



European Union Network for the Implementation
and Enforcement of Environmental Law

Final Report 2024

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 European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). 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 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 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

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<p>Project Manager/Authors:</p> <p>Nicole Dicke (UBA Germany)</p> <p>Janka Steinert (UBA Germany)</p>	<p>Report adopted at IMPEL General Assembly Meeting:</p> <p>Adopted by written procedure on 20/03/2025</p>
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<p>Executive Summary</p> <p>This report contains a summary of the activities carried out in the project period 2022-2024 within the Article 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>	
<p>Quotation</p> <p>It shall be permissible to make quotations from an IMPEL Document which has already been available to the public on the IMPEL website, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose. Where use is made of works in accordance with Berne Convention, mention should be made of related IMPEL Document Name with giving publication link of the document on IMPEL Website. IMPEL has all rights under the Berne Convention.</p>	

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1. Preface

1.1. Introduction

This project is subjected to Article 17 WEEE Directive (Directive 2012/19/EU). According to Article 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 2022

Pandemic restrictions eased during 2022. During the pandemic, collaboration continued using virtual meetings, email and Basecamp etc. Virtual meetings are continuing but the IMPEL project team and the enforcement network was able to meet physically in Tallinn in September 2022 (the first time since 2019). Virtual participation in the meeting was also possible.

1.3. Situation 2023 -24

The pandemic has ended. However, the inflation is continuing. This has had influences on prices for travelling and hotel room prices. A hybrid (physical and virtual) meeting was held in October 2023 in Ericeira, Portugal. In September 2024 a hybrid meeting was held in Utrecht in September 2024.

For 2024, there has been a change in project leadership. This had no impact on the project output though.

1.4. Basecamp

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 are all part of the collaboration and ongoing exchange between project managers and project team members.

2. Activity report 2022

The overall project plan is outlined in the TOR for the period 2022 - 2024.

As mentioned above, a physical meeting was held in Tallinn in September 2022, so a significant portion of the IMPEL budget was used in 2022 (none of the budget was used in 2020 or 2021).

The pandemic did interfere with plans for the annual physical meeting and the associated activities scheduled for it. It also affected regular project work to some extent, but things returned to normal in 2022.

2.1 Project manager meetings

During 2022, there were several virtual meetings and calls between the three project managers. These meetings were held at irregular intervals, whenever necessary. The main reasons for these virtual meetings and phone calls included preparing the TOR for 2022 to 2024 and ensuring ongoing management of IMPEL projects in 2022. The meetings also facilitated planning for the annual physical meetings of the IMPEL project team members and of the European WEEE Enforcement Network (EWEN) – as back-to-back meetings – in Tallinn, Estonia in September 2022 (see below for more).

In the last quarter of 2022 and first quarter of 2023, these meetings were also used to discuss and prepare the Progress and Final reports for IMPEL.

2.2 Annual project meeting Tallinn, Estonia, September 8th – 9th 2022

The annual project meeting was held in Tallinn, Estonia from September 8th – 9th. On the first day of the meeting there were 22 participants from 16 European countries present. Thanks to the possibility of having a hybrid meeting on the second day, the number of participants increased to 27 from 18 European countries. A virtual participation was not possible on the first meeting day due to the scheduled site visits.

2.3 Project Output: Unofficial translations of member state national WEEE legislation

This project output aimed to bring together English translations of national WEEE legislation from different member states. These will represent ‘unofficial’ translations and would serve only as useful guides to official national legislation in its native language. It is not proposed to share these translations outside the members of the project. Some translations have been obtained and have been posted to Basecamp. There have been some delays in obtaining translations due to, for example, expected changes in national WEEE legislations in several countries.

2.4 Evaluation of WEEE Directive - Joint statement

In October 2022, as part of its preparation for review of the WEEE Directive (2012/19/EU), the EU Commission circulated a ‘Call for Evidence’. In response to this call, a number of EWEN members - Germany, Austria, Ireland and Slovakia - prepared a joint response to the ‘Call for Evidence’. The joint statement addressed matters such as legal definitions, improved access to national registers of producers, obligations for online marketplaces and fulfilment centres and increased responsibility for ‘distributors’. This joint statement is distinct from the responses made separately by member states.

3. Activity report 2023

As mentioned above, a hybrid meeting – both physical and virtual - was held in Ericeira, Portugal in September 2023, so a significant portion of the allotted project budget was used in 2023.

A lasting change after the pandemic occurred in the form of hybrid meetings. For the annual physical meeting a virtual participation was also made possible for participants.

3.1 Project manager meetings

During 2023, there were several virtual meetings and calls between the three project managers. These meetings were held at irregular intervals, whenever necessary. The main reasons for these virtual meetings and phone calls included ensuring ongoing management of the project output in 2023 and facilitated planning for the annual hybrid meeting of the IMPEL project team members in Ericeira, Portugal in October 2023 (see below for more).

3.2 Annual project meeting Ericeira, Portugal, October 26th – 27th 2023

The annual project meeting took place in Ericeira, Portugal from October 26th – 27th. For the meeting there were 19 participants from 16 European countries present. Thanks to the possibility of having a hybrid meeting, several more participants joined the meeting virtually.

3.3 Project Output: Short study on national measures to reduce freeriding

The short study on national measures to reduce freeriding with the WEEE Art. 17 legislation is focussed on the answers given by project members to a questionnaire. The questionnaire included questions regarding general information, information on the implementation of the WEEE Directive and national measures and on enforcement against freeriders.

The WEEE Directive's legislative framework leaves room to accommodate national measures. The results of this short study displayed clearly that there are overlapping ideas and similar measures in the respective national implementations, though no two national laws are identical.

That variety created numerous great practice examples, which offer learning opportunities and deeper insights. The study aimed to portrait many great approaches in regards of preventing WEEE EPR freeriders across the European countries.

The study results show there are different ways of enforcing against freeriders, which in their own way are all leading towards the common goal. This study focussed on national measures to prevent freeriding regarding WEEE EPR, which go beyond the stipulations of the WEEE Directive.

4. Activity report 2024

In 2024 a hybrid meeting – both physical and virtual - was held in Utrecht, Portugal in September 2024, so a significant portion of the allotted project budget was also used.

Same as the year before, for the annual physical meeting a virtual participation was also made possible for participants.

4.1 Project manager meetings

With the end of 2023 the Irish colleague, with whom this project leadership was shared, also ended his participation and co-leadership in this project. For 2024 the leadership for this project was shared between two colleagues from Germany. As in previous years, there were several meetings and calls between the two project managers. These meetings were held at irregular intervals, whenever necessary. The central purpose of these meetings and phone calls were ensuring ongoing management of the project output in 2024 and facilitated planning for the annual hybrid meeting of the IMPEL project team members in Utrecht, Netherlands in September 2024 (see below for more).

4.2 Annual project meeting Utrecht, Netherlands, September 19th – 20th 2024

In the early stages of planning the meeting it became apparent, that the inflation has had a big impact on hotel prices. The IMPEL secretariat and the Expert Team leader for Waste and TFS within IMPEL were contacted about the situation. Together with them a solution was found to this issue, so that the meeting could take place as planned. The annual project meeting took place in Utrecht, Netherlands from September 19th – 20th. For the meeting there were 17 participants from 13 European countries present. Thanks to the possibility of having a hybrid meeting, another 11 participants from 9 European countries joined the meeting virtually on the first day.

4.3 Project Output: Short study on differences in implementation of the WEEE Directive

The second short study during this project period focussed on differences in implementation of the WEEE Directive in national law concerning enforcement against free riders. Within this short study the EEE register and the appointment of an authorised representative (AR) were the focal points.

Each state has their own register for producers of EEE. The short study aimed to find similarities and differences in the individual registers. The findings show, that each register is set up in such a way, that suits that country's requirements.

The AR is an important actor concerning producers who are based abroad. The findings of this short study indicate that there are similarities between individual countries' approach to the implementation of this actor. However, the statistics in this regard show a broad variety between the individual states.

The results of this years' short study demonstrate, that within the stipulations of the WEEE Directive adjustments to different external factors, but also individual national measures concerning aspects of the EPR can and have been made to create solutions which work well for the European countries. The same adjustment to national circumstances would not have been possible with a regulation instead of a Directive.

5. joint statement

In the ToR for this project it was planned to create one more output. That was planned to be a joint statement by project members to a draft for a new EU WEEE Directive or WEEE Regulation. However, it became apparent in 2024, that there would be no proposal for a new EU WEEE legislation until the end of 2024 and therefor the end of this project timeframe. The IMPEL secretariat was made aware of this situation.

Without a proposal for a new EU WEEE legislation, an output based on that was not possible. For this reason, it was decided that this project output had to be cancelled. The Programme Steering Committee (PSC) was informed about this change in October 2024.

Annexes

Annex I. Joint statement from EWEN and IMPEL WEEE Art. 17 project team

Joint statement from EWEN and the IMPEL WEEE Art. 17 project team

This joint statement was prepared by, and is supported by, the European WEEE Enforcement Network members (EWEN) and IMPEL WEEE Art. 17 project team members from:

Austria, Ireland, Germany and Slovakia.

This joint statement is prepared as an answer to the Commission's call for evidence concerning waste from electrical and electronic equipment. It does not replace national statements from the mentioned countries, but rather, emphasises some points we perceive in the same way. Due to the brief period for answering the call for evidence, further contributions from other EWEN members could not be attained.

1. The definitions of *producer* and *distributor* are (instead of placing on the market) to be linked to the earlier time of offering, for the following linguistic circular argument ought to be resolved: Producers are obliged to register before they place EEE on the market (means: supply); however, they currently only become producers at all when they supply it. As a consequence, however, distributors must also be obliged at the time of offering, since according to Article 3 paragraph 1 point g) of the current WEEE-Directive, distributors can also fulfil the definition of producer at the same time (*'This definition does not prevent a distributor from being, at the same time, a producer within the meaning of...'*) and otherwise contradictions in valuation may occur. In addition, for reasons of clarification, the future central term of *offering* is to be defined. In order to avoid regulatory gaps, a more all-encompassing legal fiction of the producer's requirements is required at the end of the producer's definition.
2. In order to detect and effectively prevent non-registered producers (free riders), the official register of producers of electrical or electronic equipment in each Member State whether by a public authority or an organization approved by a public authority or government department must be publicly accessible at all times by any natural or legal person or partnership free of charge and must also be fully automated and machine-readable.
3. Furthermore, there is a need for a compulsory verification of producers also by online marketplaces/fulfilment service providers to prevent free riders from third countries in the new EU-law on (W)EEE. The effective enforcement of existing Extended Producer Responsibility (EPR), including with regard to producers established outside the EU and operating in the internal market, is essential for both environmental and competitive reasons. Holding online marketplace operators and fulfilment service providers accountable is the only follow-through approach for non-EU producers' compliance with EU rules. Even though they have no influence on the actual products, they should ensure that the producers of these products comply with their EPR obligations under European law before offering them on the internal market via the online marketplace or shipping them via the fulfilment service provider. Therefore, both actors must be defined in the revised (W)EEE-law. In addition, online marketplace operators and fulfilment service providers should be – besides the distributors – required to verify producer's compliance with the registration obligation (as a core obligation of all EPR obligations) before they enable the offering of the products on their marketplaces or before they provide warehousing, packaging, addressing or dispatching of these products (irrespective of whether a directive or a regulation will be issued at EU level in this area in the future). The sharp increase in registration applications in

Germany proves the effectiveness of such a compulsory verification. Finally, from a factual point of view, an electronic interface of the respective national registers for automatic data reconciliation, seems essential; in addition, also in this context (but also on the future relationship of the Regulation (EU) 2022/2065), a clarifying recital should be inserted.

