

Europacable Communication on Cables and WEEE 2

Brussels, 10 October 2014

With this Communication, Europacable seeks to provide guidance on the legal obligations resulting from the requirements of the implementation of EU Directive 2012/19/EU on Waste of Electric and Electronic Equipment (“WEEE 2”)

Manufacturers producing cables with rated voltages of ≤ 1 kV AC and $\leq 1,5$ kV DC which are directly supplied to final customers will need to comply with producer responsibilities from 2018 onwards.

Are cables considered Electric and Electronic Equipment (“EEE”)?

According to the explanation in the Frequently Asked Questions (FAQ) on WEEE 2, cables are considered in the scope of WEEE 2, if used for the transfer of electric current or electromagnetic fields (FAQ WEEE 2 2012, 3.8). This function is included in the EEE definition of the WEEE 2 Directive (Article 3.1.a).

The specific legal obligations for cable manufacturers stemming from the inclusion of cables in WEEE will depend on the following two criteria:

1. The rated voltage of the cables:

WEEE 2 only applies to EEE with rated voltage of ≤ 1 kV AC and $\leq 1,5$ kV DC (Article 3.1.a)

2. The type of supply route:

IN If cables are supplied directly to a final customer for various applications and not specifically designed for EEE, the cables are considered to be *in the scope of WEEE 2* from 2018.

OUT If cables are supplied to an EEE producer who assembles the cables inside or connects them to the electrical equipment, they are defined as “components” and not as EEE. Such cables *do not fall under the scope of WEEE 2*. (FAQ WEEE 2 2014, 3.6 and 3.8)

OUT If cables are supplied to installers for Large Scale Fixed Installations (LSFI), for other excluded EEE (Article 2.4) and equipment for the protection of essential interests of security of Member States (Article 2.3), these cables *do not fall under the scope of WEEE 2*.

What are the legal obligations resulting from WEEE 2 for cable manufacturers?

If cables are considered as EEE according to the conditions outlined above, the cable manufacturer will have to comply with producer responsibilities as outlined in WEEE 2.

Producer responsibilities may be different in each Member State due to the transposition in national legislation.

Background on WEEE 2

In 2012, Directive 2002/96/EC on the Waste of Electrical and Electronic Equipment (WEEE) was recast as Directive 2012/19/EU, so called "WEEE 2".

The objective of the recast Directive remains the same: The reduction of EEE waste by separate collection, recovery, re-use and recycling systems through the introduction of producer responsibilities.

The final version of the WEEE 2 Directive can be found at the following link:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:197:0038:0071:en:PDF>

The 2014 FAQ WEEE 2 document can be found at the following link:
<http://ec.europa.eu/environment/waste/weee/pdf/faq.pdf>

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Legal Disclaimer

The present information leaflet reflects the best knowledge of Europacable experts at the moment of its publication. It is intended as a tool among others to help assessing the scope of the WEEE Directive related to "cables". It is not a legally binding document and is not intended as a substitute for each manufacturer's own assessment and decision making. A binding interpretation of Community legislation is of the exclusive competence of the European Court of Justice.

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OVERVIEW OF CABLE APPLICATIONS IN WEEE2

Manufacturers producing cables with rated voltages of $\leq 1\text{kV AC}$ and $\leq 1,5\text{ kV DC}$ which are directly supplied to final customers will need to comply with producer responsibilities from 2018 onwards depending on the following supply routes:

IN THE SCOPE

Cables supplied directly to final customer for various applications and not specifically designed for EEE

FAQ 2014 – Question 3.8

"Antennas and cables used for the transfer of electrical currents and electromagnetic fields meet the definition of EEE as set out in Article 3(1)(a) and thus fall within the scope of the Directive."

"Cables placed on the market individually that are not part of another EEE are considered as EEE themselves."

FAQ 2014 – Question 3.17

"Equipment which is not specifically designed and installed as part of an excluded installation or tool is not excluded from the scope. Smoke detectors, computers and cables are examples of equipment that is in scope."

If cables are considered **IN** the scope, cable manufacturers will have to comply with producer responsibilities as outlined in WEEE2.

Producer responsibilities may be different in each Member State due to the transposition in national legislation.

OUT OF THE SCOPE

Cables supplied to an EEE producer who assembles the cables inside or connects them to electrical equipment

FAQ 2014 – Question 3.6:

"Components placed on the market separately in order to be used to manufacture and/or repair an EEE fall outside the scope of the Directive unless they have an independent function themselves."

FAQ 2014 – Question 3.8:

"Cables that are components of another EEE (either internal – permanently attached – or externally connected and removable, but sold together with the EEE) do not fall within the scope of the Directive."

OUT OF THE SCOPE

Cables supplied to installers for Large-Scale Fixed Installations (LSFI) or for other excluded EEE

Directive – Article 2.3

"...this Directive shall not apply to any of the following EEE:

a) ...equipment which is necessary for the protection of essential interests of the security of Member States, (...)"

Directive – Article 2.4

"...this Directive shall not apply to the following EEE:

- a) equipment designed to be sent into space
- b) large-scale stationary industrial tools
- c) large-scale fixed installations
- d) means of transport for persons or goods
- f) equipment specifically designed solely for the purposes of research and development
- g) medical devices"



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