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**GlobalDenmark Translations, March 2014**

## Statutory Order on placing on the market of electrical and electronic equipment and management of waste electrical and electronic equipment<sup>1)</sup>

The following shall be laid down pursuant to section 9i(1), 9j(2), (3) and (7), section 9k, section 9l(2)-(4), section 9m, section 9n(1)-(4), section 9o, section 9z(2)-(4), section 9æ, section 9ø(1) and (4), section 44(1), section 45(2) and (7), section 51(1), no. 6, section 67, section 80(1)-(2), section 92 and section 110(3) of the Danish Environmental Protection Act, cf. Consolidation Act no. 879 of 26 June 2010, as amended by Act no. 484 of 11 May 2010, Act no. 446 of 23 May 2012, Act no. 1149 of 11 December 2012, Act no. 1248 of 18 December 2012 and Act no. 87 of 28 January 2014, and section 1(3) of the Public Administration Act, cf. Consolidation Act no. 988 of 9 October 2012, as amended by Act no. 638 of 12 June 2013, and after consultation with the Minister for Justice:

### **Part 1**

#### *Scope*

**1.-(1)** This Statutory Order shall apply to:

- 1) electrical and electronic equipment which is placed on the market,
- 2) registration of producers placing electrical and electronic equipment on the market, and their representatives, cf. sections 6-7,
- 3) registration of municipal collection points for waste electrical and electronic equipment from private households, cf. section 24,
- 4) registration of the local councils' need for collection equipment, cf. section 25,
- 5) registration of accessible collection equipment, cf. section 26,
- 6) registration of collective schemes, cf. section 53, and
- 7) duty of information regarding electrical and electronic equipment, cf. part 13.

**(2)** This Statutory Order shall furthermore apply to management of all waste from electrical and electronic equipment.

**(3)** Unless otherwise stated in this Statutory Order, other legislation on waste management shall also apply.

**(4)** In respect of the import and export of waste electrical and electronic equipment, applicable regulations on import and export of waste shall apply.

**2.-(1)** This Statutory Order shall not apply to:

- 1) motor vehicles and electrical and electronic equipment incorporated into such vehicles as well as derived waste fractions covered by the Statutory Order on management of waste in the form of motor vehicles and derived waste fractions, cf. however, subsection (2);

- 2) electrical and electronic equipment which is necessary for the protection of essential national security interests, including arms, munitions and war material intended specifically for military purposes;
- 3) electrical and electronic equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Statutory Order, and which can fulfil its function only if it is part of that equipment;
- 4) filament bulbs; and
- 5) batteries and accumulators covered by the Statutory Order on batteries and accumulators and waste batteries and accumulators, cf. however, subsection (3).

**(2)** Waste electrical and electronic equipment removed from motor vehicles, cf. subsection (1), no. 1, shall, however, be managed in compliance with the provisions of section 38.

**(3)** Batteries and accumulators, cf. subsection (1), no. 5, which during collection are incorporated into waste electrical and electronic equipment shall be removed. After removal, these batteries and accumulators shall be treated according to the regulations of the Statutory Order on batteries and accumulators and waste batteries and accumulators.

## **Part 2**

### *Definitions*

**3.-(1)** For the purpose of this Statutory Order:

- 1) "Waste" shall mean waste as defined in the Statutory Order on Waste.
- 2) "Waste electrical and electronic equipment" shall mean Waste electrical and electronic equipment, including all components, subassemblies and consumables which are part of the product at the time of discarding.
- 3) "Other waste electrical and electronic equipment" shall mean other waste electrical and electronic equipment, cf. no. 11.
- 4) "Waste electrical and electronic equipment from professional enterprises" shall mean waste electrical and electronic equipment, which is not waste from private households, cf. no. 5.
- 5) "Waste electrical and electronic equipment from private households" shall mean
  - a) waste electrical and electronic equipment which comes from private households,
  - b) waste electrical and electronic equipment which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households, and
  - c) waste electrical and electronic equipment likely to be used by both private households and users other than private households.
- 6) "Treatment" shall mean treatment as defined in the Statutory Order on Waste.
- 7) "Disposal" shall mean disposal as defined in the Statutory Order on Waste.
- 8) "Placing on the market" shall mean the first time a product is made available on the Danish market on a professional basis, cf. no. 20.
- 9) "Distributor" shall mean any natural or legal person in the supply chain, who makes an electrical or electronic equipment available on the market. A distributor may simultaneously be a producer within the meaning of no. 29.
- 10) "Electrical and electronic equipment" shall mean electrical and electronic equipment covered by producer responsibility and complying with the following:
  - a) equipment which is dependent on electric currents or an electromagnetic field in order to work properly and equipment for the generation, transfer and measurement of such currents and fields, and
  - b) falling under the categories set out in Annex I and designed for use with a voltage rating not exceeding 1,000 Volt for alternating current and 1,500 Volt for direct current.
- 11) "Other electrical and electronic equipment (electrical and electronic equipment not subject to producer responsibility)" shall mean electrical and electronic equipment which is not covered by no. 10(b).

- 12) "Electrical and electronic equipment for professional use" shall mean electrical and electronic equipment, which has been specifically manufactured for use in private and public institutions or enterprises and which is not electrical and electronic equipment for use in private households, cf. no. 13.
- 13) "Electrical and electronic equipment for private households" shall mean electrical and electronic equipment likely to be used in private households, including equipment of the same nature as that used in private and public institutions and enterprises.
- 14) "Hazardous waste" shall mean hazardous waste as defined in the Statutory Order on Waste.
- 15) "Dangerous substance or mixture" shall mean any substance or any mixture that fulfils the criteria for one of the following hazard classes or hazard categories as listed in Annex I to Regulation (EC) no. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures:
- a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
  - b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
  - c) hazard class 4.1; and
  - d) hazard class 5.1
- 16) "Preparing for re-use" shall mean preparing for re-use as defined in the Statutory Order on Waste.
- 17) "Prevention" shall mean measures taken before substances, mixtures or products which are electrical or electronic equipment becomes waste, and which reduce
- a) the quantity of waste, including through re-use of products or extension of product life span,
  - b) the negative impacts the waste produced has on the environment and human health, or
  - c) the content of harmful substances in mixtures and products.
- 18) "Recycling" shall mean recycling as defined in the Statutory Order on Waste.
- 19) "Re-use" shall mean re-use as defined in the Statutory Order on Waste.
- 20) "Making available on the market" shall mean any supply of a product for distribution, consumption or use on the Danish market in the course of a commercial activity, whether in return for payment or free of charge.
- 21) "Impermeable area" shall mean area with tight surface layer which can resist impacts from liquids without danger of leaching to soil and groundwater.
- 22) "Collection" shall mean collection as defined in the Statutory Order on Waste.
- 23) "Collection scheme" shall mean collection scheme as defined in the Statutory Order on Waste.
- 24) "Collection equipment" shall mean Cages, containers, fluorescent tube containers etc. for collection of waste electrical and electronic equipment.
- 25) "Collection point" shall mean Point established by the local council from where producers shall pick up waste electrical and electronic equipment from private households.
- 26) "The Act" shall mean the Environmental Protection Act.
- 27) "Medical device" shall mean medical device or accessory as defined in Statutory Order concerning medical devices, and which is electrical and electronic equipment.
- 28) "Recovery" shall mean recovery as defined in the Statutory Order on Waste.
- 29) "Producer" shall mean any natural or legal person who, irrespective of the selling technique used, including distance communication,
- a) is established in Denmark and manufactures electrical or electronic equipment under his own name or trademark, or has electrical or electronic equipment designed or manufactured and places it on the Danish market under his name or trademark;
  - b) is established in Denmark and resells within Denmark, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the "producer" if the brand of the producer appears on the equipment, as provided for in (a);
  - c) is established in Denmark and places on the Danish market, on a professional basis, electrical or electronic equipment from another EU Member State or a third country;
  - (d) sells electrical and electronic equipment by means of distance communication directly to private households or to users other than private households in Denmark, and is established in another EU Member State or in a third country; or
  - e) except in sections 6 and 7 and Annex 6, a representative for the producer, cf. section 9j(5) of the Act, registered pursuant to sections 6 and 7 of this Statutory Order.
- 30) "Representative" shall mean a natural or legal person authorised to represent a producer, cf. section 9j(5) of the Act, and registered pursuant to sections 6 and 7.

31) "Final user" shall mean private household, enterprise or private or public institution being the last user of a piece of equipment before it becomes waste.

32) "Separate management" shall mean Separation, storage, collection, transport, reprocessing and treatment of waste electrical and electronic equipment.

33) "Removal" shall mean manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

**(2)** When this Statutory Order refers to quantities or kilos, reference is made to the actual weight of the electrical and electronic product excluding the weight of batteries and accumulators covered by the Statutory Order on batteries and accumulators and waste batteries and accumulators, and excluding packaging, instructions for use, manuals and similar.

### **Part 3**

#### *Product design*

**4.** The products placed on the market shall facilitate re-use, dismantling and recovery of waste electrical and electronic equipment. Producers may not prevent, through specific design features or manufacturing processes, waste electric and electronic waste from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example with regard to the protection of the environment and/or safety requirements. The ecodesign requirements facilitating re-use and treatment of waste electrical and electronic equipment established in the framework of the Ecodesign Act and regulations issued in pursuance hereof shall apply when designing the product.

### **Part 4**

#### *Producer register for electrical and electronic equipment*

**5.-(1)** Dansk Producentansvarssystem (DPA-System) shall be responsible for a digital producer register covering:

- 1) producers placing electrical and electronic equipment on the market, cf. sections 6-7;
- 2) municipal collection points for waste electrical and electronic equipment from private households, cf. section 24;
- 3) local councils' registered need for collection equipment, cf. section 25;
- 4) accessible collection material, cf. section 26; and
- 5) collective schemes, cf. section 53.

**(2)** All registrations in the register, cf. subsection (1), shall be made digitally and according to directions from DPA-System.

