

Key elements of e-waste legislation in selected countries					
	Switzerland	Germany	Belgium	Netherlands	EU requirements
Legal basis	Ordinance on Management of E-waste (OR-DEA) and Guidelines issued by Federal Office for the Environment	Electrical and Electronic Equipment Act (ElektroG)	As the competence is at regional level, each of the 3 regions (Flanders, Wallonia, and Brussels Capital Region) has enacted its own decrees and ordinances. Regional Policy Agreements ensure coordination	Environmental Management Act; Electrical and Electronic Equipment (Management)	WEEE Directive (RoHS Directive)
Definition of wastes covered	<ol style="list-style-type: none"> 1. consumer electronics equipment 2. office and ICT equipment 3. household appliances 4. lighting fixtures 5. lamps 6. tools 7. sports and leisure appliances 8. toys 	As in WEEE Directive	As in WEEE Directive	<ol style="list-style-type: none"> 1. Refrigerating and freezing equipment 2. heating equipment 3. hot-water equipment 4. washing and drying equipment 5. equipment for preparing food by heat 6. sound equipment 7. image receiving equipment 8. computers 9. paper printing equipment 10. telecommunications equipment 11. charging equipment, kitchen appliances 12. tools 13. other domestic appliances. <p>Special, more strict rules apply to appliances containing CFCs and HCFCs.</p>	<ol style="list-style-type: none"> 1. Large and small household appliances 2. ICT equipment 3. consumer equipment 4. lighting equipment, 5. tools 6. toys 7. leisure and sports equipment 8. medical devices 9. monitoring and control instruments 10. automatic dispensers

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Responsibility for collection of WEEE	Producer, importer, distributor and retailer	Public waste management authorities and producer	Retailer and distributor (WEEE Directive)	Retailer and distributor (WEEE Directive); local authorities are responsible for collection of WEEE from private households	Retailer and distributor
Target quota for collection, recovery and re-use	Not addressed by the law	As in WEEE Directive	As in WEEE Directive	As in WEEE Directive	WEEE Directive: Collection: 4 kg per person/year from private households Recovery, reuse and recycling: different quota for different types of appliances
Operation of collection systems	Not explicitly addressed by the law. The system is operated under an industry agreement by 4 PROs (SWICO, SENS, BATREC and SLRS)	Organized by municipalities in cooperation with the Clearing House established by the industry pursuant to the law. Clearing House: Briefing of producers on placement of containers.	Organized by Recupel, a waste management organization founded by the industry in response to the legal obligations imposed on producers (operating in all 3 regions)	The modalities of collection from local authorities, repair companies and suppliers are organized by the manufacturers and importers in accordance with the legal provisions.	Not addressed; Member States are free to determine.
Modalities of collection	Consumers may return WEEE either to 1. producer 2. importer 3. distributor 4. retailer, 5. collection points (PRO owned) 6. public collection points	Private households: consumers to return to community collection points. Industrial: the producer is responsible for organizing collection. The Clearing House gives orders to producer about pickup and treatment of the wastes collected.	Brussels-Capital: Retailers receive WEEE from consumers	Consumers may return WEEE either to 1. producer 2. retailer, 3. public collection points	Not addressed; Member States are free to determine

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Responsibility for proper treatment / disposal of WEEE	Producer, importer, distributor and retailer	As in WEEE Directive	As in WEEE Directive	As in WEEE Directive	WEEE Directive: Producer
Prescribed methods of treatment / disposal	Environmentally sound in accordance with state-of-the-art technology (as set out in ORDEA, the Guidelines of the Federal Office for the Environment, and the standards developed by the PROs)	As in WEEE Directive Specific methods prescribed for Hg-lamps and displays. Underground disposal of CRTs is allowed	As in WEEE Directive	As in WEEE Directive Landfill and incineration is prohibited.	In accordance with the state-of-the-art technology as defined by applicable EU legislation.
Re-use of functioning devices	Not addressed by the law	As in WEEE Directive Prior to recycling or disposal, the possibilities for re-use must be examined if technically feasible	As in WEEE Directive Recupel cooperates with used-goods centres in all 3 regions that take back functioning equipment and re-sell it to a reduced price for charitable purposes	As in WEEE Directive The retailer, and the local communities, may sell appliances received (excepting cooling and freezing devices) to a third party for reuse.	WEEE Directive: Re-use must be given preference over recycling or disposal
Obligations to the consumer	To return obsolete appliances to assigned collection points	To return obsolete appliances to a collection point	As in WEEE Directive	As in WEEE Directive	Not to dispose of WEEE as unsorted municipal wastes
Information to consumers	Producers must provide the consumers with information on environmental characteristics of e-appliances. Producers, importers, distributors and retailers must clearly indicate that they take back WEEE	The producers and the competent authority of each Federal State must provide extensive information to consumers	Brussels-Capital: Retailers must clearly indicate that they have the obligation to take back WEEE when selling a product of the same type.	Collective system. NVMP undertakes various actions: - schools - information - website - leaflets, etc.	Consumers must be provided with information on the requirements and their role, available collection facilities, and effects of hazardous substances in e-appliances