4. Last but not least, more responsibility should be given to the distributor by deeming him to be a producer, if the producer is not or not properly registered. This ensures that an actor in the supply chain will have to take responsibility for the EEE. Distributors know who supplied the EEE they intend to offer. This gives them the opportunity to ask the producer to fulfil his producer responsibilities, if he is not already taking care of them.



European Union Network for the Implementation
and Enforcement of Environmental Law

Short study on national measures to reduce freeriding

WEEE Art 17 project

Date of report: December 2023

Report number: 01

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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 European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). The association is registered in Belgium and its legal seat is in Brussels, Belgium.

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<p>Project Manager/Authors:</p> <p>Michael Owens (EPA Ireland)</p> <p>Stuart Huskisson (EPA Ireland)</p> <p>Tiina Vermaete (ELY-Keskus Finland)</p> <p>Nicole Dicke (German Environment Agency (UBA))</p> <p>Janka Steinert (German Environment Agency (UBA))</p>	<p>Report adopted at IMPEL General Assembly Meeting:</p> <p>26-28 June 2024, Brussels</p> <hr/> <p>Total number of pages: 31</p> <p>Report: 26</p> <p>Annex: 05</p>
<p>Executive Summary</p> <p>This short study on national measures to reduce freeriding with the WEEE Art. 17 legislation was written within the IMPEL WEEE Art. 17 project. It focusses on the answers given by project members to a questionnaire. The questionnaire consists of nine questions. While the first two questions are concerning general information, the second set of two questions asks for information regarding the implementation of the WEEE Directive and national measures. The final and central set of questions focusses on enforcement against freeriders. These five questions range from the responsible institution, to enforcement procedures, to additional measures.</p> <p>While the WEEE Directive establishes a legislative framework for the Member States, it is leaving room to accommodate national measures. The study results demonstrate that there are overlapping ideas and similar measures in the national implementations, though all national laws differ from each other.</p> <p>This creates the opportunity for Member States to learn from each other’s best practice examples. The study intends to shine light on a multitude of great approaches in regards of preventing WEEE EPR freeriders.</p> <p>The findings in this study highlight national measures to prevent freeriding regarding WEEE EPR. It clearly shows, that while there is a common goal we aim to achieve in enforcement, there are different ways of achieving that.</p>	
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'UNITED IN DIVERSITY' - EU Motto

'What divides us pales in comparison to what unites us.' - Edward Kennedy

'I know there is strength in the differences between us. I know there is comfort, where we overlap.' – Ani DiFranco

'You can't have unity without diversity.' – Richard Twiss

The following short study was conducted by IMPEL's WEEE Art.17 project in 2023, based on replies received from within this same group to a previously conducted field research via questionnaire. Project leadership as well as the core team who have written this short study would like to thank all participants for their contributions. Thanks to IMPEL, especially the Waste & TFS expert group, the secretariat and the financial officer for their continuous support of this project and the opportunity for us to grow and engage in the way we have been able to. Europe, December 2023

1. Introduction and set out for the study

In 2019 a project concerning the implementation of Art.17 WEEE Directive and related topics was established within IMPEL. This project serves to:

- improve and simplify the enforcement of Art. 17 WEEE and prosecution of European crossborder WEEE free-riders,
- facilitate international cooperation in cross-border prosecution,
- offer a non-bureaucratic and simple way to communicate between competent authorities,
- facilitate exchanging experiences in enforcement and prosecution of cross-border WEEE freeriders and in implementation of the requirements of the WEEE Directive regarding authorised representative in the other EU member states.

A way to improve and simplify the prosecution of European cross-border WEEE free-riders and to further international cooperation in cross-border enforcement is regular exchange between the responsible colleagues in the enforcement agencies. Additionally, sharing how the WEEE Directive is implemented in each Member State increases not only a shared common knowledge base and eases international cooperation. It highlights similarities and different approaches to specific issues. This in turn allows the establishment of best practice examples more clearly.

In order to achieve the mentioned gains in knowledge, a questionnaire on national measures which go beyond Articles 16, 17 and 22 WEEE Directive was created and shared among members of the WEEE Art. 17 project. Replies were received from 20 project members. Each project member either represents a national authority or – in one case – a regional authority. Out of the twenty replies nineteen came from EU Member States, one came from an EFTA state. With replies received from 70 percent of EU Member States, the answers to this questionnaire can be considered representative. Nonetheless, the authors of this study are aware that only participation from all EU Member States and EFTA states would grant a full and holistic picture and show every nuance in detail.

The short study's sole focus is on the replies received by project members. No other primary or any secondary source was considered. There are two main reasons for this approach: On the one hand, the questionnaire was answered by colleagues working in WEEE enforcement. Therefore expertise, deep insights and a high level of knowledge were a given. On the other hand, adding excerpts from national legislation would neither provide better readability nor would it serve the purpose of the study of highlighting possible additional measures on national level significantly beyond what was already shown in this study. Any secondary sources would not be able to provide the same level of insight as the questionnaire did.

The questions posed in the questionnaire were designed to be open questions. While open questions take longer time both in answering as well as analysing them, they also provide

much more information and a deeper level of insights than closed questions or multiple choice questions.

2. WEEE Directive

The WEEE Directive addresses registration, information and reporting of producers in Article 16. Article 22 of the WEEE Directive empowers member states to establish penalties for violations of national provisions. This includes producers not registering in the member state they sell to:

2.1 WEEE Directive (2012/19/EU):

Article 16 Registration, information and reporting:

1. Member States shall, in accordance with paragraph 2, draw up a register of producers, including producers supplying EEE by means of distance communication. That register shall serve to monitor compliance with the requirements of this Directive. Producers supplying EEE by means of distance communication as defined in Article 3(1)(f)(iv) shall be registered in the Member State that they sell to. Where such producers are not registered in the Member State that they are selling to, they shall be registered through their authorised representatives as referred to in Article 17(2).

Article 22 Penalties:

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 14 February 2014 at the latest and shall notify it without delay of any subsequent amendment affecting them.

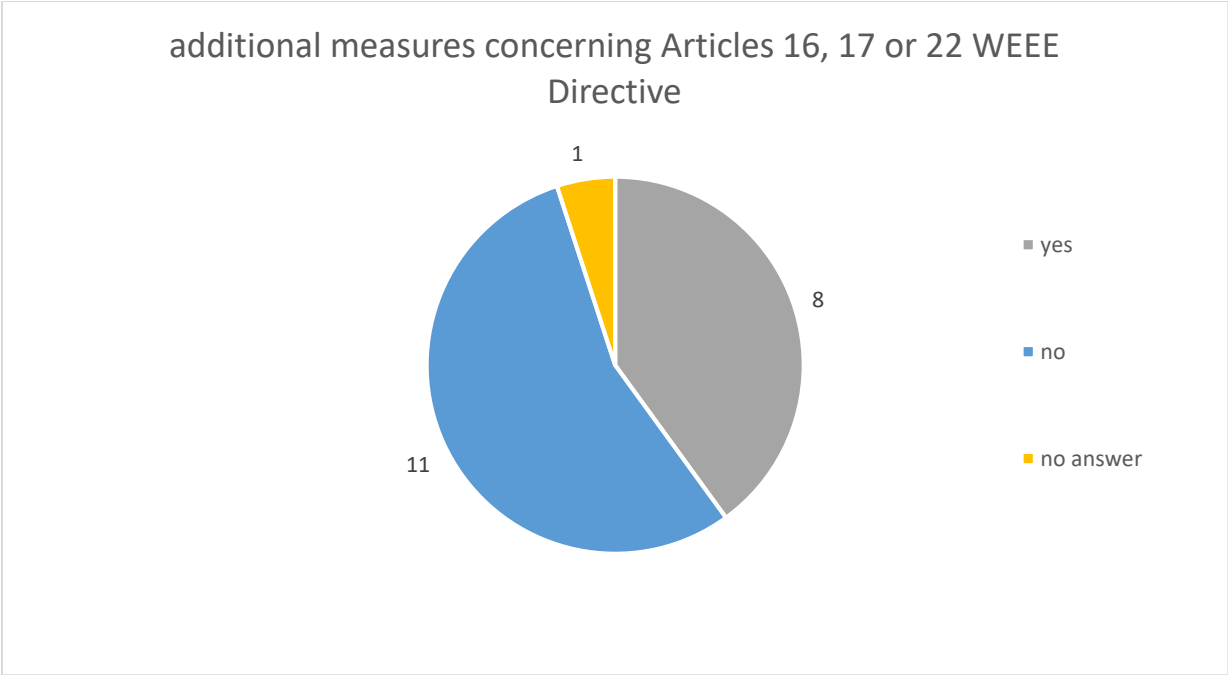
3. Summary information

3.1 Are there any measures concerning Art. 16, 17 or 22 WEEE legislation in your country which go beyond the stipulations of those Articles?

The question inquires, whether additional measures to those established in Articles 16, 17 or 22 WEEE Directive were created in any Member State. In case they were established, further focus was spent on whether those additional measures are focussed on similar aspects.

Eleven countries have not established any additional measures. Those include Austria, Belgium (Brussels capital region), Croatia, the Czech Republic, Denmark, Ireland, the Netherland, Norway, Slovakia and Slovenia as well as Sweden. One questionnaire was left empty on this regard. In Estonia, Finland, Germany, Greece, Luxembourg, Malta, Portugal and Spain additional measures were introduced.

Chart 1.



Those additional measures focus on various aspects, with no aspect being included in all Member States. Some similarities still exist.

Both Finland and Estonia mention to be in an informal Nordic and Estonian EPR Network for enforcement to discuss topics concerning EPR and exchange information on those. The reply from Estonia also mentioned participating in the European WEEE Enforcement Network (EWEN).

In Germany and Greece measures were introduced to make online platforms (and in the case of Germany also fulfilment service providers) responsible for electronic and electric equipment (EEE) sold

via their platforms from freeriders. In Spain a proof of being in the national producer register must be provided by the time EEE is imported into Spain¹.

In Greece and Portugal collaboration with other state authorities like the General Commercial Register in Greece or customs in Portugal are established.

There are several more measures implemented in individual member states:

Estonia additionally informs the public by press releases and EPR information days held by different authorities.

Germany has established a few more additional measures. For one, 'offering' was defined as the relevant point of time for taking producer responsibility. With this change proof of sale is no longer necessary to enforce against freeriders, an offer is enough for enforcement. This makes enforcement against freeriders easier.

To further facilitate enforcement against freeriders distributors of EEE are deemed to be producers in Germany, in case the producer is not or not properly registered. By that measure it is ensured, that there is an actor who must oblige producer responsibility, especially if the producer is not established in the country. Additionally, it places the producer under pressure, since the distributor might sever business contacts with a freeriding producer.

As mentioned above already, an obligation for online platforms was introduced in Germany. That compulsory verification also extends to fulfilment service providers.

The WEEE producer register in Germany is publicly available online and searchable by various criteria. Offering this free of charge to everyone helps creating transparency and a level playing field.

