

WEEE and RoHS Compliance

The following is extracted from Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE) and Directive 2002/95/EC on the Restriction of the Use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS).

WEEE

On the 2nd January 2007 the EU Waste Electrical and Electronic Equipment (WEEE) regulations came into force. WEEE is legislation for producers (manufacturers) of electrical and electronic equipment (EEE) which aims to reduce the amount of EEE ending up dumped in landfill. Instead the regulations require the collection, treatment, recycling and environmentally sound disposal of WEEE. The regulations affect all brand owners (manufacturers), importers and distributors or retailers of EEE.

The targets set in Article 7 of the WEEE Directive can be attained by recovery, recycling and re-use of components, materials or substances and relate to WEEE sent for treatment.

Treatment is defined in Article 3(h) as 'any activity after the WEEE has been handed over to a facility for de-pollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery and/or the disposal of the WEEE'. If equipment is sorted for reuse before going to the treatment facility it does not count towards the targets. The repair of whole equipment is not considered to be treatment in the sense of Article 3(h). **However, the re-use of components will be counted towards the targets.**

This Directive does not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before 1 July 2006.

RoHS

EU Directive 2002/95/EC (RoHS) does not apply to spare parts for the repair, or reuse, of electrical and electronic equipment put on the market before 1 July 2006 (Article 2(3)). This is to allow old equipment to be maintained with spare parts and to ensure that old electrical and electronic equipment is reused. This derogation is explicitly limited to old equipment, i.e. put on the market before 1 July 2006.

The use of non-RoHS compliant material in electrical and electronic equipment (EEE) products put on the market before 1 July 2006 for the purposes of capacity expansion and/or upgrade is allowed in principle provided that the EEE is not put on the market as a new product. If after the capacity expansion and/or upgrade the EEE is put on the market as a new product it should comply with the RoHS directive. **However, if after capacity expansion and/or upgrade the EEE is put on the market as a reused product, the RoHS Directive does not apply.**

Placing on the market is the initial action of making a product available for the first time on the EU market, with a view to distribution or use in the EU. Hence, products are not considered to be placed on the market before they have entered the territory of EU customs union. As explained above, a product is considered to be made available on the EU market for the first time, when it is transferred from the stage of manufacture with the intention of distribution or use on the Community market. With the transfer of a product located outside the EU to a customer located inside the EU the product is usually made available on the EU market for the first time. Under certain circumstance however such a transfer does not lead to the fact that the product is already made available on the EU market.