While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation.
Only the Danish document has legal validity.

Statutory Order no. 1296 of 12 December 2011 on placing on the market of electrical and electronic equipment and management of waste electrical and electronic equipment[i ii]

Pursuant to sections 9i (2), 9j(2), 9k (1)-(3), 9l (2)-(4), 9m (1) and (2), 9n, (1)-(4), 9o (1) and (2), 9z (2)-(4), 9æ (1) and (2), 9ø (1) and (4), 44 (1), 45 (2) and (7), 51 (1) para 6, 67, 80 (1)-(2), 92 and 110 (3) of the Danish Environmental Protection Act, cf. Consolidated Act no. 879 of 26 June 2010, pursuant to section 1 (2) in the Public Administration Act, cf. Consolidated Act no. 1365 of 7 December 2007 and section 1 (3) in Act on Public Access to Documents in Administrative Files, cf. Act no 572 of 19 December 1985, as amended by Act no. 552 of 24 June 2005, and after negotiations with the Minister for Justice, the following provisions shall be laid down:

Part 1

Scope

1.-(1) This Order shall apply to:
1) placing on the market of electrical and electronic equipment subject to producer responsibility,
2) registration of producers and importers placing electrical and electronic equipment subject to producer responsibility on the market, cf. sections 5 and 18,
3) registration of municipal collection sites for waste electrical and electronic equipment from private households, cf. section 21,
4) registration of the local councils' need for collection equipment, cf. section 22,
5) registration of accessible collection equipment, cf. section 23,
6) registration of collective schemes, cf. section 50, and
7) duty of information regarding electrical and electronic equipment, cf. part 12.
(2) The Order shall furthermore apply to management of all waste from electrical and electronic equipment.
(3) Unless otherwise stated in this Order, other legislation on waste management shall also apply.
(4) In respect of the import and export of waste electrical and electronic equipment applicable legislation on import and export of waste shall apply.

2.-(1) The 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) below,
2) electrical and electronic equipment associated with the protection of the essential interests of national security, arms, munitions and war material if equipment is manufactured specifically for military purposes
3) batteries and accumulators covered by the Order on batteries and accumulators and waste batteries and accumulators, cf. however subsection (3) below, and
4) electrical and electronic equipment containing sealed radioactive sources and smoke detectors containing radioactive substances, cf. however subsection (4) below.
(2) Waste electrical and electronic equipment removed from motor vehicles cf. subsection (1) para 1 above shall be managed in compliance with the provisions of section 34 below.
(3) Batteries and accumulators, cf. subsection (1) para 3 above, 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 provisions of the Statutory Order on batteries and accumulators and waste batteries and accumulators.
(4) Waste electrical and electronic equipment covered by subsection (1) para 4 above, is covered by this Order after removal of sealed radioactive sources and radioactive substances in accordance with rules applicable at any time.

Part 2

Definitions

3.-(1) For the purpose of this Order the following definitions shall apply:
1) Waste electrical and electronic equipment: Waste electrical and electronic equipment, cf. para 8, including all components, subassemblies and consumables which are part of the product at the time of discarding.
2) Waste of other electrical and electronic equipment: Waste of other electrical and electronic equipment, cf. para 9.

3) Waste electrical and electronic equipment from professional enterprises: Waste electrical and electronic equipment, which is not waste from private households, cf. para 4.
4) Waste electrical and electronic equipment from private households: Waste electrical and electronic equipment from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households.

5) Treatment: Any activity after the waste electrical and electronic equipment has been handed over to a facility for depollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery and/or the disposal of the waste electrical and electronic equipment.
6) Disposal: As defined in the Statutory Order on waste.
7) Distributor: Any person who provides electrical or electronic equipment on a commercial basis to the party who is going to use it.
8) Electrical and electronic equipment: Electrical and electronic equipment covered by producer responsibility and complying with the following:

a) 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
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.

9) Other electrical and electronic equipment: electrical and electronic equipment not subject to producer responsibility: electrical and electronic equipment which is not covered by para 8(b).
10) Electrical and electronic equipment for professional use: 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. para 11.
11) Electrical and electronic equipment for use in private households: Electrical and electronic equipment, which has been manufactured for use in private households, including equipment of the same nature and quantity as that used in private and public institutions and enterprises.
12) Dangerous substance or mixture, cf. however section 60: 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;
(d) hazard class 5.1,
13) Prevention: Measures aimed at reducing the quantity and the harmfulness to the environment of waste electrical and electronic equipment and waste of other electrical and electronic equipment and materials and substances contained therein.
14) Recycling: Reprocessing in a production process of waste materials for the original purpose or for other purposes, but excluding energy recovery which means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat.
15) Reuse: Any operation by which waste electrical and electronic equipment or components thereof or waste of other electrical and electronic equipment or components thereof are used for the same purpose for which they were conceived, and which are returned to collection sites, distributors, recyclers or manufacturers.
16) Impermeable area: Area with tight surface layer which can resist impacts from liquids without danger of leaching to soil and groundwater.
17) Collection equipment: Cages, containers, fluorescent tube containers etc. for collection of waste electrical and electronic equipment.
18) Collection site: Site established by the local council from where producers and importers shall pick up waste electrical and electronic equipment from private households.
19) Placing on the market: Supplying or making available, whether in return for payment or free of charge, to a third party, including import into Danish tariff area, cf. the Danish Environmental Protection Act section 9t, para 8.
20) Recovery: As defined in the Statutory Order on waste.
21) Producers and importers: Any person who:

a) manufactures and sells electrical and electronic equipment in Denmark under his own brand,
b) resells in Denmark under his own brand equipment produced by other suppliers, a reseller not being regarded as the 'producer' if the brand of the producer appears on the equipment,
c) imports electrical and electronic equipment on a professional basis into Denmark for resale, or
d) supplies electrical or electronic equipment from another EU Member State directly to private households in Denmark through distance selling.

22) Final user: Household, company or private or public institution being the last user of a piece of equipment before it becomes waste.
23) Separate management: Separation, storage, collection, transport, reprocessing and treatment of waste electrical and electronic equipment.

