

Explanatory notes

I. General

1 Introduction

The Regulations on Waste Electrical and Electronic Equipment (hereafter: the Regulations) are an implementation of Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJEU 2012, L 197) (hereafter: the Directive). In practice, this directive is also often referred to as the 'WEEE Directive', after its English abbreviation.

The purpose of this Directive is to contribute to the sustainable production and consumption of electric and electronic equipment. In the first place, this takes place by preventing the creation of waste electrical and electronic equipment. Re-use, recycling and other forms of recovery of such wastes are also promoted so as to reduce the quantity of waste to be disposed of and to contribute to the more efficient use of resources and the retrieval of valuable secondary raw materials. The Directive also seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, e.g. producers, distributors and consumers and, in particular, those operators directly involved in the treatment of waste electrical and electronic equipment. This Directive takes the place of Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJEU 2003, L 37). This old directive (hereafter: the Repealed Directive) was implemented in the Waste Electrical and Electronic Equipment (Management) Decree and the Waste Electrical and Electronic Equipment (Management) Regulations based thereon (hereafter: the Repealed Regulations).

2 Amendments with respect to the Repealed Directive

The Directive has much in common with the Repealed Directive. The essence remains that producers of electrical and electronic equipment must be responsible for the collection and treatment of waste electronic equipment. For instance, to this end the Repealed Directive already provided for the introduction of collection schemes which allowed consumers to hand in their waste electrical and electronic equipment at no cost. The aim of this was to prevent hazardous substances in waste electrical and electronic equipment from causing damage to public health and the environment. The Repealed Directive also sought to ensure that more products and materials would be re-used and recycled. The (new) Directive takes a clear step forward in terms of environmental protection and gives a powerful boost to more efficient use of resources in the European Union.

The key amendments with respect to the old directive are:

- the harmonisation of reporting requirements in Europe;
- the step-by-step expansion of the scope to include all waste electrical and electronic equipment;
- the clarification of a number of definitions;
- the expansion and clarification of producers' obligations and responsibilities.

The key substantive amendments are briefly explained below.

Collection target

The collection target of the Repealed Directive stipulated that an average of 4 kilograms of separately collected waste electrical and electronic equipment per inhabitant must be collected per year. This target was amply achieved in the Netherlands. In 2012, just over 8 kilograms per inhabitant was separately collected. The Directive increases the collection target in phases. From 2016 onwards, every Member State will have to ensure that at least 45% of the electrical and electronic equipment sold in that Member State and which falls

within the scope of the Directive is collected. From 15 August 2018 onwards, the scope of the Directive will furthermore be expanded to include all electrical and electronic equipment. From 2019 onwards, the collection rate mentioned above is increased to 65% of the average weight of electrical and electronic equipment sold or an alternative standard of 85% of the quantity of waste electrical and electronic equipment generated in the territory of the Member State. Each year, a Member State can choose according to which of these two equivalent standards it will report. For more information on this choice, see the answer to question 1.25 in the European Commission's 'frequently asked questions' document (hereafter: the FAQ document).¹

Based on current insights, it is expected that from 2016 onwards, approximately 12 kilograms and from 2019 onwards, approximately 17 kilograms will have to be collected separately per inhabitant per year in order to be able to achieve the Directive's target. In the coming years, the quantity of waste electrical and electronic equipment collected will therefore have to more than double. As far as the calculation of the collection rate of a particular year is concerned, it should be pointed out that for the quantity of electrical and electronic equipment put on the market, the average must be taken of the quantity of equipment put on the market from the three years prior to the reporting year. This arises under Article 7 (1) of the Directive and is provided for in section 10 of the Regulations.

Preventing illegal export

On grounds of the Directive, Member States have better instruments for more effectively preventing the illegal export of waste. Illegal export is a serious problem, especially if the EU waste processing regulations are circumvented. This occurs for instance by pretending when shipping waste outside the borders of a Member State that the items are second-hand equipment rather than waste electrical and electronic equipment. On grounds of Annex VI to the Directive, exporters of second-hand equipment are required to test in advance whether the equipment works and they must provide documents on the nature of the shipments. This prevents waste from wrongly being labelled and exported as second-hand equipment.

Administrative burdens

Another improvement under the Directive is the reduction in the administrative burdens. The main contribution to this reduction results from the harmonisation of national registration and reporting requirements. This harmonisation also has the advantage for producers that the national registers of the Member States are more consistent with each other. The administrative burdens can vary by Member State. For an explanation of the Dutch situation, see section 7 of these explanatory notes.

Increase in collection points

Retail shops with sales areas for electrical and electronic equipment of at least 400 m² are required to set up a collection point for small waste electrical and electronic equipment (no external dimension more than 25 cm). Consumers can return small devices to these larger retail shops at no cost, without having to purchase any new equipment.

3 Implementation approach

Producer responsibility

This Directive, like the Repealed Directive, is based on the starting point that producers are responsible for the collection and treatment of electrical and electronic equipment they have put on the market. The Directive explicitly gives producers the possibility of deciding whether they will fulfil this responsibility individually or collectively. They must report their choice to a designated authority in accordance with Part A of Annex X to the Directive.

¹See: http://ec.europa.eu/environment/waste/weee/events_ weee_en.htm.

On grounds of Part B of Annex X to the Directive, producers are also required to report on the quantity of electrical and electronic equipment they have put on the market and the quantity of waste electrical and electronic equipment they have collected, recycled (which includes preparation for re-use), recovered or disposed of on the basis of their producer responsibility.

Preparation for implementation

In order to do justice to European harmonisation in relation to waste electrical and electronic equipment, the Directive has been transposed in the Regulations as strictly as possible. The text of the Directive has been adhered to as closely as possible and the manner of implementation of the Repealed Directive has been followed as much as possible. In preparing the Regulations, extensive consultation took place with the relevant sector organisations of producers and treatment operators of waste electrical and electronic equipment. This resulted in, among other things, agreements on:

- proper treatment;
- the registration of quantities of electrical and electronic equipment put on the market and the treatment of waste equipment;
- reporting and monitoring.