In Luxembourg administrative measures and administrative fines were implemented. Administrative measures include a time limit of up to two years for the distributor or producer to comply with the provisions in the national WEEE law; full or partial suspension of the producers, distributors or operation of the establishment as a provisional measure. Otherwise the establishment can be closed completely or partially in case of non-compliance. These administrative measures are to be lifted once the producer or distributor complies with national WEEE legislation. Every interested stakeholder can request the aforementioned measures.

Luxembourg has also established administrative fines. These range in between 250,00 € and 10.000 € per infringement and have to be paid within two months of the notification of the written decision.

While most of the additional measures implemented on national level either correspond or are regarding different aspects, there is also one aspect handled very differently in two Member States. In Estonia producers of household EEE or their authorised representatives are obliged to have a written contract with a PRO. The contract with the PRO is required for fulfilling producer responsibilities as well as for effective collection and recovery/disposal of waste household EEE.

In Germany on the other hand producers or their authorised representatives are obliged to register themselves. In Germany there are no PROs for the EEE sector. Instead, there are several service

¹ <https://www.boe.es/buscar/pdf/2022/BOE-A-2022-19914-consolidado.pdf>.

providers who offer services similar to a PRO. However, the producer or authorised representative remains responsible for fulfilling their producer responsibilities.

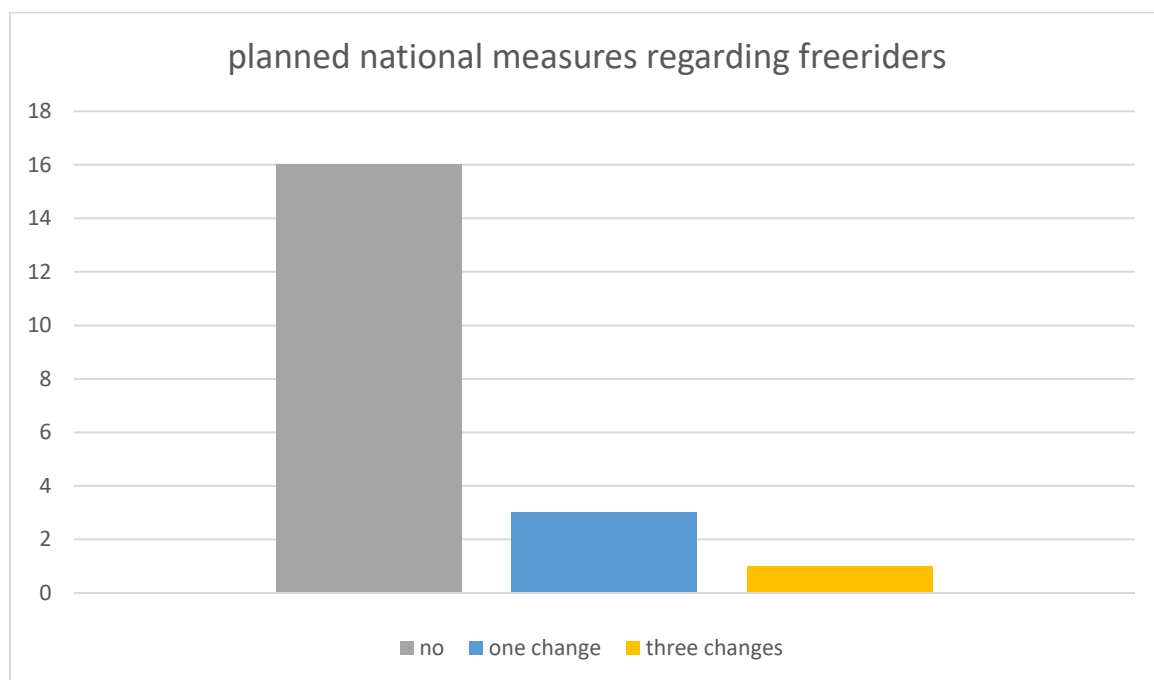
In conclusion of national measures that go beyond the stipulations of Articles 16, 17 and 22 WEEE Directive it can be said, that there is a variety of national measures. Not all states participating in the questionnaire have introduced national measures. Some measures which have been introduced exist in similar ways in more than one country. Other stipulations are unique to one state. In one case there are two completely different approaches to obliging to producer responsibility as stated above. Further similarities and differences might be found when looking closer at how Articles 16, 17 and 22 WEEE Directive were implemented in each state in a second study. It may be concluded, that all the additional measures implemented on national level showcase an overall need to combat freeriding and to improve enforcement against freeriders.

3.2 Are there any national measures planned, which are not yet implemented?

While the previous question focused on national measures that already have been already implemented in national WEEE legislation, this question aims to explore any upcoming measures that go beyond Articles 16, 17 and 22 WEEE Directive. Planned measures pose the opportunity to explore whether some ideas were transferred from legislation in other member states or if further need to prevent freeriding exists.

From the total 20 answers received, most participating authorities replied that currently no new national measures are planned. These measures might include legislative changes, but also any other possible measure.

Chart 2



Answering this question with 'no' might have various reasons.

Regarding legislative measures, for one, these changes to national law might have happened recently, as is the case with several Member States. In that case, it is reasonable that no further changes are currently planned, as all obvious aspects will have been included in the legislative process. Additionally, recent legislative changes need time to be implemented and evaluated. Therefore further changes will not be made too soon.

Another reason might be, that the European Commission made a call for evidence in 2022 regarding the WEEE Directive. A change of European legislation might be expected within the next few years. As of now, at the end of December 2023, it is not yet clear if European WEEE legislation will remain a Directive or – similar to Batteries legislation – might be reworked into a Regulation. This might cause some Member States to not change their national WEEE legislation now in favour of awaiting European legislative changes.

There might be further reasons, such as no perceived need to change current national legislation, or other national measures.

The four Member States Belgium, Estonia, Greece and have planned new measures on national level.

The three Belgian regions (Brussels capital region, Flanders, Wallonia) are working on adopting an Interregional cooperation agreement on extended producer responsibility and litter. A financial contribution to be paid by the Producer Responsibility Organization (PRO) in case the collection and processing targets set at European level are not met, is intended in this agreement. The aim is to stimulate producers to reach these rates. Money raised this way will be used by the regions to finance regional policies for the waste streams concerned.

In Greece the integrated framework law for waste management establishes the necessity of a collaboration with the General Commercial Register (GEMI). This collaboration will commence soon. The collaboration will include exchange and cross-referencing of data in compliance with provisions for the protection of personal data and commercial confidentiality.

Slovakia also intends to implement new measures. In addition to a fine freeriding producer currently have to pay in Slovakia for placing unregistered EEE on the Slovakian market, the freeriding producer will additionally have to pay the costs he did not pay a PRO for placing those EEE on the market. This measure makes freeriding even less attractive for producers. At the same time fairer competition is achieved on the Slovakian market as collection and treatment costs are paid by more producers as freeriding goes down.

In Estonia there are currently three different measures planned: First, Estonia intends to find a solution for making freeriders operating via online marketplaces register themselves at the register relevant for their products.

Second, Estonia intends to analyse the German requirement for producers/distributors to display their registration number when selling EEE online.

In addition, an analysis concerning a requirement to present the user information on waste management costs for WEEE is planned.

In conclusion it can be said, that while the majority of study participants does not currently plan any additional measures, there are some countries planning additional measures concerning a wide range of topics. These measures include legislative changes, implementation of new legislation and analysis of various enforcement and producer responsibility aspects. The replies also show clearly, that best practices from other countries within the WEEE Art. 17 project are being taken into account for possible future measures.

3.3 Who is responsible for the enforcement (sanctions/prosecution) against freeriders?

The Table 1. below is a list of the organisations responsible for the enforcement against freeriders in each of the 20 EWEN member countries that responded to the questionnaire.

Table 1.

Country	Organisation with responsibility for freerider enforcement (sanctions/prosecutions)
Austria	BMK (Republic of Austria Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology)
Belgium (Brussels capital region)	There are 3 Regions in Belgium which have autonomy. The Brussels Environmental Agency (Leefmilieu Brussel/Bruxelles Environnement) is responsible for enforcement in the Brussels-Capital Region
Croatia	Customs
Czech Republic	Czech Environmental Inspectorate
Denmark	EPA
Estonia	Environmental Board
Finland	Pirkanmaa Centre for Economic Development, Transport and the Environment (ELY Centre)
Germany	The German Environment Agency (UBA), Section III 1.2, Subsection regulatory offences Electrical and Electronic Equipment Act/Batteries Act
Greece	Hellenic Recycling Agency
Ireland	Environmental Protection Agency
Lithuania	Department of Environmental Protection under the Ministry of Environment
Luxemburg	The Environmental Agency of Luxembourg
Malta	Compliance and Enforcement Unit within the Regulatory Affairs Directorate at the Environment and Resources Authority
Netherlands	Human Environment and Transport Inspectorate (HETI)
Norway	Norwegian Environment Agency
Portugal	ASAE – Economic and Food Safety Authority (ASAE TOPICS ENGLISH) General Inspection of Agriculture, Sea, Environment and Spatial Planning (IGAMAOT)
Slovakia	Slovak Environmental Inspectorate
Slovenia	Environment and Energy Inspectorate
Spain	Autonomous communities (regions) are responsible
Sweden	Swedish EPA

3.4 How does the competent body get information about freeriders?

Member States were requested to state how the competent authority gets information about freeriders in their country (i.e., the techniques or sources of information). The questionnaire responses have been coded into the 14 options as listed below:

- Complaints/Whistle blowers
- PROs/Compliance Schemes
- Customs
- Intelligence (from research, customs, other reports, etc.)
- Other authorities/organisations
- Online searches
- Inspections
- Other producers
- Registration body
- Market surveillance
- Other Member States
- Other regions
- Risk analysis
- Sector campaigns

The Table 2. below lists the coded ‘techniques or ‘sources of information’ each member state uses to obtain information about freeriders. Member of EWEN may use additional methods, but the entries below were included in the questionnaire responses received.

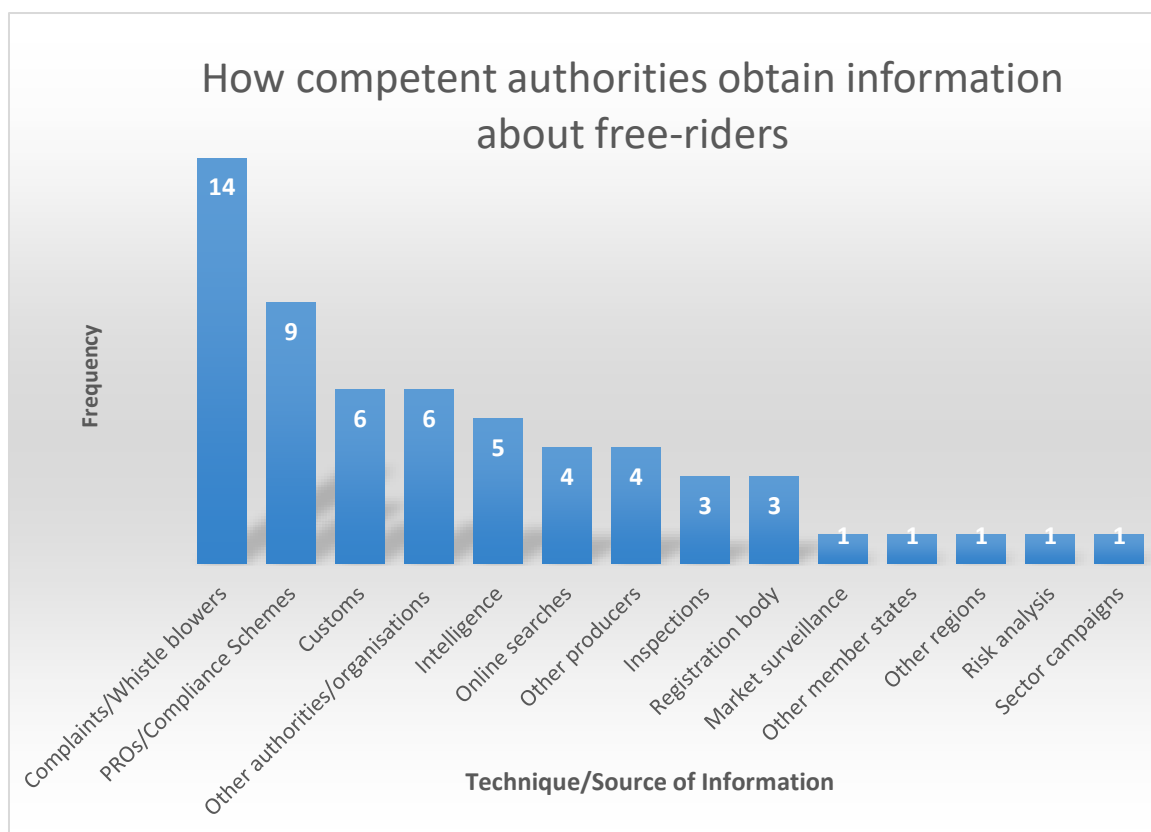
Table 2.