(2) When this 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

Producer register for electrical and electronic equipment

4.-(1) Dansk Producentansvarssystem (DPA-System) shall be responsible for an electronic producer register covering:
1) producers and importers placing electrical and electronic equipment on the market, cf. sections 5 and 18,
2) municipal collection sites for waste electrical and electronic equipment from private households, cf. section 21,
3) local councils' registered need for collection equipment, cf. section 22,
4) lists of accessible collection equipment, cf. section 23, and
5) collective schemes, cf. section 50.
(2) The register shall be public and shall be found on the website of DPA-System, www.dpa-system.dk.

5.-(1) Producers and importers placing electrical and electronic equipment covered by producer responsibility on the market shall register electronically in the producer register mentioned in section 4 above no later than two weeks before the producer or the importer places electrical and electronic equipment on the market for the first time.

6.-(1) Producers' and importers' registration in the producer register shall contain information as stipulated in Annex 6.
(2) The duty of registration shall be complied with when:
1) all information cf. subsection (1) above has been reported adequately,
2) fee for registration has been paid, cf. section 54 (1), and
3) financial guarantee cf. section 38 has been provided or the producer or the importer has documented enrolment in a collective scheme, which has provided financial guarantee or has obtained exemption from provision of financial guarantee.
(3) DPA-System shall confirm registration in the producer register towards the producer or the importer no later than two weeks after registration.

7.-(1) Producers and importers shall report changes in registered information 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 towards the producer or the importer no later than two weeks after registration.

8.-(1) If a producer or an importer ceases to place electrical and electronic equipment on the market, the producer or the importer shall inform DPA-System in writing.

9.-(1) DPA-System can decide whether:
1) electrical and electronic equipment is covered by the rules on producer responsibility pursuant to this Order,
2) electrical and electronic equipment placed on the market belongs to one of the categories stipulated in Annex 1, including to which category the equipment belongs,
3) a producer or an importer is covered by producer responsibility, and
4) electrical and electronic equipment placed on the market falls under electrical and electronic equipment for use in private households or for professional use.

10.-(1) Distributors shall not buy and sell electrical and electronic equipment from producers and importers who have not registered in the producer register according to sections 5, 6 and 18.

Part 4

Duty of annual reporting

11.-(1) Producers and importers shall once a year and no later than 31 March report information to DPA-System about quantities of electrical and electronic equipment placed on the market by the producer or the importer in the previous calendar year.
(2) If producers and importers place electrical and electronic equipment on the market without reporting quantities to DPA-System pursuant to subsection (1) above the producer or the importer shall report information about quantities of electrical and electronic equipment placed on the market for the period in which the producer or the importer has placed this equipment on the market but has not complied with his duty of reporting.
(3) Producers and importers starting to place electrical and electronic equipment on the market after 1 January 2010 shall report information in connection with the registration, cf. sections 5, 6 and 18 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) above shall be reported jointly for a calendar year together with reports for the following calendar year. Reports shall be attested by the auditor of the producer or the importer in accordance with section 12.

(5) Producers and importers shall report changes to expected, reported quantities placed on the market cf. subsection (3) above no later than one month after the changes have been ascertained.

(6) Reports regarding quantities placed on the market according to subsections (1)-(5) above 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.

12.-(1) Reports by producers and importers of quantities of electrical and electronic equipment placed on the market for use in private households cf. section 11 shall be attested by the auditor of the producer or the importer in accordance with directions of DPA-System, cf. however subsection (3) above. The auditor's attestation shall be submitted digitally to DPA-System via www.dpa-system.dk no later than 31 May of the year in question, cf. however subsection (2) above.

(2) If the producer or the importer presents his annual report later than 31 May the auditor of the producer or the importer may, regardless of the provision of subsection (1) above, defer submission of the auditor's attestation until the annual report of the producer or the importer has been approved by the auditor. This is conditional upon the producer or the importer submitting no later than 31 May a management's statement to DPA-System certifying the accuracy of the quantities placed on the market and reported in pursuance of section 11 and stating when the auditor's attestation will reach DPA-System.

(3) Regardless of subsection (1) above, producers and importers having a turnover in electrical and electronic equipment covered by section 3 (1) para 8 not exceeding DKK 1,000,000 annually may apply to DPA-System for exemption from the requirement for an auditor's attestation if the producer or the importer submits a management's statement to DPA-System documenting the annual turnover.

13.-(1) Producers and importers shall report the following information to DPA-System every year no later than 31 March:

1) quantities of waste electrical and electronic equipment, which the producer or the importer has taken back and treated, cf. sections 36-37,
2) environmentally approved facilities having treated the waste electrical and electronic equipment mentioned in sections 36-37,
3) quantities of waste electrical and electronic equipment sent to treatment and distributed on environmentally approved facilities,
4) recycling rates obtained at the different environmentally approved facilities, and
5) recycled quantities distributed on the different environmentally approved facilities.

(2) This information must be stated in kilos and distributed on the categories stated in Annex 1 according to the directions of DPA-System.

14.-(1) Producers and importers who have been allocated pick-up of waste electrical and electronic equipment for use in private households from collection sites established by a local council, cf. however section 25(2), shall report annually and 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 site established by the local council, or
2) collected elsewhere in the municipality according to agreement entered under section 31 (3).

(2) This information shall be stated in kilos and distributed on the fractions mentioned in section 24 according to the directions of DPA-System.

(3) At the request of the local council producers and importers shall submit information free of charge about collected quantities per collection site and per month distributed on the fractions mentioned in section 24. The local council may request submission of this information once a month.

15.-(1) Producers and importers shall report annually and no later than 31 March the following information to DPA-System:

1) take-back schemes established by the producer or the importer in pursuance of section 19 (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 or the importer with the local council in pursuance of section 24 (2) regarding separation of waste into fractions,
3) agreements entered by the producer or the importer with purchasers of equipment in pursuance of section 33 regarding transfer of duty of separate management, as well as quantity of equipment covered by such agreement,
4) agreements entered by the producer or the importer with a local council regarding other terms for pick-up of quantities allocated pursuant to section 31 (3),
5) information about where the producer or the importer informs about electrical and electronic equipment placed on the market, cf. sections 47-48, and
6) quantities of waste electrical and electronic equipment from private households collected by the producer or the importer from the municipal collection sites in the previous calendar year, cf. section 21, or collected elsewhere in the municipality further to agreement entered under section 31 (3). This information must be distributed on the categories stated in Annex 1.

16.-(1) Reporting under sections 11-15 shall be made according to the directions of DPA-System.

(2) DPA-System is responsible for preparation of a sharing key between fractions, cf. section 24 (1) and categories, cf. Annex 1.