**(3)** The register, cf. subsection (1), shall be publicly and freely accessible on the website of DPA-System, [www.dpa-system.dk](http://www.dpa-system.dk).

**(4)** The website of DPA-System, [www.dpa-system.dk](http://www.dpa-system.dk), shall contain references to the national producer registers of the other EU Member States.

**6.** A producer placing electrical or electronic equipment covered by producer responsibility on the market shall register himself or his representative, cf. section 9j(5) of the Act, in the producer register, cf. section 5, no later than two weeks before the producer places electrical or electronic equipment on the market for the first time.

**7.-(1)** Registration of producers and their possible representatives in the producer register, cf. section 6, shall contain information as stipulated in Annex 6.

**(2)** The duty of registration shall be complied with when:

- 1) all information, cf. subsection (1), has been reported adequately;
- 2) fee for registration has been paid, cf. section 55 (1);
- 3) financial guarantee, cf. sections 41-43, has been provided or the producer has documented enrolment in a collective scheme, which has provided financial guarantee, cf. section 51(1), no. 4, or has obtained exemption from provision of financial guarantee, cf. section 44; and
- 4) a possible representative has confirmed registration as a representative, cf. subsection (5).

**(3)** DPA-System shall confirm registration in the producer register to the producer no later than two weeks after registration.

**(4)** The producer may at any time register a representative in the producer register, cf. subsections (1) and (2), including change of representative or cessation of authorisation. Each producer may only register one representative. The representative may at any time register cessation of authorisation. DPA-System shall confirm registration of cessation of authorisation with the producer as well as the former representative within seven days.

**(5)** DPA-System shall request the natural or legal person whom the producer has registered as representative, cf. subsections (1), (2) and (4), to confirm or eliminate the registration as representative digitally within seven days, including that the registered information about the representative is correct, and that the representative has made himself acquainted with his obligations under the Act and this Statutory Order. If the time limit is exceeded, or if the natural or legal person whom the producer has registered as representative invalidates the registration as representative, the registration shall not be carried out by DPA-System, and this shall be notified to the producer simulatenously.

**(6)** Responsibility and rights of the representative pursuant to the Act and this Statutory Order, including reports pursuant to Part 5, shall continue in the period in which the representative represents the producer, cf. subsections (1)-(5).

**8.-(1)** Producers shall register changes in information already registered, cf. section 7(1), to DPA-System no later than one month after the changes have occurred.

**(2)** DPA-System shall confirm changes of the registration in the producer register, cf. subsection (19), towards the producer no later than two weeks after registration.

**9.** If a producer ceases to place electrical and electronic equipment on the market, the producer shall register this with DPA-System.

**10.-(1)** DPA-System may decide whether:

- 1) electrical and electronic equipment is covered by the regulations on producer responsibility pursuant to this Statutory Order;
- 2) electrical and electronic equipment placed on the market belongs to one of the categories stipulated in Annex 1, and in such cases to which category the equipment belongs,
- 3) a producer is covered by producer responsibility;
- 4) a representative, cf. section 7, meets the requirements in the Act and this Statutory Order for registration; and
- 5) electrical and electronic equipment placed on the market falls under electrical and electronic equipment for use in private households or for professional use.

**(2)** DPA-System may decide that a registered producer no longer can be registered in the producer register if:

- 1) a producer has failed to pay fees, cf. sections 55 or 56;
- 2) a producer fails to fulfil his duty of reporting, cf. Part 5; or
- 3) a producer fails to submit auditor's attestation or management's statement, cf. section 13.

**11.** Distributors may not purchase and sell electrical and electronic equipment from producers who have not registered in the producer register according to sections 6-7.

## **Part 5**

### *Duty of annual reporting to DPA-System*

**12.-(1)** Once a year and by no later than 31 March, producers shall report information to DPA-System about quantities of electrical and electronic equipment placed on the market by the producer in the previous calendar year.

**(2)** If producers place electrical and electronic equipment on the market without reporting quantities to DPA-System pursuant to subsection (1), the producer shall report information about quantities of electrical and electronic equipment placed on the market for the period in which the producer has placed this equipment on the market but has not complied with his duty of reporting.

**(3)** Producers starting to place electrical and electronic equipment on the market shall report information in connection with the registration, cf. sections 6-7, to DPA-System about quantities of electrical and electronic equipment expected to be placed on the market in the calendar year in question.

**(4)** Any changes in reports under subsections (1) and (2) shall be reported jointly for a calendar year together with reports for the following calendar year. Changes may be a consequence of equipment being transferred in order to be placed on the market outside Denmark, or a consequence of errors in previous reports. Reports shall be attested by the auditor of the producer in accordance with section 13.

**(5)** If equipment is transferred to be placed on the market outside Denmark by a person other than the producer, a prerequisite for making the change, cf. subsection (4), shall be that the producer submits a statement to DPA-System from the enterprise which has transferred the unused equipment either in its original form or as an integrated part of some other equipment.

**(6)** Reports regarding quantities placed on the market according to subsections (1)-(5) shall be in kilos distributed on the categories stated in Annex 1 and broken down on electrical and electronic equipment for use in private households and for professional use, respectively. In category 4, photovoltaic panels shall be stated separately.

**13.-(1)** Reports by producers of quantities of electrical and electronic equipment placed on the market shall be attested by the auditor of the producer in accordance with directions from DPA-System, cf. however, subsections (3) and (4). The auditor's attestation shall be submitted to DPA-System via [www.dpa-system.dk](http://www.dpa-system.dk) by no later than 31 May of the year in question, cf. however, subsection (2).

**(2)** If the producer has a financial year deviating from the calendar year, the deadline for submitting the auditor's attestation, cf. subsection (1), shall be five months after the end of the producer's financial year. This is conditional upon the producer submitting by no later than 31 May a management's statement to DPA-System certifying the accuracy of the reported quantities placed on the market, cf. section 12, and stating when the auditor's attestation will reach DPA-System.

**(3)** A producer who according to the (Danish) Financial Statements Act is not required to draw up financial statements or to have them audited, may, notwithstanding subsection (1), apply to DPA-System for exemption from the requirement for an auditor's attestation if the producer submits a management's statement to DPA-System documenting the annual turnover and guaranteeing the accuracy of the reported data, cf. section 12.

**(4)** Producers placing electrical and electronic equipment on the market for no more than DKK 1,000,000 annually, may, notwithstanding subsection (1), apply to DPA-System for exemption from the requirement for an auditor's attestation if the producer submits a management's statement to DPA-System documenting the annual turnover and guaranteeing the accuracy of the reported data, cf. section 12.

**14.** If, in connection with an inspection, the Danish EPA establishes that there are significant deviations in the report, the producer shall not obtain exemption from the requirement for an auditor's attestation in the

following two years from the time when the Danish EPA informs DPA-System that said significant deviations have been established.

**15.-(1)** Producers shall report the following information to DPA-System every year by no later than 31 March:

- 1) quantities of waste electrical and electronic equipment, which the producer has taken back and treated, cf. section 39, indicating in particular the quantities received by distributors;
- 2) environmentally approved facilities having treated the waste electrical and electronic equipment mentioned in sections 39-40;
- 3) quantities of waste electrical and electronic equipment sent to treatment and distributed on environmentally approved facilities;
- 4) rates for recycling and preparing for re-use obtained at the different environmentally approved facilities; and
- 5) recycled quantities and the quantities prepared for re-use distributed on the different environmentally approved facilities.

**(2)** The information pursuant to subsection (1) shall be stated in kilos and distributed on the categories stated in Annex 1.

**16.-(1)** Producers who have been allocated pick-up of waste electrical and electronic equipment for use in private households from collection points established by a local council, cf. however, section 28(2), shall report annually and by no later than 31 March the following information to DPA-System about quantities of waste electrical and electronic equipment for the previous year that is:

- 1) collected per collection point established by the local council; or
- 2) collected elsewhere in the municipality according to agreement with the local council.

**(2)** This information shall be stated in kilos and distributed on the fractions mentioned in section 27(1).

**(3)** At the request of the local council, producers shall submit information free of charge about collected quantities per collection point and per month distributed on the fractions mentioned in section 27(1). The local council may request submission of this information once a month.

**17.** Producers shall report annually and by no later than 31 March the following information to DPA-System:

- 1) take-back schemes established by the producer in pursuance of section 22 (4) and quantities of waste electrical and electronic equipment taken back through these schemes in the previous calendar year. This information must be distributed on the categories stated in Annex 1.
- 2) agreements entered by the producer with the local council in pursuance of section 27(2) regarding separation of waste into fractions.
- 3) agreements entered by the producer with purchasers of equipment in pursuance of section 36(1) regarding transfer of duty of separate management, as well as quantity of equipment covered by such agreement.
- 4) agreements entered by the producer with a local council regarding other terms for pick-up of quantities allocated, cf. Annex 7, point 2.1.3.
- 5) information about preparing for re-use and treatment of electrical and electronic equipment placed on the market, cf. section 49.
- 6) quantities of waste electrical and electronic equipment from private households collected by the producer from the municipal collection points in the previous calendar year, cf. section 24, or collected elsewhere in the municipality further to agreement with the local council. This information must be distributed on the categories stated in Annex 1.

**18.** Reporting under sections 12-13 and 15-17 shall be made digitally and according to directions from DPA-System.

## **Part 6**

### *Duty of annual reporting to the Danish EPA*

**19.-(1)** DPA-System shall report annually and by no later than 1 July the following information to the Danish EPA:

- 1) Total quantities of electrical and electronic equipment placed on the market by producers in the previous calendar year and reported to DPA-System. Quantities shall be distributed on the categories stated in Annex 1 and on equipment for use in private households and for professional use, respectively.
- 2) Total quantities of waste electrical and electronic equipment collected separately by producers in the previous calendar year. Quantities shall be distributed on the categories stated in Annex 1 and on equipment for use in private households and for professional use, respectively.
- 3) Total quantities of separately collected waste electrical and electronic equipment distributed on the categories stated in Annex 1. This information shall furthermore indicate whether waste has been treated in Denmark, in the EU or outside the EU.
- 4) The achieved rate of recovery and recycling/preparing for re-use, cf. sections 39-40, for separately collected waste electrical and electronic equipment. This information shall be distributed on the categories stated in Annex 1.

