with the purpose of circumventing the rules applicable to the treatment of the EU’s waste”*, reveals the Commission. Exporters will now have to verify whether the equipment is in working order and provide documents on the type of transfers suspected of being illegal.

This *“reversal of the weight of proof”* compared to existing legislation will apply from the date the directive is adopted into the national law.

## Arrangements in force in Switzerland

In Switzerland, it is the order **on waste treatment (OTD)** that regulates the disposal of waste. It is currently being completely revised in order to respond to the requirements of modern waste management. It relates to amendments dictated by the social, economic and technical changes that have occurred over the last twenty years. This overhaul will finalise the amendments being made currently to the law on protecting the environment, which constitutes the legal basis for implementing a green economy. The DETEC started the consultation process relating to the revision of the OTD in July 2014.

The order on waste treatment (OTD) must be completely revised in order to include the changes that have occurred over the last few decades and will allow Switzerland to face new challenges in waste management. The current order dates from 1990 and regulates the disposal of waste. The overhaul will finalise the amendments being made currently to the law on protecting the environment (LPE), which aims to set up the green economy in Switzerland.

## **Main targets for the revision to the OTD**

The revised OTD must set the bases for:

- A sustainable use of raw materials, whether they are renewable or not.
- A reduction in the environmental pollution.
- A reduction in the consumption of raw materials, by better closing out the lifecycle of materials, whilst removing pollutants.
- An environment-friendly disposal of all waste.
- A greater reduction of pollutant emissions into the environment, where this is possible from a technical point of view, and sustainable from an economical point of view.
- A guarantee that the disposal is safe.

In order to reach these targets, the OTD now also regulates the disposal of biowaste, sets general requirements that all waste disposal installations must satisfy (see information sheet 1 “Main amendments to the OTD”) and states the methods for recycling waste in cement works (see box 2). Guaranteeing that the disposal is safe implies recycling, treatment and storage of waste that is environment-friendly, as well as sufficient supplies, to which the collection and transport systems are added. These operations must all be oriented towards the needs and be efficient from an economic point of view.

## **Maintaining the monopoly on waste disposal for most of all business waste**

The Fluri motion (11.3137 “No complete liberalisation of the business waste market”) adopted in March 2014 by the Swiss parliament is implemented at the same time as the revision to the OTD. It means that urban waste originating from small- and medium-size businesses - which represent the largest number of businesses - will remain subject to the State’s monopoly on waste disposal (see information sheet 2 “Fluri motion: maintaining the State’s monopoly for most of all business waste”)

The complete revision of the OTD calls for changes to a whole series of orders (see information sheet 1). The DETEC started the consultation process relating to the revision of the OTD on 10 July 2014. The deadline for responses was set at 30 November 2014.

## **WEEE**

### **EU Legislation**

- [Directive 2002/96/EC relating to waste electrical and electronic equipment \(WEEE REPEALED\)](#)
- [Directive 2012/19/EU of 4 July 2012 relating to waste electrical and electronic equipment \(revised\) \(WEEE II\)](#)

### **Adoption into the national legislation of Member States**

- [National provisions adopted pursuant to the Directive 2002/96/EC \(DEEE I, repealed\)](#)
- [National provisions adopted pursuant to the Directive 2012/19/EU \(DEEE II\)](#)

### **European Commission portal on WEEE**

- [http://ec.europa.eu/environment/waste/weee/index\\_en.htm](http://ec.europa.eu/environment/waste/weee/index_en.htm)

### **Others**

- [WEEE Forum](#)

## **In Switzerland**

### **Federal authority responsible for these matters**

Federal Office for the Environment OFEV  
Waste and raw materials division  
Tel:+41 58 462 93 80  
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[waste@bafu.admin.ch](mailto:waste@bafu.admin.ch)  
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<http://www.bafu.admin.ch/org/organisation/00151/index.html?lang=en>

## Legal information

- Order on the reduction of hazards linked to chemical products, ORRChim  
<http://www.admin.ch/opc/fr/classified-compilation/20021520/index.html>
- Information page on the OTD revision  
<http://www.bafu.admin.ch/abfall/02202/12658/index.html?lang=fr&msg-id=53741>

## Recovery and recycling organisations (guide only)

- [Swiss Recycling : Legal standards](#)
- [SENS Foundation for waste management and recovery](#)
- [Swico Recycling](#)

***For any questions on these directives, especially on the contact address for the various collect and return systems, our [ExportHelp](#) department is available to help you.***

*For any further information:*

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