



EXTENDED PRODUCER RESPONSIBILITY

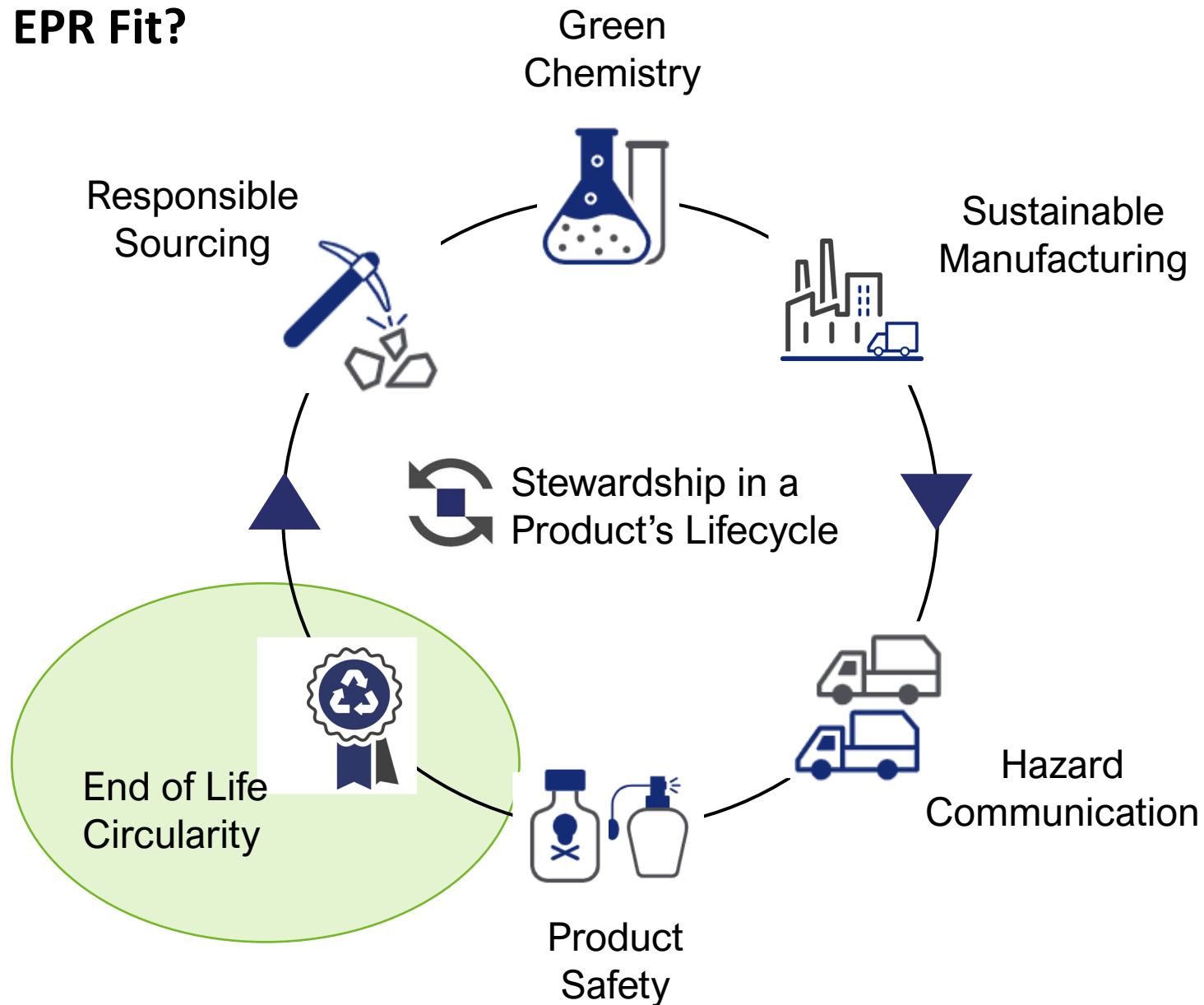
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01 | Extended Producer Responsibility

Where does EPR Fit?



