



European Union Network for the Implementation
and Enforcement of Environmental Law

Final report 2020

For the Art. 17 WEEE project

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Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu



<p>Title of the report:</p> <p>Final report 2020 for Art. 17 WEEE project</p>	<p>Number report:</p> <p>2020/05</p>
<p>Project Manager/Authors:</p> <p>Michael Owens (EPA Ireland)</p> <p>Anne Sachse (UBA Germany)</p> <p>Janka Steinert (UBA Germany)</p>	<p>Report adopted at IMPEL General Assembly Meeting:</p> <p>7-8 December 2021, Ljubljana, Slovenia</p> <p>Total number of pages: 18</p> <p>Report: 8</p> <p>Annexes: 10</p>
<p>Executive Summary</p> <p>This report contains a summary of the activities carried out in 2020 – March 2021 within the Art. 17 WEEE project.</p>	
<p>Disclaimer</p> <p>This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the Commission.</p>	



TABLE OF CONTENTS

1. PREFACE	5
1.1. Introduction	5
1.2. Situation 2020	5
2. ACTIVITY REPORT 2020	6
2.2.1 project manager meetings	6
2.2.2 annual project meeting on 04 November 2020, 10:30 – 14:30 CET	6
2.2.3 guidelines for regulatory authorities	7
2.2.4 guidelines for producers	7
2.2.5 Use of Basecamp and cooperation	8
3. ANNEXES	9
Annex 1 - ToR for WEEE Article 17 Free-riders Project	9
Annex 2 – Detailed costs	19



1. Preface

1.1. Introduction

This project is subjected to Article 17 WEEE Directive (Directive 2012/19/EU). According to Art. 17 WEEE Directive each member state shall ensure that a producer as defined in article 3(1)(f)(i) to (iii) established in another member state is allowed, by way of exception to article 3(1)(f)(i) to (iii), to appoint a legal or natural person established on its territory as the authorised representative that is responsible for fulfilling the obligations of that producer, pursuant to this directive, on its territory.

Each member state shall ensure that a producer as defined in article 3(1)(f)(iv) and established on its territory, which sells EEE to another member state in which it is not established, appoints an authorised representative in that member state as the person responsible for fulfilling the obligations of that producer, pursuant to this directive, on the territory of that member state.

This project aims to improve the implementation and enforcement of the obligations of an authorised representative (AR).

Furthermore a harmonised enforcement strategy to address unregistered producers of electrical and electronic equipment that are not established in a member state shall be developed. As an overall effect and main target, the number of free-riders shall be reduced. Less free-riders – national, European and from third countries – equals more met extended producer responsibility and thus positive environmental impacts. Additionally it also signifies more fairness for producers who already fulfil the obligations of extended producer responsibility.

1.2. Situation 2020

What seemed a health issue limited to some east Asian countries in late 2019 soon spread all over the globe. In Spring 2020 SARS-CoV-2 (COVID-19) all European countries were affected, most going into a lock down.

Due to the pandemic work life has changed immensely: employees had to work from home when possible. Business trips, congresses and meetings were cancelled or replaced by digital formats. Equipment to work from home varied strongly, those with children had to manage work and home schooling or entertaining kindergarten children at home simultaneously.

This influenced the project work significantly and continues to do so until today. An end to the pandemic and the resulting restrictions is not yet perceptible.



2. Activity report 2020

As mentioned above under 1.2, the pandemic has greatly influenced our project work in 2020.

The project is outlined in the ToR 2020. Please find it attached as annex 1 to this report.

During the project time 2020-2021 the budget granted to the project was not used. Budget was requested only for the travel expenses of a physical meeting, which was scheduled to be in Tallinn, Estonia. Due to COVID-19 travelling was not possible in 2020. The physical meeting was substituted by a virtual meeting. Therefore the budget was not required.

The pandemic has also interfered with not only the annual meeting and the activities scheduled for it, but also project work and of course regular work of all project members.

2.2.1 project manager meetings

During the course of the year 2020, there were several virtual meetings between the three project managers.

These meetings were held at irregular intervals, whenever necessary. Main reasons for these virtual meetings and phone calls were the planning of the annual physical meeting, later the discussion of possibilities to meet during the pandemic and rescheduling activities to suit a virtual meeting where possible and postponing those not suitable for a digital format. Of course these meetings were also used to plan the virtual meeting in November 2020 and preparation of an agenda.

In the last quarter of 2020 these meetings were also used to discuss and finalise the reports to IMPEL and create the new ToR for 2021.

2.2.2 annual project meeting on 04 November 2020, 10:30 – 14:30 CET

Once it was foreseeable that the scheduled physical meeting in Tallinn, Estonia, would not be possible, an alternative was discussed. Together with the colleagues from the Estonian Ministry of the Environment and the Estonian Environmental Inspectorate the project leaders decided, that all planned activities for the meeting in Tallinn would be postponed until a physical meeting is possible.

