



Regulation on producer responsibility for electrical and electronic equipment;

issued on 14 April 2005

(unofficial translation)

The Government decrees¹ the following:

1 § The purpose of this regulation is to ensure that electrical and electronic equipment is designed and produced in such a manner as to prevent the generation of waste, and to ensure, as regards the waste that does occur, that producers operate a waste collection system, that the equipment can be reused or recovered, and that the targets indicated in Annex 3 are fulfilled.

Definitions

2 § For the purposes of this regulation, *electrical and electronic equipment* mean products designed for use with a voltage rating not exceeding 1000 Volts for alternating current and 1500 for direct current, and which

1. are dependent on electric currents or electromagnetic fields in order to function correctly, or
2. are designed for the generation, transfer and measurement of electric currents and electromagnetic fields.

When an electrical or electronic product occurs as waste, the components, subassemblies and consumables which are included in the product shall be deemed to constitute a part of the product.

3 § For the purposes of this Regulation, *producer* means any person who

1. manufactures and sells electrical and electronic equipment under his own brand,

¹ Excerpt from the protocol of the Government session held on 14 April 2005 (The Purpose of the Regulation 2005:1). Compare Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), (EUT L 37, 13.2.2003, s. 24, Celex 32002L0096), amended by Directive 2003/108/EC of the European Parliament and of the Council (EUT L 345, 31.12.2003, s. 106, Celex 32003L0108).

2. resells under his own brand electrical and electronic equipment produced by other suppliers, as referred to in paragraph 1 above, or

3. on a professional basis imports electrical and electronic equipment into Sweden or exports such equipment from Sweden to another Member State in the European Union.

Producer shall not mean anyone who only provides financing for the acquisition of a product under or pursuant to any finance agreement, any loan, lease, hiring or deferred sale agreement or arrangement, whether or not the terms of that agreement or arrangement provide that a transfer or ownership of that equipment will or may take place.

4 § For the purposes of this regulation,

Directive 2002/96/EC means the Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)², amended by the Directive 2003/108/EC³ of the European Parliament and of the Council,

distance selling means selling a product to a user in another country, exclusively by means of distance communication, under a direct contract entered into with the user, and where the user is not considered to be the producer according to the corresponding regulations in the other country,

household equipment means electrical and electronic equipment which can be expected to form part of private household waste,

pre-processing means the type of processing referred to in 23 § of the Waste Regulation (2001:1063),

collection system means a system, maintained by or associated with the producer, allowing WEEE to be returned for transport, recovery or removal by the producer,

energy recovery means a method of processing waste material which harnesses the energy contained therein,

material recovery means the reprocessing of waste material by means other than reuse or energy recovery,

dangerous substances or preparation means any substance or preparation which may be considered dangerous under Council directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁴, last amended by the Commission Directive 2004/73/EC⁵, or European Parliament and Council Directive 1999/45/EC of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the

² EUT L 37, 13.2.2003, s. 24 (Celex 32002L0096).

³ EUT L 345, 31.12.2003, s. 106 (Celex 32003L0108).

⁴ EUT L 196, 16.8.1967, p.1 (Celex 31967L0548).

⁵ EUT L 122, 16.5.2003, p.36 (Celex 32003R0807).

Member States relating to the classification, packaging and labelling of dangerous preparations⁶, last amended by the Council Directive 2004/66/EC⁷.

5 § The terms and expressions used elsewhere in this Regulation shall have the same meaning as in the Environment Act and the Waste Regulation (2001:1063).

Scope

6 § This regulation shall be applicable to the electrical and electronic equipment falling under the categories set out in Annex 1 of this Regulation.

The Regulation shall not apply to

1. equipment which is not covered by this Regulation, or which is manufactured and sold as part of equipment which is not covered by this Regulation, or

2. equipment which is connected with the protection of the essential interests of the security of Member States of the European Union, or to arms, munitions and war material, if the products are intended for specifically military purposes.

7 § The provisions issued under the Radiation Act (1998:220) shall take precedence over the provisions of this Regulation.

