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Retailers' management of WEEE

Dansk Producentansvar, June 2022

DPA is short for Dansk Producentansvar (Danish Producer Responsibility). DPA oversees administrative tasks associated with the rules on producer responsibility under the Danish environmental law regarding waste from electrical and electronic equipment, end-of-life batteries and accumulators, and end-of-life vehicles.

The producer responsibility for these waste types has authority in the Danish Environmental Protection Act. This Act translates into three Statutory Orders for the different waste types: the WEEE Order, the Battery Order, and the End-of-life Vehicles Order (the current statutory texts can be found on www.producentansvar.dk).

The Danish Statutory Orders take offset in three EU directives for the same waste types: the so-called WEEE Directive, the Batteries Directive, and the ELV Directive. Also, these directives with exact titles and dates can be found on www.producentansvar.dk.

Producer responsibility rests on the principle that each producer or importer assumes responsibility for collection and management of WEEE, waste batteries, and end-of-life vehicles to the effect that products becoming waste are managed in an environmentally correct manner, with the highest possible utilisation of resources contained in such products.

Producers and importers are in the following referred to as producers as the rules applying to both types are the same.

In general, the following abbreviations are used: WEEE for waste electrical and electronic equipment, BAT for batteries and accumulators, and ELV for end-of-life vehicles.

In pursuance of the rules on producer responsibility for waste electrical and electronic equipment (WEEE), this document describes how retailers, distributors and dealers should approach the producer responsibility scheme, including how to manage such equipment when it becomes waste.

Content

Background	3
Take-back of WEEE by retailers, distributors and dealers	3
Use of municipal collection schemes	3
Use of schemes established by collective schemes	3
Distributors' purchase of used equipment	4

Background

Retailers, electricians, distributors and other dealers and businesses selling electrical and electronic equipment for use in private households can choose to take back waste equipment (WEEE) when they sell new equipment. This document describes how retailers and other distributors, dealers and businesses should manage the WEEE they take back.

Take-back of WEEE by retailers, distributors and dealers

Dealers and distributors are defined in the WEEE Order as:

“Any natural or legal person in the supply chain, who makes an electrical or electronic equipment available on the market. A distributor may simultaneously be a producer within the meaning of no. 29.”

Note that there may be several levels in the distribution chain.

In the following, the term “distributors” is used. It is assumed that a distributor does not have producer responsibility.

Distributors can choose to take back WEEE from their customers when they sell new equipment. This appears from the WEEE Order, which reads:

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

It is voluntary for distributors to take back WEEE. Once distributors have received the WEEE, they must manage it in pursuance of the provisions of the order. From the provisions it appears that:

“If a distributor receives waste electrical and electronic equipment from private households, this distributor shall use a collection scheme established by producers or by a local council.”

It appears that distributors have two ways of complying with the provisions. These options are described below.

Use of municipal collection schemes

The distributor can deliver the WEEE to the municipal collection scheme. This means in most cases that WEEE is taken to the municipal recycling centre. However, the local council may reject reception of WEEE if this WEEE is not similar to WEEE from private households in terms of type and quantity. Each local council decides in its waste regulation when type or quantity is not similar to WEEE from private households. Local waste regulations are generally found on the website of the municipality in question.

It is also seen that only dealers and distributors having paid the municipal commercial waste fee can deliver waste to the recycling centre.

Use of schemes established by collective schemes

If dealers and distributors have large quantities of WEEE similar to household WEEE, which cannot be taken to the local recycling centre, they can take it directly to the regional collection sites of the collective schemes. Large quantities of WEEE may come from dealers in whitegoods, electricians or institutions. Here, quantities of WEEE similar to household WEEE may be so large that the local council does not manage it in its normal collection scheme.

Each collective scheme must have at least one collection site per region (i.e. 5 in Denmark) for reception of large quantities of WEEE. These sites are not obliged to have fixed opening hours and they are not obliged to be open to private citizens. Access to these sites must be agreed with the collective scheme. The collective scheme must not charge payment for reception of WEEE from households.

Contact information for the collective schemes can be found on the DPA website. The distributor can choose freely between the collective schemes managing the WEEE fraction in question.

The distributor must not deliver WEEE to other places than those mentioned above.

Distributors' purchase of used equipment

If a distributor takes back waste equipment in connection with the sale of new equipment, the waste equipment will generally be considered as WEEE. Therefore, the distributor must manage this WEEE as described above, i.e. take it to a municipal recycling centre or to one of the collective schemes.

In connection with the sale of a new product, the distributor may agree with the consumer that he receives this waste product in view of reselling it as used equipment. In this case a special agreement must be entered into. This applies whether or not the distributor pays for the used equipment or takes it back as a service to the consumer. Only if such an agreement has been entered into, the distributor can resell the used equipment legally.

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