17.-(1) DPA-System shall report annually and no later than 1 July the following information to the Danish Environmental Protection Agency:

1) Total quantities of electrical and electronic equipment placed on the market by producers and importers 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 and importers 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) Achieved rate of recovery, reuse and recycling cf. sections 36-37, for separately collected waste electrical and electronic equipment. This information shall be distributed on the categories stated in Annex 1.

(2) The Danish Environmental Protection Agency can determine directions for the reporting of DPA-System.

Part 5

Distance and internet selling

18.-(1) Producers and importers in other EU Member States which supply electrical and electronic equipment directly to private households in Denmark via distance or internet selling shall register with DPA-System in accordance with section 5, and report information to DPA-System according to section 11 and sections 13-15.

(2) Producers and importers covered by subsection (1) above shall furthermore provide for the take-back and separate management of discarded equipment.

Part 6

Collection schemes for private households etc.

19.-(1) The local council shall establish collection schemes for waste electrical and electronic equipment from private households, cf. section 3(1) para 4. 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 pursuant to section 39 of 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 collective scheme shall take back. Information about reception centres shall be reported to DPA-System.

(5) DPA-System shall publish information about these reception centres on its website.

(6) Distributors may receive waste electrical and electronic equipment from private households. The distributor shall only charge payment for management 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 must use a collection scheme established by producers and importers or by a local council. The latter only applies when the distributor has accepted the possibility of delivering waste to the recycling centre pursuant to section 39 of the Statutory Order on Waste.

(8) The local council shall establish collection schemes for waste of other electrical and electronic equipment from private households, cf. section 3 (1) para 2.

20.-(1) All final users, cf. however subsections (2)-(4) below, shall deliver waste electrical and electronic equipment from private households to collection schemes established by the local council, cf. however subsection (2) below, or established by producers and importers or by distributors, cf. section 19.

(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 commercial enterprise shall be delivered to a producer, an importer or a collective scheme under the duty to organize take-back and separate management, for example to a reception centre established by the collective schemes, cf. section 19(4).

(3) Waste-generating companies have access to deliver waste electrical and electronic equipment from private households cf. section 3(1) para 1 where they themselves are the final user to a reception centre established by the collective schemes, cf. section 19(4).

(4) Waste-generating companies can deliver waste electrical and electronic equipment from private households cf. section 3(1) para 1 and waste from other electrical and electronic equipment cf. section 3(1) para 2 in pursuance of the rules on

source-separated industrial waste for material recovery of the Statutory Order on Waste, if they are the final user, to the following sites, cf. the Statutory Order on Waste:

1) A registered recycling facility,

2) An approved and registered collection company, or

3) An approved and registered municipal treatment facility. Source-separate industrial waste for material recovery shall be delivered to the municipal treatment facility, since municipal treatment facilities must not collect source-separate industrial waste for material recovery, cf. section 24(3) and 78(3) para 4, cf. the Statutory Order on Waste.

(5) Any final user shall deliver waste of other electrical and electronic equipment cf. section 3(1) para 2 from private households to collection schemes established by the local council, cf. section 19 (8), cf. however subsections (4) and (6).

(6) Waste-generating companies have access to deliver other waste electrical and electronic equipment from private households cf. section 3(1) para 2 to the collection schemes established under subsection (1) above provided that they have accepted the possibility of delivering waste to the recycling centre pursuant to section 39 of the Statutory Order on Waste.

21.-(1) The local council shall register and de-register collection sites in the producer register on the DPA-System website one month before establishment or closure of a collection site. Registration shall be made according to Annex 7 and according to the directions of DPA-System.

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

22.-(1) The local council shall register the need for collection equipment per collection site and fraction taking their starting point in the lists of types of equipment established by producers and importers, cf. section 23(2). The local council shall register its needs according to the directions of DPA-System.

(2) DPA-System shall publish the registered needs on its website.

23.-(1) Producers and importers shall make collection equipment available at the collection sites established by the local councils in accordance with the requirements stipulated in Annex 7.

(2) Producers and importers shall draw up a list of collection equipment made available by them to the local council. The producer or the importer shall submit this list to DPA-System according to the directions of DPA-System.

(3) DPA-System shall publish the lists submitted by producers and importers under subsection (2) above on its website.

24.-(1) The local council shall ensure as per 1 September 2010 that waste electrical and electronic equipment from private households delivered to the collection sites 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, and

5) Lighting equipment

(2) The local council may, regardless of subsection (1) above, separate waste into more fractions further to agreement between the local council and producers and importers having been allocated waste under section 28. It is a precondition that the management complies with requirements stipulated in Annexes 3 and 4. The agreement shall be submitted to DPA-System according to the directions of DPA-System.

(3) DPA-System shall publish agreements entered under subsection (2) above on its website.

(4) The local council may decide in the light of available space that fractions 1 and 2 are collected in one fraction at a collection site. It is a precondition that the management complies with requirements stipulated in Annexes 3 and 4. The local council shall inform DPA-System accordingly. DPA-System shall publish such decision on its website.

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

Part 7

Allocation of waste electrical and electronic equipment from private households

25.-(1) Producers and importers 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 24 (1).

(2) Producers and importers shall take back the quantity of waste electrical and electronic equipment from private households allocated to them by DPA-System, cf. section 26, including take-back from collection sites established by the local council cf. section 19.

(3) Producers and importers shall organize at their own expense separate management of waste electrical and electronic equipment from private households taken back by the producer or the importer, cf. part 10.

26.-(1) DPA-System shall decide once a year on allocation of quantities of waste electrical and electronic equipment from private households that producers and importers shall take back, including take-back from collection sites established by the local council cf. section 19.

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

27.-(1) The allocation period shall start every year on 1 September.
(2) DPA-System shall no later than 1 June inform producers, importers and the local council about the allocation. DPA-System shall publish the allocation on its website.

Part 8

Take-back by producers and importers of allocated waste electrical and electronic equipment from private households

28.-(1) Producers and importers shall take back allocated quantities of waste electrical and electronic equipment from private households including take-back from collection sites established by the local council cf. section 19(1).
(2) Take-back by producers and importers from collection sites established by the local council shall take place according to the directions stipulated in Annex 7.