**(2)** The Danish EPA may determine directions for the reporting of DPA-System.

## **Part 7**

### *Administrative cooperation and exchange of information*

**20.-(1)** Within the framework of the Act on Processing of Personal Data, DPA-System shall, to the extent relevant, cooperate with relevant authorities and producer registers in other EU Member States as well as the European Commission, and in this respect exchange information and documents important for producers' compliance with their obligations concerning electrical and electronic equipment and waste hereof pursuant to the Act and this Statutory Order, including information about quantities placed on the market and quantities taken back, analysed by categories or fractions.

**(2)** Exchange of information and documents, cf. subsection (1), shall be made digitally.

**21.-(1)** Within the framework of the Act on Processing of Personal Data and in its capacity as supervising authority, the Danish EPA shall, to the extent relevant, cooperate with relevant authorities and producer registers in other EU Member States as well as the European Commission and in this respect exchange information and documents important for the producers' compliance of their obligations concerning electrical and electronic equipment and waste hereof pursuant to the Act and this Statutory Order, including the results of inspections.

**(2)** Exchange of information and documents, cf. subsection (1), shall be made digitally.

## **Part 8**

### *Collection schemes for private households etc.*

**22.-(1)** The local council shall establish collection schemes for waste electrical and electronic equipment from private households. Collection schemes shall be easily accessible in due respect of population density.

**(2)** The local council may refuse reception of large quantities of waste electrical and electronic equipment from private households under collection schemes established by the local council.

**(3)** Waste-generating companies have access to deliver waste electrical and electronic equipment from private households where they themselves are the final user provided that they have accepted the possibility of delivering waste to the recycling centre, cf. the Statutory Order on Waste.



**(4)** Collective schemes shall establish reception centres for waste electrical and electronic equipment from private households in every region for those fractions that the members of the collective scheme shall take back. Information about reception centres shall be reported to DPA-System according to their directions.

**(5)** DPA-System shall publish information about these reception centres on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

**(6)** Distributors may receive waste electrical and electronic equipment from private households. The distributor may only charge payment for management of waste on the premises of the final user and transport from the premises of the final user.

**(7)** If a distributor receives waste electrical and electronic equipment from private households, this distributor shall use a collection scheme established by producers or by a local council. The latter only applies when the distributor has accepted the possibility of delivering waste to the recycling centre, cf. the Statutory Order on Waste.

**(8)** The local council shall establish collection schemes for other waste electrical and electronic equipment from private households.

**23.-(1)** Any final users, cf. however, subsections (2)-(4), shall deliver waste electrical and electronic equipment from private households to collection schemes established by the local council, or established by producers or distributors, cf. section 22.

**(2)** Large quantities of waste electrical and electronic equipment from private households where the final user is a private or a public institution or a professional enterprise shall be delivered to a producer or a collective scheme under the duty to organise take-back and separate management, for example to a reception centre established by collective schemes, cf. section 22(4).

**(3)** Waste-generating companies may deliver waste electrical and electronic equipment from private households where they themselves are the final user to a reception centre established by the collective schemes, cf. section 22(4).

**(4)** Waste-generating companies may in pursuance of the regulations on source-separated industrial waste suitable for materials recovery of the Statutory Order on Waste deliver waste electrical and electronic equipment from private households and other waste electrical and electronic equipment for which they themselves are the final user to one of those mentioned in section 68(1), nos. 1, 2 and 4 of the Statutory Order on Waste.

**(5)** Other waste electrical and electronic equipment not covered by subsection (4) and originating from private households shall be delivered to collection schemes established by the local council, cf. section 22(8), cf. however, subsection (6).

**(6)** Waste-generating companies have access to deliver other waste electrical and electronic equipment from private households to the collection schemes established under subsection (1), provided that they have accepted the possibility of delivering waste to the recycling centre, cf. the Statutory Order on Waste.

**24.-(1)** The local council shall register and de-register collection points in the producer register on the DPA-System website, [www.dpa-system.dk](http://www.dpa-system.dk), one month before establishment or closure of a collection point. Registration shall be made according to Annex 7 and according to the directions from DPA-System.

**(2)** Collection points shall comply with the requirements stipulated in Annex 7.

**25.-(1)** The local council shall register with DPA-System and according to directions from DPA-System the need for collection equipment per collection point and fraction, taking their starting point in the types of equipment registered by producers, cf. section 26(2).

**(2)** DPA-System shall publish the registered needs on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

**26.-(1)** Producers shall make collection equipment available at the collection points established by the local councils in accordance with the requirements stipulated in Annex 7.

**(2)** Producers shall register the collection equipment made available by them to the local council with DPA-System and according to directions from DPA-System.

**(3)** DPA-System shall publish information under subsection (2) on its website, [www.dpa-sysytem.dk](http://www.dpa-sysytem.dk).

**27.-(1)** The local council shall ensure that waste electrical and electronic equipment from private households delivered to the collection points established by the local council is separated into the following fractions, cf. Annex 2 with the purpose of transfer to producers:

- 1) large household appliances;
- 2) cooling appliances;
- 3) small household appliances;
- 4) screens and monitors;
- 5) lamps/light sources; and
- 6) from 1 September 2014 photovoltaic panels.

**(2)** The local council may, notwithstanding subsection (1), separate waste into more fractions after prior agreement with the producers which have been allocated waste under section 28. It shall be a precondition that the management complies with requirements stipulated in Annexes 3 and 4. The agreement shall be submitted to DPA-System according to directions from DPA-System.

**(3)** DPA-System shall publish agreements entered under subsection (2) on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

**(4)** The local council may decide in the light of available space that fractions 1 and 2 shall be collected in one fraction at a collection point. It shall be a precondition that the management complies with the requirements stipulated in Annexes 3 and 4. The local council shall inform DPA-System accordingly. DPA-System shall publish such decision on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

**(5)** The local council shall collect fraction 5 separately in fluorescent tubes and other light sources, respectively, if so requested by the producers.

## **Part 9**

### *Allocation of waste electrical and electronic equipment from private households*

**28.-(1)** Producers of electrical and electronic equipment for use in private households shall take back in proportion to their respective share of the market waste electrical and electronic equipment from private households within the fractions stipulated in section 27 (1).

**(2)** Producers shall take back the quantity of waste electrical and electronic equipment from private households allocated to them by DPA-System, cf. section 29, including take-back from collection points established by the local council cf. section 22.

**(3)** Producers shall organise at their own expense separate management of waste electrical and electronic equipment from private households taken back by the producer, cf. Part 11.

**29.-(1)** DPA-System shall decide once a year on allocation of quantities of waste electrical and electronic equipment from private households that producers shall take back, including take-back from collection points established by the local council cf. section 22.

**(2)** DPA-System shall calculate this allocation according to the directions stipulated in Annex 8.

**(3)** DPA-System shall be responsible for preparation of a conversion key between fractions, cf. section 27 (1), and categories, cf. Annex 1.

**(4)** The conversion key, cf. subsection (3), shall be based on separation trials. Therefore, where necessary and in cooperation with selected municipal or private collection points, DPA-System shall carry out the necessary separation trials to ensure a true and fair conversion key.

**(5)** Players collecting or treating waste electrical and electronic equipment shall grant DPA-System access to data about this and shall grant DPA-System access to waste electrical and electronic equipment in connection with separation trials, cf. subsection (4).

**30.-(1)** The allocation period, cf. section 29, shall start every year on 1 September.

**(2)** DPA-System shall no later than 1 June inform producers and the local council about the allocation, cf. section 29. DPA-System shall publish the allocation on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

**31.** Take-back by producers from collection points established the local council, cf. section 22, shall take place according to the directions stipulated in Annex 7.

**32.** If a producer does not pick up the allocated waste electrical and electronic equipment at the collection points established by the local council in accordance with Annex 7, the local council can get documented costs of emergency pick-up covered by claiming compensation directly from the producer. If the producer does not cover the documented costs, the local council can request DPA-System to organise payment of costs from the financial guarantee provided by the producer, cf. section 41.

**33.-(1)** If a producer or a collective scheme which has provided financial guarantee in pursuance of sections 41 or 51(1), no. 4 ceases operation in the course of an allocation period, cf. section 30, DPA-System shall distribute the allocated collection points to other producers. DPA-System shall release the financial guarantee to the other producers in pursuance of section 47 (3).

**(2)** If a collective scheme, which has not provided financial guarantee, but which has had collection points allocated to it on behalf of producers, ceases activities in the course of an allocation period, cf. section 30, DPA-System shall distribute allocated collection points to former members of the collective scheme in proportion to their respective share of the market. A collection point may be allocated to several producers.

## **Part 10**

### *Waste electrical and electronic equipment from professional enterprises*

**34.-(1)** Final users of electrical and electronic equipment placed on the market before 1 April 2006 for professional use shall organise separate management of waste equipment, cf. section 38, by delivering waste to one of those mentioned in section 86(1), nos. 1, 2 and 4 of the Statutory Order on Waste.

**(2)** Final users of electrical and electronic equipment from professional enterprises may, however, notwithstanding subsection (1), in connection with purchase of new electrical and electronic equipment for professional use deliver waste electrical and electronic equipment placed on the market before 1 April 2006 free of charge to the producer if the new equipment replaces equipment placed on the market before 1 April 2006 and has the same purpose.

**(3)** Subsection (2) above may be derogated from by agreement.

**35.-(1)** Producers having placed electrical and electronic equipment for professional use on the market after 31 December 2005 shall at their own expense take back waste equipment and ensure separate management of the waste in compliance with section 38, cf. however, section 36.

