



European Union Network for the Implementation
and Enforcement of Environmental Law

Guidance for Producers of electrical and electronic equipment (EEE) on Article 17 of the WEEE Directive

How to appoint an Authorised Representative

*Procedures and guidance according to the national legislation
of member states of the European Union
and the European Free Trade Area*

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu

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Introduction

Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) is the European Union's overarching piece of legislation for the management of WEEE. The aims of the Directive are to protect the environment and human health by preventing the generation of WEEE and by encouraging the efficient use of resources by promoting reuse, recycling and recovery of WEEE.

Article 17 of the WEEE Directive 2012/19/EU sets out the legal requirements regarding appointment of an authorised representative in a member state. An authorised representative must fulfil the legal obligations of a producer under the Directive in the member state and must be appointed in every member state where WEEE is being placed on the market by that producer.

As required by Article 17, member state legislation must provide for mandatory and, in some member cases, voluntary appointment of an authorised representative in a member state depending on the business circumstances.

Each member state has transposed Article 17 of the WEEE Directive into its own national legislation. However, the actual detailed requirements for appointing an authorised representative differs between the member states so it is considered that guidance is necessary for stakeholders to provide information and direction on how to appoint an authorised representative in each of the member states.

This guidance is aimed at stakeholders which, according to the WEEE Directive and the respective national law, have either mandatory requirement or voluntary possibility to appoint an authorised representative in one or more member states of the European Union and the European Free Trade Area. The guidance outlines how an authorised representative is appointed in each member state, as well as their roles and responsibilities.

Guidance per Member State

Austria

Introduction

With the Amendment to the Austrian Waste Management Act 2002 ("Abfallwirtschaftsgesetz 2002", abbr. "AWG 2002"), Federal Law Gazette I No. 103/2013, and the Amendment to the EAG-VO, Federal Law Gazette II No. 193/2014, Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment was implemented.

By means of these two amendments the term "producer" as defined in the AWG 2002 was widened and the opportunity, respectively the obligation, to appoint an authorised representative for foreign producers or distance traders covered by the wider definition of the term "producer" was provided for in the EAG-VO

1. Mandatory appointment of authorised representative

Foreign distance traders (as defined in section 13a para. 1(5) of the AWG 2002) are obligated to appoint an authorised representative responsible for fulfilling their obligations under the EAG-VO (section 21b EAG-VO).

2. Voluntary appointment of authorised representative

Since the entry-into-force of the Amendment to the EAG-VO as of 1 July 2014 foreign producers according to section 13a para. 1(4) of the AWG 2002 have the opportunity to appoint an authorised representative who is responsible for fulfilling their obligations under the EAG-VO (section 21a EAG-VO).

3. Authorised representative – roles and responsibilities

An authorised representative takes over all obligations of the foreign producer or distance trader under AWG 2002 and the EAG-VO for the electrical and electronic equipment this foreign producer or distance trader sells to persons other than final consumers or to final consumers in Austria. In fulfilling his or her tasks the authorised representative is subject to several obligations. For example, he or she has to register in the register provided for in section 22 para. 1 of the AWG 2002 and must supply certain data to this register. The authorised representative has to report the amounts of electrical and electronic equipment placed on the market by the person who granted him or her the authorisation as well as the amounts of electrical and electronic equipment that have been prepared for re-use to the register, as provided for in section 22 para. 1 of the AWG 2002.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate. For the registration as authorised representative the following requirements must be met (compare section 21a para. 1 and section 21b para. 2 of the EAG-VO):

1. The authorised representative is a natural person or a legal entity which is established in Austria;
2. A mailing address in Austria is available;
3. The person is responsible for compliance with the Austrian administrative provisions (section 9 of the Administrative Penalties Act); and
4. The appointment is granted by way of a certified power of attorney in the German or English language which demonstrates the extent of the authorisation, in particular the relevant collection and treatment category, the express approval on the part of the authorised representative to fulfil the obligations of the producer appointing him or her, as well as the contractual guarantee that the authorised representative is granted the right to conclude contracts placing the producer under an obligation and that all documents and means he or she may need in the performance of his/her tasks will be provided. There are no specific time limits. However, the appointment of an authorised representative as well as any changes to or the cancelling of an authorisation can become effective only at the end of a calendar quarter (compare section 21a para. 4 and section 21b para. 1 of the EAG-VO).

The estimated timeframe to appoint an authorised representative in Austria is within a few weeks.

5. Useful links

Enforcement authority:

Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie.

(In English - Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology.

Further useful information:

www.bmk.gv.at

Belgium

Introduction

In Belgium the 3 Regions – the Brussels-Capital Region, Flemish Region and Walloon Region - have a degree of autonomy and are competent in a number of areas, particularly in economic and territorial matters. Environment is a regional matter.

Hereby, 3 competent authorities are involved:

- Brussels-Capital Region : Brussels Environmental Agency
(Leefmilieu Brussel/Bruxelles Environnement)
- Flemish Region: OVAM : Openbare Vlaamse Afvalstoffen Maatschappij
- Walloon Region: SPW : Service Public de Wallonie

The WEEE Directive 2012/19/EU was therefore transposed into 3 regional legislations:

- BRUDALEX – (01/12/2016) (Waste Act)
- VLAREMA – (17/02/2012) (Waste Act)
- AGW instaurant une obligation de reprise de certains déchets – (23/09/2010) (Waste Act)

A collection and processing system for waste electrical and electronic equipment (WEEE) has been in place in Belgium since 1 July 2001. This collective system was created out of a legal obligation called 'the take-back obligation'. Recupel is since still the national producer responsibility organization for EEE. PV Cycle was founded in 2016 and a national producer responsibility organization for photovoltaic panels.

Producers (and importers) of electro-appliances are primarily active in the three regions, so it was logical to implement a single uniform take-back system on the national level. To make the implementation of a single take-back system for waste possible, an agreement is signed periodically per region between the regional authorities and industry. These agreements are called "Environmental Policy Agreements" and concern the extended producer responsibility for EEE.

Typically, when EEE is manufactured or imported and placed on the Belgian market, the manufacturer or importer is a producer and must fulfil all the responsibilities of a producer including registering, reporting, arranging collection and treatment of the WEEE.

A producer has two options to comply with legislation regarding EEE. The most common option is by joining a collective system and become a member of the producer responsibility organization Recupel or PV Cycle. These organizations take care of the obligations on behalf of their members. The second option is by submitting an individual waste management plan to the authorities of the 3 Regions.

1. Mandatory appointment of authorised representative

According to Brussels Waste Act (art.2.4.67) / According to Flemish Waste Act (art.3.4.4.15) / According to Walloon Waste Act (art.108/2) :

A natural or legal person who is established in another EU member state or a third country and which sells electrical and electronic equipment via distance selling directly to households or other users in Belgium, has to appoint an authorised representative in Belgium.

A natural or legal person established in the Brussels-Capital Region/Flemish Region/Walloon Region selling EEE in another Member State has to appoint an authorised representative in that Member State.

2. Voluntary appointment of authorised representative

According to Brussels Waste Act (art.2.4.67) / According to Flemish Waste Act (art.3.4.4.15) / According to Walloon Waste Act (art.108/2):

A producer which is established in another EU member state and who is placing EEE on the market in Belgium - but not by distance selling - is allowed to appoint an authorised representative in Belgium. This scenario is non-existent as the Belgian company that is first placing on the market EEE from other MS or third countries must take on producer responsibilities.

3. Authorised representative – roles and responsibilities

The authorised responsible is the national representative of the producer established in another Member State, when dealing with the authorities in Belgium. He must fulfil the obligations of that producer including registration, provision of all relevant information, financing, collecting and treating WEEE according to the regional legislations.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate.

Prior to registration the written mandate outlining the appointment of the AR must be submitted to the producer responsibility organization. The PRO can also act as AR. This will be ensured by a signed addendum to the contract with the PRO.

If the AR mandate is terminated the competent authorities must be informed by the AR and producer.

5. Useful links

Producer register: www.beweee.be

Compliance scheme(s)/service companies:

recupel.be

pvcycle.be (photovoltaic panels)

Enforcement authority:

Brussels-Capital Region:

Brussels Environmental Agency : www.leefmilieu.brussels

wasteinspection@leefmilieu.brussels

Flemish Region:

OVAM : www.ovam.be

handhaving@ovam.be

Walloon Region:

Service Public de Wallonie : spw.wallonie.be

stephane.lucic@spw.wallonie.be

Croatia

Introduction

A system for the management of specific categories of waste has been established in Croatia, managed by the Environmental Protection and Energy Efficiency Fund. The procedure for establishing the Register of Management of Special Categories of Waste is in process, and until its establishment, the payer is reported to the Fund's base by the submission of the prescribed form, in accordance with the regulations for individual fees.

The Ordinance on the Management of Waste Electrical and Electronic Equipment (Official Gazette 42/14, 48/14, 107/14, 139/14, 11/19) prescribes, among other things, the obligations and the manner of fulfilling the obligations of manufacturers of EE equipment, the list and the minimum quantities of certain the type of products which can be allowed to fulfil their own goal individually and other issues related to EE equipment and EE waste for the purpose of achieving the objectives prescribed by this Ordinance.

Pursuant to the Rules cited, the fee for the management of EE waste is paid by producers and / or importers and / or importers of EE equipment, i.e. legal and natural persons - craftsmen who place EE equipment on the market (import / entry / production) in the Republic of Croatia.

1. Mandatory appointment of authorised representative

The manufacturer of EE equipment (hereinafter referred to as: the manufacturer) is a legal or natural person - a craftsman who places on the market in the Republic of Croatia EE equipment, i.e. a person who, regardless of the method of sale:

- has its registered office in the Republic of Croatia and in the territory of the Republic of Croatia under its own name or trade mark resells equipment manufactured by other suppliers, whereby the reseller is not considered a "manufacturer" if the manufacturer's name or trademark is on the equipment,
- has its registered office in the Republic of Croatia and manufactures EE equipment under its own name or trademark, or has designed or manufactured EE equipment that it sells under its name or trademark within the Republic of Croatia,
- has its place of business in the Republic of Croatia and in the Republic of Croatia on a professional basis places on the market EE equipment from a third country or from another EU Member State, or
- using remote communication to sell EE equipment directly to households or users other than households in the Republic of Croatia and having its registered office in another EU Member State or in a third country.

A person solely providing financing under or under any financing agreement shall not be considered a "producer" unless he acts as a producer within the meaning of the indents 1 and 4 of this item.

2. Voluntary appointment of authorised representative

Not applicable

3. Authorised representative – roles and responsibilities

In terms of the Sustainable Waste Management Act (Official Gazette 94/13, 73/17, 14/19), a manufacturer of a product represents a legal or natural person - a craftsman, who develops, manufactures, processes, processes, sells, imports or imports, or places on the market, products and / or devices and / or equipment. The term producer refers to an investor from EU countries, importers from third countries and manufacturers in the Republic of Croatia. Placing on the market represents the import / introduction of products into the territory of the Republic of Croatia, i.e. the first making available on the market of products manufactured in the Republic of Croatia.

The payer is obliged to report the said activities, i.e. the amount of product and / or equipment, and receives a Decision for the same, which determines the amount of compensation that he is obliged to pay.

The obligation to register and pay the fee shall be as follows:

- when importing from third countries - the basis for the declaration is the date of the customs declaration - MRN (whether the product, device or equipment has been entered for its own use or resale);
- when entering from EU countries - the basis for the application is the date of the invoice (regardless if the product, device or equipment has been entered for its own use or resale);
- when selling in the territory of the Republic of Croatia - the basis for the application is the date of the invoice.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate.

A person established in another EU Member State who places EE equipment on the territory of the Republic of Croatia shall be considered a "manufacturer" within the meaning of the provisions of this Ordinance and shall appoint a person in the Republic of Croatia responsible for fulfilling the manufacturer's obligations under this Regulation.

A manufacturer established in the Republic of Croatia and who, using distance communication, sells EE equipment in another non-EU Member State, must appoint an authorized representative in that Member State as the person responsible for the national territory of that EU Member State the obligation of that manufacturer in accordance with Directive 2012/19/ EU.

http://www.fzoeu.hr/en/environmental_fees/fees_pursuant_to_the_act_on_sustainable_waste_management/fee_for_the_management_of_ee_waste/

Contact for all enquires: obveznici@fzoeu.hr

Contact for submitting certified forms: naknade@fzoeu.hr

Telephone contact for enquires: +385 1 6459 759

Example of a written mandate:

Source:

REGULATIONS ON AMENDMENTS TO THE REGULATIONS ON THE MANAGEMENT OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (Official Gazette) - *Entered into force on 1.1.2020.*

Annex I

APPENDIX 11. - REGISTRATION FORM

Part B - Authorized Representative Registration Form

Please note: The form below is in Croatian - the official language of the EU Member State.

DODATAK 11. - OBRAZAC ZA UPIS (REGISTRACIJU) U REGISTAR

Vrsta informacijskog elementa – tumač:

„M” - dostava podataka je obvezna.

