

**BIS**

Department for Business  
Innovation & Skills

**ENVIRONMENTAL REGULATIONS  
REGIONAL ROADSHOWS 2012**

1. **Get the latest.**

**Welcome**

# Today's speakers

## Chair

Iain Nicol

## New RoHS II Directive

Peter Askew

## WEEE Recast

Graeme Vickery

## Update on Batteries Directive

Iain Nicol

# New RoHS II Directive

# “RoHS I” → “RoHS II”

*RoHS - “The EU Directive on the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment (EEE)”*

- RoHS I – the existing Directive 2002/95/EC has applied to certain categories of EEE since 1 July 2006
- RoHS II – the new revised Directive 2011/65/EU will replace RoHS I on 2 January 2013

# RoHS II main changes

- Scope and scope exclusions
- Definition of EEE
- Restricted substances
- Exemption procedure
- Conformity assessment and CE marking - “Goods Package”
- Hard stop 22 July 2019 for non compliant product

# Scope and Exclusions

In scope now	In scope later	Exclusions from scope
<ol style="list-style-type: none"> <li>1. Large household appliances</li> <li>2. Small household appliances</li> <li>3. IT and telecommunications equipment</li> <li>4. Consumer equipment</li> <li>5. Lighting equipment</li> <li>6. Electrical and electronic tools</li> <li>7. Toys, leisure and sports equipment</li> </ol>		<ul style="list-style-type: none"> <li>- Military equipment</li> <li>- Equipment designed to be sent into space</li> <li>- Equipment designed and installed as part of another type of equipment not within scope</li> <li>- Large-scale stationary industrial tools</li> <li>- Large-scale fixed installations</li> <li>- Means of transport</li> </ul>
<ol style="list-style-type: none"> <li>8. Medical devices (phased from 2014)</li> <li>9. Monitoring and control instruments including industrial (phased from 2014)</li> </ol>		<ul style="list-style-type: none"> <li>- Non-road mobile machinery for professional use</li> <li>- Active implantable medical devices</li> </ul>
<ol style="list-style-type: none"> <li>10. Automatic dispensers</li> </ol>		<ul style="list-style-type: none"> <li>- <b>Photovoltaic panels</b></li> </ul>
<ol style="list-style-type: none"> <li>11. Other EEE not covered by any of the categories above (from 2019)</li> </ol>		<ul style="list-style-type: none"> <li>- R&amp;D equipment only available on B to B basis</li> </ul>

# Changed definition of EEE

- ‘EEE’ means equipment which is **dependent** on electric currents or electromagnetic fields in order to work properly ....etc
- ...‘**dependent**’ means, with regard to EEE, equipment needing electric currents or electromagnetic fields to fulfil **at least one** intended function;

# Restricted Substances & Exemptions

- **The list of restricted substances remains the same.** Lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls polybrominated diphenyl ethers
- However a new exemption procedure has been introduced

## Duration of the Exemptions

- 5 years for Categories 1-7, 10 and 11
- 7 years for Categories 8 and 9

## Renewal

- Application to be made 18 months before exemption expires
- Commission to decide no later than 6 months before expiry date
- Rejection of an application for renewal shall not take effect until at least 12 months and no later than 18 after the date of the Commission decision





# What you must do as a Producer /Manufacturer

- design & manufacture conforming products
- compile technical documentation (Module A)
- prepare Declaration of Conformity
- CE mark the product
- mark product for traceability
- keep technical documentation for 10 years
- work with national authorities to demonstrate compliance or help to ensure compliance
- keep a register on non-conforming EEE

# What you must do as an Authorised Representative

- At a minimum the mandate from the manufacturer shall allow the AR to:-
  - keep DoC and Technical Documentation
  - work with national authorities to demonstrate compliance or help to ensure compliance
- AR cannot take on the responsibility for technical compliance and documentation

# What you must do as an Importer

- ensure manufacturer has carried out their duties
- add your own name and details
- in the case of non-conforming EEE, take corrective action and inform authorities
- keep documentation for 10 years and if appropriate work with authorities to ensure compliance

# What you must do as a Distributor

- act with due care in relation to requirements – check CE marking and documentation etc...
- keep non-conforming EEE off the market and inform manufacturer, importer and authorities
- work with national authorities to demonstrate compliance or help to ensure compliance

# Forward Look

- Review the list of restricted substances – by 22 July 2014
- Review of scope and exclusion – by 22 July 2014 and, if appropriate, propose additional exclusions
- WG working on Guidance & FAQs – results due mid 2012
- UK implementation consultation underway soon - see our website

# Questions?

**Break**



# The WEEE Recast

## “WEEE I” → “WEEE Recast”

*WEEE* - “The EU Directive on waste electrical and electronic equipment (WEEE)”

- WEEE – the existing Directive 2002/96/EC has applied to certain categories of EEE since 13 August 2005
- WEEE Recast – provisional agreement on a revised Directive was reached in December and the new requirements are likely to apply from January 2014

# WEEE Recast main changes

- Scope and scope exclusions
- New Member State collection target
- Higher recovery, reuse & recycling targets
- Illegal Shipments
- New Distributor/Retailer Obligations

# Scope

## Current Directive

### Ten Categories

*Large household appliances*

*Small household appliances*

*IT & Telecomms equipment*

*Consumer equipment*

*Lighting equipment*

*Electrical & Electronic Tools*

*Toys, Leisure & Sports equipment*

*Medical Devices*

*Monitoring & Control Instruments*

*Automatic Dispensers*

## New Directive

The original ten Categories for 6 years on a 'closed' scope basis, (plus the **addition** of Photovoltaic Panels in Category 4).