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Specific obligations to the producer / importer / distributor / retailer	<p><u>Retailer:</u> To accept, from end consumers only, without charge, obsolete appliances of the types he has in stock (not contingent on purchase of a new appliance)</p> <p><u>Producer, importer, distributor:</u> To accept without charge obsolete appliances he produces, imports, or has in stock, respectively. He may entrust this to a third party.</p> <p><u>All:</u> To ensure environmentally sound disposal of the obsolete appliances.</p>	<p><u>Producer:</u> To accept obsolete appliances free of charge from private households; WEEE from industrial sources may be charged To supply communities with appropriate containers and collect these regularly To ensure treatment, reuse or disposal (this is not done through the Clearing House) To report relevant data to the Clearing House To inform treatment facilities about specific features of products</p>	<p>Brussels-Capital: The <u>retailer</u> must accept obsolete appliances from private or industrial sources free of charge upon purchase of an equivalent device; the <u>distributor</u> must collect them from retailers free of charge; and the <u>producer</u> must accept them for disposal and transport them to an authorized disposal facility. The responsible parties may conclude covenants, which replace the legal provisions</p>	<p><u>Retailer:</u> To accept obsolete appliances upon purchase of a similar device, as a minimum free of charge. <u>Producer:</u> To ensure that obsolete products of the brands they have placed on the market are taken back and disposed of, if received from a local authority collection point or a repair company.</p>	<p><u>Retailer:</u> Ensure that obsolete appliances can be returned as a minimum free of charge</p>
Financing	<p>An advance recycling fee (ARF) is levied on sales under a voluntary industry agreement, not regulated by ORDEA.</p> <p>The Federal Government has the competence to introduce a compulsory ARF should this become necessary (e.g. if the voluntary system fails); this has not so far been the case.</p>	<p>Producer finances the transport and treatment of WEEE.</p>	<p>Brussels-Capital: producers have the responsibility to ensure financing. An advance recycling fee is levied on the sales of e-appliances</p>	<p>Producers or importers finance the cycle deficit from retailers, repair companies and collection points established by local authorities.</p>	<p>Financing is under the responsibility of the producer</p>

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Penalties	Imprisonment up to 3 days; fines up to 40'000 Swiss Francs	Fines up to 10'000 € (up to 50'000 € for substances containing prohibited quantities of certain substances).	Fines up to € 12'500 (up to € 62'500 if the violation concerns hazardous wastes)	Up to 2 years imprisonment or fines of up to 10% of turnover. Additional penalties include closure of business for up to one year, and the duty to provide compensation for damage.	To be determined by each Member State.
Monitoring	Recycling/disposal facilities are licensed for 5 years by the competent authority of the Swiss province. Requirement: Appropriate installations and trained personnel for environmentally sound disposal of the appliances. PROs conduct regular audits.	Compulsory registration of producers with the Clearing House. Producers must transmit to the Clearing House information on amounts of products introduced into the market and amounts of WEEE collected, recycled, re-used and exported. Recycling facilities must be certified by an independent expert.	Brussels-Capital: Producers must regularly provide specific data to the competent authority	Yearly report has to be made and approved by Ministry. Regular audits of PROs. Recyclers are audited by KPMG.	WEEE: Directive: Producers must be required to report on a number of issues. Member States must maintain a register of producers of WEEE and collect relevant information on WEEE production. Member States must report to the EU Commission every 3 years on implementation of the Directive
Competent authority	Federal Agency of Environment (BAFU); authorities of cantons; supervision of recycling companies by EMPA	Federal Environmental Agency (UBA) UBA designated responsibilities to the Stiftung Elektroaltgeräte Register (EAR) set up by producers to act as Clearing House.	Per region. Competent authority for Brussels-Capital: Brussels Institute for the Management of the Environment.	Ministry of Housing, Spatial Planning and the Environment (VROM)	To be determined by each Member State

Comments	<p>Bottom-up approach, building on private initiative and giving considerable freedom to the responsible private parties as regards the manner of implementation. The legal rules provide the framework for a previously established industry scheme. There are back-up clauses that would become applicable if the private system did not work.</p>	<p>The Clearing House established by the industry under the law plays an important role. Its stated aim is to ensure a workable competition</p>	<p>More complex situation than in the other countries due to the fact that there are 3 separate regional regimes in place</p>	<p>Bottom-up approach, building on private initiative and giving considerable freedom to the responsible parties as regards the manner of implementation</p>	<p>The EU Directives provide a framework for WEE legislation of the Member States. The provisions are fairly detailed but leave some freedom to Member states in specific areas.</p>
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