

COMMISSION IMPLEMENTING DECISION (EU) 2019/2193**of 17 December 2019****laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)***(notified under document C(2019) 8995)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment ⁽¹⁾, and in particular Articles 11(3) and 16(9) thereof,

Whereas:

- (1) Article 11(2) of Directive 2012/19/EU establishes the method for the calculation of the achievement of the WEEE minimum recovery targets set out in Annex V to that Directive.
- (2) In order to ensure harmonised calculation, verification and reporting, it is necessary to establish additional rules with regard to a number of parameters relating to the calculation. Those parameters relate, in particular, to the calculation of the weight of WEEE that is prepared for re-use, enters a recycling facility, is recovered and treated in the Member State where the WEEE has been collected, in another Member State or in a third country
- (3) In particular, preparing for reuse should be counted, together with recycling, towards the achievement of a combined minimum recovery target.
- (4) In order to ensure uniform application of the rules on calculation methods by all Member States it is moreover necessary to establish, for the most common component materials of WEEE and certain recycling operations, which waste materials should be included in the calculation and the point at which such materials are regarded as entering a recycling operation.
- (5) In order to ensure that the data to be reported on recycling of WEEE are comparable, the point at which the materials are regarded as entering a recycling operation should also apply to waste materials that ceased to be waste as a result of a preliminary treatment.
- (6) It is also necessary to clarify the calculation method for the quantity of WEEE reported as recycled or recovered with regard to materials removed during preliminary treatment.
- (7) Since treatment of WEEE can involve different stages for which WEEE may be sent to another Member State or exported outside the Union for treatment, either as whole devices or as parts, it is necessary to clarify what can be included in the weight of WEEE treated in the Member States involved in such operation.
- (8) Pursuant to Article 10(1) of Directive 2012/19/EU, the treatment of WEEE may, under certain conditions, be undertaken outside the Member State which has collected it, or outside the Union. In such cases, only the Member State that has collected that WEEE should be able to count it towards the respective minimum recovery target(s).

⁽¹⁾ OJ L 197, 24.7.2012, p. 38.

- (9) Article 16(4) of Directive 2012/19/EU requires Member States to collect certain types of information regarding electrical and electronic equipment (EEE) and WEEE.
- (10) Article 16 of Directive 2012/19/EU, as amended by Directive (EU) 2018/849 of the European Parliament and of the Council ^(?), requires Member States to report to the Commission, for each calendar year, the data collected in implementation of paragraph 4 of that Article, in accordance with a format to be established by the Commission. That format should be such as to ensure that the reported data provides a sound basis for verifying and monitoring the attainment of the minimum targets for the collection and the recovery of WEEE set in Directive 2012/19/EU.
- (11) Article 16(7) of the Directive requires Member States to submit to the Commission a quality check report to accompany the data reported under Article 16(6). It is important that those quality check reports are comparable in order to, inter alia, enable the Commission to review the data reported, including organisation of the data collection, the sources of data, the methodology used for the calculation of the WEEE collection rate, the description of any substantiated estimates, as well as the completeness, reliability, timeliness and consistency. To this end, it is necessary to establish a format for the quality check report.
- (12) Pursuant to Article 7(1) of Directive 2012/19/EU, from 2019 onwards, the minimum collection rate to be achieved annually by each Member State is set at 65 % of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85 % of WEEE generated on the territory of that Member State. Commission Implementing Regulation (EU) 2017/699 ^(?) establishes a common methodology for the calculation of the weight of EEE placed on the market of each Member State and a common methodology for the calculation of the quantity of WEEE generated by weight in each Member State. Member States should indicate the methodology they choose to apply for the calculation of the WEEE collection rate in the format for reporting and in the quality check report.
- (13) Pursuant to Article 2(1)(b) of Directive 2012/19/EU, with effect from 15 August 2018, all EEE is to be classified within the six categories set out in Annex III to the Directive as opposed to the ten categories that were applicable during a transitional period prior to that date. The format for reporting should reflect this transition and thus ensure that the reported information allows for verifying and monitoring the attainment of the targets related to the recovery of WEEE per category set out in Article 11(1) and Annex V (Part 3) of Directive 2012/19/EU.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council ^(*),