„F” – primjenjuje se samo ako se odabere određeni odgovor iz prethodnog informacijskog elementa.

„M*” – dostava podataka je dobrovoljna.

Dio B - Obrazac za registraciju ovlaštenog predstavnika

Informacijski element	Opis podataka koji se unose u ovu kolonu	Vrsta informacijskog elementa
Ime ovlaštenog predstavnika:		
- ako je ovlaštenik predstavnika pravna osoba (poduzeće), navedite ime poduzeća		F
- ako je ovlaštenik predstavnika fizička osoba, navedite: - ime i prezime		F
Adresa sjedišta ovlaštenog predstavnika:		
- ulica		M
- kućni broj		M
- poštanski broj		M
- mjesto		M
- jedinica regionalne samouprave		M*
- jedinica lokalne samouprave		M*
- adresa internetske stranice (ako postoji)		M
Osoba za kontakt ovlaštenog predstavnika:		
- ime		M
- prezime		M

- telefonski broj		M
- adresa e-pošte		M
adresa		
- ulica		M
- kućni broj		M
- poštanski broj		M
- mjesto		M
- jedinica regionalne samouprave		M*
- jedinica lokalne samouprave		M*
Nacionalni identifikacijski broj/ poslovni registracijski broj (OIB)		F
Nacionalni porezni broj		M*
Ime predstavljanog proizvođača (ili više njih):		
- ako je proizvođač pravna osoba (poduzeće), navedite ime poduzeća: - ako je proizvođač fizička osoba, navedite ime i prezime:		M
Podaci za kontakt predstavljanog proizvođača (ili više njih):		
- telefonski broj		M
- adresa e-pošte		M
- adresa		M
- ulica		M
- kućni broj		M

- poštanski broj		M
- mjesto		M
- zemlja		M
- adresa internetske stranice (ako postoji)		F
Kategorije godišnjeg prometa EEO-a predstavljanog proizvođača.		M*
Kategorija/kategorije EEO-a		M*
Potkategorija/potkategorije EEO-a		M*
Vrsta EEO-a (oprema za kućanstvo ili oprema osim opreme za kućanstvo)		M*
Trgovački naziv EEO-a		M*
Odgovornost proizvođača:		
proizvođač ili ovlašteni predstavnik u ime proizvođača uspostavio je vlastiti mehanizam za osiguravanje sukladnosti u državi članici	da/ne	M
ako je odgovor „da”, navedite dodatne informacije o vlastitom mehanizmu za osiguravanje sukladnosti		M*
proizvođač ili ovlašteni predstavnik u ime proizvođača pridružio se skupnom mehanizmu/skupnim mehanizmima za osiguravanje sukladnosti u državi članici	da/ne	M
Financijska odgovornost:		
proizvođač ili ovlašteni predstavnik u ime proizvođača sudjeluje u jednom ili više skupnih mehanizama za osiguravanje sukladnosti	da/ne	M
proizvođač ili ovlašteni predstavnik u ime proizvođača daje osiguranje za recikliranje	da/ne	M
proizvođač ili ovlašteni predstavnik u ime proizvođača dostavlja podatke o blokiranom bankovnom računu	da/ne	M
ostalo (navedite)		M
„Izjavljujem(o) da je predstavljeni proizvođač (ili više njih) dodijelio mandat prethodno navedenom ovlaštenom predstavniku u pisanom obliku na temelju članka 17. stavka		M

3. Direktive 2012/19/EU o otpadnoj električnoj i elektroničkoj opremi.”		
„Izjavljujem(o) da su dostavljene informacije istinite te pružaju točne podatke o prethodno navedenom ovlaštenom predstavniku i točan opis vrste električne i elektroničke opreme koju je proizvođač kojeg predstavlja prethodno navedeni ovlašteni predstavnik stavio na tržište Republike Hrvatske“.		M

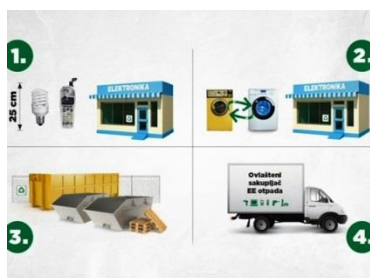
5. Useful links

Producer register:

http://www.fzoeu.hr/docs/popis_proizvodaca_elektricne_i_elektronicke_opreme_v1.pdf

National Registers of other EU Member States - <https://www.ewrn.org/national-registers>

Compliance scheme:



http://www.fzoeu.hr/docs/1_v1.pdf

Labelling Obligation - acceptance of WEEE in shops that sell electrical and electronic equipment and devices



Service companies:

Authorised collectors in the EE waste management system managed by the Fund:

The company Flora VTC d.o.o., 33000 Virovitica, Vukovarska 5, authorised collector for categories 1 to 10 of EE waste for the entire Republic of Croatia.

The company CE-ZA-R d.o.o., 10090 Zagreb, Josipa Lončara 15, authorised collector for category 1 of EE waste for the City of Zagreb, Zagreb County, and Krapina-Zagorje County.

The company METIS d.d., 51227 Kukuljanovo, Kukuljanovo 414, authorised collector for category 1 of EE waste for Primorje-Gorski Kotar County, Istria County, and Lika-Senj County.

Authorised treatment operators in the EE waste management system managed by the Fund:

The company CE-ZA-Ro d.o.o., 10090 Zagreb, Josipa Lončara 15, authorised treatment operator for category 1 of EE waste.

The company SPECTRA MEDIA d.o.o., 10000 Zagreb, Gradišćanska 20, authorised treatment operator for categories 2 to 10 of EE waste.

Enforcement authority:

Ministry of environment and energy - <https://mzoe.gov.hr/>

Environmental Protection and Energy Efficiency Fund (EPEEF) - <http://www.fzoeu.hr/>

State Inspectorate - <https://dirh.gov.hr/>

All other information:

http://www.fzoeu.hr/en/waste_management/special_categories_of_waste/electrical_and_electronic_waste/

Czech Republic

Introduction

The main purpose of an authorized representative institute is to enable foreign entities to fulfil their obligations in the Czech Republic and to set the related rules so that the person responsible for the management of electrical and electronic equipment (EEE) in the Czech Republic is always clearly identified.

An authorized representative can only be a legal or natural person authorized to do business, established in the Czech Republic.

An authorized representative is responsible for the fulfilment of obligations of a foreign producer according to the Section 37g (e) (4) of the Waste Act No. 185/2001 (hereafter referred to as the “Waste Act”). The foreign producer has designated it for this purpose by written mandate.

1. Mandatory appointment of authorised representative

The obligation above applies to foreign producers (not established in the Czech Republic) who sell their goods directly to the Czech Republic **via the Internet**. These entities are obliged to establish an authorized representative in the Czech Republic in order to fulfil the obligations of producers of EEE.

2. Voluntary appointment of authorised representative

A person established in another Member State of the European Union who places EEE on the market in the Czech Republic (unless it is a foreign producer within the meaning of Section 37g (g) (4) of the Waste Act) **can determine** its authorized representative based on the written mandate in order to fulfil producer’s obligations. For example, in cases, when a foreign producer intends to fulfil the obligations of manufacturers with an authorized representative instead of the distributors.

3. Authorised representative – roles and responsibilities

An authorized representative has the same role such as regular producer according to the Waste Act, the Directive 2012/19/EU respectively. In case of non-fulfilment of obligations, he is the responsible entity and all potential sanctions follow him.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate.

An appointment process contains a business agreement between a Czech entity and a foreign manufacturer. It is important that a Czech entity is a company established in the Czech Republic and registered in the national Commercial Register. A necessary paper work does not have any form by law. It is a purely commercial matter, how the contract between the two companies looks like.

However, it has to contain clear indications between whom the contract is concluded, under what conditions and for what products or obligations it is applied. It is important and desirable for the agreement to be clear from the law that the authorized representative is responsible for all the obligations of EEE producers and consciously assumes them as a foreign manufacturer.

For specific procedures for securing a contract with an authorized representative, we recommend contacting one of the collective schemes directly. Contacts are listed below.

Ministry of Environment does not have a model contract form for appointment of an Authorized Representative.

5. Useful links

Producer register:

<https://isoh.mzp.cz/WebElektro/Firma/PovinneOsoby>

Compliance schemes:

<https://isoh.mzp.cz/WebElektro/>

Enforcement authority:

Czech Environmental Inspection

www.cizp.cz/?l=9



Ministry of Environment of the Czech Republic

www.mzp.cz/en

Ministerstvo životního prostředí

Further useful information:

Contacts on compliance schemes:

www.mzp.cz/en/collective_systems

Denmark

Introduction

In Denmark the WEEE Directive regulation about ARs is implemented in the environmental protection act § 9j letter 5-7.

The WEEE directive is further implemented in the WEEE order <https://www.retsinformation.dk/eli/lta/2018/148> and annex VI is implemented in the statutory order <https://www.retsinformation.dk/eli/lta/2019/1229>

The authorized representative (AR) carries the full legal responsibility towards the authority on behalf of the producer.

A collective scheme can also enter into the AR role, and they will have access to the producer's data/records in the national register at DPA-System www.dpa-system.dk

A special IT-function and data-entrance has been developed in the EPR-register for this purpose.

1. Mandatory appointment of authorised representative

Companies from another EU country without establishment in Denmark that are dealing in distance selling of electrical equipment directly to end-users in Denmark must designate an authorized representative (AR) in Denmark to carry out their producer responsibility for all their EEE placed on the Danish market.

2. Voluntary appointment of authorised representative

A producer established in Denmark may also choose to appoint an authorized representative (AR) in Denmark to carry out their producer responsibility for all their EEE placed on the Danish market.

3. Authorised representative – roles and responsibilities

The AR enters the role of producer. They have full legal and administrative responsibility: Annual report and annual declarations to validate the reported volumes, take-back of WEEE according to the allocation scheme etc.

4. How to appoint authorised representative

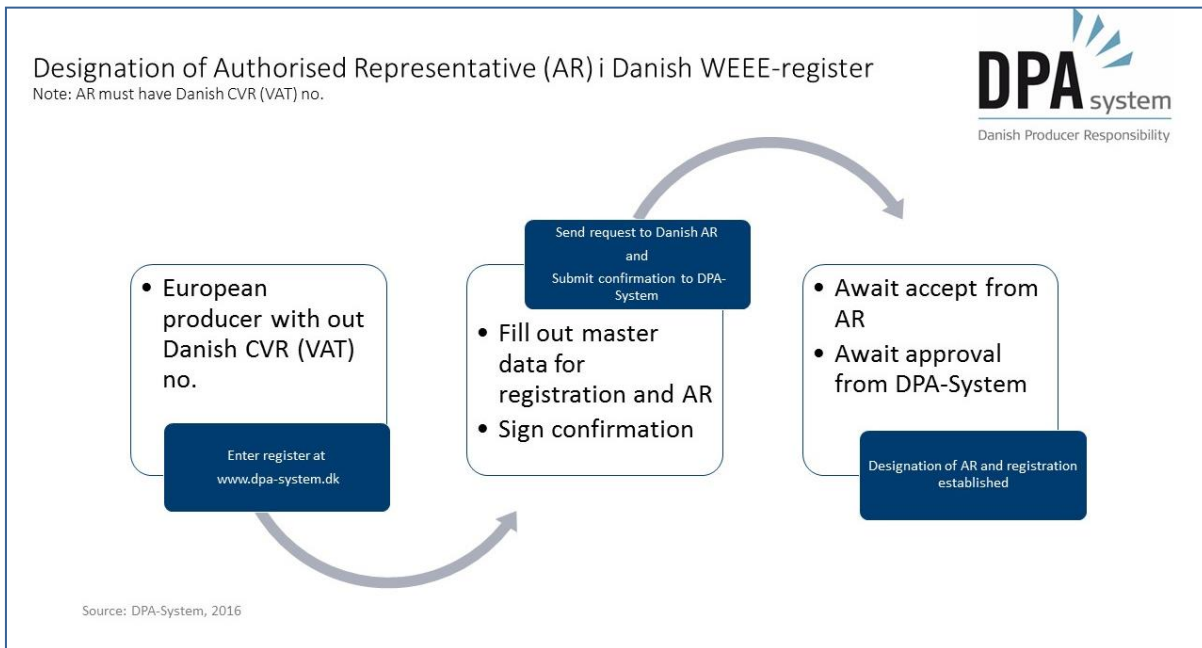
As required by the Directive, appointment of an authorised representative must be by written mandate.

In the Danish register at www.dpa-system.dk a technical IT solution for appointment of an AR is available. The European company can appoint a chosen AR in Denmark via e-mail.

In practice, the European company appoints an authorised representative in Denmark via the IT-module in the producer register. The mutual affiliation and responsibilities are formally and technically established, when the authorised representative confirms that he assumes the producer responsibility for the European company in Denmark. The appointment is established when the AR has confirmed the appointment and when the full registration and digitally signed confirmation is approved by the DPA-system.

