

Dual use – registration of electrical and electronic equipment as private or professional equipment

Danish Environmental Protection Agency, December 2010 – Advisory Opinion – dual use.

Background

Producer/importer registration of equipment as equipment for professional or private use has caused a number of questions.

The WEEE Order sets up different ways of assuming producer responsibility in relation to the duty to manage waste from electrical and electronic equipment manufactured for professional and private use, respectively.

In some cases the same type of equipment is used both in private households and professionally. Regardless of this fact such equipment must be defined as either private equipment or professional equipment.

Dual use-equipment: equipment that is not manufactured specifically for professional use (i.e. can basically be seen as private equipment), but that is used by a professional user in such volumes that it cannot be regarded as private equipment. Light sources and PCs (portable and stationary) are typical examples of dual use equipment.

Definition of equipment for households: equipment manufactured for use in private households, including equipment of the same type and volume as used in private and public institutions and businesses.

Definition of equipment for professional use: specifically manufactured for use in private and public institutions and businesses and which is not electrical and electronic equipment for use in households.

Consequences on producer responsibility in relation to waste management

Private equipment is covered by allocation schemes and can be discarded under the municipal collection scheme. The producer responsibility for professional equipment entails a direct obligation on producers/importers to take back equipment free of charge when it becomes waste. It is possible to derogate from this principle, for instance by the parties agreeing that the waste management responsibility is transferred to the final user¹.

Delimitation between private equipment and professional equipment

According to the general rule equipment that may be used in private households must be registered as private equipment unless the volume in question is significant and sold by the producer/importer in one lot for use in one professional business or institution. It is a precondition that the sale is effectuated directly between the producer/importer and the final user.

The producer responsibility for professional equipment entails a direct take-back obligation, cf. above. If a producer/importer will register equipment that is private equipment as professional equipment, he must be able to substantiate to the supervisory authority that it is used in one professional business in a volume exceeding what can be used in private households. It must also be substantiated that an agreement has been entered to the effect that the equipment will not be discarded as WEEE from households, for instance in the municipal collection system.

Further to this rule, all equipment sold on the retail market is private equipment.

1. Producer responsibility and ensuing duties of registration and reporting remain with the producer/importer.

Duty of information

Producers and importers selling dual use professional equipment must ensure that the final user is informed of the fact that once equipment becomes waste it is professional WEEE. Consequently, it must be delivered to the producer as WEEE from professional users or the final user must take charge of waste management himself. It must not be discarded as WEEE from households, for instance in the municipal collection system.

Requirements for documentation in reporting as professional equipment

If a producer/importer wishes to register dual use equipment as professional equipment because volumes exceed what is used in households, the producer/importer must be able to substantiate to the supervisory authority that it is used in one business in a volume exceeding what can be used in households. He must also document that the final user has been informed that the equipment must not be discarded as WEEE from households, for instance in the municipal collection system, when it becomes waste.

No formal requirements for documentation have been established. The producer/importer must actively secure documentation that it has been agreed who is responsible for the equipment when it becomes waste, including that the equipment is not discarded as WEEE from households, for instance in the municipal collection system. The agreement may, for instance, appear from an invoice/contract.

Conclusion

The producer/importer is responsible for ensuring correct reporting to the producer register. The general rule for equipment that may be used in households is that it is reported as equipment for private use.

Appendix 1 - FAQ – dual use equipment

1. If a school or any other institution makes an ordinary purchase of one or more PCs or coffee machines from a retailer it is seen as private equipment that must be discarded as WEEE from households, for instance in the municipal collection schemes or directly to the responsible producers.
2. If a local authority or a company purchases a printer, which is not a private equipment type, it is not dual use equipment but professional equipment since such appliance is not used in private households due to its type and/or qualities. Such professional equipment must not be discarded for instance in the municipal collection schemes for WEEE from households. WEEE from businesses must be discarded with the responsible producer/importer or with an environmentally approved recycling facility.
3. A producer/importer sells 50 coffee machines to a local authority that places them in 50 different institutions and offices. These machines must be registered as private equipment since they are not used in one company in a volume exceeding what may be used in households. They may subsequently be discarded with the municipal collection scheme for WEEE from households.
4. If a producer/importer has sold a supply of hand tools or light sources to a retailer (for instance a do-it-yourself shop) and this retailer sells this equipment to its clients it will be defined as equipment for private use. This also applies when:
 - a professional company purchases two drillers, or
 - clients in the DIY shop are primarily professional companies but private persons can also buy from the shop.
5. If a retailer takes back a buyer's old washing machine in connection with the sale of a washing machine for use in households, it is defined as waste from households. The purchase is meant for a household and must also be seen as such at the end of its useful life.