

## **ROYAL DECREE 110/2015 OF 25 FEBRUARY ON WASTES OF ELECTRIC AND ELECTRONIC EQUIPMENTS**

The first regulation adopted in the European Union for waste streams of electrical and electronic equipment was Directive 2002/96/EC of the European Parliament and the Council of 27 January 2003 on waste electrical and electronic equipment (hereinafter "WEEE"). This regulation laid the foundations for the management model that for the first time raised the need to design more efficient and less polluting equipment, easier to handle when transformed to waste, and applied the principle of extended producer responsibility for electrical and electronic equipment (hereinafter EEE), responsible for the costs involved in the waste management of this equipment.

Nevertheless, waste from electrical and electronic equipment has continued to increase, innovation cycles are becoming shorter and replacement of equipment accelerates, making EEE a fast-growing source of waste. The management of this waste requires intensified measures and efforts from all EU Member States since the hazardous components of EEE remain a major problem during waste management and in some cases, recycling is not undertaken to a sufficient extent. In addition, there is a major uncontrolled exit of WEEE outside the EU, making it difficult to know how this waste is finally managed as well as the loss of components with significant economic value.

As a result of this evolution, Directive 2002/96/EC of the European Parliament and of the Council of 27 January, was replaced by Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012, on waste electrical and electronic equipment, which incorporates significant improvements in WEEE management in Europe. The 2012 Directive incorporates the most updated principles of EU legislation, Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste which repeals certain Directives (the so-called "Waste Framework Directive") that includes the approach to the efficient use of resources, prevention and progress towards decoupling of economic growth and increased waste generation, as well as the principle of waste management hierarchy.

Following this approach under the Waste Framework Directive, the new Directive 2012/19/EU of WEEE, has as its first priority the contribution to sustainable production and consumption, the prevention of WEEE and the promotion of treatment techniques, such as the preparation for re-use. It should be noted that the two priority options of waste hierarchy are prevention and preparation for re-use, being especially important to advance in the design and production of EEE which takes fully into account and facilitates repairing these products and their possible update, as well as their re-use, disassembly and recycling. Even more, repair and re-use of EEE are employment generating sectors in Europe and will predictably continue developing due to their social and economic value. According to data from the Subdirectorate General of Foresight and Analysis of the Ministry of Agriculture, Food and Environment, the waste sector is the largest green employment driver in Spain and represents

27% of total green jobs in our country. In the Biodiversity-Green Employment Project 2007-2013, preparing for re-use of WEEE was estimated to create more than 4,700 direct jobs.

Simultaneously to these waste policy priority options, it is necessary to progress in recycling and other forms of recovery of this waste to minimize WEEE and contribute to the efficient use of resources, being particularly relevant the retrieval of valuable secondary raw materials contained in this waste. EEE are very complex products which usually include many parts and components: various metal and plastic parts, plastic, wood or metal casings, printed circuit boards, cathode ray tubes, liquid crystal displays, cables, batteries, electrical and electronic components, different fluids, concrete counterweights, print cartridges, electric motors, etc. These parts and components are made of very different materials and of various kinds. They are basically metals (ferrous and non-ferrous), polymers, glass and other materials (wood, rubber, cardboard, etc.). The proportion of each of these materials depends on the type of equipment. Technological or telecommunications EEE may contain over 60 different elements. In the case of a mobile phone (where metals represent 23% of its weight) there are 40 metals included in the periodic table: base metals such as copper, tin, special metals such as cobalt, indium and antimony, and precious metals such as silver, gold and palladium. Many of these technological devices contain rare earths, responsible for running many applications. These materials add a high value to this waste since the extraction of these materials is expensive and scarce, hence considering this sector a form of urban mining.

The recovery materials EEE contain represent a resource which cannot and should not be lost but must be recovered in the last stage of life, when transformed into waste through recycling or recovery in order to preserve these resources for future generations, a clear example of the application of circular economy mentioned in the Communication from the Commission to the Council, the European Economic and Social Committee and the Committee of the Regions "Towards a circular economy; zero waste program for Europe", European Commission, COM (2014) 398 final, July 2014.

However, this equipment, in turn, contains hazardous substances which, although necessary to ensure their functionality, can be released in to the environment or can be harmful to human health if, upon becoming waste, are not adequately managed and treated. This equipment may contain cadmium, mercury, lead, arsenic, phosphorus, dangerous oils and gases that deplete the ozone layer or affect global warming such as chlorofluorocarbons, hydrofluorocarbons, or HFCs, the emission of which should be carefully monitored and which can be found in cooling circuits and in the insulating foam of temperature exchange equipment. Hence, all management stages from collection, storage, transport and treatment should be carried out under safe conditions, without mixing with other waste streams (separate collection) and avoiding tampering or breakages that could release these types of hazardous substances into the environment or expose workers that are in contact with these substances during waste treatment.

The high content of valuable materials and hazardous substances are the two facets that determine this waste's peculiarity and therefore the Directive seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, like EEE producers, distributors and consumers and, in particular, those directly involved in WEEE collection and treatment.

One aspect of WEEE management to which the new EU law bestows special importance is the WEEE collection stage. Collection must be performed separately from other waste as a precondition to ensure the most appropriate treatment and recovery for materials in the waste. In consequence, annual collection objectives increase in a progressive and ambitious manner. Appropriate facilities for WEEE return and storage must exist to achieve these collection rates. The separate collection of WEEE in the Directive directly involves local authorities, EEE producers and waste managers, distributors and stores where this equipment is sold, subsequently awarding them a relevant role. Their involvement includes both effective separate collection and those obligations related to the accounting and traceability of the collection of waste through all these channels.

In line with previous legislation, the principle of extended producer responsibility remains; hence, under the "polluter pays" principle, the manufacturer of electrical and electronic equipment is required to finance the waste management of his equipment. The extended producer responsibility is a means to encourage prevention, eco-design and recyclability of equipment. In binding the manufacturer to waste management financing, improved EEE designs are expected to facilitate its disassembly, repair or recycling or increased useful life (avoiding built-in obsolescence) and along with a lower content of hazardous substances, cheapen and improve waste management. It is the cornerstone of the extended producer responsibility implementation.

## II

Royal Decree 208/2005 of 25 February, on electrical and electronic equipment and waste management, transposed Directive 2002/96/EC of the European Parliament and of the Council of 27 January into Spanish law.

Subsequently, Law 22/2011 of 28 July, on waste and contaminated soil, incorporated Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008, the Waste Framework Directive into national law. Amongst its new features, it sets the conditions under which waste managers should operate, the communication and permit management system as well as the extended producer responsibility schemes, and the Production and Waste Management Register unique at national level. This law provides for the existence of Royal Decrees for specific waste streams that will include detailed characteristics of each type of waste scheme.

Therefore, this Royal Decree incorporated Directive 2012/19/EU of the European Parliament and of the Council of 4 July into Spanish law; it includes

updates to Law 22/2011, of 28 July and repeals the former Royal Decree on WEEE to overcome the problems identified in its application and include the expertise acquired on this rapidly evolving sector since the publication of this law in 2005.

The need for a new Royal Decree in this field complies with the important changes in the Directive 2012/19/EU of the European Parliament and of the Council of 4 July, as well as the need to improve certain functioning aspects of the WEEE management model that following Royal Decree 208/2005 of 25 February, on electrical and electronic equipment and waste management, had been inadequately developed. It was necessary to address a new standard to set the path to achieve the new objectives and more ambitious and demanding obligations set under the 2012 Directive.

The complexity and diversity of the sectors involved in WEEE management should also be highlighted: these include producers of very different products, different types of waste collection operators and multiple managers involved in WEEE storage and treatment. Under this complex context of operators, the inaccuracies or omissions of the previous legislation led to very different interpretations and applications, and ultimately, to a significant lack of accuracy in the basic criteria applicable throughout the country.

Additionally, the difficulties of the competent authorities to obtain and control complete data on this type of waste should be borne in mind, partly due to the lack of a unique and homogeneous accounting and traceability instrument at a national level on waste collected, recycled, recovered and disposed of.

Finally, in many cases the positive value of this waste or circumstances such as economic crisis, which lead to its uncontrolled management or shipment to developing countries, with cheaper but less demanding treatment criteria, could endanger human health and produce extensive pollution levels, and a loss of raw materials for Europe. Hopefully, tighter EU control on shipments, which is accountable for their regulation, will set the foundations for solving this problem, but to address this issue as a Member State requires the control and traceability instruments this Royal Decree includes. To be effective, these instruments will be completed with inspection and monitoring activities on behalf of competent authorities and with the cooperation and coordination of all the authorities involved (environmental, customs, etc.) as well as connection to different databases that reinforce their activities.

The Royal Decree has the following immediate objectives: the establishment of a clearer regulation to increase the level of legal certainty and to establish a detailed description of the obligations of users, manufacturers, authorised representatives, importers, distributors and managers; integrate a single control instrument on regional and national WEEE data to identify compliance with the objectives in this field and ensure the traceability and appropriate management of waste; promote re-use and preparation for re-use, encourage the creation of re-use centres and job creation in this sector; provide reliability and systematise reporting obligations of EEE producers and WEEE managers on the collection

and recovery of WEEE throughout the country, ensuring uniformity of WEEE management criteria and market unity; and economically optimize and efficiently manage WEEE under the extended producer responsibility in a framework that ensures competitiveness of EEE manufacturers and WEEE managers.

These challenging goals will be achieved through the definition of a WEEE management model that updates the existing one and guarantees environmental protection while preserving successful elements and avoiding past errors, in order for Spain to efficiently comply with the EU objectives and requirements in this field, optimizing the resources provided by the EEE producers under the extended producer responsibility framework, in the light of sector developments and the type of waste generated.

The most important changes can be summarised under a dual perspective, involving both substantial and institutional changes. From an institutional perspective, the establishment of a Working Group reliant on the Coordination Commission on Waste, which performs under two instruments: an electronic platform (that structures waste information and calculates and ensures its traceability, allowing participation of WEEE-related operators) and an Allocation Office directly managed by EEE producers. It also lays out the possibility of local authorities directly entrusting waste management to EEE producers or WEEE managers.

Innovations from a substantial perspective include the incorporation of distributors as key elements of WEEE collection; regulation of homogeneous technical requirements for waste treatment facilities throughout the country (harmonizing licensing by competent authorities and avoiding market distortions); unification of criteria to authorise collective schemes of extended producer responsibility (especially concerning financial guarantee and data quality); changes in the categories of EEE (to be grouped into 7 categories in comparison to the 10 currently in use); the requirement to large distributors with sales areas larger of at least 400m<sup>2</sup> to provide for the recovery of very small WEEE; incorporate the distinction between used EEE and WEEE; and forecast user's delivery of used equipment to second-hand shops. Finally, it is also important to point out the development and setting up of many of the obligations derived from extended producer responsibility in order to make the schemes organised by producers and authorised by regional government, more efficient, operational, transparent and reliable.

This new regulation on electrical and electronic equipment and waste management, incorporates the new provisions of EU legislation, identifies the requirements under Law 22/2011, of 28 July, and includes the elements to overcome the shortcomings identified, using a more effective and efficient WEEE management model, enabling Spain to meet EU obligations and fully align with the approach of efficient use of resources and human health and environmental protection.

The development of this Royal Decree is based on the third final provision of Law 22/2011, of 28 July, which authorises the Government to issue the necessary regulations for its development and implementation, and in this particular case, develop the specific legal status for the waste flow of electrical and electronic equipment.

The standard is divided into eleven chapters arranged according to the stages ranging from the onset of electrical and electronic equipment on the market to the collection and management of waste equipment.

The second and third chapters are devoted to regulate the obligations of the different operators in the early stages of EEE and WEEE: market placing of EEE, its re-use as used EEE and prevention of WEEE. The fourth chapter focuses on WEEE collection, through all the planned channels and the achievement of the waste collection objectives. The fifth chapter deals with the preparation for re-use and the specific treatment for waste and recovery targets, including the accounting of WEEE shipped out of Spain for recovery. And the sixth chapter is devoted to the shipments of WEEE within Spain and to minimum requirements to avoid shipments of WEEE masked as used EEE shipments.

After the chapters on market placing and management, chapters seven through eleven are devoted to aspects related to permits and communications, to extended producer responsibility of EEE, including obligations, licensing conditions, financing and financial guarantees; after that, reporting obligations of public authorities, WEEE coordination through the Working Group on WEEE and its two instruments: electronic platform and office allocation. The last chapter is devoted to the rules of inspection, monitoring, control and penalties.

#### IV

The first chapter contains the general provisions. It includes the scope applicable from 15 August 2018, which extends the current scope and modifies the categories of EEE to be grouped into 7 categories in comparison to the 10 currently in use. The 2012 Directive reduces these categories to 6 but it was considered appropriate to separate photovoltaic panels into a new category given the uniqueness of this type of equipment, with long half-life and professional profile, in order to not distort the annual collection fees and targets of other electrical equipment with similar features. This scope improves upon the one in the First transitional provision, which concurs with the current one except for the inclusion of photovoltaic panels, and the transitional arrangements in the field of domestic lighting in the Eleventh transitional provision. Note that the scope of this Royal Decree excludes, amongst others, the equipment specifically installed and designed as part of other equipment such as vehicles or means of transport, of which only non authorised electric two-wheelers are included (for example, non authorised electric bicycle). Therefore, the provisions under this Royal Decree do not concern end-of-life vehicles regulation.

The definitions include those in the Directive, amongst which we can highlight the explicit inclusion of the concept of the producer performing distance selling through means such as Internet, and the definition of authorised representative should the producer be established in another Member State. It comprises other definitions such as the weight of EEE or WEEE or the logistics distribution platform, not included in the Directive, but required to clarify the application of this law. The chapter also includes the definition of responsibilities in WEEE production and management. An article on the coordination of WEEE, which foresees a Working Group on WEEE within the Coordination Commission on Waste, is also included.

The second chapter standardises the obligations of EEE producers concerning market placing of EEE, such as marking of equipment to inform the consumer on the need of separately depositing WEEE in household waste as well as the guidelines to follow in the event that the WEEE contains removable batteries. Concerning information aspects, producers may inform final buyers through websites, brochures or posters on the collection, treatment and disposal of WEEE costs when purchasing new products, based on the information available in the last annual report. This information shall not be available in the invoice or sales receipt due to the high cost for retailers or small stores to annually update their turnover data on the great amount of electrical equipment annually placed on the market.

It also regulates the functioning of the Integrated Industrial Register where the producers must declare the type and quantity of equipment placed on the market and which, amongst others, determines their financing responsibility on annual waste management. The producer has an identification number provided by the Integrated Industrial Register of EEE producers in his commercial transactions to guarantee for the buyer that he fulfils the obligations laid out in this Royal Decree.

The third chapter regulates the prevention of WEEE and re-use of used EEE through specific regulation on WEEE generation prevention according to Directive 2012/19/EU of the European Parliament and of the Council of 4 July, which emphasizes the importance of avoiding new waste by preventing its generation and extending its useful life.

The Royal Decree differentiates between used EEE and WEEE and calls for the delivery of used equipment to second hand shops, applying the relevant trade regulations and consumer protection. Thus, it is intended to promote and differentiate second hand stores from those selling new equipment, not only to enhance the re-use of equipment to protect the environment, but also to provide the sector with the importance it deserves, a sector that is likely to increase in coming years as a result of increased public awareness on waste prevention and which may be economically advantageous to both retailers and consumers, if more competitive prices are set.

The fourth chapter comprises six sections on the collection of WEEE via different channels as well as the reporting requirements and objectives of the separate collection of WEEE.

These collection facilities must be accessible, efficient and controlled, requiring a high degree of collection, especially for cooling equipment with substances that deplete the ozone layer and fluorinated greenhouse gases, given their high environmental impact.

The first section provides some general collection requirements via the four channels planned: the municipal collection, distributors, EEE producers and directly by waste managers. The ultimate goal is to provide the consumer with the appropriate WEEE delivery channels to avoid unwanted practices such as collection by illegal managers or fly tipping and the need to detach removable batteries from the WEEE. It also provides for arrangements to implement the preparation for re-use as the step previous to any specific handling, in order to assess the possibility of re-use, the identification of WEEE once delivered to guarantee control and traceability of WEEE and the obligation of facilities and managers to record WEEE received through the electronic platform of WEEE. This will show and quantify the generation of WEEE in each autonomous community and at the national level. The next sections develop the collection by each of these ways.

Regarding the separated collection by local authorities, it includes collection types such as recycling centres or those mechanisms established by the local authority itself, such as door to door collection or mobile collection points or collection through social economy entities with which local authorities may have established agreements; the requirements of the facilities and the possible agreements of local authorities with EEE producers or directly with WEEE managers, without prejudice to the financing obligations producers might have derived from expanded responsibility. This option could manage waste in a more rational way, optimizing available resources, and also in a more effective manner, using means more accessible to local authorities such as closer waste treatment plant. In addition, local authorities could benefit from certain fractions of waste collected.

In reference to the separate collection of WEEE by distributors, when supplying a new product, distributors shall be responsible for ensuring that such waste can be returned as long as the equipment is of equivalent type, as required by Directive 2002/96/EC of the Parliament European Parliament and of the Council of 27 January, and the former Royal Decree. Additionally, Directive 2012/19/EU of the European Parliament and of the Council of 4 July strengthens the role of distributors and its main innovation is the requirement for large distributors to provide for collection, at retail shops with sales areas relating to EEE of at least 400m<sup>2</sup>, of very small WEEEs (no external dimension more than 25cm as mobile phones), free of charge to end-users and with no obligation to buy EEE of an equivalent type. This also applies to equipment sales on the Internet. Hence, producers or distributors selling on-line must ensure that buyers can deliver WEEE in the same way as in physical stores. It also poses the possibility for



distributors to entrust waste management to others apart from producers, without prejudice to the financing obligation these establishments may have according to the principle of extended responsibility. The collection carried out by distributors establishes a different shipment scheme, so that the so-called "reverse logistics" allows transporters that deliver household equipment, to collect and deliver waste in the distributors' logistics platforms or at the shops, not necessarily being waste managers. However, it sets a detailed traceability tracking scheme, which ensures that the collection of waste from households is properly delivered to the intended destination, avoiding illegal diversion. The producers of EEE, through their extended responsibility schemes may organise their own collection networks of household WEEE or strengthen existing ones, regardless of whether the competent authorities require, under certain circumstances, networks in certain areas or for certain categories or subcategories of WEEE. The aim is that collection networks of producers provide and accomplish the entire collection of WEEE, wherever necessary, in the same way that equipment is sold throughout the whole country, there are establishments, facilities, containers or collection mechanisms across the country.

Managers that collect WEEE will comply with the general collection requirements and issue a receipt to the user with information on the waste delivered.

The sixth section of chapter four covers minimum separate collection targets assuming that all waste generated in the country shall be collected. They are calculated according to equipment category and request differentiated by household and professional WEEE. These objectives shall be required to be enforceable at state and regional level, depending on the population. They shall be homogeneously accomplished in all regions, notwithstanding the fact that the Coordination Commission may establish corrective mechanisms under specific circumstances, demonstrating the impact on the generation of WEEE; these mechanisms could be official indicators of economic and social development, industrial development or others.

Producers of EEE shall also meet the minimum collection targets of WEEE according to their share of the state market and of the collection carried out through other channels. Given that the approach of the Directive and of this Royal Decree is to collect all the waste electrical and electronic equipment generated, it is expected that producers will focus their effort and organisation to ensure that all WEEE generated is collected in one way or another. To accomplish this task, producers shall count on reliable data of the collection and management of WEEE to be financed through the instruments provided by this Royal Decree.

The fifth chapter regulates the treatment of WEEE. With a separate section for preparation for re-use, to recognise their specific relevance and sets specific technical requirements to ensure professionalism, as referred to in Annexes X and XIV. In accordance with WEEE Directive of 2012 and in line with the European trend of recent years, it was necessary to specifically devote a

section to the preparation for re-use which, on one side, merely applies to the principle of waste hierarchy included in Law 22/2011, of 28 July, and on the other, has proven to be an important source of employment, with the great social interest involved. In this sense it is estimated that at an international level the preparation for re-use of EEE creates 296 jobs per 10,000 tonnes of recycled material and recycling of 1,000 tonnes of WEEE creates 15 jobs and 200 jobs if prepared for re-use. In Europe preparing for re-use is widely implemented to treat this type of waste, where the second-hand market is a socially established and accepted option that does not compete with the first sale market since the buyer and seller profiles are very specific. In some Member States preparing for re-use represents 10% of the collection of waste under the category of large household appliances and numbers are higher in the category of IT and telecommunications equipment where, in turn, higher collection rates are achieved.

In this sense, Annex XIV of the Royal Decree sets, as part of the recovery targets established by the Directive, minimum percentages for preparation for re-use based on the experience and achievement on this type of treatment in countries with a similar development to Spain and due to the figures achieved in some regions by organisations authorised for the preparation for re-use, especially social economy entities. On this basis, some regions have incorporated objectives for this type of treatment to be met by 2020. The objectives of this Royal Decree, in any case, are compatible with the executive acts issued by the European Commission.

Particularly important is the unification of the requirements for treatment facilities listed in the Annexes which includes facilities for the preparation for re-use as well as specific treatments for different types of WEEE. This fifth chapter also regulates WEEE recovery targets applicable to managers and producers, as well as traders, to ensure that all operators acting within the scope of WEEE management comply with common requirements. Homogenization of WEEE treatment procedures is particularly relevant to guarantee facilities operating in all the country perform under the same conditions and to base permits granted by the competent authorities on the compliance parameters and conditions that adequate and equal waste management regardless of the installation's location.

Finally, a specific article is devoted to compliance with the reporting requirements. Consequently, this Royal Decree establishes an electronic platform that acts as a single database on waste collection and treatment data provided by the operators that collect or receive waste for the first time and by the managers who treat that waste. Thus waste control and traceability is ensured, since the platform is the means through which managers comply with their reporting obligations such as keeping a chronological record and annual report. The use of a single platform avoids certain distortions caused by the various platforms developed by the EEE producers, with information difficult to assess by environmental authorities. In this way it simplifies waste data control by public authorities.

Shipments of WEEE are regulated under the sixth chapter and enhanced with the shipments scheme of WEEE in Spain, in line with the Royal Decree of shipments and with the shipments outside Spain and the EU given the special problems caused by the illegal shipment of this waste to developing countries that threaten both the health and the environment and access to resources and raw materials needed to manufacture this equipment.

In this way, it incorporates the requirements to distinguish the shipment of used EEE from shipments of WEEE, as provided for in Directive 2012/19/EU of the European Parliament and of the Council of 4 July.

The seventh chapter specifies the permits, communications and other obligations requested to WEEE managers, detailing the requirements and technical inspections to ensure proper treatment for this type of waste, which contain important recoverable materials, components and hazardous substances which must be adequately removed from waste to prevent contamination of materials in the later stages of fragmentation, compaction and recycling, as set out in the relevant Annexes and which comply with the Directive's requirements.

Industrial oils are some of the substances to be extracted from WEEE. Once removed, storage conditions and treatment of oils would have to be established by the Royal Decree 679/2006, of 2 June, of used industrial oils, as indicated in the technical Annexes.

An essential part of this Royal Decree is dedicated to the extended producer responsibility of EEE, developed in chapter eight and its four sections. This issue has been developed in depth, incorporating new provisions under Law 22/2011, of 28 July, or issues that were not sufficiently accurate in the former Royal Decree and led to application problems such as financial guarantees. It also incorporates actions of the Commission for Public Administration Reform (CORA) to simplify the obligations of producers concerning the communication of annual reports at regional and state level to waste authorities which are now to be reported to only one authority, the Ministry, which shall then transfer to the autonomous communities, thereby reducing administrative burden on operators.

The extended producer responsibility of EEE comprises a series of obligations assumed by producers through individual or collective extended responsibility schemes. These obligations are mainly related to the prevention and placing in the market, to the collection of WEEE through their own networks and to fulfil certain collection targets, assuming, in any case, that they are minimum targets and not an obstacle to collect the waste generated. They will also organise their WEEE management and finance their WEEE collection and management and actions, as well as the awareness campaigns to be developed in collaboration with the Working Group on WEEE. Finally, compliance with reporting obligations and preparation of an annual report on the previous year activities is also to be accomplished.

This chapter on extended responsibility also includes communications and permits of individual and collective extended responsibility schemes, their

financing scope of these schemes for both household and professional EEE, as well as the financial guarantees they required to undertake. In any case, given that the equipment incorporates components and substances subject to other extended producer responsibility schemes, such as batteries and oils, it should ensure there is no double accounting for this waste management. This information must be included in the annual financial report referred to in Annex XVIII.

As far as collective schemes are concerned, a number of criteria are introduced to correctly assess permit applications submitted to the Coordination Commission on Waste. Among the aspects to be assessed is the need to ensure a democratic functioning of these schemes, where all EEE producers are equitably represented through their vote. The abidance to the free competition principle reducing the risk of collusion between EEE producers, the scheme they belong to, and even with the other actors involved in the WEEE management process should also be assessed as should the principle of market unity.

In short, the content of this chapter is intended to ensure that the extended producer responsibility schemes are more efficient, operational, transparent and reliable.

The ninth chapter contains the reporting requirements of public administration to the users, other governments and the European Commission. Consumer information is fundamental for the success of waste management; consumers must know how to prevent waste generation and how, if generated, to deliver it. It is also important to report on the relevance of the EEE distributor and producer on WEEE collection and compliance with the obligations derived from this Royal Decree. To achieve all this, joint coordinated reporting actions shall be carried out at state and regional level with the cooperation of manufacturers, distributors and other operators. Chapter ten is also relevant in this Royal Decree, dedicated to the coordination of WEEE and the Working Group on WEEE as a tool for competent authorities to ensure control, information and knowledge on the WEEE management sector and on compliance data regarding separate collection targets and appropriate management of WEEE. The Working Group on WEEE is the instrument with which to fulfil the reporting obligations of the actors mentioned in this Royal Decree.

This group which depends on the Coordination Commission on Waste and acts primarily by means of two instruments: an electronic platform and an allocation office on the collection of waste, which shall provide for the exchange of information on the collection and management of WEEE as well as the appropriate allocation of waste collected and compliance with applicable collection targets. Coordination and supervision by authorities and the functioning of the electronic platform on WEEE management and the allocation office shall be developed by ministerial decree.

The Working Group on WEEE can promote and monitor the appropriate management of WEEE at state level, produce reliable and valid information for all operators and competent authorities and apply the extended EEE producer

responsibility in a homogenous, equitable and efficient manner throughout the state within a framework that ensures competitiveness among economic sectors and market unity.

Moreover, in line with the principles of administrative simplification and electronic processing in public administration, the electronic platform of the Working Group on WEEE is set up as the instrument through which to comply with the obligations of the chronological record and the annual report on collection facilities as per with Article 40 and 41 of Law 22/2011, of 28 July.

The financing of the electronic platform of the Working Group on WEEE is foreseen under the reporting obligations and compliance with the objectives of EEE producers in their extended responsibility; in this way they will finance 45% of the platform operation costs and proportionally to their market share. The Ministry of Agriculture, Food and Environment shall assume the remaining financing with the possible participation of the autonomous communities; this will allow an easier data control on behalf of these entities, logically resulting in public financing.