In the preparations for these Regulations, producers and waste treatment operators indicated that they felt it was important that the collection, transport and treatment by the various parties take place transparently and similarly. It emerged that leakage can arise at collection stations and during the transport of collected equipment. Consequently, the waste electrical and electronic equipment sometimes does not end up at the (right) treatment operator. Proper and similar collection, transport and treatment could be achieved by prescribing that these actions must take place in accordance with a certain standard. Since no Dutch standard exists, producers and waste treatment operators proposed that the collection, transport and treatment be carried out in accordance with the standards from the WEEELABEX normative documents. This English-language standard was drawn up on the instructions of the WEEE Forum and was adopted in Amsterdam on 2 May 2011. Some 40 collection systems from Europe are represented in the WEEE Forum, where they share their knowledge and experience. I have taken over this proposal with regard to treatment. This has been provided for in section 11, which regulates proper treatment. This is explained in further detail in these explanatory notes under the heading Proper treatment.

It was not possible to impose standards for collection and transport because of the starting point of strict implementation. The Directive does not give any latitude for setting quality requirements for collection and transport. However, as far as imposing standards for collection and transport is concerned, all the parties agree that this would also be a good step towards preventing leakage. That is why the parties sought a working method which can nonetheless adequately guarantee the quality of collection and transport. In this context I will make further agreements with representatives from producers, treatment operators, collectors and transporters in an agreement (Green Deal). This Green Deal will set down, among other things, the intention that WEEELABEX-certified collectors and transporters will be used wherever possible in the collection and the transport to treatment operators. Collectors and transporters that are not WEEELABEX certified are required under these Regulations to only hand over waste to certified treatment operators.

Proper treatment

The Directive stipulates that producers must ensure that waste electrical and electronic equipment collected on their behalf is treated properly. Proper treatment means that treatment takes place at an adequately high qualitative level. The Directive is brief on how it can be determined whether treatment has taken place properly. The Directive is clear however on the fact that treatment must take place in accordance with the best techniques

available. The Directive also states in Article 8 (3) that producers can introduce collection and treatment systems to this end, either individually or collectively. Producers and waste treatment operators proposed that the treatment be carried out in accordance with the WEEELABEX normative document on Treatment V9.0 (hereafter: WEEELABEX Treatment). Treatment operators and processors can become certified on the basis of WEEELABEX Treatment if they satisfy certain quality criteria contained in that document and if an external audit ascertains that they operate in accordance with that document. This makes it transparent that waste electrical and electronic equipment treated in the Netherlands has been treated in accordance with the Directive and at the same time creates a level playing field for processors and treatment operators. The treatment standards of WEEELABEX Treatment guarantee that the treatment takes place in a high-quality manner, as desired by all the parties. This furthermore guarantees that the requirements relating to target figures for recovery, referred to in Article 11 of the Directive, are satisfied. The WEEELABEX normative document also means that processors and treatment operators must demonstrate through mandatory certification that they satisfy the standard and consequently the requirements of the Directive. On the European level, a successor to the WEEELABEX normative documents is used, in the form of a number of waste flow-specific CENELEC standards. The European Committee for Electrotechnical Standardisation (CENELEC) is responsible for European standardisation in the domain of electrical engineering. On grounds of Article 8 (5) of the Directive, on 24 January 2013, the European Commission gave CENELEC the mandate to develop standards for the collection, transport and treatment of waste electrical and electronic equipment.² The CENELEC standards for the treatment of waste electrical and electronic equipment are expected to be available from 2014. The possibility that the Commission may, in due time, make these CENELEC standards mandatory by imposing implementing acts on grounds of the Directive has been taken into account. The Regulations will be adjusted in due time if this becomes necessary. The CENELEC standards contribute to further development of a level playing field in Europe for the treatment of electrical and electronic equipment, but also for collection and transport. Since 2012, there has been a CENELEC standard for the collection, transport and treatment of cooling and freezing equipment (NEN-EN 50574 and:2012). That is why it is stipulated in section 11 (3) that NEN-EN 50574 and:2012 apply for this waste flow instead of WEEELABEX Treatment.

Registration of waste electrical and electronic equipment in the national register

The Directive requires Member States to ensure that a national register is created in which producers and distributors report the information referred to in Annex X. This is an obligation that follows from Article 16 of the Directive. After consultation with producers and treatment operators, in order to comply with this obligation from the Directive a decision was taken to set up an independent national register: the Stichting Nationaal (W)EEE Register with office in Zoetermeer. In doing so, connection was sought with the existing Wecycle register which, on behalf of the Dutch Foundation for the Disposal of Metal and Electrical Products (NVMP), performed this task for its members on grounds of the Repealed Regulations. Wecycle therefore already had a properly functioning register (software, portals, IT infrastructure, protocols) and the organisation is equipped for this task. What is new is that treatment operators will also have to directly register in the national register the quantity of waste electrical and electronic equipment they treat. This requirement is laid down in the Regulations to prevent so-called 'free rider' behaviour. Registration in a single national register provides a better overview and makes more and better information

²See: M 518/EN Standardization mandate in the field of Waste Electrical and Electronic Equipment (Directive 2012/19/EU WEEE),

www.cenelec.eu/aboutcenelec/whatwestandfor/supportlegislation/europeanmandates.html

available, both in quantitative and qualitative terms. The conditions under which producers and treatment operators report to the national register are set down per producer or treatment operator in a service provision agreement.

Reporting and monitoring

With reference to aggregate information from the national register, a report must be sent to the European Commission every three years stating the quantity of electrical and electronic equipment that has been put on the market, the quantity of waste electrical and electronic equipment that has been collected and how this has been treated. This arises under Article 16 (5) of the Directive. This report provides insight into whether the collection target has been realised on the national level and to what extent the target figures for recovery have been achieved.

The approach based on these Regulations, in which the burdens have been kept to a minimum, is expected to ensure that the Netherlands achieves this collection target. However, given the significant increase in the collection target, the possibility that circumstances may prevent this from happening must be taken into account. This means that it cannot be ruled out that interventions may be needed in the future to make sure that the collection targets are achieved. This could include stimulus projects aimed at improving the collection of particular waste flows or information campaigns targeting citizens. But additional regulation may also prove to be necessary.

Additional agreements: Green Deal WEEE

The Regulations were not the appropriate instrument in which to set down all the desired agreements with representatives from producers, treatment operators, collectors and transporters. That is why a Green Deal was concluded in addition to the Regulations.

Additional agreements were made on the following topics in this Green Deal:

- guidance and advice on the functioning of the Regulations and on achieving the collection targets;
- encouraging the use of certified collectors and transporters.