The provisions in the Regulation (1997:645) on batteries and the provisions issued under that Regulation shall take precedence over the provisions of this Regulation.

8 § The provisions assigning municipalities responsibility for the transport, recovery or removal of private household waste are laid out in Chapter 15, 8 § of the Environment Act. This responsibility is restricted by the provisions of this Regulation to waste which, in accordance with this Regulation, is delivered to a responsible producer or to a collection system, as referred to in 16 §.

Information on products and registration

9 § Producers selling electrical and electronic equipment must provide information about their products to the Swedish Environmental Protection Agency (*Naturvårdsverket*). Information must be provided on equipment falling under any of the product categories set out in Annex 1 of this Regulation, with the types of products specified in a manner which meets with the requirements of the Regulation. Information must be provided on:

⁶ EUT L 200, 30.7.1999, p.1 (Celex 31999L0045).

⁷ EUT L 168, 1.5.2004, p.1 (Celex 32004L0066).

1. the types and quantities, measured by weight or number, of the various equipment which the producer sells in Sweden or by means of distance communication to other Member States of the European Union,

2. the quantities, measured by weight or number, of private household equipment which the producer sells in Sweden,

3. the quantities, measured by weight or number, of private household equipment which the producer sells by means of distance communication to any other Member State in the European Union, as well as

4. how the producer intends to fulfil his responsibility in accordance with this Regulation and how the requirement to guarantee the financing of the take-back under 18 § has been met.

10 § The Swedish Environmental Protection Agency shall draw up a register of producers and collect the information provided by producers, as prescribed in 9 §.

With the help of this information, and through an exchange of information with other Member States in the European Union, the Swedish Environmental Protection Agency shall regularly estimate each producer's market share of the private household equipment sold in Sweden, or, in the case of distance selling to another Member State in European Union, the producer's distance sales' market share of the private household equipment sold in all such countries.

Market shares may refer to a certain type of equipment or product market or other appropriate division.

Product marking

11 § Producers selling electrical and electronic equipment in Sweden, or by means of distance communication to another member State in the European Union, shall ensure that the equipment is marked with

1. the symbol shown in Annex 2 of this Regulation,

2. a declaration that the products were placed on the Single Market after 12 August 2005, and

3. the directions necessary to identify the producer.

Where this is necessary, because of the size or function of the product, the symbol referred to in paragraph 1 above may alternatively be printed on the product's packaging, on the instructions for use or on the warranty of the EEE.

Take-back requirement

12 § A producer shall take back electrical and electronic equipment occurring as waste, if the producer has sold the products in Sweden, in another Member State of the European Union, or by means of distance communication to another Member State, after 12 August 2005.

13 § A producer shall participate in the take-back of electrical and electronic equipment placed on the market before 13 August 2005 which occur as private household waste.

For each period designated by the Swedish Environmental Protection Agency the producer shall bear responsibility for:

1. a share of the waste produced in Sweden of equivalent ratio to the producer's market share of total private household equipment sold in Sweden, and
2. if involved in distance selling to another Member State of the European Union, a share of the waste produced in each such State of equivalent ratio to the market share occupied by the producer's household products sold by distance sales of the total household products sold in that State.

Market shares may refer to a certain type of product or product market or other appropriate division.

14 § A producer shall ~~without reimbursement~~ take back electrical and electronic equipment placed on the market before 13 August 2005 and occurring as waste other than private household waste, if the waste has been handed over to the producer as part of their requirement to accept a quantity of waste correspondent to the quantity of the new products they sell. The requirement applies only to products of the same product type or which in normal use perform essentially the same function as the products sold.

15 § A producer shall without reimbursement take back such waste as referred in 12-14 §§ which has occurred in private households.

16 § With regard to the waste that can be expected to occur in Sweden, a producer shall complete his requirement in compliance with 12-14 §§ by ensuring:

1. that there is one or more adequate collection systems for such waste as referred to in 12 and 13 §§,
2. that simple and practical opportunities are provided to hand over equipment under 14 § , and
3. that the equipment handed over to the collection system or systems referred to in paragraph 1 above, or handed over to the producer as prescribed in 14 §, is transported, pre-processed, reused, materially recycled, energy-recovered or managed in some other environmentally sound manner.