Then streamlined to six Categories on an 'open' scope basis -

*Temperature Exchange Equipment; Screens & Monitors; Lamps; Other Large; Small ICT; Other Small*

# Scope

## - Agreed Exclusions

### **Straightaway -**

- Military equipment
- Equipment designed and installed as part of another type of equipment not within scope
- **Filament bulbs**
- **Household luminaires (but exclusion to end on move to 'open scope')**

### **On move to 'open scope' -**

- Equipment designed to be sent into space
- Large-scale stationary industrial tools
- Large-scale fixed installations
- The means of transport
- Non-road mobile machinery for professional use
- R&D equipment only available on B to B basis
- Infective medical devices and in vitro diagnostic medical devices and active implantable medical devices
- **Pipe organs installed in churches**

# No change to the definition of EEE

- Unlike RoHS, **no** change to the definition of electrical and electronic equipment
- 'EEE' means equipment which is **dependent** on electric currents or electromagnetic fields in order to work properly ....etc

# New MS Collection Target

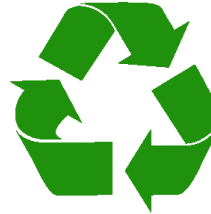
## Current Directive

- **4kg** on average per inhabitant per year of separately collected WEEE from private households

## New Directive

- Before 2016, each Member State shall ensure that it achieves the target of **4kg** per capita **or** the same amount of WEEE in weight as an average of the weight that was collected over the three preceding years
- From 2016, a move from a minimum of **4kg** per capita to **45% POTM** basis
- From 2019, this target will change to either **65% POTM** or **85% of WEEE Generated**

# Recovery, reuse & recycling targets



## Current Directive

- 80% recovery and 75% recycling for Categories 1 and 10
- 75% recovery and 65% recycling for Categories 3 and 4
- 70% recovery and 50% recycling for Categories 2, 5, 6, 7 and 9
- No targets for Category 8

## New Directive

- The introduction of 70% recovery and 50% recycling for Category 8 immediately
- **All** targets to be increased by 5% after three years, with a new 80% recycling target for gas discharge lamps
- Within four years, the Commission will examine the case for a mandatory **5% reuse target** to be shown separately from the recycling target level



# Illegal Shipments

- Introduction of minimum monitoring requirements for the shipment of WEEE/used EEE
- New Annex VI addresses widespread concerns over illegal exports and 'dumping'
- Interface with Waste Shipment Regulations



# What you must do as a Producer /Manufacturer

- Register with one of the UK Environment Agencies
- Join an approved Producer Compliance Scheme (PCS)
- Make information about the amounts of EEE placed on the market available to the PCS
- Mark all EEE placed on the market with the “crossed-out wheeled bin” symbol
- Make information available to treatment facilities
- Appoint an authorised representative in any other Member States in which you place product on the market

# What you must do as an Authorised Representative

- As an authorised representative of a producer established in another Member State, you must fulfil the obligations of that producer or manufacturer

# What you must do as a Distributor

- Provide information to consumers about the environmental impact of EEE and WEEE and about the separate collection of EEE
- Facilitate the take back of WEEE from consumers free of charge either by joining the UK Distributor Take-back Scheme or by taking back WEEE in-store on a 'like for like' basis
- **New** - For retail outlets with an EEE sales area over 400m<sup>2</sup>, take back any small item of WEEE without an obligation to buy anything

# WEEE Forward Look

- OJ Publication of new Directive expected mid-2012
- UK implementation consultation exercise due late 2012 or early 2013
- Consultation will also bring in changes to make the operation of the UK system fairer & more transparent
- New UK Regulations will come into force in 2014
- New Guidance late 2013

# Questions?

# Update on the Batteries Directive

# Capacity Labelling

- Automotive and rechargeable portable batteries must be labelled to show their capacity from **31 May 2012**
- Article 21.2 of the Directive
- EU “Internal market” requirement
- Commission Regulation 1103/2010
- Using established standards



# Capacity Labelling

- Not for single use portable batteries
- (Post 31 May) “non-compliant” batteries already on market do not have to be removed from sale
- UK is amending Batteries Regulations 2008
- Supplementary guidance will be published before the requirement takes effect
- National Measurement Office will enforce from 31 May 2012

# Recycling Efficiencies

- Battery recycling processes must meet these standards from **1 January 2014**
- Member states have agreed text – awaiting Parliament and Council scrutiny
- Article 12.6 and Annex III of Directive
- 65% by weight for lead-acid batteries
- 75% by weight for nickel-cadmium batteries
- 50% by weight for other batteries

# Producer Responsibility Enforcement

- Producers have responsibilities for registration, reporting and publicity
- The Vehicles Certification Agency (VCA) enforces this for **industrial and automotive** battery producers
- Previously enforced directly by BIS
- NMO and EAs retain their responsibilities
- NPWD still used for registration

# Questions?

# More information

## BIS website

<http://www.bis.gov.uk/policies/business-sectors/environmental-and-product-regulations/environmental-regulations>

## NMO website

<http://www.bis.gov.uk/nmo/enforcement>

## Environment Agency website

<http://www.environment-agency.gov.uk/business/topics/waste/>

## VCA website

[www.dft.gov.uk/vca/enforcement/](http://www.dft.gov.uk/vca/enforcement/)

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