Finally the eleventh chapter regulates the monitoring, control, supervision and sanctions applicable to WEEE management. This chapter regulates actions to control and examine the correct application of this Royal Decree by the competent authorities. It is expected that local authorities establish notification mechanisms for citizens to report on possible breaches of the provisions of this Royal Decree, encouraging citizen participation.

Due to the fact that these waste streams concern different environmental areas, it describes a penalty system covering different regulations such as consumer protection, market unit and public safety protection.

These articles are supplemented with three additional provisions, eleven transitional provisions, a single derogatory, four final derogations and eighteen Annexes.

This Royal Decree is issued under Articles 149.1.13<sup>th</sup> and 23<sup>rd</sup> of the Spanish Constitution, concerning the bases and coordination of general planning of economic activity, as well as basic general legislation on environment. This regulation promotes the efficient use of resources, and guarantees protection of human health and the environment. Similarly, this Royal Decree establishes the working conditions of WEEE managers that directly affect the functioning of the waste management market and waste organisation. Likewise, estimates on producers of EEE, placing on the market of EEE and the regulations established in this Royal Decree concerning the distributors of these products, have a direct impact on the organisation and functioning of the EEE market. For these reasons, the aforementioned competence titles are applied. Concerning the status and content of this Royal Decree, it is a regulation with important technical content that establishes the minimum basic conditions to ensure the objectives related to the protection of human health and the environment as well as the targets for non fragmentation of market unity of electrical and

electronic equipment and the WEEE management market, in order to guarantee common operation throughout the State.

To prepare this Royal Decree consultation was made with the autonomous communities and autonomous cities of Ceuta and Melilla, local authorities and the most representative sectors of those potentially affected. In addition the project has been referred to the Coordination Commission on Waste, submitted to the Advisory Council on the Environment, and is in the process of public participation, in accordance with the provisions of Law 27/2006, of 18 July, establishing the rights of access to information, public participation and access to justice in environmental issues and with the provisions of Law 50/1997, of 27 November.

By virtue, acting on a proposal from the Minister of Agriculture, Food and Environment, with the approval of the Minister of Finance and Public Administration, according to the Council of State and after deliberation by the Council of Ministers at its meeting held on February 2015.

PROVIDE:

CHAPTER I  
**General provisions**

Article 1. *Purpose and aim*

The purpose of this Royal Decree is to regulate the prevention and reduction of adverse impacts caused by the generation and management of waste electrical and electronic equipment on human health and the environment, identify targets for collection and treatment of this waste and the procedures for appropriate management, traceability and accounting.

In accordance with Law 22/2011, of 28 July, on waste and contaminated soils, it also has the objective to improve efficiency in the use of resources and reduce their overall impact, giving priority to the prevention of the generation of waste electrical and electronic equipment and the preparation for re-use of WEEE, thereby contributing to sustainable development and stimulating green jobs.

Article 2. *Scope*

1. This Royal Decree applies to all electrical and electronic equipment classified in the categories set out in Annex III. Annex IV contains a non-exhaustive list of equipment falling within the categories set out in Annex III.

2. This Royal Decree shall not apply to:

- a) Equipment that is necessary for the protection of the essential interests of national security, including arms, munitions and war material intended for specifically military purposes;
- b) Equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall into the scope of this Royal Decree, which can fulfil its function only if it is part of that equipment;
- c) Filament bulbs
- d) Equipment designed to be sent into space;
- e) Large-scale stationary industrial tools;
- f) Large-scale fixed installations, except any equipment that is not specifically designed and installed as part of these installations;
- g) Means of transport for persons or goods, excluding electric two-wheeled vehicles that are not officially certified;
- h) Non-road mobile machinery made available exclusively for professional use;
- i) Equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- j) Medical devices and *in vitro* diagnostic medical devices, where such devices are expected to be infectious prior to end of life, and active implantable medical devices.

Article 3. *Definitions*

In addition to the definitions in Law 22/2011, of 28 July, for the purposes of this Royal Decree the following shall apply:

(a) “Electrical and electronic equipment” or “EEE” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current.

b) “Used EEE”: EEE that despite having been used, are not considered as waste as the holder does not discard or does not have the intention or obligation to discard them, and intends to give them a later use.

c) “Large-scale stationary industrial tools” means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility.

d) “Large-scale fixed installation” means a large-size combination of several types of apparatus and, where applicable, other devices, which:

1<sup>st</sup> are assembled, installed and de-installed by professionals;

2<sup>nd</sup> are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and

3<sup>rd</sup> can only be replaced by the same specifically designed equipment.

e) “Non-road mobile machinery” means machinery, with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working.

f) “Waste electrical and electronic equipment” or “WEEE” means electrical or electronic equipment which is waste within the meaning of Article 3.a) of Law 22/2011, of 28 July. This definition includes all components, sub-assemblies and consumables that are part of the product at the time of discarding.

g) “Very small EEE” and “Very small WEEE”: EEE and WEEE with an external dimension no bigger than 25 cm.

h) “EEE producer” means any natural or legal person who, irrespective of the selling technique use within the meaning of Law 7/1996, of 15 January, on retail commerce in respect of distance contracts:

1<sup>st</sup> is established in Spain and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of Spain;

2<sup>nd</sup> is established in Spain and resells under his own name or trademark, EEE produced by other suppliers, a reseller not being regarded as the “producer” if the brand of the producer appears on the equipment, as provided for in point 1<sup>st</sup>;

3<sup>rd</sup> is established in Spain and places on the market of Spain, on a



professional basis, EEE from a third country or from another Member State;  
or

4<sup>th</sup> sells EEE by means of distance communication directly to private households or to professional users in Spain, and is established in another Member State or in a third country.

Whoever exclusively provides financing under or pursuant to any finance agreement of those defined in i) shall not be deemed to be an “EEE producer” unless he also acts as a producer within the meaning of points 1<sup>st</sup> to 4<sup>th</sup>.

i) “Finance agreement” means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place.

j) “Authorised representative”, natural or legal person established in Spain appointed by the producer of EEE established in another Member State and who is responsible for fulfilling the obligations of the aforementioned producer in the national territory for the purposes of this Royal Decree. In this sense, producer of EEE is defined in paragraphs 1 to 3 of section h) that notwithstanding the provisions mentioned in paragraphs 1 to 3, may appoint an authorised representative.

The producer defined in paragraph h) subparagraph 4, established in Spain and selling EEE in another Member State in which he is not established, shall appoint an authorised representative in that Member State as the person liable for fulfilling the producers’ obligations in that Member State. Likewise, the producer defined in paragraph h) subparagraph 4, established in another Member State that trades EEE in Spain, shall appoint an authorised representative in Spain as a person liable for fulfilling the obligations of the producer in our territory. The appointment of an authorised representative shall be by written empowerment.

k) “Distributor” means any natural or legal person in the supply chain, who makes an EEE available on the market. This definition does not prevent a distributor from being, at the same time, a producer within the meaning of point h).

l) “WEEE from private households” means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households.

Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households.

Exceptionally, “non-household WEEE” will be considered “professional WEEE”.

m) "Historical waste": WEEE from products introduced into the market before 13<sup>th</sup> of August 2005.

n) "Making available in the market" means any supply of a product for distribution, consumption or use in the Spanish market in the course of a commercial activity, whether in return for payment or free of charge.

ñ) "Introducing or placing on the market" means the first availability of a product on the market within the territory of Spain on a professional basis.

o) "Removal" means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment.

p) "Medical device" means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 2.1 of Royal Decree 1591/2009, of 16 October, concerning medical devices, which is EEE.

q) "*In vitro* diagnostic medical device" means an *in vitro* diagnostic device or accessory within the meaning of, respectively, point (b) and (c) of Article 3 of Royal Decree 1662/2000, of 29 of September, on *in vitro* diagnostic medical devices which is EEE.

r) "Active implantable medical device" means an active implantable medical device within the meaning of Article 2.c of Royal Decree 1616/2009 of 26 October on active implantable medical devices, which is EEE.

s) "Weight of EEE or WEEE": weight in kilos of electrical and electronic equipment or its waste, excluding the weight of the packaging, instructions, manuals or similar accessories that are not necessary for its use or performance, and batteries and accumulators under the regulation of the Royal Decree 106/2008, of 1 February, on batteries and accumulators and the environmental management of their waste. In the event that the batteries or accumulators cannot be manually removed it shall be clearly indicated that it is "weight including battery" or "WBI".

t) "Logistics platform": it is the collection and storage facility of WEEE in the field of EEE distribution, under this Royal Decree.

u) "Collection network of EEE producers": the network comprised of the set of collection points, facilities, containers and collection schemes of WEEE established by the producers of EEE, supplementary to the other collection facilities provided for in Article 15.

v) "WEEE treatment": recovery or disposal of WEEE, including the preparation prior to recovery or disposal that shall include the preparation for re-use, as well as operations referred to as "specific treatment of WEEE" which are the

treatments performed after the preparation for re-use, as reflected in Article 31.2, second paragraph and Annex XIII.

*Article 4. Responsibility in the production and management of WEEE.*

In accordance with the provisions of Article 42 of Law 22/2011, of 28 July, there shall always be a person responsible for the compliance with those obligations derived from the production and management of WEEE in the following terms:

a) The user of used EEE may assign it for re-use or disposal; in the second case they shall be deemed as a WEEE producer. Their responsibility finishes when WEEE is delivered to the collection points or facilities of the local authorities, distributors, waste managers or delivered to collection networks of EEE producers, under the terms provided for in this Royal Decree.

The user may require documentary evidence of delivery as provided for in this Royal Decree.

b) The initial holders of WEEE are the collection facilities of local authorities, distributors and managers registered for the collection of WEEE. Under the terms provided in this Royal Decree, they shall be responsible for the separate collection of WEEE and, if necessary, temporarily stored in their facilities until delivered to treatment managers. Delivery to the next manager shall be electronically and documentarily accredited.

c) Registered managers of WEEE shall assume responsibility for the management of WEEE concerning their activity in the terms specified in Article 20 of Law 22/2011, of 28 July, fulfilled with the provisions of this Royal Decree.

d) The producers of EEE, as provided in Chapter VIII, are responsible for financing separate collection and the environmentally friendly transport and treatment of household and professional WEEE as well as their reporting obligations in this regard. When involved in the organisation of WEEE management, they shall comply with the collection objectives, preparing for re-use, recycling and recovery foreseen in this Royal Decree.

*Article 5. Coordination on WEEE*

This Royal Decree establishes the legal framework for the management of WEEE and the implementation of extended EEE producer responsibility in accordance with the provisions of Title IV of Law 22/2011, of 28 July, and with the development made in Chapter VIII of this law. The coordination of the WEEE management falls under the competent authorities through the Coordination Commission on Waste. To fulfil these functions, the Coordination Commission will rely on a specialized working group, in accordance with Article 13.4 of Law 22/2011, of 28 July, by means of the instruments provided for in Chapter X.

CHAPTER II

**Market introduction and marketing of EEE**

**SECTION 1. OBLIGATIONS OF EEE PRODUCERS**

*Article 6. Design and product re-use*

1. The producers of EEE, its materials and its components, must design and produce their equipment so that wherever possible extend their useful life, facilitating *inter alia*, their re-use, disassembly and repair. At the end of their life, preparation for re-use and recovery of WEEE, its components and materials so as to prevent their disposal must be facilitated. At a minimum, they must apply the provisions of Royal Decree 187/2011, of 18 February, on the establishment of eco-design requirements for energy-related products, and Royal Decree 219/2013 of 22 March on restrictions on the use of certain hazardous substances in electrical and electronic equipment.

The instructions on EEE shall indicate that before disposing WEEE in collection facilities, batteries must be removed and disposed of separately for their proper management.

2. Producers of EEE must not prevent the re-use of used EEE and the preparing for the re-use of WEEE through specific design features or specific manufacturing processes, unless such features or manufacturing processes present great advantages in security or for environmental protection.

3. Producers of EEE may establish mechanisms for cooperation or voluntary agreements with those responsible for the repair and re-use of the equipment, with preparation for re-use centres and with those responsible for WEEE treatment to facilitate repair, re-use, dismantling, and recovery of WEEE, as well as their components and materials. In the event of marketed products with applications exempted from Royal Decree 219/2013, of 22 March, they must inform the public through their websites.

4. Producers of EEE shall elaborate triennial prevention plans of WEEE incorporating their prevention measures. The producers shall inform on the agreements and prevention plans to the Coordination Commission on Waste.

*Article 7. Marking and information obligations of EEE.*

1. Producers shall mark, with the symbol shown in Annex V, the EEE placed on the market in order to maximize collection of properly separated WEEE. This symbol shall be included in a visible, legible and indelible way on the equipment. Exceptionally, if required due to the size or function of the product, the symbol shall be printed on the packaging, on the instructions for use and on the guarantee of the EEE.

2. By marking the equipment, producers of EEE shall specify it was placed on the market after 13<sup>th</sup> of August 2005, to unequivocally determine that the waste generated shall not be considered historical. This marking shall be in accordance with standard UNE-EN 50419 or one that replaces it and shall be included in a visible, legible and indelible way on the equipment.

3. In accordance with Royal Decree 106/2008, of 1 February, the instructions of EEE must indicate that before depositing WEEE in collection facilities, it is

necessary to detach batteries and deposit them separately for their appropriate management.

4. When purchasing new products and as information to end buyers, EEE producers may indicate the annual costs of collection, treatment and disposal of WEEE according to the information available in their annual report, provided for in Article 43.2 and in accordance with paragraph 3 of the economic data in Annex XVIII, once revised by the Coordination Commission on Waste.

The information provided in the previous paragraph shall not be part of the invoice or sales receipt, and may be carried out through the website of producers, by means of posters at the sales outlets, sales brochures or other means and should be updated according to the information available.

#### *Article 8. Integrated Industrial Register*

1. Producers of EEE or their authorised representatives, including those supplying EEE by means of distance selling in the country, shall be registered in the special section for producers of electrical and electronic equipment of the Integrated Industrial Register, foreseen under Law 21/1992 of 16 July, of Industry, and the Regulation of Integrated Industrial Register approved by Royal Decree 559/2010 of 7 May. To do so, they shall provide the information required in Annex VI, paragraph 1.

2. The Register shall assign each EEE producer or his authorised representative, an identification number as an EEE producer.

3. Each producer or his authorised representative shall update the information referred to in Annex VI paragraph 1 within one month of any amendments thereto occurs. The data input shall be done electronically using the application developed by the Ministry of Industry.

The change of the individual or collective scheme through which the producer complies with his obligations under the extended producer responsibility shall be reported during October, November and December to the original extended responsibility scheme, to the new scheme and to the Integrated Industrial Register. The amendment shall become effective from the 31<sup>st</sup> December of the year it was submitted. In order to proceed to change the assigned extended producer responsibility scheme and to calculate the new market shares of the extended responsibility schemes, the Integrated Industrial Register shall receive the certifying document acknowledging deregistration in the previous scheme and incorporation in a new individual or collective scheme.

4. Each producer or his authorised representative shall electronically provide the Integrated Industrial Register with the quarterly information referred to in Annex VI, paragraph 2.

5. Irrespective of the inspections competent authorities may carry out, the Ministry of Industry, Energy and Tourism may require audits to ensure the

accuracy of the information included in the producer's annual statements. The producer shall financially support these audits.

6. Quarterly data may only be modified by additional statements within the year, and shall be supported, if required by the competent body, with supporting documentation of the error in the initial declaration.

Once the year is closed, producers shall not be able to change their shares. Without prejudice to the obligation of keeping the data and statements updated, and reporting any errors or omissions as soon as discovered.

7. Integrated Industrial Register:

a) It shall have specific codes in each category and subcategory for each type of equipment placed on the market.

b) Every three months it shall provide each producer with information on the EEE placed on the market in the current year and the estimated market share for the following year, depending on the weight and units by type of equipment, category and subcategory and use (household or professional).

c) On an annual basis and before the 31<sup>st</sup> of January, it shall inform the Directorate General of Quality and Environmental Assessment and Natural Environment of the Ministry of Agriculture, Food and Environment, the autonomous communities and the Coordination Commission on Waste, on the market shares applicable in the current year to the individual and collective extended responsibility schemes, depending on the weight and units by type of equipment, category and subcategory and use (household or professional), under the Register's codes, of the equipment placed on the market the previous year. To calculate these market shares, the equipment leaving the Spanish customs territory before being sold to end-users shall be excluded.

Additionally, during the first two months of each year, the Register shall submit the aforementioned Directorate General a summary report with, at least and without prejudice to any additional information available deemed appropriate, the amount of equipment in weight and units, by type of equipment, category and subcategory and use (household or professional) placed on the market at national level for each individual or collective scheme in the previous year, differentiating between the following equipment:

- 1) manufactured and sold under its own brand;
- 2) sold under its own brand, manufactured by others;
- 3) imported;
- 4) exported.

d) On an annual basis and before the 31<sup>st</sup> of January, it shall inform on the yearly market share to be applied to each producer to establish the distribution of the obligations derived from the extended producer responsibility, by weight and units, type of equipment, categories and subcategories and use (household or professional).

e) On an annual basis and before the 31<sup>st</sup> of January, it shall inform the collective schemes on the market shares for each scheme, by weight and units, type of equipment, categories and subcategories and use (household or professional), depending on the equipment placed on the market by the producers the previous year. Similarly, it shall inform each scheme on the market shares for each of the producers, in sections or intervals, by weight and units, type of equipment, categories and subcategories and use (household or professional).

f) It will inform on the estimated market shares to those producers who enrol for the first time in the Register during the following month to their registration. This share is calculated based on the data on the quantities of EEE placed on the market the previous year, when available or from estimates on the products the producer shall place on the market that current year, stated at the time of enlisting in the Register.

8. Registered producers may be consulted in the Integrated Industrial Register and, where appropriate, their authorised representatives, the categories and subcategories of the equipment placed on the market and the individual and collective schemes in which each producer is involved to fulfil their obligations, as well as the type of equipment built in. This same data may also be obtained filtering through the extended responsibility schemes of the inscribed producer. The information of market share of the extended responsibility schemes by categories and subcategories may also be viewed publicly in the Integrated Industrial Register.

9. The market shares of EEE producers foreseen under this Royal Decree shall aim to distribute the extended producer responsibility forecasted by this Royal Decree. They do not alter or replace the information the different operators have to provide under the functions ascribed to the National Commission of Markets and Competition, especially in reference to the concentration operations.

10. The Integrated Industrial Register shall include links to other equivalent registers of other Member States to enable the exchange of information on the register of producers or authorised representatives.

The Integrated Industrial Register shall connect with the Register of Waste Production and Management especially in relation to the register of individual and collective extended responsibility schemes and their updates or modifications. Likewise, it shall also be linked, in the terms deemed necessary, to the electronic platform of WEEE management provided for in Article 55.

#### *Article 9. Information on the identification number of the Integrated Industrial Register*

Producers shall include their ID number in the Integrated Industrial Register of EEE producers on all invoices or documents relating to commercial transactions of electrical and electronic equipment between producers and distributors. The final purchaser may require the ID number of the EEE producer. In any case, the layout of the invoice or document used shall be compatible with the

electronic invoice model *Facturae*, in force in trade relations with public authorities.

In the case of distance selling, producers must record the identification number of the producer both on the page or instrument that supports distance selling as in the invoice issued to the user. Should the user be a public authority, the format of the electronic invoice shall be the *Facturae* electronic model, which does not require the identification number of the producer.

*Article 10. Information for preparation for re-use centres and treatment facilities*

1. Producers of EEE shall provide the information needed for proper repair and re-use of their products as well as for proper preparation for re-use and waste management of their equipment.

Producers who introduce for the first time in the market a new type of EEE shall provide for preparation for re-use centres and specific treatment facilities, free of charge; and within one year from the date of market introduction the necessary information on the preparation for re-use and the treatment of waste generated by their products. This obligation shall be without prejudice to the arrangements set out in Article 6.3.

In order to facilitate the preparation for re-use and the correct environmentally-friendly treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, the information shall meet the provisions of this Royal Decree: The identification of the different components and materials, the information necessary for proper preparation for re-use; as well as the location of dangerous substances and mixtures of EEE and the exemptions that apply under Annexes III and IV of Royal Decree 219/2013, of 22 March. The information must be provided in the form of manuals, electronically, in a CD ROM or online services.

2. In order to ensure the workers' health, environmental protection and proper management of waste, the preparation for re-use centres and specific treatment facilities may require producers to provide timely and available information on the characteristics and the presence of hazardous substances in EEE marketed before the entry into force of Royal Decree 208/2005 of 25 February, on electrical and electronic equipment and waste management, as well as, appropriate, information on the type and amounts of gases used in refrigeration circuits and in the expansion of the insulating foam in refrigeration equipment.

The producers of EEE shall provide this information within one month from the request from the preparation for re-use centres or specific treatment facilities.

3. When the producers provide the information specified in the previous paragraphs, they might also refer it to the Working Group on WEEE of the Waste Commission, to integrate and publish the information available on this subject.



## SECTION 2. OBLIGATIONS OF DISTRIBUTORS

### *Article 11. Obligations of distributors in marketing EEE*

1. The distributors of EEE performing both on-site and distance selling may only sell EEE of producers who have the identification number of the producer under the Integrated Industrial Register. Consumers may request this information at the time of purchase of EEE.

2. Distributors performing both on-site and distance selling shall disseminate the information concerning the correct collection of WEEE in their establishments and in the waste collection of private households. This information shall be included on the website or the instrument supporting distance selling.

## CHAPTER III Prevention of WEEE

### *Article 12. Prevention of WEEE*

The government shall promote the prevention of WEEE through information and awareness campaigns aimed at preventing the generation of WEEE, focusing on responsible consumption of EEE in prolonging life and re-use.

### *Article 13. Disposal of used EEE for re-use*

1. Users of household and professional EEE, where possible, shall promote a second use of waste equipment disposing of them via: a social non-profit organisation that can give a second use to the equipment, second hand shops, or through other means of disposal for re-use and extend the useful life of products. In the event that the used equipment is marketed, the sale shall have a documented proof, such as a formal invoice accompanying the EEE which shall identify the buyer and seller, and shall apply the regulations on internal trade, in particular the Law 7/1996 of 15 January on the Retail Trade, and the Consolidated Text of the General Law for the Protection of Consumers and Users and other complementary laws, approved by Royal Legislative Decree 10/2007 of 16 November.

2. When it is not feasible to dispose of waste equipment according to the previous section, because the equipment becomes unusable due to lack of essential components or difficult to repair structural damage, amongst other things, users of EEE and WEEE must dispose of them following the provisions of this Royal Decree.

### *Article 14. Information on re-use of WEEE.*

1. Natural or legal persons engaged in trade operations and repair of used EEE intended for the resale market regulated by the General Law for the Protection of Consumers and Users and other complementary laws, approved by Royal Decree 1/2007 of 16 November, shall keep a register on this equipment indicating the units, the type of equipment, the brand and the serial number, as well as its origin and destination, for the purpose of fulfilling the obligations of

information and collaboration with public authorities under Article 12.1 of the Organic Law 1/1992 of 21 February, on Protection of Public Safety.

2. The competent authorities on safety, domestic trade and statistics may compile information from the establishments mentioned in the previous section, in order to ensure public safety and to identify the level of prevention achieved in waste generation.

#### CHAPTER IV WEEE collection

##### SECTION 1. SEPARATE COLLECTION OF WEEE. GENERAL PROVISIONS.

Article 15. *Separate collection of WEEE.*

1. The following may collect WEEE:

- a) Local authorities, through the mechanisms and collection facilities regulated under section 2.
- b) Distributors, through the mechanisms and collection facilities regulated under section 3.
- c) Producers of EEE, through the networks and collection facilities designed according to section 4.
- d) Waste managers authorised to collect each type of WEEE, including authorised social economy entities, through the mechanisms regulated in section 5.

2. Users, as producers of household WEEE, shall receive documentary evidence of the delivery of WEEE as provided for in Articles 20.2, 23.1, 23.2 and 28 depending on the delivery location. The delivery accreditation document may indicate if the equipment can be prepared for re-use.

3. WEEE may not be neglected in public roads or handed to unregistered operators or managers. This behaviour is punishable as provided for in title VII of the penalty regime of Law 22/2011, of 28 July.

Article 16. *Promotion of separate collection of WEEE.*

1. Public authorities shall take appropriate actions to collect WEEE to meet, at least, the separate collection targets provided in section 6.

They shall adopt appropriate measures for the separate collection of temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment as referred to in categories 5 and 6 of Annex III.

2. The competent public authorities shall adequately inform on the abovementioned measures and, in general, on the mechanisms for separate collection of WEEE, on the obligations of users, producers and distributors of

EEE, through public awareness campaigns at state or regional level, as provided for in Article 51.

*Article 17. Conditions for collection and transport of WEEE.*

1. The separate collection and transport of WEEE shall ensure optimum conditions for preparing for re-use, recycling as well as the confinement of hazardous substances and shall comply with the requirements of Annex VII A. Removable batteries of WEEE shall be detached for separate collection provided no qualified personnel is needed for it.

Possible breakage conditions of WEEE containing mercury, lead, cadmium or phosphorus or substances that deplete the ozone layer must be avoided. The collection and transport of this WEEE shall meet the specific requirements for collection and transport provided for in Annex VII. B.

2. Transport of WEEE shall be in accordance with current legislation and under the terms of Annex VII. During transport and storage of WEEE no opening or disassembling of waste shall be carried out. These activities shall be conducted in the preparation for re-use centres and approved facilities for specific treatment of WEEE to protect human health, avoid toxic emissions to the environment and prevent the loss of essential components and materials.

3. Transport of WEEE shall be carried out by registered managers except for those under Article 23.3.

*Article 18. Common requirements for the collection of WEEE.*

Common requirements for the collection of WEEE are specified in the following sections:

1. The information on the collection of WEEE shall be incorporated to the electronic platform of WEEE in the terms provided for in Article 55.

The electronic platform shall fulfil the obligations of the chronological record and the annual report on collection facilities as per with Articles 40 and 41 of Law 22/2011, of 28 July. The information and report of the chronological record shall be that foreseen in Annexes XI and XII. The annual report shall be annually forwarded to the autonomous community before the 31<sup>st</sup> of January of the following year to the fulfilment period.

2. The collection of fractions 1, 2 and 4 of WEEE under Annex VIII shall be properly identified through electronic reading labels, or similar instruments, to ensure traceability. For the collection of fractions 3, 5 and 6 of WEEE the electronic reading labels shall be applied in the same way as above, or through the labelling of containers or bulking systems used in waste collection and transport.

3. The collection facilities shall sign agreements that include the preparation for re-use. To that end, WEEE shall be revised using the criteria of Annex IX.A on the preparation for re-use. The agreements endorsed shall settle the access conditions to the collection facilities, providing the means necessary for the separation of WEEE to be used for preparation for re-use.

4. Concerning distribution, the provisions contained in this article shall apply exclusively to logistics platforms. The points of sale that collect WEEE must only comply with paragraphs 1 and 2, as well as with the provisions of section 3.