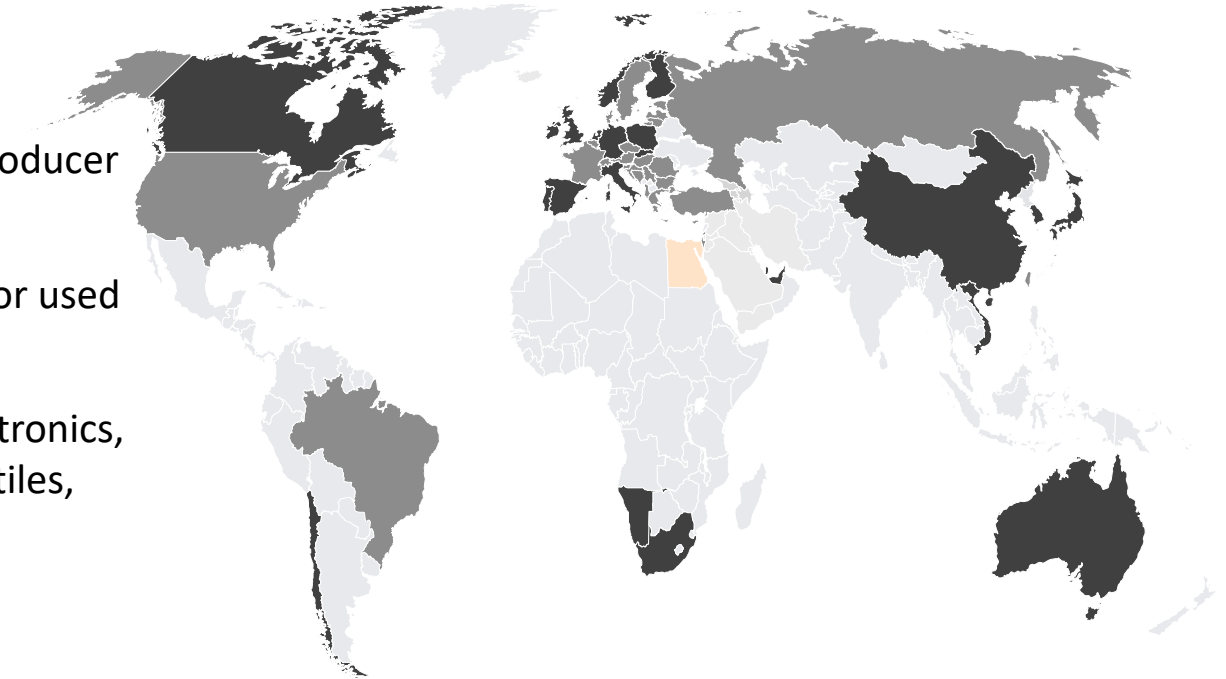
Definition

OECD (Organisation for Economic Co-operation and Development) Definition:

'A policy approach used by governments in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle'

In practical terms:

- The responsibility for correct disposal of products falls on the Producer instead of the Local Authority
- Producers required to finance the collection/recycling of waste or used material
- Increasingly common – globally. EPR applies predominately Electronics, Batteries, Packaging. But in some countries also Oils, Paints, Textiles, Pharmaceutical products and more
- Carries risk of penalties and prosecution for non-compliance



Producers and suppliers are faced with several challenges when fulfilling their EPR requirements



To sell products legally, a systematic EPR process is required to cope with the complexity

1.

Identification and
assessment of
obligations



2.

Registration with Compliance
Scheme and/or National
authorities

3.

Reporting placed on
market data as per the
country's requirements



4.

Manage all
correspondence from the
scheme or authority

5.

Providing information to
end users relating to EPR
and offering **takeback**



6.

