

Entry into force of French Decree no. 2014-928 relative to Waste Electrical and Electronic Equipment (WEEE Decree)

Sectorial position regarding management of end-of-life of low-voltage electrical panels

This document presents the proactive position of the electrical sector regarding scope of the WEEE decree, with the goal of efficiency and easiness of implementation of end-of-life WEEE treatment organization.

REGULATIONS

Since 13 August 2005, physical or legal persons who place electrical and electronic equipment (EEE¹) on the market, designated as “Producers” in the Decree, must assume responsibility for management of waste derived from these products in the context of Extended Producer Responsibility or EPR.

Beginning 15 August 2018, all low-voltage electrical and electronic equipment will be impacted, except for a relatively limited number of exclusions. This is what is referred to as “open scope.” Producers will be required to take responsibility for organising and financing the end-of-life processing of this equipment:

- either by becoming a member of an approved collective scheme “Eco-Organism”: Producers then transfer their obligations and responsibilities to this Eco-Organism².
- or by setting up an individual system ensuring that waste is managed from collection through to complete recycling.

Every year, with their annual declaration in the ADEME (French Environment and Energy Management Agency) National Registry, producers – directly or via their Eco-Organism – file certification of their commitments regarding:

- the legal and technical aspects of collection and processing of waste,
- the attainment of their goals regarding recovery, recycling and re-use,

¹ * What is EEE?

Pursuant to Article R.543-172 of the Environmental Code, EEE is defined as: “equipment operating on electrical current or electromagnetic fields, as well as equipment that produces, transfers, or measures such currents and fields, designed for use at a voltage not exceeding 1000 volts AC and 1500 volts DC”

Prior to 15 August 2018, EEE listed in ten categories entered into the scope of application, and after that date all EEE except for a few very specific exclusions.

² **further information:

Approval of Eco-Organisms for professional WEEE ends on 31 December 2015. Further approvals will be granted in 2015 for a period of six years.

- the resources brought to bear for fulfilling their obligations regarding information,
- their financial capacities.

In addition, the Decree mentions that:

“III.–Producers and distributors of professional electrical and electronic equipment:

“1o Shall inform users and holders of such equipment, by all appropriate means, of the solutions implemented in application of the present Article;

“2o May inform purchasers of the costs of management of waste electrical and electronic equipment. Said costs shall not exceed the best available estimate of the costs actually incurred.”

This requires that the entire chain of actors communicate information on the measures that Producers have taken to successfully fulfil their obligations.

Producers can display the cost of end-of-life management of the equipment on a separate, non-modifiable line on invoices.

THE CASE OF ELECTRICAL PANELS

A low-voltage electrical panel is an electrical installation which comprises several standardized switchgear devices or systems whose purpose is to provide various complementary functions: power supply, cabling, safety, switching, disconnection, cutoff, automation, control-command, etc.

Depending on the size of the installation, these various devices can be contained within a single switch box, a cabinet, or a General Low-Voltage Panel, that is, a group of cabinets.

In all cases, the panel is designed specifically for the supply-side and load-side electrical circuits corresponding to the energy uses specific to a plant, its processes, an infrastructure (rail, electrical, etc.), a hospital, a data center, or some other tertiary installation.

The electrical sector considers the panel builder as an integrator who assembles the various constituent elements of an integrated system within a bare cabinet or panel which in itself does not constitute EEE.

It therefore designates the supplier of the devices and switchgear systems as the Producer (in the sense of the Decree) for all of the products to which the Decree is applicable, including those integrated into low-voltage panels, cabinets, and enclosures.

The panel builder, for his part, is not considered to be a Producer of EEE in the sense of the Decree, except when he directly imports devices or switchgear systems into French territory. In that case, he is considered to be the Producer of said equipment (in the sense of the Decree) and is therefore responsible for its end of life.

This position is in line with the goal of efficiency and easiness of the implementation of end-of-life WEEE treatment organization.

It draws on a commitment by all stakeholders in the EEE marketing chain to contribute, in a *fair value chain spirit*, to successfully implementing WEEE collection and processing and informing and developing end users' awareness.

Suppliers of standardized switchgear having the main purpose of switching, isolation, breaking and distribution, which are integrated in low voltage panel boards will have to implement their obligations as Producers on 15 August 2018. Until 15 August 2018 and according to article L 541-2 of environmental French code, the holder of waste remains responsible for its treatment.

Suppliers of monitoring and control devices which are integrated in low voltage panel boards (energy regulators, thermostats, energy meters, measurement and test devices, etc.) are aimed at the actual scope of WEEE under the category 9. They may choose the collective scheme approved in 2015, Réylum, or an individual system to fulfil their obligations as Producers.

Reference documents

- Directive 2012/19/EU
- EU Commission FAQ
- *DEEE II* - Decree 2014-928 (WEEE Decree) of 19 August 2014
- Order of 8 October 2014 modifying the Order of 30 June 2009 relative to the procedure for registration and declaration in the Producers' National Registry for electrical and electronic equipment provided for in Article R. 543-202 of the French Environmental Code – October 2014
- Order of 8 October 2014 modifying the Order of 13 July 2006 in application of Article 2 of Decree No. 2005-829 of 20 July 2005 - October 2014
- Order of 8 October 2014 modifying the Order of 23 November 2005 relative to the processing of waste electrical and electronic equipment as provided for in Article 21 of Decree No. 2005-829 of 20 July 2005 - October 2014
- Order of 8 October 2014 relative to the conditions to be fulfilled by a Representative in the sense of Section 10 of Chapter III of Title IV of Book V of the French Environmental Code - October 2014
- Order of 8 October 2014 relative to the conditions for implementation of the obligations incumbent on distributors regarding the take-back of used electrical and electronic equipment, as provided for in Article R. 543-180 of the French Environmental Code - October 2014
- Notice of 27 November 2014 relative to the scope of application of the Extended Responsibility of Producers of WEEE - November 2014