It is important to monitor whether the requirements of the Regulations and/or Directive are complied with. This is necessary because of the mandatory report to the European Commission every three years and any actions which may prove necessary as a result of this, if it emerges that the collection target has not been achieved. It is also important to see whether the functioning of the Regulations in practice meets expectations and whether improvements are possible or desired. The efforts of parties in the field are necessary for proper and effective monitoring. The collection of waste electrical and electronic equipment is complex, however, and involves many parties. Along with producers and treatment operators, there are also collection companies, (municipal) household waste recovery centres and the retail sector. These parties have stated that they are aware that their commitment is important in realising the target. That is why it was agreed in mutual consultation that a WEEE monitoring consultation would be set up. The WEEE monitoring consultation assesses and advises on matters such as achieving the collection target from the Directive, research, quantitative analyses, and reporting to the Minister of Infrastructure and the Environment and the European Commission. The parties involved mentioned above will participate in the WEEE monitoring consultation.

Product design

The obligations arising under Article 4 of the Directive have not been implemented by means of regulation. This article concerns the European Union Member States taking appropriate measures for ecodesign aimed at facilitating the re-use and treatment of waste electrical and electronic equipment. A stimulus policy was opted for when implementing the Repealed Directive, which contained a similar article. This working method will be continued.

Ecodesign is regulated in the European context by means of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009, establishing a framework for the setting of ecodesign requirements for energy-related products (recast) (OJEU 2009, L285). On the basis of the Ecodesign Directive, legal requirements are stipulated for many so-called energy-related products. The Netherlands supports expanding this Directive: while it currently only pertains to energy use by equipment, I would like to see the use of materials and product design added to that. That is why I intend to have further research carried out into the possibilities of including statutory Resource Efficiency requirements (re-usability, recyclability, share of recycled material, choice of material, use of hazardous substances and life span) in the Directive. Consultation on this will take place on the European level in 2014. The Dutch findings from this research will be contributed to this consultation.

4 Main points of the Regulations

The Directive has been implemented by way of ministerial regulations. The reason for this is the requirement referred to in section 21.6 (6) of the Environmental Management Act. It is stipulated in that act that implementation of international regulations binding for the Netherlands takes place in principle via ministerial regulations and not by order in council. Implementation consists of these new Regulations which take the place of the repealed Electrical and Electronic Equipment (Management) Regulations, which implemented the Repealed Directive. It was decided to draw up new regulations because amending the Repealed Regulations would have been laborious and complicated.

The Repealed Directive and new Directive have a great deal in common. This is also expressed in these Regulations, which therefore have much in common with the Repealed Regulations. In order to avoid unnecessary deviation from the situation prior to these Regulations, an effort has been made to use the text of the old regulations wherever possible. This also applies for parts of the corresponding explanatory notes on individual sections, where references to the explanatory notes to the Repealed Regulations have been avoided.

This implementation also means that the Electrical and Electronic Equipment (Management) Decree can be repealed. As such, the so-called duty of disclosure ceases to have effect. This was so-called 'gold-plating' [measures going further than required by EU legislation], provided for by order in council. It is necessary to scrap the duty of disclosure because the Directive requires registration by producers and distributors on how they will collect and treat electrical and electronic equipment they have marketed once it reaches the waste stage. A separate notification duty on top of that would have been superfluous.

5 Relationship with existing regulation

The Repealed Directive was implemented in the Waste Electrical and Electronic Equipment (Management) Decree and the Waste Electrical and Electronic Equipment (Management) Regulations. Because the Directive had to be implemented by ministerial regulations, the Waste Electrical and Electronic Equipment (Management) Regulations were repealed and the Decree and the Waste Electrical and Electronic Equipment (Management) Decree is also repealed.

These Regulations do not affect the obligations arising from Regulation (EU) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJEU 2012, L 190/1) (hereafter: EWSR).

6 Administration and enforcement

These Regulations are based on the Environmental Management Act. Enforcement may take place under both administrative law and criminal law. Under administrative enforcement, the instruments provided by chapter 18 of the Environmental Management Act can be used, such as administrative coercion or the imposing of a penalty. Pursuant to the Economic Offences Act, violations of these Regulations are punishable. Financial penalties can be imposed on the basis of that law, for instance.

On grounds of section 18.2b (1) of the Environmental Management Act, supervision of compliance with these Regulations and administrative enforcement are responsibilities of the Minister of Infrastructure and the Environment. The administration of the Regulations is mandated to the Human Environment and Transport Inspectorate (ILT). Criminal prosecution takes place by the Public Prosecution Department, possibly at the suggestion of the ILT.

For the provisions that apply for facilities for the treatment of waste electrical and electronic equipment, it applies on grounds of section 5.2 (1) of the Environmental Protection (General Provisions) Act that the competent authority for the integrated environmental permit is also the competent authority for enforcement thereof. This means that the competent authority which, in the context of the Environmental Permitting (General Provisions) Act, issues the integrated environmental permit for a facility where waste electrical and electronic equipment is treated is also responsible for enforcement of the requirements linked to the integrated environmental permit. These Regulations state that an integrated environmental permit must be consistent with the provisions stipulated by these Regulations for the treatment of waste electrical and electronic equipment. This means that the competent authority is also responsible for enforcement of the provisions of these Regulations relating to the treatment of waste electrical and electronic equipment. This concerns *inter alia* the facility-related aspects mentioned in section 11 (2).

There is therefore a shared enforcement authority with respect to the specified provisions of these Regulations. Given the foregoing, the following division of tasks is a logical one. The competent authority for the integrated environmental permit is responsible for supervision and enforcement of the facility-related provisions which have been stipulated on grounds of these Regulations and which relate to the requirements that apply for the facility. At the moment that irregularities are found which are also in violation of the provisions of the Regulations, the competent authority alerts the ILT and the parties will take coordinated action towards the facility.

Parallel to the possibilities for public regulators to supervise compliance with the provisions of these Regulations, certifying institutions also have an important role in terms of promoting compliance. On grounds of section 11 (2) (d), operators that treat waste electrical and electronic equipment must satisfy WEEELABEX Treatment and be certified for this by a certifying institution. Only certified treatment operators may treat waste electrical and electronic equipment. Satisfying WEEELABEX Treatment means *inter alia* that provisions must be made and internal work procedures set down at the facility. In order for a facility to become certified, the certifying institution must demonstrate in the mandatory external audit that the facility complies with the requirements of these Regulations. If indications are received that a certified treatment operator may not be complying with these requirements, the particular certifying institution can be notified. This institution supervises via regular audits that the rules necessary for keeping the certificate are complied with. An indication that has been passed on to the certifying institution will usually result in an extra audit or an additional point of attention during a regular audit. Apart from this, the ILT can take action at any time using the supervisory instruments available to it in the event of violations of the provisions in the Regulations.