29.-(1) If a producer or an importer does not pick up the allocated waste electrical and electronic equipment at the collection sites established by the local council in accordance with Annex 7 the local council can get documented costs of emergency pick-up covered in the following ways:
1) by claiming compensation directly from the producer or the importer, or
2) in case the producer or the importer does not cover the documented costs the local council can request DPA-System to organize payment of costs from the financial guarantee provided by the producer or the importer cf. section 38.

30.-(1) If a producer, an importer or a collective scheme, which has provided financial guarantee in pursuance of sections 38-41, ceases operation in the course of an allocation period, DPA-System shall distribute allocated collection sites to other producers and importers. DPA-System shall release the financial guarantee to the other producers and importers in pursuance of section 46 (3).
(2) If a collective scheme, which has not provided financial guarantee but which has had collection sites allocated to it on behalf of producers or importers, ceases activities in the course of an allocation period DPA-System shall distribute allocated collection sites to former members of the collective scheme in proportion to their respective share of the market. In such case several producers or importers may be allocated a shared collection site.

Part 9

Waste electrical and electronic equipment from professional users

31.-(1) Final users of electrical and electronic equipment placed on the market before 1 April 2006 for professional use must organize separate management of waste equipment, cf. section 35, by delivering waste to the following facilities, cf. the Statutory Order on Waste.
1) A registered recycling facility,
2) An approved and registered collection company, or
3) An approved and registered municipal treatment facility. Source-separate industrial waste for material recovery shall be delivered to the municipal treatment facility, since municipal treatment facilities must not collect source-separate industrial waste for material recovery, cf. section 24(3) and 78(3) para 4, cf. the Statutory Order on Waste.
(2) Final users of electrical and electronic equipment for professional use can, however, regardless of subsection (1) above, 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 or the importer if the new equipment replaces equipment placed on the market before 1 April 2006.
(3) Subsection (2) above can be dispensed with by agreement.

32.-(1) Producers and importers 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 35, cf. however section 33.
(2) Producers and importers can take back waste in pursuance of subsection (1) above in the following manners:
1) producers and importers can pick up waste electrical and electronic equipment from the final user, or
2) the final user can deliver waste electrical and electronic equipment for professional use to a reception centre established by the producer or the importer in the region.
(3) Producers and importers shall inform final users about take-back options according to subsection (1) above on demand.

33.-(1) Producers and importers placing electrical and electronic equipment for professional use on the market can, regardless of section 32, agree with the purchaser of the equipment that the purchaser takes over the producer's or the importer's duty of separate management, cf. section 35.
(2) If the final user does not deliver waste electrical and electronic equipment for professional use to the producer or the importer, he must organize separate management of waste equipment, cf. section 35, by delivering waste to the following facilities, cf. the Statutory Order on Waste.
1) A registered recycling facility,

2) An approved and registered collection company, or
3) An approved and registered municipal treatment facility. Source-separate industrial waste for material recovery shall be delivered to the municipal treatment facility, since municipal treatment facilities must not collect source-separate industrial waste for material recovery, cf. section 24(3) and 78(3) para 4, cf. the Statutory Order on Waste.

Part 10

Separate management and recycling

34.-(1) Any person, including producers and importers or anyone acting on their behalf, who establishes schemes for treatment of waste electrical and electronic equipment, cf. section 3(1) para 8 shall use best available technology within treatment, recovery and recycling.

35.-(1) Management of waste electrical and electronic equipment, cf. section 3 (1) para 8, and waste of other electrical and electronic equipment, cf. section 3 (1) para 9, shall comply with the following requirements:
1) waste shall be managed in an environmentally safe way ensuring that requirements for treatment cf. paras 2-5 are complied with,
2) all fluids and components etc. stipulated in Annex 3 shall be removed,
3) removal of the substances, materials and components referred to in Annex 3 shall take place indoors and on an impermeable surface with spillage collection facilities and, where appropriate, decanters and cleansers-degreasers,
4) substances, materials and components referred to in Annex 3 shall be managed in accordance with the directions of Annex 4,
5) sites for storage, including temporary storage prior to treatment of waste electrical and electronic equipment, shall be under roof and on appropriate impermeable surfaces and weatherproof covering with spillage collection facilities and, where appropriate, decanters and cleanser-degreasers, and
6) anyone removing substances, materials and components cf. para 2 shall establish balances to measure the weight of removed waste fractions.

36.-(1) Producers, importers or any person responsible for management of waste electrical and electronic equipment shall ensure that the following rates of recovery are met:
1) A minimum of 80 per cent of equipment falling under the categories 1 and 10 set out in Annex 1,
2) A minimum of 75 per cent of equipment falling under the categories 3 and 4 set out in Annex 1,
3) A minimum of 70 per cent of equipment falling under the categories 2, 5, 6, 7 and 9 set out in Annex 1.
(2) The rate of recovery shall be calculated on the basis of quantities in kilos of waste taken back per calendar year and the proportion of this that is sent for recovery after waste management.
(3) Concerning export of waste electrical and electronic equipment to third countries this waste is only included in the calculation in so far as the requirements and targets set out in subsection (1) above are met and provided that the exporter can document that the waste has been recovered in accordance with the rules of this Order.

37.-(1) Producers, importers or any person responsible for management of waste electrical and electronic equipment shall ensure that the following rates of reuse or recycling are met:
1) A minimum of 75 per cent of equipment falling under the categories 1 and 10 set out in Annex 1,
2) A minimum of 65 per cent of equipment falling under the categories 3 and 4 set out in Annex 1,
3) A minimum of 50 per cent of equipment falling under the categories 2, 5, 6, 7 and 9 set out in Annex 1.
4) A minimum of 80 per cent of waste gas discharge lamps.
(2) The reuse or recycling rate shall be calculated on the basis of the quantity in kilos of waste taken back each calendar year and the proportion of this that is sent for reuse or recycling after management.
(3) Concerning export of waste electrical and electronic equipment to third countries this waste is only included in the calculation in so far as the requirements and targets set out in subsection (1) above are met and provided that the exporter can document that the waste has been reused or recycled in accordance with the rules of this Order.

Part 11

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

38.-(1) Producers and importers placing electrical and electronic equipment for use in private households on the market shall provide financial guarantee once a year before the equipment is placed on the market. The guarantee shall secure financing of the management of waste electrical and electronic equipment from private households.

39.-(1) DPA-System shall determine the magnitude of the financial guarantee.
(2) For producers and importers registered in the producer register 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 or the importer to the producer register, and
2) known or expected costs of management of the waste that producers and importers shall take back.