HAS ADOPTED THIS DECISION:

Article 1

Rules for the calculation of the minimum recovery targets referred to in Article 11(1) of Directive 2012/19/EU

1. The weight of waste electrical and electronic equipment (WEEE) reported as prepared for re-use shall be the weight of whole appliances, which have become waste, and of components of WEEE that, following checking, cleaning or repairing operations, can be re-used without any further sorting or pre-processing.

^(?) Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (OJ L 150, 14.6.2018, p. 93).

^(?) Commission Implementing Regulation (EU) 2017/699 of 18 April 2017 establishing a common methodology for the calculation of the weight of electrical and electronic equipment (EEE) placed on the market of each Member State and a common methodology for the calculation of the quantity of waste electrical and electronic equipment (WEEE) generated by weight in each Member State (OJ L 103, 19.4.2017, p. 17).

^(*) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Where components are prepared for reuse, only the weight of the component itself shall be reported as prepared for re-use.

Where whole appliances are prepared for reuse, and only components representing in total less than 15 % of the entire weight of the appliance are replaced by new components during the preparation for re-use process, the entire weight of the appliance shall be reported as prepared for re-use.

Appliances and components that are separated at WEEE treatment facilities and are to be re-used without any further sorting or pre-processing shall also be reported as prepared for re-use.

2. The weight of WEEE entering a recycling facility shall be the weight of materials originating from WEEE that, after proper treatment in accordance with Article 8(2) of Directive 2012/19/EU, enter the recycling operation whereby waste materials are reprocessed into products, materials or substances that are not waste.

Preliminary activities including sorting, dismantling, shredding or other preliminary treatment to remove waste materials that are not destined for subsequent reprocessing shall not be considered recycling.

The points where certain waste materials originating from WEEE are considered to enter the recycling operation are specified in Annex I. Where waste materials cease to be waste as a result of preliminary treatment at the points specified in Annex I, the amount of those materials shall be included in the amount of WEEE reported as recycled.

Where a recycling facility carries out preliminary treatment, the weight of the materials removed during preliminary treatment that are not recycled shall not be included in the quantity of WEEE reported as recycled or recovered by that facility and shall not count towards the achievement of the recycling and recovery targets.

3. The weight of WEEE reported as recovered shall include preparing for re-use, recycling and other recovery, including energy recovery.

4. The weight of WEEE reported as treated in a given Member State shall not include the weight of WEEE sorted and stored in that Member State prior to its export to another Member State or outside the Union for treatment.

5. The weight of WEEE reported by a Member State as treated in another Member State or as treated outside the Union shall include respectively the quantities of WEEE that are whole appliances, which have become waste, and are sent to another Member State or outside the Union in order to be de-polluted, dismantled, shredded, recycled or recovered. This weight shall not include the quantities of exports of materials derived from the treatment of WEEE taking place in the reporting Member State.

6. Where WEEE is sent for treatment in another Member State or exported for treatment in a third country in accordance with Article 10 of Directive 2012/19/EU, only the Member State that has collected and sent or exported that WEEE for treatment may count it towards the minimum recovery targets referred to in Article 11(1) of Directive 2012/19/EU.

7. Member States may use substantiated estimates as referred to in Article 16(4) of Directive 2012/19/EU to calculate the average percentage of recycled and recovered materials originating from WEEE and of components of WEEE.

Article 2

Format for reporting of data referred to in Article 16(6) of Directive 2012/19/EU and quality check report

1. Member States shall report the quantities of electrical and electronic equipment (EEE) placed on their markets, of WEEE collected through all routes, the collection rate achieved and, where applicable, the quantity of WEEE generated, using the format set out in Table 1 of Annex II.