Country	How does the competent authority obtain information about freeriders?
Austria	<ul style="list-style-type: none"> • Other authorities/organisations • Online searches
Belgium (Brussels capital region)	<ul style="list-style-type: none"> • Inspections (of other operators) • Other Member States • Other regions • PROs/Compliance Schemes
Croatia	<ul style="list-style-type: none"> • Customs
Czech Republic	<ul style="list-style-type: none"> • Complaints/Whistle blowers • PROs/Compliance schemes • Intelligence (Customs) • Other producers
Denmark	<ul style="list-style-type: none"> • Complaints/Whistle blowers
Estonia	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Customs • Intelligence (other reports) • Other producers • Risk analysis
Finland	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Customs (in the future for producers outside EU) • Online searches • PROs/Compliance Schemes

Germany	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Intelligence (research and internal information) • Registration body
Greece	<ul style="list-style-type: none"> • PROs/Compliance Schemes • Complaints/Whistle blowers
Ireland	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Online searches (Distance seller inspections) • PROs /Compliance Schemes • Registration body • Sector campaigns (letters, phone calls, enforcement notices)
Lithuania	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Other authorities/organisations
Luxemburg	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Other authorities/organisations
Malta	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Inspections (weekly) • Market surveillance • Online searches • PROs /Compliance Schemes
Netherlands	<ul style="list-style-type: none"> • Intelligence
Norway	<ul style="list-style-type: none"> • Customs • PROs /Compliance Schemes
Portugal	<ul style="list-style-type: none"> • Other authorities/organisations (Environment Agency) • Customs
Slovakia	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Intelligence (Internal information) • PROs /Compliance Schemes
Slovenia	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Other authorities/organisations • Other producers • PROs /Compliance Schemes
Spain	<ul style="list-style-type: none"> • Complaints • Inspection campaigns
Sweden	<ul style="list-style-type: none"> • Complaints/Whistle blowers • Customs • Other authorities/organisations • Other producers • PROs /Compliance Schemes

Chart 3. below summarises the responses from all 20 EWEN member countries in relation to how information is obtained about freeriders. This chart is based on the coding of all questionnaire responses. The frequency value is equal to the number of member countries that referenced a specific 'technique or source of information'.

Chart 3.



By far the most common source of information comes from complaints/whistle blowers (14), often received by way of a submitted form. The second most common source of information is from Producer Responsibility Organisations (PROs)/Compliance Schemes. In total 14 different ‘techniques or sources of information’ were referenced in the questionnaire responses.

3.5 What does the competent body do (fines or other procedures), if producers are not registered (freeriders)

Question 9 concerned the ways EWEN member countries enforce freeriders. The question was divided into three parts: enforcement of domestic freeriders, freeriders within the EU, and freeriders outside of the EU.

3.5.1 Enforcement of domestic freeriders

According to the answers, member countries have two main ways of starting the enforcement process. Some countries start by contacting the freerider to provide them with information on how to meet their EPR responsibilities. These countries only proceed to administrative procedures later in the process. Other countries start the process directly with an administrative procedure, while a part of the countries use a mix of the two main approaches.

The majority of countries expressed that there is a legislative framework in place to fine producers for non-compliance.

Notification of non-compliance

Many countries (Austria, Sweden, Finland, Denmark, Luxembourg, Netherlands) begin the enforcement process with a letter or other type of formal notification of non-compliance. Most commonly, the letter informs the producer of their extended producer responsibilities, sets a deadline and informs the producer of the possibility of a penalty. If necessary, a follow-up letter can be sent, or a phone call can be made to contact the producer or to receive extra information concerning the EEE that is placed on the market. Some countries reported that this practice was found to be quite effective in getting domestic freeriders to comply.

Regulatory offence procedure/ administrative procedure

Other countries, such as Germany, Belgium (Brussels capital region), Croatia, Czech Republic, Estonia, Ireland, Norway, Portugal and Spain, proceed directly with a regulatory offence procedure. In Germany, for example, once a producer has been confirmed to be a freerider, a hearing is sent and a regulatory fine can be imposed. If the producer objects to the fine, a review will be done. The review can have three possible outcomes: termination of the procedure, an amended regulatory fine, or forwarding the case to the district court for a court case.

Other practices (on-site inspections, co-operation with Customs and police)

Some countries such as Slovakia, Slovenia, Lithuania, Greece and Czech Republic perform on-site inspections when needed. The inspectors check various types of documents and invoices to determine the amount of EEE placed on the market and to find out whether a producer is registered and pays recycling fees to the producer responsibility organization.

Slovakia and Slovenia told that they are working together with Customs in regards to domestic freeriders. In Slovenia, the Customs can relay information e.g. if there are discrepancies with sales data (quantity of EEE placed on the market).

Denmark, Germany and Slovakia expressed that they co-operate with the police and a penal case is possible.

3.5.2 Enforcement of freeriders established in the EU

Regarding distance sellers within the EU, the answers revealed two main practices. Some countries contact foreign freeriders and others rely on informing the Member State where the company is located.

Contacting freerider

Once a foreign freerider (distance seller) is found, a part of the countries contact the company (Finland, Ireland, Belgium, Estonia, Sweden). If the company does not comply, a complaint form can be sent or another type of contact made with the authority of the country where the company is located. For example in Finland, an email describing the company's responsibilities is sent with clear instructions on how to take care of EPR. If necessary, a reminder or more instructions are sent. Only after that administrative assistance is asked from the country where the company is located.

Some countries mentioned contacting the company (Luxembourg, Netherlands) but did not provide information on further steps.

Informing authorities of the Member State

Some countries inform the Member State where the company is located directly (Czech Republic, Denmark, Germany, Portugal, Slovakia, Spain). This can be done e.g. by using the EWEN complaint form and forwarding it to the relevant country. Germany specifies that the complaint contains the producers address, proof of not being registered in Germany and not being established there, and evidences concerning the freeriding.

Other practices

Belgium (Brussels capital region) informed that they follow the same procedure as with domestic freeriders (although has no experience with penalties). Estonia stated that they have used administrative proceedings (writing a precept to producer to register to the register of product of concern). Upon failure to comply with a precept, the upper limit of non-compliance levy is 32,000 €. Estonia also forwards the information about a foreign freerider to the respective Member State competent body. Some countries did not answer this question or were not yet familiar with enforcement of foreign freeriders (Austria, Croatia, Latvia, Lithuania, Norway, Slovenia). Slovakia mentioned that the enforcement of foreign freeriders is perceived as a difficult task due to the costs of official requests and translations of official documents. In general, it seems that there is limited experience with enforcement of foreign freeriders and asking for assistance from other Member States.

3.5.3 Enforcement of free riders established outside of the EU

Regarding freeriders established outside of the EU, most countries found enforcement difficult due to lack of legal tools and/or did not have much experience with it. Ireland explained that the EPA occasionally deals with non-EU freeriders, for example, from the US. In this instance a formal notification of non-compliance is issued, however, enforcement options for non-EU freeriders are very limited. Luxembourg, Finland and Sweden answered that they take up contact with the freeriding company. Netherlands, Spain and Portugal told that the authority in the country of origin would be contacted.

Some countries did however have a solution through co-operation with customs (Estonia, Spain, Portugal). In Estonia, The Environmental Board has a right to apply confiscation. Estonian Tax and Customs Board keeps the product and releases it when all requirements have been fulfilled.

In Germany there is legislation in place for online marketplaces. When the product is offered via an online marketplace or a fulfilment service provider is contracted, the marketplace or fulfilment service provider has the obligation to check whether the producer of the electrical device is (correctly) registered (compulsory verification). If the online marketplace or the fulfilment service provider offer their services without the producer's registration, they become subject to a regulatory offence procedure.

In Spain if non-compliance is detected at customs, it is possible to freeze the goods until the producer registers. It is only possible to sanction if a producer is established in the Member State. If a non-EU producer tries to import EEE without being registered, the customs inspection service will detain the goods until the producer is registered or appoints an Authorised Representative.

3.6 Is the enforcement procedure established in the same law as the national implementation of the WEEE Directive?

Project members were asked if the enforcement procedure against freeriders is established in the same law as the national WEEE legislation.

Table 3:

Country	Enforcement procedure established in same law as national implementation of the WEEE Directive?
Austria	<ul style="list-style-type: none"> No, there is no specific enforcement procedure. The enforcement procedure is established in the General Administrative Procedure Act and the Administrative Criminal Law
Belgium (Brussels capital region)	<ul style="list-style-type: none"> No
Croatia	<ul style="list-style-type: none"> yes
Czech Republic	<ul style="list-style-type: none"> yes
Denmark	<ul style="list-style-type: none"> yes
Estonia	<ul style="list-style-type: none"> Waste Act sets EPR requirements and State supervision over compliance with the requirements arising from Waste Act shall be exercised by the Environmental Board. Waste Act sets administrative procedure act precept levy rate and fines for violation.
Finland	<ul style="list-style-type: none"> Enforcement procedure is in the Waste Act (646/2011). National implementation of WEEE Directive is divided between the Waste Act and the Government Decree on WEEE (519/2014).
Germany	<ul style="list-style-type: none"> No, it is established in the <u>Act on Regulatory Offences</u> (Gesetz über Ordnungswidrigkeiten -OWiG). Some details are laid down in further laws.
Greece	<ul style="list-style-type: none"> Ministerial Decision 23615/651/E.103/9-5-2014, national implementation of the WEEE Directive refers to Law 4819/2021 the legal framework for waste management. The enforcement procedure is being revised for the moment according to the prerequisites of the Law 4819/2021.
Ireland	<ul style="list-style-type: none"> yes
Lithuania	<ul style="list-style-type: none"> Yes
Luxemburg	<ul style="list-style-type: none"> Parts of the enforcement procedure are also established in the National Waste Act.
Malta	<ul style="list-style-type: none"> yes
Netherlands	<ul style="list-style-type: none"> no
Norway	<ul style="list-style-type: none"> The enforcement procedure are established in the same law as the WEEE-directive.
Portugal	<ul style="list-style-type: none"> yes
Slovakia	<ul style="list-style-type: none"> yes
Slovenia	<ul style="list-style-type: none"> Yes
Spain	<ul style="list-style-type: none"> No
Sweden	<ul style="list-style-type: none"> Sanctions regarding reporting is in one separate law and the rest is in the national implementation of the WEEE Directive. The treatment of WEEE and how WEEE should be collected is regulated in the national waste regulation.