(3) For producers and importers starting to place electrical and electronic equipment for use in private households on the market and not yet having been allocated waste cf. section 26, the magnitude 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 or the importer to the producer register, and
2) known or expected costs of management of the waste electrical and electronic equipment from private households

(4) For producers and importers having placed electrical and electronic equipment for use in private households on the market but as yet not having complied with the duty of registration according to section 5 and section 18, and the duty of reporting according to section 11, 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 or the importer to the producer register, and
2) quantities of waste electrical and electronic equipment for use in private households taken back and reported by the producer or the importer to the producer register, and
3) known or expected costs of management of the waste electrical and electronic equipment from private households.

40.-(1) DPA-System shall determine the magnitude of the financial guarantee to be provided by producers and importers as well as the time of provision.

41.-(1) The financial guarantee shall be provided according to the directions of DPA-System.

42.-(1) Producers and importers shall submit documentation to DPA-System for provision of the guarantee.
(2) DPA-System shall approve the financial guarantee.

43.-(1) Collective schemes, cf. section 50, may apply to DPA-System on behalf of producers and importers members of the scheme for exemption of provision of financial guarantee under section 38.

(2) DPA-System can grant exemption under subsection (1) above, when the following conditions are met:
1) total market share of producers and importers in the collective scheme makes up at least 20 % 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 and importers, and
2) at least 20 % of producers and importers registered in the producer register within one of the categories stipulated in Annex 1 are members of the collective scheme, or the collective scheme has as its members at least ten of the registered producers and importers of which no producer's or importer's market share can account for more than 50 % of the market share of the collective scheme in question.

(3) DPA-System shall decide as a condition for the exemption that the collective scheme is liable for the entire commitment of all producers and importers members of the collective scheme in question for the entire allocation period.

44.-(1) If a collective scheme exempted from the provision of financial guarantee under section 43 ceases activities, DPA-System shall decide in pursuance of sections 40-42 on the financial guarantee to be provided by producers and importers members of the ceased collective scheme.

45.-(1) When the producer or the importer has documented that the allocated waste electrical and electronic equipment from private households has been taken back and managed separately, the financial guarantee under sections 40-41 shall be released to the producer or the importer by DPA-System.

(2) When the financial guarantee under section 38 is provided in a new allocation period DPA-System shall release the financial guarantee under sections 40-41 to the producer or the importer.

46.-(1) If a producer or an importer has not collected the quantities allocated, DPA-System shall release the financial guarantee and distribute it to those producers and importers who have collected excess quantities in the previous allocation period. This provision only applies if the producer or the importer is too small for allocation of one collection site.

(2) If the producer or the importer does not pick up allocated waste electrical and electronic equipment within the time limits set up cf. Annex 7 and does not pay documented costs cf. Annex 7 the financial guarantee in accordance with sections 40-41 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 29.

(3) If a producer, an importer or a collective scheme having provided financial guarantee in pursuance of sections 40-41, ceases activities in the course of an allocation period, the guarantee shall be released by DPA-System to the producer, importer or collective scheme that in the course of the allocation period takes over this duty and collects the waste further to DPA-System allocation.

Part 12

Information duty for electrical and electronic equipment

47.-(1) Producers and importers 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) potential impacts on the environment and human health of substances used 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, and
6) the meaning of the marking in accordance with section 49.

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

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

48.-(1) Producers and importers shall make necessary information about reuse and treatment available for enterprises managing waste electrical and electronic equipment no later than one year after it was first placed on the market. This duty may be complied with through information on the producer's or the importer's website.

49.-(1) Producers and importers shall mark electrical and electronic equipment manufactured in Denmark or imported. Marking shall be in accordance with Annex 5.

(2) Marking of equipment according to subsection (1) above can be omitted, if the size or function of the product prevents it. The symbol shall in these cases be printed in the operating instructions, on the guarantee certificate, and on the packaging.

(3) Producers and importers can, regardless of subsection (1), para 2 and subsection (2) above mark equipment by using the standard DS/EN 50419.

(4) Producers and importers shall mark electrical and electronic equipment manufactured in Denmark or imported with the name or brand of the company, allowing for unambiguous identification of the producer or the importer.

Part 13

Collective schemes

50.-(1) A collective scheme can take over following duties of producers and importers:

1) duties under the Environmental Protection Act, section 9 j(1) and section 9 l(1),
2) registration and reporting of information, cf. sections 5-7 and sections 11-18,
3) duties of information cf. sections 47-49,
4) provision of financial guarantee to DPA-System in accordance with sections 38-43 for all members of the collective scheme,
5) entering of agreements about separation of waste into fractions according to section 24(2),
6) entering of agreements on other terms for collection of allocated quantities according to section 31(3),
7) take-back and management of waste electrical and electronic equipment, including allocated quantities, cf. parts 7 and 8, 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 and importers, duties stipulated in subsection (1) above, paras 1-8, shall be complied with by each individual producer or importer. In such case each producer or importer is allocated waste electrical and electronic equipment in accordance with section 26.

(3) If a collective scheme provides financial guarantee on behalf of producers or importers in pursuance of subsection (1) para 4 above or if a producer or an importer discontinues membership of the collective scheme before the end of an allocation period, cf. section 26, the financial guarantee of the collective scheme shall cover financing of the remaining waste management duty of the producer or the importer until the end of the relevant allocation period.

51.-(1) A collective scheme shall ensure the following:

1) each producer or importer 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 or the importer,
2) information is requested from each producer and importer to be passed on to DPA-System; 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 4 of this Order are to be complied with annually,
5) each producer and importer is informed of the magnitude of the fee charged by DPA-System for each producer or importer, and the collective scheme levies this fee annually from each producer or importer, if the collective scheme is in charge of payment of the fee to DPA-System, and
6) reception centres are established for waste electrical and electronic equipment from private households in each region.

52.-(1) To allow for duties stipulated in section 50(1) to be transferred to a collective scheme, this scheme must be registered in the producer register with name, address, telephone number, and e-mail address of the scheme.

Part 14

Municipal facilities

53.-(1) 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 waste of other 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 para 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 a company established on the conditions stipulated in this subsection is covered by the Danish Company Accounts Act in force at any time,
5) ensures that the operation of a company established on the conditions stipulated in this section is completely segregated from the municipal finances, including municipal waste management fees, and
6) ensures that a company established on the conditions stipulated in this section is operated on general market conditions.

