

## Europacable Position on Cables in the scope of WEEE 2

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Since August 2018, the scope of the WEEE2 directive is extended to more Electric and Electronic Equipment categories. Considering some differences in Member States' interpretations of products covered, Europacable developed this communication to clarify and support the most common interpretation on cables in the scope.

This position is based on Europacable members feedback and consultation of the national WEEE registers.

### Scope

In the Directive, Electric and Electronic Equipment (EEE) is defined as *“equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current.”*

Considering this definition, the common interpretation, supported by Europacable is that

- **Cables with connectors**, within the range of  $\leq 1$  kV AC and  $\leq 1,5$  kV DC, are considered as Electric and Electronic Equipment, and **fall in the scope of the Directive, unless they are supplied to an EEE producer** who assembles the cables inside or connect them to an electrical equipment. They are in that last case defined as “component” and are not considered as EEE as such.
- **Cables without connectors** cannot function independently and **do not fall in the scope of the WEEE Directive**; consequently, cable makers are not producers and do not have any responsibility.

The European Waste Registration Network (EWRN) interpretation regarding products in the scope is aligned with Europacable position.

Among the different Member States, only Austria, Estonia and Norway have a different position

- **Austria** has an unexhaustive list of cables in the scope, including some without connectors.
- **Estonia** states that cables without connectors that can be purchased in a store are within the scope if the manufacturer sells such product to a distributor or end user. If a producer sells those kinds of cables to EEE producers, who uses those cables to make EEE, then this cable is a component and is out of scope.
- **Norway** considers all cables in the scope independent of the voltage rate

The table in Annex 1 summarizes the Member States position, and if existing, the link to the text used as reference.

Moreover, some equipment listed in Articles 3 and 4 of the Directive, such as equipment for the security of Member States, large-scale fixed installations or large-scale industrial tools, are excluded from the scope of the directive.

## Producer responsibilities

The Directive defines producer as “any natural or legal person who, irrespective of the selling technique used, including distance communication:

- i. *is established in a Member State and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of that Member State;*
- ii. *is established in a Member State and resells within the territory of that Member State, under his own name or trademark, equipment produced by other suppliers,*
- iii. *is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or*
- iv. *sells EEE by means of distance communication directly to private households or to users other than private households in a Member State and is established in another Member State or in a third country.”*

The producer responsibilities vary per Member State and whether products are from private households or not.

Cables that are in the scope must be registered with the national register in the countries where they are placed on the market and comply with the national legislation and waste management schemes.

Other producers' obligations include for instance to ensure the financing of the cost for the collection, treatment recovery and disposal of WEEE. In most countries, cable manufacturers can pay a submission fee for cables in the scope of WEEE to organizations that arrange collection and recycling on their behalf.

Cables manufacturers concerned by the WEEE directive as EEE producer **should consult the national transposition of the directive and the national WEEE registers within the country where its products are placed on the market, to clarify its obligations.**

## Background: EU Directive 2012/19/EU on Waste of Electric and Electronic Equipment (“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, meaning the reduction of EEE waste by separate collection, recovery, re-use and recycling systems through the introduction of producer responsibilities.

The legal text of the WEEE 2 Directive can be found in the Members States' languages [here](#).

### For further information, please contact:

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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.

Europacable declines any and all liability for any measure taken or not taken on the basis of this information leaflet.

This leaflet is for general informational purposes only.

Annex 1

Member State	Cables in the scope		Reference document
	Cables with connectors	Cables without connectors	
Austria	✓	✓	- <a href="#">Geltungsbereich der Elektroaltgeräteverordnung</a> (WEEE page) - <a href="#">Zuordnungsliste der Geräte – January 2019</a> (Equipment list)
Belgium (Flanders)	✓		- <a href="#">Afgedankte elektrische en elektronische apparatuur (AEEA)</a> (WEEE-page)
Czech Republic	✓	✓	- <a href="#">Elektrozařizení</a> (WEEE page) - <a href="#">Stručný průvodce výrobce elektrozařizení</a> (Brief WEEE Guide)
Denmark	✓		EWRN interpretation
Estonia	✓	✓ (sold to distributors / end users)	- <a href="#">Jäätmeseadus</a> (Waste act) - <a href="#">Probleemtooteregister</a> (Register of Products of Concern) - Korduma kippuvad küsimused - Elektri- ja elektroonikaseadmed (FAQ EEE)
France	✓		- <a href="#">Déchets Equipements Electriques et Electroniques</a> (WEEE Page) - <a href="#">Avis relatif au champ d'application</a> (Scope Notification)
Germany	✓		- <a href="#">Gesetz über Entsorgung von Elektro- und Elektronikgeräten</a> (WEEE law)
Greece	✓		- <a href="#">Ministerial Decision 23615/651/E.103/2014</a> (WEEE law) - <a href="#">Συχνές Ερωτήσεις-Απαντήσεις για τα Απόβλητα Ηλεκτρικού &amp; Ηλεκτρονικού Εξοπλισμού (ΑΗΗΕ)</a> (FAQ document)
Italy	✓		<a href="#">Indicazioni operative per la definizione dell'ambito di applicazione "aperto"</a> ("open" scope indications)
Latvia	✓		EWRN interpretation
Norway	✓	✓	- <a href="#">Forskrift om begrensning i bruk av helse- og miljøfarlige kjemikalier og andre produkter (produktforskriften)</a> (Legal text)
Portugal	✓		- <a href="#">Resíduos de Equipamento Eléctrico e Electrónico</a> (WEEE Page) - <a href="#">Decreto-Lei n.º 152-D/2017</a> (Legal text) - <a href="#">Análise à abertura do âmbito da Diretiva 2012/19/EU</a> (Analysis open scope)
Spain	✓		<a href="#">Preguntas frecuentes sobre Febrero 2019. v3</a> (FAQ) (Chapter 3.7)
Sweden	✓		<a href="#">Produkter som omfattas</a> (WEEE Page)
UK	✓		- <a href="#">Regulations: waste electrical and electronic equipment</a> (WEEE Page) - <a href="#">Guidance - EEE covered by the WEEE Regulations</a> (Scope guide)

Bulgaria, Croatia, Cyprus, Finland, Hungary, Ireland, Lithuania, Netherlands, Romania, Slovakia, Slovenia, Switzerland have no specific view on cables being in or out the scope.

European WEEE Registers Network  
<https://www.ewrn.org/legislation/member-states/>

## OVERVIEW OF CABLE APPLICATIONS IN WEEE2

Manufacturers producing cables with connectors, within the range of  $\leq 1$  kV AC and  $\leq 1.5$  kV DC, will need to comply with producer responsibilities, unless those cables are supplied to an EEE producer who assembles the cables inside or connect them to the electrical equipment

### IN THE SCOPE

Cables with connectors, within the range  $\leq 1$  kV AC and  $\leq 1.5$  kV DC, unless supplied to an EEE producer



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



### 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"