## SECTION 2. SEPARATE COLLECTION OF WEEE BY LOCAL AUTHORITIES AND MANAGEMENT

Article 19. *Separate collection of WEEE from local authorities.*

1. Under their responsibility concerning household waste, local authorities shall establish schemes, free at least for the user, to ensure separate collection of domestic WEEE. In addition, local authorities may accept delivery of WEEE from small domestic distributors when established under agreements or ordinances

2. The local authorities shall ensure the availability and access to separate collection schemes taking into account, *inter alia*, population density and territorial conditions. Local authorities may apply one or more of the following options:

- a) door to door collection;
- b) provide storage facilities or recycling centres, permanent or mobile, or other temporary storage facilities available to the local authorities;
- c) any other local waste collection scheme provided by local ordinances;
- d) agreements with authorised disposal facilities;
- e) agreements with social economy entities referred to under Article 5 of Law 5/2011 of 29 March, on Social Economy, authorised for WEEE collection.

3. Local authorities can incorporate social clauses for social economy entities in their recruitment instruments or agreements related to waste collection and management.

Article 20. *Requirements and operating of the collection facilities of local authorities.*

1. Local authorities shall include areas designated to the preparation for re-use of WEEE in collection facilities. The collection of WEEE in these facilities shall be subject to a previous review to prioritise its preparation for re-use before being transferred to treatment facilities.

2. The collection facilities shall issue written proof to those who deliver WEEE indicating the date of delivery, the type of equipment delivered, the brand, the serial number if possible, and the information provided by the user on its possible allocation for preparation for re-use or recycling.

3. Collection facilities of local authorities shall comply with the requirements of Articles 17 and 18 of the common principles on collection and with the provisions of this section.

Article 21. *Management of the collection of WEEE in the facilities of local authorities.*

1. The collection of WEEE in the facilities of local authorities may be organised, according to the fractions collected and managed, without the intermediation of the allocation office provided for in Article 56, or through this office.
2. When local authorities choose to organise the management of some or all of the fractions of the WEEE collected without the intermediation of the allocation office, they shall inform this office on their intention before the beginning of the calendar year. This decision shall have a period of at least one year.
3. Producers of EEE may agree with local authorities on the managers who shall collect this waste from the facilities, the preparation for re-use and the specific treatment.
4. The application of the waste management hierarchy and the proximity principle in waste management shall be prioritised.

### SECTION 3. SEPARATE COLLECTION OF DOMESTIC WEEE BY DISTRIBUTORS AND MANAGEMENT

#### *Article 22. Collection of domestic WEEE by EEE distributors.*

1. Regardless of the sales area, the distributor shall accept, when users purchase new domestic EEE, the free delivery of similar type of WEEE or that with the same functions as the equipment being purchased. The distributor shall comply with this obligation when WEEE is delivered by the user at the distributor's point of sale as well as when the user delivers the equipment at households when supplying new EEE.

In the event that the delivery of WEEE is not carried out at the same time of the purchase of new EEE, the distributor shall provide a written deadline by which the user can deposit WEEE at the point of sale, exhibiting the corresponding purchase invoice of new EEE. This period may not be less than thirty calendar days.

2. Distributors with a sales area of EEE of at least 400 m<sup>2</sup> shall provide for the free collection of very small WEEE from users at their retail shops, or in close proximity and with no obligation to buy an equivalent EEE.

3. Distributors shall store WEEE as provided in Article 17 preventing equipment stacking that may be damaged or broken.

4. Distributors using distance-selling channels must comply with all the obligations of the distributor, collecting an equivalent type of WEEE at the delivery point of the EEE or at the buyer's household where the EEE is supplied.

#### *Article 23. Information on the collection and transport of WEEE by distributors.*

1. When the delivery of WEEE is made at the time of purchase of new EEE, the distributor shall issue a receipt or dispatch note on the collection of WEEE and provide a copy to the user. It shall include the date of delivery, the type of equipment delivered, the brand, the serial number if possible, as well as the

information provided by the user on its possible allocation for preparation for re-use or recycling.

2. The distributor shall provide a receipt or dispatch note on the collection of WEEE in each delivery when EEE delivery is at households, including distance selling. For this purpose the distributor shall request information from the buyer on his intention to deliver WEEE equivalent to the EEE purchased. When collecting WEEE at households the receipt or dispatch note shall be filled in with the information provided in the previous paragraph and with the buyer's signature. In the event that the buyer refuses the delivery of WEEE, he must explicitly indicate his refusal in the receipt or dispatch note handed in by the carrier.

3. Shipments of WEEE from households or from the distributor's shop to the logistics platform, "reverse logistics" or, where appropriate, to the facilities of local authorities, shall be accompanied by the proof or dispatch note provided for in the previous paragraphs in which the WEEE to be shipped is acknowledged. The carriers that provide new EEE may also transport WEEE and shall comply with the transport conditions of Article 17. The regulation on shipments of the Royal Decree shall not be applicable.

4. The addressees of WEEE, either the distribution logistics platform or the final manager, shall send the distributor an electronic confirmation of the arrival of WEEE or the reference of the identification document in the second case. This confirmation shall be done through the electronic platform provided for in Article 55.

*Article 24. Management of the collection of WEEE by distributors.*

1. The management of the collection of WEEE by distributors may be organised according to the fractions collected. Its management can be by managers with or without the intermediation of the allocation office provided for in Article 56.

2. When distributors organise the management of all or some of the fractions of the collection of WEEE without the intermediation of the allocation office, they shall inform this office on their intention before the beginning of the calendar year. This decision shall have a period of at least one year.

3. Producers of EEE may agree with distributors on the managers who shall collect EEE from the facilities, prepare it for re-use and its specific treatment.

4. The application of the waste management hierarchy and the proximity principle in waste management shall be prioritised.

**SECTION 4. SEPARATE COLLECTION OF WEEE ORGANISED BY EEE PRODUCERS**

*Article 25. Collection of household WEEE through the collection networks of EEE producers.*

1. Producers of EEE, through the individual or collective schemes of extended producer responsibility provided for under Chapter VIII, may establish networks of WEEE collection from households to collect the products and brands placed by them on the market after August 2005, as well as historical waste.
2. To achieve adequate compliance with EU targets, the responsible authorities may require producers to settle the organisation of collection networks, necessary in certain areas or for certain categories and subcategories of WEEE, due to inadequate collection in certain areas or due to the specific characteristics or danger of waste.
3. Producers of EEE shall inform public authorities on the collection networks and, if required, report on the location, the types of waste collected, the collection volume and the managers responsible for the collection and treatment.
4. The collection networks and the transport from their premises shall comply with the requirements of Article 17 and comply with the provisions of this Royal Decree.
5. In order to increase separate collection of WEEE producers of EEE may organise and finance the domestic removal of WEEE.

*Article 26. Collection of professional WEEE by producers of EEE.*

1. Producers of EEE shall organise separate collection of professional WEEE generated from the EEE placed on the market after August 2005 through individual or collection schemes of extended producer responsibility. The collection shall be handled through the allocation office provided for in Article 56.
2. In the case of historical waste, the producer of EEE shall be responsible for their collection only if they are to be replaced by new equivalent products or by new products with the same functions. Otherwise, the organisation of the collection and management shall be borne by the user.
3. Producers and users of professional EEE may agree a different organisation to the one provided in the previous paragraphs for the collection of professional WEEE. Users can entrust the management of professional WEEE to authorised managers.

*Article 27. Information on the collection of WEEE from producers of EEE.*

1. The managers of the first storage facility to which the WEEE is transferred shall incorporate the data on household WEEE collected by producers of EEE by means of their collection networks, as well as data collection of professional WEEE, into the electronic platform provided for in Article 55.
2. The producers of EEE shall monitor the collection of WEEE in their collection networks through the electronic platform.

3. Producers of EEE, through extended responsibility schemes, shall provide the Ministry of Agriculture, Food and Environment an annual report at regional and state level on the WEEE collection, in electronic format, under the terms provided in Article 41.1.e) before the 28<sup>th</sup> of February of the following year to the compliance period. The Ministry shall deliver the specific information to each autonomous community.

## SECTION 5. SEPARATE COLLECTION OF WEEE BY WASTE MANAGERS

Article 28. Separate collection of WEEE by waste managers.

1. The managers responsible for the collection of WEEE shall provide the user or holder of WEEE a receipt indicating the date of delivery, the type of equipment delivered, the brand, the serial number if possible, as well as the information provided by the user on its possible allocation for preparation for re-use or recycling.

2. These managers shall comply with the requirements of Articles 17 and 18 of the common principles on collection and with the provisions of this section.

## SECTION 6. OBJECTIVES OF SEPARATE COLLECTION OF WEEE

Article 29. *Objectives of separate collection of WEEE.*

1. In order to separately collect the WEEE generated in the country, the annual minimum objectives for separate collection of WEEE at state level, expressed in weight, shall be established. These minimum targets shall be calculated for each category referred to in Annexes I and III and required separately for household and professional WEEE.

2. State collection rates from the 1<sup>st</sup> of January 2019 shall be calculated using one of the following options, to be decided by the Ministry of Agriculture, Food and Environment:

- a) the minimum collection rate shall be 65% expressed as a percentage of the average weight of EEE placed on the market in the three preceding years, or
- b) the minimum collection rate shall be 85% of WEEE generated once the European Commission establishes the methodology to estimate the waste generated.

Having completed the minimum annual objective, this shall not hinder the collection, management and finance of the waste generated subsequently, as provided for in this Royal Decree.

3. Before the 28<sup>th</sup> of February each year, based on the data received from the Integrated Industrial Register on the EEE placed on the market in previous years, the Ministry of Agriculture, Food and Environment shall publish the State's minimum separate collection rates by category (household or professional) in kilograms or tonnes, for the annual compliance period which will be the calendar year.



Each autonomous community, proportionally to its population, shall comply with the annual minimum rates at state level, according to the latest data available from the National Institute of Statistics as of the 31<sup>st</sup> of December of the preceding year. However, the Coordination Commission on Waste may settle compensation mechanisms to modulate the regional objectives depending on the additional parameters considered suitable, such as official indicators on economic and social development, industrial development or indicators with demonstrated impact on the generation of WEEE, and that in any case, ensure compliance with the minimum rates at state level.

4. Before the 31<sup>st</sup> of March each year, the Ministry of Agriculture, Food and Environment, on the basis of a proposal from the Coordination Commission on Waste, shall publish the minimum separate collection rates to be met by producers by means of the extended responsibility schemes at both state and regional level by categories (household or professional) expressed in kilograms or tonnes for the annual compliance period. These rates shall be calculated based on the market share from the Integrated Industrial Register. Additionally, the estimated collection rates shall be published taking into account the producer's market share and the information on other collection and management channels not financed by EEE producers, derived from the electronic platform provided for in Article 55. These estimated collection rates might be updated throughout the annual compliance period, based on the information resulting from the electronic platform and the allocation office.

## CHAPTER V Treatment of WEEE

### Article 30. *Preparation for re-use*

1. In applying the principle of waste hierarchy, priority shall be given to preparing for re-use of WEEE, their components, subassemblies and consumables.

2. Preparation for re-use shall take place as soon as possible to the initial collection by authorised managers under the conditions specified in Annex IX. To do so, the users may be able deliver WEEE directly to the preparation for re-use centres or the WEEE may be checked and sorted in WEEE collection facilities as provided for in Article 18. The WEEE, that after sorting is not likely to be prepared for re-use, shall be sent to treatment facilities.

The preparation managers for re-use shall endorse agreements with specific treatment facilities on the collection of WEEE and intended for preparation for re-use and the delivery of WEEE and rejected components to the facilities to meet the recovery targets set out in Article 32.

3. In the field of public procurement, especially in matters related to preparation for re-use, the competent public authorities may establish social clauses for WEEE managers in accordance with Royal Legislative Decree 3/2011, of 14

November, approving the revised text of the Law on Public Sector Contracts approved.

4. Upon completion of the preparation for re-use process, the waste becomes an EEE or a component recovered. Current regulations apply on internal trade, in particular the Law 7/1996 of 15 January, of the Retail Trade, and the Royal Legislative Decree 1/2007 of 16 November, which approves the Consolidated Text of the General Law for the Protection of Consumers and Users and other complementary laws.

5. The competent authorities shall announce preparation for re-use centres authorised within their territory.

*Article 31. Specific treatment of WEEE.*

1. The disposal of WEEE that has not yet undergone a previous treatment in accordance with the provisions of this article shall be prohibited.

2. WEEE collected and not intended for preparation for re-use and WEEE or the WEEE components rejected after preparation for re-use, shall be treated in the treatment facilities specifically authorised in each case, as set under Article 37, or under equivalent conditions should they be facilities outside the European Union. The managers that prepare it for re-use and those performing their specific treatment shall agree the delivery of the WEEE and components rejected from the preparation for re-use to comply with the recovery rates set out in Article 32 in the terms provided for in Annex XIV.A.

Specific treatment of WEEE shall include, at least, the removal of all fluids, including oils, lubricants or other, and a selective treatment for materials and components in accordance with the provisions in Annex XIII. The WEEE that has not undergone the specific treatment procedure previously applicable will not be pressed, fragmented or compacted.

3. The Coordination Commission may establish technical instructions for guidance, which shall complement the provisions of the relevant Annexes of this Royal Decree and may propose updating the Annexes on the treatment requirements of WEEE.

4. Public authorities, under their corresponding competences, shall encourage establishments or undertakings which carry out treatment operations to introduce certified environmental management systems in accordance with Royal Decree 239/2013, of 5 April, which lays down the rules for the application of the Regulation (EC) 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC.

*Article 32. Recovery targets.*

1. Facilities for specific treatment of WEEE, shall meet the minimum recycling and recovery targets set out in Annex XIV.A concerning the WEEE entering their facilities. The recovery rates take into account the waste prepared for re-use as provided in Annex XIV and include this information in its annual report.

In order to calculate the objectives of WEEE recovery, the treatment of used industrial oils contained in WEEE shall be included, as well as the treatment of non-removable batteries and accumulators.

2. For installations where other types of waste other than WEEE are treated, specific studies or sorting shall be carried out to endorse the recovery targets for each category of WEEE. The sorting shall be fulfilled according to the permit conditions of the facility and shall be carried out yearly, at least. The criteria for this sorting shall be harmonised by technical notes or instructions issued by the Coordination Commission on Waste.

3. Preliminary activities including sorting and storage prior to recovery shall not count towards the calculation of rates or the achievement of these recovery targets. The facilities shall indicate in their annual report the WEEE stored to be treated the following year.

4. WEEE to be treated in another Member State of the European Union will count towards the fulfilment of recovery targets as provided for in Article 35.2.

WEEE exported out of the Union count towards the fulfilment of recovery obligations and targets under this Royal Decree when, complying with Regulation (EC) No 1013/2006 and (EC) No 1418/2007 on shipments of waste, the shipment operator can demonstrate that the treatment is carried out under equal conditions, according to this Royal Decree until the European Commission adopts the delegated acts for this purpose under Article 10.3 of Directive 2012/19/EU of 4 July 2012, on waste electrical and electronic equipment. The shipment operator shall include certified documentary evidence on equivalent of treatment conditions, issued by an independent verifier.

5. The EEE producers and dealers, when managing the WEEE they finance, shall comply with the recovery targets set out in Annex XIV.B by means of the certifications issued by the authorised treatment facilities with which they collaborate and by the data available on the electronic platform provided for in Article 55.

*Article 33. Obligation on information WEEE managers and EEE producers must provide on the treatment of WEEE*

1. The centres of preparation for re-use and specific treatment facilities shall maintain the chronological record under Article 40 of Law 22/2011, of 28 July, which will be linked to the electronic platform provided for in Article 55.

2. The preparation for re-use centres and specific treatment facilities must send to the autonomous communities before the 31<sup>st</sup> of January of the following year

of the compliance period, reports containing the information specified in Annex XII, including tables 1 and 2 of the Annex.

3. The specific treatment facilities shall include in its annual report a mass balance under the provisions of Annex XIII and the recovery target achieved in accordance with the provisions of Annex XIV. To calculate the rate of recovery results of the preparation for re-use processes shall be taken into account when this operation is performed in the facility or when it has reached agreements with preparation for re-use centres, to jointly compute the collection and management of waste. The data shall be based on certifications from the preparation for re-use centres and destination managers, including the results of the components, materials and substances management that leave specific treatment facilities. These certifications shall be attached to the memory for calculating the recovery rate and the facilities' managers shall retain these documents for at least three years.

The reports shall be produced with the information available in the chronological record via the electronic platform. Access to the content of these reports shall be limited to the competent public authorities.

4. In the case of treatment facilities where waste other than WEEE is treated, the results on specific studies or sorting shall be documented to endorse the recovery targets for each category of WEEE.

5. Producers of EEE shall provide the Ministry of Agriculture, Food and Environment an annual report at regional and state level on the WEEE prepared for re-use, recycling and recovery, and by them financed, under the terms provided in Article 41.1.e) before the 28<sup>th</sup> of February of the following year to the compliance period. The Ministry shall deliver the specific information to each autonomous community.

## CHAPTER VI Shipments of WEEE

*Article 34. Shipment of WEEE within the State territory.*

1. Shipments of WEEE within the State territory shall be governed by the regulations ruling the shipment of waste under the Law 22/2011, of 28 July, in its implementation rules and by the provisions of this Royal Decree.

2. Shipments of WEEE from the collection facilities to the preparation for re-use centres and specific treatment facilities will be done in such a way that these facilities only receive, store and treat the groups of WEEE for which they are authorised.

*Article 35. Entry and exit of WEEE outside the country or outside the EU.*

1. The entry and exit of WEEE in the country is regulated by Article 26 of Law 22/2011, of 28 July.

2. Operators of shipments of WEEE to European Union countries shall inform the competent authority of the autonomous community on the shipments of this waste and provide a copy of the permit of the destination facility issued by the Member State to calculate recovery targets laid down in Article 32. It shall state the quantities and categories of waste and the treatment facilities. The copy will be presented once and it shall be valid as specified in the permit.

The information on shipments of WEEE to EU countries shall be incorporated into the electronic platform provided for in Article 55 by the shipment operator when the waste manager needs to incorporate management data to the platform; otherwise, this information will be incorporated by the competent authority of the autonomous community.

3. Operators of shipments of WEEE outside the European Union shall inform the Ministry of Agriculture, Food and Environment, on shipments of this waste and, where appropriate, provide the treatment certificate under equivalent conditions to those required under this Royal Decree, until the European Commission adopts delegated acts for this purpose in accordance with Article 10.3 of Directive 2012/19/EU of 4 July 2012 on waste electrical and electronic equipment. The information on shipping and the certificate will be sent prior to the shipment in order to calculate recovery targets laid down in Article 32 stating the quantities and categories of waste and the treatment facilities.

The certification of equivalent conditions shall be made by an independent third party technically and internationally certified. Certificates of equivalent treatment conditions shall be valid for two years or, where appropriate, for the period indicated in the permit. The Ministry of Agriculture, Food and Environment shall keep an electronic list of facilities outside the EU with valid certificates that may be consulted by the public authorities.

The shipment operator shall incorporate into the electronic platform provided for in Article 55 the information on shipments of WEEE to countries outside the European Union when the waste manager needs to incorporate management data to the platform; otherwise, this information will be incorporated by the Ministry of Agriculture, Food and Environment.

*Article 36. Minimum requirements to distinguish the shipment of used EEE from the shipment of WEEE.*

Shipments of used EEE shall meet the requirements of Annex XV. To authorise, monitor and inspect the shipment, the competent authorities may verify compliance with these requirements to confirm it is not a shipment of WEEE. The monitoring and inspection costs by the competent authorities may be charged, pursuant to the provisions of Article 57.2, to the shipment operator, or falling this, to the physical or legal person who makes or organises the shipment.

## CHAPTER VII

### **Permits, communications and other obligations of the managers of WEEE**

*Article 37. Communication, permits and register of operators and facilities for collecting, storing and specific treatment of WEEE.*

1. Communications, permits and reporting obligations are governed by the provisions of Law 22/2011, of 28 July, to be completed with the provisions of this Royal Decree.

Permits and communications shall be automatically registered by the competent regional authority in the Production and Waste Management Register, which will be public, and which will provide information on the categories of WEEE and the management and type of treatment carried out.

2. WEEE collection facilities must be authorised in accordance with Law 22/2011, of 28 July. These facilities will store and group WEEE according to the provisions of Annex VIII.1. Logistics platforms will present a preliminary communication in the autonomous community in which they are located, with the content set out in Annex X and will meet the storage requirements of Annex VIII. 1.

3. The permit for the managers for the preparation for re-use shall require compliance with the requirements of Annex IX.B

4. The permit for treatment facilities shall imply compliance with the requirements of Annex XIII on the specific treatment of WEEE and the recovery targets of Annex XIV.

5. In accordance with Article 27.5 of Law 22/2011, of 28 July, granting the permit requires, at least, the following from the competent authority:

a) Prior inspection of the storage facility, the preparing for re-use centre or the specific treatment to verify compliance with the applicable requirements of Annex VIII, IX and XIII.

b) Verify that the specific treatment facility has managed an evaluation or testing project to verify compliance with the established recovery targets. The evaluation or testing project shall be registered either conventionally or electronically for the relevant authorities to verify.

Prior to running this test, the treatment facility shall inform the autonomous community on the type and quantity of waste to be treated and the time allocated to testing.

Homogeneous minimum criteria for the evaluation or testing project may be established by the Ministry of Agriculture, Food and Environment, on the basis of a proposal from the Coordination Commission on Waste.

6. The content of the permit shall detail the specific treatment operations or processes to be carried out in the facility. Annex XVI contains an indicative list of these operations.

7. Any substantial modification of the facility, including changes in the treatment methods from when the permit was granted, shall require updating the permit and complying with the requirements of this article. Likewise, the communications provided for under this article will be updated when any

change occurs in the activity reported or in the information included in the communication.

8. To operate with WEEE, registered dealers shall comply with the conditions laid down in their communication and shall prepare an annual report with the content provided for in Annex XVIII paragraphs b and c on the quantities of WEEE prepared for re-use, recycled and recovered and financed by them, based on the information certified by managers and according to the information available in the electronic platform on WEEE in Article 55. The report shall be delivered to the autonomous communities where they operate before the 28<sup>th</sup> of February of the following year of the compliance period and shall be incorporated into the Production and Waste Management Register.

## CHAPTER VIII

### **Extended producer responsibility of EEE**

#### SECTION 1. GENERAL PROVISIONS

Article 38. *The extended producer responsibility of EEE.*

1. Producers of EEE, within the framework of the extended producer responsibility shall:

a) In terms of prevention, design and manufacture equipment facilitating re-use, repair and recycling, and prepare plans for the prevention of WEEE.

b) Place on the market the EEE according to the manufacturing, design, marking and information requirements provided for in this Royal Decree and other regulations applicable.

c) In terms of collection, apply the estimates foreseen in the communication or permit of extended producer responsibility schemes and meet the minimum collection targets of WEEE published by the Ministry of Agriculture, Food and Environment. They may establish their own collection networks to ensure the collection of WEEE generated in the whole country.

The obligation of collecting waste in all the State territory, provided for under Article 32.5.b) of Law 22/2011, of 28 July, especially in the case of the outermost regions, may be accomplished by agreements with the schemes that have their registered office in this territory.

d) Organise and finance the collection and management of WEEE allocated to them. Concerning management, they shall comply with the recovery targets set out in Annex XIV, part A and part B. They shall finance management and constitute a financial guarantee in the terms provided in sections 3 and 4. They shall finance the coordination instruments under Articles 55 and 56, in the terms provided in these articles, as well as awareness and information campaigns on prevention, proper collection and management of WEEE and collaborate in their design and dissemination, together with distributors and the competent authorities.

e) Comply with the reporting and documentation requirements provided for under the terms agreed in this Royal Decree.

f) Ensure that the extended producer responsibility schemes comply with the requirements under this Royal Decree and that they have enough financial

resources to comply with the financing, collection and treatment obligations of their waste products generated throughout the state territory.

g) Respect the principles of human health, consumers and environmental protection, the application of the waste hierarchy and the preservation of fair competition concerning the placing on the market of EEE and the management of WEEE.

2. Producers of EEE shall establish individual or collective extended producer responsibility schemes and specify the obligations each of the schemes assumes in each category or subcategory of EEE. Producers may choose a combination of several extended producer responsibility schemes should the products placed on the market fall under different categories and subcategories of EEE.

*Article 39. Communication, constitution and operation of individual extended producer responsibility schemes*

1. Producers opting for an individual scheme shall submit a communication to the competent body of the autonomous community in which it is allocated following the provisions of Annex IX of Law 22/2011, of 28 July, accompanied, where appropriate, by the financial guarantee in accordance with Article 48 and following, and shall be automatically inscribed in the Production and Waste Management Register by the competent regional authority. The communication of the individual scheme shall identify the EEE to be placed on the market and the waste collection the producer foresees, in accordance with table 1 of Annex VIII.

2. The producer who chooses an individual scheme can establish a:

a) Selective individual scheme to finance and organise the management of WEEE generated by its own brand or brands in all categories of EEE.

b) Non-selective individual scheme to finance and organise the management of WEEE in the same categories of the EEE the producer places on the market, regardless of the brand.

c) The producers of EEE may provide the competent regional authorities with other individual schemes options. The Coordination Committee on Waste, through its Working Group on WEEE, shall assess the relevance of these methods to comply with the obligations of extended producer responsibility under this Royal Decree; in particular, it shall positively assess the models that promote the eco-design of producers.

3. The minimum amount of waste by category to be annually collected in individual schemes shall be established by the Ministry based on the producer's market share of the year prior to the compliance period, in accordance with the provisions of Article 29.

*Article 40. Constitution, permit and operation of collective extended producer responsibility schemes of EEE.*

1. Collective schemes shall be constituted and authorised in accordance with the provisions of Law 22/2011, of 28 July, to exclusively comply with the obligations of extended producer responsibility.



2. The permit application submitted by the collective scheme and the permit granted shall have the contents provided for in Annex XVII. The permit application shall be submitted as provided for in Article 32.3 of Law 22/2011, of 28 July. The Coordination Committee on Waste shall assess the content of the application and the suitability of the collective scheme to fulfil the obligations of the extended producer responsibility.

Among other things, clearness and impartiality in the way producers incorporate to schemes shall be analysed, ensuring no discrimination in the incorporation of the operators, the internal process of decision-making based on objective criteria, the length of the incorporation contracts and the information exchange mechanisms between the members of a collective scheme and with the other waste management operators. Similarly, the application of objective, transparent and non-discriminatory conditions between the schemes and other waste operators shall be analysed as well as the agreements between collective schemes. Decision-making and information supply should not increase risk of collusion between the scheme producers or between the scheme and other waste management operators.

Additionally, the absence of conflicts of interest among the scheme members or those responsible for decision-making and other operators, especially among the waste managers to be hired, shall be assessed.

3. The competent authority may include conditions in the permit to ensure compliance with the objectives and obligations of EEE producers throughout the State, depending on the characteristics of each territory. It may also envisage the implementation of collection networks in certain areas or in certain categories and subcategories of EEE, depending on the specific or hazardous characteristics of these categories and subcategories.

4. The permit shall be valid for four years, after which it shall be revised and a new procedure established according to this article. Each year and during the validity of the permit, the autonomous community will monitor compliance with the permit conditions in its territory.

5. The autonomous community shall provide, if necessary, the permit where the yearly conditions are established according to the content of Annex XVII. Failure to comply with these conditions may result in the application of the provisions of Article 59. Once registered in the Production and Waste Management Register, the collective scheme may start its activity.

