

# **ENFORCEMENT OF EU ENVIRONMENTAL PRODUCT REGULATIONS**

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# Summary

- ◎ 1. Introduction
- ◎ 2. Survey of EU Environmental Product Regulations
- ◎ 3. Enforcement of Environmental Product Regulations in the EU
- ◎ 4. Standards, CENELEC, and Product Regulation

# 1. Introduction

- ◎ EU 25 + 2 + ?
- ◎ Compliance on the ground
- ◎ Compliance for Korean Companies
- ◎ Unknown Quantity

## 2. Survey of EU Environmental Product Regulations

Extensive existing body of rules for:

- ◎ Electronic Equipment: WEEE & RoHS
- ◎ Cars: ELV and Co2 Monitoring
- ◎ Packaging
- ◎ Use Hazardous Substances and Chemicals

# .....Survey of Future Regulations.....

Far Reaching:

- ◎ Energy Using Products
- ◎ REACH - Chemicals Reform
- ◎ IPP

# 3. Enforcement of WEEE and RoHS

- © 1. WEEE
- © 2. RoHS
- © 3. Interest of Third Country Producers

## .....3.1. WEEE - Aims and Objective.....

- ◎ Finance Waste operation
- ◎ Shift Costs away from Government to Producer
- ◎ Increase recycling, recovery and re-use rates
- ◎ Improve environmental performance
- ◎ Reduce Waste

# WEEE for Producers

## 3.2

- ◎ Set up waste take back collection scheme
- ◎ Set up waste treatment scheme
- ◎ Set up recovery scheme
- ◎ Meet tough targets for recovery, recycling and re-use
- ◎ Pay for old and new waste
- ◎ Have a € guarantee for each product put on the market
- ◎ Mark equipment with crossed out wheeled bin
- ◎ Provide information to Member States and recyclers



## .....3.2. RoHS - Aims and Objective.....

- ◎ Reduce environmental impact of products by banning the use of certain hazardous substances - unless exempted
- ◎ Substitution
- ◎ Industrial Policy of Innovation

# ..... RoHS for Producers .....

- ◎ In 16 Days time:
  - ◎ 1 July 2006 restrict the use in electrical and equipment of:
    - Lead
    - Mercury
    - Cadmium
    - Hexavalent Chromium
- Flame retardants:
- polybrominated biphenyls (PBB)
  - Polybrominated diphenylethers (PBDE)

# .....RoHS: From the IPOD to Kettle.....

- ◎ Large household appliances
- ◎ Small household appliances
- ◎ IT and telecommunications equipment
- ◎ Lighting equipment + electric light bulbs, Luminaries in households
- ◎ Electrical and electronic tools - with the exception of large-scale stationery industrial tools
- ◎ Toys, leisure and sports equipment
- ◎ Automatic dispensers
- ◎ Exceptions

## 3.3. WEEE and RoHS for Third Countries

- © WEEE - Paying for others old waste
- © Avoiding Sony Playstation's Cadmium Case 2001
- © Importing into EU - Customs control

# ..... Compliance in the EU 25 .....

Austria	Belgium	Czech	Cyprus	Denmark
Estonia	Finland	France	Germany	Greece
Hungary	Ireland	Italy	Latvia	Luxembourg
Malta	Poland	Portugal	Slovakia	Slovenia
Spain	Sweden	UK	Netherlands	Lithuania

## ..... EU 25 - Real Issues .....

- ◎ 25 implementing measures
- ◎ Many languages - 21
- ◎ No one place to get information
- ◎ Similar but different approaches in Member States implementing measures
- ◎ Discretion for Member States

# EU 25

- ⊙ Registration in 25 Member States
- ⊙ Different Enforcement traditions in Member States
- ⊙ Different Penalty Regimes

# Penalties

- © Austria
- © Belgium
- © Finland
- © Netherlands
- © Ireland
- © UK



# Ireland

- ◎ Outline of Regime
- ◎ Prosecutions under WEEE
- ◎ Active

# Netherlands

- ◎ Outline of Regime
- ◎ Experienced
- ◎ Sony and Port of Rotterdam

# UK

- © UK Enforcement regime
- © Penalties
- © Due Diligence Defence

# ..... Pan European Approach .....

- ◎ EU Guidance
- ◎ EU Wide Co-Operation
- ◎ EU Take Back

# EU Guidance

Objective:

- ◎ Common interpretation
- ◎ Presumption of conformity
- ◎ Self declaration

# EU Guidance

## Options:

- ◎ Market intelligence
- ◎ Random selection
- ◎ Know have substances of concern
- ◎ High volume short life products
- ◎ Products unlikely to be recycled

## ..... EU Guidance 2 .....

### Compliance:

- ◎ documentation = contact person, company information products sales
- ◎ Your compliance systems
- ◎ Data quality systems quality of suppliers

## EU Guidance 3

- ③ Sampling & testing Draft IEC 62321.Ed.1, 111/54/CDIT
- ③ Sampling Screening XRF analyzer
- ③ Destructive testing more precise & accurate



# ..... EU Co-Operation .....

- ◎ CLEEN - Chemical Legislation Enforcement Network
- ◎ RoHS Network
- ◎ 24 Member States
- ◎ Network of co-operation
- ◎ Pan - EU Recall - Product Safety

## .....Where to expect enforcement.....

- ◎ Inspections retail
- ◎ Inspections warehouse
- ◎ Competitors
- ◎ Customer
- ◎ NGOs - Austria - Plastic, UK

# ..... Contrast of Approach .....

- © A Producer in Ireland
- © A Producer in the UK

# Other Issues

- © Putting on the Market
- © Concentration Limit Values
- © Deca BDE
- © Compliance through the supply chain

# ..... Putting on the Market .....

- ◎ Is there a definition?
- ◎ Member States Positions
- ◎ Shipping to your subsidiaries

# Deca BDE

- © Decision
- © Court Case
- © Break down into banned Penta and Octa

## .....Maximum Tolerable limit values.....

- © What does homogenous material mean?

# Standards

- © Interest - ECOS
- © WEEE Marking
- © Energy Using Products
- © IEC Testing



# Conclusion

- ◎ Complex and detailed picture
- ◎ No 1 EU approach - Plan for Member State Approach
- ◎ Take time for enforcement networks to get into gear
- ◎ Ensure Your Product Complies
- ◎ Keep the Paper Trail for several years to prove it.

# Links

- © European Commission

[http://ec.europa.eu/environment/waste/weee\\_index.htm](http://ec.europa.eu/environment/waste/weee_index.htm)

- © UK's Department of Trade & Industry

[164.36.164.20/sustainability/weee/](http://164.36.164.20/sustainability/weee/)

<http://www.rohs.gov.uk/>

- © US Mission to the EU

<http://www.buyusa.gov/europeanunion/weee.html>

QUESTIONS?

.....THANK YOU FOR LISTENING.....

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