**(2)** Producers can take back waste in pursuance of subsection (1) in the following manners:

- 1) producers shall pick up waste electrical and electronic equipment from professional enterprises at the final user;
- 2) the final user shall deliver waste electrical and electronic equipment from professional enterprises to a reception centre established by the producer within the same region; or
- 3) via a distributor.

**(3)** Producers shall inform final users about take-back options according to subsection (1) on demand.

**36.-(1)** Producers placing electrical and electronic equipment for professional use on the market may, notwithstanding section 35, agree with the purchaser of the equipment that the purchaser takes over the producer's duty of separate management, cf. section 38.

**(2)** If the final user does not deliver waste electrical and electronic equipment from professional enterprises to the producer, he shall organise separate management of waste equipment, cf. section 38, by delivering waste to one of those mentioned in section 86(1), nos. 1, 2 and 4 of the Statutory Order on Waste.

## **Part 11**

### *Separate management etc.*

**37.** Any person, including producers or anyone acting on their behalf, who establishes schemes for treatment of waste electrical and electronic equipment shall use the best available technology within treatment, recovery and recycling.

**38.** Management or preparing for re-use of waste electrical and electronic equipment and other waste electrical and electronic equipment shall comply with the following requirements:

- 1) waste shall be managed in an environmentally safe way ensuring that requirements for treatment, cf. nos. 2-5, are complied with;
- 2) sites for storage, including temporary storage prior to treatment of waste electrical and electronic equipment, shall have
  - a) impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers, and
  - b) weatherproof covering for appropriate areas,
- 3) all fluids as well as substances, mixtures and components stipulated in Annex 3 shall be removed,
- 4) substances, mixtures and components referred to in Annex 3 shall be managed in accordance with the directions of Annex 4, and
- 5) facilities to treat electrical and electronic equipment shall have
  - a) scales to measure the weight of the treated waste,
  - b) impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
  - c) appropriate storage for disassembled spare parts, and
  - d) appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste.

**39.-(1)** Producers or any person responsible for management of waste electrical and electronic equipment shall, when managing waste, ensure that recycling/preparing for re-use as well as recovery are in accordance with the minimum targets stipulated in Annex 9.

**(2)** The achievement of the minimum targets in Annex 9 shall be calculated, for each category, by dividing the weight of the waste electrical and electronic equipment that arrives for recovery or recycling/preparing for re-use, after proper treatment in accordance with Annexes 3 and 4 with regard to recovery or recycling/preparing for re-use, by the weight of all separately collected waste electrical and electronic equipment for each category, expressed as a percentage. Preliminary activities including sorting

and storage prior to recovery shall not count towards the achievement of these targets, cf. Annex 5B of the Statutory Order on Waste.

**40.** Concerning export of waste electrical or electronic equipment to third countries this waste is only included in the calculation, cf. section 39, in so far as the requirements and targets set out in section 39 above are met and the exporter can document that the waste has been recycled/prepared for re-use or recovered in accordance with the regulations of this Statutory Order.

## **Part 12**

### *Provision of financial guarantee for waste electrical and electronic equipment for use in private households*

**41.** Producers and importers placing electrical and electronic equipment on the market for use in private households shall provide a guarantee on financing management of waste electrical and electronic equipment from private households once a year and before the equipment is placed on the market.

**42.-(1)** DPA-System shall determine the magnitude of the financial guarantee, cf. section 41.

**(2)** For producers registered in the producer register, cf. section 6 and 7, and already placing electrical and electronic equipment for use in private households on the market, the magnitude of the financial guarantee shall be determined on the basis of the following:

- 1) quantities of electrical and electronic equipment for use in private households placed on the market and reported by the producer to the producer register, cf. section 12; and
- 2) and known or expected costs of management of the waste that producers shall take back.

**(3)** For producers starting to place electrical and electronic equipment for use in private households on the market and not yet having been allocated waste cf. section 29, the amount of the financial guarantee shall be determined on the basis of the following:

- 1) expected quantities of electrical and electronic equipment for use in private households placed on the market in the calendar year in question as reported by the producer to the producer register, cf. section 12; and
- 2) known or expected costs of management of the waste electrical and electronic equipment from private households.

**(4)** For producers having placed electrical and electronic equipment on the market for use in private households but as yet not having complied with the duty of registration according to sections 6 and 7, and the duty of reporting according to section 12, the amount of the financial guarantee shall be determined on the basis of the following:

- 1) quantities of electrical and electronic equipment for use in private households placed on the market and reported by the producer to the producer register, cf. section 12;
- 2) quantities of waste electrical and electronic equipment for use in private households taken back and reported by the producer to the producer register, cf. section 12; and
- (3) known or expected costs of management of the waste electrical and electronic equipment from private households.

**43.-(1)** DPA-System shall determine when the financial guarantee is to be provided, cf. section 41.

**(2)** The financial guarantee shall be provided according to the directions from DPA-System. Producers shall submit documentation to DPA-System for provision of the guarantee, cf. subsection (1). DPA-System shall approve the guarantee when the requirements for this have been met.

**44.-(1)** Collective schemes, cf. section 51, may apply to DPA-System on behalf of producers of the scheme for exemption of provision of financial guarantee under section 41.

**(2)** DPA-System shall grant exemption under subsection (1), when the following conditions are met:

- 1) overall, the collective scheme has as its members at least ten of the registered producers; and
- 2) total market share of producers in the collective scheme makes up at least 5 % of total quantities of equipment placed on the market in kilos within one of the categories stipulated in Annex 1 as reported for all producers.

**(3)** Decisions pursuant to subsection (2) shall be made separately for each of the categories mentioned in Annex 1. If a collective scheme qualifies for exemption from provision of financial guarantee in one of the categories 1-7 in Annex 1, the collective scheme shall, however, also be exempt from provision of financial guarantee in all the other categories.

**(4)** A condition for decisions on exemption, cf. subsection (2), shall be that the collective scheme is liable for the entire commitment of all producers who are members of the collective scheme in question for the entire allocation period, cf. section 30.

**(5)** If a collective scheme exempted from the provision of financial guarantee fails to collect the allocated waste electrical and electronic equipment within the time limits stipulated, cf. Part 9, and fails to pay the documented costs, cf. Annex 7, the collective scheme cannot be exempt from provision of financial guarantee in the two subsequent allocation periods.

**45.** If a collective scheme exempted from the provision of financial guarantee under section 44 ceases activities, DPA-System shall decide in pursuance of sections 42-43 on the financial guarantee to be provided by producers who were members of the ceased collective scheme.

**46.-(1)** When the producer has documented that the allocated waste electrical and electronic equipment from private households has been taken back and managed separately, the financial guarantee, cf. section 41, shall be released to the producer by DPA-System.

**(2)** When the financial guarantee under section 41 is provided in a new allocation period, cf. section 30, DPA-System shall release the financial guarantee for the previous allocation period to the producer.

**47.-(1)** If a producer has not collected the quantities of waste electrical and electronic equipment allocated, cf. Part 9, DPA-System shall release the financial guarantee, cf. section 41, and distribute said guarantee to those producers who have collected excess quantities in the previous allocation period, cf. section 30, and submitted documentation for the costs for managing this. This shall only apply if the producer is too small for allocation of one collection point.

**(2)** If the producer or a collective scheme does not pick up allocated waste electrical and electronic equipment within the time limits laid down, cf. Part 9, and does not pay documented costs, cf. Annex 7, the financial guarantee in accordance with sections 41-43 shall be released by DPA-System to the local council for payment of take-back and separate management as well as costs of administration cf. section 32.

**(3)** If a producer or a collective scheme having provided financial guarantee, ceases activities in the course of an allocation period, cf. section 30, the guarantee shall be released by DPA-System to the producer or collective scheme that in the course of the allocation period takes over this duty and collects the waste electrical and electronic equipment.

## **Part 13**

### *Information duty for electrical and electronic equipment*

**48.-(1)** Producers shall ensure that final users of electrical and electronic equipment for use in private households are informed of the following in sales and information material, including instruction manuals or at the point of sale:

- 1) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment;
- 2) that waste electrical and electronic equipment shall be collected separately;

- 3) that waste electrical and electronic equipment may not be disposed of together with non-separated waste from private households;
- 4) the collection and recycling schemes at the disposal of final users, regardless of which producers or other players have established them; and
- 5) the meaning of the marking in accordance with section 50.

**(2)** This information duty under subsection (1) may be complied with by replicating a standard text prepared by the Danish Environmental Protection Agency.

**(3)** The information stipulated in subsections (1)-(2) shall as a minimum be written in Danish, Norwegian, or Swedish.

**49.-(1)** Producers shall make necessary information about preparing for re-use and treatment of electrical or electronic equipment available free of charge for each type of new electrical or electronic equipment being placed on the market in the EU for the first time and by no later than one year after it was first placed on the market.

**(2)** To the extent that this is necessary for facilities which are preparing for re-use, as well as treatment and recycling facilities, cf. the Statutory Order on Waste, to be able to comply with the provisions in the Act and this Statutory Order, the information, cf. subsection (1) shall identify the different components and materials in the electrical or electronic equipment as well as the location of hazardous substances and mixtures in the electrical or electronic equipment. The information shall be made available to facilities which are preparing for re-use, as well as treatment and recycling facilities by producers of electrical or electronic equipment in the form of manuals or by means of digital media (e.g. CD-ROM, online services).

**50.** Producers shall mark electrical and electronic equipment manufactured in Denmark or imported to Denmark. Marking shall comply with the following:

- 1) Marking shall be in accordance with Annex 5. In exceptional cases, where this is necessary because of the size or the function of the product, the marking may be printed on the packaging of the electrical or electronic equipment. The symbol shall in these cases be printed in the also be printed on the instructions for use and on the warranty.
- 2) Marking shall specify that the electrical or electronic equipment in question has been placed on the market after 1 April 2006.
- 3) Marking, cf. (b), shall preferably be in accordance with DS/EN 50419. Marking as referred to in DS/EN 50419 is recommended to identify the producer as well as the exact date of when the equipment was placed on the market.