That data shall be reported per category of EEE set out in Annex III to Directive 2012/19/EU. For category 4 'large equipment', data shall be reported under two sub-categories, namely '4a: Large equipment excluding photovoltaic panels' and '4b: Photovoltaic panels'.

2. Member States shall report the quantities of WEEE prepared for re-use, recycled and recovered, the combined rate achieved for preparing for re-use and recycling, the recovery rate achieved and the quantities of WEEE treated in the Member State and, where relevant, treated in another Member State or outside the Union using the format set out in Table 2 of Annex II.

That data shall be reported per category of EEE set out in Annex III to Directive 2012/19/EU. For category 4 'large equipment', data shall be reported under two sub-categories, namely '4a: Large equipment excluding photovoltaic panels' and '4b: Photovoltaic panels'.

3. Member States shall report the data referred to in paragraphs 1 and 2 in electronic form, by means of an interchange standard set up by the Commission.
4. Member States shall report the data on the weight of EEE placed on the market as calculated in accordance with Article 3 of Implementing Regulation (EU) 2017/699.
5. Member States shall report the data on the weight of WEEE generated as calculated in accordance with to Article 4 of Implementing Regulation (EU) 2017/699.
6. Member States shall report the collection rate attained in a reporting year calculated on the basis of the average weight of EEE placed on their markets in the three preceding years.

Where a Member State calculates the collection rate on the basis of the quantity of WEEE generated in its territory, it shall report data on the weight of WEEE generated and data on the WEEE collection rate based on WEEE generated.

Where a Member State calculates the collection rate on the basis of the average weight of EEE placed on the market in the three preceding years, it may report, on a voluntary basis, data on the weight of WEEE generated and data on the WEEE collection rate based on WEEE generated.

7. Member States shall submit a quality check report using the format set out in Annex III to this Decision.

Where Member States use substantiated estimates to report data on the quantities and categories of WEEE collected through all routes, on WEEE treated within the Member State, or on the average percentage of recycled and recovered materials originating from WEEE and of components of WEEE, the methodology used for those estimates shall be described in the quality check report.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2019.

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission

ANNEX I

POINTS REFERRED TO IN ARTICLE 1(2) WHERE WASTE MATERIALS ORIGINATING FROM WEEE ENTER THE RECYCLING OPERATION

| Material | Entry to the recycling operation |
|---|--|
| Glass | Sorted glass that does not undergo further processing before entering a glass furnace or the production of filtration media, abrasive materials, glass based insulation and construction materials. |
| Metals | Sorted metal that does not undergo further processing before entering a metal smelter or furnace. |
| Plastics | Plastic separated by polymers that does not undergo further processing before entering pelletisation, extrusion, or moulding operations. Plastic flakes that do not undergo further processing before their use in a final product. |
| Wood | Sorted wood that does not undergo further treatment before utilisation in particleboard manufacture. Sorted wood entering a composting operation. |
| Textiles | Sorted textile that does not undergo further processing before its utilisation for the production of textile fibres, rags or granulates. |
| Components of WEEE composed of multiple materials | Metals, plastics, glass, wood, textiles and other materials resulting from the treatment of components of WEEE (e.g. materials from the treatment of printed circuit boards) that are subject to recycling. |

FORMAT FOR REPORTING DATA FOR THE PURPOSES OF DIRECTIVE 2012/19/EU ON WEEE

Table 1

Electrical and electronic equipment (EEE) placed on the market, waste electrical and electronic equipment (WEEE) generated and collected and WEEE collection rate