To substitute the physical meeting a meeting via WEBEX took place on 4 November 2020 from 09:30 – 14:00 CET.

This was the agenda for the meeting:

- 10:30 – 11:00 coming in
- 11:00 – 11:05 opening speech
- 11:05 – 11:15 greeting from the UBA president (via video message)



- 11:15 – 11:45 presentation: work and enforcement during the pandemic – experiences (Michael Owens)
- 11:45 – 12:00 time for discussion and sharing own experiences
- 12:00 – 12:30 presentation of the results of the German legal study: compulsory verification for electronic marketplaces (Anne Sachse)
- 12:30 – 12:45 time for discussion
- 12:45 – 13:00 IMPEL project: presentation of the guidance paper, new IMPEL website, updated complaint form (Janka Steinert)
- 13:00 – 13:15 coffee break
- 13:15 – 13:45 Exchange on implementation of Directive EU/2019/2793 and recycling of glass containing lead in WEEE (Annette Jorgensen)
- 13:45 – 14:30 Time for administrative questions, next year’s meeting, ideas and suggestions for next year’s project

Altogether 26 participants from 18 European countries joined the meeting. The coffee break was very actively used to share news and experiences among the project members. Brexit and its consequences was a big topic beside the official scheduled event.

Aside from the networking opportunity the virtual meeting granted, emails and phone calls were used to stay in contact with the project members.

Those communication means were not only used to communicate within the whole project group – for example to discuss the scope of the Directive or questions regarding current issues. There was also an active exchange between smaller groups and individual members.

2.2.3 guidelines for regulatory authorities

A guideline for regulatory authorities was intended to be created within 2020. Due to the pandemic and its influence on our work, the intended guideline was not prepared or created. Work on this will resume at a later point in time.

2.2.4 guidelines for producers

The guidelines for producers of electrical and electronic equipment who are selling their products into other European countries without an establishment there on how to appoint an authorised representative was finished in 2020 and approved of by all necessary instances of IMPEL. The finalized guideline was shared among the project members to be published on their agencies websites.



2.2.5 Use of Basecamp and cooperation

Basecamp and Basecamp 3 were used by the project group among other means of communication, such as email, video calls and telephone. A greater level of more efficient and effective cooperation between member states for prosecuting more free-riders and gaining further insight into national WEEE legislation and its enforcement is part of the collaboration and ongoing exchange.



3. Annexes

Annex 1 - ToR for WEEE Article 17 Free-riders Project

ToR Reference No.: 2020/05	Author(s): Nicole Dicke / Janka Steinert / Michael Owens
Version: 1	Date: 28/10/2019
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry and air	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input checked="" type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>



Other, (please describe):

Sharing experiences about, and cooperating in, the implementation of the requirements of the WEEE Directive regarding authorised representative.

1.3 Full name of work (enough to fully describe what the work area is)

Implementation of Article 17 of the WEEE directive (2012/19/EU):

- Improving the implementation and enforcement of the obligations of an authorised representative (AR).
- Developing a uniform enforcement strategy to address unregistered producers of electrical and electronic equipment that are not established in a member state.

1.4 Abbreviated name of work or project

WEEE Article 17 Free-riders Project.

1. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

Article 17 WEEE 2012/19/EU: Authorised representative:

- Each member state shall ensure that a producer as defined in article 3(1)(f)(i) to (iii) established in another member state is allowed, by way of exception to article 3(1)(f)(i) to (iii), to appoint a legal or natural person established on its territory as the authorised representative that is responsible for fulfilling the obligations of that producer, pursuant to this directive, on its territory.
- Each member state shall ensure that a producer as defined in article 3(1)(f)(iv) and



established on its territory, which sells EEE to another member state in which it is not established, appoints an authorised representative in that member state as the person responsible for fulfilling the obligations of that producer, pursuant to this directive, on the territory of that member state.

- Appointment of an authorised representative shall be by written mandate.

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation.
2. Build capacity in member organisations through the IMPEL Review Initiatives.
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission.
4. Other, (please specify):
Respond to our members needs by improving communication and cooperation.

2.3 Why is this work needed? (background, motivations, aims, etc.)

- Improving and simplifying the enforcement of Art. 17 WEEE and prosecution of European cross-border WEEE free-riders.
- International cooperation in cross-border prosecution.
- A non-bureaucratic and simple way to communicate between competent authorities.
- Exchanging experiences in enforcement and prosecution of cross-border WEEE free-riders and in implementation of the requirements of the WEEE Directive regarding authorised representative in the other EU member states.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

- An increase in the number of fully registered producers of electrical and electronic equipment in the EU.
- Less free-riders and therefore fair competition between producers that are established in a European country and those that are selling on the EU market but are established outside the EU.