## **Part 14**

### *Collective schemes*

**51.-(1)** A collective scheme can take over following duties of producers:

- 1) duties under section 9 j(1) and section 9l(1) of the Act;
- 2) registration and reporting of information, cf. sections 6-8, 12, 15-17;
- 3) duties of information in pursuance of section 48;
- 4) provision of financial guarantee to DPA-System in pursuance of sections 41 for all members of the collective scheme;
- 5) entering of agreements about separation of waste into fractions according to section 27(2);
- 6) entering of agreements on other terms for collection of allocated quantities according to Annex 7, point 2.1.3.;
- 7) take-back and management of waste electrical and electronic equipment, including allocated quantities, cf. Parts 9; and
- 8) submission of information to DPA-System.

**(2)** If no financial guarantee has been provided, or the provided guarantee is not sufficient, and the collective scheme does not comply with the duty on behalf of its member producers, duties stipulated in subsection (1) shall be complied with by each individual producer. In such case each producer shall be allocated waste electrical and electronic equipment from private households in accordance with section 29.

**(3)** If a collective scheme provides financial guarantee on behalf of producers in pursuance of subsection (1), no. 4, or a producer importer discontinues membership of the collective scheme before the end of an allocation period, cf. section 30, the financial guarantee of the collective scheme shall cover financing of the remaining waste management duty of the producer until the end of the relevant allocation period.

**52.** A collective scheme shall ensure the following:

- 1) each producer has equal access to participate in the collective scheme and is treated on equal terms, under due consideration of the market share of the producer;
- 2) information is requested from each producer to be passed on to DPA-System in pursuance of this Statutory Order, and if other information is requested it shall appear that this is not requested in pursuance of this Order;
- 3) sensitive information is not passed on to other companies;
- 4) members of the scheme are told that reporting duties to DPA-System under Part 5 are to be complied with annually;
- 5) each producer is informed on the invoice of the magnitude of the fee charged by DPA-System for the producer in question, and the collective scheme levies this fee annually from each producer, if the collective scheme is in charge of payment of the fee to DPA-System;
- 6) producers are repaid previously paid amounts when the equipment for use in private households is transferred to be placed on the market outside Denmark, cf. section 12(4) and (5); and
- 7) reception centres are established for waste electrical and electronic equipment from private households in each region.

**53.-(1)** To allow for duties stipulated in section 51(1) to be transferred to a collective scheme, this scheme shall be registered in the producer register, cf. section 5, with name, address, telephone number, email address and CVR no. (central business registration number) of the scheme, cf. however, subsection (2).

**(2)** Foreign collective schemes not registered in the Central Business Register (CVR register) shall instead of the CVR no. (Central business registration number) state the VAT registration number (VAT no.) of the enterprise, European VAT registration number or national VAT registration number.

## **Part 15**

### *Municipal treatment facilities*

**54.** The local council may continue to operate existing municipal treatment facilities that started operation before 1 January 2005 and that are approved for treatment of waste electrical and electronic equipment and other waste electrical and electronic equipment, on the condition that the local council:

- 1) ensures that the facility has been hived off into a separate limited company or private limited company;
- (2) ensures in connection with hiving off under no. 1 that an appraisal of the municipal facility's assets has been made at market value;
- 3) ensures in the operation of the facility segregation of the accounts from that of the local council's other activities in accordance with the principles stipulated in Commission Directive 2000/52/EC on the transparency of financial relations between Member States and public undertakings;
- 4) ensures that the facility is covered by the relevant Financial Statements Act,
- 5) ensures that the operation of the facility is completely segregated from the municipal finances, including municipal waste management fees in pursuance of the Statutory Order on Waste; and
- 6) ensures that the facility is operated on ordinary market conditions.

## **Part 16**



## *Fees*

**55.-(1)** For registration in the producer register, cf. section 6, a one-off fee of DKK 1,000 per producer shall be paid to DPA-System. If the producer is already registered in the producer register under the Statutory Order on batteries and accumulators and waste batteries and accumulators or the Statutory Order on management of waste in the form of motor vehicles and derived waste fractions, a fee of DKK 500 shall be paid.

**(2)** For treatment of cases regarding exemption from provision of financial guarantee, cf. section 44, for waste electrical and electronic equipment, a fee per hour spent shall be paid.

**(3)** If a producer or a collective scheme gives reason to extraordinary administration in connection with provision of financial guarantee, a fee per hour spent shall be levied.

**56.-(1)** For administration of the allocation scheme for waste electrical and electronic equipment from private households, cf. Part 9, producers shall pay an annual fee to DPA-System. The fee shall be calculated in relation to the quantity of electrical and electronic equipment for use in private households placed on the market in the previous calendar year.

**(2)** For other administrative tasks carried out by DPA-System under this Statutory Order, all producers shall pay an annual fee. The fee shall be calculated in relation to the quantity of electrical and electronic equipment placed on the market in the previous calendar year.

**(3)** If a newly registered producer has not placed electrical and electronic equipment on the market in the previous calendar year, an annual fee shall be paid for the quantities of electrical and electronic equipment expected to be placed on the market by this producer in the calendar year in question instead of the fees mentioned in subsections (1) and (2). If the quantity placed on the market deviates from the expected quantity reported, the fee shall be adjusted by the amount corresponding to the difference.

**(4)** The total fee stipulated in subsections (1) and (2) together or subsection (3) shall amount to at least DKK 250 per year.

**(5)** If a producer or a collective scheme gives reason to extraordinary administration in connection with the allocation scheme cf. subsection (1), a fee per hour spent shall be levied.

**57.-(1)** Fees, cf. sections 55 and 56, shall correspond to actual costs borne by DPA-System in connection with tasks carried out under this Statutory Order.

**(2)** Fees shall be levied by DPA-System.

**(3)** The Danish EPA shall determine the fee rates stipulated in section 55(2) and (3), and section 56 (1)-(3) and (5) on an annual basis, based on budget and recommendation submitted by DPA-System regarding fee rate. DPA-System shall publish fee rates on its website, [www.dpa-system.dk](http://www.dpa-system.dk).

## **Part 17**

### *Supervision and appeals*

**58.-(1)** The local council shall supervise compliance with the regulations in this Statutory Order, however not section 21.

**(2)** However, the Danish EPA shall supervise compliance with sections 5-20, section 22(4)-(5), section 26(2) and (3), sections 28-31, 33 and 39-54.

**59.-(1)** Appeals may be made against decisions made by DPA-System to the Danish EPA, cf. section 90(3) of the Act. The time limit for appeal shall be four weeks from the date of issuing the decision. The appeal shall be made in writing.

**(2)** The regulations of the Public Administration Act shall apply to the cases in which DPA-System makes decisions pursuant to this Statutory Order.

**(3)** Decisions made by the Danish EPA under this Statutory Order may not be brought before any other administrative authority.

## **Part 18**

### *Penalties*

**60.-(1)** Unless a more severe penalty is due under other legislation, fines shall be imposed on any person who:

- 1) fails to remove batteries and accumulators in accordance with section 2 (3);
- 2) places electrical and electronic equipment on the market without having registered in accordance with sections 6 and 7, or supplies incorrect or misleading information in accordance with section 7 (1)-(2) or (4);
- 3) fails to report changes in information registered according to section 7, cf. section 8, or fails to report cessation of activity as a producer of electrical or electronic equipment, cf. section 9,;
- 4) purchases and sells electrical or electronic equipment from producers who are not registered in the producer register, cf. section 11;
- 5) fails to report information or supplies incorrect or misleading information in accordance with sections 12-13, 15-17 and 39-40;
- 6) fails to organise take-back and separate management of waste electrical and electronic equipment in accordance with section 34(1) or section 35;
- 7) fails to deliver according to or delivers in breach of section 22(3)-(4) and (7), and section 23;
- 8) as a distributor charges payment in breach of section 22(6);
- 9) fails to register and maintain information about collection points, cf. sections 24-25;
- 10) fails to comply with the requirements for collection points in accordance with section 24 and Annex 7;
- 11) fails to make collection equipment available in accordance with section 26 and Annex 7;
- 12) fails to comply with the regulations regarding separation in section 27;
- 13) fails to take back, collect or pick up allocated waste electrical and electronic equipment or fails to comply with terms and conditions for collection and separate management according to sections 28 and 31;
- 14) fails to use the best available technologies for treatment, recovery and recycling, cf. section 37;
- 15) fails to manage waste according to the requirements set out in section 38;
- 16) fails to manage waste electrical and electronic equipment separately in pursuance of sections 39-40;
- 17) fails to comply with targets for recovery, re-use or recycling stipulated in sections 39-40 and Annex 9;
- 18) places electrical or electronic equipment on the market without having provided adequate financial guarantee according to sections 41-42 and pursuant to the directions of section 43(2);
- 19) fails to inform or supplies misleading information to users of electrical and electronic equipment in accordance with section 48(1) and (3);
- 20) fails to make the required information available to or supplies incorrect information about re-use and treatment for waste management companies pursuant to section 49;
- 21) fails to mark electrical and electronic equipment according to section 50 and Annex 5; or
- 22) as a collective scheme fails to ensure compliance with requirements stipulated in section 52.

**(2)** The penalty may increase to imprisonment of up to two years, if the violation is committed intentionally or by gross negligence and if through this violation

- 1) the environment has been adversely affected or exposed to danger; or
- 2) a financial advantage is achieved or strived towards by the person concerned or others, including reductions in expenses.

**(3)** Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code.

## Part 19

### *Entry into force and transitional provisions*

**61.-(1)** This Statutory Order shall enter into force on 14 February 2014, cf. however, subsections (3)-(5). However, section 3(1), no. 15 shall not enter into force until 1 June 2015.

**(2)** Statutory Order no. 1296 of 12 December 2011 on placing on the market of waste electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Statutory Order) shall be repealed, cf. however, subsections (3)-(5).

**(3)** Section 10 of Statutory Order no. 1296 of 12 December 2011 on placing on the market of waste electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Statutory Order) shall continue to apply for electrical and electronic equipment that distributors have purchased and sold before the entry into force of this Statutory Order.