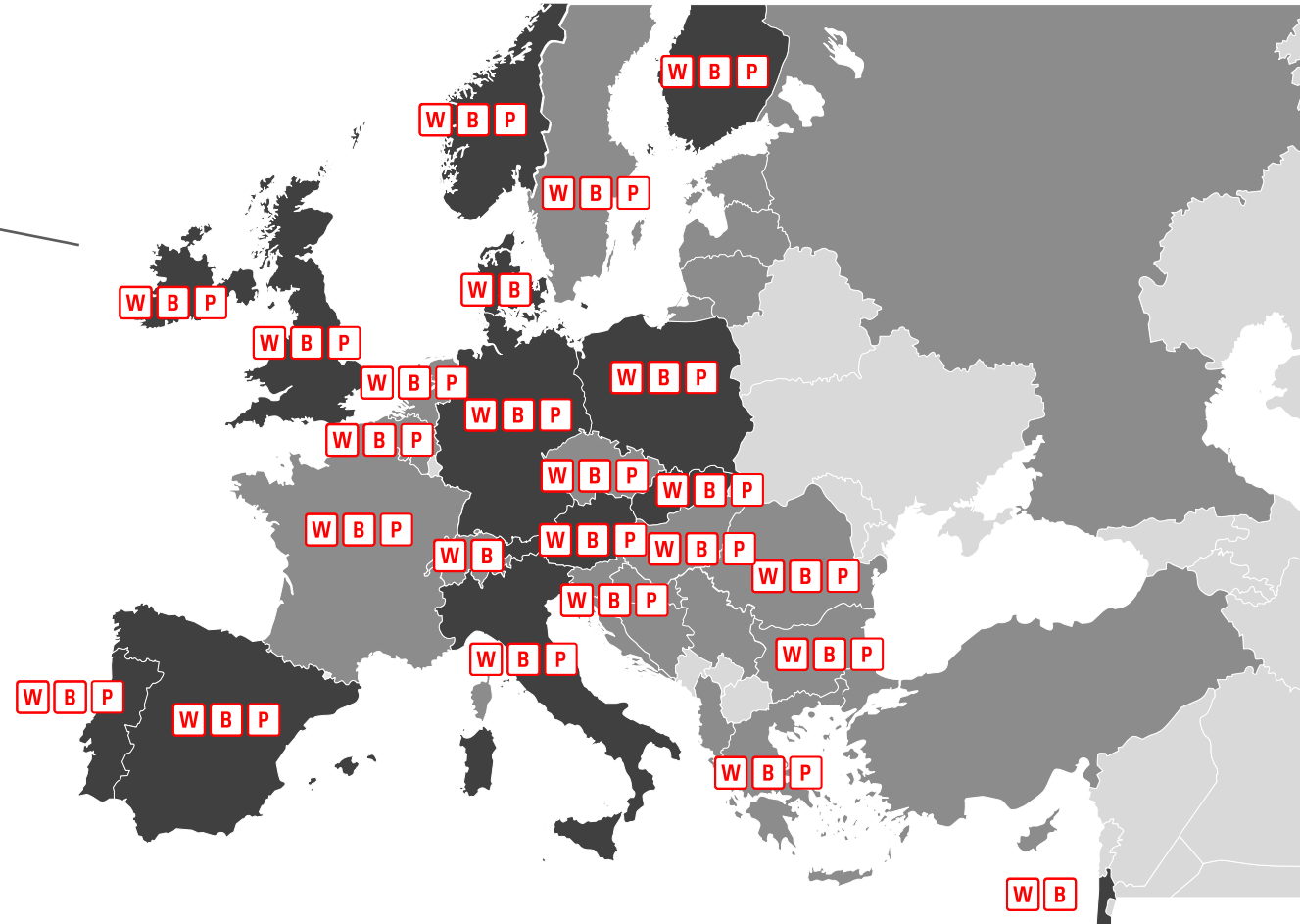
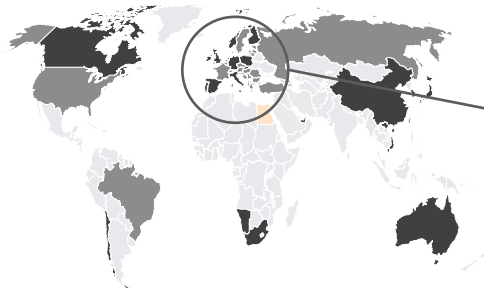
Complying with **audits**
requested by scheme
and/or national
authorities

7.

Paying
Environmental
Fees



Snapshot of Extend Producer Obligations across Europe



- Three European Union Directives, harmonised, with a small 'h'
- Increasingly complex regulations create challenges for producers
- WEEE, Batteries and Packaging legislation across Europe except Denmark and Switzerland where there is only WEEE & Batteries
- Future developments in the EU will be linked with the EU Green Deal

W = WEEE (incl. PV Panels) **B** = Batteries **P** = Packaging

02 | Waste From Electrical and Electronic Equipment

Legislation

The first WEEE Directive ([Directive 2002/96/EC](#)) entered into force in February 2003. The Directive provided for the creation of collection schemes where consumers return their WEEE free of charge. These schemes aim to increase the recycling of WEEE and/or re-use.

There have been many updates as well as new directives since the original legislation.

At the same time, EU legislation restricting the use of hazardous substances in electrical and electronic equipment ([RoHS Directive 2002/95/EC](#)) entered into force in February 2003.