Through the producer register the European company enters a full registration in the same registration format and procedure as a Danish producer or importer, when entering a foreign country code, the producer will be prompted to appoint an authorised representative with a Danish CVR (VAT no.).

When the AR has confirmed the appointment and the DPA-System has received confirmation, the official registration in the producer register is completed.



Outline of Danish AR-designation:

The screenshot shows the 'Authorized representative' section of the DPA system. The page title is 'Authorized representative'. Below the title, there is a paragraph explaining that since the company entered a VAT number belonging to an EU/EEA country, it must appoint an authorized representative (AR) in Denmark. The AR will be legally responsible for all regulatory requirements related to the company's producer responsibility in Denmark. The AR will have full access to manage the registration, including responsibility for master data, system users, volume reporting, audit attestations and possible relations to collective schemes etc. The user is instructed to enter the Danish CVR no. and press the button to the right. Once all information is filled, they should press SAVE. A request for appointment as the authorized representative will now be sent to the specified e-mail, which the recipient can accept or decline. If the user has not already made contact with the authorized representative, they are advised to make contact in order to make an agreement.

Chosen representative

CVR/VAT

Company name

Address

Zip code City

Web address

Company contact email

Company contact phone

Delete authorized representative

An example of the registration form is included below.

5. Useful links

Producer register: DPA-System: www.dpa-system.dk - English version is also available

Compliance schemes: <https://www.dpa-system.dk/en/WEEE/OtherPlayers/Collectiveschemes>

Enforcement authority: The Danish Environmental Protection Agency – www.mst.dk

Further useful information:

Below is a link for a part of the EPA's webpage, which has been translated to English, with a short outline of the Danish framework for producer responsibility. Last update some years ago, since the implementing acts 2019/2193, 2019/290 and 2017/699 are not mentioned, and two links are dead (see introduction for active links).

<https://eng.mst.dk/air-noise-waste/waste/electrical-waste-weee-and-batteries-bat/>

Example of a Producer Registration Application Form in Denmark:

29028842
DPA-System
Vesterbrogade 6D, 4.
DK-1620 Copenhagen
Date: 24 Jun 2019



CONFIRMATION

Below is the master data entered in DPA-System's Producer Register.

It is a statutory obligation to have a registration in the Danish Producer Responsibility Register approved by the responsible management of the company. Therefore, upon registration, the responsible manager of the company must sign this form digitally. Companies outside Denmark must print the confirmation, sign it, and send it to DPA-System as a scanned document by e-mail to info@dpa-system.dk.

Registration must be complete – i.e. stating categories, quantities and brands – before the company's registration is finalised. Completed registration AND submission of signed confirmation is a precondition for legal sale of products on the Danish market.

Note: Lack of submission of this signed confirmation and incomplete registration will cause non-approval of the company in the producer responsibility register.

MASTERDATA

Company name	
Cvr/VAT	
Country	
Address	
Address 2	
Zip code	
City	
Shared.WebAddress	
Company contact email	
Company contact phone	

SIGNATURE Hereby the company's responsible management certify that the above master data are correctly entered:

Date:	
Name (Capital letters):	
Signature	

Estonia

Introduction

Producer of electrical and electronic equipment is required to ensure the collection, recycling, recovery or disposal of waste resulting from products of concern placed to the market. Producer must bear all costs of collection and treatment of WEEE. Producer has requirement to register with Register of Product of Concern and report data once a year.

1. Mandatory appointment of authorised representative

A producer of electrical and electronic equipment established in another Member State of the European Union has the right to appoint a natural or legal person, established in Estonia, as its authorised representative who shall be responsible for the fulfilling of the obligations in Estonia. Foreign producer can also open a branch office or subsidiary in Estonia.

2. Voluntary appointment of authorised representative

A producer of electrical and electronic equipment established in another Member State of the European Union has the right to appoint a natural or legal person, established in Estonia, as its authorised representative who shall be responsible for the fulfilling of the obligations in Estonia. Foreign producers can also open a branch office or subsidiary in Estonia.

3. Authorised representative – roles and responsibilities

Authorised representative is responsible fulfilling of the obligations in Estonia for producer of electrical and electronic equipment established in another Member State of the European Union.

4. How to appoint authorised representative

A written mandate must be sent to the Register of Product of Concern (authorised representative will do it) where the authorised representative will register the EEE producer on its list. In Estonia there is no form for written mandate. It is essential to understand who the authorised representative is, who they represent and that they will be responsible for fulfilling the producer's obligations.

5. Useful links

Producer register: <https://tvr.envir.ee/tvr/proto/welcome>

Compliance scheme(s)/service companies:

MTÜ EES-Ringlus <http://eesringlus.ee/>

MTÜ Eesti Elektroonikaromu <http://www.elektroonikaromu.ee/web/>

Ekogaisma Eesti OÜ <http://www.ekogaisma.ee>

Enforcement authority: <https://www.kki.ee/>

Further useful information:

Waste Act (in English) <https://www.riigiteataja.ee/en/eli/ee/520012015021/consolide/current>

WEEE information <https://www.envir.ee/en/weee>

Finland

Introduction

Pirkanmaa ELY Centre acts as the national authority for producer responsibility and supervises compliance with provisions concerning producer responsibility, with the exception of Åland.

This guidance is aimed at stakeholders which, according to WEEE Directive 2012/19/EU and the Finnish Waste Act 2011/646, have either mandatory requirement or voluntary possibility to appoint an authorised representative in Finland.

In typical situations where electrical or electronic equipment are put onto the Finnish market and equipment arrives from other Member states or from third countries, the Finnish importer (a Finnish company or a foreign entrepreneur's Finnish branch) is a producer and has to fulfill all the responsibilities of a producer including registering, reporting, arranging collection and treatment of the EE-waste. The producer can take care of its responsibilities either by registering directly with the Pirkanmaa ELY Centre and taking care of the waste management responsibilities or by joining an approved producer organisation. The producer organisation takes care of all the responsibilities on behalf of its members.

There are however a few cases, according to the WEEE-directive and Finnish Waste Act, when a foreign company can appoint an authorised representative in Finland to take care of the producer responsibilities on behalf of themselves (in case of the foreign distant seller) or on behalf of the importers (in case of another foreign company than distant seller).

'Authorised representative' is defined in the Directive Art 16, 17 and Annex X and in the Finnish Waste Act Art 66a.

'Producer' is defined in the Directive Art 3 f sub point i-iv and in the Finnish Waste Act Art 48 and in the Governmental Decree Art. 2 point 6.

Based on the above, a producer is:

- ***a Finnish* producer or a foreign entrepreneur's Finnish branch**, which manufactures products for the Finnish market;***
- ***a Finnish* importer or a foreign entrepreneur's Finnish branch**, which imports products to the Finnish market;***
- ***a Finnish distributor which sells electrical and electronic equipment on the Finnish market under their own name or brand;***
- ***a business operator which is established in another EU member state or a third country and which sells electrical and electronic equipment via distance selling directly to users in Finland.***

*A Finnish company refers in this context to a company entered into the Trade Register maintained by the National Board of Patents and Registration; said company must have a Finnish business ID and be domiciled in Finland.

** A branch of a foreign entrepreneur refers to the part of a foreign corporation or foundation that engages in continuous business or trade activities in Finland from a permanent establishment in Finland in the name of the

foreign corporation or foundation; said branch must be entered as a branch in the Trade Register maintained by the National Board of Patents and Registration.

This definition is applicable in continental Finland. In Åland island, definition can be drawn up by the Åland authorities, based on the local legislation.

NOTE: Implementation of the new waste directive will affect the definition of producer from July 2020.

1. Mandatory appointment of authorised representative

According to article 17 point 2 of the WEEE Directive and article 66a paragraph 1 of Finnish Waste Act:

A Company situated in another Member State or third country, selling EEE to Finnish end user by means of distance communication, has to appoint an authorised representative in Finland.

A Finnish company, which is selling EEE to end users in another Member State by means of distance communications, has to appoint an authorised representative in all the MS they sell to.

Companies above are, according to WEEE Directive article 3 f sub point iv and Governmental Decree on Waste Electrical and Electronic Equipment article 2 point 6, defined as producers and by appointing an authorised representative they take care of their producer responsibilities.

2. Voluntary appointment of authorised representative

According to article 17 point 1 of the WEEE Directive a foreign company, which is defined in article 3 f subpoints i-iii to be producer in that Member State, may voluntarily choose to appoint an authorised representative in another Member State, where they are not established and not defined as a producer. If foreign companies choose this option, the Directive obliges each Member State to ensure they can proceed. This is confirmed in Waste Act article 66a.

Because those companies are not producers in Finland, the authorised representative cannot take on the producer's responsibility of that foreign company (because it does not have the responsibility) but instead they can take on the producer responsibility of the Finnish importers of those products.

Only one authorised representative can be appointed by each company.

Note, that companies located outside of Member States are not able to voluntarily nominate an authorised representatives in Finland.

3. Authorised representative – roles and responsibilities

By accepting the appointment and signing the mandate, the authorised representative accepts that he is responsible for acting in the name and behalf of the foreign exporter in the case of distance selling and the local importer in the case of another foreign company. Those responsibilities include, inter alia:

- fulfilling all waste management obligation of the producer(s) either individually or collectively.
- registering to producer register or joining the approved producer organisation and giving the information, which producers obligation he is taking care of. This has to be proofed by a signed document of this.
- provision of all relevant producer/AR information to national register/producer organization.

- responsibility for payment of any fees etc.
- accepting prosecutions and administrative enforcements in the event of non-compliance.

4. How to appoint authorised representative

Appointment of an authorised representative must be done by written mandate. The written mandate must be submitted to the national register (if the producer takes care of the responsibilities individually, usually B-to-B producer) or to the producer organisation (in the case of a collective system, mainly B-to-C producer). Together with the written mandate mentioned above the foreign company, which is not a distant seller, must also submit the document showing that the foreign company and the importer/importers concerned have agreed on transferring the importers producer responsibilities to the authorised representative named by that foreign company. This agreement has to be proofed by the signed document.

If the authorised representative mandate is cancelled in the case of Voluntary appointment of an authorised representative, all the producer responsibilities fall back on the importer/importers. In that case the national producer register or producer organisation has to be informed immediately.

If a new authorised representative has not been appointed simultaneously at the time when previous agreement expires, registration will be cancelled immediately. The foreign company must inform the importer/importers immediately of those products for which they have producer responsibility and that they have to register/join producer organisation or in the case of being already registered due to other imported products, immediately take care of the waste management and its expenses and reporting.

Examples of the mandate are included below:

Case 1 – foreign distant seller

A Ltd

Seller Street, Seller City, State

Appointment

B Ltd AR Street, AR Town, Finland

is appointed as authorised representative in Finland according to Finnish Waste Act 66 a § to take care all the EE producer responsibilities in Finland of the producer mentioned above.

This mandate, signed by the both parties, starts on the date of signature and will cease once either of the party informs the national register/producer organisation that it has been terminated.

Producer signature AR signature Date

Case B – other foreign company than distant seller

B Ltd

Export Street, Export City, State

Appointment

C Ltd AR Street, AR Town, Finland

is appointed as authorised representative in Finland according to Finnish Waste Act 66 a § to take care all the EE producer responsibilities of the Finnish importers of the EE-products of the company mentioned above.

This mandate, signed by the both parties, starts on the date of signature and will cease once either of the party informs the national register/producer organisation that it has been terminated.

Producer signature AR signature Date

Annex 1 (compulsory)

List (name, business code) and signed agreements of the importers.

5. Useful links

Producer register: www.ymparisto.fi/tuottajavastuu

Compliance scheme(s)/service companies:

The following producer organisation service companies can act as an authorised representative in Finland:

Elker Oy www.elker.fi/en

ERP Services Finland Oy www.en.erp-recycling.fi

Serty Services Oy www.serty.fi/en/home

Enforcement authority:

Centre for economic development, traffic and the environment for Pirkanmaa

Further useful information:

Although voluntary nomination of AR is possible, we do not encourage it, due to the fact that there is already a responsible body (importer) in Finland. Importers usually import several brands and if only a couple of the brand owners appoint AR, the original importer still has to register and report all other equipment. This creates a lot of confusion and inaccurate reporting. Even the brand owners, who may appoint AR, can't report anything about parallel importing. So even the one brand – one channel registration and reporting are very difficult.

Germany

Introduction

The legal requirements for the authorised representative from the WEEE directive are implemented in section 8 of the German Act governing the Sale, Return and Environmentally Sound Disposal of Electrical and Electronic Equipment of 20 October 2015 (Electrical and Electronic Equipment Act – **ElektroG**).

The German foundation stiftung elektro-altgeräte register (**stiftung ear**) runs the register of producers of electrical and electronic equipment and is competent to confirm the appointment of an authorised representative and register him/her.

The German Environment Agency is the competent authority for supervisory control and control of legality over stiftung ear and for prosecuting free riders etc.