**(4)** Statutory Order no. 1296 of 12 December 2011 on placing on the market of waste electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Statutory Order) shall continue to apply to incidents that occurred before the entry into force of this Statutory Order, including reports as well auditor's attestations and management's statements, cf. Part 5, concerning periods before the entry into force of this Statutory Order.

**(5)** Statutory Order no. 1296 of 12 December 2011 on placing on the market of waste electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Statutory Order) shall continue to apply to decisions made by DPA-System before the entry into force of this Statutory Order, and which are appealed to the Danish EPA, cf. section 59(1).

**(6)** Section 3(1), no. 12 of Statutory Order no. 362 of 6 April 2010 on placing on the market of electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Statutory Order) shall continue to apply until 1 June 2015.

*The Danish Ministry of the Environment, 6 February 2014*

Kirsten Brosbøl

/ Claus Torp

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## Annex 1

### **Categories of electrical and electronic equipment**

Categories of electrical and electronic equipment, cf. section 10(1), section 12(6), section 15(2), sections 17, 19 and 44.

- 1) Large household appliances.
  - 2) Small household appliances.
  - 3) IT and telecommunications equipment.
  - 4) Consumer equipment and photovoltaic panels.
  - 5) Lighting equipment.
  - 6) Electrical and electronic tools (with the exception of large-scale stationary industrial tools).
  - 7) Toys, leisure and sports equipment.
  - 8) Medical devices (with the exception of all implanted and infected products).
  - 9) Monitoring and control instruments.
  - 10) Automatic dispensers.
-

## Annex 2

### **Indicative list of electrical and electronic equipment which falls within the categories in Annex 1 and under the fractions in section 27(1).**

#### **Category 1: Large household appliances**

Large cooling appliances

Refrigerators

Freezers

Other large appliances used for refrigeration, conservation and storage of food

Washing machines

Clothes dryers

Dish washing machines

Cookers

Electric stoves

Electric hot plates

Microwaves

Other large appliances used for cooking and other processing of food

Electric heating appliances

Electric radiators

Other large appliances for heating rooms, beds, seating furniture

Electric fans

Air conditioner appliances

Other fanning, exhaust ventilation and conditioning equipment

#### **Category 2: Small household appliances**

Vacuum cleaners

Carpet sweepers

Other appliances for cleaning

Appliances used for sewing, knitting, weaving and other processing for textiles

Irons and other appliances for ironing, mangling and other care of clothing

Toasters

Fryers

Grinders, coffee machines and equipment for opening or sealing containers or packages

Electric knives

Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances

Clocks, watches and other equipment for the purpose of measuring, indicating or registering time

Scales

### **Category 3: IT and telecommunications equipment**

Centralised data processing:

Mainframes

Minicomputers

Printer units

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included)

Laptop computers (CPU, mouse, screen and keyboard included)

Notebook computers

Notepad computers

Printers

Copying equipment

Electrical and electronic typewriters

Pocket and desk calculators

and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means

User terminals and systems

Facsimile machine (fax)

Telex

Telephones

Pay telephones

Cordless telephones

Cellular telephones

Answering systems

and other products or equipment of transmitting sound, images or other information by telecommunications

**Category 4: Consumer equipment and photovoltaic panels**

Radio sets

Television sets

Video cameras

Video recorders

Hi-fi recorders

Audio amplifiers

Musical instruments

and other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

Photovoltaic panels

**Category 5: Lighting equipment**

Luminaires for fluorescent lamps with the exception of luminaires in private households

Straight fluorescent lamps

Compact fluorescent lamps

High intensity discharge lamps, including pressure sodium lamps and metal halide lamps

Low pressure sodium lamps

Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

**Category 6: Electrical and electronic tools (with the exception of large-scale stationary industrial tools)**

Drills

Saws

Sewing machines

Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials

Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses

Tools for welding, soldering or similar use

Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means

Tools for mowing or other gardening activities

**Category 7: Toys, leisure and sports equipment**

Electric trains or car racing sets

Hand-held video game consoles

Video games

Computers for biking, diving, running, rowing, etc.

Sports equipment with electric or electronic components

Coin slot machines

**Category 8: Medical devices (with the exception of all implanted and infected products)**

Radiotherapy equipment

Cardiology equipment

Dialysis equipment

Pulmonary ventilators

Nuclear medicine equipment

Laboratory equipment for in-vitro diagnosis

Analysers

Freezers

Fertilization tests

Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

### **Category 9: Monitoring and control instruments**

Smoke detector

Heating regulators

Thermostats

Measuring, weighing or adjusting appliances for private household or as laboratory equipment

Other monitoring and control instruments used in industrial installations (e.g. in control panels)

### **Category 10: Automatic dispensers**

Automatic dispensers for hot drinks

Automatic dispensers for hot or cold bottles or cans

Automatic dispensers for solid products

Automatic dispensers for money

All appliances which deliver automatically all kinds of products

### **Fraction 1: Large household appliances**

Washing machines, clothes dryers, dish washing machines, cookers.

Other electrical and electronic equipment not falling under Fraction 2 Cooling appliances, Fraction 4 Screens & monitors or Fraction 5 Light sources, and where the average size is  $\geq 1.2$  m and/or  $\geq 0.3$  m<sup>2</sup> and/or  $\geq 0.2$  m<sup>3</sup> and/or  $\geq 20$  kg <sup>\*</sup>.

### **Fraction 2: Cooling appliances**

Refrigerators, freezers, air conditioner appliances, dehumidifiers, heat pumps, draught beer dispensers, dispensers for refrigerated products, other equipment with refrigerants.

### **Fraction 3: Small household appliances**

Microwaves, exhaust hoods, vacuum cleaners, computers without screens, telephones, stereo sets, speakers, video and DVD recorders, cameras, musical instruments, electric tools, electric lawn mowers, electronic toys, electronic sports equipment, electric equipment for personal hygiene, non-infected medical devices, luminaires with internal electronics.

Other electrical and electronic equipment not falling under Fraction 2 Cooling appliances, Fraction 4 Screens & monitors or Fraction 5 Light sources, and where the average size is  $< 1.2$  m and  $< 0.3$  m<sup>2</sup> and  $< 0.2$  m<sup>3</sup> and  $< 20$  kg <sup>2</sup>.



#### **Fraction 4: Screens & monitors**

TV sets, monitors, flat-screens, LCD photo frames, laptops and notebooks.

#### **Fraction 5: Lamps**

Straight fluorescent lamps

Compact fluorescent lamps, low-energy bulbs and other compact lamps.

Retrofit LED with internal electronics, retrofit halide lamps with internal electronics.

All gas discharge lamps (including low and high pressure sodium lamps, other high intensity discharge lamps and metal halide lamps).

#### **Fraction 6: Photovoltaic panels**

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### **Annex 3**

**The following substances, mixtures and components should be removed by selective treatment of all separately collected waste from the types of electrical and electronic equipment listed in Annex 1:**

- Asbestos waste and components which contain asbestos.
- Batteries.
- Cathode ray tubes.
- Chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC), hydrofluorocarbons (HFC) and hydrocarbons (HC).
- Electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 mm or proportionately similar volume).
- Gas discharge lamps.
- Components containing refractory ceramic fibres as described in Part 3 of Annex VI to Regulation (EC) No. 1272/2008.
- Components containing radioactive substances with the exception of components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.
- Polychlorinated biphenyls (PCB) containing capacitors.
- Mercury containing components, such as switches or backlighting lamps.
- Liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres.
- Liquid crystal displays back-lighted with gas discharge lamps.
- Plastic containing brominated flame retardants.
- Printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres.
- Toner cartridges, liquid and paste, as well as colour toner.
- External electric cables.

If there are no specific regulations for the substances, mixtures and components above, they should be disposed of or recovered in accordance with the Statutory Order on Waste.

Environmentally sound preparing for re-use and recycling of components or whole appliances should not be hindered in connection with application of the above.

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## **Annex 4**

### **The components of waste electrical and electronic equipment listed below should be managed according to the following guidelines:**

#### *1. Asbestos waste and components which contain asbestos:*

Waste containing asbestos must be stored in specially designed containers or bags.

Waste containing asbestos must be delivered for disposal in compliance with the current regulations governing the management of asbestos-containing waste.

#### *Batteries:*

Batteries must be stored indoors in acid-proof containers.

Batteries must be delivered to facilities treating batteries for recycling and disposal in accordance with the regulations in force at any given time on the management of battery waste.

#### *Cathode ray tubes:*

Management (collection, storage and transport) of equipment containing cathode ray tubes must take place in such a manner as to avoid the breakage of cathode ray tubes.

The fluorescent coating must be removed for recycling or disposal in a special landfill.

The fluorescent coating must be stored in sealed containers.

Glass from cathode ray tubes must be delivered to facilities authorised under section 33 of the Act, or corresponding legislation abroad, to reprocess lead-containing glass with regard to its recycling.

If the lead content cannot be removed effectively during reprocessing, the glass may only be used as a raw material in the course of production of cathode ray tubes or similar items, where the lead constitutes an essential and approved constituent part.

#### *Electric cables:*

Electric cables must be delivered to facilities mechanically reprocessing electric cables for recycling of the metal content. Such facilities must be authorised for the management of cable waste pursuant to section 33 of the Act or corresponding legislation abroad.

#### *Gas discharge lamps and fluorescent tubes:*

Management (collection, storage and transport) of gas discharge lamps and fluorescent tubes must take place in such a manner as to avoid the breakage or leakage of mercury.

Gas discharge lamps and fluorescent tubes must be stored in specially designed containers and delivered to facilities authorised to reprocess mercury-containing light sources.

The mercury must be removed and delivered to facilities authorised for the disposal of mercury pursuant to section 33 of the Act or corresponding legislation abroad.

The maximum permissible mercury content in glass and metal fractions is 10 ppm.