7 Consequences

Structural burdens because of the Regulations

The total annual regulatory burden for the businesses involved will increase by approximately € 439,600 per year in administrative burdens and approximately € 103,200 per year in compliance costs as a result of the Regulations. The table below gives an overview of the changes due to the Regulations and their respective structural effects on the administrative burdens and compliance costs.

Table 1. Structural regulatory burden effects on the administrative burdens and compliance costs per topic

No.	Topic	Administrative burdens (€)	Compliance costs (€)
1	Collection target for producers/collectives	€ 0	€ 0
2	Producers' notification in the national register	€ 0	€ 0
3	Increase in collection points in retail sector	€ 0	Limited increase
4	Proper treatment: certification	€ 75,600	€ 103,200
5	Reports to the national register on treated waste electrical and electronic equipment by producers and treatment operators	€ 364,000	€ 0
Total		€ 439,600	€ 103,200

For clarity's sake, it must be noted that this concerns the increase in regulatory burden with respect to the regulatory burden which already existed on the basis of the Repealed Regulations. The increase in regulatory burden is mainly caused by:

- The administrative burdens related to the registration of the quantities of waste electrical and electronic equipment treated and the notification on this to the national register. These cause 83% of the total increase.
- The training for employees of treatment operators to ensure that they deal with waste electrical and electronic equipment correctly. This accounts for most of the compliance costs under the Regulations.

One-off burdens due to the Regulations

In addition to the annual administrative burdens and compliance costs, there are also one-off regulatory burden effects. Limited one-off compliance costs of € 18,000 are expected as a result of the Regulations. One-off administrative burdens of approximately € 1 million are expected, however. The table below gives an overview of the changes that the Regulations will cause and their respective one-off effects on the administrative burdens and compliance costs.

Table 2. One-off regulatory burden effects on the administrative burdens and compliance costs per topic

No. Topic		Administrative burdens (€)	Compliance costs (€)
1	Collection target for producers/collectives	€ 0	€ 0
2	Registration of producers in the national register	€ 0	€ 0
3	Increase in collection points in retail sector	€ 0	Limited increase
4	Proper treatment: certification	€ 1,009,000	€ 18,000
5	Reports to the national register on treated waste electrical and electronic equipment by producers and treatment operators	€ 0	€ 0
Total		€ 1,009,000	€ 18,000

The increase in the regulatory burden is mainly caused by the costs involved in certifying the treatment operators. Especially for treatment operators that are not yet affiliated with Wecycle, this will cause one-off compliance costs for setting up and laying down procedures. To some extent, the procedures that have already been set up for other certificates, such as ISO and for the MRF, can be followed here. These costs are included because the requirement under the Regulations results in administrative processes that can be checked by the government. Even if the details of the requirements are worked out by the businesses themselves. For the compliance costs there are only one-off costs for setting up and carrying out an internal course at the treatment operators that are already affiliated with Wecycle. No separate one-off administrative burdens were calculated for acquaintance with the changes in the regulation. The costs necessary for this are included under the changes caused by the other one-off administrative burdens. It was not possible for the respondents to present this limited share of the costs separately.

8 Advising and consultation

These Regulations were put together after close consultation with representatives of producers and treatment operators. The results of this are explained in section 3 of these explanatory notes. A so-called stakeholder meeting was also held twice, in which the progress of implementation was presented to the key actors in the field. In addition to a broader representation from producers and treatment operators, representatives from the VNG, the retail sector, transporters and the ILT were also present. A draft of the Regulations was sent for consultation purposes to representatives from producers, treatment operators, the retail sector and municipalities. It was ascertained on the basis of this consultation that the Regulations were supported by the parties. A number of improvements and clarifications were made based on the consultation. An important point of discussion was the wish on the part of the representatives of the treatment operators and producers that a certification requirement also be introduced for collectors and transporters. This wish was not honoured because of the starting point of strict implementation. For an explanation of this decision, see section 3 of these explanatory notes.

9 Entry into force/transitional law

These Regulations enter into force on 14 February 2014. This is the date on which the Directive must have been implemented. Because of the date of effect stipulated in the Directive, the system of fixed change moments is being deviated from (Parliamentary documents II 2006/07, 29 515, no. 181 and 2008/09, 29 515 no. 270). This deviation is based on the fourth ground for deviation which relates to European or international regulation.

The Regulations include a transitional provision which guarantees the annual reporting on 2013 on the basis of section 16 of the Repealed Regulations. The phased expansion of the scope of the Directive is provided for in section 2. A transitional period is also included in section 11 (1) (d). Treatment operators have until 1 July 2015 to satisfy the WEEELABEX Treatment.

II. Explanatory notes on individual sections

Section 1

This section contains a number of definitions. These have been taken directly from the Directive. No further explanation is provided on the definitions therefore. For further explanation, see the FAQ document.

It is pointed out that a number of definitions are the same as those of Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJEU 2011, L 174/88).

It is also pointed out that the definition in part h concerning large, immoveable industrial machinery deviates from the text in the Dutch translation of the Directive. In this translation 'machinery' was mistakenly translated as 'installations'. With the choice of the term 'machinery', the definition has been corrected to be aligned with the Directive.

As far as part j is concerned, it is noted that waste electrical and electronic equipment can be considered very small equipment if it can pass through a ring with a diameter of 25 centimetres. If it cannot fit, the item cannot be considered very small waste equipment.

As far as part k is concerned, it is pointed out that 'putting on the market' means that the products are actually sold or traded. If a party only advertises a product, this does not mean that it puts it on the market.

As far as part p is concerned, it is pointed out that a party that exclusively provides financing under or in the context of a financing agreement is not regarded as a producer unless it also acts as producer in the sense of the provisions in parts 1 to 4 of that part.

Section 2

This section concerns the scope of the Regulations. The scope of the Regulations corresponds entirely to that of the Directive. The second and third subsections contain a number of exclusions. The 'frequently asked questions' document from the European Commission provided a number of examples of the particular electrical and electronic equipment for each exclusion category. In preparing these Regulations, there was discussion as to whether (retrofitted) LED lamps fall within the Directive's scope. See the answer in point 1.5 of the FAQ document which states that this is indeed the case.