17 § A collection system shall be deemed adequate if:

1. it is within easy reach of, and provides a good service to, private households, municipalities acting on behalf of households, and others who might reasonably be assumed to have an interest in handing over electrical and electronic equipment of the kind referred to in 12 and 13 §§,

2. it facilitates, for private households and others, the task of sorting products from other types of waste;

3. in the case of waste of the type referred to in 12 §, there is a collection system with an adequate geographical distribution in consideration of the expected use and length of life of the products sold and of other circumstances;

4. in the case of waste of the type referred to in 13 §, there is a collection system in every municipality;

5. in the case of private household equipment, equipment of the same product type as the products for which the collection system is designed may be handed over to the system even if the producer's take-back responsibility is restricted to certain products or a certain proportion of the waste generated,

6. it promotes the reuse of the entire product or components thereof, and

7. When an individual collection system's adequacy is assessed, special regard will be taken of the outcome of the consultations, as provided for in 23 §.

With regard to the service provided to the municipalities in accordance with the first paragraph above (1), a collection system shall mean that, as a minimum requirement, products may be handed over to the collection system or collected by an operator representing the collection system, on the site or one of the sites designated by the municipality concerned for the management of WEEE. The municipality and the producer may agree on departures from these requirements.

Requirement to guarantee sufficient finance for the fulfilment of producer responsibility

18 § A producer selling electrical and electronic private household equipment in Sweden or by means of distance communication to another Member State of the European Union, shall guarantee, by participating in appropriate schemes for the financing of the management of WEEE, taking out recycling insurance, setting up a blocked bank account, or in some other manner, sufficient finance for the fulfilment of the producer's requirement to take back equipment as provided for in 12 § compared with 16 §, covering the eventualities of the producer ceasing operation, or for any other reason falling short of fulfilling their responsibility.

This arrangement shall be deemed adequate if it can be demonstrated that it is likely, in consideration of the expected

use of the equipment sold, its length of life and other circumstances, that the requirements will be met by the producer, or that an operator who fulfils the producer's responsibility may obtain reimbursement for the actual costs incurred.

Requirement to provide information about the components of the equipment and its disposal

19 § With regard to electrical and electronic equipment which the producer sells in Sweden or by means of distance communication to another Member State of the European Union, the producer shall provide information about the components of the equipment which is necessary for environmental and health reasons in order to facilitate maintenance, upgrading, repair, reuse, pre-processing, material recycling, energy recovery or removal of an entire product or its components.

The producer shall fulfil his information requirement by ensuring that the information is available, by the expiry of one year after the sale at the latest, to those who manage WEEE on a professional basis and to others who may reasonably be assumed to have an interest in reusing such products.

20 § For the purposes of estimating the targets set out in Annex 3 of this Regulation, a producer shall ensure that, with regard to the equipment collected in the collection system referred to in 16 § or handed over to a producer under 14 §, there is information available about the quantity of waste which has been

1. collected
2. reused without pre-processing,
3. pre-processed,
4. reused after pre-processing,
5. materially recycled,
6. energy recovered,
7. removed otherwise, and
8. exported from Sweden for the procedures of waste management indicated under 2–7 above.

With regard to information on the procedures referred to under 3–7 in the previous paragraph and which have taken place outside the European Union, the producer must be able to demonstrate that the products have been managed in a manner corresponding to the requirements laid down in Directive 2002/96/EC.

The producer shall ensure the provision of information to the Swedish Environmental Protection Agency in a manner and on a scale determined by the Agency.

21 § When a municipality informs private households about waste management within the municipality, the information on electrical and electronic equipment shall include information on:

1. the potential effects on human health and the environment resulting from the presence of dangerous substances in such equipment,

2. the content of the marking referred to in 11 § first paragraph 1,

3. the requirement to sort waste arising from such equipment arising from the legislation laid out in the Waste Regulation (2001:1063), and the procedure by which the sorting shall proceed,

4. the collection systems to which private households have access, and

5. the type of recovery to which the sorting of waste contributes.