Part 15

Fees

54.-(1) For registration in the producer register, cf. sections 5-6 and section 18, a one-off fee of DKK 1,000 per producer or importer is paid to DPA-System. If the producer or the importer 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 43, for waste electrical and electronic equipment a fee per hour spent shall be paid.

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

55.-(1) For administration of the allocation scheme for waste electrical and electronic equipment from private households, cf. parts 7-8, producers and importers shall pay an annual fee. 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) If a producer, an importer or a collective scheme gives reason to extraordinary administration in connection with the allocation scheme cf. subsection (1) above, a fee per hour spent shall be levied.

(3) If a new registered producer or importer has not placed electrical and electronic equipment for use in private households on the market in the previous calendar year, an annual fee shall be calculated in relation to the quantities of electrical and electronic equipment for use in private households expected to be placed on the market by this producer or importer in the calendar year in question. If the quantity placed on the market deviates from the expected quantity the fee shall be adjusted in the following calendar year.

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

(5) If a new registered producer or importer has not placed electrical and electronic equipment on the market in the previous calendar year, a fee shall be paid for quantities of electrical and electronic equipment expected to be placed on the market by this producer or importer in the calendar year in question. If the quantity placed on the market deviates from the expected quantity the fee shall be adjusted subsequently.

(6) The fee stipulated in subsections (1), (3) and (5) above shall amount to at least DKK 250 per year.

56.-(1) Fees shall correspond to actual costs borne by DPA-System in connection with tasks carried out under this Order.

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

(3) The Danish Environmental Protection Agency shall determine the fee rates stipulated in section 54(2) and (3) and section 55 (1)-(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.

Part 16

Supervision and appeals

57.-(1) The local council shall supervise compliance with the provisions in this Order.

(2) However, the Danish Environmental Protection Agency shall supervise compliance with sections 4-18, section 19 (4)-(5), section 23, sections 25-28, and sections 36-53.

58.-(1) Appeals may be made against decisions made by DPA-System to the Danish Environmental Protection Agency cf. the Danish Environmental Protection Act section 9 ø(3). The time limit for filing complaints shall be four weeks from the day of notification of a decision. The complaint shall be made in writing.

(2) The rules of the Public Administration Act and the Act on Public Access to Documents in Administrative Files shall apply to the cases in which DPA-System makes decisions pursuant to this Order.
(3) The decisions made by the Danish Environmental Protection Agency under this Statutory Order may not be brought before any other administrative authority.

Part 17

Penalties

59.-(1) Unless a more severe penalty is applicable under other legislation, 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 5-6 or section 18 or supplies incorrect or misleading information in accordance with section 6 (1)-(2),
3) fails to report changes in information registered according to section 6, cf. section 7, or fails to report cease of activity as a producer or an importer of electrical and electronic equipment, cf. section 8,
4) buys or sells electrical and electronic equipment from producers and importers not having registered in the producer register, cf. section 10,
5) fails to report information or supplies incorrect or misleading information in accordance with sections 11-16 and sections 36-37,
6) fails to organize take-back and separate management of waste electrical and electronic equipment in accordance with section 18 (2), section 31 (1), cf. however subsections (2) and (3), and section 32, cf. however section 33.
7) fails to use collection and assignment schemes in accordance with section 19 (4) and section 20,
8) fails to establish collection schemes or reception centres in accordance with section 19,
9) fails to register and maintain information about collection sites, cf. sections 21-22,
10) fails to comply with the requirements for collection sites in accordance with section 21 and Annex 7,
11) fails to make collection equipment available in accordance with section 23 and Annex 7,
12) fails to comply with the rules regarding separation of section 24,
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 section 25 and section 28,
14) fails to use the best available technologies for treatment, recovery and recycling cf. section 34,
15) fails to manage waste according to the requirements set up in section 35,
16) fails to separately manage waste electrical and electronic equipment in pursuance of sections 36-37,
17) fails to comply with targets for recovery, reuse or recycling stipulated in sections 36-37,
18) places electrical and electronic equipment on the market without having provided adequate financial guarantee according to sections 38-39 and pursuant to the directions of sections 41-42,
19) fails to inform or supplies misleading information to users of electrical and electronic equipment in accordance with section 47 (1) and (3),
20) fails to make the required information available to or supplies incorrect information about reuse and treatment for waste management companies pursuant to section 48,
21) fails to mark electrical and electronic equipment according to section 49 and Annex 5, or
22) as a collective scheme fails to ensure compliance with requirements stipulated in section 51.
shall be subject to a fine.
(2) The penalty may be increased to a prison sentence of up to 2 years, where it is found that the breach was committed deliberately or as a result of gross negligence, and where, in the course of the breach:
1) the environment has been adversely affected or exposed to danger
2) the person concerned has obtained or sought, for himself or others, financial gain, including by way of savings.
(3) Companies and others (legal persons) may be held criminally liable under the provisions of Chapter 5 of the Criminal Code.

Part 18

Entry into force

60.-(1) This Order shall enter into force on 1 January 2012. Section 3(1) para 12 shall however not enter into force until 1 June 2015.
(2) Statutory Order no. 362 of 6 April 2010 on placing on the market of waste electrical and electronic equipment and management of waste electrical and electronic equipment (the WEEE Order) shall be repealed, cf. however subsection (3) below.

(3) Section 3(1) para 12 of Statutory Order no. 362 of 6 April 2010 shall continue to apply until 1 June 2015.

Ministry of the Environment, 12 December 6 April 2011

Ida Auken

/ Claus Torp

Annex 1

Categories of electrical and electronic equipment

Categories of electrical and electronic equipment, cf. section 11 (6), section 13 (2), section 15, section 17, sections 36-37 and section 43.

1) Large household appliances
2) Small household appliances
3) IT and telecommunications equipment
4) Consumer equipment
5) Lighting equipment
6) Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7) Toys and 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

Non-exhaustive list of products which fall under the categories of Annex 1 and the fractions of section 24 (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

Cooking

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 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

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

Radio sets

Television sets

Videocameras

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

Category 5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in 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

Dialysis

Pulmonary ventilators

Nuclear medicine

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 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 kind of products

Fraction 1. Large household appliances

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

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/or ≥ 0.3 m^2 and/or ≥ 0.2 m^3 and/or ≥ 20 kg *.