| Product category | 1 | 2 | 3 | 4 | 5 | 6 | |
|--|--------------------------------|-----------------------|--|---|-----------------------|--------------------------|--------------------------------|
| | EEE placed on the market (POM) | WEEE Generated | WEEE collected from private households | WEEE collected from users other than private households | Total WEEE collected | WEEE collection rate (%) | |
| | Total weight (tonnes) | Total weight (tonnes) | Total weight (tonnes) | Total weight (tonnes) | Total weight (tonnes) | Methodology | |
| | | | | | | A. based on POM (%) | B. based on WEEE generated (%) |
| 1. Temperature exchange equipment | | | | | | | |
| 2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm ² | | | | | | | |
| 3. Lamps | | | | | | | |
| 4. Large equipment ⁽¹⁾ (any external dimension more than 50 cm) | | | | | | | |
| 4a. Large equipment excluding photovoltaic panels ⁽¹⁾ | | | | | | | |
| 4b. Photovoltaic panels ⁽¹⁾ | | | | | | | |
| 5. Small equipment (no external dimension more than 50 cm) | | | | | | | |
| 6. Small IT and telecommunication equipment (no external dimension more than 50 cm) | | | | | | | |
| Total | | | | | | | |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|-----------------------|-----------------------|------------------------------------|---|-----------------------|---------------|----------------------------------|--------------------------------------|--------------------------------|
| Product category | Preparing for re-use | Recycling | Preparing for re-use and recycling | Preparing for re-use and recycling rate | Recovery | Recovery rate | WEEE treated in the Member State | WEEE treated in another Member State | WEEE treated outside the Union |
| | Total weight (tonnes) | Total weight (tonnes) | Total weight (tonnes) | % | Total weight (tonnes) | % | Total weight (tonnes) | Total weight (tonnes) | Total weight (tonnes) |
| 4a. Large equipment excluding photovoltaic panels ⁽¹⁾ | | | | | | | | | |
| 4b. Photovoltaic panels ⁽¹⁾ | | | | | | | | | |
| 5. Small equipment (no external dimension more than 50 cm) | | | | | | | | | |
| 6. Small IT and telecommunication equipment (no external dimension more than 50 cm) | | | | | | | | | |
| Total | | | | - | | - | | | |

⁽¹⁾ For the purposes of reporting, category 4 of large equipment shall be divided into sub-category '4a: Large equipment excluding photovoltaic panels' and sub-category '4b: Photovoltaic panels'. Member States shall report data under the sub-categories 4a and 4b and keep the aggregate line for category 4 empty. If a Member State is not able to distinguish data under sub-categories 4a and 4b, it shall complete the cells in the different columns in aggregate line for category 4 only.

Notes:

Member States shall distinguish between real zeros (0 tonnes) and missing values/unknown amounts. They shall enter '0' to report zero tonnes and 'M' where data is unknown.

ANNEX III

FORMAT FOR THE QUALITY CHECK REPORT ACCOMPANYING THE DATA REFERRED TO IN ANNEX II

PART 1

GENERAL INFORMATION

Member State

Title

Quality check report for the data submitted for the purposes of Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).

Organisation submitting the data and the quality check report

Contact person/contact details

Reference year

Delivery date/version of the quality check report

Claim for confidentiality

This quality check report shall be available

- to the public (on the Commission's webpage):
 - Yes/ Yes, with the exception of section(s):
 - No
 - If no, please provide explicit information on which sections should be confidential and the reasons for confidentiality:
- to the members of the Technical Adaptation Committee (TAC) and the Expert Group on waste electrical and electronic equipment (WEEE):
 - Yes/ Yes, with the exception of section(s):
 - No,
 - If no, please provide explicit information on which sections should be confidential and the reasons for confidentiality:

PART 2

SOURCE OF DATA, PROCESS FOR VALIDATION OF DATA AND COVERAGE

A. Methodologies applied and sources of data

A.1: Methodology for the calculation of the quantity of EEE placed on the market

Please indicate the methodology used for the calculation of the quantity of EEE placed on the market in accordance with Commission Implementing Regulation (EU) 2017/699 of 18 April 2017 establishing a common methodology for the calculation of the weight of electrical and electronic equipment (EEE) placed on the market of each Member State and a common methodology for the calculation of the quantity of waste electrical and electronic equipment (WEEE) generated by weight in each Member State (OJ L 103, 19.4.2017, p. 17).