Section 3

The first subsection stipulates that the municipality is responsible for the collection (pick-up) of waste electrical and electronic equipment from private households. The equipment must be collected separately. This is necessary to ensure that treatment can take place efficiently. Electrical and electronic equipment that has been collected and taken in separately must remain separate. This has been provided for in the permit for the municipal household waste recovery centre or other collection point. For the rest, based on section 10.21 of the Environmental Management Act, the municipality is only responsible for the collection of waste from private households. The municipal collection duty does not apply for equipment discarded by businesses and institutions, even if the nature and quantity is similar to that of equipment from private households. For the record, it is pointed out that this section is concerned with all electrical and electronic equipment that falls within the scope of the Regulations, which also includes so-called small white and brown goods therefore.

The second subsection provides that the municipality must have adequate acceptance facilities to take in waste equipment. Private individuals, distributors and parties that are not private individuals can all return the waste equipment at this point. This must be equipment coming from private households or equipment that is comparable to such

equipment in terms of nature and quantity but which comes from sources other than private households (see the definition under section 1 (1) (c)). The municipality may not charge any costs for this facility, also not for the equipment originating from distributors or parties that are not private individuals. The words 'to a sufficient extent' indicate that the acceptance facilities must be sufficient both in terms of availability (number) and accessibility (opening hours). The population density must be taken into account, therefore. The words 'to a sufficient extent' also entail that it is adequate if a different acceptance facility, for instance a larger supra-municipal acceptance facility, is made available for large quantities of waste equipment (originating from private households) which is brought by retailers. It goes without saying that the facilities are not 'sufficient' if only the last-mentioned acceptance facility is made available for waste equipment that is brought by private individuals, as well as the small quantities brought by retailers. The term 'small quantities' is interpreted in practice as no more than 7 large appliances.

For the rest, municipalities can also fulfil their obligation by working together with other municipalities. They can also designate facilities that they themselves do not own (or manage), such as regional transfer stations (facilities that are partly financed from the waste management contributions). It goes without saying that these locations must also satisfy all the requirements and that the municipality is responsible for this.

This section and the explanatory notes to it are derived from section 3 of the Repealed Regulations.

Section 4

Upon the delivery of a new appliance, the distributor is required to accept another appliance of the same type if one is offered to it. A distributor must inform buyers of electrical and electronic equipment of this possibility in a clearly visible manner, for instance by means of (written) announcement in the shop. A written announcement could be a provision at the entrance to the shop or a notice at the checkout, service point or information desk. In the event of distance selling, this information must be given in the order phase before the sale is finalised. This stipulation only applies to equipment from private households (and therefore also products of comparable nature and quantity originating from parties other than private households). This acceptance takes place free of charge. The appliance is considered equivalent if an appliance with the same function is involved, which is equivalent to the new appliance supplied. So upon the purchase of a coffee maker, another coffee maker (regardless of brand or size) may be returned. All related parts and accessories may also be returned. It is not a requirement that the discarded appliance still work.

This section and the explanatory notes to it are derived from section 4 of the Repealed Regulations.

Section 5

This section requires distributors, via the operators of (retail) shops with a sales area of at least 400 square metres and which they supply, to provide for the collection of small waste electrical and electronic equipment in or nearby these shops. It is important to note that this exclusively pertains to sales areas in which electrical and electronic equipment is offered for sale and not the total sales area of the shop. It is estimated that the Netherlands has about 100 shops with this size of sales area.

This section fulfils the requirement in the Directive that an 'old for new' scheme be introduced for small appliances at the relatively large sellers of electrical and electronic equipment. This means that end users, the parties that wish to discard electrical and electronic equipment, may return these kinds of appliances without having to pay costs and without the obligation to purchase a new, similar appliance when returning an old one. The second subsection provides the opportunity to fulfil this obligation in some other manner, if

research has demonstrated that this other manner is just as effective. This kind of research would of course have to be carried out carefully, independently and objectively.

Section 6

This section offers producers the possibility of introducing another system alongside the regular system. The Repealed Directive already included this possibility. It was implemented in section 6 of the Repealed Regulations.

Section 7

This section stipulates that electrical and electronic equipment that is contaminated and which can therefore pose a danger to the party that accepts it, does not have to be accepted by the municipality (section 3) or the distributor (section 4). There must be a real risk to the health and safety of the personnel accepting the waste equipment and this risk must be caused by the contamination of the equipment which occurred during use. It is also reasonable to refuse to allow this equipment to enter the system because the user can be held responsible for the contamination. This kind of situation arises in any event if actions would have to take place in violation of other regulations (for example, working conditions regulations). An example of a case where the contamination did not occur during use is a coffee maker with a hotplate that contains asbestos. Although asbestos can pose a risk, there is no contamination that has occurred during use. For the rest, the refused waste equipment coming from private households can always be returned to the municipality since it is household waste to which the regular waste substances regime applies. The municipalities are required to accept this equipment on grounds of section 10.21 of the Environmental Management Act. This section and the explanatory notes to it are derived from section 5 of the Repealed Regulations.

Section 8

This section provides for the responsibility for the collection of waste equipment from parties other than private households. This concerns waste equipment from businesses, institutions, offices, etc. For the rest, equipment which by its nature and quantity is comparable to that originating from private households falls under the scope of section 3 (2) and section 4. The producer or a third party operating on its behalf is responsible for the collection but can outsource the actual work to a professional collector, for instance. The performance of this obligation will be facilitated by collective performance in one or more systems in which producers act jointly. A discarder is always free to itself take care of removal of its waste equipment, for instance by using the services of a collector. This section and the explanatory notes to it are derived from section 7 of the Repealed Regulations.

Section 9

This section arises from Article 6 of the Directive which deals with the removal and transport of collected waste electrical and electronic equipment. Article 6 of the Directive comprises 3 elements. Firstly, the Member States must prohibit the disposal of separately collected waste electrical and electronic equipment that has not yet undergone proper treatment. This requirement does not need to be included in these Regulations because it is already included in regulation because of the EWSR and the Waste Framework Directive. The second element is the requirement that the collection and transport of separately collected waste electrical and electronic equipment be carried out in a way which allows

optimal conditions for preparing for re-use, recycling and the confinement of hazardous substances. This has been provided for in section 9 (1).