22 § With regard to electrical and electronic equipment, the producer shall ensure that parties other than private households receive information on:

1. the purpose of managing the waste arising from such equipment separately from other waste, and

2. how such products may be delivered to the producer or a collection system.

The information shall be designed and delivered in such a manner that it reaches those who may reasonably be assumed to have an interest in handing over electrical and electronic equipment to the producer or to a collection system.

Consultation

23 § A producer operating a collection system under 16 § shall in matters relating to private household WEEE engage in consultation with all relevant municipalities on questions relating to the collection system. This consultation is intended to ensure coordination between the producer's fulfilment of responsibility and the municipality's disposal duties, in accordance with the local circumstances of the municipality.

24 § The producer shall fulfil his consultation requirement, before a collection system has been established or before it is put into operation and otherwise upon municipal request, by:

1. submitting a detailed report to the municipality on how the producer is fulfilling or intends to fulfil the requirements arising from 17 §,

2. providing the municipality with the information it requires in order to be able to inform private households, as prescribed in 22 §, as well as other information on the management of

electrical and electronic equipment needed for the municipality's disposal effort, and

3. giving the municipality the opportunity to confer with the producer about any changes or coordination which the municipality deems necessary.

25 § During the consultation, the municipality shall give the producer the opportunity to voice opinions on the design of the information issued to private households, referred to in 23 §.

Distribution of responsibility, information and reporting, inspection and monitoring

26 § The Swedish Environmental Protection Agency shall with the help of information issued under 9 and 20 §§ determine the producers' share of responsibility for waste in accordance with 13 § and shall notify the producers of the distribution of responsibility.

The Swedish Environmental Protection Agency shall assist those assigned producer responsibility with the provision of any information from the register referred to in 10 § or any information reported under 20 § necessary to establish a producer's responsibility under 12 §, or in order that the party concerned should be able to identify the producer responsible and gain access to information about the finance schemes used to ensure the fulfilment of the responsibility.

27§ Each producer must submit a report to the Swedish Environmental Protection Agency on an annual basis on the manner in which the producer has fulfilled his requirements in accordance with this Regulation.

The first paragraph of this Section shall not apply to the methods used for the fulfilment of local collection requirements, as provided for in 16 and 17 §§.

28 § The Swedish Environmental Protection Agency shall

1. fulfil the requirements relating to reporting to the European Commission arising from Article 12 in the Directive 2002/96/EC, and

2. organise cooperation in the exchange of information with other Member States of the European Union, as provided for in this Regulation and Directive 2002/96/EC.

29 § In the Regulation (1998:900) governing monitoring in accordance with the Environment Act and in the Regulation (1998:940) governing charges for inspection and monitoring in accordance with the Environment Act, there are provisions concerning inspection and monitoring.

Authorisation

30 § The Swedish Environmental Protection Agency may issue regulations required for the implementation of 9, 10, 13, **16-20, 26 and 27 §§**.

Penalties

31 § Whosoever, with intent or through negligence, fails to fulfil his requirement

1. to ensure that electrical and electronic products are marked in accordance with the provisions under 11 §,
 2. to take back electrical and electronic products in accordance with the provisions under 12-14 §§ and 16 § (1) and (3),
 3. ensure finance under the provision of 18 §, or
 4. provide information under the provision of 19 §,
- shall be sentenced to a penalty.

Whosoever breaches the penalty injunction or a penalty ban under Chapter 26 of the Environment Act may not be held liable under this Regulation for actions covered by the injunction or ban.

Whosoever commits a breach punishable under Chapter 29 of the Environment Act shall not be held liable under this Regulation.

This Regulation comes into force on 13 August 2005.

On behalf of the Government,
LENA SOMMESTAD

Lena Ingvarsson
(The Ministry of the Environment)