The legislation (as amended) requires heavy metals such as lead, mercury, cadmium, and hexavalent chromium and flame retardants such as polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) and four phthalates to be substituted by safer alternatives.

The [RoHS recast Directive 2011/65/EU](#) became effective on 3 January 2015 requiring a CE mark to demonstrate compliance

Tetrabromobisphenol A (TBBP-A) and **medium-chain chlorinated paraffins (MCCPs)** have been recommended as two new substance additions



Definition

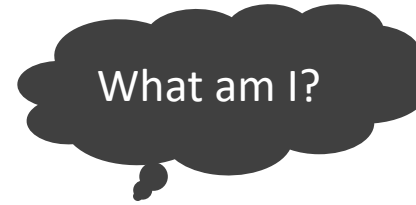
- Electrical and electronic equipment' or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1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



Exceptions

- War/security equipment
- Space equipment
- Large-scale fixed installations
- Large-scale stationary industrial tools
- Means of transport except “ electric two wheeled vehicles”
- Professional non-road mobile machinery
- R&D equipment

Producer Definition



- **Manufacturer**

- manufactures EEE under his own name or trademark, or
- has EEE designed or manufactured and markets it under his name

- **Reseller**

- resells under his own name or trademark EEE produced by other suppliers
- NB: a reseller is not 'producer' if the brand of the producer appears on the EEE

- **Importer**

- places on the market on a professional basis, EEE from a third country or from another Member State

- **Distance sellers**

- sells EEE by means of distance communication directly to private households or to users other than private households
- A distant seller does not need to be established in a country to be considered a producer

B2B & B2C and Distributor Obligations

Business to Consumer (B2C) and Dual Use EEE

- WEEE that derives from private households or by businesses that due to its nature, size, specification, etc. is similar to that from a private household.
 - **Examples of such:** Mobile phones, Laptop, coffee machine, Washing machine

Business to Business (B2B)

- WEEE from users other than private households (B2B)
 - **Examples of such:** Large Scale printers, industrial washing machines, commercial servers

Majority of countries distinguish between B2B and B2C products...
however not all distinguish between them in the same way

Distributors of WEEE are obligated to takeback old electrical appliances:

- 1:0 Takeback applicable
take-back of electrical product from a customer without a new product purchase being required
- 1:1 Takeback applicable
Take-back of an electrical product from a customer when the customer purchases a new similar product e.g., returns a kettle and buys a new kettle

Reporting Categories and Frequency

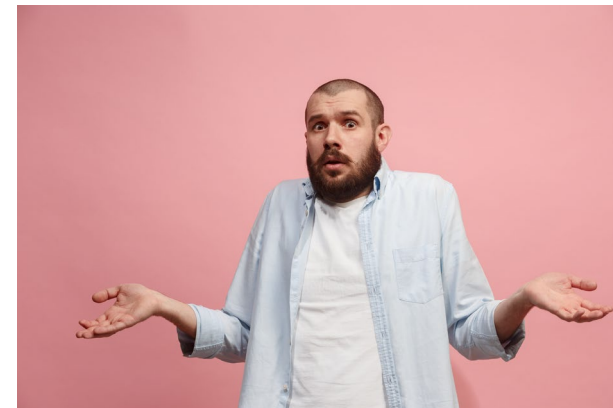
Since August 2018 there are 6 reporting categories with a focus on product size:

1. Temperature exchange equipment
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm²
3. Lamps
4. Large equipment (any external dimension more than 50 cm)
5. Small equipment (no external dimension more than 50 cm)
6. Small IT and telecommunication equipment (no external dimension more than 50 cm)

Most countries request producers report in the above categories apart from UK who kept the original 10. However every country has implemented sub categories in their **own** way

Every country has **different reporting frequency** but generally;

- Reporting – can be Monthly, Quarterly, Bi Annual, Annual
- Requirements – Number of units and total EEE weight (KG / Tonnes) reported split by relevant EEE categories
- Legal Representative Sign off



03 | Batteries & Accumulators

Legislation

The Batteries Directive was adopted in 2006 and has been subject to a number of revisions. Last amendments were incorporated in 2013. The consolidated version of the Directive is presented below

Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

Applies to **all types of batteries and accumulators**, regardless of their shape, volume, weight, material composition or use