As can be seen in table 3, answers varied not only between 'yes' and 'no', like the authors of this study expected, but slightly more varied. In six countries - Austria, Belgium, Germany, Greece, the Netherlands and Spain – rules determining the enforcement procedure are laid down in a different law to the national WEEE legislation.

In another 9 countries – Estonia, Croatia, Czech Republic, Denmark, Ireland, Lithuania, Malta, Portugal, Slovakia and Slovenia – the enforcement procedure is established in the same law as the national WEEE legislation.

To answer the question for Finland, Luxembourg and Sweden a slightly more detailed perspective is necessary, as they fit neither the 'yes' nor 'no' group. In Finland the implementation of the WEEE Directive is split between two laws – the Waste Act and the Government Decree on WEEE. The enforcement procedure as a whole is established in the Waste Act.

Luxembourg has established parts of its enforcement procedure in their National Waste Act, thus creating yet another different approach.

Sweden seems to have established an approach similar to Luxembourg, with enforcement being established in two laws. Sanctions regarding reporting is laid down in a separate law while the remaining sanctions are established in Sweden's national implementation of the WEEE Directive.

Considering the received replies it becomes apparent, that the legal establishment of the respective enforcement procedure the EU Member States and EFTA States was done in different ways. Of all replies received half of the countries have implemented the enforcement procedure in the same law as the implementation of the WEEE Directive. In two thirds of the answers the Member State had the enforcement procedure established in a different law. A third of the answers detailed that either the WEEE Directive was established (partially) in more than one national law or that enforcement procedure was split between two laws.

It can be assumed, that these different approaches stem from either national approaches where there is a common national approach to enforcement. This common approach might include acts belonging to one overhead topic² or all national acts.

At the same time an enforcement procedure in the same legislation as the WEEE Directive's implementation might indicate a varying approach towards enforcement procedure between legislation.

Whether those assumptions are correct was not explored in this short study. The insight into that topic is interesting on an academic level, but holds little relevance to the research this study intended to do.

² E.g. waste.

3.7 Are there any additional measures, collaborations or campaigns to prevent free-riding outside of enforcement? Who initiated or carries out those actions?

The Table 3. below lists additional measures, collaborations or campaigns carried out by member countries to prevent free riding, outside of enforcement, and also those who initiated or carried out those actions.

Table 4.

Country	Additional measures, collaborations or campaigns to prevent free riding outside of enforcement? Who initiated or carries out those actions?
Austria	<ul style="list-style-type: none"> • Information/communication campaigns (e.g. Chamber of Commerce)
Belgium (Brussels capital region)	No
Croatia	No
Czech Republic	No
Denmark	<ul style="list-style-type: none"> • Campaigns, e.g., producers of light sources, (by Registration body)
Estonia	<ul style="list-style-type: none"> • Household EEE Producers required to have contract with PRO. • Media campaigns (by Ministry, Environmental Board, Environmental Agency) • Information days about EPR (e.g., PV panel producers) by Ministry, Environmental Board, Environment Agency
Finland	<ul style="list-style-type: none"> • Media campaigns (newsletters, webinars, targeted information) • Communication for foreign distance sellers
Germany	No
Greece	No
Ireland	<ul style="list-style-type: none"> • Information/communication campaigns (with organisations that represent different sectors to inform producers)
Lithuania	<ul style="list-style-type: none"> • Yes - no specific measures listed
Luxemburg	<ul style="list-style-type: none"> • Yes - no specific measures listed (by Environmental Agency and/or the Ministry of Environment)
Malta	<ul style="list-style-type: none"> • Proactive inspections (by Environment and Resources Authority) • Information/communication campaigns (by PROs)
Netherlands	<ul style="list-style-type: none"> • Contact free riders (by Registration body)
Norway	<ul style="list-style-type: none"> • Contact free riders (by PRO)
Portugal	No
Slovakia	<ul style="list-style-type: none"> • Experimental techniques (by Institute of Environmental Policy)
Slovenia	No
Spain	No
Sweden	<ul style="list-style-type: none"> • Obtain information on start-up companies

Eight (8) EWEN member countries did not carry out any additional measures. The additional twelve (12) member countries listed a range of different additional measures as specified in Table 3 above. This included information/media campaigns, targeted communications and information days, as well as specific actions taken by other organisations.

4. Conclusion

Looking at the answers provided in the questionnaire and comparing them makes it obvious, that each state has gone its own way with the implementation of the WEEE Directive into their respective national law. While there are overlapping ideas and similar measures, no national law is identical to another one. In some points, such as the introduction of enforcement procedure in national law there are more similarities and parallels than in established or upcoming additional measures.

This shows very clearly, that while the Directive sets a legislative framework for the Member States, it leaves the opportunity for various great approaches. It also offers incredible chances for Member States to learn from each other's best practice examples. The multitude of great approaches alone in regards of preventing WEEE EPR freeriders is impressive. It becomes obvious, that while some approaches and measures are more common than others, there is no single 'best' implementation of the WEEE Directive. Simultaneously, national specifics can be taken into account, which would not be possible if EU WEEE legislation was a Regulation instead of a Directive.

A Regulation offers a common approach and therefore comparability as well as more simplicity. At the same time introducing a Regulation after a Directive has been in place for a long time requires careful analysis of best practice aspects implemented in the respective implemented national laws, in order to achieve optimal results.

The findings in this study have clearly illustrated, that indeed we are *United In Diversity* in our national measures to prevent freeriding regarding WEEE EPR, with a common goal we aim to achieve in enforcement. We are looking forward to gaining even deeper insights with next year's short study regarding the implementation of Articles 16, 17 and 22 WEEE Directive into national law. It surely will shine some light on more interesting aspects of our national WEEE legislations.

Annex

Annex I. Short study on national measures to reduce free-riding -Questionnaire

In 2019 a project concerning the implementation of Art.17 WEEE Directive and related topics was established within IMPEL. This project serves to

- improve and simplify the enforcement of Art. 17 WEEE and prosecution of European cross-border WEEE free-riders,
- facilitate international cooperation in cross-border prosecution,
- offer a non-bureaucratic and simple way to communicate between competent authorities.
- facilitate 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.

A way to improve and simplify the prosecution of European cross-border WEEE free-riders and to further international cooperation in cross-border enforcement is regular exchange between the responsible colleagues in the enforcement agencies.

Additionally, sharing how the WEEE Directive is implemented in each member state increases not only a shared common knowledge base and eases international cooperation. It highlights similarities and different approaches to specific issues. This in turn allows to establish best practise examples more clearly.

In order to achieve the mentioned gains in knowledge, the questionnaire below was created.

The WEEE Directive addresses registration, information and reporting of producers in Article 16. Article 22 WEEE Directive empowers member states to establish penalties for violations of national provisions. This includes producers not registering in the member state they sell to:

WEEE directive (2012/19/EU):

Article 16 Registration, information and reporting

1. Member States shall, in accordance with paragraph 2, draw up a register of producers, including producers supplying EEE by means of distance communication. That register shall serve to monitor compliance with the requirements of this Directive.

Producers supplying EEE by means of distance communication as defined in Article 3(1)(f)(iv) shall be registered in the Member State that they sell to. Where such producers are not registered in the Member State that they are selling to, they shall be registered through their authorised representatives as referred to in Article 17(2).

Article 22 Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 14 February 2014 at the latest and shall notify it without delay of any subsequent amendment affecting them.

General questions

From which country are you?

For which authority are you working?

Implementation of WEEE legislation Art. 16 and Art. 22 and national measures

1. Are there any measures concerning Art. 16, 17 or 22 WEEE legislation in your country which go beyond the stipulations of those Articles?

Please enter your answer here.

2. Are there any national measures planned, which are not yet implemented?

Please enter your answer here.

Enforcement

3. Who is responsible for the enforcement (sanctions/prosecution) against free-riders?

Please enter your answer here.

4. How does the competent body (7.) get information about free-riders?

Please enter your answer here.

5. What does the competent body do (fines or other procedures), if producers are not registered (free-riders) and

a.) established within the member state (domestic free-riders)

Please enter your answer here.

b.) or established in the EU (foreign free-riders)

Please enter your answer here.

c.) or established outside the EU (foreign free-riders)?

Please enter your answer here.

6. Is the enforcement procedure established in the same law as the national implementation of the WEEE Directive?

Please enter your answer here.

7. Are there any additional measures, collaborations or campaigns to prevent free-riding outside of enforcement? Who initiated or carries out those actions?

Please enter your answer here.



European Union Network for the Implementation
and Enforcement of Environmental Law

Short study on differences in implementation of WEEE Directive in national law concerning enforcement against free riders

WEEE Art 17 project

Date of report: December 2024

Report number: 2022(IV)WG2

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 European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). 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 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 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

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Executive Summary <p>This short study on differences in implementation of the WEEE Directive in national law concerning enforcement against free riders focussed mainly on the EEE register and the appointment of an authorised representative³.</p> <p>Each state has their own register for producers of EEE. While the layout and structure of the public register is different and some registers also include other areas of extended producer responsibility, there are many similarities between the replies received in answer to the questionnaire. This said, it can also be noted that for all aspects considered within this study, there was a variety in the given answers. It shows, that each country has implemented the WEEE Directive’s stipulations in the way, that is most suitable to that country’s requirements.</p> <p>The short study’s findings concerning the AR indicate that there are many similarities between individual countries’ approach to the implementation of this actor. The number of producers based abroad who have appointed an AR in a respective country, as well as the total number of ARs who are present in a country’s market on behalf of their authorising producer(s) varies strongly between the individual states.</p> <p>The findings of this short study illustrate, that the stipulations of the WEEE Directive give a clear direction and guideline on how individual aspects of EPR shall be approached. Different external factors, but also individual national measures concerning aspects of the EPR have an influence on the way the aspects of WEEE legislation considered in this short study are actually implemented and carried out. The WEEE Directive has set the legislative framework within which the European countries have established their respective national implementation – or where the WEEE Directive is not directly setting a legislative framework – still kept close to the stipulations of the WEEE Directive. The existing variety shows, that the Directive’s openness to different approaches has been used to its advantage. A Regulation instead of a Directive would most likely not have granted a similar adjustment to national circumstances.</p>	

³ Abbreviation: AR.

Disclaimer

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.

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ANNEX I. SHORT STUDY ON DIFFERENCES IN IMPLEMENTATION OF WEEE DIRECTIVE IN NATIONAL LAW CONCERNING ENFORCEMENT AGAINST FREE RIDERS -QUESTIONNAIRE	62

1. Introduction

The Art. 17 WEEE Directive⁴ project is an ongoing project within IMPEL since the beginning of 2019. The project's main concern is the implementation of Art. 17 WEEE Directive and topics closely related to this Article. Within the project the main targets and the main focus are on:

- the improvement of enforcement of Art. 17 WEEE Directive and its national implementations or equivalents in non-EU Member States in order to simplify the enforcement against European⁵ crossborder WEEE⁶ free-riders,
- cooperation in cross-border enforcement against free-riders,
- providing an easy and non-bureaucratic way to facilitate communication between the respective competent authorities,
- sharing of experiences made with enforcement and prosecution of cross-border WEEE free-riders
- sharing knowledge of implementation of the requirements of the WEEE Directive regarding the authorised representative in the other European countries.