Fraction 2. Cooling appliances

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

Fraction 3. Small household appliances

Microwaves, cookers, vacuum cleaners, computers without screens, telephones, stereosets, amplifiers, 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^2 and < 0.2 m^3 and < 20 kg *.

Fraction 4. Screens & monitors

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

Fraction 5. Light sources

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).

*) Average size means that a type of equipment (e.g. microwave) generally complies with these limit measures, but that some brands under this type of equipment may exceed limit measures.

Annex 3

The following substances, materials and components shall be removed by the selective treatment of waste from all types of electrical and electronic equipment (waste electrical and electronic equipment) listed in Annex 1:

– Asbestos and components which contain asbestos

– Batteries and accumulators

– Cathode ray tubes

– Electrolyte capacitors with height > 25 mm and diameter > 25 mm or proportionately similar volume

– Gasses which are ozone-depleting or have a global warming potential (GWP) > 15, including CFCs, HCFCs, HFCs and HCs.

– Gas discharge lamps and fluorescent tubes

– Polychlorinated biphenyl (PCB)-containing capacitors

– Mercury-containing components, such as switches and backlight lamps

– Liquid crystal displays (together with their casing where appropriate) with a surface area exceeding 100 cm^2

– Liquid crystal displays back-lighted with gas discharge lamps

– Plastic containing brominated flame retardants

– Printed circuit boards from mobile phones

– Printed circuit boards from other devices if the surface area of the printed circuit board is greater than 10 cm^2

– Toner cartridges, liquid and pasty, as well as colour toner

– Components containing refractory ceramic fibres as described in Part 3 of Annex VI of EC Regulation 1272/2008

– External electric cables

Annex 4

The components listed below and others shall be treated according to the following guidelines:

Asbestos and components which contain asbestos:

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

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

Batteries and accumulators:

Batteries shall be stored indoors in acid-proof containers.

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

Cathode ray tubes:

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

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

The fluorescent coating shall be stored in sealed containers.

Glass from cathode ray tubes shall be delivered to facilities authorised under section 33 of the Environmental Protection 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.

Gas discharge lamps and fluorescent tubes:

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

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

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

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

Capacitors:

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

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

Capacitors containing polychlorinated biphenyls shall be delivered to facilities authorised to treat PCB waste for disposal pursuant to section 33 of the Environmental Protection 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 Environmental Protection Act or corresponding legislation abroad.

Mercury-containing components:

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

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

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

Liquid crystal displays:

The treatment (collection, storage and transport) of equipment containing liquid crystal displays shall 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 reused for this purpose.

Liquid crystal displays unsuitable for reuse shall be delivered to facilities authorised for the treatment of liquid crystal displays for recycling or disposal pursuant to section 33 of the Environmental Protection Act or corresponding legislation abroad.

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

Ozone-depleting gases and greenhouse gases:

The treatment (collection, storage and transport) of equipment containing ozone-depleting gases or greenhouse gases shall take place in such a manner as to avoid leakages.

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

Gases shall be extracted and collected using the best available technologies. The documentation supporting the use of best available technology shall 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 shall be destroyed at facilities authorised for such purpose pursuant to section 33 of the Environmental Protection Act or corresponding legislation abroad.

Plastic containing brominated flame retardants:

Plastic containing brominated flame retardants shall be delivered to facilities authorised to treat waste with a high bromine content pursuant to section 33 of the Environmental Protection 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 Environmental Protection 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 shall be delivered to facilities authorised for the treatment of metallic wastes containing brominated flame retardants, PCBs and beryllium pursuant to section 33 of the Environmental Protection Act or corresponding legislation abroad.

Toner cartridges, liquid and pasty, and colour toner:

Toner cartridges shall be delivered for incineration at waste incineration plants authorised thereto pursuant to section 33 of the Environmental Protection Act or corresponding legislation abroad.

Electric cables:

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

Annex 5

Symbol for marking electrical and electronic equipment

The symbol for indication of separate collection of electrical and electronic equipment consists of a crossed-out wheeled-bin as indicated below. The marking shall be accessible, durable, legible and indelible.

Annex 6

Information to be submitted in connection with registration of producers and importers, cf. section 6

1) Name of company and brand under which the company places electrical and electronic equipment on the market.
2) Address of company: street and street number, postal code and city, URL address, telephone and fax number or e-mail address.
3) CVR number (Central Business Registration Number). For foreign companies not registered in the CVR register, VAT number of the company is submitted instead of CVR number.
4) Contact person in company: name, telephone number, fax number or e-mail address.
5) Statement of forms of equipment under the categories stated in Annex 1 placed on or planned to be placed on the market.
6) Information about how to comply with producer responsibility, including whether the company 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 company and how the company has planned compliance with duty of take-back and separate management of waste electrical and electronic equipment.
7) Date of registration.
8) Request for registration must be signed by a responsible manager of the company.

Annex 7

Guidelines for cooperation between producers and importers and local councils in collection of electrical and electronic equipment from municipal collection sites

These provisions only cover the electronic waste fractions which appear from section 24(1) and the collection sites registered with DPA-System in accordance with section 21(1).

1. Collection sites

The local council shall establish collection schemes, including collection sites, cf. section 19. The local council shall report information to DPA-System according to the directions of DPA-System concerning these collection sites submitting the following information:

– Address of collection site.
– Contact information (person, telephone number, e-mail 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 shall be responsible for reporting the above information. This information shall be updated immediately in case of changes.

Producers and importers shall at any time keep themselves informed about the local council's registered information about the collection site.

The local council can establish and close collection sites pursuant to section 21 with one month's notice. This shall be done according to the directions of DPA-System. The local council shall furthermore no later than one month in advance inform producers or importers collecting allocated waste about the established or closed collection site.

Collection sites shall comply with the requirements stipulated in section 4 of this annex.

2. Terms of pick-up

2.1. Deadlines

Producers or importers shall pick up collected waste electrical and electronic equipment from the municipal collection sites, cf. section 28, when the local councils as a minimum have collected following quantities of the different fractions, which are described in section 24(1):

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

The producer or the importer shall 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 or the importer shall 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 or the importer shall 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 site shall request pick-up by fax or e-mail from the producer or the importer when the above quantities have been collected. Pick-up shall then take place on the following terms:

2.1.1. Pick-up on request

The request shall be submitted no later than 2 p.m. two weekdays before desired pick-up. Weekdays shall mean Monday thru Friday.