A.2: Methodology for the calculation of the WEEE collection rate

Please indicate the methodology applied for the calculation of the WEEE collection rate.

If the methodology applied is based on the average weight of EEE placed on the market in the three preceding years, please provide data on the quantity of EEE placed on the market in the three years preceding the reference year:

| | Total weight (tonnes) of EEE placed on the market (POM) of a Member State |
|--|---|
| Year (one year before the reference year) | |
| Year (two years before the reference year) | |
| Year (three years before the reference year) | |
| Average weight of the three years= (sum of lines 1 + 2+3, divided by 3) | |

A.3: Source of data

Please describe the source of data for the different items listed below (e.g. census/national statistics/reporting obligations for business or certified business units/agencies/associations/surveys of waste composition/specific impact assessments that national law may have, and relevant regulations).

(a) EEE placed on the market (Table 1: column 1)

Please specify the sources used for the collection of data on EEE placed on the market.

(b) WEEE generated (Table 1: column 2)

Please report the data on the weight of WEEE generated as calculated using the WEEE calculation tool and specify data updates of the WEEE calculation tool, if any.

For Member States reporting the WEEE collection rate calculated on the basis of WEEE generated this data is obligatory. Member States reporting the WEEE collection rate calculated on the basis of the average weight of EEE placed on the market in the three preceding years may provide this data on a voluntary basis.

(c) **WEEE collected** (Table 1: columns 3, 4, 5 and 6)

Please specify the sources used for the collection of data on WEEE collected through all routes. Please take into consideration that, pursuant to Article 7(2) of Directive 2012/19/EU, the quantity of WEEE collected shall be the amount of WEEE that has been:

- (a) received by collection and treatment facilities;
- (b) received by distributors;
- (c) separately collected by producers or third parties acting on their behalf.

Please specifically state if systems have been set up to allow holders and distributors to return WEEE at least free of charge in accordance with Article 5 of Directive 2012/19/EU and provide information about the data that you may receive from these systems.

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(d) **Preparing for re-use, recycling and recovery of WEEE** (Table 2: columns 1, 2 and 5)

Please take into consideration that, pursuant to Article 11(2) of Directive 2012/19/EU, you shall use data on the weight of WEEE, its components and materials or substances entering (input) a preparing for re-use or recycling or recovery facility, after proper treatment in accordance with Article 8(2) of Directive 2012/19/EU.

Please specify the sources used for data on preparing for re-use, recycling and recovery of WEEE pursuant to Article 11(4) of Directive 2012/19/EU.

Please indicate the distinction between the input to a preparing for re-use facility, to a recycling facility, to an incineration (or smelting process) or to the (energy) recovery facility.

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(e) **WEEE Treated** (Table 2: columns 7, 8 and 9)

Please specify the sources used for the collection of data on WEEE treated in the Member State and on WEEE treated in another Member State or outside the Union.

Please also give a general description of treatment systems available in the Member State and specify if treatment requirements or minimum quality standards for the treatment of collected WEEE in the Member State are different from or go beyond Annex VII of Directive 2012/19/EU. In such a case, please provide a description of these requirements or standards.

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B. Quality of data sources/Process for validation of data

B.1: Quality of data sources

Please describe the quality of the diverse sources used (including challenges with regard to the quality of the data and how you intend to improve the quality in the future).

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B.2: Quality of estimations on EEE placed on the market under different categories

In case, prior to being collected by the Member States, data is collected by operators under EEE categories other than those specified in Directive 2012/19/EU, or under sub categories, please explain which EEE categories or sub-categories are applied and how data under these categories are transformed into data under the EEE categories of Directive 2012/19/EU

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B.3: Monitoring of the achievement of the targets

Please provide a description of the national measures aimed at promoting the achievement of the collection, preparing for re-use and recycling, and recovery targets.