Definition

Battery/accumulators: any source of electrical energy generated by direct conversion of chemical energy consisting of 1 or + primary battery cells (non-rechargeable) or consisting of 1 or + secondary battery cells (rechargeable)

Producers are prohibited from placing on the market:

- All batteries or accumulators containing more than **0,0005% of mercury** by weight (incorporated into appliances or not)
- Portable batteries or accumulators containing more than **0,002% of cadmium** by weight (also those incorporating into appliances), *except for emergency alarm systems, medical equipment and cordless power tools*

Exceptions

- War/security equipment
- Space equipment



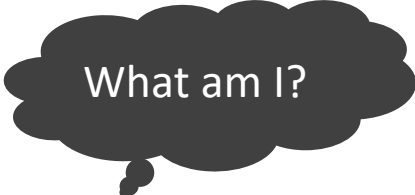
Producer Definition

Any person in a Member State that, irrespective of the selling technique used (including distant sellers), places batteries or accumulators (including those incorporated into appliances or vehicles) **on the market for the 1st time** within the territory of that Member State on a professional basis.

***Placing on the market = supply or make available to a 3rd party within the Community and **includes imports** ***

Producers can be: **manufacturers, importers or retailers.**

Unlike the WEEE directive, the **Battery directive does not distinguish between B2C** (WEEE from private households) **and B2B** (WEEE from business).

What am I?

Reporting Categories and Frequency

Every country is **different** but generally;

- Battery Definition: Portable, Industrial or Automotive
- Battery Type: button, pack etc
- Primary (Non rechargeable) or Accumulator (Rechargeable)
- Number of batteries
- Weight – Grams, Kg, tons
- Built in or Loose
- Chemistry Type
 - Lithium
 - Lithium Iron
 - Zinc
 - Mercury
 - Nickle
 - Lead Acid
 - Alkaline

Every country is **different** but generally;

- Reporting – can be Monthly, Quarterly, Bi Annual, Annual
- Requirements – Number of units, Chemistry, Primary or rechargeable, weight (G / KG)
- Legal Representative Sign off



04 | Packaging & Packaging Waste

Legislation

The EU first introduced measures on the management of packaging waste in the early 1980s. Directive 85/339/EEC set rules on the production, marketing, use, recycling and refilling of containers of liquids for human consumption and on the disposal of used containers.

To harmonize national measures concerning the management of packaging and packaging waste and to prevent or reduce its impact on the environment Directive 94/62/EC was adopted.

In 2004, the Directive was amended to provide criteria clarifying the definition of the term 'packaging' and increase the targets for recovery and recycling of packaging waste.




In 2005, the Directive was revised again to grant new Member States transitional periods for attaining the recovery and recycling targets.

In 2013 Annex I of the Directive containing the list of illustrative examples of items that are or are not to be considered as packaging was revised in order to provide more clarity by adding a number of examples to the list.

EU Directive applies to **all types of packaging** placed on the market and all packaging waste regardless of their material composition.

- Irrespective of whether it is used or released at industrial, commercial, office, shop, service, household or any other level...

Examples of Packaging

Primary	Secondary	Tertiary
 <ul style="list-style-type: none"> Primary packaging (or sales packaging) = conceived so as to constitute a sales unit to the final user or consumer at the point of purchase. 	 <ul style="list-style-type: none"> Secondary packaging (or grouped packaging) = conceived so as to constitute at the point of purchase a grouping of certain number of sales units. 	 <ul style="list-style-type: none"> Tertiary packaging (or transport packaging) = conceived so as to facilitate handling and transport of grouped packaging in order to prevent physical handling and transport damage.

Exception: Reusable packaging (however, in **some** countries this still needs to be reported but no compliance fee is charged).

Producer Definition

Under the packaging directive you are considered a producer if you are an ‘economic operators’
examples of such are:

- Suppliers of packaging materials
- Packaging producers and converters
- Fillers and users
- Importers
- Traders and distributors
- Authorities and statutory organizations

Unlike the WEEE directive, the **Packaging directive does not distinguish between B2C and B2B.**

Some countries do distinguish reporting differences based on the end user or who the producers are sold to e.g. consumers or businesses



What am I?