1. Mandatory appointment of an authorised representative

Producers of electrical and electronic equipment (**EEE**), without an established office in Germany, have to officially appoint an authorised representative before offering and placing their EEE on the German market. The authorised representative must be established in Germany and will have to be registered by stiftung ear (see no. 4).

2. Voluntary appointment of an authorised representative

There is no voluntary appointment of authorised representatives in Germany: Every foreign-country-based producer must either establish an office in Germany or appoint an authorised representative located in Germany who will fulfil the obligations of registration and assume responsibility for the other legal requirements borne by the producer.

3. Authorised representative – roles and responsibilities

The authorised representative legally replaces the foreign producer. This means he must assume all legal obligations concerning extended producer responsibility as established in the ElektroG in Germany. Therefore, after being effectively appointed by the foreign producer, he must register for **all types of equipment** and **brands** of the producer and submit all monthly quantity reports and annual reports to stiftung ear. He is also responsible to take-back the allocated b2c-WEEE containers and their environmentally sound disposal in accordance with ElektroG.

There are no collective schemes/producer responsibility systems in Germany. Every producer and appointed authorised representative has an individual WEEE take-back obligation that is calculated by stiftung ear.

4. How to appoint authorised representative

Any reliable and capable person or legal entity established in Germany can be an authorised representative. **Only one authorised representative** can be appointed for all brands and types of equipment of a producer.

The contract between the authorised representative and the foreign-country-based producer must be a written mandate in German and contain the following contents in particular

- Exact designation of the person to be appointed as authorised representative. This is done by providing the information according to Appendix 2 Number 1 ElektroG:
 - postcode and city, street and number, telephone and fax number, e-mail address and details of a contact person for the authorised representative,
 - In the case of natural persons, the place and date of birth must also be provided and
 - the establishment in Germany must be proven (by means of a registration certificate or business registration).
 - In the case of legal entities or partnerships, the legal form and, if available, an entry in the commercial register must be communicated or a business registration must be submitted.
- Exact designation of the represented foreign company by means of the information according to Annex 2 numbers 1 and 2 ElektroG:
 - the name and address of the producer (postcode and city, street and number, country, telephone and fax number, e-mail address and details of a contact person);
 - National identification number of the producer, including the producer's European or national tax number
- Indication that the foreign company represented is a producer within the meaning of section 3 No. 9 a) to d) ElektroG, which has no establishment within the scope of the ElektroG
- Confirmation that the producer has not appointed another natural or legal person or partnership as authorised representative in accordance with section 8 Paragraph 1 ElektroG.
- Obligation of the authorised representative to carry out on his own behalf all the tasks of the represented foreign producer in order to fulfil the producer's obligations
- the authorised representative's agreement to perform tasks on his own behalf in order to fulfil the foreign producer's obligations
- the date from which the assignment is to take effect (possibly "immediately").
- The signature of the represented foreign producer and the authorised representative with date and place. The signature line should be accompanied by both clear names and the position in the company or reference to the power of representation (e.g. "Managing Director").

Once all legal requirements are met stiftung ear officially confirms the appointment of the authorised representative. When this confirmation has been received by both the authorised representative and the represented foreign producer, the authorised representative can be registered for the producer.

The appointed authorised representative has to submit the following information to register for the producer:

- EEE Category according to Annex 1 of the ElektroG
- Type of EEE (equipment for usage in private households or others than private households)
- Brand
- For proof of fulfilling section 7 ElektroG (financial guarantee) information whether the responsibility is fulfilled by an individual guarantee or a collective system, including information on bail
- Sales method (e.g. distance sales)
- Declaration on correctness of given information.

Until the authorised representative's registration is published in the register producers are not allowed to place any EEE onto the German market.

5. Useful links

Producer register:

www.ear-system.de/ear-verzeichnis/hersteller

Enforcement authority:

www.umweltbundesamt.de/en/topics/waste-resources/product-stewardship-waste-management/electrical-electronic-waste/electrical-electronic-equipment-act

Further useful information:

www.stiftung-ear.de/en/herstellerbevollmaechtigte/spezielle-news-fuer-hersteller/producer-authorized-representative

www.umweltbundesamt.de/en/topics/waste-resources/product-stewardship-waste-management/electrical-electronic-waste

German Electrical and Electronic Equipment Act (available only in German)

www.gesetze-im-internet.de/elektrog_2015/BJNR173910015.html

Registration with foundation elektro-altgeräte register is subject to a fee. The fees are determined in the fee ordinance for the German Electrical and Electronic Equipment Act (available only in German)

<http://www.gesetze-im-internet.de/elektroggebv/ElektroGGebV.pdf>

Greece

Introduction

Directive 2012/19/EU has been transposed to Greek law with Ministerial Decision 23615/651/E.103/2014 (Government Gazette 1184 B'/9-5-2014).

Furthermore, issues related to authorized representatives are also regulated with Ministerial Decision 181504/2016 (Government Gazette 2454 B'/9-8-2016), which establishes the registration and reporting requirements and producer's obligations to the National Producers Register (NPR).

Producers who are placing electrical and electronic equipment (EEE) in Greek market are responsible for financing the collection, treatment, recovery and environmentally sound disposal of their products. They may choose to fulfill this obligation either individually or by joining an organisation implementing extended producer responsibility (PRO) obligations on behalf of producers.

1. Mandatory appointment of authorised representative

Producers established in another member state (MS) or a third country, who sell EEE directly to end-users in Greece, are required to appoint an authorised representative established in Greece in order to fulfil the obligations of that producer in Greece that derive from the implementation of MD 23615/651/E.103/2014 and MD 181504/2016.

Producers established in another MS or a third country who sell EEE to importers/distributors in Greece, by the way of exception, are allowed to assume the obligations of a producer in Greece by appointing an authorised representative established in Greece.

The appointment of the authorised representative is, in both cases, mandatory.

2. Voluntary appointment of authorised representative

There is no provision for voluntary appointment of an authorised representative in Greece.

3. Authorised representative – roles and responsibilities

The authorised representative represents the producer in all aspects of MD 23615/651/E.103/2014 and MD 181504/2016, specifically they:

- register to the National Producers Registry (NPR) and report annually the quantities placed on the Greek market by the producer
- sign an agreement (three-part contract) with the PRO on WEEE and, depending on the PRO's policy, report monthly the quantities of EEE that are placed on the Greek market by the producer and ensure the payment of the relevant fee as approved by the Hellenic Recycling Agency (HRA).

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate. The written mandate outlining the appointment of an AR in Greece shall be submitted to the NPR which is held by the HRA. In accordance with MD 175216/24.5.2018, registering with the NPR is required by all producers that are active on Greek territory and before they put their products on the market. The establishment, organisation and other issues regarding the NPR in Greece are described in the MD 181504/9.8.2016, as amended and in force.

According to the Ministerial Decision 181504/9.8.2016, article 2, para.2, registration with the NPR of the obligated producers, is a prerequisite for the legal exercise of their activities.

1. New producers who for the first time after the entry into force of MD 181504/9.8.2016 are active in Greece, have the obligation to register with NPR before they sell any of their products.
2. Producers who are already active in Greece at the entry into force of MD 181504/9.8.2016, have the obligation to register with NPR within 6 months of its entry into force.

It is noted that legal persons/entities that are involved in the field of WEEE management (e.g. Hellenic Recycling Agency, Organisations implementing Extended Producers' Responsibility obligations, recyclers) are not allowed to be authorised representatives.

National guidance on the appointment of an AR in Greece can be found here:

www.eoan.gr/uploads/AHHE_FAQ_eng.pdf

An example of the mandate is included below.

SAMPLE OF WRITTEN MANDATE

A Ltd
YYY Street
YYY town
COUNTRY

Hereby appoints

Mr. B / B Ltd
XXX Street
XXX town
GREECE

as its authorised representative in Greece, as per Ministerial Decision 181504/2016 (Government Gazette 2454/9-8-2016) and Ministerial Decision 23615/651/E.103/2014 (Government Gazette 1184 B’/9-5-2014) Mr. B / B Ltd undertakes to represent A Ltd in Greece in all aspects of the above Ministerial Decisions, as the authorised representative of A Ltd.

This mandate, signed by both parties, commences on the date of signature unless stated otherwise and will cease once either party informs the National Producers Register of Greece that it has been terminated.

Mr. B / B Ltd understands that as the authorized representative he / B Ltd will be liable in the event of non-compliance with the legal requirements above.

Signature Producer	Signature Authorized Representative	Date
--------------------	-------------------------------------	------

The written mandate is submitted to the National Producers Registry (NPR), at register@eoan.gr. In case of cancellation/ termination of the cooperation, the NPR and the PRO have to be informed as well.

The authorized representative also signs a three-part contract with the PRO on WEEE, the form of which and the necessary paperwork depends on the PRO’s policy.

5. Useful links

Producer register: <http://empa.eoan.gr>

Compliance scheme(s):

APPLIANCES RECYCLING SA for all the categories of EEE: <http://www.electrocycle.gr/en>

FOTOKIKLOSI SA for lamps, lighting equipment and small-sized equipment: <https://fotokiklosi.gr/?lang=en>

Enforcement authority:

Hellenic Recycling Agency (HRA): <https://www.eoan.gr/en/>

Ireland

Introduction

The WEEE Directive (2012/19/EU) was transposed into Ireland's national legislation by the European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (SI No. 149 of 2014) – the WEEE regulations.

An authorised representative (AR) is defined in these regulations as '*... any natural or legal person established within the State who has been appointed by written mandate from the producer, established in another Member State, to fulfil the obligations of that producer, pursuant to these Regulations in the State.*'

The legal requirements in the WEEE regulations regarding the appointment, and responsibilities, of an AR are specified in:

- Regulation 10 (*Obligation of producers, or authorised representatives to register with the Registration Body*);
- Regulation 11 (*Registration, information and reporting*);
- Regulation 12 (*Certification of producers or authorised representatives*);
- Regulation 13 (*Distance Sellers*).

These regulations describe what a producer or AR must do to register with the registration body in Ireland - The Producer Register Limited (PRL). This includes provision of necessary information for the application, proof of membership of an approved body (i.e. a compliance scheme in Ireland) where appropriate, reporting product that is being placed on the market in Ireland and payment of registration fees.

Regulation 11(5) also requires that an application for registration as a producer in Ireland must include a declaration that the EEE, which is being placed on the market in Ireland, complies with the requirements of the RoHS Directive.

A producer or AR is not legally registered until it has received an official certificate of registration from the registration body. Once appointed the AR must do whatever a producer would do to meet all other producer obligations in Ireland. The registration body has the power to refuse an application for registration or to revoke a registration. A producer or AR who fails to meet these legal obligations, or is refused registration, is prohibited from placing product on the market in Ireland (see regulation 10(6)).

The regulations in Ireland require that registration of a producer must be complete in 6 to 8 weeks, however, there is no typical time line in appointing an Authorised Representative. It will depend on the relationship between the producer and the individual or entity in Ireland that will act as the Authorised Representative. If a producer decides to appoint an Irish-based employee, then the process can be quite quick. If, however, the producer has no local contacts then the national register will provide advice on the companies offering Authorised Representative services in Ireland and the producer will be free to choose one of those to represent them. It can take time to make a decision on the Authorised Representative and then to finally sign contracts. Sometimes, the appointment of an Authorised Representative can take a matter of days while in other cases it can take over a year.

1. Mandatory appointment of authorised representative

Regulation 13 - A producer, based in another Member State, who supplies EEE into Ireland by means of distance communication *must* appoint an AR to take on producer responsibilities on their behalf in Ireland.

Regulation 10 - A producer, based in Ireland, who supplies EEE into another member state by means of distance communication *must* appoint an AR in that member state to take on producer responsibilities there.

2. Voluntary appointment of authorised representative

A producer that is established in another Member State or a third country and is *not* selling by distance communication into Ireland *may* appoint an AR in Ireland. If appointed, the AR would have to take on producer responsibilities on their behalf.

3. Authorised representative – roles and responsibilities

By accepting the appointment and signing the mandate as an AR, the AR accepts that they are acting in the name of, and on behalf of, the producer (exporting into Ireland) and will be legally liable for all their producer responsibilities in Ireland, including:

- Registration and reporting of imported product.
- Provision of all relevant producer/AR information upon request to the national register.
- Informing the producer about all relevant national obligations.
- Responsibility for payment of fees, financial guarantee etc.
- Accepting prosecutions in the event of non-compliance.

A producer may only appoint one Authorised Representative in Ireland.

Regulation 11(10) requires the producer or the AR to inform the registration body when they wish to cease acting as a producer and therefore terminate the mandate for the AR.

If the contract between a producer and their Authorised Representative is cancelled and that producer is a distance seller then a new Authorised Representative must be appointed. However, if the producer is a traditional seller then the obligations will fall to the importer, unless and until a new Authorised Representative is appointed.