*Capacitors:*

Management (collection, storage and transport) of capacitors containing polychlorinated biphenyls (PCBs) must take place in such a manner as to avoid leakages.

Capacitors containing polychlorinated biphenyls (PCBs) must be stored in specially designed containers.

Capacitors containing polychlorinated biphenyls (PCBs) must be delivered to facilities authorised to treat PCB waste for disposal pursuant to section 33 of the Act or corresponding legislation abroad.

Provided that PCB residue content is less than 50 ppm, iron and other metals from capacitors may be delivered for reprocessing and recycling to facilities authorised pursuant to section 33 of the Act or corresponding legislation abroad.

*Mercury-containing components:*

Management (collection, storage and transport) of mercury-containing components must take place in such a manner as to avoid the leakage of mercury.

Mercury-containing components must be stored in specially designed containers.

Mercury-containing components must be delivered to facilities authorised for the disposal of mercury-containing waste pursuant to section 33 of the Act or corresponding legislation abroad.

*Liquid crystal displays:*

Management (collection, storage and transport) of equipment containing liquid crystal displays must take place in such a manner as to avoid the breakage of liquid crystal displays.

Liquid crystal displays suitable for immediate integration into new products may be separated and re-used for this purpose.

Liquid crystal displays unsuitable for re-use must be delivered to facilities authorised for the management of liquid crystal displays for recycling or disposal pursuant to section 33 of the Act or corresponding legislation abroad.

Gas discharge lamps must be removed and delivered to facilities as above.

*Equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits:*

Management (collection, storage and transport) of equipment containing ozone-depleting gases or have a global warming potential (GWP) must take place in such a manner as to avoid leakages.

Equipment containing gases which are ozone-depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits, must be delivered for reprocessing to facilities authorised pursuant to section 33 of the Act or corresponding legislation abroad.

Gases must be extracted and treated properly. Ozone-depleting gasses must be treated pursuant to Regulation (EC) No. 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer.

Gases must be extracted and collected using the best available technologies. The documentation supporting the use of best available technology must be a RAL-certification or an assessment conducted by the relevant recognised review body, demonstrating that an average minimum of 115 g of gases from refrigeration systems and an average minimum of 300 g of gases from insulation foam are collected and destroyed during the treatment of household appliances (refrigerators and freezers), and that the residue levels of gases in insulation foams and compressor oils are 0.2 per cent as a maximum by weight.

Gases must be destroyed at facilities authorised for such purpose pursuant to section 33 of the Act or corresponding legislation abroad.

*Plastic containing brominated flame retardants:*

Plastic containing brominated flame retardants must be delivered to facilities authorised to treat waste with a high bromine content pursuant to section 33 of the Act or corresponding legislation abroad.

Plastics with a bromine content less than 5 ppm may be delivered for reprocessing and recycling at facilities authorised thereto pursuant to section 33 of the Act or corresponding legislation abroad.

*Printed circuit boards:*

Following the dismantling of capacitors, batteries, accumulators and mercury-containing components and of liquid crystal displays with gas discharge lamps, printed circuit boards must be delivered to facilities authorised for the management of metallic wastes containing brominated flame retardants, PCBs and beryllium pursuant to section 33 of the Act or corresponding legislation abroad.

*Toner cartridges, liquid and paste, as well as colour toner:*

Toner cartridges which are not recycled must be delivered for incineration at waste incineration plants authorised thereto pursuant to section 33 of the Act or corresponding legislation abroad.

2. Environmentally sound preparing for re-use and recycling of components or whole appliances must not be hindered in connection with application of point 1.

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## **Annex 5**

### **Symbol for marking electrical and electronic equipment, cf. section 50**

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.



## **Annex 6**

### **Information to be submitted in connection with registration of producers or their representatives, cf. sections 6 and 7**

- 1) Name of enterprise under which the enterprise places electrical and electronic equipment on the market.
- 2) Address of enterprise (street and street number, postal code and city as well as country), URL address, telephone and fax number as well as email address.

- 3) CVR number (Central business registration number). For foreign enterprises not registered in the CVR register, VAT number and European VAT registration number or national VAT registration number of the enterprise should be submitted instead of the CVR number.
- 4) Contact person in enterprise: name, telephone number, fax number and email address.
- 5) Possible representative in Denmark of the enterprise: name, address (street and street number, postal code and city as well as country), email address, CVR number (Central business registration number), telephone and fax number. If the representative is a legal person, the name, address (street and street number, postal code and city), telephone and fax number as well as email address of the representative's contact person should also be submitted.
- 6) Statement of types of equipment under the categories stated in Annex 1 placed on the market or planned to be placed on the market as well as the type of equipment (household or professional equipment) for each of the categories.
- 7) Trademark for the electrical and electronic equipment placed on the market.
- 8) Information about how to comply with producer responsibility, including whether the enterprise is affiliated to a collective scheme or has established individual collection and management scheme. Information about which of the categories of equipment stated in Annex 1 are managed in a collective scheme and as an individual complier by the enterprise and how the enterprise has planned compliance with the duty of take-back and separate management of waste electrical and electronic equipment.
- 9) Selling technique used, e.g. distance selling.
- 10) Statement that the information submitted in the request for registration is correct.

To the extent that DPA-System may retrieve information via the CVR register, the CVR number alone must be submitted instead of nos. 1, 2, 4 and 5.

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## **Annex 7**

### **Guidelines for cooperation between producers and local councils in collection of electrical and electronic equipment from municipal collection points**

These regulations only cover the electronic waste fractions stated in section 27(1) and the collection points registered with DPA-System in accordance with section 24(1).

#### **1. Collection points**

The local council must establish collection schemes, including collection points, cf. section 22. The local council must report information to DPA-System according to the directions from DPA-System concerning these collection points submitting the following information:

- Address of collection point.
- Contact information (person, telephone number, email address or fax number).
- Period for pick-up of waste electrical and electronic equipment.
- Any special issues concerning access to keys etc.
- Collection equipment need per fraction.

The local council must be responsible for reporting the above information. This information must be updated immediately in case of changes.

Producers must at any time keep themselves informed about the local council's registered information about the collection point.

The local council may establish and close collection points pursuant to section 24(1) with one month's notice. This must be done according to the directions from DPA-System. Furthermore, the local council must

no later than one month in advance inform producers collecting allocated waste about the established or closed collection point.

Collection points must comply with the requirements stipulated in section 4 of this annex.

## **2. Terms of pick-up**

### ***2.1. Time limits***

Producers must pick up collected waste electrical and electronic equipment from the municipal collection points, cf. section 31, when the local councils as a minimum have collected following quantities of the different fractions described in section 27(1):

*Fraction 1 (large household appliances) and fraction 2 (cooling appliances):*

The producer must pick up waste electrical and electronic equipment at the request of the local council when at least one container per fraction has been filled, though with a minimum of once every six months.

*Fraction 3 (small household appliances) and fraction 4 (screens and monitors):*

The producer must pick up waste electrical and electronic equipment at the request of the local council when at least three cages per fraction have been filled, though with a minimum of once every six months.

*Fraction 5 (light sources):*

The producer must pick up waste electrical and electronic equipment at the request of the local council when at least one fluorescent tube box has been filled, though with a minimum of once every six months.

Pick-up:

The local council or the collection point must request pick-up by fax or email from the producer when the above quantities have been collected. Pick-up must then take place on the following terms:

#### ***2.1.1. Pick-up on request***

The request must be submitted by no later than 2 p.m. two weekdays before desired pick-up. Weekdays means Monday through Friday.

Pick-up from collection points must be effectuated no later than two weekdays after receipt of the request within the period stated by the local council, cf. point 1. If the request is submitted on a Friday, pick-up must take place on the following Tuesday.

*Example:* if pick-up is requested by email on a Tuesday at 1 p.m., pick-up must be effectuated by no later than Thursday.

In connection with holidays falling on weekdays (Monday through Friday) waste electrical and electronic equipment must be picked up in those cases where the local council has requested it — regardless of this day being a holiday.

The local council must as far as possible state in its pick-up request how many units should be picked up.

If pick-up is requested on a Saturday, the local council may request extraordinary pick-up, cf. point 2.1.4.

If an agreement is entered about pick-up on request the local council must be entitled to organise emergency pick-up pursuant to the procedures stated below if the producer has failed to effectuate the pick-up.

### **2.1.2. Regular pick-up**

The local council and the producer may as an alternative to pick-up on request agree on a permanent time for pick-up within a stipulated period of three hours, for instance: pick-up every Monday between 9 a.m. and 12 noon. In connection with holidays falling on weekdays where regular pick-up has been agreed, the producer must pick up waste electrical and electronic equipment as on normal weekdays.

The local council must state no later than two weekdays before the regular pick-up, if pick-up is not requested as agreed. If needed, the local council may request extraordinary pick-up, cf. point 2.1.4.

If an agreement is entered about regular pick-up, the local council should be entitled to organise emergency pick-up if the producer has failed to effectuate the pick-up, cf. point 2.1.5.

### **2.1.3. Alternative agreements**

Parties may enter agreements deviating from points 2.1.1., 2.1.2., 2.1.4. and 2.1.5.

### **2.1.4. Extraordinary pick-up**

If pick-up is needed in addition to regular pick-up, cf. point 2.1.2., or pick-up on request, cf. point 2.1.1., the local council may request extraordinary pick-up.

The request must be submitted by no later than 2 p.m. one day in advance of the requested pick-up. The request may be submitted from Monday to Saturday. Pick-up from the collection points must be effectuated no later than one day after receipt of the request. Extraordinary pick-up may take place from Monday to Saturday.

Each collection point is entitled to request 12 extraordinary pick-ups during an allocation period. This also applies in cases where an agreement about regular pick-up has been entered.

*Example:* if pick-up is requested by email Tuesday at 1 p.m., pick-up must be effectuated by no later than Wednesday within the period stipulated by the local council, cf. point 1.

In connection with holidays falling on a Monday through Saturday, waste electrical and electronic equipment must be picked up in those cases where the local council has requested extraordinary pick-up — regardless of this day being a holiday.