Reporting Categories and Frequency

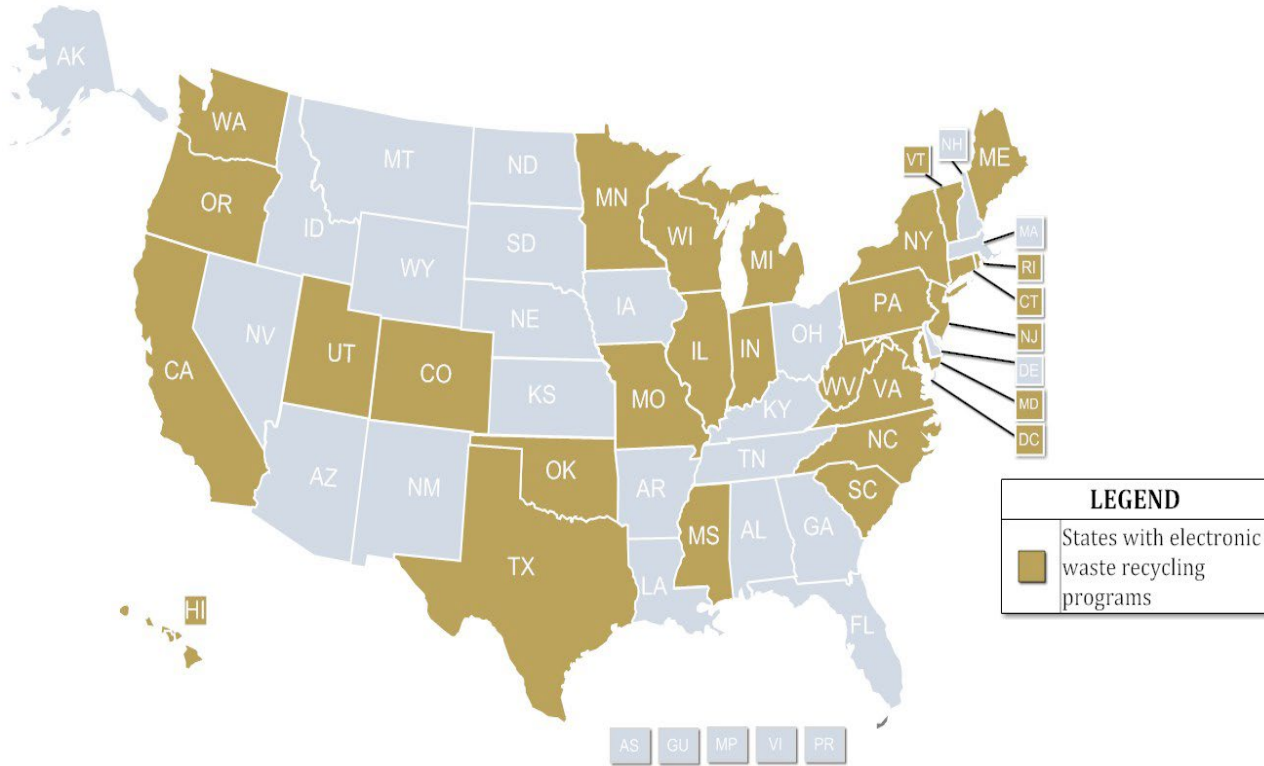
- Packaging Levels – Primary, Secondary, Tertiary
- Weight – Grams, KG or Tonnes
- Packaging Type – Box, Bottle, Lid, Label etc
- Reusable or Non Reusable
- Recycle content
- Colour
- Beverage container
- Volume capacity
- Materials:
 - Paper
 - Cardboard
 - Plastic – ALL types
 - Glass
 - Wood
 - Aluminium
 - Steel
 - Other – Nylon, cork
 - Composite

The reporting frequency in every country is **different** but generally;

- Reporting – can be Monthly, Quarterly, Bi Annual, Annual
- Requirements – Number of units, Chemistry, Primary or rechargeable, weight (G / KG)
- Reusable packaging is excluded from charges, though in some countries this still needs to be reported.
- Legal Representative Sign off