6. Collective schemes shall establish their own rules of procedure ensuring the participation of producers in decision-making, particularly relating to decisions affecting the categories and subcategories of the equipment the producer places on the market. All members of the collective scheme are entitled to receive information arising from compliance with the provisions of this Royal Decree, to submit comments and claims which should be appraised and taken

into account in the schemes' functioning, especially in relation to the categories and subcategories of the equipment the producer places on the market.

7. Should the collective scheme conclude its activity, it must inform all the producers that form part of it three months in advance to ensure compliance with the obligations of producers. It must also inform the public authority who granted the permit for it to be cancelled.

Producers may then form or integrate into another extended responsibility scheme as provided for in this Royal Decree.

The financial guarantees shall be returned to the producers.

## SECTION 2. OBLIGATIONS OF THE EXTENDED PRODUCER RESPONSIBILITY SCHEMES

*Article 41. Common obligations of individual and collective extended producer responsibility schemes of EEE.*

1. Individual and collective schemes must comply with the obligations of waste collection organisation, management, compliance with objectives, financing and information, derived from the extended producer responsibility under this Royal Decree. In any event, these schemes:

a) Shall apply the provisions incorporated into the communication and permit of extended producer responsibility schemes, as provided for in this Royal Decree.

b) Shall participate in the organisation, functioning and financing of the electronic platform of WEEE management and the allocation office in the terms provided for in this Royal Decree.

c) Shall endorse agreements or contracts with distributors to establish the conditions to finance, collect, store, sort, and the deliver of WEEE to managers for their management.

d) Shall enter into agreements or contracts with authorised waste managers and with the centres preparing for re-use centres to finance collection and treatment costs of WEEE, under the scope provided in Articles 43 and 44.

The contracting conditions with waste managers must ensure compliance with the principles in Article 32.4 of Law 22/2011, of 28 July, on publicity, competition and equality, with special consideration to the principle of proximity.

Contracts shall recognise the conditions of the managers' permits. The managers shall supply the data to the schemes established in this Royal Decree, recognising the confidentiality of the managers' activity under Law 15/2007 of 3 July on competition and free trade of WEEE, its materials and components.

e) Shall provide, before the 28<sup>th</sup> of February of the following year to the compliance period, the annual report provided for in Annex XVIII a), b) and c) at regional and state level to the Ministry of Agriculture, Food and Environment. The report will be delivered in electronic format or, where appropriate, by available electronic means or web portals. The Ministry shall deliver the specific information to each autonomous community.

The report on each autonomous community shall be based on the information in the electronic platform and shall include data related to the management of waste collected in the territory of that autonomous community. The report shall include a summary table of WEEE collected and managed in the format of tables 1 and 2 of Annex XII. The report at state level, in addition, shall include the previous information aggregated at state level.

The WEEE prepared for re-use, recycled and recovered as well as disposed of, shall relate to the data certified by each manager. These certificates shall be attached to the report.

The above documents shall be complemented with a report audited by an independent external entity that ensures the accuracy of the information provided.

f) Shall provide the Ministry of Agriculture, Food and Environment, before the 31<sup>st</sup> of October of the current year, for the purpose of knowledge and confidentially, a report in electronic format with the estimates for the following year on prevention, preparation for re-use, collection, recycling and recovery of WEEE by categories and subcategories in each autonomous community and at state level, in reference to the minimum objectives to be achieved, and the managers and preparing centres with whom they shall cooperate. This report shall be based on the contents of the permit or on the communication and territorial specificities. The report shall estimate the shares to apply to each producer based on the equipment placed on the market, the justifying parameters and the revenue and expenditure estimates. The Ministry shall deliver the specific information to each autonomous community.

g) Shall ensure there is no double financing of the extended producer responsibility schemes of EEE with other schemes of extended producer responsibility on components or substances comprised in WEEE, such as batteries or waste oils.

2. The annual report of extended producer responsibility schemes referred to in paragraph 1.e) shall be assessed by each autonomous authority, with the appropriate monitoring instruments and reviewed by the Working Group on WEEE. The competent authorities shall be responsible for monitoring and controlling the schemes in their territory as set out in Article 21 of Law 20/2013, of 9 December, on Market Unit Guarantee, and may make the appropriate remarks on the actions to be carried out on their territory, as well as on compliance of communication or permit conditions.

3. The extended producer responsibility schemes can only organise the management of the waste categories and subcategories of EEE that the producers of these schemes place on the market and for those authorised or embodied in their communication.

4. The producer who withdraws from the extended producer responsibility scheme shall inform the original scheme, the new scheme it is included in or

constitutes, and the Integrated Industrial Registry during the last three months of the year, following the provisions of Article 8.3. The financial guarantee, if any, deposited by the producer will be reassigned to the new scheme, as provided for in sections 3 and 4. The change from a responsibility scheme to another implies that the new one assumes all the producer's obligations resulting from its market share for the next year.

*Article 42. Additional obligations of collective extended producer responsibility schemes.*

Collective schemes should:

a) Report to producers the accomplishment of the objectives of the collective scheme for separate collection, treatment and recovery, by categories of EEE. These shall be shared out between the producers according to their share in the collective scheme.

b) Include in the report provided for in Article 41.1.e), paragraph d) on economic data of Annex XVIII duly audited and incorporate elements indicating its authenticity. The report shall include the audit of the annual financial statements prepared and approved in accordance with Royal Decree 1491/2011, of 24 October, establishing the regulations to adapt the general financial plan to non-profit organisations and the action plan of non-profit organisations, according to the provisions of Article 32.5.j) of Law 22/2011, of 28 July. Should the report reveal deviations from the estimates submitted by the collective scheme the previous year, the proof for this deviation should be provided.

The Coordination Commission on Waste may request any additional information it deems necessary.

c) Safeguard the confidentiality of the information provided by the members of the collective scheme for its functioning, especially that relevant to the economic activity of the scheme members.

### SECTION 3. SCOPE OF THE FINANCING OBLIGATIONS OF THE PRODUCERS OF EEE

*Article 43. Financing of WEEE from private households.*

1. Each producer of EEE from private households shall be responsible for financing, at least, the collection, transport and treatment of WEEE from private households deposited at collection points or networks in the collection facilities of local authorities and distributors, as well as financing the WEEE from private households collected by other managers with whom they have endorsed agreements. The management of WEEE commissioned by the local authorities or directly by the distributors to the authorised managers, may be financed by EEE producers provided it is based on agreements with the managers in the terms by them specified.

2. The costs of the management of WEEE mentioned in the previous paragraph shall include:

- a) The identification, classification and storage of the WEEE delivered to the collection facilities and the alignment thereof to the conditions set out in this Royal Decree.
- b) The transport of WEEE from the collection facilities to the preparation for re-use centres and treatment facilities, including the temporary storage and the identification and classification costs to be performed in these storage and treatment facilities.
- c) The preparation for re-use, specific treatment, recovery and disposal of the WEEE collected, carried out in accordance with the provisions of Law 22/2011, of 28 July, and this Royal Decree.
- d) The collection and management of waste oils in WEEE will be included in the financing the producers of EEE accomplish for waste management. Hence, the extended producer responsibility does not apply to these oils under Royal Decree 679/2006, of 2 June, on industrial waste oils, notwithstanding the treatment conditions thereof, once recovered from WEEE, as provided in paragraph G9 of Annex XIII.
- e) If the user cannot remove the batteries and accumulators incorporated into the EEE, the producers of EEE shall finance the collection and transport of batteries and accumulators until their removal from WEEE and the subsequent treatment.

3. Each producer is responsible for financing the operations referred to in the preceding paragraph, through individual or collective schemes, regarding waste from products placed on the market after the 13 August 2005.

4. The responsibility for the financing of the management costs of historical WEEE from private households shall be borne by all the EEE producers existing on the market when these costs occur. Each producer will contribute proportionately to his respective share of the market by type of EEE.

5. Producers may finance the costs from the collection and transport of WEEE from private households intended for collection facilities.

6. Producers shall finance the creation and maintenance of coordination instruments for WEEE established in Articles 55 and 56.

7. The producers of EEE from private households must deposit an annual financial guarantee as provided for in section 4.

8. Producers shall finance the provisions of this Article according to their market share, by category, in the terms established under this Royal Decree.

9. The extended producer responsibility schemes shall establish mechanisms for the reimbursement of the contributions they may have made for products that are transferred to the market of another Member State.

10. In order to increase the separate collection of WEEE from private households, producers of EEE may organise and finance their domestic removal.

*Article 44. Financing of professional WEEE.*

1. Producers shall, at minimum, contribute to financing the costs for the collection, preparation for re-use, specific treatment, recovery and disposal of professional WEEE resulting from products placed on the market after 13 August 2005.

For historical waste being replaced by new equivalent products or by new products fulfilling the same function, the financing of the costs shall be provided for by the producers of those products when supplying them. For other historical waste, the financing of the costs shall be borne by the professional users through registered WEEE managers or registered in the Production and Waste Management Register.

2. Producers and users of professional EEE may, without prejudice to this Royal Decree, endorse agreements stipulating other financing methods.

3. Producers of professional EEE will participate in financing coordination instruments provided for under Articles 55 and 56. The allocation office shall operate the organisation of the management of professional WEEE by means of individual or collective schemes.

4. EEE producers will include the collection and management of industrial waste oils from professional WEEE when financing their waste management, hence the extended producer responsibility provided for in the Royal Decree 679/2006, of 2 June, on industrial waste oils does not apply, notwithstanding the processing conditions thereof once removed from WEEE, as provided in paragraph G9 of Annex XIII.

5. If the user cannot remove the batteries and accumulators incorporated into professional EEE, the producers of professional EEE shall finance the collection and transport of these batteries and accumulators until their removal from WEEE, as well as the subsequent full treatment.

#### SECTION 4. FINANCIAL GUARANTEES OF EEE FROM PRIVATE HOUSEHOLDS

*Article 45. Financial guarantees of EEE from private households.*

1. Producers of EEE from private households established individually or in collective schemes shall provide a financial guarantee and certify it under the competent body in the autonomous community where the communication shall be introduced or when requesting the permit for these schemes.

2. The financial guarantee shall ensure the financing of the management of WEEE from equipment placed on the market by the producer or producers to comply with the minimum targets of the extended responsibility scheme and to not affect other producers, in the cases of:

- a) Insolvency of one or more producers;
- b) Breach of the permit or communication conditions;

c) Dissolution of the extended responsibility scheme without ensuring the finance of the related waste management.

3. The length of the financial guarantee is annual; after this period it shall be reviewed and a new one can be established to adapt its scope and amount as provided in the preceding paragraph.

*Article 46. Forms of financial guarantee.*

The financial guarantee may be established in any of the following forms:

a) An insurance policy that complies with Law 50/1980, of 8 October, on Insurance Contracts, endorsed by an insurance company authorised to operate in Spain.

b) A guarantee granted by any financial institution authorised to operate in Spain.

c) The establishment of a technical reserve by means of an “*ad hoc*” fund allocated to financial investments backed by the public sector.

d) By guarantees acknowledged in Article 96 of the Law on Contracts awarded by public authorities, adopted by Royal Legislative Decree 3/2011, of 14 November.

*Article 47. Extent of the financial guarantee.*

1. The extent of the financial guarantee for each producer shall be determined based on the minimum targets for annual collection of WEEE from private households and on the average costs of WEEE management according to the formula provided in Annex XVII.2.

2. The average costs of WEEE management shall be established for the purposes of determining the financial guarantee that producers shall endorse to comply with their coverage obligations on extended responsibility. These costs shall be calculated by categories and subcategories of EEE and shall be valid at state level.

3. Following consultation with experts and sector operators, the Working Group on WEEE may propose to the Ministry of Agriculture, Food and Environment the possibility of modulating the amount of the guarantees upwards or downwards, depending on the eco-design of the EEE and on issues related to prevention, according to the terms set out in Annex XVII.2.

The Working Group on WEEE may also propose minimum amounts for the financial guarantees to the Ministry of Agriculture, Food and Environment.

*Article 48. Financial guarantees through individual schemes.*

The producer of EEE from private households who selects an individual extended responsibility scheme shall provide proof of having endorsed the financial guarantee together with the communication to the competent body of the autonomous community. The competent body to which the communication is addressed shall oversee the documentation and the extent of the guarantee based on the preceding article. The guarantee must be in force at the time the activity of the individual responsibility scheme starts functioning and must be reviewed annually and, if necessary, restored throughout the activity period.

*Article 49. Financial guarantees through collective schemes.*

1. The producer of EEE from private households who selects a collective extended producer responsibility scheme shall endorse the financial guarantee through a collective scheme.

2. The application for the collective scheme permit will be accompanied by the documents related to the financial guarantee to be assessed by the competent authorities. The extent of the financial guarantee shall be calculated as the sum of the guarantees of the producers that comprise the scheme, according to the provisions of Annex XVII. 2.

The financial guarantee must be in force at the time the collective scheme starts functioning or, in any case, within one month from the notification of the approval decision of the collective scheme, after which the guarantee will not be effective if its validity period has expired.

3. The subscription of the financial guarantee must be valid throughout the entire period of the collective scheme permit. The guarantee shall be reviewed annually and, if necessary, restored throughout the validity period of the permit.

*Article 50. Implementation of the financial guarantee.*

The total or partial implementation of the financial guarantee may be requested by the extended responsibility schemes, upon proof of insolvency of any of the producers or as a decision of the competent authority which granted the permit or to which the communication was submitted. In the latter case, it may be requested by the previously mentioned competent body, at the request of the competent authority of another country or at the request of the Working Group on WEEE.

Coordination mechanisms between the competent authorities will be established to define the partial or full implementation of the financial guarantees endorsed.

## CHAPTER IX Reporting obligations of public authorities

*Article 51. Information of public authorities to users.*

1. Local entities shall inform users on aspects related to the collection of waste at municipal level, and at minimum, on the following issues:

- a) The obligation of users to deliver WEEE separately to avoid the disposal as non-selected municipal waste and to avoid it being left on public roads.
- b) The facilities and means provided for separate WEEE collection in municipalities. At minimum, they shall inform on the schedule, location and frequency of waste collection in the case of mobile facilities, on the location and schedule of the fixed facilities of WEEE collection authorised in the municipality, both public and private, as well as on the fractions or groups of collected WEEE that can be deposited in each one of them.



c) The organisations, undertakings and collectors, including those operating in the field of social economy, which carry out the collection and management of WEEE from private households.

This information will be supplied by the autonomous community should the local authorities consider it relevant or should they not have enough means to do so themselves.

2. The autonomous communities shall inform users, at minimum, on the storage facilities, preparation for re-use and specific treatment of WEEE in their autonomous community, the categories of WEEE for which the facilities are licensed and the registration number in the Production and Waste Management Register.

3. The Ministry of Agriculture, Food and Environment shall inform users, at minimum, on the possible impacts on human health and the environment which substances, particularly hazardous, can cause in EEE as a result of inadequate waste collection and management. As a matter of priority it will report on the impacts of temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, as well as the impacts of fluorescent lamps containing mercury, photovoltaic panels and small electrical and electronic equipment.

4. The Ministry of Industry, Energy and Tourism shall inform the producers included in the Register of electrical and electronic equipment producers of the Integrated Industrial Register, on the identification number associated to each producer and the categories of the equipment placed on the market.

5. Public authorities shall also report on:

a) The importance of the prevention and proper collection and management of WEEE, as provided for in this Royal Decree.

b) The relevance of the participation of citizens in the re-use and repair of electrical and electronic equipment, separate collection, preparation for re-use, recycling and other forms of recovery of WEEE.

c) The relevance of the participation of distributors in the separate collection of WEEE and fulfilment of their obligations under this Royal Decree.

d) The relevance of the participation of EEE producers in the separate collection of WEEE and in the principle of extended producer responsibility.

e) Compliance with the minimum targets for separate collection and recovery objectives, once these data are available.

This information will be published, at least, on the websites of the Ministry of Agriculture, Food and Environment and the autonomous communities.

6. Awareness and information campaigns at state level will be implemented to carry out joint information actions. Additionally, campaigns will be conducted at regional level if minimum targets are not reached for specific problems if detected or to the special characteristics of the collection schemes. All will be implemented as provided for in Article 54.

*Article 52. Administrative cooperation and information exchange.*

1. The authorities competent in the issues covered by this Royal Decree, particularly in waste management at local, regional and state level, shall cooperate with each other to ensure the correct application of this Royal Decree, to attain compliance from the agents involved with their obligations and to establish an adequate information flow between public authorities. Likewise, they will also collaborate with other Member States and the Community institutions to achieve these purposes.

2. The obligation to cooperate and exchange information may be implemented by the Coordination Commission on Waste, its Working Group on WEEE and the expert groups related to WEEE management in different administrative spheres.

3. The Coordination Commission shall establish consultation mechanisms with the National Commission of Markets and Competition on administrative decisions or other aspects implied in the effective competition and the efficient economic regulation of the sectors involved in the Royal Decree.

*Article 53. Report to the European Commission.*

The Ministry of Agriculture, Food and Environment shall send the European Commission a report on the implementation of this Royal Decree every three years. The report shall be drawn up on the basis provided in the questionnaire established by Commission Decision 2004/249/EC and Decision 2005/369/EC.

## CHAPTER X Coordination on WEEE

*Article 54. Coordination functions of WEEE.*

1. In order to comply with its coordination functions, the Working Group on WEEE of the Coordination Commission provided for in Article 5 will depend on the electronic platform of WEEE and the allocation office of WEEE provided for under Articles 55 and 56. This working group shall count on the participation of related sectors, especially the producers of EEE, the extended producer responsibility schemes, the distributors and the managers of WEEE.

2. The coordination functions of WEEE shall include assessing the proper management of WEEE, the application of the extended producer responsibility, the participation of all operators involved in the collection and management of waste as well as the coordination of information on the collection and management of waste throughout the country and the input of information to public authorities to enable supervision and inspection in this area.

Based on the information on the market share of producers of electrical and electronic equipment from the Integrated Industrial Register, the information from the electronic platform and, if necessary, the amount of historical waste generated in each category, the Working Group on WEEE shall propose to the Coordination Commission on Waste, before the 20<sup>th</sup> of March of each year, the

minimum rates for separate collection for the annual compliance period at national and regional level by categories and use (household or professional) expressed in tonnes or kilograms, to be met by producers through extended responsibility schemes.

Should the extended responsibility schemes not comply with their objectives, the Working Group on WEEE shall issue a report analysing the breach. Other factors will be taken into account in particular the impact of the breach on the State's compliance with the collection rates and the information the extended responsibility scheme may provide. The report shall include the possible measures to be taken, among which it may include the compensation through the objectives of the following year, the amendment of the permit conditions under the provisions of Article 40 or the initiation of disciplinary proceedings by the competent authority as provided for in Article 59.

The Working Group on WEEE will coordinate the content and effectiveness of the awareness and information campaigns at state and regional level, concerning the prevention and proper collection and management of used EEE and WEEE.

3. These functions will be carried out in coordination with the Production and Waste Management Register provided for in Law 22/2011, of 28 July, with the Integrated Industrial Register under Law 21/1992 of 16 July, with the databases on waste shipments where appropriate and in coordination with other databases relevant to this sector.

4. The coordination, supervision and performance functions of the instruments which support the electronic platform on management of WEEE and allocation office under Articles 55 and 56 will be developed by ministerial decree. Financing agreements can be endorsed with the participating sectors for specific activities related to the coordination of WEEE management.

5. The coordination efforts of the Working Group on WEEE shall be carried out notwithstanding the competencies of the regional authorities, the preservation of competition and the related ministerial departments.

*Article 55. The electronic platform of WEEE management.*

1. The electronic platform of WEEE management shall compile the information on the collection and management of WEEE available from all channels and operators provided for under this Royal Decree, in each autonomous community and at state level.

All the operators involved in the collection and management of WEEE shall submit the electronic platform the data on the collection and management of WEEE and shall update them every time WEE is collected, entering or leaving their premises or facilities, or every time any other information incorporated into the platform is modified. The platform will enable knowing the situation or traceability of waste at every stage and the assignment and register of WEEE collected by the allocation office. Each operator can only access the data necessary for his activity

The identification of WEEE on the electronic platform will be by the LER-WEEE codes linked to the categories and treatment groups listed in table 1 of Annex VIII, which refers to WEEE falling within the scope of this Royal Decree on the terms provided for in Article 2. Identification of the remaining WEEE on the electronic platform will be by the LER Codes of Decision 2000/532/EC of 3 May.

2. The electronic platform will enable public authorities to calculate the WEEE collected by all collection managers, provide information on the estimates of the WEEE generated and managed within the Spanish territory as well as the WEEE shipped, in order to exercise the implementing powers of surveillance, monitoring and control, information supply and monitoring of compliance with the collection objectives of the Community.

3. The competent public authorities will have access in real time to the data on the platform and to, at minimum, data related to their territory, without prejudice to the access due to the competencies that Security Forces might have. Other users can access the information necessary to fulfil their obligations. Each operator will introduce data on the platform through restricted access to ensure correct data protection. The information will remain available on the platform for at least five years.

4. The platform will enable the operators involved in the collection and management of WEEE and producers of EEE to comply with the reporting obligations provided for in this Royal Decree as well as, where appropriate, with the obligations of the chronological record and the annual report under Articles 40 and 41 of Law 22/2011, of 28 July, according to Annexes XI and XII.

5. The electronic platform will be coordinated with the databases provided for in Article 54.3.

6. The working group on WEEE shall monitor, coordinate and follow-up the functioning of the electronic platform. The electronic platform shall be jointly financed by the competent public authorities and the producers required to fulfil the obligations of the extended producer responsibility. In any case, the Ministry of Agriculture, Food and Environment and producers will be involved. Agreements may be endorsed with other public authorities and sectors.

*Article 56. The allocation office of WEEE collected.*

1. The allocation office shall quantify all the household and professional WEEE collected under the extended producer responsibility as of the information available from the electronic platform.

2. The office shall fulfil mandatory allocations at state level to the extended accountability schemes for the collection and management of WEEE from the collection facilities of local authorities and distributors. The allocation office shall be organised based on the territory.

3. Should extended producer responsibility schemes endorse collection agreements with the collection points of WEEE, the office shall assign the requests from these points to the extended responsibility schemes endorsed under that agreement.

4. The allocation of WEEE shall be collected by collection fractions and treatment groups according to the waste collection target resulting from the market share of household and professional EEE in the national market of each extended responsibility scheme. The allocation of collected household WEEE will be independent from collected professional WEEE.

The allocation of waste collected to extended responsibility schemes to fulfil their targets, will take into account the collection agreements endorsed as well as the waste collected through its collection networks.

5. The collection and management of the WEEE assigned by the office shall be accounted when each one is registered in the electronic platform.

6. At the end of the year, the office will produce a report on the collection of household and professional WEEE of each extended responsibility scheme based on their market share and objectives. This assessment shall be shared with the Working Group on WEEE for analysis and assessment.

When the schemes collect waste above their share or above the collection shares assigned by the office, the surplus shall not be financially compensated with other schemes.

7. The allocation office shall be managed and financed by producers of EEE. The Working Group on WEEE from the Coordination Commission on Waste shall monitor its operating in order to collect and manage the WEEE related to producers through the proper distribution of responsibilities between them.

8. The allocation office shall inform the Working Group on WEEE on communications from local authorities and distributors related to the participation or not of the allocation office in the collection and management of waste from local authorities and distributors.

## CHAPTER XI

### **Supervision, control and monitoring, inspection and penalty system in the management of WEEE**

#### *Article 57. Inspection and monitoring.*

1. The competent public authorities, including the law enforcement authorities, when undertaking the tasks of control, monitoring and inspection, shall carry out appropriate inspections and monitoring to verify the proper implementation of this Royal Decree. Notwithstanding the provisions of Article 44 of Law 22/2011, of 28 July, they shall include, at least:

a) The information reported in the framework of the products placed on the market of the Register of producers of Article 8;

- b) The visible incorporation of the number of the Integrated Industrial Register on the documents on the import of EEE from third-countries;
  - b) The information on the WEEE collected in municipal collection facilities of distributors, producers or managers;
  - c) The performance conditions of collection operations;
  - d) Operations in the preparation for re-use centres and treatment facilities in accordance with Law 22/2011, of 28 July, and Annexes IX and XIII of this Royal Decree;
  - e) The information provided by the managers and the extended producer responsibility schemes as provided for in this Royal Decree;
  - f) Shipments, and in particular:
    - 1. exports of WEEE outside the EU in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007, and with the provisions of this Royal Decree,
    - 2. compliance with the requirements for the shipment of used EEE and WEEE under Annex XV.
2. The competent public authorities may charge the costs of appropriate analyses and inspections, including storage costs of used EEE suspected to be WEEE, provided for in Chapter VI on the shipment of WEEE, to the shipment operator, to third parties acting on their behalf or to other persons arranging the shipment of used EEE suspected to be WEEE.
3. If, upon inspection of storage, collection and treatment of WEEE facilities, the competent authority discovers a breach of the authorised conditions or of the information provisions, notwithstanding a prior warning, the relevant facility shall be forbidden to start or carry out any activity, unless the facility operator complies with the provisions of this Royal Decree within the established deadlines.
4. In reference to the storage of metallic materials, as well as any other statements on the collection, transport, storage and treatment of WEEE considered strategic or relevant to national security, the applicable provisions developed by the Ministry of the Interior shall be applied.
5. The competent authorities shall be responsible for supervising and control of the operators' practices in their territory as set out in Article 21 of Law 20/2013, of 9 December.

*Article 58. Collaboration with the public authorities.*

Public authorities shall provide the mechanisms necessary to enable citizens to notify the competent authorities of any breach of the provisions of this Royal Decree.

The information that, due to its characteristics or to its relevance or severity, is likely to be classed as an offence in accordance with the provisions of the existing Criminal Code shall be transferred to the Coordinating Office of Environment and Planning.

*Article 59. Penalty system.*

1. In the event that the individual scheme does not comply with the communication conditions, the competent authorities where conditions are breached shall initiate an infringement procedure and assess the possibility of executing the financial guarantee as set out in Article 50 with the subsequent possibility of cancelling its activity and deregistering it from the Production and Management Register on behalf of the authority where the communication was registered.

2. In the event that the collective scheme does not comply with the permit obligations, the competent authorities of the territory in which the conditions are breached may initiate an infringement procedure and assess the possibility of executing the financial guarantee as set in Article 50, as well as partially revoking the permit and cancelling the scheme's activity in its territory. If the scheme widely fails, the competent authority may proceed to revoke its activity and deregister it from the Production and Management Register.

3. The infringement procedure, the execution of financial guarantees, the partial or total revocation of the permit and deregistering from the Production and Management Register shall be communicated to the Working Group on WEEE.

4. Without prejudice to the infringements and sanctions established under Law 22/2011, breach of the provisions of this Royal Decree shall be punished in accordance with Law 21/1992, of 16 July, on Industry; the revised text of the General Law for the Protection of Consumers and Users and other complementary laws, approved by Royal Legislative Decree 1/2007 of 16 November; Law 20/2013, of 9 December, on Market Unity Guarantee and the Organic Law 1/1992 of 21 February, on Protection of Public Safety, applicable to second-hand or repair shops which cannot demonstrate the origin of the EEE or the components to be re-used, and according to the instructions of the Ministry of the Interior on metallic materials.