Exchange of information, working methods, case studies and experiences to inform participants of



new developments.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

Yes, it is linked with the 2019/08 WEEE Directive article 17 'Freeriders' Project. Besides that, the "Implementation of the WEEE Directive – including BRFs (2017)" concerns the same directive even though its focus was on the enforcement of producer obligations under the directive and the environmentally sound management of WEEE.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

According to the WEEE directive 2012/19/EU (respectively the implemented national law: e.g. ElektroG in Germany) every producer of electrical and electronic equipment has to be registered in the national register (Germany: stiftung elektro-altgeräte register) to ensure that they will fulfil their responsibilities, when their sold products become waste (e.g. WEEE).

There is no common European register. When a producer, established in a country, wants to sell his products in another European country, where he has no establishment, he is required to appoint an authorised representative in that country, who must fulfil his obligations there according to the WEEE directive (especially registration).

When a producer has not appointed an authorised representative, it is difficult for the national regulatory authority to prosecute him abroad (e.g. in his home country). That is why the regulatory authorities need to work together. One solution is to bring the cross border free-riders (producers without registration) to the attention of the competent national authority in that country, in which the producer has his establishment. In this way, there are less difficulties associated with prosecution or with translation of relevant documents.

For working better together, the regulatory authorities need a platform / SharePoint to exchange



information. They need to know who is responsible in the other member states for transmission of the reports necessary for enforcement and prosecution.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

1. Completion of guidelines for the regulatory authorities (e.g. how to prosecute a producer without an authorised representative in the other member states, what evidence is needed for transmission to another country).
2. Guidelines for producers of electrical and electronic equipment who are selling their products into other European countries without an establishment there (e.g. they must appoint an authorised representative in every member state, who fulfils the obligations according to the WEEE directive 2012/19/EU).
3. To use “Basecamp” for better communication between the regulatory authorities of the member states.
4. A greater level of more efficient and effective cooperation between member states for prosecuting more free-riders.
5. Gain further insight into national WEEE legislation and its enforcement.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

- Guidelines for regulatory authorities: **October 2020.**
- Guidelines for producers: **October 2020.**
- Preparation of the network meeting in Autumn 2020: **August 2020.**
- Monitoring - are there more appointed authorised representatives?: **Ongoing.**
- Cooperation from 2020 on with custom authorities, if possible.

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

- No interest from sanctions authorities.
- Not enough participants at the next meeting.
- No uniform procedure against cross border free-riders.

4. Organisation of the work



4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Co-led by:

- Janka Steinert, German Environment Agency, Germany.
- Nicole Dicke, German Environment Agency, Germany.
- Michael Owens, Environmental Protection Agency, Ireland.

4.2 Project team (who will take part: name, organisation and country)

- Thomas Gulz, Federal Ministry of Sustainability and Tourism, Austria.
- Maya Schmidt, OVAM, Belgium (Flanders).
- Nathalie Tacquenier; Bruxelles-Environnement, Belgium (Brussels).
- Stéphane Lucic, Service Public de Wallonie, Belgium (Wallonie).
- Branimir Fuk, Republic of Croatia State Inspectorate, Croatia.
- Martin Zemek, Czech Environmental Inspectorate, Czech Republic.
- Markéta Michalová, Ministry of Environment, Czech Republic.
- Ladislav Trylc, Ministry of Environment, Czech Republic.
- Anne H. Larsen, Ministry of Environment and Food of Denmark, Denmark.
- Annette Jorgenson, Ministry of Environment and Food of Denmark, Denmark.
- Kerli Rebane, Ministry of the Environment, Estonia.
- Rene Rajasalu, Environmental Inspectorate, Estonia.
- Kertu Sapelkov, Environmental Inspectorate, Estonia.
- Teemu Virtanen, Centre for Economic Development, Transport and the Environment for Pirkanmaa, Finland.
- Nicole Dicke, German Environment Agency, Germany.
- Marina Papadaki, Hellenic Recycling Agency, Greece.
- Rozy Charitopoulou, Hellenic Recycling Agency, Greece.
- Maeve McHugh, Environment Protection Agency, Ireland.
- Ilze Doniņa, Ministry of Environmental Protection and Regional Development, Latvia.
- Atis Treijs, Ministry of Environmental Protection and Regional Development, Latvia.
- Annick Fehr, Environment Protection Agency, Luxembourg.
- Anno Loonstra, Ministry of Infrastructure and Environment, Netherlands.
- Heidis Holstad Frantzen, Norwegian Environment Agency, Norway.
- Justyna Filipowicz, Ministry of Environment, Poland.
- Paweł Sosnowski, Ministry of Environment, Poland.
- Małgorzata Tomczak, Chief Inspectorate of Environmental Protection, Poland.
- Mafalda Mota, Portuguese Environment Agency, Portugal.
- Martin Izsoff, Ministry of Environment, Slovakia.