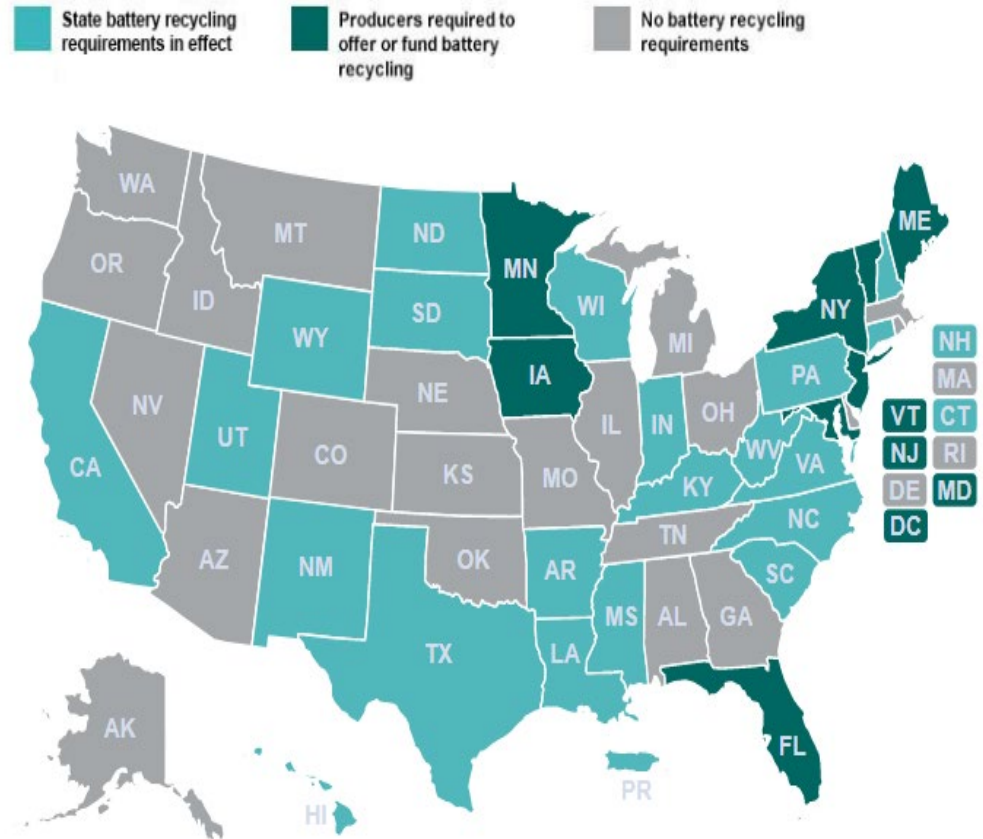
05 | USA & CANADA

WEEE LEGISLATION



Ref. NCSL

BATTERY LEGISLATION



Ref. Call2Recycle

LEGISLATION

- Legislative basis for WBP in USA is based on State Laws.
- WEEE has been implemented in 25 States plus DC with many differing approaches
 - **Oregon**
 - Scope: CRT Monitor, CRT TV, Desktops, Flat Panel/LCD Monitors, Flat Panel/LCD TV, Laptops
 - Annual registration deadline of December 31 and registration fee of \$40-35,000
 - No collection fees.
 - Collection sites may charge end-users a recycling fee
 - No collector registration is required
 - Landfill ban is in place
 - Annually on January 1st, TV or monitor/PC manufacturers must either join a representative organisation created by manufacturers to manage collection, takeback and recovery in line with the assigned recycling obligation (based on market share)
 - Retailers should only sell from registered manufacturers and are encouraged to notify manufacturers who are not on the list.

WEEE LEGISLATION - Maine

- Scope: 3D Printer, All-in-One Computer, Digital Frames, E-readers, Game Consoles, Laptops, Monitors, Portable DVD, Printers, Security Monitors, Tablets, Televisions, Virtual Reality Headsets
- Annual registration deadline of April 1 and registration fee of \$3,000 or 750
- No collection fees
- Collection sites may charge end-users a small fee
- No collector registration is required
- Landfill ban is in place for CRTs and mercury-containing products
- Annually on April 1st, manufacturers must report the previous years' results and receive credit for the following calendar year,
- Unregistered products cannot be sold into Maine. If a manufacturer fails to pay its share of recycling costs, the authorities may pursue legitimate costs plus penalties

WEEE LEGISLATION – CANADA British Columbia

- Legislation has been in place since 2004 with a broad scope
- Electronic or electrical medical devices or equipment for detecting, preventing, monitoring, treating or alleviating illness, injury or disability (other than implantables) are in scope (including any accessories and batteries)
- Environmental handling fee may be applied once per obligated product
- Producer registration is either completed individually or by the PRO
- Producers must report annually and comply individually or through a PRO
- Producer non-compliance is liable to a fine not exceeding \$200,000