A regular exchange of knowledge and experiences between the responsible colleagues in the competent enforcement authorities not only improves knowledge bases within those competent authorities and heightens awareness of different approaches, it also facilitates the enforcement against European cross-border WEEE free-riders. By sharing knowledge on how the WEEE Directive is implemented in the EU Member States and how European States which are not EU-Member States might have implemented or are planning to implement similar legislation in their national law. Additionally, sharing how the WEEE Directive is implemented in each Member State creates a common knowledge base for all project members and aids in facilitating cooperation across national borders. Such a knowledge shines a light both on differences and similarities of how certain details are implemented or dealt with. At the same time, by being aware of those aspects it is possible to identify best practice examples.

2. Study aims and methods

This short study is created in order to broaden the common knowledge base among project members and other interested parties.

⁴ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE).

⁵ In this study, the term 'European' refers to the geographical part of the world, not the European Union. If references are made to the European Union or its Member States, the respective terms are mentioned explicitly.

⁶ Abbreviation for Waste Electrical and Electronic Equipment.

In 2023 a first short study was written within this IMPEL project which focussed on national measures to reduce free-riding which go beyond the stipulations of the WEEE Directive⁷. This time, the focus is on the differences in implementation of the WEEE Directive in national law⁸ concerning enforcement against free riders. This short study aims to complement the findings from the last short study and to provide even further knowledge on legal and practical aspects of the regional and national implementations of WEEE legislation.

As a first step, parts of the WEEE Directive relevant for this study were identified. Articles 16, 17 and 22 WEEE Directive proved to be essential. Based on those aspects a questionnaire was created. However, Art. 22 WEEE Directive provides a vast variety of potential ways to implement rules for enforcing against infringements of the WEEE legislation. For this reason and also due to the fact that enforcement against free riders was a major part of the short study on national measures to reduce free-riding, questions regarding Art. 22 WEEE Directive were not incorporated into the questionnaire for this short study. Questions 1 and 2 are intended only to confirm if there are any changes to national law, which might be relevant for this study. Since the answers did not indicate such changes, the replies are not analysed in this short study. In addition to questions regarding the legal implementation, the questionnaire also contains a question concerning statistical data.

The finalised questionnaire was shared with the members of the WEEE Art. 17 project. In total 23 project members replied to the questionnaire. In 3 of the answers returned, not all answers were completed, so in some cases only 20 answers were available and in others 23 answers were available and analysed. Each reply represents the answers for one competent national authority or regional authorities. The majority of replies (21) were given by national authorities and 2 replies came from regional authorities. 21 responses came from EU-Member States, and 2 from non-EU-Member States. The 21 responses represent 77,8 percent of EU-Member States. Regarding such a high percentage, the answers to the questionnaire from within the EU can be seen as representative. With 2 answers from non-EU Member States, the same cannot be claimed for Europe as a whole. Furthermore, only participation from competent authorities from all of Europe would provide a complete data set that could reflect all aspects in detail for comparison.

The questionnaire contains only open questions. While it takes longer to compare answers from open questions than from closed multiple choice questions, the answers given to open questions provide more depth and detail. While multiple-choice answers are easily comparable, they often lack the ability to provide the necessary nuance.

Aside from the answers given by project members to the questionnaire, no other primary or secondary sources were considered or analysed for this short study. The main reason for this decision was the fact, that the questionnaire was sent out to and answered by employees of competent authorities for enforcement of WEEE legislation concerning free-riders. Within this group of stakeholders, a very high

⁷ The short study is available at <https://www.impel.eu/actions/download-file/files/d2bac680-da21-4d23-bda7-307b89191fba/WTFs%202022%28IV%29WG2%20IMPEL%20Report%20WEEE%20Art.%2017%20project%20short%20study.pdf>.

⁸ For improved readability, the text only mentions the implementation of the WEEE Directive into national law. However, it encompasses also the legislation of non-EU Member States and candidates for EU-Membership where there are similar rules as those in the WEEE Directive without discrimination. This applies to the whole short study.

level of expertise and knowledge of the subject was certain. Additionally, as members of the IMPEL WEEE Art. 17 project they were easy to identify and contact while simultaneously having high levels of probability for responding to the questionnaire. The reason for not incorporating other primary sources such as national legislation in the study is mainly readability. Excerpts from national legislation or the WEEE Directive would neither improve the readability of the study nor would it provide insights which would go beyond the information given in the replies to the questionnaire to a significant degree.

The statistical data given in answer to the questionnaire was provided between September and December 2024. It is to be understood, that each data point may change over time. It can therefore only be taken as a point of reference and not as a general constant. While the respective data will change as time progresses, the data provided may not only serve as a historical reference point. Simultaneously, it could provide a general framework and might possibly give insight on how differences in implementation into national law affect the registration of producers not established in the country they are selling to. However, there are also other factors which have an impact on those numbers, including the population and the size of a national market. Not all statistical data was available for every country.

3. WEEE Directive

In this part of the short study the relevant Articles 16 and 17 of the WEEE Directive are being displayed as a reference. Article 16 WEEE Directive lays down the framework for national EEE producer registers, registration in the register and reporting. For this study Art. 16 paragraph 1 WEEE Directive served as a focal point in creating the questionnaire. The second focal point was Art. 17 WEEE Directive. This Article focusses on the authorised representative and its appointment.

3.1 WEEE Directive (2012/19/EU) – relevant articles for this short study:

Article 16 Registration, information and reporting:

'1. Member States shall, in accordance with paragraph 2, draw up a register of producers, including producers supplying EEE by means of distance communication. That register shall serve to monitor compliance with the requirements of this Directive. Producers supplying EEE by means of distance communication as defined in Article 3(1)(f)(iv) shall be registered in the Member State that they sell to. Where such producers are not registered in the Member State that they are selling to, they shall be registered through their authorised representatives as referred to in Article 17(2).'

Article 17 Authorised representative:

'1. 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.

2. 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.

3. Appointment of an authorised representative shall be by written mandate.'

4. summary information

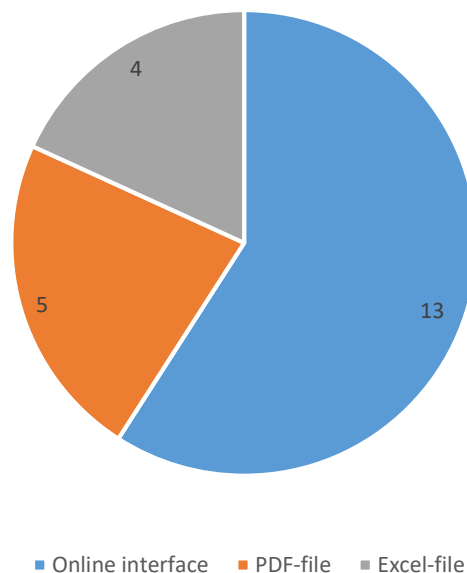
4.1 producer registers for Electrical and Electronic Equipment (EEE) in European countries

4.1.1 register design and availability

All of the countries that answered (22) have a public register for producers of EEE. Certain countries, including Austria, Latvia, and Norway, noted that authorised users, such as PROs and authorities, can access additional information by logging in.

In most countries, an online interface is available that allows searches using criteria such as name, company ID, registration number, or the PROs the company has joined.

Some countries answered that while the register is available to all, there are no filter or search functions. In these cases the register is mostly a PDF-file. Other countries provide an Excel-file which is searchable.



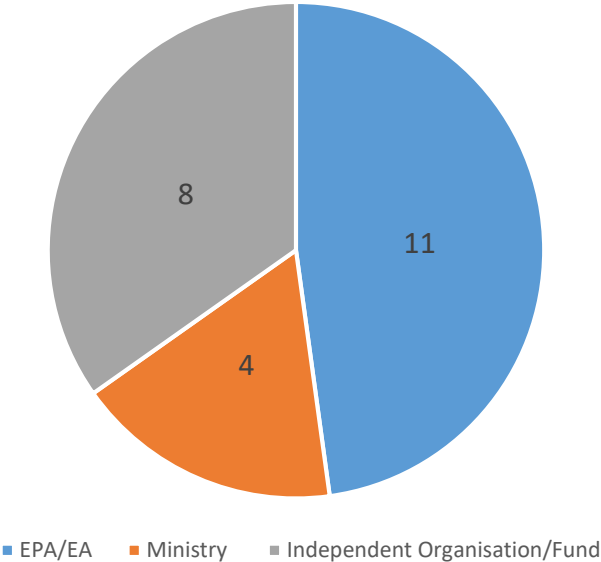
In Germany, the search options are quite extensive including also parameters such as trademark, category and type of device, the date of market entry (registration) and date of market exit. Due to the new national legislation, the compulsory verification duty for online marketplace operators and fulfilment service providers, there is also a second search function available intended for online marketplaces, fulfilment service providers and other stakeholders, who want to check many producers at the same time via data interface. To use the mass search function, a SOAP (Simple Object Access Protocol) interface has been created.

Some countries shared the frequency at which they update their registers, revealing a range of practices: Germany updates daily, Slovenia updates every three months, and the Czech Republic updates as resources allow, without a fixed schedule.

The management and accessibility of registers vary across countries, reflecting different regulatory frameworks and operational approaches. In Estonia, only Estonian companies can register and submit data directly, while companies based abroad must do so through a PRO or an authorised representative. Norway’s register, managed by the Norwegian Environment Agency, is funded by PROs and integrates monthly customs data on EEE imports and exports, alongside reports from PROs. Meanwhile, Sweden offers e-services through its register, enabling producers to have an overview of their registration and upcoming reporting period, submit reports, update information, download a registration certificate and access previously reported data.

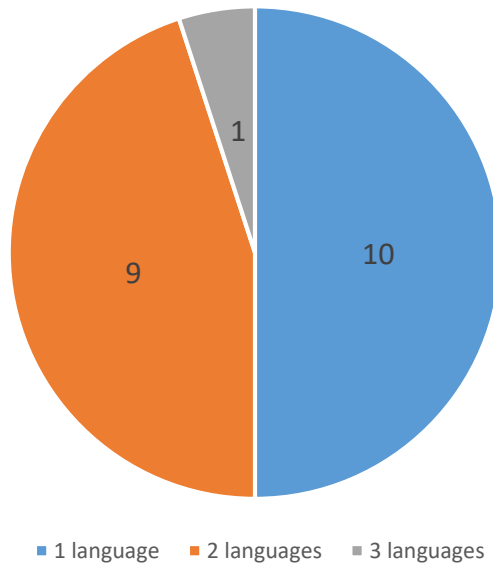
4.1.2 maintenance of the EEE register

Of the 23 answers to the question who maintains the register, most participating authorities (11) replied that their national EEE register is maintained by the Environment Agency (EA)/Environmental Protection Agency (EPA). The relevant Ministry maintains the register in 4 respondent Member States and 8 respondents advised their register is maintained by an independent organisation or the body responsible for the national fund.