Thirdly, the opportunity to keep re-usable waste electrical and electronic equipment separate must be offered at collection locations. Employees of re-use centres must be given access to this area. This has been provided for in section 9 (2).

Section 10

This section lays down the requirements for collection and treatment which producers must satisfy on grounds of their producer responsibility. The requirements arise under Article 7 (1) of the Directive. Producers can opt to satisfy these requirements in a collective manner. See also the explanation in section 2 of the general section of these explanatory notes under the heading Collection target and the last paragraph of the answer in point 1.23 of the FAQ document.

Section 11

This section stipulates that waste electrical and electronic equipment must be properly treated. A duty to treat equipment on the basis of the best techniques available applied on grounds of the Repealed Directive. This requirement was implemented in section 8 of the Repealed Regulations. The treatment duty is further detailed in the Directive in the form of the requirement to ensure 'proper treatment' of waste electrical and electronic equipment. This is stipulated in section 11 (1). The second subsection stipulates what must, at a minimum, be defined as proper treatment. The requirement to treat the equipment in accordance with the best techniques available is supplemented therein with a requirement to selectively handle certain materials and parts.

In the explanatory notes to the Repealed Regulations, in determining the best techniques available, reference was made to the procedures of Repealed Directive no. 96/61/EC of the Council of the European Union of 24 September 1996 concerning integrated pollution prevention and control (OJEU L257), now Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast). This Directive concerns the larger waste treatment companies.

It is stipulated in section 11 (2) (c) that the treatment must take place in accordance with the technical requirements of Annex VIII to the Directive. The annex contains a number of requirements, including a requirement to store waste electrical and electronic equipment on impermeable surfaces with provision of spillage collection for oil leaks. This annex provides similar requirements for locations where waste electrical and electronic equipment is treated.

It is stipulated in subsection 2 (d) that the treatment of waste electrical and electronic equipment must take place by waste treatment operators certified in accordance with WEEELABEX Treatment. This requirement takes effect from 1 July 2015 so that treatment operators have enough opportunity to become certified. For further explanation of this standard, see section 2 of the general section of these explanatory notes. The third subsection stipulates that in the event of household cooling and freezing equipment, NEN-EN 50574 must be satisfied, instead of WEEELABEX Treatment. The fourth subsection stipulates that in the event waste electrical and electronic equipment is treated outside the Netherlands, the treatment must take place in accordance with the second subsection. This section arises from Article 10 of the Directive which deals with the shipment of electrical and electronic equipment. For the record, it is pointed out that the first paragraph of that article states that treatment actions may also take place outside the relevant Member State or the European Union if the European requirements which apply for such treatment actions are complied with. This paragraph has not been fully implemented in these Regulations because

some of these requirements are already provided for by means of implementation of the requirements of the EWSR and the national requirements under the Waste Framework Directive. Article 10 (3) of the Directive stipulates, for the rest, that on 14 February 2014 at the latest, the Commission will adopt delegated acts with detailed rules to supplement the second paragraph for waste electrical and electronic equipment that is exported outside the Union.

Section 12

This section means that in the context of the granting of environmental permits, the competent authority (municipality or province) must, if necessary, include regulations to guarantee that the requirements of the Directive are satisfied. The Repealed Directive already included such a requirement. This requirement has been stipulated in somewhat more detail in the new Directive. That is the case for proper treatment, for instance. Compliance with WEEELABEX Treatment means that the requirements of the Directive are satisfied.

Section 13

In the first and third subsections it is stipulated that from the moment the equipment is handed over at the municipal collection location or at the distributor, the producer is responsible for financing the collection and treatment of the waste electrical and electronic equipment originating from private households which it has produced and which it put on the market after 13 August 2005. It is therefore a producer-related requirement. This requirement has not changed with respect to the Repealed Regulations.

The second subsection regulates the financing of the treatment of the so-called historical waste, i.e. equipment that was put on the market before or on 13 August 2005. This subsection corresponds to section 11 (2) of the Repealed Regulations.

Section 14

This section provides for the responsibility for financing waste management (costs of the collection, treatment, recovery and environmentally-sound disposal) of waste electrical and electronic equipment originating from parties other than private households. The producer is responsible for financing the waste management of equipment it has put on the market after 13 August 2005. The discarder is responsible for the waste management of waste equipment put on the market prior to that time.

Article 9 (1) third paragraph of the Repealed Directive provided the possibility of also holding producers responsible for financing the waste management of appliances that are replaced with a new appliance. In the implementation, it was decided at the time that the discarder would be left responsible for financing the historical waste because this is consistent with the regime that applied before implementation of the Repealed Directive. Producers and discarders could however agree between themselves that the financing would be wholly or partially the responsibility of the other party. This working method is in line with the requirements of Article 13 of the Directive and can therefore be continued.

Section 15

Equipment that is put on the market is provided with a symbol (crossed-out wheelie bin) that is clearly visible. This symbol is intended to make the consumer aware of the fact that this equipment must be returned separately when discarded.

If necessary, the main rule that the symbol must be applied to the equipment itself can be deviated from. This is permitted if the dimensions or function of the appliance prevent the symbol from being put on the appliance itself.

Section 16

Based on this section, producers must provide information on the equipment they put on the market concerning the preparation for re-use and treatment of that equipment. A similar requirement was included in section 14 of the Repealed Regulations.

Section 17

In implementation of Article 11 of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJEU 1991, L 266), this section includes several requirements for batteries and accumulators built into electrical and electronic equipment. The main purpose of these requirements is to ensure that the built-in batteries and accumulators can be easily removed from the appliance so that the batteries and accumulators can be collected, treated and re-used in the prescribed manner. The instructions for use provided with the appliance must report what type of battery or accumulator is built into the appliance and how the battery or accumulator can be removed from the appliance.

This section arises under requirements in the aforementioned directive which were implemented in the repealed Electrical and Electronic Equipment (Management) Regulations.

Section 18

The first subsection stipulates that the register is kept by the Stichting Nationaal (W)EEE Register. For further explanation, see section 3 of the general section of these explanatory notes.

The second subsection safeguards a number of substantive aspects. The national register and the data collection therein must satisfy the requirements of the Directive. It is also safeguarded that the data are available for supervision and enforcement.

The third subsection stipulates that the register must provide the minister annually with the data he requires to prepare the mandatory report to the European Commission every three years (Article 16 (5) of the Directive).