BATTERY LEGISLATION

- Maine
 - Scope: Lead acid batteries with a \$2 fee per unit sold (since April 2022)
 - Manufacturer Registration required
 - Battery chemistry should be marked
 - Quarterly, manufacturers must report and pay any collected fees



BATTERY LEGISLATION – New York

- Scope: Rechargeable Batteries must not be disposed of as solid waste.
- Manufacturers, individually or in a group must implement a battery collection programme that provides free collection of batteries
- Manufacturers must report number or weight of batteries received and recycled annually.
- Lead acid batteries must be taken back free of charge. Upon purchase of a lead acid battery, buyer must pay \$5 if not returning an old battery (refundable within 30 days of there is a return).
- Battery chemistry should be marked
- If a manufacturer violates the law, the authorities may levy a \$2,000 fine for the first violation, \$4,000 for a second violation committed within twelve months of a prior violation, and \$5,000 for a third or subsequent violation committed within twelve months of any prior violation.

Packaging LEGISLATION OREGON (SB 582)

- Scope: Packaging, printing, and writing paper and food service ware. “Package” means any container used to protect, store, contain, transport, display or sell products.
- Effective 1 July 2025
- **Out of scope:** Packaging and paper products sold or supplied in connection with:
 - Prescription drugs as defined in ORS 689.005;
 - Nonprescription drugs as defined in ORS 689.005;
 - Drugs marketed under a brand name as defined in ORS 689.515; or
 - Drugs marketed under a generic name as defined in ORS 689.515.
 - Drugs that are used for animal medicines.
 - Packaging and paper products sold or supplied in connection with:
 - Infant formula as defined in 21 U.S.C. 321(z);
 - Medical food as defined in 21 U.S.C. 360ee(b)(3);
 - Fortified oral nutritional supplements used for individuals who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to various illnesses.



PACKAGING LEGISLATION – CANADA Ontario (391/21)

- Ontario is transitioning the current blue box program to a producer responsibility model making producers responsible (packaging, paper producers or packaging like products)
- **Scope:** Collect and manage blue box materials, which comprises designated products and packaging using curbside blue box collection system
- From 2022, producers must report annually.
- Producer responsibility will expand in 2023 and in 2024
- Producers must register ($\$75 < 50\text{tonnes}$, $\$0.38$ per kg supplied $> 50\text{tonnes}$). Tonnage exemptions exist (formulaic)
- **Out of Scope:**
 - A pharmaceutical or sharp in respect of which there are collection or disposal obligations prescribed under Ontario Regulation 298/12 (Collection of Pharmaceuticals and Sharps — Responsibilities of Producers) made under the Environmental Protection Act.)
 - A health, hygiene or safety product that, by virtue of its anticipated use, becomes unsafe or unsanitary to recycle

06 | How to become compliant

Producers are responsible for identifying the regulations and legally complying with them



WHAT IS
IMPORTANT
FOR YOUR
BUSINESS ?

- Identify if legally obligated in each country/state/province
- Register with approved compliance scheme and/or national/regional authority
- Ensure take-back arrangements are in place
- Pay recycling fees as needed
- Report the volume of electronics, batteries and packaging put on the market (sales figures, weight of the products, batteries, packaging material/type of packaging, battery chemistry, brand, size)
- Fulfilling other legal obligations
- On-going screening to identify new regulatory developments

How much will it cost?

There are several costs involved in producers becoming compliant:

- Scheme membership fees
- Environment / Compliance fees associated with processing and recycling
- Educational Campaign Levy's
- Authorised Representative Fees
- Fees associated with Takeback obligations

Every country/state/province's pricing mechanism is different and some charge much higher fees than others. It often depends on the recycling infrastructure



07 | Conclusion

CONCLUSION

- Legislation affecting EPR exists all of the world
- For convenience, we refer to WEEE everywhere or waste packaging everywhere
- Many of the main aspects are similar (registration, reporting, fees, end-of-life product/packaging management, etc)
- In reality, the implementation varies dramatically
 - Annual registration – sometimes
 - Reporting frequency - monthly, bi-monthly, quarterly, bi-annually, annual
 - Auditing, always possible
 - Payment of fees – sometimes, but leaning to most of the time
 - End-users paying fees – sometimes
 - Individual versus collective solutions
 -
- Care needs to be taken with the variations, as a mistake can lead to increased authority scrutiny.





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