*First additional provision. Collection of household WEEE involving health or safety risks.*

When return or collection of household WEEE implies a health or safety risk to humans due to the pollution of the waste, their return or collection may be rejected. In these cases the last holder of the waste shall be responsible for its proper management and the related rules to be applied.

In case of hazardous waste where the last holder is a health facility, this facility shall sterilise it before delivering it to an authorised manager for its proper treatment. Once sterilised, this waste shall be subject to the general scheme of waste management.

*Second additional provision. Application of other regulations.*

This Royal Decree shall be applied without prejudice to the requirements of the regulations on safety and health, and chemicals, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.

It shall also apply without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design and, in any case, of the Royal Decree 219/2013, of 22 March, on the restrictions on the use of certain hazardous substances in electrical and electronic equipment, in the terms established in this Royal Decree.

Health and safety protection for workers shall be governed by the provisions of Law 31/1995 of 8 November, on Prevention of Occupational Risks and its implementing regulations and specifically Royal Decree 374/2001 of 6 April, on the health and safety protection of workers from risks related to chemical agents at work, and Royal Decree 665/1997 of 12 May on the protection of workers from risks related to exposure to carcinogens at work.

Third additional provision. *Finance of the electronic platform on WEEE management.*

The implementation, maintenance and management of the electronic platform will be financed, at least, 55% by the Ministry of Agriculture, Food and Environment and producers. Finance agreements may be endorsed with other public authorities and sectors concerned to proportionately reduce the abovementioned quota. These estimates may be developed under the ministerial order of Article 54.4.

First transitional provision. *Transitional scheme in the scope of application.*

1. Since its entry into force until 14 August 2018, this Royal Decree shall apply to EEE falling within the categories and subcategories listed in Annex I.

Annex II contains an indicative list of EEE to be included in the categories and subcategories listed in Annex I.

2. During the period mentioned in the previous paragraph, this Royal Decree does not apply to:

a) Equipment necessary for the protection of the essential interests of national security, including arms, munitions and war material specifically intended for military purposes.

b) Devices specifically designed and installed as part of another type of equipment excluded or not included in the scope of application of this Royal Decree, which function only if they are part of this equipment.

c) Filament bulbs.

3. As of 15 August 2018, the scope of the Royal Decree shall fall under Article 2.

Second transitional provision. *Adaptation of collection facilities of the local entities.*

The autonomous communities and local entities shall gradually apply adaptation plans to the recycling centres and municipal collection facilities to the provisions of this Royal Decree with a maximum deadline of five years from the entry into force of this Royal Decree, establishing special operating conditions in their permits.



Third transitional provision. *Adaptation of grouping of WEEE in the collection facilities of the local entities referred to in Annex VIII.*

Local entities may group the waste collection in their facilities, the WEEE of fractions 4 and 5 in the same fraction, called mixed fraction during the first six months since the publication of this Royal Decree, indicating the main LER-WEEE codes of the waste contained. After six months, they shall adjust to the groups provided for in Annex VIII.

Fourth transitional provision. *Transitional scheme for the minimum collection targets for household and professional WEEE until 31 December 2018.*

1. During 2015, a rate of separate collection of at least 4 kilograms on average per inhabitant per year of WEEE from private households shall apply. The minimum collection rate for separate collection of WEEE for each category shall be calculated proportionally to the EEE placed on the market in that category in 2014 compared to the total EEE placed on the Spanish market in 2014.

2. The following minimum collection rates of WEEE, by category, shall apply between 1 January 2016 and 31 December 2018:

- a) Until 31 December 2016, 45% of the average weight of EEE placed on the Spanish market in 2013, 2014 and 2015;
- b) Until 31 December 2017, 50% of the average weight of EEE placed on the Spanish market in 2014, 2015 and 2016;
- c) Until 31 December 2018, 55% of the average weight of EEE placed on the Spanish market in 2015, 2016 and 2017.

These objectives will be expressed in kilograms of total household and professional WEEE in the amounts set forth in this section. The objectives will be available to the public in the terms provided in Article 29.3 and 29.4.

3. In order to comply with the reporting requirements of the European Commission under the questionnaire of Decision 2004/249/EC and Decision 2005/369/EC, from the entry into force of this Royal Decree until 31 December 2018, the samplings to classify the WEEE grouped by the collection fractions under Annex VIII into the categories of Annex I shall be carried out. Sampling shall be performed on specific treatment facilities. The sorting criteria shall be standardised using the technical instructions issued by the Coordination Commission on Waste.

Fifth transitional provision. *Permit of WEEE management facilities from the autonomous communities.*

The management facilities of WEEE shall request in a maximum of six months after the entry into force of this Royal Decree a review of their permit in accordance with the provisions of Article 37. The competent authorities shall issue a resolution on this review within 10 months from submitting their application.

Sixth transitional provision. *Adaptation of individual and integrated management schemes to new schemes of extended producer responsibility, and to the new scope of application from 14 August 2018.*

1. Individual schemes and integrated schemes of existing waste management or whose permit application was submitted before the entry into force of this Royal Decree, shall be subject to the provisions of Royal Decree 208/2005 of 25 February until they adjust to the scheme provided for in this Royal Decree on the terms set out below.

2. Producers of EEE shall adjust extended responsibility schemes to the provisions of this Royal Decree within one year after its entry into force under the Fourth transitional provision of Law 22/2011, of 28 July. For this purpose, in the six months following the publication of this Royal Decree, producers of EEE shall submit to the competent authority the communication of the individual scheme or a permit application as an extended collective responsibility scheme, as provided in Chapter VIII.

3. In order to adjust to the new scope of application of the Royal Decree which will be applied from 14 August 2018, the schemes existing in 2017 shall include in the annual forecast report referred to in Article 41.1.f), the estimates of the organisation and finance adaptation to new subcategories and categories of WEEE, to update their communication or permit without revision or termination thereof.

*Seventh transitional provision. Development of the coordination functions of WEEE materials and the databases provided on shipments of WEEE.*

1. The coordination functions of WEEE shall be executed by the responsible bodies or commissions until the Working Group on WEEE is operative.

A collaboration agreement may be endorsed between the public authorities, participants and those who finance the instruments to support their operation until the publication of the ministerial order provided for under Article 54.4.

2. Whilst the databases on waste shipments are not working and the treatment facilities are located outside the European Union with treatment certificates under equivalent conditions are not operating, these responsibilities will be carried out under the same terms as they are now.

*Eighth transitional provision. Transitional scheme for the reporting obligations for WEEE.*

1. Since the entry into force of this Royal Decree and until the electronic platform on WEEE starts operating, the information transfer on WEEE shall be as follows:

a) Extended producer responsibility schemes shall forward to the autonomous communities and the Ministry of Agriculture, Food and Environment an electronic summary report with the information in Annex XVIII on the Annual Report of Producers at regional level. Tables 1 and 2 of Annex XII will be included. In addition to the information at regional level, the information to the Ministry shall include a report at state level and the abovementioned tables of Annex XII aggregated at state level.

Extended producer responsibility schemes shall confirm the data related to the recovery targets through managers' certificates, included in the report.

The above documents shall be accompanied by a report audited by an independent external entity ensuring the data provided.

Additionally, extended responsibility schemes shall include a report with the estimates on prevention, preparation for re-use, collection, recycling and other forms of recovery of WEEE, by category, in each autonomous community and at state level, with reference to the targets to achieve, to the managers and the preparing for re-use centres with whom they shall collaborate as well as the action plan to develop the following year in each autonomous community.

These documents shall be forwarded to the autonomous communities and the Ministry of Agriculture, Food and Environment during the first three months of the next year following the compliance period.

b) The collection facilities, specific treatment and the preparation for re-use centres shall forward the electronic annual report to the autonomous communities as provided for in Article 33 with the contents of Annex XII including tables 1 and 2 of this Annex. These documents shall be sent during the first three months of the next year following the compliance period. It should include information on the collection of WEEE outside the scope of Article 2 of the Royal Decree, using the LER codes of Decision 2000/532/EC of 3 May 2000.

c) The dealers shall forward the electronic annual report to the autonomous communities provided for in Article 37.8 with the contents set out in Annex XVIII paragraphs b and c from the managers' certificates, including information on WEEE treated in another Member State.

Dealers shall send to the Ministry of Agriculture, Food and Environment, in electronic format, a report on the amount of WEEE treated in another Member State or outside of the European Union, following the format of columns of WEEE treated in another Member State and outside the EU of tables 1 and 2 of Annex XII, when the dealer operates the shipment.

These documents shall be sent during the first three months of the next year following the compliance period.

d) The autonomous communities shall send the Ministry of Agriculture, Food and Environment in the first six months of the next year following the compliance period, a summary report in electronic format which will include aggregated information regarding the collection and management of WEEE with the contents of paragraph b. The information shall include tables 1 and 2 of Annex XII on the collection and management of WEEE in the regional territory.

2. The remaining reporting obligations regarding WEEE, until the electronic instruments are operative under this Royal Decree, shall be submitted by the documentary or electronic channels in operation until now.

Ninth transitional provision. *Electronically readable labels or similar instruments.*

The identification of WEEE with electronically readable labels or similar instruments under the terms of Article 18.2 shall be mandatory once the electronic platform is operative and therefore guarantees traceability of waste.

Tenth transitional provision. *Regulation of financial guarantees.*

Until the adjustment of the extended responsibility scheme to the provisions of this Royal Decree under the Sixth transitional provision, the financial guarantees already deposited shall cover the purposes intended at the time of their constitution. After adapting the scheme to this Royal Decree, the provisions of section 4 of Chapter VIII shall apply.

In the event that the extended producer responsibility scheme finishes its activity, the provisions of Article 40.7 last paragraph shall apply.

Eleventh transitional provision. *Adapting the extended producer responsibility schemes in the scope of domestic luminaires.*

The extended producer responsibility schemes authorised to organise and finance luminaire waste and having adapted their activities to the contents of the notice of the Sub-directorate General of Industrial Quality and Safety of the Ministry of Industry, Tourism and Trade of April 1, 2011, shall continue applying it and shall include data on financing, collection networks and management of these luminaires as part of their reporting obligations and shall adapt to the new requirements resulting from this Royal Decree as provided by the Sixth transitional provision.

The schemes developed after the entry into force of this Royal Decree, or those that have not adapted their actions to the interpretation of the abovementioned notice shall have a transitional period until 14 August 2018 to do so. The schemes that incorporate the luminaires referred to in the notice as part of their financing and organisation before the 14 August 2018 shall include this extension of their scope of application in the annual forecast report referred to in Article 41.1.f).

Moreover, in the estimates reports referred to in Article 41.1.f) submitted before the new scope of the Royal Decree entries into force, the schemes collecting luminaires shall include the economic and investment estimates to implement the collection and treatment of luminaires included in the new scope of application.

The autonomous communities shall accept the updating of the communication or permit of extended responsibility schemes without waiting for the revision or expiration thereof.

Sole repealing provision. *Repeal of legislation.*

Royal Decree 208/2005 of 25 February, on electrical and electronic equipment and waste management is repealed.

First final provision. *Competence titles.*

This Royal Decree is core legislation in accordance with the provisions of Article 149.1.13<sup>th</sup> and 23<sup>rd</sup> of the Constitution.

Second final provision. *Incorporation of law of the European Union.*

This Royal Decree incorporates Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment into Spanish law.

Third final provision. *Development, application and adaptation of the Royal Decree.*

1. The Ministers of Industry, Energy and Tourism, Agriculture, Food and Environment, and Health, Social Services and Equality, depending on the issues and the scope of their respective competencies, shall jointly or separately enact the provisions required to develop and implement this Royal Decree. Specifically, the Ministry of Agriculture, Food and Environment empowers the incorporation of annexes concerning the formats and supporting models of the collection of WEEE under Chapter IV and the formats and models concerning the obligations to supply information under this Royal Decree, as well as those established in the Seventh transitional provision.

2. The Ministers of Industry, Energy and Tourism, Agriculture, Food and Environment, and Health, Social Services and Equality, in the same terms as those in the previous paragraph, may introduce as many technical amendments to this Royal Decree as necessary, and in particular to the annexes, for its adaptation to technical innovations and especially to the provisions of Community law.

Fourth final provision. *Effective date.*

The Royal Decree shall enter into force the day after its publication in the "*Boletín Oficial del Estado*".

PRESENT TO THE COUNCIL OF MINISTERS

Madrid, 29 of February 2015

MINISTER OF AGRICULTURE, FOOD AND ENVIRONMENT

ISABEL GARCÍA TEJERINA

ANNEX I

**Categories and subcategories of EEE included in the scope of application of Royal Decree until 14 August 2018**

1. Large appliances.
  - 1.1. Refrigerators, freezers and other refrigeration equipment.
  - 1.2. Air-conditioning.
  - 1.3. Radiators and oil thermal emitters.
  - 1.4. Other large household appliances.
2. Small appliances.
3. IT and telecommunications equipment, excluding 4.1.
4. Consumer electronic equipment and photovoltaic panels.
  - 4.1. Televisions, monitors and screens.
  - 4.2. Photovoltaic silicon panels.
  - 4.3. Photovoltaic cadmium tellurium panels.
  - 4.4. Other consumer electronic equipment.
5. Lighting equipment (with the exception of household luminaires).
  - 5.1. Gas discharge lamps.
  - 5.2. LED lamps.
  - 5.3. Professional luminaires.
  - 5.4. Other lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools).
7. Toys, leisure and sports equipment.
8. Medical devices (with the exception of all implanted and infected products).
9. Monitoring and control instruments.
10. Automatic dispensers.
  - 10.1. Automatic dispensers with cooling gases.
  - 10.2. Other automatic dispensers.

## ANNEX II

### **Indicative list of EEE that fall within the categories and subcategories of Annex I**

#### 1. Large appliances.

##### 1.1. Refrigerators, freezers and other refrigerated equipment.

Large cooling appliances, refrigerators, freezers and other large appliances used for refrigeration, conservation and storage of food.

##### 1.2. Air-conditioning.

Air conditioners, other appliances for ventilation and exhaust ventilation containing cooling gases.

##### 1.3. Radiators and oil thermal emitters.

Radiators with oil.

##### 1.4. Other large household appliances.

Washing machines, dryers, dishwashers, stoves, electric ovens, electric fans, other large appliances for ventilation and exhaust ventilation, large electrical heating appliances, electrical heat plates, microwave ovens and other major appliances used in cooking and other food processing procedures, other large appliances used to heat rooms, beds, seating furniture, boilers, and other household appliances.

#### 2. Small appliances.

Vacuum cleaners, carpet sweepers, other cleaning devices, devices used for sewing, knitting, weaving and other treatment processes of textile treatment, radiators without oil, plates and irons and other appliances for ironing and other care of clothing, toasters, deep fryers, grinders, and equipment for opening or sealing containers or packages, electric knives, appliances for hair cutting, hair drying, tooth brushing, shaving, massage and other body care appliances, clocks, watches and equipment for the purpose of measuring, indicating or registering time, scales and other small appliances.

#### 3. IT and telecommunications equipment, excluding 4.1.

Centralised data processing: Large computers, minicomputers, printer units, personal computing: Personal computers without screen (CPU, mouse, screen and keyboard included), laptop computers (CPU, mouse, screen and keyboard included), notebook computers, notepad computers, printers, copying equipment, electrical and electronic typewriters, pocket and desk calculators, and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means.

User terminals and systems: Facsimile machines (fax), telex, telephones, pay telephones, cordless telephones, cellular telephones, answering systems, and other products or equipment of transmitting sound, images or other information by

telecommunications, other possible information technology and telecommunications equipment and "tablet" laptops.

4. Consumer electronic equipment and photovoltaic panels.

4.1. Monitors, screens and televisions.

Cathode-ray tube TVs, LED screens, flat screens, monitors for personal computers.

4.2. Photovoltaic silicon panels.

4.3. Photovoltaic cadmium tellurium panels.

4.4. Other consumer electronic equipment.

Radio sets, camcorders, video recorders, hi-fi equipment, audio amplifiers, musical instruments, and other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

5. Lighting equipment (with the exception of household luminaires).

5.1. Gas discharge lamps.

Straight fluorescent lamps, compact fluorescent lamps, high intensity discharge lamps, including pressure sodium lamps and metal halide lamps.

5.2. Light-emitting diode (LED) lamps.

5.3. Professional luminaires.

Luminaires for professional use fluorescent lamps, luminaries of public roads, projector type luminaires, professional luminaries for other uses.

5.4. Other lighting equipment

Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs.

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools).

Drills, saws, sewing machines, equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials, tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses, tools for welding (with or without alloy) or similar use, equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means, tools for mowing or other gardening activities, other types of electrical and electronic tools possible with the exception of large-scale stationary industrial tools.

7. Toys, leisure and sports equipment.



Electric trains or car racing sets, hand-held video game consoles, video games, computers for biking, diving, running, rowing, etc. (excluding the screens), sports equipment with electric or electronic components, coin slot machines and other toys, leisure and sports equipment.

8. Medical devices (with the exception of all implanted and infected products)

Radiotherapy equipment, cardiology equipment, dialysis equipment, pulmonary ventilators, nuclear medicine equipment, laboratory equipment for in vitro diagnosis, analysers, freezers, fertilization tests, other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability.

9. Monitoring and control instruments.

Smoke detectors, heating regulators, thermostats, measuring, weighing or adjusting appliances for household or as laboratory equipment, other monitoring and control instruments used in industrial installations (e.g. in control panels) .

10. Automatic dispensers.

10.1. Automatic dispensers with cooling gases.

Automatic dispensers for hot drinks, automatic dispensers for hot or cold bottles or cans.

10.2. Other automatic dispensers.

Automatic dispensers for solid products (non refrigerated), automatic dispensers for money, all appliances which deliver automatically any kind of products.

ANNEX III

**Categories and subcategories of EEE included in the scope of application of Royal Decree from 15 August 2018**

1. Temperature exchange equipment with the exception of 1.1, 1.2, and 1.3.
  - 1.1 Temperature exchange equipment with chlorofluorocarbons (CFCS), hydrochlorofluorocarbons (HCFCS), hydrofluorocarbons (HFCS), hydrocarbons (HC) or ammonia (NH<sub>3</sub>).
  - 1.2 Electrical air conditioning equipment.
  - 1.3 Electrical equipment with oil in circuits or capacitors.
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm<sup>2</sup>.
  - 2.1. Monitors and LED screens.
  - 2.2. Other monitors and screens.
3. Lamps.
  - 3.1. Discharge lamps (mercury) and fluorescent lamps.
  - 3.2. LED lamps.
4. Large equipment (any external dimension more than 50 cm).

Including, among others: home appliances, consumer appliances, information technology and telecommunications equipment, luminaires, equipment reproducing sound or images, music equipment, electrical and electronic tools, toys, sport and leisure equipment, medical devices, surveillance and control tools, automatic dispensers and equipment for power generation. This category does not include equipment included in categories 1 to 3 or 7.
5. Small equipment (no external dimension more than 50 cm).

Including, among others: home appliances, consumer appliances, luminaires, audio or image playback equipment, music equipment, electrical and electronic tools, toys, sport and leisure equipment, medical devices, surveillance and control tools, automatic dispensers and equipment for power generation. This category does not include equipment included in categories 3 and 6.
6. Small IT and telecommunication equipment (no external dimension more than 50 cm).
7. Large photovoltaic panels (with an external dimension greater than 50 cm).
  - 7.1. Photovoltaic silicon panels.
  - 7.2. Photovoltaic cadmium tellurium panels.

## ANNEX IV

### **Non-exhaustive list of EEE which falls within the categories listed in Annex III**

1. Temperature exchange equipment.

Refrigerators, freezers, equipment which automatically delivers cold products, air conditioning equipment, dehumidifying, equipment, heat pumps, radiators containing oil and other temperature exchange equipment using fluids other than water for the temperature exchange.

2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm<sup>2</sup>.

Screens, televisions, LCD photo frames, monitors, laptops including notebooks.

3. Lamps.

Straight fluorescent lamps, compact fluorescent lamps, fluorescent lamps, high intensity discharge lamps - including pressure sodium lamps and metal halide lamps, low-pressure sodium lamps and LED.

4. Large equipment (any external dimension more than 50 cm).

Washing machines, dryers, dishwashers, electric cookers and ovens, electric stoves, electric hot plates, luminaires, equipment reproducing sound or images, musical equipment (excluding pipe organs installed in churches), appliances for knitting and weaving, large computer-mainframes, large printing machines, copying equipment, large coin slot machines, large medical devices, large monitoring and control instruments, large appliances which automatically deliver products and money.

5. Small equipment (no external dimension more than 50 cm).

Vacuum cleaners, carpet sweepers, appliances for sewing, luminaires, microwaves, ventilation equipment, irons, toasters, electric knives, electric kettles, clocks and watches, electric shavers, scales, appliances for hair and body care, calculators, radio sets, video cameras, video recorders, hi-fi equipment, musical instruments, equipment reproducing sound or images, electrical and electronic toys, sports equipment, computers for biking, diving, running, rowing, etc., smoke detectors, heating regulators, thermostats, small electrical and electronic tools, small medical devices, small monitoring and control instruments, small appliances which automatically deliver products, small equipment with integrated photovoltaic panels.

6. Small IT and telecommunication equipment (no external dimension more than 50 cm)

Mobile phones, GPS, pocket calculators, personal computers, printers, telephones.

7. Large photovoltaic panels (with an external dimension greater than 50 cm).

ANNEX V

**Symbol for marking EEE**

The symbol indicating separate collection for EEE consists of the crossed-out wheeled bin, as shown below. This symbol must be printed visibly, legibly and indelibly.



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ANNEX VI

**Information for the purposes of Integrated Industrial Register from Article**

**8**

1. The producers or their authorised representatives are obliged, at the time of registration, to provide and update the following information:

- a) Name and address of the producer or of the authorised representative, including postal code and location, street name and number, country, telephone and fax number, e-mail, as well as a contact person. If this is an authorised representative, they will also provide contact details of the producer that is represented.
- b) European tax number or national tax number.
- c) Category or subcategory of the EEE set out in Annex I, or from 15 August 2018, in Annex III, which they will place on the market.
- d) Type of EEE, coded according to the Register and its household or professional use.
- e) Trademark of the EEE or VAT number of the producer.
- f) Information relevant to the fulfilment of the obligations arising from the extended producer responsibility, individually or through a collective scheme, as well as information relating to the financial guarantee as provided in Articles 45 and following.
- g) Selling technique used (e.g. distance selling).
- h) Declaration stating that the information provided is true.
- i) In the first entry in the Register, to be able to make an estimate of the producer's share of the market in that year, there must be included:

1 An estimate of the equipment by categories and subcategories, in weight and units, which is placed on the market this year. In the case, for example, of producers who market EEE for the first time.

2 Available data of the quantities of EEE, in weight and units, marketed the previous year, by categories and subcategories. In the case, for example, of equipment that is included in the scope of this Register.

2. Each producer, or their authorised representative, shall be obliged to provide the Integrated Industrial Register quarterly and by electronic means, with the following information:

- a) Identification number of Integrated Industrial Register.
- b) Reporting period.
- c) The equipment marketed, broken down by:
  - 1. Category of EEE set out in Annex I or III, as appropriate.

2. Type of equipment (coding according to the Register).
3. Use (household or professional).
4. Origin.
  - i. Manufactured and marketed by the same company.
  - ii. Manufactured by another company in Spain.
  - iii. Imported.
  - iv. Exported.
  - v. Acquired in an EU country.
5. Amounts in weight, depending on the bands determined by the Register for each type of equipment, and units of EEE marketed nationally, provided by categories, subcategories and type.
  - d) Declaration stating that the information provided is true. This statement of information must be provided even if no new equipment has been placed on the market, and must also be accompanied by the corresponding truth disclosure statement.

ANNEX VII

**Requirements for the collection and transportation of WEEE**

**A. General conditions of collection and transportation of WEEE.**

1. The conditions of collection and transportation will assist the preparation for the re-use of WEEE and its components and should avoid breakage, excessive stacking, the emission of substances or loss of materials and spills of oils and liquids.

The collection fractions containing exclusively waste from the treatment groups 23, 32, 42, 52 and 71 of Annex VIII will be considered fractions of non-hazardous waste.

**B. Specific conditions of collection and transportation**

1. Lamps containing mercury.

a) Collection conditions.

1. These lamps will only be collected in special containers to avoid breakage. If the collection is done in a public place or points of sale without ventilation, the containers must be covered to prevent the emission of mercury vapours in the event of accidental breakage of the lamps.

2. There will be containers to ensure the selective and differentiated collection of compact and straight lamps so that both types are not mixed. They may be collected in different compartments of the same container.

b) Transportation conditions.

1. During the transportation, measures must be taken to prevent the breakage of the bulbs and the release of mercury.

2. Tipping the contents of the transport vehicle as a method to empty the contents, will not be permitted.

2. The screens and monitors with cathode ray tubes (CRT) and flat screens and monitors without LED technology.

a) Collection conditions.

The collection of this waste shall be done in such a way as to avoid the risk of breakage of the screens or monitors. To minimize this risk, cages will preferably be used and it will not be permitted to store them in large containers that would cause the stacking of this WEEE, thus increasing the chances of breaking them.

b) Transportation conditions.

1. During the transportation, measures must be taken to prevent the breakage of the equipment and the release of hazardous substances.

2. Tipping the contents of the transport vehicle as a method to empty the contents, will not be permitted.

3. Equipment containing cooling gases.

a) Collection conditions.

During the collection of this equipment, appropriate measures must be taken to prevent, especially if they are stacked, breakage of the cooling circuit or powdered materials. The conditions of collection will have to avoid the gas emissions into the atmosphere or oil spills.

b) Transportation conditions.

During the transportation of this equipment, measures must be taken to prevent them colliding together in a way which avoids emission of gasses into the atmosphere, powdered materials or oil spills through breakage of the cooling system. These measures may include, amongst others, the protection of the equipment with materials that absorb impacts or restraint systems to prevent the movement of equipment during the shipment.



ANNEX VIII

**Storage conditions, fractions of WEEE collection and classification of WEEE according to LoW-WEEE codes**

**1. Storage conditions in the collection facilities**

Collection facilities will have:

- a) Scales to weigh the WEEE when leaving the facility.

The logistics platforms of distribution may comply with this requirement through other traceability procedures and amounts calculation, by weight, of the collection of WEEE at source and stored in their facilities.

- b) Cages or containers or other equivalent systems which allow collecting WEEE separately, at least, in accordance with the fractions provided in table 1. In accordance with the managers and, where space permits, the fractions of WEEE shall be classified in the treatment groups set out in table 1 for its shipping directly to the specific authorised treatment facilities.

In the case of local authorities' collection facilities, which organise the management of waste through EEE producers, the cages, containers or other equivalent systems must be supplied by them. In the case that the management of waste is organised through authorised managers, these cages or containers must be provided, without prejudice, by the managers. In both cases, if the local authority has its own containers, the economic rewards of producers of EEE or managers to the local authority will be taken into account.

Large appliances may be stored in a space enabled and adapted for the use without the need of containers. Avoid excessive stacking to prevent breakage.

In no case throwing WEEE in to the collection facilities will be permitted.

