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Registration and reporting and the frequency of reporting to the register

Response to the stakeholder consultation on the draft Commission Implementing Regulation establishing the format for registration and reporting and the frequency of reporting to the register



The WEEE Forum a.i.s.b.l., a global central of competence speaking for thirty-four producer responsibility organisations in Europe, Australasia and North America, acknowledges the draft Commission Implementing Regulation (IR) establishing the format for registration and reporting and the frequency of reporting to the register, as requested in Article 16(3) of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

This paper reflects the views of those producer responsibility organisations, responding to the stakeholder consultation, as launched by the European Commission services on 27 July 2017.

Main messages

The WEEE Forum is of the opinion that:

- ▶ *Some parties other than producers of EEE may be subject to reporting obligations*
- ▶ *The brand name should not be a mandatory information element.*
- ▶ *All parties that engage in exports of EEE for re-use should report to the register.*
- ▶ *All parties that engage in treatment/export of WEEE should report to the register.*
- ▶ *The mandatory frequency of reporting should be annual, for both EEE and WEEE.*
- ▶ *The deadlines for reporting should be 30 April and 30 June.*

Article 1

Subject matter

Some parties other than producers of electrical and electronic equipment or their authorised representatives, where appointed under Article 17 of the Directive 2012/19/EU, for example recyclers, may be subject to reporting obligations. See further in this paper.

Article 2

Format for registration

Article 2 of the draft IR requires that “Member States shall ensure that producers, or authorised representatives where appointed under Article 17 of Directive 2012/19/EU, or third parties acting on their behalf use the format set out in Annex I for registration of the producer or the authorised representative in a Member State” and that the information elements in the format set out in Annex I are mandatory. Member States may require additional information elements as specified in the format set out in this Annex.

We agree that, generally speaking, a harmonised data structure and format for registration and reporting of producers for all Member States can reduce the administrative burden for producers operating at EU level or at the level of several Member States. But to require all hundreds of thousands of operators that are considered ‘producer’ by the Member State laws and regulations transposing Directive 2012/19/EU to report the brand names of the EEE they sell on the Member State markets is unnecessarily onerous. First, because they may sell dozens of brands, and the products they offer for sale may change (and therefore also some

of the brand names) throughout the year. Second, the same brand names are sold by various producers and distributors; it is unclear how the registers will deal with these overlapping data. The IR fails to provide sound reasons on what grounds information about brand name will reduce the administrative burden.

- ▶ *The brand name should not be a mandatory information element for producers (under Annex I chapter A) or for authorised representatives (under Annex I chapter B)).*

Article 3

Format for reporting to the register on data related to EEE placed on the market

Annex II, referenced in Article 3, fails to include the quantity of EEE leaving a Member State for another Member State for the purpose of re-use in the “Quantity of EEE placed on the market of the Member State (in kg)”. The definition of ‘producer’ and ‘authorised representative’ as laid down in Directive 2012/19/EU does not include exporters of EEE for re-use. Furthermore, Commission Implementing Regulation 2017/699 of 18 April 2017 defines “EEE placed on the market(t)” as “the weight (tonnes) of finished EEE produced in a reference year t within a Member State” (domestic production) plus “the weight (tonnes) of EEE entering a Member State in a reference year t coming from another Member State or a third country for distribution, consumption or use” (imports), minus “the weight (tonnes) of EEE leaving a Member State in a reference year t for another Member State or a third country for distribution, consumption or use” (exports). Exports for re-use are not included in that definition.

- ▶ *The quantity of EEE that parties other than producers (or authorised representatives where appointed under Article 17 of Directive 2012/19/EU, or third parties acting on their behalf) export to the market of another Member State should be reported as a negative ‘placed on the market’ value. All parties that engage in exports of EEE for re-use should be required to report to the register.*

Article 4

Format for reporting on data related to WEEE collected, treated, recycled and recovered

In some Member States, parties other than producers of EEE or authorised representatives, and not acting on their behalf, report quantities of treated/recycled WEEE to the register. In contrast, this draft Implementing Regulation does not include parties other than producers of EEE or authorised representatives, and not acting on their behalf, among those with reporting obligations. Exporting recyclers are therefore implicitly excluded.

- ▶ *In order to ensure that all WEEE flows are monitored adequately, parties other than producers of EEE or authorised representatives, and not acting on their behalf, for example recyclers, should be required to report all quantities of WEEE they treat*

and/or export, regardless of whether or not those quantities were collected by producers.

Article 5

Frequency of reporting to the register

The draft IR proposes quarterly reporting for EEE and annual reporting for WEEE.

Approximately 100,000 producers of electrical and electronic equipment are registered in the European Union, of which a vast majority are small and medium-sized enterprises. An obligation to report data related to EEE placed on the market on a quarterly basis would be unnecessarily onerous for those SMEs, and may create incentives for them not to register or report and become free-riders. Furthermore, with quarterly reporting, some producers will choose to report estimates, whilst annual reporting with realistic data reporting deadlines will allow producers to provide robust, validated data.

- ▶ *Producers (and parties other than producers (or authorised representatives where appointed under Article 17 of Directive 2012/19/EU, or third parties acting on their behalf use)) should report the data related to EEE placed on the market to the register on an annual rather than quarterly basis.*
- ▶ *Producers (and parties other than producers (or authorised representatives where appointed under Article 17 of Directive 2012/19/EU, or third parties acting on their behalf use)) should report the data related to WEEE to the register on an annual basis.*
- ▶ *Producers (and other obligated parties) should make their report available to the register before 1 May of the year following the year for which the data is collected.*
- ▶ *The register should make the consolidated report available before 1 July of the year following the year for which the data is collected.*
- ▶ *The Implementing Regulation should allow Member States to request a reporting period of a higher frequency, provided it is congruent with the mandatory frequency as laid down by the IR.*

About the WEEE Forum a.i.s.b.l.

The WEEE Forum, set up in 2002, is a Brussels-based European not-for-profit association speaking for thirty-four not-for-profit electrical and electronic equipment waste (WEEE) producer compliance schemes – alternatively referred to as ‘producer responsibility organisations’ (PRO). The 34 PROs are based in Australia, Austria, Belgium, Canada, Czechia, Cyprus, Denmark, Estonia, Italy, France, Greece, Iceland, Ireland, Lithuania, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. It is the biggest organisation of its kind in the world. In 2016, its member organisations reported collection and proper de-pollution and recycling of 2,100,000 tonnes of WEEE. Members in 2017: Amb3E, ANAKYKΛΩΣΗ ΣΥΣΚΕΥΩΝ, ASEKOL, Australia New Zealand Recycling Platform, Ecodom, Eco-systèmes, Ecotic, ECOTIC, EES-Ringlus, EGIO, Electrocyclusis Cyprus, Electronic Products Recycling Association, ElektroEko, Elektrowin, El-Kretsen, elretur, Environ, ΦΩΤΟΚΥΚΛΩΣΗΣ, Norsirk, Recipo, Recupel, Remedia, RENAS, Repic, Retela, RoRec, SENS eRecycling, SWICO, UFH, Úrvinnslusjóður, Wecycle, WEEE Ireland, WEEE Malta and Zeos. Contact: info@weee-forum.org. Website: www.weee-forum.org. See also [15 Years On](#).