Section 19

This section requires producers to report to the register mentioned in section 18 and to keep their data in this register updated after reporting them. This is a continuation of the situation prior to these Regulations. For further explanation, see section 2 of the general section of these explanatory notes.

Section 20

This section stipulates that all treatment operators for waste electrical and electronic equipment must report to the register the quantities of waste electrical and electronic equipment they have treated. This registration is performed by the treatment operators that are offered unprocessed waste electrical and electronic equipment for treatment. The registration concerns the quantity of unprocessed equipment (in kilos) originating from Dutch discarders and the extent to which this has been treated in accordance with the

target figures for recovery from Annex V to the Directive. The quantities to be reported are divided into product categories in accordance with Annexes I and III to the Directive. Treatment operators that treat partially processed waste electrical and electronic equipment or electrical and electronic equipment discarded abroad do not report these quantities to the register. A treatment operator reporting to the register must be able to demonstrate that Annex V to the Directive has been satisfied. The certification according to the standards of WEEELABEX Treatment provides for working procedures that provide insight into this and safeguard this. For the rest, in 2014 and 2015 the European Commission will carry out a study to arrive at a harmonised format for registration and reporting. The results of this study will be used to flesh out the implementing acts as cited in Article 16 (3) of the Directive.

Prior to these Regulations, the treatment operators that had a contract for treatment with Wecycle already reported these data. The notification of the quantity of waste electrical and electronic equipment arose under section 16 of the Repealed Regulations. The Industrial and Hazardous Waste (Notification) Decree, which provides rules for notifying the handover and treatment of industrial waste and hazardous waste, makes an exception for the reporting of treatment of waste electrical and electronic equipment that was treated on the basis of the Repealed Regulations. This exception will be expanded to include all waste electrical and electronic equipment. This avoids overlap and double notification with respect to the register. See also the answer to questions 1.19 and 1.27 in the FAQ document.

Section 21

A producer that puts electrical and electronic equipment on the market in the Netherlands or trades in this equipment in the Netherlands but is established in another Member State must be given the possibility of appointing an authorised representative on grounds of Article 17 (1) of the Directive. Section 21 (1) provides for this. This subsection is mainly intended for cases in which a producer supplies directly without the intervention of an importer or distributor. This enables the producer to avoid being designated as a distributor for retailers which it supplies directly, for example.

The second subsection stipulates that if a producer established in the Netherlands sells electrical and electronic equipment in another Member State, it must appoint a natural person or legal entity in that Member State which will be responsible for complying with its obligations under these Regulations. This arises under Article 17 (2) of the Directive. This paragraph is intended for distance selling such as online sale by foreign providers. The Repealed Directive did not contain any regulations concerning authorisation.

Section 22

With this section, a reference to the Repealed Regulations in section 3.44 (1) (i) of the Activities Regulations is replaced with a reference to these Regulations.

Section 23

This section ensures that future amendments to annexes to the Directive automatically have effect in these Regulations. This is a so-called 'dynamic reference'.

Section 24

This section repeals the Electrical and Electronic Equipment (Management) Regulations and includes a transitional provision which safeguards the annual reporting on 2013.

Section 25

These Regulations take effect on 14 February 2014. This is the date on which the Directive must have been implemented.

THE STATE SECRETARY OF INFRASTRUCTURE AND THE ENVIRONMENT,

Wilma J. Mansveld

Table of concordance

Provision in Directive no. 2012/19/EU	Provision in these Regulations	Explanation
Article 1	No implementation necessary	Purpose of the Directive
Article 2, (1) to (4)	Section 2	Scope
Article 2 (5)	No implementation necessary	Addressed to the Commission
Article 3	Section 1	Inclusion of definitions from the Directive
Article 4, first sentence	No implementation necessary	Encouragement of measures for product design, takes place via stimulus policy
Article 4, second sentence	Section 11	Taking of appropriate measures so that ecodesign requirements aimed at facilitating re-use and treatment are applied
Article 5 (1)	Section 3 (1)	Requirement for separate collection of waste electrical and electronic equipment
Article 5 (2), first paragraph under a	Section 3 (2)	Introduction of systems allowing final holders and distributors to return waste electrical and electronic equipment at least free of charge
Article 5 (2), first paragraph under b	Section 4	Responsibility of distributors to accept same quantity of waste when supplying new product
Article 5 (2), first paragraph under c	Section 5	Requirement that retailers with more than 400 square metres of sales area for electrical and electronic equipment must accept waste appliances

Article 5 (2), first paragraph under d	Section 6	Allowing producers to introduce alternative take-back systems for waste electrical and electronic equipment
Article 5 (2), first paragraph under e	Section 7	Possibility of refusing to accept waste electrical and electronic equipment if it is contaminated
Article 5 (2), second paragraph	No use has been made of this possibility	Possibility for specific schemes
Article 5 (3)	No implementation necessary	Possibility of designating operators that are permitted to collect waste electrical and electronic equipment from households. Has already been provided for via section 10.45 (1) of the Environmental Management Act and the Waste Substances (Collection) Decree
Article 5 (4)	No use has been made of this possibility	Possibility of requiring that collected waste electrical and electronic equipment be handed over to producers
Article 5 (5)	Section 8	Concerns the collection of waste electrical and electronic equipment from non-households
Article 6 (1)	Sections 1 and 3 of the Waste Substances (Landfills and Dumping Bans) Decree	Ban on disposing of separated waste electrical and electronic equipment that has not been treated properly
Article 6 (2), first sentence	Section 9 (1)	Collection and transport of waste electrical and electronic equipment must take place in such a way that treatment can take place optimally.
Article 6 (2), second sentence	Section 9 (2)	Promote preparation for re-use at collection points
Article 7 (1), first paragraph up to and the third paragraph	Section 10	Minimum collection rate