- c) Impermeable surfaces with the provision of spillage collection facilities, at least in the areas where the collection fractions 1, 2 and 3 are stored.

The logistics platforms of distribution may comply with this requirement through other procedures that ensure that systems that avoid the emission of spills to the environment from the stored WEEE are available.

- d) Shelves, pallets and containers of adequate size which will allow the segregation of the WEEE intended for the preparation for re-use from the rest, avoiding breakage of equipment.

- e) Containers, pallets or under cover shelves, which are suitable to be shipped by generic collection vehicles.

- f) Security systems to control access and to prevent tampering or theft of the collection of WEEE. The containers will have, if deemed appropriate, the proper design to prevent the uncontrolled access to the WEEE contained within.

g) The collection fraction of lamps containing mercury shall be controlled and conditioned to avoid pollution in case of breakage. Protocols will be established for health and safety at work to protect the personnel who handle this fraction.

## **2. Conditions of storage in the WEEE treatment facilities**

2.1. The storage facilities before treatment will have:

- a) Scales to weigh the waste on entry to the facility, by collection fraction.
- b) Impermeable surfaces and weatherproof covering for appropriate areas, with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers.
- c) Appropriate storage areas for disassembled spare parts.
- d) Appropriate containers for storage of batteries and accumulators, capacitors with PCBs/PCTs and other hazardous waste such as radioactive waste.
- e) Equipment for water treatment in compliance with health and environmental regulations.
- f) In the case of storing lamps containing mercury, the access to the room will be restricted to trained personnel and the facilities should have:
  - 1. Restricted access to trained personnel.
  - 2. Flooring coated with material resistant to mercury.
  - 3. A log book or inventory to be able to know the amount of mercury stored and the storage stocks.
  - 4. An emergency plan in case of discharges or emissions.

2.2. The storage of the resulting fractions from the treatment of WEEE must:

- a) Store each fraction obtained in the WEEE treatment procedures separately and in suitable containers according to the physical and chemical characteristics of each fraction.
- b) In the case of hazardous waste fractions, these must be stored in containers to avoid any loss of contents and protected against the weather. These containers may not contain materials that react with the contents. The containers have to be solid and resistant so that they can be handled safely.
- c) The fractions containing mercury should be stored in accordance with 2.1 .f.

## **3. Sorting of WEEE in collection fractions (in the table, as Cf)**

a) In the collection facilities, the WEEE will be separated in the collected fractions according to table 1: "Equivalence between categories of EEE, fractions of WEEE collection and LoW-WEEE codes".

b) For the identification of the collection and management of WEEE within the scope of this Royal Decree, according to Article 2, the combined LoW-WEEE code will be used in which the LoW codes from Decision 2000/532/EC, of the Commission, of 3 May, will have two digits added that indicate the category of the equipment from which the waste originates and the type of specific treatment of the equipment. The LoW-WEEE code will be used in the electronic platform, the chronological record and in the managers' reports, as well as in the information obligations on WEEE arising from this Royal Decree. In the case of WEEE not covered in the scope, the codes of Decision 2000/532/EC, of the Commission, of 3 May, will apply.

**Table 1. Equivalence between categories of EEE, fractions (FR) of WEEE collection and LoW-WEEE codes**

EEE categories from Annex I	EEE categories from Annex III	FR	WEEE treatment groups	Source	Main LoW-WEEE codes
1. Large appliances 1.1. Refrigerators, freezers and other refrigeration equipment. 1.2. Air-conditioning 1.3. Radiators and oil thermal emitters 10.1. Automatic dispensers with cooling gases	1. Temperature exchange equipment 1.1. Temperature exchange equipment with CFC, HCFC, HC, NH <sub>3</sub> 1.2. Electrical air conditioning equipment 1.3. Electrical equipment with oil in circuits or capacitors	1	11*. Equipment with CFC, HCFC, HC, NH <sub>3</sub>	Household	200123*-11*
				Professional	160211*-11*
			12*. Air conditioner appliances	Household	200123*-12*
				Professional	160211*-12*
			13*. Electrical equipment with oil in circuits or capacitors.	Household	200135*-13*
				Professional	160213*-13*
4. Consumer electronic equipment and photovoltaic panels 4.1. Televisions, monitors and screens	2. Monitors and LED screens 2.1. Monitors and LED screens 2.2. Other monitors and screens	2	21*. CRT monitors and screens.	Household	200135*-21*
				Professional	160213*-21*
			22*. Monitors and screens: Non CRT, non LED	Household	200135*-22*
				Professional	160213*-22*
			23. LED monitors and screens	Household	200136-23
				Professional	160214-23
5. Lighting equipment (except domestic luminaires) 5.1. Gas discharge lamps 5.2. LED lamps	3. Lamps 3.1. Discharge lamps (Hg) and fluorescent lamps 3.2. LED lamps	3	31*. Discharge lamps, non LED and fluorescent.	Household	200121*-31*
				Professional	200121*-31*
			32. LED lamps	Household	200136-32
				Professional	160214-32
1.4. Other large household appliances 3. IT and telecommunications equipment 4.4. Other consumer electronic equipment 5.3. Professional luminaires 5.4. Other lighting equipment 6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools) 7 Toys, leisure and sports equipment 8. Medical devices (with the exception of all implanted and infected products) 9. Monitoring and control instruments 10.2 Other automatic dispensers	4. Large equipment (any external dimension more than 50 cm)	4	41*. Large equipment with hazardous components	Household	200135*-41*
				Professional	160213*-41* 160210*-41* 160212*-41*
			42. Large equipment (Other)	Household	200136-42
				Professional	160214-42
				Household	
				Professional	
2. Small appliances 4.4 Other consumer electronic equipment 5.4. Other lighting equipment 6. Electrical and electronic tools 7. Toys, leisure and sports equipment 8. Medical devices (with the exception of all implanted and infected products) 9. Monitoring and control instruments	5. Small equipment (no external dimension more than 50 cm).	5	51*. Small equipment with hazardous components and built-in batteries	Household	200135*-51*
				Professional	160212*-51* 160213*-51*
			52. Small equipment (Other)	Household	200136-52
				Professional	160214-52
				Household	
				Professional	
3. Small IT and telecommunications equipment	6. Small IT and telecommunication equipment	6	61*. Small Information technology and telecommunication equipment with hazardous components	Household	200135*-61*
4.2. Photovoltaic silicon panels (Si) 4.3. Photovoltaic cadmium tellurium panels (CdTe)	7. Large photovoltaic panels (with an external dimension greater than 50 cm).	7	71. Photovoltaic panels (e.g.: Si)	Professional	160214-71
			72*. Hazardous photovoltaic panels (e.g: CdTe)	Professional	160213*-72*

ANNEX IX

**Technical Requirements for the preparation for re-use**

**A. Criteria for classifying the WEEE for preparation for re-use**

1. Visual inspection.

Equipment that complies with one or more of the criteria set out below, shall be separated from the rest as "WEEE not reusable" and will be sent to a WEEE treatment plant:

- a) Incomplete casings (missing lids or parts of the housing itself).
- b) Absence of essential components (for example, a refrigerator without compressor).
- c) Equipment in poor general condition.
- d) Equipment in a very rusty state and with a lot of cosmetic damage (for example, dents, cracks, holes, etc.).

2. Electrical safety testing of electrical equipment operation.

It is advisable to check, *in situ* and prior to transport to the re-use preparation centre, the electrical operation of the equipment and when applicable, check the insulation, the ground connection and for short circuits. When the equipment fails the electrical safety checks, it will be assessed for possible repair or sent to a WEEE treatment plant.

3. Energy consumption.

The WEEE shall be prepared for re-use and be re-used if they have, in the case of refrigerators, freezers, washing machines and dishwashers, an energy rating B or higher, and air-conditioners and dryers a rating C or higher. Each WEEE prepared for re-use will be accompanied by its corresponding energy rating.

4. It is not recommended to prepare for re-use cathode ray tube screens if that involves opening them, due to the presence of phosphorus fluorescent coatings. The cathode ray tube screens can only be prepared for re-use up until the 1 January 2016.

**B. Requirements for a preparation for re-use centre or facility**

1. A preparation for re-use centre (PRC) will conduct the verification, segregation, repair and cleaning tasks, will have a commercial network to the public informing that the equipment comes from WEEE, and it will also offer a guarantee and after-sales repair service for the equipment sold. This centre will be, in turn, responsible for the collection of WEEE as well as ensuring its traceability.

2. A PRC will comply with the following requirements, which will be part of the checklist of the inspection system:

2.1 Description of the facility.

- a) The electrical installation must be adapted to the equipment checking needs:
  - 1. It must have enough power for the equipment to be checked.
  - 2. It must have sockets with enough capacity for a kitchen hob (recommended 20 amps, at least).
  - 3. It must have ammeters that read the consumption of the equipment.
  - 4. It must have sockets protected by RCDs for detecting electrical leakage.
  - 5. It must have magneto-thermal breakers to detect short circuits or excessive consumption.
- b) The water installation must be independent for each test equipment site. The recirculation of water used in the tests, to reduce water use, should be considered. The test area for equipment that uses water, must be prepared to avoid any accidents caused by water leakage. The facility must be waterproofed to avoid leachate.

2.2 Tools, mainly electrical, should be provided to avoid strains and long-term ailments.

- a) There must be measuring devices available to confirm the safety and the correct functioning of the equipment:
  - 1. Thermometers
  - 2. Audio meters
  - 3. Revolution counters
  - 4. Microwave leakage meters
- b) The facility will have RCDs, ammeters and magneto-thermal breakers.
- c) The tools will be primarily electrical, in order to avoid strains, and long-term ailments.

2.3 Personal safety equipment.

- a) Working clothes.
- b) Footwear which protects against electrical hazards.
- c) Safety gloves, to avoid contacts or shorts.
- d) Welding goggles or protection from dust.
- e) Masks in case of need.
- f) Other requirements set after an occupational risks evaluation.

### **C. Preparation for re-use procedures**

1. The PRC will establish procedures for the operations to be performed for each waste that will allow them to control the traceability and delimit the guidelines for checking and repairing, with special emphasis on the safety of the final equipment.

2. The procedures shall include quality controls, completed by a senior technician. Each procedure must include the specific methodology to perform the handling, the checks and repairs of equipment.

3. Any preparation process for re-use of WEEE shall, at least, go through the following stages:

a) Electrical safety test

1. All reusable equipment must be safe for use.

2. The quality control must ensure electrical checks, wave or gas leakages or any other malfunction that could generate unsafe conditions.

3. The quality control checks should include water loss, broken tubes, etc.

b) Operational test

All equipment must function effectively as described in its specification sheet, which will accompany the equipment when it is sold.

c) Removal of personal data, in the case of information technology and of telecommunications equipment

All personal data will be erased from information technology and telecommunications equipment before its re-use. Certified software will be used for that purpose.

d) Removal/update of software

The information technology and telecommunications equipment must have a functioning operating system.

e) Repair

The PRC must repair the equipment according to a documented repair procedure. Preferably, they should use original spare parts or spare parts approved by the manufacturer for repair of the EEE. If the equipment is repaired with non-original parts or parts not approved by the manufacturer, the centre shall ensure that the equipment complies with current legislation.

f) Cleaning

1. The PRC shall have a list of environmentally friendly cleaning products.

2. It shall have an established protocol of final quality control since cleanliness is an essential element.

g) Preparation for the sale and labelling

After undergoing the cleaning quality control, the equipment must be labelled indicating:

- It is refurbished equipment
- The PRC logo
- The PRC contact telephone number
- The type and model of the equipment
- Features
- Price
- Date of refurbishment
- Guarantee period
- Information of defects, if any, and if these affect or not the operation of the equipment, and in what way
- Unique code for each piece of equipment
- Barcode

#### **D. Process Information**

1. The preparation for re-use process will be entered in the chronological electronic record to ensure the traceability of the product that will generate a database. The database will contain:

- a) All data collected in the protocols
- b) The history of each piece of refurbished equipment
- c) The origin, incidents, repairs, parts changed, workers who have been involved in the process, times and price.

2. This program will be connected to the electronic platform that shall allow the competent administrations to have relevant data about re-use. The program will generate three labels that will be affixed to:

- a) The equipment itself
- b) The protocol
- c) The guarantee
- d) Each sticker will have a unique code provided by the manager

#### **E. Requirements of post-sale**

1. Re-use centres will provide a guarantee according to the Royal Legislative Decree 1/2007, of 16 November, which approves the revised text of the General Law



for the protection of consumers and users and other complementary legislation. Among other aspects, the guarantee shall contain:

- a) All the data of the PRC: name, address and phone number.
  - b) Duration of the guarantee.
  - c) Conditions of the guarantee.
  - d) Possibilities for reimbursement of the amount paid, due to lack of conformity of buyer, in the first six months.
  - e) Area covered by the guarantee.
  - f) Conditions under which equipment ceases to have a guarantee, such as poor handling or defects outside its own operation.
2. Once the process of preparation for re-use is completed, the resulting WEEE will be considered as recovered EEE.

ANNEX X

**Content of the communication from the logistics distribution platforms**

The content of the communication from the logistics distribution platforms will be the following:

1. Identification data of the company and its legal representative, location, name and Tax ID number.
2. Description of WEEE to be stored as collection fractions or treatment groups and LoW-WEEE codes according to Table 1 of Annex VIII.
3. Identifying data on the distribution companies for which WEEE is stored: name, location, and Tax ID number.
4. Storage capacity and estimated amount of WEEE planned to be stored annually.
5. Storage conditions of the WEEE.
6. Any other identifying information necessary for the electronic submission of the communication.

ANNEX XI

**Indicative list of the information in the electronic platform's chronological record on WEEE collected**

**A. Type of information, to apply in each case, in the facilities of the local authorities and in the waste collection facilities.**

1. Input.
  - a) Date of delivery of the WEEE.
  - b) Identification of the user or entity that delivers the WEEE (according to each case): Individual / dealer / disposal site / producer's network / professional WEEE producer.
  - c) Name (company name), address, autonomous community, tax ID number, EIN and no. of registration in the Production and Waste Management Register.
  - d) Carrier (if any): Name (company name), address, autonomous community, tax ID number, and manager's code.
  - e) Types and brand of delivered equipment.
  - f) Weight (at least, approximately).
  - g) LoW-WEEE code.
  - h) Use (household/professional).
  - i) Serial no. (whenever possible).
  - j) Reference number of the WEEE label or container where the WEEE is stored in the facility.
  - k) Comments and incidents, for example on the state of operation, the possibility of re-use, whether it is complete, etc.

In the case of small appliances and lamps, this individual entry information shall not be necessary, being replaced by the identification of specific containers for this fraction.

2. Exit of WEEE in containers or cages.
  - a) Date the container or cage left the facility.
  - b) LoW-WEEE code.
  - c) Reference of container - WEEE weight on exit, container.
  - d) Identification of the carrier.
  - e) Destination (waste management facility data).
1. Address and autonomous community.

2. Type: PRC, transfer or load concentration centre, specific treatment plant.
3. EIN.
4. Tax ID number.
5. No. of registration in the Production and Waste Management Register.
- f) Information about the collection and management organisation (allocation office or manager hired by the collection facility).
- g) Reference collection number from allocation office.
- h) Extended responsibility scheme that finances the collection from the collection facility.

**B. Type of information on WEEE collection in the electronic platform from distributors**

1. Entry.
  - a) Date of delivery.
  - e) Types and brand of equipment.
  - c) LoW-WEEE codes.
  - d) Serial no. (whenever possible).
  - e) Reference number on the WEEE label or container where the WEEE is stored in the facility.
  - f) Carrier (if any): Name (company name), address, autonomous community, tax ID number, and manager's code. Dispatch notes on collection.
  - g) Comments and incidents, for example on the state of operation, the possibility of re-use, whether it is complete, etc.
2. Exit of WEEE.
  - a) Date.
  - b) No. of units.
  - c) Types of equipment.
  - d) LoW-WEEE codes.
  - e) Identification of the carrier. Reference of the dispatch notes or identification document of the shipment (when relevant).
  - f) Destination (waste management facility data). Waste management facility data:
    1. Address and autonomous community.

ENGLISH VERSION FOR INFORMATION PURPOSE

2. Type: PRC, storage facility, specific treatment facility, etc.
3. EIN.
4. Tax ID number.
5. No. of registration in the Production and Waste Management Register.
- g) Information about the management and collection organisation (allocation office or manager hired by the collection facility).
- h) Reference collection number from allocation office.
- i) Expanded responsibility scheme that finances the collection from the collection facility.

ANNEX XII

**Minimum content of the annual summary report from the treatment of waste electrical and electronic equipment managers**

Each one of the waste treatment facilities shall present an annual report. The information will be broken down by specific treatment operation, to the extent that in each operation it will be possible to register the weight on entry and exit.

**1. Identification of the entity that submits the information**

- a) Year the information refers to (or annual period).
- b) Tax ID number of the entity that performs the treatment operation at the facility.
- c) Facility identification. EIN.
- d) No. of registration in the Production and Waste Management Register.

**2. Codes of the approved treatment operations in accordance with Annex XIII**

**3. Information of the facility's inputs**

- a) By LoW-WEEE category of waste.
  1. Origin: household or professional.
  2. Origin of waste:
    - Disposal sites: Tax ID number, municipality name (or company name), address, autonomous community and EIN.
    - Distributor: Company name, address, autonomous community, and Tax ID number.
    - Managers: Tax ID number, name (company name), address, autonomous community, EIN and manager code.
    - Individuals: Company name, address, autonomous community, and Tax ID number.
    - Producers of professional WEEE: Company name, address, autonomous community, and Tax ID number.
  3. Weight in tons, and when relevant, units.
- b) Organisation of WEEE management:
  1. With extended responsibility schemes (indicate which).
  2. Other forms of organisation, for example: directly through individuals, disposal site distributors, managers.

**4. Information of the facility's outputs**

- a) For preparation for re-use facilities.

1. By LoW-WEEE code.
  - Total amount of equipment prepared for re-use, in tons and units.
  - Recipient of the equipment prepared for re-use (shop/individual: company name, location, autonomous community, and EIN/Tax ID number).
  - Weight ratio between equipment prepared for re-use coming out of the facility and the complete equipment that went in to the facility.
  - Storage of complete equipment (stock) of the previous year to the report, in tons and units.
  - Storage of complete equipment (stock) at the end of the year to which the report refers to, in tons and units.
2. Re-used components.
  - Type of waste that comes from the component (LoW category and code).
  - Types and quantities of components ready for re-use, in tons and units.
  - Weight ratio between components prepared for re-use that come out of the facility and the waste from which they arise.
  - Recipient of the components prepared for re-use (shop/individual: company name, address, autonomous community, and EIN/Tax ID number).
  - Storage of components (stock) of the previous year to the report, in tons and units.
  - Storage of components (stock) at the end of the year to which the report refers to, in tons and units.
3. Waste generated in the preparation for the re-use:
  - LoW code of the waste generated.
  - Weight in tons, and when relevant, units.
  - Storage:
    - Weight in tons of waste stored in the facility the previous year to the report.
    - Weight in tons of waste stored at the end of the year to which the report refers to.
  - Operation treatment code for which it is intended.
  - Tax ID number, name, address, autonomous community and EIN of the facility target that performs the treatment.
  - No. of registration in the Production and Waste Management Register.
  - Organisation of the waste management:

- Extended responsibility schemes (indicate which).
  - Other forms of organisation, for example: directly through individuals, disposal site distributors, managers.
- b) In the process of extraction of substances, materials and components and others obtained in the treatment of WEEE:
1. Input: WEEE from which substances, materials and components will be extracted.
    - LoW-WEEE code.
    - Quantity (tons and units).
  2. Output: Waste, materials, components and substances extracted.
    - LoW code of each component, substance and mixture extracted according to the Appendix XIII.
    - For each component / substance / mixture extracted or removed:
      - Description.
      - Amount extracted (tonnes).
      - Storage.
      - Quantity of waste stored at the facility last year (t).
      - Quantity of waste stored at the end of the year (t).
      - Type of storage: Open air, closed plants, open plants, types of containers, etc.
      - Code of the target operation for the waste (R1, R2, etc.).
    - Tax ID number, name, address, autonomous community and EIN of the destination facility which performs the treatment.
    - Number of the registration in the Production and Waste Management Register.
    - Corresponding identification number document.

#### **5. Stock or storage pending treatment at the facility**

- a) Quantity of WEEE not undergone any treatment.
  - LoW-WEEE code.
  - Quantity (tons and units).

#### **6. Format of the information relating to the WEEE collection and management**

In relation to the content of Tables 1 and 2, it is established that:

- a) The units in the tables will be tonnes.



- b) The amount considered as recovery is the amount of preparation for re-use, recycling and other forms of recovery, such as energy recovery.
- c) EPR: Waste under the producers' organisation.
- d) NON EPR: Waste under a collection and management organisation different from the EEE producers.

**TABLE 1. Format of information on WEEE collection and management added according to collection fractions and treatment groups from 1 January 2019**

EEE categories from Annex III	Collection fractions and treatment groups	Household WEEE source				Professional WEEE source				WEEE										Total (t)										
		Disposal site		Distribution		Producers networks	Managers		Disposal site		Distribution		Producers networks	Managers		Collected		Prep. re-use			Recycling		Recovery		Disposal		Treaties in other Member States		Outside EU Treaties	
		EPR	NON EPR	EPR	NON EPR		EPR	NON EPR	EPR	NON EPR	EPR	NON EPR		EPR	NON EPR	EPR	NON EPR	EPR	NON EPR		EPR	NON EPR	EPR	NON EPR	EPR	NON EPR	EPR	NON EPR	EPR	NON EPR
1. Temperature exchange equipment (FR1)	11*. Equipment with CFC, HFC, HCFC, HC, NH <sub>3</sub>																													
	12*. Air-conditioners and oils																													
	13*. Electrical equipment with oil in circuits or capacitors.																													
	FR1 total																													
2. LED monitors and screens (FR2).	21*. CRT monitors and screens.																													
	22*. Monitors and screens: Non CRT, non LED																													
	23. LED monitors and screens																													
	FR2 total																													
3. Lamps (FR3)	31*. Discharge lamps, non LED and fluorescent.																													
	32. LED lamps																													
	FR3 total																													
4. Large equipment (FR4)	41*. Large equipment with hazardous components																													
	42. Large equipment (Other)																													
	FR4 total																													
5. Small equipment (FR5)	51*. Small equipment with hazardous components and built-in batteries																													
	52. Small equipment (Other)																													
	FR5 total																													
6. Small Information technology and telecommunication equipment (FR6)	61*. Small Information technology and telecommunication equipment with hazardous components																													
	FR6 total																													
7. Photovoltaic panels (FR7)	71. Photovoltaic panels (e.g.: Si)																													
	72*. Hazardous photovoltaic panels (e.g.:CdTe)																													
	FR7 total																													
TOTAL (t)																														



ANNEX XIII

**Requirements for WEEE specific treatments**

**Part A. General Requirements common to all the facilities which treat WEEE.**

Any facility that provides operations for treatment of WEEE shall have at least:

- a) Work protocols documented by treatment line in compliance with the provisions in this Royal Decree.
- b) Maintenance and calibration protocols of the machinery and equipment used, as well as the corresponding log books of these operations.
- c) Establishment of a closed and well defined perimeter around the facility.
- d) Documentation related to the identification of the components, substances and mixtures listed in this Annex, with regard to the WEEE received, according to information provided by the producers in accordance with Article 10 of this Royal Decree.
- e) Staff specifically trained for the job or roles to develop, as well as in prevention of occupational hazards, quality and environmental issues.

In addition,

1. The treatment facilities, including the storage areas, will be designed, organised and well maintained to provide safe access and evacuation of the premises.
2. Access to unauthorised persons will be limited.
3. The facilities will use the necessary safety measures to prevent the damage and theft of WEEE, as well as of the fractions obtained in the treatment process.
4. The treatment facility, on a voluntary basis, may implement certified management schemes (ISO 9001 and ISO 14001) and be audited by an independent third party, to ensure that their quality control and environmental management processes comply with the terms set forth in this Royal Decree.

**Part B. Operational requirements common to all the WEEE treatment procedures.**

Taking into account environmental considerations and the desirability of preparing for re-use and recycling, all the provisions set forth in this paragraph shall be applied in such a way that does not hinder the preparation for re-use of components or whole equipment, as well as its recycling.

- a) Entry into the facility.
  1. The WEEE will be classified according to its household or professional origin on the basis of the accompanying documentation.
  2. Visual check of the WEEE and its correspondence with those listed on the delivery note or accompanying documentation.

3. Grouping of WEEE by LoW-WEEE codes and removal of removable batteries and accumulators, if applicable.

4. Initial weight of WEEE by LoW-WEEE code

5. Incorporation of the data in the facility chronological record and in the WEEE management electronic platform according to Annex XII.

b) Storage before treatment.

1. The area of the specific treatment facilities to store the WEEE waiting to be treated will comply with the provisions of Annex VIII relating to storage conditions.

2. The maximum amount of WEEE stored must not exceed the amount specified in the facility's permit. The storage time of the WEEE before treatment must not exceed the time limits set forth in Article 20.4.a of the Law 22/2011 of 28 July. For this purpose, the dates of entry and treatment of WEEE received shall be registered, by batches or deliveries.

3. The stocks or waste stored shall be registered annually and will be considered in the mass balance of the facility.

c) Removal and treatment of components, substances and mixtures.

1. As a minimum the following substances, mixtures and components have to be removed from any separate collection of WEEE:

- polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),

- mercury containing components, such as switches or backlighting lamps,

- batteries and accumulators,

- printed circuit boards of mobile phones in general, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,

- toner cartridges, liquid and paste, as well as colour toner,

- plastic containing brominated flame retardants,

- asbestos waste and components which contain asbestos,

- cathode ray tubes,

- chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC), hydrofluorocarbons (HFC), hydrocarbons (HC) and Ammonia (NH<sub>3</sub>),

- gas discharge lamps,

- liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lit with gas discharge lamps,

- external electric cables,
- components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting for the 23rd time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances, to technical progress,
- components containing radioactive substances with the exception of components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation,
- electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 mm or proportionately similar volume),
- oils.

During the process of removal of components or materials, in accordance with the process diagram established by treatment line, included in the facility's permit, components which may release hazardous substances into the environment or that can be diluted among the remaining fractions and contaminate them, will not be damaged or destroyed.

2. These components, substances and mixtures shall be disposed of, or recovered, in accordance with the Law 22/2011, of 28 July and its implementing rules. In particular, the following components collected separately and entered into the corresponding mass balance shall be subject to the following treatments:

- Cathode ray tubes: the fluorescent coating has to be removed according to the G3 procedure of this annex.
- Equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, and hydrocarbons, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly treated, according to the G2 and G2.1 procedures of this annex.
- Ozone-depleting gases must be treated in accordance with Regulation (EC) No 1005/2009.
- The gases with a global warming potential above 15 are shall be adequately treated.
- The gases containing fluoridated or chlorinated derivatives must be treated in compliance with the relevant legislation relating to the control of emissions of PCDD/FS into the atmosphere.
- Hydrocarbons, once properly extracted, shall be adequately captured or stored in order to recycle or recover them when possible.

- The light discharge lamps shall be subject to a process for the removal of mercury as is set forth in the G5 procedure of this annex.