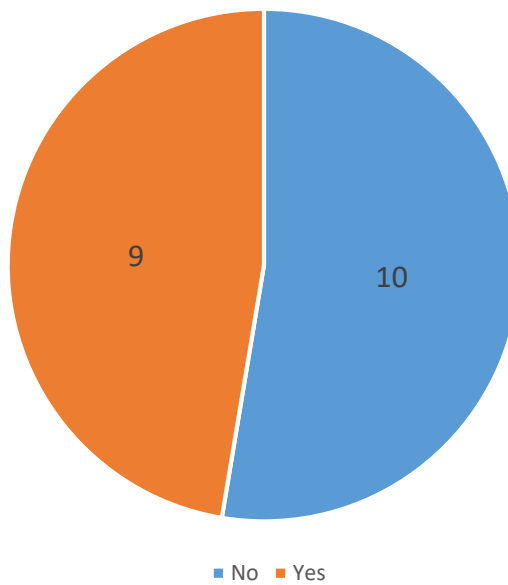
4.1.3 languages of the register

Half of the participating countries have a register in their national language only. 9 countries have the register in 2 languages and Belgium has their register in 3 languages (Dutch, French and English). 8 of the 9 countries that have their register in 2 languages have a version of the register in English.



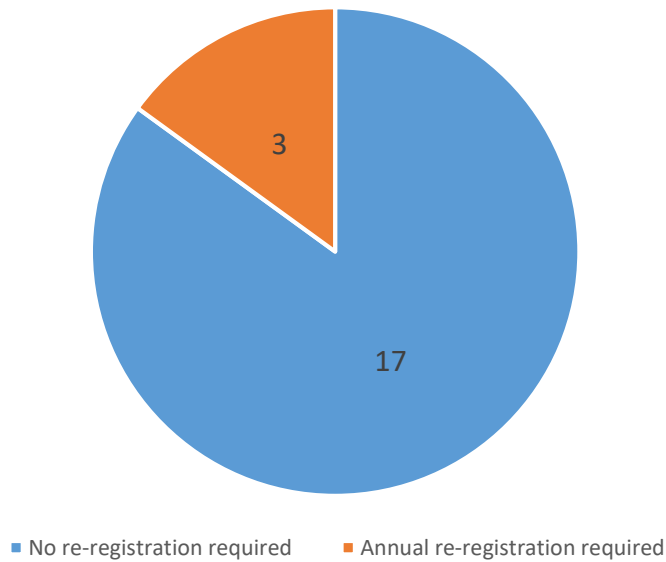
4.1.4 display of information in the register

Almost half of the participating countries do not distinguish between producers and authorised representatives in their national register. The other half advised their register displays both producer information and if an authorised representative is in place (or it is possible to determine that an authorised representative is in place from the information displayed).



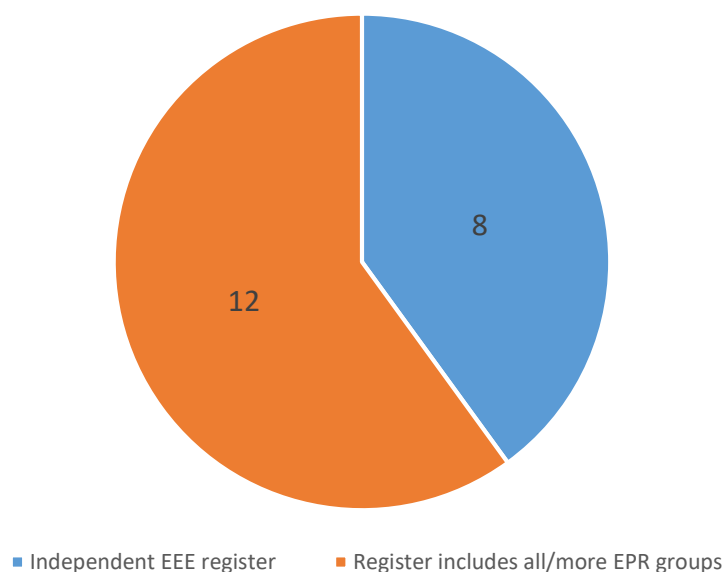
4.1.5 validity of registration

The vast majority of countries confirmed that no re-registration is required and that, once registered, a producer remains valid on the register until the producer cancels the registration or completes a de-registration process. The remaining 3 countries have an annual re-registration process or requirement for an annual report to be submitted to remain on the register.



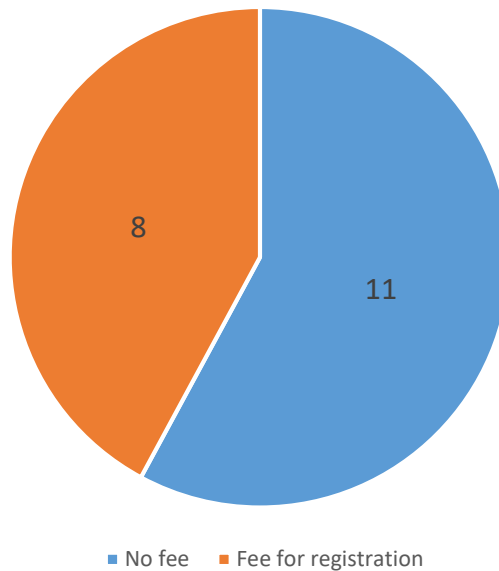
4.1.6 scope of the register

The majority (12) advised that their EEE register is combined with the register for other EPR areas (such as batteries, packaging or tyres). The number of EPR areas included in a combined register ranged from 2 to 9 areas, with Sweden having the most. 8 countries had stand-alone EEE registers. The differences seem to be related to national arrangements and the bodies responsible for maintaining different EPR registers.



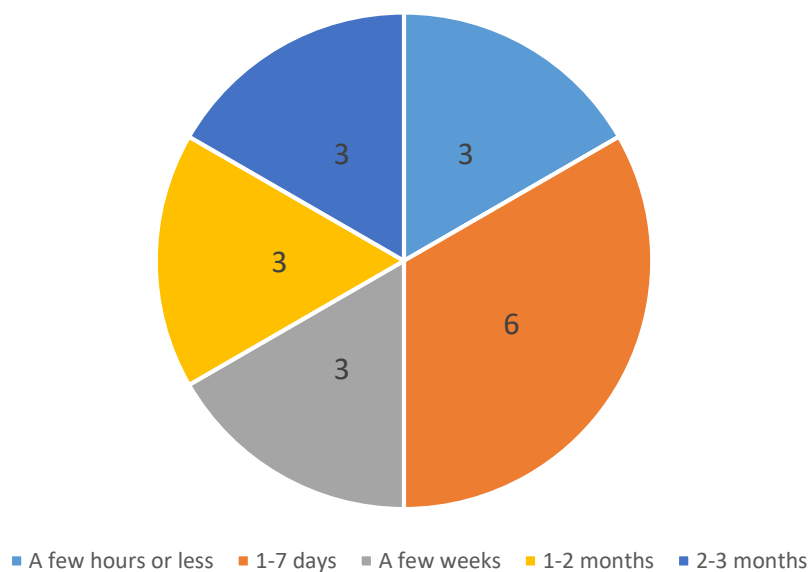
4.1.7 registration fees

Interestingly most countries (11) do not require producers to pay a fee for registration. For the 8 respondent countries that do charge a fee, these vary from a small flat annual contribution of €9, to a fee based on turnover of imported EEE, where the fee for registration is up to €1,250 per annum where annual turnover is greater that €1,000,000.



4.1.8 processing time of a registration

The time for processing a registration varied significantly from almost instantaneous to it taking up to 3 months. Some countries advised that the extended period is due to the time it takes for the producer to provide adequate/complete information to be able to process the registration. Germany advised that due to their new legislation with requirements for producers selling via online marketplaces (and fulfilment service providers) has led to higher volumes of applications. This has resulted in registration applications taking up to 12 weeks to be processed.



4.2 Authorised Representative⁹

4.2.1 legal definition

Out of the countries that answered this question (19), 15 had the term 'authorised representative' defined in their national legislation. Belgium, Finland, Greece and Slovenia had not defined the term in their national legislation. Finland mentioned that the term had however been defined in a guidance document.

4.2.2 written mandate

In most of the participating countries the signatures of both the producer and the authorised representative is required for appointing an authorised representative. Lithuania, Spain and Norway answered that the signatures of both parties are not required. In Spain, for example, the representation is made through a legal power of representation signed by the producer.

4.2.3 statistical data concerning the authorised representative

The statistical data concerning the authorised representative was provided between September and December 2024. Not every country out of the 20 replies received in total had the statistical data readily available. Some of the answers (3) did not contain statistical data for varying reasons.

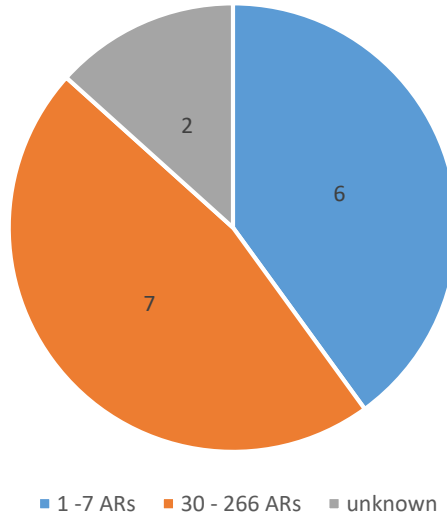
The number of authorised representatives varies from country to country. A rough distinction can be made into two categories, based on the number of appointed authorised representatives (ARs). First, there are those countries (6-8)¹⁰ with less than 10 ARs, varying between one and seven ARs. Among those are two countries, in which only a Producer Responsibility Organisation (PRO) can become an AR. Those countries are Estonia and Luxembourg.

Second, there are countries (7-9)¹¹ with more than ten ARs. In this second group the number of ARs range from eleven to 266 ARs. Only in two countries does the number of ARs exceed 100. Those countries are Austria and Germany. Five of the countries within this group have between 30 and 57 ARs in their register.

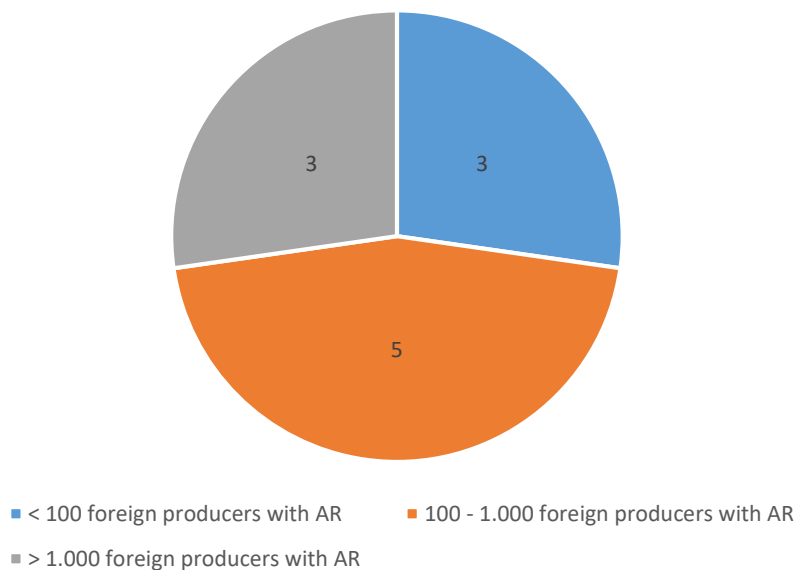
⁹ Abbreviation for authorised representative: AR.