- Raquel Gomez Rodriguez, Spanish Ministry for Ecological Transition, Spain.
- Fredrik Larsson, Swedish Environmental Protection Agency, Sweden.
- John Davies, Natural Resources Wales, UK (Wales).
- Nathaniel Chalamanda, Scottish Environment Protection Agency, UK (Scotland).
- Christopher Garvie, Scottish Environment Protection Agency, UK (Scotland).
- Diane Carlisle, Northern Ireland Environment Agency, UK (Northern Ireland).
- Allison Townley, Northern Ireland Environment Agency, UK (Northern Ireland).
- Louisa Hatton, Environment Agency, UK (England).
- Jonathan Coldicott, Environment Agency, UK (England).

4.3 Other IMPEL participants (name, organisation and country)

From every member state one responsible person of the sanction authority.

4.4 Other non-IMPEL participants (name, organisation and country)

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 2020 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	18 200 EUR			
How much money is to be co-financed?				
Total budget	18 200 EUR			

6. Detailed other costs of the work for year 2020



6.1 Are you using a consultant?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6.2 What are the total costs for the consultant?	N/a.
6.3 Who is paying for the consultant?	N/a.
6.4 What will the consultant do?	N/a.
6.5 Are there any additional costs (NOT included in point 5)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:
6.6 What are the additional costs for?	N/a.
6.7 Who is paying for the additional costs?	N/a.
6.8 Are you seeking other funding sources?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:

7. Communication and follow-up (checklist)

	What		By when



<p>7.1 Indicate which communication materials will be developed throughout the project and when?</p> <p><i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i></p>	<p>TOR^{✓*}</p> <p>Interim report^{✓*}</p> <p>Project report^{✓*}</p> <p>Progress report(s)[✓]</p> <p>Press releases</p> <p>News items for the website^{✓*}</p> <p>News items for the e-newsletter</p> <p>Project abstract^{✓*}</p> <p>IMPEL at a Glance[✓]</p> <p>Other, (give details):</p> <ul style="list-style-type: none"> Information on the websites of the sanction authorities (e.g. UBA in Germany, EPA Ireland). 	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>October 2019</p> <p>November 2020</p> <p>When necessary</p> <p>When necessary</p> <p>When necessary</p>
<p>7.2 Milestones / Scheduled meetings (for the website diary).</p>	<p>See 3.3.</p>		
<p>7.3 Images for the IMPEL image bank.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>		
<p>7.4 Indicate which material s will be translated and into which languages.</p>	<ul style="list-style-type: none"> Guidelines for producers (how to appoint an authorised representative in every country) in English and the national language (for publishing at the national register). Guidelines for regulatory authorities on how to exchange free-riders reports (which conditions are needed in which country) in English. Implemented national law (WEEE directive), e. g. ElektroG into the English language. A short report about the whole project in English and 		



	German.
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	We use the Impel SharePoint “Basecamp” for regulatory authorities to facilitate more effective and efficient cooperation between them.
7.6 Identify which groups/institutions will be targeted and how.	Regulatory authorities according to the WEEE directive (2012/19/EU).
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	TBD.

✓) Templates are available and should be used. *) Obligatory

8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?


In case of doubts or questions please contact the IMPEL Secretariat.

Draft and final versions need to be sent to the IMPEL Secretariat in Word format, not in PDF.

Thank you.



Annex 2 – Detailed costs

Detailed Event Costs						
WEEE Article 17 Free-riders Project						
	Event	Number of days	Travel	Hotel	Catering	Total costs per Event
			(maximum per round trip) 360 €	(maximum per night) 120 €	(maximum per day) 25 €	
Description of Event	Project Meeting	2	10 080,00 €	6 720,00 €	1 400,00 €	18 200,00 €
Location	tbd					
Month	August 2020					
Number of Participants	28					
Description of Event			0,00 €	0,00 €	0,00 €	0,00 €
Location						
Month						
Number of Participants						
Description of Event			0,00 €	0,00 €	0,00 €	0,00 €
Location						
Month						
Number of Participants						
Description of Event			0,00 €	0,00 €	0,00 €	0,00 €
Location						
Month						
Number of Participants						
Description of Event			0,00 €	0,00 €	0,00 €	0,00 €
Location						
Month						
Number of Participants						
		Total Costs	10 080,00 €	6 720,00 €	1 400,00 €	18 200,00 €