4. How to appoint authorised representative

The Directive requires that appointment of an AR must be by written mandate. Therefore, regulation 10(2)(4) of the WEEE Regulations stipulates that the application must be made by written mandate from the producer to Ireland's national registration body, PRL. The PRL requires headed paper with original signatures for the written mandate. For convenience, PRL provides a sample of the mandate (see below). PRL can provide assistance to those who think that they may need to appoint an AR.

Once appointed, the AR must then apply to register with PRL on behalf of the producer that they are representing. For this purpose, PRL provides an online application form, which can be accessed at www.producerregister.ie/select-type/y2020. Prior to registration the written AR mandate must be submitted to PRL.

An example of the written mandate is included below. There is no link to the document on the Producer Register website. It is emailed to producers on request. It may be placed on the website at some point in the future.

5. Useful links

Producer register:

Producer Register Limited - www.producerregister.ie

Compliance scheme(s)/service companies:

WEEE Ireland - www.weeeireland.ie

ERP Ireland - erp-recycling.org/ie/

Enforcement authority:

Environmental Protection Agency – www.epa.ie

Further useful information:

<http://www.epa.ie/enforcement/weee/>

Sample mandate to appoint an AR in Ireland

ABC Ltd
Main Street
Maintown
UK

Hereby appoints

Mr Joe Bloggs **OR** DEF Ltd
Old Street
Oldtown
Ireland

as its authorised representative in Ireland as per the EU Directive 2012/19/EU and European Union (Waste Electrical and Electronic Equipment) Regulations S.I. No. 149 of 2014.

This mandate applies to the following categories of EEE:

Category 1	Temperature exchange equipment:	
Category 2	Screens monitors and equipment containing screens having a surface greater than 100 cm ²	
Category 3	Lamps	
Category 4	Large equipment (any external dimension more than 50cm). This category does not include equipment included categories 1 to 3	
Category 5	Small equipment (no external dimension more than 50cm)	
Category 6	Small IT and telecommunication equipment (no external dimension more than 50cm)	

Mr. Joe Bloggs **OR** DEF Ltd undertakes as the authorised representative of ABC Ltd to represent ABC Ltd in all aspects of the above Directive as transposed in Ireland by European Union (Waste Electrical and Electronic Equipment) Regulations S.I. No. 149 of 2014.

This mandate, signed by both parties, commences on the date of signature unless stated otherwise and will cease once either party informs The Producer Register Limited that it has been terminated.

Mr. Joe Bloggs **OR** DEF Ltd understands that as the authorised representative he **OR** it will be liable in the event of non-compliance with the regulations above.

Producer _____ (SIGNATURE)

Producer _____ (PRINT NAME)

Position in company _____

Authorised Representative _____ (SIGNATURE)

Authorised Representative _____ (PRINT NAME)

National VAT/Tax Number of Authorised Representative _____

Date _____

Latvia

Introduction

The most important legislative acts that regulate WEEE management and accountancy:

- Natural Resources Tax Law;
- Waste Management Law;
- Regulations of the Cabinet of Ministers of June 19, 2007 No 404 „Procedures for the Calculation and Payment of Natural Resources Tax, the Issuance of Permits for Use of Natural Resources and the Auditing of Management Systems”;
- Regulations of the Cabinet of Ministers of November 3, 2009 No 1294 „Procedures for Exemption from the Natural Resources Tax for electrical and electronic equipment”;
- Commercial Law
- Regulations of the Cabinet of Ministers of September 3, 2002 No 401 “Procedures for Registration of Representatives and Representatives of Foreign Merchants and Organizations”.

The natural resources tax on EEE is applied in Latvia with a purpose of increasing companies’ motivation to realize the principles of producers’ responsibility.

A taxpayer shall not pay the tax for EEE if he ensures the fulfilment of the norms for WEEE recovery, as well as complies with one of the following conditions:

- 1) has established and applies WEEE management system and has entered into an agreement with the State Environmental Service regarding application of the WEEE management system;
- 2) has entered into an agreement with the WEEE manager regarding participation in the WEEE management system (if the manager has entered into agreement with the State Environmental Service regarding application of the WEEE management system).

A taxpayer, who has been exempted from payment of the natural resources tax, shall cover the costs for WEEE management, including costs for separate collection, sorting and recycling or recovery of such waste.

The State Environmental Service carries out the administration of the exemption from payment of natural resource tax and control. There are six WEEE producer responsibility systems operating in Latvia. The WEEE producer reports the sales to the producer responsibility system, which then submits these data to the Latvian Electrical Engineering and Electronics Industry Association and the State Environmental Service in aggregate form. Compliance with the rules on separate collection, sorting and recycling or recovery of waste is controlled by the State Environmental Service.

1. Mandatory appointment of authorised representative

Appointment (registration) has to be provided in accordance with the Regulations of the Cabinet of Ministers No.401 (September 3, 2002 Procedures for Registration of Representatives and Representatives of Foreign Merchants and Organizations (Issued pursuant to Section 2.8, Paragraph one of the Law On the Register of Enterprises of the Republic of Latvia).

The equipment manufacturers or their authorized representatives shall be registered in the equipment manufacturers register. The Register of Equipment Manufacturers is a national information system and its use ensures the circulation of information necessary for the supervision of waste electrical and electronic equipment. The holder of the register of equipment manufacturers is the Latvian Electrical Engineering and Electronics Industry Association (hereinafter - registrant). The Ministry of Environmental Protection and Regional Development (hereinafter - the Ministry) is the manager of the Register of Equipment Manufacturers.

2. Voluntary appointment of authorised representative

Pursuant to Section 25, Paragraph 8 of the Commercial Law, a foreign merchant has the right to open its representative offices in Latvia, but the representative office is not a legal person and has no right to conduct commercial activities in Latvia.

3. Authorised representative – roles and responsibilities

The manufacturer of electrical and electronic equipment shall cooperate with merchants who recycle waste electrical and electronic equipment to facilitate the development and production of electrical and electronic equipment in such a way that it can be dismantled and recycled, as well as reused, separated and recovery. The requirements set out in the regulatory enactments regarding ecodesign requirements for energy-related goods (products) shall be applied in the development and production of electrical and electronic equipment, without using techniques that make it difficult to reuse such equipment, unless the use of such techniques significantly improves environmental or safety requirements.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate. The manufacturer of the equipment or its authorized representative shall, within one month of commencing operations with the electrical and electronic equipment specified in the Waste Management Act, submit an application for registration together with a prepayment document and register in the equipment register kept by the registrant.

In addition to the above documents, the authorized representative shall submit to the registrant a certification of the foreign equipment manufacturer and a notarized translation thereof, if the certification is not in the Latvian language, that the foreign equipment manufacturer has given mandate to this legal person to take over his obligations in Latvia regarding realization WEEE management in accordance with legal acts of the Republic of Latvia.

If the authorized representative is authorized to represent several manufacturers of equipment, he shall submit the documents for each foreign manufacturer of equipment he is authorized to represent. The authorized representative shall pay these terms separately for each manufacturer he is authorized to represent.

Where the WEEE is managed by an operator other than the manufacturer of the equipment or its authorized representative, the equipment manufacturer or its authorized representative shall provide the registrant with a written confirmation of the contract concluded with the equipment manufacturer or its authorized representative for WEEE. management., cancellation, termination, sources of information etc.).

The mandate has to include full information which is needed for the representative to provide registration to the registrant, e.g. what is required in the application form.

Application on the registration of the equipment manufacturer, its authorized representative and the battery manufacturer /on making changes to the information contained in the register of equipment manufacturers or battery manufacturers:

1. Equipment or battery manufacturer information

1.1. Company

1.2. Company registration number

1.3. The registration number assigned by the Register of Commercial Companies of another country

1.4. Legal address

1.5. contact information

1.5.1. actual address (if different from legal address)

1.5.2. name of the contact person

1.5.3. Phone number

1.5.4. fax number

1.5.5. E-mail address

1.5.6. Web site

1.6. Bank details

2. Information concerning the authorized representative authorized to represent the foreign equipment manufacturer

2.1. Company

2.2. Company registration number

2.3. Legal address

2.4. contact information

2.4.1. the actual address, if different from the registered office

2.4.2. name of the contact person

2.4.3. Phone number

2.4.4. fax number

2.4.5. E-mail address

2.4.6. Web site

2.5. Bank details

3. Information concerning branches and companies of the manufacturer of the equipment or of his authorized representative

3.1. Name

3.2. Legal address of the branch or business address

3.3. Registration number of the branch in the Companies Register

4. Information on the categories and types of electrical and electronic equipment offered on the Latvian market by the equipment manufacturer or its authorized representative (as of the date of registration)

4.1. Electrical and Electronic Equipment Category and Category Number

4.2. Electrical and Electronic Equipment Type and Type Number

4.3. Electrical and Electronic Equipment Distribution Code

4.4. Electrical and Electronic Equipment Waste Management Code

5. Contracts with WEEE managers

5.1. Category of electrical and electronic equipment

5.2. Name, registration number and registered office of the electrical and electronic equipment operator

5.3. Date of contract (from to.....)

I agree / disagree (delete as appropriate) that the register of equipment manufacturers and batteries and accumulators manufacturers information about (manufacturer's name) amount of equipment, batteries and accumulators offered on the Latvian market and the volumes of collection, recycling and export of equipment, batteries and accumulators are published as generally available information.

5. Useful links

Producer register:

<http://elektroregistrs.lv/about-register/en>

Service companies:

<https://www.letera.lv/en/about-us/>

Enforcement authority:

State Environmental Service of the Republic of Latvia

Rūpniecības iela 23, Rīga, LV 1045, Latvia

<http://www.vvd.gov.lv/eng/>

Further useful information:

Ministry of Environmental Protection and Regional Development

Peldu iela 25, Rīga, LV 1494, Latvia

<http://varam.gov.lv/eng/>

Luxembourg

Introduction

The European Directive 2012/19/EU was transposed into Luxembourg's national legislation by the modified grand-ducal regulation concerning the waste of electrical and electronic equipment (WEEE) on 30 July 2013. The purpose of this regulation is the prevention of electrical and electronic waste and its reuse, recycling and recovery in order to reduce waste for disposal.

The manufacturer or importer of EEE is called "producer". The modified grand-ducal regulation of the 30 July 2013 defines a "producer" as any natural or legal person who, irrespective of the selling technique used, including by communication at a distance on electronic commerce (Art. 2 (1) 6)):

- (i) is established in Luxembourg and manufactures EEEs under its own name or trademark, or has EEEs designed or manufactured, and markets them under its own name or trademark on Luxembourg territory;
- (ii) is established in Luxembourg and resells, on Luxembourg territory, under its own name or trademark equipment produced by other suppliers, the reseller should not be considered as a "producer" where the producer's mark appears on the equipment in accordance with point (i);
- (iii) is established in Luxembourg and places on the Luxembourg market, in a professional capacity, EEE originating from an third country or another Member State of the European Union, hereinafter referred to as "Member State" and "Union"; or
- (iv) sells EEE in Luxembourg by means of distance communication directly to households or other users than households, and is established in another Member State or in a third country.

A producer shall be deemed to be any person who is established in another Member State or in a third country and who, as a professional title, supplies EEEs directly to a user in Luxembourg.

A person who exclusively provides financing pursuant to or in accordance with a financing contract shall not be not considered to be a "producer" unless it also acts as a producer within the meaning of points (i) to (iv).

A producer has two options to comply with legislation regarding EEE (Art. 15):

- The most common option is by joining a collective system and becoming a member of a producer responsibility organization. "Ecotrel" is approved by the Luxembourgish Minister for the Environment, Climate and Sustainable Development and endorses the obligations of producers and importers of electrical and electronic equipments (EEE) as described in the modified grand-ducal regulation of the 30 July 2013.
- The second option is by implementing an individual system for the collection, treatment and valorization of WEEE and submitting all related information to the environmental authority.

1. Mandatory appointment of authorised representative

According to the Luxembourgish modified grand-ducal regulation of the 30 July 2013 (Art. 17):

- all producer who sells EEE in Luxembourg by means of distance communication directly to households or other users than households, and is established in another Member State or in a third country

and

- all producer who is established in Luxembourgish territory and who sells electrical and electronic equipment to other EU member states

appoints an authorised representative (mandatory) in these member states.

2. Voluntary appointment of authorised representative

Not applicable

3. Authorised representative – roles and responsibilities

The authorised representative in the Member State is responsible to ensure compliance with the obligations incumbent on the producer in the territory of that Member State under the Luxembourgish modified grand-ducal regulation (Art. 17 (1)).

Producers supplying EEE by means of distance communication and assimilated producers are registered in Luxembourg when they sell there. In case that these producers are not registered in Luxembourg, they are registered through their representatives (Art. 16 (1)).

Any producer or any mandatory is entitled to include all relevant information in the Luxembourg register of producers and to update them (Art. 16 (2)). The register contains specific information about the producer in question like address, category of EEE and selling methods.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate (Art. 17 (2)).