- Oil shall be properly managed.

3. In the case that some types of WEEE are not referred to in the procedures, their treatment protocol shall include environmental protection measures for the prevention of occupational and health hazards of workers set by the legislation.

4. The materials, components and substances resulting from the treatment of WEEE will be identified and classified into identifiable flows or as identifiable parts of the WEEE, so that they can be accounted for and checked that the treatment is properly carried out. The checks that are planned to ensure the correct treatment of WEEE, shall be established in the facility's quality plan.

5. The fractions containing hazardous substances, mixtures or components, shall not be diluted or mixed with other fractions or materials with the aim of reducing its concentration.

#### **Part C. Separation of fractions and their destination.**

Different materials and fractions shall be obtained through mechanical processes of fragmentation or shredding in order to be recovered or eliminated. They shall be identified by LoW codes, accounted for and their destination shall be indicated to calculate the recovery targets. To do this, they will be entered in the facility's chronological record according to the Article 40 of the Law 22/2011 of 28 July, on waste and contaminated soil.

#### **Part D. Information.**

The resulting fractions of specific treatment shall be weighed and be entered in the facility's chronological record. The register shall contain, in chronological order, at least, the data of the inputs and outputs that will allow to gather and check the data in the environmental report specified in Annex XII.

The manager who runs the treatment facility will request and retain certificates issued by the manager, or the recycling facility to allocate the fractions resulting from the treatment. The information shall be kept on file for at least 3 years.

#### **Part E. Checklist of basic requirements for WEEE treatment facilities.**

The managers authorised for treating WEEE treatment shall certify compliance of at least, the following general requirements, as well as those derived from the specific procedures in the case of the treatment of certain categories of WEEE:

a) WEEE treatment permit, appropriate for the LoW-WEEE codes according to Table 1 of Annex VIII.

b) Diagrams of the processes used in the treatment of WEEE included in the permit.

- c) Register of WEEE entries as per LoW-WEEE codes according to Table 1 of Annex VII.
- d) The chronological record, physical or electronic.
- e) Control procedures and technical documentation, including the storage conditions according to Annex VIII and the technical requirements according to this annex.
- f) Removal of materials and components listed in part B of this annex.
- g) Removal of hazardous materials, components and substances, in each of the stages, their destination and LoW codes used.
- h) Removal of non-hazardous materials and components in each of the stage, their destination and LoW codes used.
- i) Verification of input and output records for materials, components and substances, as well as LoW codes used.
- j) Shipping documentation for the recovery or disposal of substances, materials, components and/or separate fractions facilities in each of the stages and in total. Full traceability of the waste shall be guaranteed, both for the entry of WEEE to the treatment plant as well as the exit of the resulting fractions to their treatment destination.
- k) Compliance of recovery and recycling targets of Annex XIV.
- l) Calibration of materials and equipment used in the different stages of treatment.
- m) The security measures used to prevent the entry of unauthorised persons and damage or theft of WEEE and fractions stored in the facilities.
- n) Specific information for staff according to the tasks to develop, as well as in the prevention of occupational risks.
- o) Legislation on prevention of occupational hazards, including fire prevention.
- p) Legislation in the field of explosive atmospheres, control of discharges and gas emissions into the atmosphere, if applicable.

**Part F. Common aspects of the mass balance.**

In the chronological record, managers will document all the resulting fractions of each process: removed components, recoverable and non-recoverable materials or fractions, quantities and LoW codes, to establish in each process a mass balance between the input and output streams, and the quantities stored or in stock.

The mass balance is set to:

Inputs = outputs + stock

Inputs =  $\sum$  of inputs to the treatment process



Outputs =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

Losses during the treatment process = inputs - outputs - stock

### **Part G. Specific procedures for the treatment of WEEE by equipment type.**

The procedures for the specific treatment of WEEE described below may be carried out by applying the best available techniques.

#### **G.1. General treatment operation**

The following treatment groups shall be subjected to this treatment: 13, 23, 32, 41, 42, 51, 52 and 61 and those WEEE that are not included in any other procedure than those referred to in part G of this annex.

The treatment of these appliances will consist of 3 stages:

- Stage 0. Reception of the equipment and preliminary dismantling.
- Stage 1. Removal of components, substances and mixtures.
- Stage 2. Separation from the rest of fractions.

#### **Stage 0. Reception of the equipment and preliminary dismantling.**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of part B of this annex.
2. Removing parts or components so that they can be prepared for re-use, disassembly of loose parts, depending on the information available from the EEE producers.

#### **Stage 1. Removal of components, substances and mixtures.**

During this stage, at minimum, components, substances and mixtures listed in subparagraph (c) of part B of this annex will be removed. In accordance with the precautionary principle, in the event that the EEE producer does not provide sufficient information on the equipment design about the content of hazardous substances, the WEEE will be treated in a manner that will protect the health of workers and the protection of the environment. The removal shall be conducted in accordance with the particulars referred to in part B of this annex, in such a way that does not hinder the preparation for the re-use and recycling of components and materials, respectful to the environment.

The mechanical separation of these components, substances or mixtures will not be allowed if this entails the risk of release of hazardous substances or contamination of the rest of the WEEE due to breakage. In these cases, the manual removal of these components, substances or mixtures is recommended.

#### **Stage 2. Separation from the rest of fractions.**

During this stage, the recoverable fractions (ferrous, non-ferrous, plastics, glass, etc.) will be separated from the rest of equipment.

All of the components removed and the recoverable fractions obtained in this stage shall be deposited in separate containers in a specific space, to be sent to authorised managers for the treatment of each one of them.

Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be entered in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G1)**

**Inputs** =  $\sum$  of inputs to the process

a) LoW-WEEE code:

(160213\*-13\*, 200135\*-13\*; 160214-23, 200136-23; 160214-32, 200136-32; 160213\*-41\*, 160210\*-41\*, 160212\*-41\*, 200135\*-41\*; 160214-42, 200136-42; 160212\*-51\*, 160213\*-51\*, 200135\*-51\*; 160214-52, 200136-52; 200135\*-61\*).

b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

a) LoW code/description.

b) Destination:

- Energy recovery: Quantity (t) and operation (R1, R2, etc.).
- Recycling: Amount (t) and operation (R1, R2, etc.).
- Elimination: Quantity (t) and operation (D1, D2, etc.).
- Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G1)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) of the entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category.
- Storage conditions according to Annex VIII.

#### **Stage 1:**

- Manual removal process.

- Separation and proper storage of removed components, substances and mixtures.
- Documentation of shipping to approved treatment plants for waste disposal or recovery of the removed components, substances and mixture.
- Register of materials and components generated in Stage 1 and their destination.
- Register of types and amounts of removed substances by LoW code, destination and treatment operation.

**Stage 2:**

- Storage of the obtained fractions in suitable containers.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.
- Register of types and amounts of removed substances, generated waste and materials or fractions separated in Stage 2, by LoW codes.
- Register by the authorised manager to whom the recoverable fractions and the treatment operations will be assigned.

**G.2. Treatment of WEEE containing CFCS, HCFCS, HFCS, HC or NH<sub>3</sub> (160211\*-11\* AND 200123\*-11\*)**

All equipment included in category 1 of the Annex I and category 1 of Annex III, containing CFCS, HCFCS, HFCS, HC or NH<sub>3</sub> shall be subjected to this treatment.

The treatment of these appliances will consist of 4 stages:

- Stage 0. Reception of the equipment and preliminary dismantling.
- Stage 1. Removing of cooling gases and circuit oils.
- Stage 2. Removing of fluorinated gases and hydrocarbons from insulating foams.
- Stage 3. Separation from the rest of fractions.

**Stage 0. Reception of the equipment and preliminary dismantling.**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of part B of this annex.
2. Classification of the WEEE received within the same category. Separation of equipment containing CFC, HCFC, HFC, HC, and NH<sub>3</sub> from the rest.
3. Manual removal of the loose parts from the interior of the equipment (glass shelves, drawers, cables, etc. ) and the door rubber seals, facilitating the

environmentally friendly preparation for the re-use and recycling of components and materials, taking into account the information available from the EEE producers.

### **Stage 1. Removing of cooling gases, ammonia and circuit oils.**

1. During this stage the removal of the cooling gases from the refrigeration circuits and the oils from the compressor using a vacuum and sealed system to prevent leakage, and to allow the separation of the oil gases from the cooling gases in pressure vessels in safety adequate conditions, will be carried out.

The gases of the cooling circuit account for around 30 % of the content of cooling gases refrigerants in the equipment. In the extraction process, at least, 99 % of oils and cooling gases will be removed. The amount of residual fluorine gas in the compressor oil must be less than 0.2 % of the oil weight.

2. If the cooling circuit contains hydrocarbons, the suction of the cooling fluids will use equipment that meets the technical specifications of the Royal Decree 681/2003, of 12 June, on the protection of the health and safety of workers potentially at risk from explosive atmospheres in the workplace.

3. Both gases and the oil will be stored separately and in a manner that is safe to the environment and to the workers of the facility, waiting to be shipped to an authorised manager for their treatment, in accordance with Regulation (EC) No. 1005/2009, of the European Parliament and of the Council of 16 September 2009, on substances that deplete the ozone layer and the applicable regulations relating to the issuance of polychlorinated dibenzofurans and dibenzo dioxins into the atmosphere.

4. At the end of this stage the compressor motor will be dismantled and removed for its shipment to an authorised manager.

5. In the absorption refrigerators, the ammonia solution which contains chromium VI must be isolated in a watertight facility. If in the cooling circuit the chromate had not been completely eliminated, the iron pieces must be sent without being treated to a recovery facility (foundry). In any other fraction resulting from the treatment of absorption refrigerators (water, NH<sub>3</sub>) the chromate content must be analysed.

### **Stage 2. Joint removal of fluorinated gases and hydrocarbons from the insulating foam in cooling systems.**

1. The equipment from Stage 1, devoid of the refrigerants and oils will be go through a process to extract the expander gases from the polyurethane (PU) foam and separate these from the rest of fractions (such as plastics and metals). Gases present in the foams account for around 70 % of the content of the equipment's cooling gases. The removal process must remove around 90 % of the gases from the foam.

2. The removal of the gases from the foam expanders will require the crushing of the equipment's body, door and the pieces of foam which could have been flaked off accidentally, in an inert atmosphere which prevents gas emissions into the atmosphere and any risk of explosion. For this, the facility should have the necessary measures to prevent the emission of hydrocarbons (HC), volatile organic compounds (VOCs) and fluorinated gases that will be established in the facility's environmental permits as well

as the provisions relating to arrangements applicable to health and safety at work and explosive atmospheres.

This process releases 70-80 % of the content of the gases contained in the pores of the foam and needs further degassing of the foam matrix to release the remaining 20-30 % of the gases, by pelleting or briquetting, techniques applying vacuum or increased temperature, or any other verified technique that reaches these minimum ratios for recovery. Throughout the process of grinding and briquetting using appropriate techniques, the gas expanders will be captured and stored in suitable containers for subsequent accounting and management.

3. Analyses will be conducted to estimate the amount of fluorinated gases or hydrocarbons present in the foam before and after grinding and degassing to calculate the level of extraction attained and to know the level of fluorinated gases and hydrocarbons present in the resulting materials. The amount of residual fluorinated gases in resulting PU after the degassing technique used, either PU in lumps, pellets, briquettes, powdery material, etc., shall not exceed 0.2 % of the total weight. The frequency of analysis shall be adequate to elaborate annual balances.

4. Steps will be taken to minimize the PU residual adhesions (foam) on recyclable metal and plastic fractions. The maximum desirable value of residual adhesions on ferrous and non-ferrous items must be 0.3 % of the PU weight. Plastic fractions shall not contain more than 0.5 % of the PU weight.

5. In the absorption refrigerators, the ammonia solution (NH<sub>3</sub>) which contains chromium VI must be isolated in a watertight facility.

6. The foam pieces, pellets, briquettes, powdery material, along with the stored and removed gases in this stage, as well as the potential adsorbents used to prevent their release into the atmosphere shall be accounted for in the chronological record and shall be managed properly. The results of the treatment will be accounted towards the achievement of the recovery targets set forth in Annex XIV.

### **Stage 3. Separation from the rest of fractions.**

1. During this stage, the recoverable fractions (ferrous, non-ferrous, plastics, glass, etc.) will be separated from the rest of equipment.

2. All of the components removed, the extracted substances and the recoverable fractions obtained in this stage shall be deposited in separate containers in a specific space, to be sent to authorised managers for the treatment of each one of them.

3. Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G2)**

**Inputs** =  $\Sigma$  of inputs to the process

a) LoW-WEEE code: (160211\*-11\*, 200123\*-11\*; 160211\*-12\*; 200123\*-12\*).

b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

a) LoW code/description.

b) Destination:

- Energy recovery: Quantity (t) and operation (R1, R2, etc.).
- Recycling: Amount (t) and operation (R1, R2, etc.).
- Elimination: Quantity (t) and operation (D1, D2, etc.).
- Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G2)**

In addition to the checks set forth in Part E of this annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (200123\*-11\* y 160211\*-11\*).
- WEEE separation methodology, when relevant, containing fluorinated gases or hydrocarbons in the foam.
- Storage conditions according to Annex VIII.
- Annotation of additional information (leaks and spills detected) at the beginning of Stage 0.
- Manual removal process.

#### **Stage 1:**

- Operation of the gas extraction system of the cooling system and compressor oil through the measurement of final pressures in the emptying process that ensure the maximum removal.
- Performance (% of weight) of the extraction process of and capture of cooling gases and oils from the cooling system .
- Separation and proper storage of cooling gases and oils.
- Concentration of residual fluorinated gases in the compressor oil (% of weight).
- Shipping documentation to authorised treatment plants for waste disposal or recovery of the removed components, substances and mixtures.

- Storage and management by an authorised manager of liquids and materials containing chromium VI .
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.
- The functioning of the equipment of equipment and the maintenance protocols.
- Removal of the compressor motor, the radiator and the fan.
- Register of types and amounts of removed substances by LoW code.
- Register of materials and components generated in Stage 1, their destination and their intended treatment.

**Stage 2:**

- The functioning of the equipment and insulating foam grinding process.
- The functioning of the extraction of fluorinated gases and hydrocarbons from the insulating foam, in an inert atmosphere that ensures the maximum removal and the minimum content remaining in the foams process.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.
- Capture, confinement and storage of fluorinated gases and hydrocarbons in suitable containers for later recovery or disposal through authorised managers.
- Estimation of the fluorinated gases and hydrocarbons content in insulating foams at the beginning of the process (% of weight). Protocol on the establishment of analysis and measurement of fluorinated gases and hydrocarbons .
- Estimation of the residual fluorinated gases and hydrocarbons content after the outgassing (% of weight). Protocol on the establishment of analysis and measurement of fluorinated gases and hydrocarbons .
- Performance (% of weight) of the extraction process of fluorinated and non-fluorinated gases from insulating foams.
- Assessment of the equipment sorting and labelling methodology.
- Register of the types and amounts of substances extracted, waste generated and separated materials or fractions in Stage 2, by their LoW codes, destination and treatment, with special detail on the destination of the activated charcoal or any absorbent used in the gases capture, as well as the treatment destination of the extracted fluorinated gases.

**Stage 3:**

- Storage of the obtained fractions in suitable containers.

- Register of types and amounts of separated fractions by LoW code, for their recovery.
- Register by the authorised manager to whom the recoverable fractions and the treatment operations will be assigned.
- Amount of residual foam in fractions/materials (% of weight).
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.

### **G.3 CRT screens (TV and monitors with cathode ray tubes) (160213\*-21\* AND 200135\*-21\*) treatment**

All equipment included in subcategory 4.1 of the Annex I and category 2 of Annex III, containing cathode ray tubes (CRT) shall be subjected to this treatment.

The treatment of these appliances will consist of 3 stages:

- Stage 0. Equipment reception.
- Stage 1. Removal and drilling of the glass cone to eliminate the vacuum.
- Stage 2. Segregation of glass and removal of the fluorescent coating.

Waste with cathode ray tubes does not support any kind of intermediate treatment, they can only be treated in authorised facilities for their complete treatment, which must include the stages mentioned above.

#### **Stage 0. Equipment reception**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of part B of this annex.
2. Classification of the WEEE received within the same category. Separate the monitors and CRT screens WEEE from the rest. Identify the units which have a broken cathode ray system upon reception.

During the loading and unloading operations, particular attention should be paid not to cause damage to the cathode ray tube systems.

#### **Stage 1. Preliminary removal and drilling of the glass cone to eliminate the vacuum**

In the Stage 1, at least the following elements will be removed:

- a) External wires.
- b) Plastic or wood shells, in older equipment.



- c) Printed circuit boards, in the case of monitors.
- d) Batteries.
- e) Capacitors.
- f) Anode connection.
- g) Copper cone.
- h) Electron gun, once the vacuum inside the tube is eliminated by removing the anode connection of the glass cone.
- i) Metal hoops in the union of the glass screen and the cone.

## **Stage 2. Segregation of glass and removal of the fluorescent coating**

In this stage the following steps will be carried out:

1. Cutting and separating the glass (screen and cone).
2. Removal of the shadow mask (only for colour screens).
3. Suction of the fluorescent coating.
4. Sorting of the glass according to its composition.

Both the separation of the screen and glass cone as well as the suction of the fluorescent coating, will be carried out in a place fitted with an air extraction system with a filtering capacity sufficient to ensure compliance with the emission limits in the current regulations. In addition, the system to remove the fluorescent coating of the screen glass will ensure that this is captured in its entirety in an identifiable stream and is not diluted with the rest of fractions.

All the tubes that reach this stage broken, or break when separating the glass, will be considered as contaminated glass. The percentage of contaminated glass with respect to the total of the separate glass will be taken into account in assessing the effectiveness of the management cycle (collection, transport and treatment) of this type of equipment. The TVs or monitors with broken screens can only be treated if the phosphorus from the contaminated broken glass has been previously removed. Clean glass will be sent to an authorised manager.

All of the components removed and the recoverable fractions obtained in this stage shall be deposited in separate containers, to be sent to authorised managers for the treatment of each one of them.

Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G3)**

**Inputs** =  $\sum$  of inputs to the process

- a) LoW-WEEE code: (160213\*-21\*, 200135\*-21\*).
- b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

a) LoW code/description.

b) Destination:

- Energy recovery: Quantity (t) and operation (R1, R2, etc.).
- Recycling: Amount (t) and operation (R1, R2, etc.).
- Elimination: Quantity (t) and operation (D1, D2, etc.).
- Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G3)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (200135\*-21\* y 160213\*-21\*).
- Register of the screen and monitors units received with the CRT system broken.
- Storage conditions according to Annex VIII.

#### **Stage 1:**

- Preliminary manual disassembly and perforation of the glass cone to eliminate the vacuum, processes described in Stage 1.
- Register of materials and components generated by LoW code, their destination and treatment.

#### **Stage 2:**

- Verification of the operations described in Stage 2.
- Register of the amount of obtained phosphorescent coating, proper storage and management through authorised managers.
- Register of materials and separate fractions by LoW code, destination, and treatment.

- The functioning of equipment and maintenance protocols.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.

#### **G.4. Treatment for flat screens with technology different to CRT (160213\*-22\* AND 200135\*-22\*)**

All equipment included in subcategory 4.1 of Annex I and category 2 of Annex III, containing flat screens with liquid crystal display (LCD) and plasma or any other technology different from the cathode ray tubes (CRT) and light-emitting diodes (LEDs) will be subjected to this treatment.

The treatment of these screens will consist of 3 stages

- Stage 0. Equipment reception.
- Stage 1. Preliminary dismantling.
- Stage 2. Separation from the rest of fractions.

##### **Stage 0. Equipment reception**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of Part B of this annex.
2. Classification of the WEEE received within the same category. Separate the WEEE with flat screen technology different to LED and CRT from the rest.

Equipment with flat screens and their components must be stored under weather-proof covers (roofs or closed containers).

The flat screen equipment collection, handling and transport activities should be made so as not to affect the integrity of the screens. It is not allowed to crush nor compact flat screen equipment before its treatment.

##### **Stage 1. Preliminary dismantling**

At this stage, at least the following elements will be removed:

- a) External wires.
- b) Outer shell.
- c) Printed circuit boards.
- d) Liquid crystal display (LCD) or glass panels that make up the plasma screen.
- e) Cold cathode fluorescent lamps (CCFL), in the case of LCD screens.

The handling of the fluorescent lamps from the LCD screens will avoid any damage to the glass tubes due to their mercury and phosphorus content. Breakage of this glass would cause the emission of highly polluting gas and mercury into the atmosphere.

The CCFL background lights which break during the treatment will be stored along with the rest of lamps and shipped in a closed container to avoid mercury emissions. These containers will be stored in locations that are not exposed to heat, to be sent to an authorised manager for its treatment.

### **Stage 2. Separation from the rest of fractions.**

In this stage the recoverable equipment will be separated in fractions, either manually or mechanically.

All of the components removed in Stage 1 and the recoverable fractions obtained in Stage 2 shall be deposited in separate containers, to be sent to authorised managers for the treatment of each one of them.

Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G4)**

**Inputs** =  $\sum$  of inputs to the process

- a) LoW-WEEE code: (160213\*-22\*, 200135\*-22\*).
- b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

- a) LoW code/description.
- b) Destination:
  - Energy recovery: Quantity (t) and operation (R1, R2, etc.).
  - Recycling: Amount (t) and operation (R1, R2, etc.).
  - Elimination: Quantity (t) and operation (D1, D2, etc.).
  - Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G4)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (200135\*-22\* y 160213\*-22\*).
- Register of the screens and monitors units received in poor condition.
- Storage conditions according to Annex VIII.

**Stage 1:**

- Preliminary manual removal process.
- Mercury and phosphorus dust suction equipment control.
- Proper storage of mercury and phosphorus dust, as well as the rest of fractions in separate containers for recovery and/or elimination.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.
- The functioning of equipment and maintenance protocols.
- Register of materials and components generated in Stage 1, by LoW code, destination and treatment.

**Stage 2:**

- Storage conditions of the obtained fractions in suitable containers.
- Register of types and amounts of fractions separated in Stage 2, by LoW code, destination and treatment.

**G.5. Treatment for lamps containing mercury (200121\*-31\*)**

All equipment included in category 5 of the Annex I and category 3 of Annex III, containing mercury shall be subjected to this treatment.

The treatment of lamps containing mercury will consist of 2 stages:

- Stage 0. Equipment reception.
- Stage 1. Removal of components and separation from the rest of fractions.

This waste does not support any kind of intermediate treatment, and can only be treated in facilities that are able to perform their full course of treatment.

**Stage 0. Equipment reception**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of Part B of this annex.
2. Classification of the WEEE received within the same category. Manual sorting of the different types of lamps, according to their intended treatment.

3. Register of the number of lamps broken by container received. To register this, a sampling methodology can be used.
4. Separation of foreign material, plastics, wood, and luminaires that may adversely affect the lamps treatment process, as well as other WEEE or incandescent and halogen lamps.
5. Storage conditions according to Annex VIII, for facilities which store waste containing mercury, always avoiding waste breakage.

### **Stage 1. Removal of components and separation from the rest of fractions**

At this stage, at least the following lamps components will be removed:

- a) Caps.
- b) Plastics.
- c) Glass (contaminated).
- d) Mixture of mercury and phosphorus powder.

The mercury and fluorescent dust extracted from the obtained glass fractions will be removed before being sent for re-use through thermal extraction techniques, washing with acids, etc. If not, the contaminated glass will only be sent to authorised managers to treat waste containing mercury. The fluorescent dust extraction process will be done in a controlled atmosphere.

The extracted mixture of mercury and fluorescent dust will be stored in suitable tanks. The mercury will be extracted from the mixture, and if the facility does not have the means to do so, it will be sent to an authorised manager who has the technology to do so.

The facility where this type of operation will be performed will have air extraction systems necessary to prevent the emission of mercury vapour or dust into the atmosphere throughout the process.

If during this stage water is used, it will be collected separately and it will be appropriately treated so, before is discharged into the sewage network, it meets the limits set for discharge.

The lamps that arrive broken at this stage shall be accounted for independently.

All the resulting fractions shall be deposited in separate containers to be sent to authorised managers for specific treatment of each one of them.

Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G5)**

**Inputs** =  $\sum$  of inputs to the process

- a) LoW-WEEE code: (200123\*-31\*).
- b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

- a) LoW code/description.
- b) Destination:
  - Energy recovery: Quantity (t) and operation (R1, R2, etc.).
  - Recycling: Amount (t) and operation (R1, R2, etc.).
  - Elimination: Quantity (t) and operation (D1, D2, etc.).
  - Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G5)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (200121\*-31\*).
- Manual sorting of the different types of lamps, according to intended treatment and foreign materials separation.
- Register of lamps units broken by container received and its percentage (%) of the total received.
- Storage conditions in accordance with Annex VIII, according to the provisions for waste containing mercury.

#### **Stage 1:**

- Register of equipment and additional information (faulty) on entry in Stage 1.
- The functioning of the treatment of lamps process.
- Mercury and phosphorus dust suction equipment control.
- Proper storage of mercury and phosphorus dust, as well as the rest of obtained fractions in separate containers.
- Register of types and amounts of separate fractions for recovery or disposal, by LoW code.

- Registration of the authorised manager to which recoverable fractions will be sent for their treatment.
- Verifying the proper functioning of equipment and maintenance protocols.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.

#### **G.6. Photovoltaic panels (silicon) processing (160214-71)**

All the photovoltaic panels containing silicon (Si) included in subcategory 4.2 of Annex I and subcategory 7.1 of Annex III, will be subjected to this treatment.

The treatment of these appliances will consist of 3 stages:

- Stage 0. Reception of the equipment and preliminary dismantling.
- Stage 1. Treatment.
- Stage 2. Separation from the rest of fractions.

##### **Stage 0. Reception of the equipment and preliminary dismantling.**

In this stage the following steps will be carried out:

1. Compliance with requirements set forth in subparagraphs (a) and (b) of Part B of this annex.
2. Classification of the WEEE received within the same category. Separation of the silicon photovoltaic panels from the rest of WEEE.
3. Removal of the panels most accessible parts, such as the panel protective glass, the outer casing, the wiring, junction boxes, etc., facilitating the preparation for re-use and recycling of environmentally friendly components and materials, taking into account the information available from the EEE producers.

##### **Stage 1. Treatment**

Once removed the most accessible parts of photovoltaic modules in Stage 0, the plastic liners such as EVA (ethylene vinyl acetate) and other types of plastic sheeting that are used as insulation from the PV cells will be removed through heat treatment or equivalent techniques.

The heat treatment or equivalent techniques used (if applicable) must have a fume extraction system during the combustion process with the appropriate security measures.

##### **Stage 3. Separation from the rest of fractions.**

At this stage the silicon wafers will be removed from the rest of recoverable fractions. All of the components removed and the recoverable fractions obtained in this stage shall be deposited in separate containers, to be sent to authorised managers for the treatment of each one of them.



Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G6)**

**Inputs** =  $\sum$  of inputs to the process

- a) LoW-WEEE code: (160214-71).
- b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

- a) LoW code/description.
- b) Destination:
  - Energy recovery: Quantity (t) and operation (R1, R2, etc.).
  - Recycling: Amount (t) and operation (R1, R2, etc.).
  - Elimination: Quantity (t) and operation (D1, D2, etc.).
  - Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G6)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (160214-71).
- Register of panels received in poor condition.
- Storage conditions according to Annex VIII.
- Preliminary manual removal process.
- Register of types of components removed, waste generated, by LoW codes.
- Storage of the obtained fractions in suitable containers.