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

Example: if pick-up is requested by e-mail on a Tuesday 1 p.m. pick-up shall be effectuated no later than Thursday.

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

The local council shall 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 can request extraordinary pick-up, cf. clause 2.1.4. below.

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

2.1.2. Regular pick-up

The local council and the producer and the importer 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 and 12. In connection with holidays falling on weekdays where regular pick-up has been agreed, the producer or the importer shall pick up waste electrical and electronic equipment as on normal weekdays.

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

If an agreement is entered about regular pick-up the local council shall be entitled to organize emergency pick-up pursuant to the procedures stated below if the producer or the importer has failed to effectuate the pick-up.

2.1.3. Alternative agreements

Parties may enter agreements deviating from clauses 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 or pick-up on request, the local council can request extraordinary pick-up.

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

Each collection site 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 e-mail Tuesday 1 p.m. pick-up shall be effectuated no later than Wednesday within the period stipulated by the local council, cf. clause 1.

In connection with holidays falling on a Monday thru Saturday waste electrical and electronic equipment shall 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 the local council shall be entitled to organize emergency pick-up pursuant to the procedures stated below if the producer or the importer has failed to effectuate the pick-up.

2.1.5. Non pick-up

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

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

If the producer or the importer has not picked up waste within these four hours the local council can organize emergency pick-up through a third party. The local council shall inform DPA-System about this non pick-up according to the directions of DPA-System.

The producer or the importer shall 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 can choose to request from the producer or the importer 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 or the importer does not pay within the time for payment set up by the local council the latter can, in those cases where the producer or the importer has provided financial guarantee pursuant to section 38, apply to DPA-System for coverage of actual documented costs in the guarantee provided by the producer or the importer.

2.2. Incorrect separation at collection site

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

Separation guidelines shall be following where such are available and electrical and electronic waste must not contain other waste than the waste fractions defined in section 24(1). Therefore, refrigeration equipment and cookers must not contain food or similar.

If collected equipment contains food or similar the producer or the importer can return equipment for emptying with 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 or the importer can return equipment for separation with 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 or the importer 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 rules of tort.

2.3. Filling rate

The local council shall ensure filling of collection equipment supplied by producers and importers to a reasonable rate. If filling of the collection equipment is insufficient, the producer or the importer shall contact the local council in view of discussing how to improve the filling rate up to a reasonable level.

3. Collection equipment

Producers and importers shall supply a list of accessible collection equipment from which the local council can choose. The list is submitted to DPA-System who makes it public on its website. Producers and importers shall in their choice of collection equipment pay respect to the needs of the local council as well as occupational health.

The local council shall supply a list of established collection sites.

Local councils shall also, based on the list submitted by producers and importers, register needs for collection equipment per municipal collection site and fraction. This list is submitted to DPA-System, who makes it public on its website.

Producers and importers 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 sites. Producers and importers shall harmonise collection equipment in relation to the different fractions.

Collection equipment must be workable and comply with general rules on occupational health. Collection equipment shall comply with the description of equipment registered by producers and importers with DPA-System and available from the DPA-System website.

A local council who cannot use collection equipment made available by producers or importers for special reasons such as design of the collection site etc. is invited to find equipment in cooperation with the producer or the importer covering the special needs of that local council, or to enter an agreement to this effect.

Collection equipment made available by producers and importers cannot be used by the local council on other sites that the registered collection sites unless specifically agreed with the producer or the importer.

3.1 Municipal equipment

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

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

The collection equipment is located at the collection site after emptying by the producer or the importer according to the directions of the local council.

3.2 Notice for ordering of equipment

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

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

3.3 Loading and haulage equipment for collection site

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

The parties are free to agree that the producer, the importer or the collective scheme supplies and maintains haulage equipment allowing the local council to fill up containers completely etc. In this connection the producer and the importer shall train staff of the local council at the collection site in the use of haulage equipment.

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

In cases where the local council has designed its site in a way that the council needs to move collection equipment the local council alone is responsible for provision of haulage equipment.

4. Requirements for collection site

Collection sites 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 sites to prevent theft of waste electrical and electronic equipment.

Annex 8

Calculation of allocation of waste electrical and electronic equipment from private households, cf. part 7

1. Producers and importers market share

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

1.1. Producers and importers starting activities during a calendar year

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

For the following calendar year the market share and the allocation is calculated on the basis of 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 is multiplied by two.

1.2. Cease of activities during a calendar year

When a producer or an importer ceases activities within electrical and electronic equipment for use in private households during a calendar year no market share and allocation is calculated in the following calendar year.

2. Allocation

DPA-System allocates to the producer, the importer or a collective scheme representing the producer or the importer a given quantity of waste electrical and electronic equipment from private households that the producer or the importer shall collect, including from collection sites established by the local council, and he shall subsequently organize separate management. Allocation takes place for a specific period based on the market share.

In the allocation quantities of waste electrical and electronic equipment from private households taken back by the producer or the importer in the previous calendar year and which has been reported to the producer register are taken into consideration.

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

In addition, any mistakes in the allocation of 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 are taken into account. This is done whether the mistake is due to incorrect or non-reporting or other mistakes in the allocation, including mistakes ascertained in connection with complaints.

In the allocation DPA-System shall seek to allocate collection sites in a geographically sensible manner. If DPA-System so decides, producers and importers are under the duty to pick up allocated waste electrical and electronic equipment from private households from the entire country.

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

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[i] While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation. Only the Danish document has legal validity.

[ii] This Statutory Order contains provisions implementing parts of European Parliament and Council Directive 2002/96/EEC of 27 January 2003 on waste from electrical and electronic equipment (WEEE), Official Journal of the European Union 2003 L 37, p. 24, as amended by European Parliament and Council Directive 2003/108/EEC of 8 December 2003 amending Directive 2002/96/EEC on waste from electrical and electronic equipment (WEEE), Official Journal of the European Union 2003 L 345, p. 106., parts of European Parliament and Council Directive 2006/66/EEC of 6 September 2006 on batteries and accumulators and waste batteries and accumulators as well as repeal of Directive 91/157/EEC, Official Journal of the European Union 2006, L 266, p. 1, European Parliament and Council Directive 2008/112/EC 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 European Parliament and Council Directive 2004/42/EC in view of adapting these to regulation (EC) no. 1272/2008 on classification, labelling and packaging of substances and mixtures, Official Journal of the European Union 2008, L 345, p. 68.