The modified grand-ducal regulation concerning the waste of electrical and electronic equipment (WEEE) of the 30 July 2013 does not provide any detailed information concerning the appointment of an authorised representative.

There is no special procedure in place for the time being, the administration should be contacted on a case-by-case basis.

5. Useful links

Enforcement authority:

Environmental Authority (In French)

https://environnement.public.lu/fr/emweltprozeduren/Autorisations/Gestion_des_dechets_et_ressources/Dechets_d_equipements_electriques_et_electroniques.html

Contact:

deee@aev.etat.lu

Further useful information:

ECOTREL:

<https://www.ecotrel.lu/en/>

National legislation:

<http://legilux.public.lu/eli/etat/leg/code/environnement/20200317>

Malta

Introduction

Directive 2012/19/EU on waste electrical and electronic equipment has been transposed into national legislation under Subsidiary Legislation 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations, herein after referred to as the WEEE Regulations. Regulation 17 of the WEEE Regulations sets out the legal requirements regarding the appointment of an authorised representative in Malta. All appointed authorised representatives are required to fulfil the legal obligations laid down in S.L. 549.89.

1. Mandatory appointment of authorised representative

As laid down in regulation 17(2) of the WEEE Regulations, any producer who sells by means of distance selling, directly to private households or to users other than private households in Malta, is required to appoint an authorised representative which is established in Malta. The authorised representative will be the person responsible for fulfilling the producer's obligations emanating from the WEEE Regulations.

In addition, a producer who is established in Malta and who places EEE on the market in any Member State other than Malta by means of distance communication is required to comply with the legal obligations of that Member State.

2. Voluntary appointment of authorised representative

Pursuant to regulation 17(1) of the WEEE Regulations, any producer, other than a producer who sells EEE by means of distance communication directly to the end user, and is established in another Member State or third country is not obliged to appoint an authorised representative, however such producer may appoint a legal or natural person established in Malta as the authorised representative that is responsible for fulfilling the obligations of that producers, pursuant to the WEEE Regulations.

3. Authorised representative – roles and responsibilities

The role of the Authorised Representative shall be such that any natural or legal person who is explicitly designated by a producer established in another Member State or a third country acts instead of the aforementioned producer with regard to his/her obligations emanating under the Waste Management (Electrical and Electronic Equipment) Regulations.

The WEEE Regulations sets out the legal requirements and responsibilities, which **inter alia** include that an appointed authorised representative/s:

Registration/Deregistration:

- shall, upon placing electrical and electronic equipment on the market for the first time within the territory of Malta, apply to be registered with the competent authority and shall be provided with a registration number upon registration;
- shall renew their registration on an annual basis with the competent authority;
- shall deregister by informing the competent authority in case of ceasing to place EEE on the market.

Collection of WEEE:

- is required to carry out information campaigns, highlighting the importance of separate collection of WEEE, ensuring the correct treatment of all collected WEEE;
- shall ensure that systems are set up allowing final holders and distributors to return such waste at least free of charge;
- shall ensure that when supplying a new product, distributors are responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment;
- shall ensure that distributors provide for the collection, at retail shops with sales areas relating to EEE of at least 400m², or in their immediate proximity, of very small WEEE (no external dimension more than 25cm) free of charge to end-users and with no obligation to buy EEE of an equivalent type. WEEE collected shall be properly treated in accordance with the regulations;
- shall ensure that producers are allowed to set up and to operate individual and, or collective take-back systems for WEEE from private households provided that these are in line with the objectives of these regulation;
- shall ensure that WEEE that presents a health and safety risk to personnel because of contamination may be refused for return. The last holder of the WEEE shall make specific arrangements for the safe handling by personnel for such WEEE.

Financing of WEEE:

- shall provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households and from users other than private households.

Guarantee:

- shall provide a guarantee when placing a product on the market showing that the management of all WEEE will be financed.

Information for users:

- shall ensure that users of EEE in private households are given the necessary information about:
 - the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
 - return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the producers or other operators which have set them up;
 - their role in contributing to re-use, recycling and other forms of recovery of WEEE;
 - the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE.
- shall ensure that consumers participate in the collection of WEEE and to encourage them to facilitate the process of re-use, treatment and recovery. This information shall be provided by the producer or an

authorised representative and, or distributor e.g. in the instructions for use, at the point of sale and through public awareness campaigns.

4. How to appoint authorised representative

As identified earlier in Sections 1 and 2, upon appointment, the authorised representative shall present a Written Mandate Declaration to the competent Authority (currently, the Environment and Resources Authority) as laid down in Schedule 11 (Regulation 17) of S.L.549.89.

5. Useful links

Producer register:

National Register of Producers of Electrical & Electronic Equipment <https://era.org.mt/en/Pages/WEEE.aspx>

Compliance scheme(s)/service companies:

Current Authorised Waste Electrical and Electronic Equipment (WEEE) Compliance Scheme(s) [as of operational year 2019]:

- *WEEE Malta Ltd.* (<https://www.weemalta.org/>)
- *WEEE Recycle (GreenPak Coop Society Ltd.)* (<https://www.greenpak.com.mt/weee-recycle>)

Enforcement authority:

The Environment & Resources Authority (Address: Environment and Resources Authority, Hexagon House, Spencer Hill, Marsa, MRS 1441, Malta.

Environment & Resources Authority Website:

<https://era.org.mt/en/Themes/Pages/Welcome.aspx>

Further useful information:

- *Subsidiary Legislation 549.89 Waste Management (Electrical and Electronic Equipment) Regulations:*
 - <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11552&l=1>
- *Frequently asked Questions on Subsidiary Legislation 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations:*
 - <https://era.org.mt/en/Documents/WEEE%20FAQs.pdf>

Netherlands

Introduction

In the Netherlands the “Nationaal (W)EEE Register” (English: National (W)EEE Register, hereinafter called: the Register) has been delegated by the Dutch Government to organise the tasks related to the registration and reporting obligation stipulated in the Dutch implementation of the WEEE Directive. The Register is funded by the producers of electrical appliances and low-energy light bulbs (EEE). The Register’s client is the Government. Producers of EEE and treatment operators of discarded electrical appliances and low-energy light bulbs (WEEE) register at and report to the Register. Further information on the Register you can find on their website <https://www.nationaalweeeregister.nl/english/home/>

1. Mandatory appointment of authorised representative

How can a producer based inside or outside Europe meet its obligations in the Netherlands?

This producer can authorise a legal or natural person in the Netherlands (Article 21 Dutch implementation of the WEEE Directive) to meet the obligations issuing from the regulation on its behalf. That means to register and indicate how the producer is meeting its collection obligation. From then on, the authorised representative is responsible for fulfilling the producer’s obligations. The authorised representative can become a member of a producer collective or a collective system.

2. Voluntary appointment of authorised representative

There is no legal basis in the Netherlands to voluntarily appoint an authorised representative.

3. Authorised representative – roles and responsibilities

After signing the participation agreement the authorised representative is responsible for fulfilling the producer’s obligations. The authorised representative can become a member of a producer collective or a collective system. In practice in the Netherlands the producer collective acts as the authorised representative after signing the participation agreement by the producer who is not based inside the Netherlands.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate.

In the participation agreement of the product foundation Wecycle article 3.3 has this text concerning the authorised representative:

If the Participant is a producer that is not established in the Netherlands, the Participant hereby appoints the Product Foundation as the Participant’s authorised representative, as referred to in Article 17 of the Directive and Article 21 of the Decree, and the Participant hereby grants power of attorney to the Product Foundation for the fulfilment of the obligations mentioned in paragraphs 1 and 2. The power of attorney and the fulfilment exclusively concern the Equipment that the Participant has and/or will place on the market in the Netherlands.

The Membership Agreement Collective Producer System of WEEE.nl has the following text in 4.:

4. The system will act when required as authorised representative for COMPANY in relation to the Regulations (see Annex 4).

Annex 4: Power of Attorney: authorised representative

The company
(as power of attorney giver)
Appoints
WEEE Nederland B.V.
Wilmersdorf 36
7327 AC Apeldoorn
Netherlands

as authorised representative towards authorities and producer schemes in respect to the liabilities coming from the Dutch legal transposition of the WEEE directive 2012/19/EU and if applicable the battery directive 2006/66/EG.

5. Useful links

Producer register:

<https://www.nationaalweeeregister.nl/english/faq.html>

Compliance scheme(s)/:

PV Cycle
Stichting RTA
Wecycle
WEEE Nederland

Enforcement authority:

Human Environment and Transport Inspectorate
Postbus 16191 | 2500 BD Den Haag
<https://english.ilent.nl/about-the-ilt>

Further useful information:

The NWR itself contacts the collective systems to ensure the effective registration of all participating producers. Producers that individually meet their obligations in the WEEE Directive can use this web form to register. The producers of lighting are an exception to the rule: they must take part under the AVV (Universally Binding Agreement) of the Foundation Lightrec and contact the collective system Wecycle. If you have any questions about the registration process, please email info@weee-register.nl.

Norway

Introduction

The Norwegian WEEE-system is regulated in the Waste Regulation Chapter 1 (https://lovdata.no/dokument/SF/forskrift/2004-06-01-930/KAPITTEL_1#KAPITTEL_1).

The regulation is available in Norwegian only.

Importers and Norwegian producers are obliged to be member of a Norwegian Producer responsibility Organisation (PRO). PROs are responsible for collection and treatment on behalf of their members.

1. Mandatory appointment of authorised representative

A distance seller selling EEE directly to a consumer (B2C) in Norway shall appoint an authorised representative (AR) in Norway.

2. Voluntary appointment of authorised representative

A producer outside Norway may appoint an authorised representative (AR) in Norway.

3. Authorised representative – roles and responsibilities

AR will need a written mandate from the distance seller or the producer outside Norway which have appointed them. The AR will then be obliged to become a member of a Norwegian PRO and report data to this PRO.

The AR for producers outside Norway will also have to contact the Norwegian importer registered in Norwegian Customs to inform that this importer is no longer an obligation for being a member in a PRO for the products for which the AR is taking responsibility.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate.

A copy of the written mandate will be sent to the PRO where the AR is a member. For more detailed information on written mandate, contact the PRO.

There is no template for written mandate in Norway.

5. Useful links

Producer register:

<https://produsentansvar.miljodirektoratet.no/>

Compliance scheme(s)/service companies:

<https://produsentansvar.miljodirektoratet.no/returselskap>

Enforcement authority:

Norwegian Environment Agency: <https://www.miljodirektoratet.no/>

Portugal

Introduction

Decree-Law no. 152-D/2017, of 11 December, which unifies the management of specific waste flows subject to the principle of extended producer responsibility, approves the legal framework for the management of waste electrical and electronic equipment (WEEE), establishing measures to protect the environment and human health, with the objectives of preventing or reducing the adverse impacts arising from the production and management of such waste, reducing the overall impacts of resource use, improving the efficiency of that use, and contributing to sustainable development. The legislation transposed into national law Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on WEEE.

The producers of EEE are subject to registration obligations pursuant to Article 19 of Decree-Law No 152-D/2017 of 11 December in order to make it possible to monitor and control compliance with their obligations.

Non-compliance with the obligation of registration or adherence to a collective/individual system implies the prohibition of placing EEE on the national market.

1. Mandatory appointment of authorised representative

A producer/packer established in another Member State or in a third country supplying products by means of distance communication directly to private households or to users other than private households must appoint a legal or natural person established in Portugal as the authorised representative that is responsible for fulfilling the obligations of that producer/packer, or, when a producer/packer established in Portugal supplying products to another Member State in which it's not established, must appoint an authorised representative in that Member State as the person responsible for fulfilling the obligations of that producer/packer (if applicable in that Member-State).

2. Voluntary appointment of authorised representative

A producer/packer established in another Member State selling products to national distributors may choose to assume the obligations of its customers by appointing an authorized representative in Portugal.

3. Authorised representative – roles and responsibilities

As required by the Directive, appointment of an authorised representative must be by written mandate.

The appointment of an authorised representative shall be made by means of a written mandate (in accordance with the model set out in Annex VII to Decree-Law 152-D/2017 of 11 December), which shall be submitted to the Portuguese Environment Agency at least 15 days in advance of its intended date of validity. The appointment of the authorised representative shall be made through of the Portuguese Environment Agency's producer registration platform, on the SILiAmb portal.