#### **Stage 1:**

- Plastic polymers elimination process and fume extraction system.
- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.

- The functioning of equipment and maintenance protocols.
- Register of types of and amounts of materials and components generated in Stage 1, by LoW code, destination and treatment.

**Stage 2:**

- Removal of silicon wafers.
- Storage of the obtained fractions in suitable containers.
- Register of types and amounts of separated fractions by LoW code, for their recovery.
- Register by the authorised manager to whom the recoverable fractions and the treatment operations will be assigned.

**G.7. Photovoltaic panels (cadmium-tellurium) treatment (160213\*-72\*)**

All the photovoltaic panels containing cadmium telluride (Cd-Te) included in subcategory 4.3 of Annex I and subcategory 7.2 of Annex III, will be subjected to this treatment.

The treatment of these appliances will consist of 3 stages:

- Stage 0. Reception of the equipment and preliminary dismantling.
- Stage 1. Treatment.
- Stage 2. Separation from the rest of fractions.

**Stage 0. Reception of the equipment and preliminary dismantling.**

1. Compliance with requirements set forth in subparagraphs (a) and (b) of Part B of this annex.
2. Classification of the WEEE received within the same category. Separation of panels with cadmium telluride from rest of WEEE.
3. Removal of the panels most accessible parts, such as the outer casing, the wiring, junction boxes, etc., facilitating the preparation for re-use and recycling of environmentally friendly components and materials, taking into account the information available from the EEE producers.

**Stage 1. Treatment**

The main objective of these photovoltaic panels treatment is the capture and removal of cadmium telluride (Cd-Te) so as not to contaminate in the next stages the rest of the recoverable fractions.

Once the most accessible parts of the panels has been removed in Stage 0, these will go through a process of grinding with a filtration and dust removal system to obtain smaller fractions of the components that comprise them, thus facilitating the subsequent separation of the semiconductors and the layers of plastic polymers.

Then the recoverable fractions will be separated, through techniques such as the sieving, flotation, separation by air currents, electrostatic separation or equivalent techniques that achieve the same goal.

Other treatment techniques to retrieve the recoverable fractions, without crushing, are mechanical abrasion, thermal degradation in a high temperature oven and chemical treatment. Any of these techniques will have a gas extraction system during the combustion process (if applicable) and will have appropriate security measures.

### **Stage 2. Separation from the rest of fractions.**

All of the components removed and the recoverable fractions obtained in this stage shall be deposited in separate containers, to be sent to authorised managers for the treatment of each one of them.

Prior to shipment, the amounts deposited in these containers, their destination and treatment shall be recorded in the chronological record to determine the degree of compliance of the recycling and recovery targets of Annex XIV.

### **Mass Balance (G7)**

**Inputs** =  $\sum$  of inputs to the process

- a) LoW-WEEE code: (160213\*-72\*).
- b) Quantity in tons (t).

**Outputs** =  $\sum$  of removed components or +  $\sum$  of removed recoverable fractions +  $\sum$  of non-recoverable fractions

- a) LoW code/description.
- b) Destination:
  - Energy recovery: Quantity (t) and operation (R1, R2, etc.).
  - Recycling: Amount (t) and operation (R1, R2, etc.).
  - Elimination: Quantity (t) and operation (D1, D2, etc.).
  - Destination's manager: Name, EIN and province.

**Losses during the process** = inputs - outputs - stock

### **Checklist (G7)**

In addition to the checks set forth in Part E of this Annex, the following must be verified:

#### **Stage 0:**

- Register of equipment and additional information (incidents) on entry in Stage 0 and its correlation with LoW-WEEE codes included in this treatment category (160213\*-72\*).

- Register of panels received in poor condition.
- Storage conditions according to Annex VIII.
- Preliminary manual removal process.
- Register of types of materials removed and waste generated, by LoW code, destination and treatment operation.
- Storage of the obtained fractions in suitable containers.

**Stage 1:**

- Control of gas emissions into the atmosphere and/or spills, in compliance with the existing relevant sectoral rules.
- Active and passive protection measures for appropriate handling of chemical reagents.
- Operation and maintenance of the extraction system for the dust generated in the grinding.
- Yields of extraction and dust collection (if applicable).
- Register of types of and amounts of materials and components generated in Stage 1, by LoW code, destination and treatment.
- The functioning of the equipment and maintenance protocols compliance

**Stage 2:**

- Storage of the obtained fractions in suitable containers.
- Register of types and amounts of separated fractions by LoW code, for their recovery.
- Register by the authorised manager to whom the recoverable fractions and the treatment operations will be assigned.

**G.8. Codes of fractions, substances, materials and components extracted or removed from the WEEE in the treatment process**

The following is an indicative list (not exhaustive) of the fractions, substances, materials and components resulting from the different operations of WEEE treatment:

**Table 1. Fractions, substances, materials and components resulting from WEEE treatment operations**

LoW CODE	DESCRIPTION	TREATMENT OPERATION								
		G 1	G 2	G 2.1	G 3	G 4	G 5	G 6	G 7	
060204*	Bases (e.g.sodium and potassium hydroxide)		X	X					X	
060205*	Other bases								X	
060404*	Components with mercury (and wastes containing mercury)						X			
060704*	Acids (acid solutions)								X	
080317*	Waste printing toner and ribbons containing hazardous substances	X								
080318	Waste printing toner waste, other than those mentioned in code 080317*	X								
130208*	Other engine, gear and lubricating oils	X	X	X						
130301*	Insulating or heat transmission oils containing PCBs	X	X	X						
140601*	Cooling gases (CFC, HCFC, HFC)		X	X						
140603*	Cooling gases (HC)		X	X						
160209*	Capacitors and transformers containing PCBs	X	X	X	X	X				
160215*	Hazardous components removed from discarded equipment. e.g: contaminated cables and glass, brominated plastics, other hazardous capacitors, LCD screens	X	X	X	X	X	X			
160216	Components removed from discarded equipment other than those specified in code 160215*. e.g: cables (not dangerous), printed circuit boards	X	X	X	X	X	x	X	X	
160507*	Discarded inorganic chemicals consisting of or containing hazardous substances. e.g.: toner, beryllium oxide, lead soldering cards	X								
160601*	Lead batteries	X	X	X						
160602*	Nickel-cadmium batteries	X	X	X						
160603*	Mercury-containing batteries	X								
160604	Alkaline batteries (except 160603*)	X								
160605	Other batteries and accumulators	X	X	X						
170601*	Insulating materials containing asbestos	X	X	X						
170603*	Other insulating materials consisting of or containing hazardous substances. For example: ceramic fibres	X								
190106*	Aqueous liquid wastes from gas treatment and other aqueous liquid wastes. For example: polluted water		X	X						
190205*	Sludges from physico/chemical treatment containing hazardous substances								X	
190206	Sludges from physico/chemical treatment other than those specified in code 190205*								X	
190210	Non-hazardous oils (and combustible wastes other than those mentioned in 190208 and 190209)	X	X	X						
191003*	Light fractions from fragmentation (fluff-light) and dust containing hazardous substances. E.g.: dusts from filters and fluff-light fraction and dust containing hazardous substances	X	X	X	X	X	X	X	X	
191202	Ferrous metal	X	X	X	X	X	X	X	X	
191203	Non-ferrous metal	X	X	X	X	X	X	X	X	
191204	Non-brominated plastics (e.g.plastic and rubber)	X	X	X	X	X	X	X	X	
191205	Glass	X	X	X	X	X	X	X	X	
191206*	Wood containing hazardous substances		X	X	X					
191207	Wood other than that mentioned in code 191206*	X	X	X	X					
191209	Minerals. For example: concrete	X								
191210	Pellets, powder and other formats from polyurethane foam (and combustible waste, refuse derived fuel)		X	X						
191211*	Other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances. e.g: polyurethane foam without removing the gas, glass from the suction in the cutting machine to separate the glass screen and the glass cone, fluorescent coating, dust containing mercury and phosphorus	X	X	X	X	X	X			
191212	Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in code 191211*	X	X	X	X	X	X	X	X	
200201	Paper and cardboard	X	X	X	X	X	X	X	X	
200121*	Fluorescent tubes and other mercury-containing waste. E.g: LCD displays, fluorescent tubes, discharge lamps, mercury relays	X	X	X		X				
200133*	Batteries and accumulators included in codes 160601, 160602 or 160603 and unsorted batteries and accumulators containing these batteries.	X	X	X	X	X				
200134	Batteries and accumulators other than those mentioned in code 200133*	X	X	X	X	X				

**G.9. Requirements of the storage and processing of industrial oils contained in the WEEE**

The requirements for the storage and processing of industrial oils contained in the WEEE will be those set forth below, as established in the Royal Decree 679/2006 of 2 June, which regulates the management of used industrial oils.

The storages of industrial oils must:

- a) Store used oils in suitable conditions, especially avoiding mixing with water or other non-oily waste; as well as avoiding mixing them with other oily residues if this interferes with their proper management.
- b) Have facilities that allow for the conservation of used oils until their collection and be accessible to the vehicles for that purpose.
- c) Prevent the containers for used oils, including underground ones, having harmful effects on the soil.

In general, the following proceedings are prohibited:

- a) All discharges of used oils into surface or underground water, in any area of the territorial sea and in the sewer systems or waste water evacuation system.
- b) Any dumping of used oil, or waste resulting from its treatment on the ground.
- c) All treatment of used oil that causes higher air pollution than the level established in the legislation on the protection of the atmospheric environment.

ANNEX XIV

**Minimum targets for recovery and its calculation**

**A. Minimum recovery targets for specific treatment managers**

**Part 1.** Minimum targets applicable by category until 14 August 2015 with reference to the categories listed in Annex I:

- a) For WEEE falling within category 1 or 10:
  - 80 % shall be recovered, and
  - 75 % shall be recycled.
- b) For WEEE falling within categories 3 and 4:
  - 75 % shall be recovered, and
  - 65 % shall be recycled.
- c) For WEEE falling within category 2, 5, 6, 7, 8 or 9:
  - 70 % shall be recovered, and
  - 50 % shall be recycled.
- d) For gas discharge lamps, 80 % shall be recycled.

**Part 2.** Minimum targets applicable by category from 15 August 2015 until 14 August 2018 with reference to the categories listed in Annex I:

- a) For WEEE falling within category 1 or 10:
  - 85 % shall be recovered, and
  - 80 % shall be prepared for re-use and recycling.
- b) For WEEE falling within category 3, 4 or 11:
  - 80 % shall be recovered, and
  - 70 % shall be prepared for re-use and recycling.
- c) For WEEE falling within category 2, 5, 6, 7, 8 or 9:
  - 75 % shall be recovered, and
  - 55 % shall be prepared for re-use and recycling.
- d) For gas discharge lamps, 80 % shall be recycled.

**Part 3.** Minimum targets applicable by category from 15 August 2018 with reference to the categories listed in Annex III:

- a) For WEEE falling within category 1, 4 or 7:
  - 85 % shall be recovered, and
  - 80 % shall be prepared for re-use and recycling.
- b) For WEEE falling within category 2:
  - 80 % shall be recovered, and
  - 70 % shall be prepared for re-use and recycling.
- c) For WEEE falling within category 3 of Annex III, 80 % shall be recycled.
- d) For WEEE falling within category 5 or 6:
  - 75 % shall be recovered, and
  - 55 % shall be prepared for re-use and recycling.

\* \* \* \*

The managers of the specific treatment facilities shall calculate the minimum targets for recovery for each category by dividing the weight of the materials of the WEEE destined for recovery or recycling or whole WEEE intended for preparation for re-use by the weight of all WEEE that enters their facilities for each category, expressed in percentages.

The stages of preparation for re-use and recycling may be carried out by different managers and will count toward the fulfilment of the recovery goals of specific treatment facilities in cases where agreements among managers are made in this regard, provided that these targets are calculated on the collection of WEEE by managers included in the agreement.

The managers shall specify in their chronological record and in the annual report the quantities of WEEE prepared for re-use and the materials destined for recycling, energy recovery and disposal, which must be certified by the origin and destination facilities.

## **B. Minimum recovery targets for electrical and electronic equipment producers**

EEE producers should achieve the WEEE recovery targets set in Part A, and specifically they must achieve the following minimum targets of preparation for re-use:

1. From the 1 January 2017 until 14 August 2018, producers must achieve a minimum target of preparation for re-use of whole equipment waste in the following terms:
  - a) For WEEE included in the categories of the collection fraction 4 of Annex VIII, a minimum target of 2 % compared to the collection of WEEE in that fraction.
  - b) For the WEEE included in the collection fraction 6 of the Annex VIII, a minimum target of 3 % on the collection of WEEE in that fraction.



2. With effect from 15 August 2018, producers must achieve a minimum target of preparation for re-use of whole equipment waste in the following terms

a) For WEEE included in the categories of the collection fraction 4 of Annex VIII, a minimum target of 3 % compared to the collection of WEEE in that fraction.

a) For WEEE included in the categories of the collection fraction 6 of Annex VIII, a minimum target of 4 % compared to the collection of WEEE in that fraction.

The producers will achieve these objectives through the managers' certificates, as set forth in Paragraph A.

These objectives will be reviewed after the publication of the European Commission study on the preparation for re-use.

ANNEX XV

**Requirements to distinguish the used EEE shipment from the WEEE shipment**

1. In order to distinguish between EEE and WEEE, where the shipment operator claims that they intend to ship or is shipping used EEE and not WEEE, the competent authorities shall require the holder to have available the following to justify the claim:

a) A copy of the invoice and contract relating to the sale and/or transfer of ownership of the EEE which states that the equipment is destined for direct re-use and it is fully functional;

b) Evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality) on every item within the consignment and a protocol containing all record information according to Point 3;

c) A declaration made by the operator who arranges the transport of the EEE that none of the material or equipment within the consignment is waste as defined by Article 3 (a) of the Law 22/2011, of 28 July, on waste and contaminated soil; and

d) Appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.

2. However, paragraph 1 (a) and (b), and Point 3 shall not apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:

a) The EEE is sent back to the producer or a third party acting on his behalf as defective for repair under guarantee with the intention of re-use; or

b) The used EEE for professional use is sent to the producer or a third party acting on his behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of cross border movements of waste destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or

c) The defective professional use EEE, such as medical devices or their parts, is sent to the producer or a third party acting on his behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on their behalf.

3. In order to demonstrate that the items being shipped constitute used EEE rather than WEEE, Member States shall require the following steps for testing and record keeping for used EEE to be carried out:

Stage 1: Testing

a) Functionality shall be tested and the presence of hazardous substances shall be evaluated. The tests to be conducted depend on the kind of EEE. For most of the used EEE a functionality test of the key functions is sufficient.

- b) Results of evaluation and testing shall be recorded.

Stage 2: Documentation

- a) The documentation shall be fixed securely but not permanently on either the EEE itself (if not packed) or on the packaging so it can be read without unpacking the equipment.

- b) The documentation shall contain the following information:

1. Name of item (name of the equipment if listed in Annex II or Annex IV, as appropriate, and category set out in Annex I or Annex III, as appropriate),
2. Identification number of the item (type number) where applicable,
3. Year of production (if available),
4. Name and address of the company responsible for proof of functionality,
5. Result of tests as described in stage 1 (including date of the functionality test),
6. Kind of tests performed,

- 4. In addition to the documentation requested in Points 1, 2 and 3, every load (e.g. shipping container, lorry) of used EEE shall be accompanied by:

- a) A relevant transport document, e.g. CMR or waybill;
- b) A declaration by the liable person on its responsibility.

- 5. In the absence of proof that an object is used EEE and not WEEE through the appropriate documentation required in Points 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder who arranges the transport, Member State authorities shall consider that an item is WEEE and presume that the load comprises an illegal shipment. In these circumstances, the load will be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.

ANNEX XVI

**Indicative list of WEEE recovery and specific treatment operations**

The following codes shall be supplemented by LoW-WEEE codes for which the facilities are authorised to store or treat.

**R12 Exchange of waste for submission to any of the operations numbered R1 to R11 in the Annex II of the Law 22/2011, of 28 July on waste and contaminated soil.**

Here are included the operations prior to the recovery including the preliminary treatment, such as the disassembly, sorting, crushing, compaction, pelletization, drying, fragmentation, conditioning, repackaging, separation, blending or mixing, prior to any of the operations listed in R1 to R11.

For WEEE the more common operations shall be coded as:

**R1201.** Classification, sorting or grouping of WEEE.

**R1202.** Disassembly of WEEE

**R1203.** Separation of the WEEE components, including the removal of hazardous substances and extraction of fluids, liquids, oils and mixtures, according to Annex XIII.

**R1205.** Mechanical treatment or fragmentation to adapt the size or volume of the waste to other subsequent treatments.

**R1210.** Compaction to optimize the size and shape of the waste for ease of shipment, once their components, substances and mixtures set forth in Annex XIII are extracted.

**R1212.** Physical-chemical treatment of waste for its preparation as fuel.

**R1213.** Processes for obtaining fractions of recoverable materials from WEEE, intended for recycling or recovery.

**R13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)**

**R1301.** Storage of waste for collection, including the transfer facilities.

**R1302.** Safe storage of waste before its treatment.

**R14 Preparation for re-use.**

**R1400** Preparation for re-use of WEEE.

ANNEX XVII

**Conditions for the approval of extended producer responsibility schemes and calculation of the household EEE producers' financial security.**

**1. Conditions for the approval of extended producer responsibility schemes.**

**a) Content of the application for approval of the collective extended responsibility schemes on WEEE.**

1. Identification of the legal form.
2. Registered address of the collective scheme.
3. Identification of producers that make up the collective scheme, criteria for the incorporation of new members and description of the conditions of membership.
4. Categories and subcategories of EEE or WEEE provided for in Annexes I and III, in which the scheme will act on.
5. Identification, where appropriate, of the administering entity (legal form, registered address) as well as the legal relationships and linkages that are made between the entity and the collective extended responsibility scheme and those who belong to the scheme. Also identification of the obligations that are assumed by the administering entity.
6. Description of its operation and operational conditions:
  - The expected forms of collection.
  - Establishment of specific networks for collection, location and organisation of the planned WEEE management according to Articles 25 and 26.
  - Type of storage.
  - Minimum frequencies of collection for maximum effectiveness.
7. Description of the financing of the scheme:
  - Cost estimate. Specifying: the expected costs according to historical waste management, management of all WEEE from equipment placed on the market according to their market shares, costs arising from the establishment of collection networks, costs arising from the specific agreements signed with local governments on the collection of WEEE, the information obligations (WEEE coordination office and awareness campaigns), costs arising from the contracts with managers and agreements with the distributors, and administrative expenses of the collective scheme, including details of financial investments made by the scheme.
  - Income estimate. Detail of the income and sources of income. Producers' fees and method to calculate the fee associated with the coverage of the costs specified in the above paragraph.

- When relevant, differentiation of the fees based on how easily products can be recycled, the valuable secondary raw materials that they contain, the content of hazardous substances, the inclusion of non-removable batteries or other factors that affect the ease of preparation for re-use and recycling of waste, and the available data on the equipment's average life under normal operating conditions, the extended warranties on the equipment and spare parts.

- Fee collection method.

- Fee revision methods.

8. The amount proposed and the financial guarantee enforceable in accordance with Articles 45 and following.

9. Annual estimate, during the validity period of the permit in each autonomous community of the quantities of waste in tonnes or kilograms, by categories and subcategories:

- The waste that will be generated.

- The household and professional waste will be collected separately, by each autonomous community according to their market share.

- The waste that will go for preparation for re-use, recycling, recovery and disposal of the separate collection of waste, expressed in weight and in percentage compared to what is collected.

10. Proposal of formulas of payment to local authorities' collection facilities.

11. Information on the participation of partners in the decision-making process.

12. Fulfilment of the information obligations through the focal point.

13. Sworn statement that both the bodies with decision-making power and their members are not, nor have any direct or indirect relationship with WEEE managers or other extended responsibility schemes, which may cause a conflict of interests, except where a conflict is proven not to exist or the necessary steps to eliminate it have been taken.

14. Identification of the agreements with other extended producer responsibility schemes and the contents of such agreements relevant to the effects of this Royal Decree.

15. Identification of managers to which the operations of WEEE collection and treatment are assigned; of plants or facilities which can take responsibility of the waste for processing; or description of the foreseen recruitment processes and their conditions, including, if they exist, social clauses. When relevant, compromise document signed between the scheme's managing body and treatment plants.

The request must be accompanied by a statement of accuracy from the extended responsibility scheme's legal representative.

**b) Content of the authorisation.**

The authorisation will establish the requirements and technical, organisational, economic, logistics and operational guarantees needed for the fulfilment of this Royal Decree throughout the national territory. It will contain the conditions for the basic elements of the scheme's operation in accordance with all the points contained in the application for permit. In addition, it will include:

1. Specifications, when relevant, relating to the performance of the collective scheme in the autonomous areas.
2. Clarifications arising from the report of the Coordination Commission on Waste and fulfilment of the obligations derived from the extended producer responsibility.

**c) Revocation causes.**

Failure to comply the conditions of the permit. A partial revocation of the authorisation may be carried out In the case of breaches at regional level.

**2. Calculation of the financial guarantee of the household EEE producers.**

The financial guarantee amount from each producer will be determined according to the following formula:

Producer's total GF =  $\Sigma$  (OR household WEEE (category or subcategory) x household WEEE AMC (category or subcategory))

Where,

Producer's total GF: Amount of the producer's annual financial guarantee on the basis of the quantities of EEE and the categories/subcategories they place on the market, in euros (€).

OR: Minimum annual national target of household WEEE collection to be met in each category and subcategory by the producer, in tonnes or kilograms (kg or t).

AMC: Estimated Average costs of management of household WEEE in every category and subcategory in the year of compliance, depending on the actual costs incurred, in euros (€/kg or €/t).

The average costs of management shall include:

- a) The compensation, average and at state level, to local authorities for the initial storage, sorting and identification costs of WEEE, and to the distributors for the initial storage and sorting of WEEE.
- b) Costs, average and at state level of the logistics and transport from the collection facilities to the treatment plants.
- c) Costs, average and at state level of specific treatment, recovery and disposal.

In order to stimulate the EEE green design and the prevention of their waste, the cost of the guarantees that the producers shall provide may vary according, among others, to the following factors:

- a) The availability of technical documentation to enable equipment repair.
- b) The data available on the equipment's useful life and the availability of spare parts.
- c) The incorporation of recycled materials in its manufacture.
- d) How easy it is to repair the equipment.
- e) How easy it is to remove the waste.
- f) The presence of brominated flame retardants.
- g) The presence of hazardous substances and components, including exemptions to the Royal Decree 219/2013, of 22 March, on the restriction of the use of certain hazardous substances in electrical and electronic equipment.
- h) The preparation for the re-use targets achieved by the producers.
- i) The prevention plans drawn up by the producers.



ANNEX XVIII

**Annual Report of EEE producers through the extended producer responsibility schemes.**

The report shall contain information on:

**a) General data of the placing on the market.**

1. Identification of the extended producer responsibility scheme and registration number in the Production and Waste Management Register.
2. Relationships of producers that make up such a scheme, identifying the registration number in the Integrated Industrial Register.
3. Reporting period.
4. Quantity by weight and units of household and professional EEE put on the domestic market by the producers belonging to the scheme, by categories and subcategories of Annex I or Annex III and domestic market share in each one of them.

**b) Separate collection data in each autonomous community and at state level.**

1. The household and professional use WEEE, in weight, whose management has been financed, and have been collected:
  - In the local authorities' collection facilities.
  - By the distributors.
  - Via the producers' collection networks or instruments.
  - By collection managers hired by the producers.

In all cases, the tax ID number of the entity or organisation that performs the collection or their EIN and registration number in the Production and Waste Management Register shall be indicated.

2. The collection rate reached in the year by the scheme, in each autonomous community and at state level, in total, by categories and subcategories and collection fractions.

**c) Data on prevention, preparation for the re-use, recycling and recovery of WEEE.**

1. On the collection of WEEE: amount in weight of the WEEE sent to classifying facilities, within the autonomous community of origin and in other destination communities (destination must be identified).
2. On the collection and sorting of WEEE: amount by weight of WEEE sent to preparation for re-use facilities, within the autonomous community of origin and other destination communities. Identification of the destination.

3. On the collection and sorting of WEEE: amount by weight of WEEE sent to treatment facilities, within the autonomous community of origin and other destination communities. Identification of the destination.
4. On the quantities sent to treatment plants and by applying the percentage of recycling certified by managers for each treatment: amount of waste recycled and recovered.
5. Information on the autonomous communities of origin (collection) and destination (treatment) about WEEE collection and management.
6. Collecting, preparing for the re-use, recycling and recovery rates achieved, by autonomous community and at state level.
7. Percentage of compliance with regard to their recovery targets, by autonomous community and at state level.

The information specified in paragraphs b and c will be provided according to the format shown in the Annex XI tables. When necessary, the data by category and subcategory will be estimated through the equivalence of collection fractions with the categories. These equivalences shall be justified on the basis of the triage carried out in the collection and treatment facilities as shown in the fourth transitional provision.

If necessary, the information on historical WEEE can be estimated through statistical studies and triages, organised by the producers and supervised by the WEEE working group.

**d) Economic data.**

The collective schemes' annual report audit shall contain the economic data of the annual activity carried out by the scheme on the fiscal year as planned on the permit.

The annual report must include, as a minimum:

1. A justification of the scheme's costs, and the justification that they have been exclusively intended for the fulfilment of the obligations under the extended producer responsibility that the scheme has contracted. The costs associated with the WEEE collection and treatment must be specified.
2. Scheme's funding:
  - Fees applied by product type, according to the parameters specified in Annex XVII.1.a.7.
  - Financial contribution from the producers to the scheme.
  - Revenue earned by the scheme from any other source, specifying such sources, as well as agreements with other extended responsibility schemes, including other waste streams, providing information on the economic conditions of such agreements. It must be guaranteed that there has not been double funding in the case of implementing different extended producer responsibility schemes.

3. WEEE management costs at state level relating to the matters set forth in Article 43.2., in order to enable producers to voluntarily inform buyers about the costs of WEEE collection, treatment and disposal as set out in Article 7.4. The schemes may include verifiable information on the effect of green design or the use of recycled materials in their equipment in the annual costs incurred by the WEEE management referred to in this point.

4. Additional economic information on:

- Collection contracts with distributors or with other collection facilities.
- Communication campaigns at state level, specifying, and when relevant, the costs of the each autonomous community's specific campaigns.
- Scheme's administrative costs, distinguishing the compliance costs from the information obligations, in particular, the costs of development and maintenance of database systems, the costs of obtaining the information and costs associated with the guarantees on data traceability and reliability.
- Costs incurred by the allocation of WEEE collection.

5. Estimate of the fees to be applied in the following year, as well as their justification.

6. Estimates of revenue and costs in the year following the compliance period.

Both in the estimates of fees and costs, the financing to manage all WEEE generated which corresponds to the scheme according to their producers' market share, will be ensured.