Please also provide information about measures taken to inform users of EEE and encourage their participation in WEEE management in accordance with Article 14 of Directive 2012/19/EU.

If quantities of WEEE ‘Treated in other Member States’ or ‘Treated outside of the EU’ are reported, please specify:

- if these exports are considered for the calculation of the recovery rates and the preparing for re-use and recycling rates;
- how the recovery rates and the preparing for re-use and recycling rates for these exported amounts have been derived.

In case there is a requirement for documentary evidence additional to the proof required under Article 10(2) of Directive 2012/19/EU to be submitted for the approval of the export by the competent authorities, please describe the documentary evidence required.

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B.4: Data alignment and consistency

Please describe actions undertaken to avoid double counting of imported WEEE, which shall not count towards the achievement of the targets and not be reported under treatment, preparing for re-use, recycling and recovery in the importing Member State.

Please describe any corrections to account for imports and exports for instance to consider private imports and exports or misleading declarations (used EEE instead of WEEE) or others.

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B.5: Process for validation of data

Please describe the process used to establish the validity of the data.

Please also provide details on the inspection and monitoring systems applied in the Member State to verify the implementation of Directive 2012/19/EU.

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C. Completeness/Coverage

C.1: Do the data sources addressed before cover the entire sector?

Yes/ No

C.2: Are any substantiated estimates used regarding EEE placed on the market pursuant to Implementing Regulation (EU) 2017/699?

Yes/ No

C.3: Are any substantiated estimates used regarding WEEE collected and treated which are taken into consideration for the reporting relating to the achievement of the relevant targets?

Yes/ No

If yes, please describe the methodology for obtaining such estimates and provide relevant supporting documents for such estimates.

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C.4: Are any substantiated estimates used regarding the average percentage of recycled and recovered materials originating from WEEE and of components of WEEE which are taken into consideration for the reporting relating to the achievement of the relevant targets?

Yes/ No

If yes, please describe the methodology for obtaining such estimates and provide relevant supporting documents for such estimates.

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C.5: What portion (%) of WEEE collected and treated is covered, or estimated to be covered, by the reporting scheme?

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D. Other

D.1: Missing data

If mandatory data is missing, please describe the reasons for these gaps and provide information about the measures taken to overcome this situation.

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D.2: Plausibility check

Please indicate whether any of the following situations has occurred:

| | |
|--|---|
| 1. The quantity of EEE placed on the market is less than 10 kg per inhabitant per year. | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 2. The quantity of WEEE collected is more than the quantity of EEE placed on the market. | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 3. WEEE collection rate is higher than 75 % of EEE placed on the market or higher than 100 % of WEEE generated? | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 4. The quantity of WEEE treated is more than the quantity of WEEE collected. | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 5. The quantity of WEEE recycled (including preparing for re-use) is more than the quantity of WEEE recovery (incl. preparing for re-use). | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 6. The Recycling rate (including preparing for re-use) exceeds 95 %. | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 7. The Recovery rate (including preparing for re-use) exceeds 99 %. | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |
| 8. Break in time series (significant changes of the amounts reported over time) | <input type="checkbox"/> Yes/ <input type="checkbox"/> No |

If the response for one or more of the questions is yes, please provide additional information on the occurrence and related reasons.

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E. Differences from data reported in previous years

Please describe and provide explanations for any significant methodological changes in the data collection or data validation approach or in the methodologies applied for the calculation of the WEEE collection and recovery rates for the current reference year in relation to the approaches and methodologies applied for previous reference years.

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F. Main national websites, reference documents and publications

Please provide any other relevant information source, including reports addressing aspects of the data quality, coverage or other aspects of enforcement such as reports from producer responsibility organisations on the achievements as regards WEEE collection, treatment and recycling, reports on best practice on WEEE collection and treatment, reports on imports and exports of WEEE and any other source of data and information related to WEEE.

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