4. How to appoint authorised representative

The mandate must comply with the model set out in Annex VII of Decree-Law no. 152-D/2017, of 11 December, and must be taken into account the following:

The information contained in the mandate shall correspond exactly to that indicated in SILiAmb, both in terms of identification data of the authorised representative and the producer representing, and in terms of product categories;

- The subcategories are not obligatory to be included in the mandate, but when choosing to be placed they must correspond exactly to those that are included in SILiAmb;
- The legislation to be referred to is Decree-Law no. 152-D/2017, of 11 December;
- The authorised representative is legally responsible for ensuring compliance with the producer's obligations set out in the respective articles of Decree-Law no. 152-D/2017, of 11 December;
- On the effective date, it should be taken into account that the mandate has no retroactive effect and only takes effect 15 days after its submission to the APA, as established in paragraph 4 of Article 20 of Decree-Law 152-D/2017, of 11 December, that is, at least 15 days after its submission to the SILiAmb platform;
- The signatures contained in the mandates must contain the identification of the signatory (name) and the capacity in which it does so (e.g. manager, administrator), and the quality and disposition of powers of representation on the part of those granting the mandates must be recognized;

The signature of the authorized representative and the represented producer or, in the case of a third company acting on behalf of the producer, the respective power of attorney must be attached to the mandate and must comply with the following formalities:

- The signature of the producer on the mandate for the appointment of an authorised representative (and, where applicable, of powers of attorney) must comply with the formalities laid down in the Decree-Law referred to above, depending on whether or not the document is issued, in a Member State which is a signatory to or party to the Hague Convention.
- The mandate shall be drawn up in the Portuguese language. Since these are foreign producers, the mandate may be drawn up and signed in parallel in two languages.

An example of the mandate is included below.

Deed No. /2019

Mandato

(a que se refere o n.º 5 do artigo 20.º do Decreto-Lei n.º 152-D/2017)

com número de identificação fiscal DE198159823 e com domicílio em _____
Nome(s) _____ com número de identificação fiscal: _____ e com domicílio em _____
como seu representante autorizado em Portugal, nos termos do Decreto-Lei n.º 152-D/2017, de 11 de dezembro, que estabelece o regime jurídico a que fica sujeita a gestão dos fluxos específicos de resíduos abrangidos pela Responsabilidade Alargada do produtor. O presente mandato abrange as seguintes categorias de produto:

Equipamentos elétricos e eletrónicos / Electric and electronic equipment

- Categoria 1: equipamentos de regulação da temperatura / Temperature exchange equipment
- Categoria 2: ecrãs, monitores e equipamentos com ecrãs de superfície superior a 100 cm² / Screens, monitors, and equipment containing screens having a surface greater than 100 cm²
- Categoria 3: lâmpadas / Lamps
- Categoria 4: equipamentos de grandes dimensões com qualquer dimensão externa superior a 50 cm / Large equipment (any external dimension more than 50 cm)
- Categoria 5: equipamentos de pequenas dimensões sem dimensões externas superiores a 50 cm / Small equipment (no external dimension more than 50 cm)
- Categoria 6: equipamentos informáticos e de telecomunicações de pequenas dimensões, com nenhuma dimensão externa superior a 50 cm / Small IT and telecommunication equipment (no external dimension more than 50 cm)

A _____ compromete-se, enquanto representante autorizado do _____, a representá-lo nos termos constantes no Decreto-Lei n.º 152-D/2017, de 11 de dezembro, sendo legalmente responsável por assegurar o cumprimento das obrigações do _____ previstas nos números e artigos respetivos do referido decreto-lei, designadamente:

Artigo 5.º: Responsabilidade pela gestão
Artigo 7.º: Sistemas de gestão de fluxos específicos de resíduos
Artigo 9.º: Sistema individual de gestão de fluxos específicos de resíduos ou
Artigo 10.º: Sistema integrado de gestão de fluxos específicos de resíduos, conforme aplicável
Artigo 14.º: Financiamento da entidade gestora
Artigo 19.º: Registo de produtores e outros intervenientes
Artigo 20.º: Representante autorizado
Artigo 55.º: Princípios de conceção e gestão de equipamentos elétricos e eletrónicos
Artigo 56.º: Objetivos e metas anuais de recolha de equipamentos elétricos e eletrónicos
Artigo 57.º: Objetivos nacionais de valorização de equipamentos elétricos e eletrónicos
Artigo 58.º: Recolha seletiva de resíduos de equipamentos elétricos e eletrónicos
Artigo 59.º: Regras específicas para a recolha e transporte
Artigo 60.º: Tratamento adequado
Artigo 61.º: Regras para o tratamento
Artigo 62.º: Preparação para reutilização
Artigo 63.º: Transferências de resíduos de equipamentos elétricos e eletrónicos
Artigo 64.º: Transferência de equipamentos elétricos e eletrónicos usados suspeitos de serem resíduos
Artigo 65.º: Responsabilidade pela recolha de resíduos de equipamentos elétricos e eletrónicos provenientes de utilizadores particulares
Artigo 66.º: Responsabilidade pela recolha de resíduos de equipamentos elétricos e eletrónicos provenientes de utilizadores não particulares
Artigo 67.º: Financiamento da gestão de resíduos de equipamentos elétricos e eletrónicos provenientes de utilizadores não particular
Artigo 68.º: Sensibilização e informação dos utilizadores
Artigo 69.º: Informação para instalações de tratamento

do referido decreto-lei. Não obstante o disposto no presente mandato, o Brainlab Sales GmbH só fica desonerado das responsabilidades ora delegadas

Abschrift

(referred to in paragraph 5 of article 20 of Decree-Law no. 152-D/2017)

Mandate

th VAT number _____ Established in
Oluf-Palme-Str. 9 – 81829 München - Germany
Names _____ with Fiscal Identification Number _____ domiciled at _____
as its authorized representative in Portugal, under the terms of Decree-Law no.152-D/2017, of 11 December, which establishes the legal framework to which the management of the specific waste streams covered by the Producer's Extended Responsibility is subject. This mandate covers the following product categories:

_____, as authorized representative of _____, in Portugal, to represent _____ under the terms of Decree-Law 152-D/2017, being legally responsible for ensuring compliance with the obligations of the _____ i.e.:

Article 5: Responsibility for management
Article 7: Specific waste streams management systems
Article 9: Specific waste streams individual compliance scheme or
Article 10: Collective specific waste streams compliance scheme, accordingly
Article 14: Financing of the compliance scheme
Article 19: Registration of producers and other actors
Article 20: Authorized representative
Article 55: Principles of design and management of electrical and electronic equipment
Article 56: National annual targets for the collection of electrical and electronic equipment
Article 57: National targets for the valorisation of electrical and electronic equipment
Article 58: Selective collection of waste electrical and electronic equipment
Article 59: Specific rules for the collection and transport
Article 60: Appropriate treatment
Article 61: Rules for the treatment
Article 62: Preparation for reuse
Article 63: Transfers of waste electrical and electronic equipment
Article 64: Transfer of used electrical and electronic equipment suspected to be waste
Article 65: Responsibility for the collection of waste electrical and electronic equipment from private users
Article 66: Responsibility for the collection of waste electrical and electronic equipment from non-private users
Article 67: Financing of the management of waste electrical and electronic equipment from non-private users
Article 68: Awareness and information of users
Article 69: Information for treatment facilities

of the referred decree-law. Notwithstanding the provisions of this mandate, the Brainlab Sales GmbH shall only be released from the

na _____ desde que se verifique o efetivo cumprimento do mandato pelo delegatário.
O presente mandato, assinado por ambas as partes, produz efeito 15 dias após a sua apresentação à APA, I. P. e termina a sua vigência assim que uma das partes informar a APA, I. P. de que o mesmo foi rescindido.

Assinatura do representante autorizado (representante legal) |
Signature of the authorized representative (Legal Signatory)


Nome | Name: _____
Posição | Position: _____
Assinado em / signed on the 10 / 10 / 2011


responsibilities _____ provided that the delegate has effectively fulfilled the mandate.
The present mandate, signed by both parties, takes effect 15 days after its submission to APA, I. P. and expires as soon as one of the parties informs APA, I. P., that it has been terminated.

Assinatura produtor/embalador (representante legal) |
Signature producer / packer (Legal Signatory)

Nome | Name: Nils Ehrke
Posição | Position: Managing Director
Assinado em / signed on the 10 / 10 / _____

APOSTILLE
(Convention de La Haye du 5 October 1961)

1. Country: _____
- This public document
2. has been signed by _____
3. acting in the capacity of _____
4. bears the seal/stamp of _____
- Certified
5. At _____ 6. the _____
7. by _____
8. Nº _____
9. Seal/stamp: _____
10. Signature _____

<p>Ich, Notar, beglaube hiermit die Echtheit der vorstehenden, vor mir vollzogenen Unterschrift von</p> <p>Herrn I geboren am wohnhaft in</p> <p>geschäftsansässig c/o</p> <p>ausgewiesen durch amtlichen Lichtbildausweis.</p> <p>hier handelnd als Geschäftsführer für die</p> <p>mit dem Sitz in eingetragen im Handelsregister des Amtsgerichts Registergericht, unter inländische Geschäftsanschrift:</p> <p>aufgrund Einsicht in das Handelsregister en vom heutigen Tag fest, dass dort unter die mit dem Sitz in sowie ke als deren Geschäftsführer eingetragen sind.</p> <p>tets einzeln und ist von den befreit, d.h. I</p> <p>ist befugt, im Namen der mit sich im eigenen Namen oder als Vertreter eines Dritten Rechtsgeschäfte abzuschließen.</p>	<p>I, Notary, hereby certify that the above is the true signature, signed in my presence, of</p> <p>Mr. I born resident in</p> <p>with business address: c/o</p> <p>identified by his identity card.</p> <p>as Managing Director acting on behalf of</p> <p>with seat in registered with the Commercial Register of the District Court of , in Division domestic business address:</p> <p>From inspection of the Commercial Register of the District Court of Munich of today, I, Notary, hereby certify, that Brainlab Sales GmbH with its seat in Munich and Mr. I are there registered in I and that is authorized to represent the company solely. He is released from the restrictions of Civil Code (BGB), this means that is authorized to act on behalf of the Company in legal transactions with himself in person or with himself as representative of a third party.</p>
<p style="text-align: center;">3 / M</p> <p style="text-align: center;"></p> <p style="text-align: center;">Notar / Notary</p>	

5. Useful links

Producer register:

Here you can access to the registration system regarding Producer Registration, including Authorised Representatives and is supported via the SILiAmb platform:

<https://siliamb.apambiente.pt/pages/public/login.xhtml>

Service companies:

Presently, the following entities are providing the service of authorized representative in Portugal:

- 3 Drivers - Engenharia, Inovação e Ambiente, Lda.
<http://www.3drivers.pt/>
- Waste Trends Sociedade Unipessoal Lda
<https://www.waste-trends.com/>
- ID-CC CONSULTING, LDA
<http://www.portugal-ar.com/en/home>

Enforcement authority:

According to article 89 of Decree-Law no. 152-D/2017, of December 11, the enforcement authorities are IGAMAOT, ASAE, AT and CCDR, as well as the police authorities, in accordance with their territorial jurisdiction.

- General Inspection of Agriculture, Sea, Environment and Spatial Planning (IGAMAOT)

www.igamaot.gov.pt/

- Food and Economic Security Authority (ASAE)

www.asae.gov.pt/

- Tax and Customs Authority (TA)

www.portaldasfinancas.gov.pt/

- Regional Coordination and Development Committees (CCDR):

- CCDR-North www.ccdr-n.pt/

- CCDR-Center www.ccdrc.pt/

- CCDR-LVT www.ccdr-lvt.pt/

- CCDR-Alentejo www.ccdr-a.gov.pt/

- CCDR-Algarve www.ccdr-alg.pt/

- Police authorities:

- National Republican Guard Nature and Environmental Protection Service (SEPNA / GNR) <https://www.gnr.pt/>

- Public Security Police Environmental Protection Brigade (BriPA / PSP) <https://www.psp.pt/>

Further useful information:

Here you can access the step-by-step Manual regarding Producer Registration through Authorised Representatives (only available in Portuguese):

<https://apoiosiliamb.apambiente.pt/lista-de-documentos/1301?language=pt-pt>

There are no costs associated with Producer registration, at the present.

Slovak Republic

Introduction

In Slovakia, there are 11 extended producer responsibility organizations ("EPR"). EPR organisation is a legal person with registered office in the Slovak Republic established, owned and operated exclusively by producers of specified products with registered office in a Member State. In accordance with the authorisation granted, a responsible producing organization shall ensure, on the basis of a contract for the performance of the specified obligations, the performance of these obligations on behalf of the represented producers of specified products. The responsible producing organization shall not be operated for profit.

The Ministry of Environment of the Slovak Republic is the authority, that supervises the producer register. If the Ministry finds a breaking of the law, imposition of administrative offences is up to Slovak Environmental Inspectorate.

Article 30 paragraph 1 through 10 in Act on Waste – process of entry into and deletion from registers:

§ 30 Entry into and deletion from the Register of Producers of Specified Products of producers of specified products

(1) Producers of specified products shall, prior to placing a specified product on the market, deliver to the Ministry a written application for entry into the Register of Producers of Specified Products accompanied by a declaration that they will perform the specified obligations individually or by the certificate referred to in paragraph 3. Producers of specified products who perform their obligations in relation to a specified product in accordance with § 27(7) shall attach to the application for entry into the Register of Producers of Specified Products the declaration referred to in paragraph 4. Producers of specified products not entered in the Register of Producers of specified waste streams may not place a specified product on the market.

