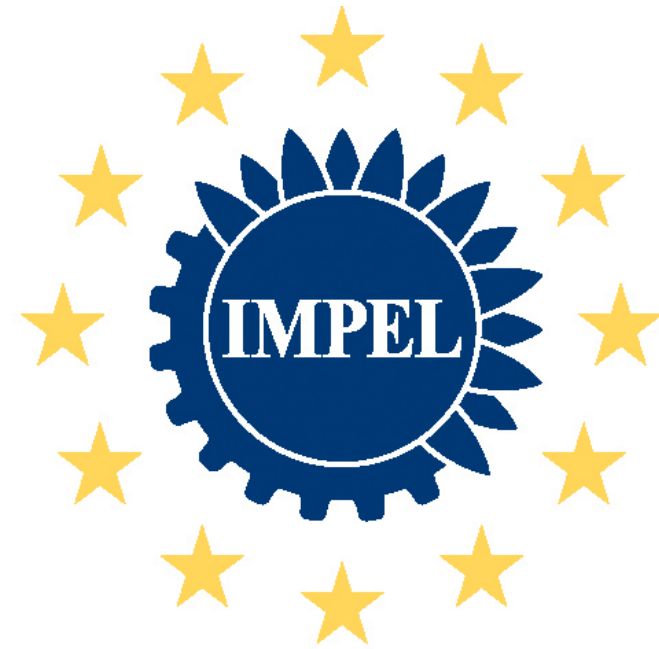


EU WEEE shipments guideline



Carl Huijbregts

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European Union Network for
the Implementation and Enforcement
of Environmental Law

EU waste shipments legislation



European Union Network for
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of Environmental Law

- Waste framework directive
 - Definition of waste
 - Member States make own national waste legislation
- Waste shipment regulation 1013/2006
 - Direct applicable to all member states
- Enforcement
 - Individual member states are responsible for enforcement
 - Cases are brought to national court
 - Appeal at European Court of Justice

EU Guidelines



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- Correspondents meeting EC + member states (formal status)
 - Implementation questions
 - Level playing field
- Guidelines for important issues
 - Agreement of member states
 - No formal status, based on latest jurisdiction
 - Important in national court decisions
 - Interpretation of European court of Justice is binding

WEEE shipments guideline: EEE or WEEE?



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- EEE becomes WEEE if its holder discards it, or intends or is required to discard it.
- To make this judgement it is necessary to examine the history of an item on a case by case basis.
- The guideline gives indications

Jurisdiction, simplified



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Waste remains waste, till:

- Recovered to new material
- Refurbished to be reused for the original purpose

WEEE



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- Equipment is waste:
 - Not complete, essential parts are missing
 - Physical damage that effects functionality or safety
 - Insufficient packaging
 - Generally damaged, reducing marketability
 - Content is prohibited (e.g. CFC's)
 - Equipment is destined for disposal
 - No regular market
 - Out-dated or destined for cannibalization

EEE, non-waste



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- Equipment is non waste:
 - Fully functional and,
 - Not destined for recovery or disposal, and
 - Directly used for the original purpose
- The holder should provide/take care of:
 - Contract of reuse, and
 - Evaluation or testing documentation, and
 - Declaration that the equipment is non-waste
 - Sufficient packaging

EEE, non-waste



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- Warranty goods
 - Defective batches that are sent back for repair to the producer or repair centres with the intention of re-use.
- The holder should provide/take care of:
 - Declaration that the equipment is non-waste
 - Sufficient packaging

Enforcement



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- When the shipment doesn't comply to the guideline:
 - Shipment is blocked for further investigation
 - delay + extra costs for shipper
 - Investigation to origin and evaluation/testing by shipper
 - Testing the equipment
- When the shipment is illegal:
 - Repatriating to the country of dispatch at shippers costs
 - Optional: Criminal investigation

Points of discussion



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- Warranty goods
- Small defects
 - Shipper needs to do investigation
 - Functionality and safety
- Hazardous non-hazardous
 - Preparation of additional document

More information:



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EU waste shipment guidelines:

<http://ec.europa.eu/environment/waste/shipments/guidance.htm>

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