¹⁰ For two country the number of PROs acting as ARs was provided, but not how many other entities are ARs.

¹¹ See above.



Similar to the strongly varying number of ARs, the number of producers based abroad who have appointed an AR also differs. Unfortunately, statistical data concerning the number of producers based abroad who have appointed an AR was not readily available in all countries. From the answers received, there are three countries in which less than 100 producers have appointed an AR. A majority of five countries has between 100 and 1.000 producers based abroad who have appointed an AR. In another three countries (Austria, Germany and Spain) the number of producers based abroad who have appointed an AR exceeds 1000. By far the most producers based abroad have appointed an AR in Germany, exceeding 41.500 registered authorisations by 6th September 2024. In Spain, 16 percent of all registered producers are producers based abroad who have appointed an AR. In Belgium twelve percent of all registered producers are represented by an AR. These high numbers could have a variety of reasons, including a big national market and how national WEEE legislation, based on the WEEE Directive, was implemented. In Germany, national measures such as the compulsory verification duty for online marketplace operators and fulfilment service providers and the fact that distributors are deemed to be producers under certain circumstances likely had an impact on the number of registered producers, including producers based abroad.

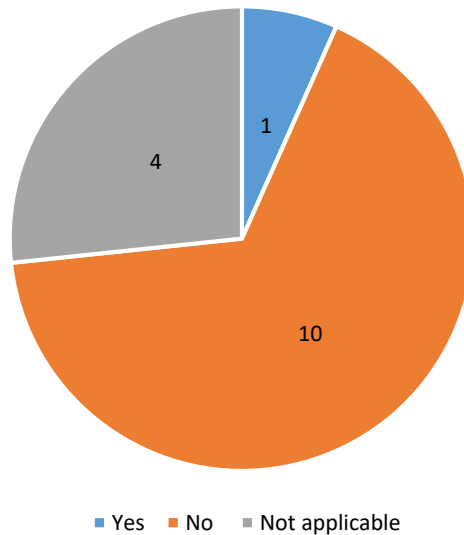


There are also differences between the ARs themselves. In most of the replies, the authorisation varies from one AR representing one producer based abroad (1:1 ratio) to one AR representing a multitude of producers based abroad. The biggest AR represents a total of more than 7.200 producers based abroad. With the exception of the countries in which only a PRO can be the AR, nearly all states have a range of representations one AR holds. Often starting with 1:1 representation to spanning several hundred representations, up to more than 7.200 representations held by one AR. However, while the total number of representations held by one AR in itself seems vast, it also has to be seen in relation to the total number of producers based abroad who have appointed an AR in the respective country. Most often the vast majority of representations is appointed to a comparably low number of ARs, while most ARs represent only one producer based abroad. Sometimes one or two big ARs are appointed by more than half of the producers based abroad as their authorised representative. It can be assumed, that the 1:1 and similar small ratios of representations are often based on either representation by a company from the same company group or a long-standing business relation between the producer based abroad and AR such as being the only official importer to that country. Simultaneously, a vast number of representations often indicates, that there has been a specialisation to offer this as a service to producers based abroad.

4.2.4 potential differences in representation

Most participating countries indicated that there is no difference between the number of producers one AR is representing, whether the producers are from EU or EFTA States or from third countries. Only one country commented that EU member states use more often the same kind of AR. Four countries answered that the question is not applicable to their countries due to varied reasons.

Among those countries who stated that there is no difference in representation, one project member explained that while there is no direct link discernable, determining the country of origin by the name of the producer is not always possible, since the country of origin of producers based abroad is not displayed in the public part of the register. For authorised representatives representing a relatively small number of producers it is likely, that there might be a direct link between an authorised representative and producer in an importer-exporter relation. The authorised representatives representing many producers are service companies specializing (among other things) in EPR duties. Those service companies have often huge amounts of producers, including producers from East Asia as their customers.



4.2.5 issues concerning the authorised representative

Most countries did not report issues concerning ARs. One reply stated, that the instrument of the authorised representative has so far appeared to the legislator to be the best way to enforce WEEE legislation outside the EU.

Two countries indicated, that a double role of the PRO that also acts as an authorised representative could be challenging.

4.3 other related topics

For other related topics one project member stated that the introduction of the authorised representative has been a very positive step towards achieving compliance for companies based outside of the State who are placing EEE onto the country's market.

One country is more in favour of amending Article 172 of the WEEE Directive to not make an authorised representative mandatory for producers based abroad and instead leaving it up to the Member States to decide whether or not to require it by law or to accept a representative from another country as an alternative option.

A further response from one country expressed the need for a European registration platform to combat freerides and at the same time make life easier for producers who sell in several countries, cutting down on bureaucracy.

Two authorities mentioned, that the quality of the data reports from producers as well as ARs sometimes leaves room for improvement.

5. conclusion

This short study on differences in implementation of WEEE Directive in national law concerning enforcement against free riders focussed mainly on the European EEE registers and the appointment of an authorised representative.

Each country has their own register for producers of EEE, each based on the requirements of the WEEE Directive. While the layout and structure of the public register is different and some registers also include other areas of extended producer responsibility, there are many similarities between the replies received in answer to the questionnaire. Most registers have an online interface. Most of them distinguish between how a registered producer and a producer based abroad, who appointed an AR, are displayed. In addition, most registers do not require regular re-registration. A majority of registers also provide information on other areas of the EPR (e.g., batteries, tyres) and do not charge a registration fee. Half of the registers are available in the respective national language, with the other half of registers being available in more than one language. The maintenance of the respective registers and the processing time of a registration vary more than the other aspects. This said, it can also be noted that for all aspects considered within this study, there was a variety in the given answers. It shows, that each country has implemented the WEEE Directive's stipulations in the way, that is most suitable to that country's requirements.

The answers given concerning the AR indicate that there are many similarities between individual countries' approach to the implementation of this requirement. From the answers received, most national legislations include a definition of the AR and require contracts for appointing an AR which include signatures of both the authorising producer based abroad and the proposed AR in order to establish the authorised representation. While in a few countries only a PRO can act as an AR for producers based abroad, most answers indicate, that not only PROs can be appointed as an AR.

The number of producers based abroad who have appointed an AR in a respective country, as well as the total number of ARs who are present in a country's market on behalf of their authorising producer(s) varies strongly between the individual countries. Contributing factors to this variety can be assumed to be the size of the respective internal market and the stipulations on who can become an AR. Another impact is most likely based – at least partly – in the national measures taken to reduce free-riding which were examined during the short study¹² in 2023.

The findings of this short study illustrate, that the stipulations of the WEEE Directive give a clear direction and guideline on how individual aspects of EPR shall be approached. Different external factors, but also individual national measures concerning aspects of the EPR have an influence on the way the aspects of WEEE legislation considered in this short study are actually implemented and carried out. The WEEE Directive has set the legislative framework within which the European countries

¹² The mentioned short study is available at <https://www.impel.eu/actions/download-file/files/d2bac680-da21-4d23-bda7-307b89191fba/WTF5%202022%28IV%29WG2%20IMPEL%20Report%20WEEE%20Art.%2017%20project%20short%20study.pdf>.

have established their respective national implementation – or where the WEEE Directive is not directly setting a legislative framework – still kept close to the stipulations of the WEEE Directive. The existing variety shows, that the Directive’s openness to different approaches has been used to its advantage. It has allowed to consider national requirements. A Regulation instead of a Directive would most likely not have granted a similar adjustment to national circumstances.

Annex

Annex I. Short study on differences in implementation of WEEE Directive in national law concerning enforcement against free riders -Questionnaire

In 2019 a project concerning the implementation of Art.17 WEEE Directive and related topics was established within IMPEL. This project serves to

- improve and simplify the enforcement of Art. 17 WEEE and prosecution of European cross-border WEEE free-riders,
- facilitate international cooperation in cross-border prosecution,
- offer a non-bureaucratic and simple way to communicate between competent authorities.
- facilitate 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.

A way to improve and simplify the prosecution of European cross-border WEEE free-riders and to further international cooperation in cross-border enforcement is regular exchange between the responsible colleagues in the enforcement agencies.

Additionally, sharing how the WEEE Directive is implemented in each member state increases not only a shared common knowledge base and eases international cooperation. It highlights similarities and different approaches to specific issues. This in turn allows to establish best practise examples more clearly. A collection of the various implementations additionally serves as an overview of the current status quo.

In order to achieve the mentioned gains in knowledge, the questionnaire below was created.

The WEEE Directive addresses registration, information and reporting of producers in Article 16. Article 22 WEEE Directive empowers member states to establish penalties for violations of national provisions. This includes producers not registering in the member state they sell to:

WEEE directive (2012/19/EU):

Article 16 Registration, information and reporting

1. Member States shall, in accordance with paragraph 2, draw up a register of producers, including producers supplying EEE by means of distance communication. That register shall serve to monitor compliance with the requirements of this Directive.

Producers supplying EEE by means of distance communication as defined in Article 3(1)(f)(iv) shall be registered in the Member State that they sell to. Where such producers are not registered in the Member State that they are selling to, they shall be registered through their authorised representatives as referred to in Article 17(2).

Article 17 Authorised representative

1. 1. 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.

2. 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.

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

Article 22 Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 14 February 2014 at the latest and shall notify it without delay of any subsequent amendment affecting them.

General questions

From which country are you?

For which authority are you working?

Implementation of WEEE legislation Art. 16, 17 and Art. 22 and national measures

1. How are these rules implemented in national law? Please state the law and the wording.

Please enter your answer here.

2. Are there any measures concerning Art. 16, 17 or 22 WEEE Directive in your country which go beyond the stipulations of those articles?

Please enter your answer here.

WEEE producers register

3. Please describe the register for WEEE producers in your country. (e.g. list or register, displayed information, available online or offline, search function and criteria, update cycle, etc.)

Please enter your answer here.

4. Who is responsible for the maintenance of the register?

Please enter your answer here.

5. Is the register publicly available for everybody (If yes, please provide a webpage-link)?

Please enter your answer here.

6. In which language(s) is the register available?

Please enter your answer here.

7. Is there a difference between how producers and authorised representatives are displayed in the register?

Please enter your answer here.

8. Is a registration once completed valid until the producer/authorised representative terminates the registration or is a renewal of the registration necessary after certain time periods or other criteria? If a re-registration is necessary, please specify the criteria for that.

Please enter your answer here.

9. Is the EEE register simultaneously used for other EPR areas (such as Batteries, packaging, tires)? If yes, please name the other EPR areas.

Please enter your answer here.

10. Does a producer have to pay fees for registration? What is the basis for determining costs?

Please enter your answer here.

11. From providing all necessary registration information to the register, how long does it take on average until the producer/the authorised representative is displayed in the register?

Please enter your answer here.

Authorised representative

12. Is the term 'authorised representative' legally defined in your national law? If so, please state the wording.

Please enter your answer here.

13. Does the mandate for appointing an authorised representative in your country require both the signature of the producer and the future authorised representative?

Please enter your answer here.

14. How many authorised representatives are established in your country? How many producers are (range and on average) represented by one authorised representative?

Please enter your answer here.

15. Is there a difference between the number of producers one authorised representative is representing depending on whether the producers are from other EU Member States/EFTA States or third countries?

Please enter your answer here.

16. Are there any issues concerning the authorised representative and appointing them that you are aware of (e.g. fraud cases, etc.)?

Please enter your answer here.

x. Do you have any other questions, comments or ideas concerning the topic of this study?

Please enter your answer here.