Article 7 (1), third paragraph, last sentence	No use has been made of this possibility	Possibility of setting more ambitious rates for separate collection
Article 7 (2)	No implementation necessary	Concerns information provision, is addressed to the Member States
Article 7 (3)	No implementation necessary	Not addressed to the Netherlands
Article 7 (4) to (7)	No implementation necessary	Addressed to the Commission Concerns the adoption of delegated acts, implementing acts and revised collection rates
Article 8 (1)	Section 11 (1)	Requirement that all separately collected waste electrical and electronic equipment is treated properly
Article 8 (2)	Section 11 (2) (a)	Further details of proper treatment
Article 8 (3), first sentence	Section 11 (2) (b)	Requirement for producers to use best techniques available for recovery
Article 8 (3), second sentence	Section 11 (2) (c)	Separation requirements for facilities where collection or treatment acts are performed (storage and treatment in accordance with Annex VIII)
Article 8 (4)	No implementation necessary	Addressed to the Commission, concerns delegated acts for determining other treatment techniques with at least the same level of protection
Article 8 (5), first two sentences	Section 11 (2) (d)	Minimum quality standards for treatment
Article 8 (5), other sentences.	No implementation necessary	Addressed to the Commission, concerns development of European standards
Article 8 (6)	No implementation necessary	Is realised by SCCM (platform for certification of environmental and occupational health & safety management systems)

Article 9 (1) and (2)	No implementation necessary	Concerns permits for treatment facilities, is provided for with the implementation of Directive no. 2008/98/EC
Article 9 (3)	Section 12	Regulations attached to permits must satisfy the requirements of the Directive
Article 10 (1)	No implementation necessary	Shipment of waste electrical and electronic equipment outside the Netherlands. The national legislation and regulation does not prevent this, EWSR has direct effect
Article 10 (2)	Section 11 (4)	Shipment of waste electrical and electronic equipment
Article 10 (3)	No implementation necessary	Addressed to the Commission, concerns delegated acts to supplement Article 2
Article 11 (1) and (2), first sentence	Section 10 and section 11 (1)	Realisation of target figures for recovery Addressed to the Member State On the level of treatment, this is guaranteed by treatment operators by compliance with WEEELABEX Treatment
Article 11 (2), second sentence	No implementation necessary	Preparatory work may not be included in achieving target figures, see above
Article 11 (3)	No implementation necessary	Addressed to the Commission, concerns the possibility of implementing acts for supplementary requirements for methods for calculating minimum target figures
Article 11 (4)	Section 5.8 of the Environmental Permitting Decree 2010 and section 10.37 of the Environmental Management Act	Mandatory registration of weight of waste electrical and electronic equipment treated by producers
Article 11(5)	No implementation necessary	Concerns encouraging the development of new techniques, is realised by the Platform Duurzaamgrondstoffenbeheer (Platform for sustainable raw materials management)
Article 11 (6)	No implementation necessary	Addressed to the European Parliament and the Council, concerns possibility of adopting separate target figures

Article 12 (1)	Section 13, (1) to (3)	Financing in relation to waste electrical and electronic equipment from private households
Article 12 (2)	No use has been made of this possibility	Encouragement to finance the costs relating to the collection of waste electrical and electronic equipment from private households and the return of this equipment to collection facilities
Article 12 (3), first paragraph	Section 13 (1)	Financing in relation to waste electrical and electronic equipment from private households after 13 August 2005
Article 12 (3), second paragraph	Section 13 (4) and (5)	Guarantee from producers for financing of management
Article 12 (4)	Section 13 (2)	Responsibility for financing historical waste
Article 12 (5)	Section 11 (4)	Measures to ensure that appropriate schemes or compensation procedures are developed if electrical and electronic equipment is shipped outside the Netherlands
Article 12 (6)	No implementation necessary	Addressed to the Commission, concerns publication of report on possibility of developing criteria for internalising actual costs
Article 13 (1), first sentence	Section 14 (1)	Producers are charged with financing the costs for the collection and treatment of electrical and electronic equipment from users other than private households put on the market after 13 August 2005
Article 13 (1), second sentence et seq	Section 14 (2)	Discarders are charged with financing the costs for the collection and treatment of waste electrical and electronic equipment from users other than private households put on the market before 13 August 2005 (historical waste)
Article 13 (2)	Section 14 (3)	Possibility for producers and other users to agree on different financing arrangements

Article 14 (1)	No use has been made of this possibility	Information at the time of sale of new products on the costs of environmentally-sound collection, treatment and disposal
Article 14 (2) and (3)	No implementation necessary	Stimulus programmes for separate handover by citizens (STAP and SAM), information programmes from I&M via Milieu Centraal, the Waste Consultation Body (Afval Overleg Orgaan) and the I&M website and follows from the system of the Environmental Management Act: the municipality must take care of separate collection and communicate this to the citizens
Article 14 (4)	Section 15	Producers must put the symbol designated in Annex IX to Directive no. 2012/19/EU on electrical and electronic equipment put on the market
Article 14 (5)	No use has been made of this possibility	Possibility to charge producers and distributors with responsibility for information provision
Article 15 (1)	Section 16 (1) to (3)	Information for treatment facilities
Article 15 (2)	Section 16 (4)	Notification of time that electrical and electronic equipment was put on the market
Article 16 (1), first paragraph	Section 18	Establishment of register of producers
Article 16 (1) second paragraph and (2) (a)	Section 19 (1)	Producers must report themselves
Article 16(2) (b)	Section 19 (2)	Provision of certain information by producers when reporting
Article 16 (2) (c)	Section 19 (3)	Provision of information by producers for the Member States' annual collection of data on electrical and electronic equipment that has been put on the market, collected, prepared for re-use, recycled, recovered and separately collected

Article 16 (2) (d)	No implementation necessary	National registers must have links on their websites to facilitate registration
Article 16 (3)	No implementation necessary	Addressed to the Commission, concerns the power to adopt implementing acts
Article 16 (4)	No implementation necessary	Report to the Commission and the Commission's preparation of a report every three years
Article 16 (5)	No implementation necessary	The sending of a report to the Commission every three years
Article 17	Section 21	Authorised representative
Article 18	No implementation necessary	Administrative cooperation and exchange of information
Article 19	No implementation necessary	Addressed to the Commission, concerns adaptation to scientific and technical progress
Article 20	No implementation necessary	Addressed to the Commission, concerns the Commission's exercise of its delegation of power
Article 21	No implementation necessary	Addressed to the Commission, concerns appointment of Committee.
Article 22	No implementation necessary	Penalties are already provided for via starting points in the Environmental Management Act and Economic Offences Act
Article 23	No implementation necessary	Inspection and monitoring
Article 24	Section 25	Deadline for transposition
Article 25	No implementation necessary	Repeal of Directive 2002/95/EC.
Article 26	No implementation necessary	Provision on the Directive's entry into force

Article 27	No implementation necessary	Addressees of the directive.
Annexes I to XII	No implementation necessary	Section 23 of the Regulations contains a dynamic reference to annexes to the Directive.