If extraordinary pick-up has been requested by the local council, the local council should be entitled to organise emergency pick-up pursuant to the procedures stated below, cf. point 2.1.5., if the producer has failed to effectuate the pick-up.

### **2.1.5. 2.1.5 Non pick-up**

If the producer does not collect waste electrical and electronic equipment pursuant to the stipulated deadline or the agreed permanent pick-up time, the local council must inform the producer accordingly by fax or email.

No later than four hours after submission of information of non pick-up to the producer by the local council, the producer must have effectuated pick-up of waste from the collection point.



If the producer has not picked up waste within these four hours, the local council may organise emergency pick-up through a third party. The local council must inform DPA-System about this non pick-up according to the directions from DPA-System.

The producer must within these four hours have the possibility of assigning the place of delivery of non picked-up waste if this has not been agreed in advance.

The local council may choose to request from the producer to cover actual, documented costs borne by the local council in connection with the emergency pick-up, including costs of securing new collection equipment on the site as well as extra administrative costs for the local council.

If the producer does not pay within the time for payment set up by the local council, the latter may, in those cases where the producer has provided financial guarantee pursuant to section 41, apply to DPA-System for coverage of actual documented costs in the guarantee provided by the producer.

## ***2.2. Incorrect separation at collection point***

The local council is responsible for correct separation of waste received.

Separation guidelines must be followed where such are available and electrical and electronic waste must not contain other waste than the waste fractions defined in section 27(1). Therefore, refrigeration equipment and cookers must not contain food or similar.

If collected equipment contains food or similar, the producer may return the equipment for emptying at the local council or request the local council to cover documented costs of emptying. The local council is free to choose whether to empty equipment itself or cover related costs.

Collected waste must not contain more than 5 % by weight of non-electronic waste. Of received electronic waste, no more than 5 % of collected waste must fall under another fraction.

If picked up equipment contains incorrectly separated waste exceeding 5 % by weight of non-electronic waste, or if more than 5 % of received electronic waste falls under another fraction, the producer may return equipment for separation at the local council or request the local council to cover documented costs of separation. The local council is free to choose whether to separate equipment themselves or cover related costs.

If the producer can document costs of management of received waste in connection with incorrect separation exceeding permitted levels, he may request coverage of these costs from the local council according to general regulations of tort.

## ***2.3. Filling rate***

The local council must ensure collection equipment supplied by producers is filled at a reasonable rate. If filling of the collection equipment is insufficient, the producer must contact the local council in view of discussing how to improve the filling rate up to a reasonable level.

## **3. Collection equipment**

Producers must supply information about the collection equipment available from which the local council can choose. The information must be registered with DPA-System and made public on the DPA -System website, cf. section 26(2) and (3). Producers should base their choice of collection equipment on the needs of the local council as well as occupational health and safety conditions.

The local council should register the collection points it establishes, cf. section 24.

Based on the information submitted by producers about collection equipment, the local councils should register the need for collection equipment per municipal collection point and fraction. The local council should register this information with DPA-System, which will make it public on its website, cf. section 25.

Producers are under the duty to supply collection equipment on the basis of the needs registered by the local council in the DPA-System register of municipal collection points, cf. section 26(1). Producers must harmonise collection equipment in relation to the different fractions.

Collection equipment must be workable and comply with general regulations on occupational health and safety. Collection equipment must comply with the description of equipment registered by producers with DPA-System and available from the DPA-System website, [www.dpa-system.dk](http://www.dpa-system.dk).

A local council which, for special reasons such as design of the collection point etc., cannot use collection equipment made available by producers should, in cooperation with the producer, find equipment covering the special needs of the local council, or enter an agreement to this effect.

Collection equipment made available by producers cannot be used by the local council on other points than the registered collection points unless specifically agreed with the producer.

### ***3.1 Municipal equipment***

The local council may choose to use its own collection equipment, and in this case the council itself is responsible for supply and maintenance. This collection equipment must be of the same character as the standard equipment offered by producers. If the local council wishes to use own equipment, this must be agreed directly with the producer. The local council must register such agreement for the collection point with DPA-System.

If the local council and the producer cannot agree on such agreement, the collection equipment made available by the producer must be used.

The collection equipment must be located at the collection point after emptying by the producer according to the directions from the local council.

### ***3.2 Notice for ordering equipment***

If a local council chooses to change from municipally owned collection equipment to equipment supplied by the producer or vice versa, this may be done with a notice of one month according to the directions from DPA-System.

Changes in the need for collection equipment must be registered by the local council with DPA-System. This must be done with a notice of one month according to the directions from DPA-System.

### ***3.3 Loading and transport equipment for collection point***

The producer is responsible for loading of collection equipment onto vehicles.

The parties are free to agree that the producer or the collective scheme supplies and maintains transport equipment so that the local council can fill up containers completely etc. In this connection the producer must train the staff of the local council at the collection point in the use of transport equipment.

It may be agreed whether the local council may use equipment for loading and transport of other types of waste than that from electrical and electronic equipment.

In cases where the local council has designed its point in a way that the council needs to move collection equipment, the local council alone must be responsible for provision of transport equipment.

#### **4. Requirements for collection point**

Collection points must be easily accessible for vehicles to load and unload collection equipment for waste electrical and electronic equipment from private households.

The local council is under the duty to take necessary measures at collection points to prevent theft of waste electrical and electronic equipment.

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## **Annex 8**

### **Calculation of allocation of waste electrical and electronic equipment from private households, cf. Part 9**

#### **1. Market share of producers**

The market share of producers makes up producers' annual share of total quantities of electrical and electronic equipment of the stated fraction placed on the market for private households reported by all producers to the DPA-System producer register in the previous calendar year.

##### ***1.1. Producers starting to place equipment on the market during a calendar year***

For producers starting to place electrical and electronic equipment for use in private households on the market during a calendar year, the market share and allocation are not calculated on the basis of this in the calendar year in question.

For the following calendar year, the market share and the allocation must be calculated on the basis of the quantities placed on the market in the calendar year in which placing on the market of electrical and electronic equipment for use in private households starts. This quantity should be multiplied by two.

##### ***1.2. Cessation of placing on the market during a calendar year***

When a producer ceases to place on the market electrical and electronic equipment for use in private households during a calendar year, no market share and allocation should be calculated in the following calendar year.

#### **2. Allocation**

DPA-System must allocate to the producer or the collective scheme which has taken over the obligations of the producer, cf. section 51, a given quantity of waste electrical and electronic equipment from private households that the producer is to collect, including from collection points established by the local council, cf. section 24, and organise separate management. Allocation should take place in the period stated in section 30 on the basis of the market share.

In the allocation, quantities of waste electrical and electronic equipment from private households taken back by the producer in the previous calendar year, and which have been reported to the producer register, must be taken into consideration, cf. Part 5.

In the allocation, DPA-System must make a post-adjustment that takes into consideration whether quantities taken back by producers in the previous calendar year correspond to what they were obliged to take back.

In addition, any errors in the allocation for the previous allocation period which were found after notification of allocation for the previous period and which did not lead to changes in the allocation must be taken into account. This must be done regardless of whether the error is due to incorrect reporting or non-reporting or other errors in the allocation, including errors ascertained in connection with complaints.

In the allocation, DPA-System must seek to allocate collection points in a geographically sensible manner. If DPA-System so decides, producers are under a duty to collect allocated waste electrical and electronic equipment from private households from all of Denmark.

If a producer or an importer does not collect allocated quantities during an allocation period due to cessation of activities, DPA-System may order one or more producers to take over the duty which was originally allocated to the ceased producer.

## Annex 9

### Minimum recovery targets, cf. section 39

#### 1. Minimum targets applicable by category from 13 August 2012 until 14 August 2015 with reference to the categories listed in Annex I:

- a) for waste electrical and electronic equipment falling within category 1 or 10 of Annex 1,
  - 80% shall be recovered, and
  - 75% shall be recycled.
- b) for waste electrical and electronic equipment falling within category 3 or 4 of Annex 1,
  - 75% shall be recovered, and
  - 65% shall be recycled.
- c) for waste electrical and electronic equipment falling within category 2, 5, 6, 7, 8 or 9 of Annex 1,
  - 70% shall be recovered, and
  - 50% shall be recycled.
- d) for gas discharge lamps, 80% shall be recycled.

#### 2. Minimum targets applicable by category from 15 August 2015 with reference to the categories listed in Annex I:

- a) for waste electrical and electronic equipment falling within category 1 or 10 of Annex 1,
  - 85% shall be recovered, and
  - 80% shall be prepared for re-use and recycled.
- b) for waste electrical and electronic equipment falling within category 3 or 4 of Annex 1,
  - 80% shall be recovered, and
  - 70% shall be prepared for re-use and recycled.
- c) for waste electrical and electronic equipment falling within category 2, 5, 6, 7, 8 or 9 of Annex 1,
  - 75% shall be recovered, and
  - 55% shall be prepared for re-use and recycled.
- d) for gas discharge lamps, 80% shall be recycled.

#### Official notes

<sup>42</sup>This Statutory Order contains provisions implementing parts of Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste from electrical and electronic equipment (WEEE), Official Journal 2003 L 37, p. 24, as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste from electrical and electronic equipment (WEEE), Official Journal 2003 L 345, p. 106., and Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE), Official Journal 2012 L 197, p. 38, parts of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators as well as repeal of Directive 91/157/EEC, Official Journal 2006, L 266, p. 1, Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directive 76/768/EEC, 88/378/EEC, 1999/13/EC and Directive 2000/53/EC, 2002/96/EC and Directive 2004/42/EC of the European Parliament and of the Council in view of adapting these to regulation (EC) no. 1272/2008 on classification, labelling and packaging of substances and mixtures, Official Journal 2008, L 345, p. 68.

<sup>2)</sup> Average size shall mean that a type of equipment (e.g. microwave) generally complies with these limit measures, although some brands under this type of equipment may exceed limit measures.