(2) Producers of specified products intending to perform the specified obligations individually shall, no later than within six months of the date of entry into the Register of Producers of Specified Products, obtain authorisation to perform the obligations individually. The registration of producers of specified products who fail to obtain the above authorisation within this period shall be valid if they present the certificate referred to in paragraph 3 within that period.

(3) Producers of specified products intending to perform their specified obligations collectively shall attach to the application referred to in paragraph 1 confirmation that they have entered into a contract for the performance of the specified obligations with a producer responsibility organization. Producers of batteries and accumulators intending to perform their specified obligations through a third person shall also attach to the application referred to in paragraph 1 confirmation that they have entered into a contract for the performance of the specified obligations with a third person.

(4) The declaration attached by producers of specified products intending to perform their obligations in relation to a specified product in accordance with § 27(7) shall contain a) an indication of the specified products for which they will perform their obligations in a special manner, b) evidence of the ability to comply with the conditions referred to in § 27(7).

(5) The Ministry shall enter the producer of a specified product into the Register of Producers of Specified Products within 10 working days of receipt of an application complying with paragraph 1 and issue a certificate of entry to the producer of a specified product within 10 working days of making the entry.

(6) Producers of specified products shall notify the Ministry of any changes in the information provided in the application referred to in paragraph 1 or in the attachments thereto within 30 days of the date the changes occur and, at the Ministry's request, provide adequate evidence for the changes notified.

(7) If the changes referred to in paragraph 6 concern a transition to performing the specified obligations individually, performing the specified obligations collectively, performing the specified obligations through a third person, or performing the specified obligations in accordance with § 27(7), the producers of specified products shall report such changes within 15 days of the date the changes occur. If the changes concern a transition to performing the obligations collectively or performing the obligations through a third person, the producers of specified products shall, together with this notification, present the certificate referred to in paragraph 3. If the changes concern a transition to performing the obligations in accordance with § 27(7), the producers of specified products shall, together with this notification, present the declaration referred to in paragraph 4.

(8) The Ministry shall make changes in the registered information on the basis of the notification from the producer of a specified product under paragraph 6 or on its own initiative, if the registered information is not consistent with the actual situation. The Ministry shall issue to the producer of a specified product a new certificate of registration if the change concerns the registered information in the certificate.

(9) The Ministry shall delete a producer of a specified product from the Register of Producers of Specified Products at the latest within 30 days of the date one of the following occurs:

- a) the Ministry becomes aware that a registered producer of a specified product has ceased to exist,
- b) the deletion has been requested by a registered producer of a specified product,
- c) a producer of a specified product has failed to meet the obligation under paragraph 2,
- d) a producer of a specified product has failed to meet the obligation under paragraph 7,
- e) a producer of a specified product no longer fulfils his or her specified obligations in accordance with the provisions of § 27(6) or (7) or § 44 (2), and
 1. has failed to present the certificate referred to in paragraph 3,
 2. has failed to obtain authorisation to perform the obligations individually, or
 3. has not become or is not a person complying with the conditions referred to in § 27(7).

(10) The Register of Producers of Specified Products shall be publicly accessible on the Ministry's website, with the exception of data protected under specific regulations.²⁰⁾

Article 17 (authorised representative) of the directive 2012/19/EU on waste electrical and electronic equipment (WEEE) was transposed into the legislation of the Slovak Republic, concretely in Act no. 79/2015 on waste and amendments to certain acts ("Act on Waste").

1. Mandatory appointment of authorised representative

By article 27 paragraph 4 letters a) and b) in Act on Waste, Producers of specified products (including) shall

- a) register in the Register of Producers of Specified Products and report any changes in the registered data,
- b) designate an authorised representative in accordance with paragraphs 18 through 20, if they are producers of specified products referred to in paragraph 18,

By article 27 paragraph 18 through 20 Act on Waste:

(18) Producers of specified products who do not have their registered office or place of business in the Slovak Republic shall designate an authorised representative to perform the 36 obligations imposed under this Act by means of authorisation under paragraph 19; this shall be a legal person or a sole trader with registered office or place of business in the Slovak Republic.

(19) The authorisation must be granted in writing and within a scope providing the authorised representative access to all rights and obligations of the producer of a specified product arising from this Act. The authorisation shall be granted for a minimum of 1 year.

(20) On the basis of the authorisation under paragraph 19, the authorised representative, acting in his/her own name, shall be responsible for the fulfilment of all obligations of the producer of a specified product under this Act.

Every producer from a foreign country can choose an authorised representative.

2. Voluntary appointment of authorised representative

There is no legal basis for voluntary appointment of an Authorised Representative in Slovak Republic.

3. Authorised representative – roles and responsibilities

The authorised representative, acting in his/her own name, shall be responsible for the fulfilment of all obligations of the producer of a specified product under this Act.

By article 27 paragraph 4 letters a) through k) in Act on Waste:

(4) Producers of specified products shall

- a) register in the Register of Producers of Specified Products and report any changes in the registered data,
- b) designate an authorised representative in accordance with paragraphs 18 through 20, if they are producers of specified products referred to in paragraph 18,
- c) ensure that the material composition, design and labelling of the specified product comply with a separate subpart of this part of the Act, if so required thereunder,
- d) fulfil their information obligation in relation to the public and processors of specified waste streams in accordance with a separate subpart of this part of the Act,
- e) ensure that the targets set out in Annex 3 are met,
- f) ensure management of specified waste streams within the scope and in the manner set out in a separate subpart of this part of the Act,
- g) ensure recovery and recycling of specified waste streams at least at the level of the binding recovery and recycling limits for the specified waste stream set out in Annex 3,
- h) keep and retain records and report to the Ministry information from the records within the required scope and retain the reported data,
- i) fulfil their information obligation in relation to end-users of specified products in accordance with a separate subpart of this part of the Act and an implementing regulation [§ 105(3) i)],
- j) by 30 April, calculate their collection and market shares in accordance with a separate subpart of this part of the Act, on the basis of the data published by the Ministry on its website,

k) ensure that the whole quantity of a separately collected component of municipal waste falling within a specified waste stream is collected in the municipality in which they are responsible for this specified waste stream; this shall be without prejudice to the provisions under e) and g).

4. How to appoint authorised representative

By article 27 paragraph 18 through 20 Act on Waste:

(18) Producers of specified products who do not have their registered office or place of business in the Slovak Republic shall designate an authorised representative to perform the 36 obligations imposed under this Act by means of authorisation under paragraph 19; this shall be a legal person or a sole trader with registered office or place of business in the Slovak Republic.

(19) The authorisation must be granted in writing and within a scope providing the authorised representative access to all rights and obligations of the producer of a specified product arising from this Act. The authorisation shall be granted for a minimum of 1 year.

(20) On the basis of the authorisation under paragraph 19, the authorised representative, acting in his/her own name, shall be responsible for the fulfilment of all obligations of the producer of a specified product under this Act.

5. Useful links

Producer register:

<https://www.isoh.gov.sk/uvod/registre.html>

Register of EPR organizations:

<https://www.isoh.gov.sk/uvod/registre/zoznam-ozv-pre-elektrozariadenia.html>

Register of coordination centres (the coordination centre associates EPR organisation):

<https://www.isoh.gov.sk/uvod/registre/zoznam-koordinacne-centra.html>

Ministry of Environment of the Slovak Republic, Námestie Ľ. Štúra 1, 812 35, Bratislava

<http://www.minzp.sk/>

Spain

Introduction

The Royal Decree 110/2015 of 20th February on wastes of electric and electronic equipment establishes that registration on the Registro Integrado Industrial is mandatory for EEE producers who are placing their equipment on the market of Spain. This royal decree includes a definition for producer:

Any natural or legal person who, irrespective of the selling technique use within the meaning of Law 7/1996, of 15 of January, on retail commerce in respect of distance contracts:

1st. is established in Spain and manufactured 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;

2nd. is established in Spain and resells under his own name and 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 1st;

3rd. is established in Spain and places on the market of Spain professional basis, EEE from a third country or from another Member State, or

4th. 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.

1. Mandatory appointment of authorised representative

According to the Royal Decree 110/2015 of 20th February, any natural or legal person who is established in other Member State or in a third country and sells EEE directly to private households or to professional users in Spain has to appoint an authorised representative in Spain.

According to the Royal Decree 110/2015 of 20th February, any natural or legal person established in Spain selling EEE in another Member State has to appoint an authorised representative in that Member State.

2. Voluntary appointment of authorised representative

According to the Royal Decree 110/2015 of 20th February, a producer established in other member state or third country who does not sell directly to private households or to professional users may appoint a legal or natural person established in Spain as its authorised representative. Where appointed, this person will be the responsible for fulfilling the obligations of the producer.

3. Authorised representative – roles and responsibilities

The AR will be the responsible for fulfilling the obligation of the producer. First of all, the AR will be register in the Registro Integrado Industrial as producer, and then the AR will have to indicate the way it will comply with the extended responsibility obligations.

4. How to appoint authorised representative

The appointment of an authorised representative shall be by written empowerment. A copy of the written empowerment will be sent to the Registro Integrado Industrial at the time of registration.

There is no template for the mandate, however, an example of a mandate is included below. This model is not a template, but it can be used as guideline.

MODELO DE APODERAMIENTO COMO REPRESENTANTE AUTORIZADO

Don xxxxxxxxxxxxxx, mayor de edad, de nacionalidad xxxxxxxxx, con Documento Nacional de Identidad nº xxxxxxxxxxxxxx, en nombre y representación de (nombre de empresa representada), con domicilio social en (datos de la empresa representada), en su calidad de xxxxxxxxxxxxxx, como se desprende de (documento donde se acredite el cargo y las facultades),

DICE

I. Que (nombre de la empresa representada) (en adelante, LA EMPRESA) ostenta la condición de productor de aparatos eléctricos y electrónicos (AEE) de acuerdo con lo establecido en el Real Decreto 110/2015, de 20 de febrero, de Residuos de Aparatos Eléctricos y Electrónicos (en lo sucesivo, Real Decreto 110/2015).

II. Que LA EMPRESA se encuentra adherida a xxxxxxxxx, como Sistema Colectivo de responsabilidad ampliada del productor de RAEE, autorizado en todo el territorio nacional, con domicilio en xxxxxxxxxxxxxx, C.P. xxxxxxxxxxx y CIF xxxxxxxx al que ha trasladado, conforme al artículo 38.2 del Real Decreto 110/2015, el cumplimiento de las obligaciones de gestión, financiación e información que le corresponden respecto a los AEE que pone en el mercado y que ha incorporado al Sistema Colectivo (en concreto, los que se indican en el Anexo I de este apoderamiento).

III. Que, de acuerdo con el Real Decreto 110/2015, LA EMPRESA, al no estar establecida en España y/o vender AEE por medios de comunicación a distancia directamente a hogares particulares o a usuarios profesionales en España, puede, en el primer caso, y debe, en el segundo, nombrar a un representante autorizado como persona física o jurídica establecida en España nombrada por el productor y que será responsable de cumplir las obligaciones de dicho productor en el territorio nacional a los efectos del Real Decreto 110/2015. La citada norma solo contempla expresamente la intervención del representante autorizado en el artículo 8, a efectos de que realice, en nombre y representación del productor no establecido en España, la inscripción en la sección especial para los productores de aparatos eléctricos y electrónicos del Registro Integrado Industrial y las declaraciones periódicas de puesta en el mercado.

IV. Que tal y como interviene, en la representación que ostenta, confiere poder especial, pero tan amplio y bastante como en Derecho se requiera y sea necesario, a favor de xxxxxxx para que, actuando en nombre y por cuenta de LA EMPRESA ante el Registro Integrado Industrial del Ministerio de Industria, Energía y Turismo como su representante autorizado, ejercite, en la forma indicada, las siguientes

FACULTADES

1) Inscribir a LA EMPRESA en el Registro Integrado Industrial y facilitar en dicho momento la información de LA EMPRESA contenida en el apartado 1 del Anexo VI del Real Decreto 110/2015, de 20 de febrero, sobre Residuos de Aparatos Eléctricos y Electrónicos.

2) Comparecer ante el Registro Integrado Industrial para realizar cuantas gestiones sean precisas o convenientes al objeto de ser reconocido como representante autorizado de LA EMPRESA, con el alcance expresamente indicado en este apoderamiento.

3) *Facilitar al Registro Integrado Industrial trimestralmente y por vía electrónica la información de LA EMPRESA contenida en el apartado 2 del Anexo VI del Real Decreto 110/2015, de 20 de febrero, sobre Residuos de Aparatos Eléctricos y Electrónicos y, en cualquier momento, aquella que pueda serle requerida por el citado Registro.*

4) *Comunicar al Registro Integrado Industrial la actualización de la información correspondiente a LA EMPRESA y las declaraciones complementarias que sean procedentes.*

5) *Recibir las comunicaciones, requerimientos y notificaciones del Registro Integrado Industrial en relación con el cumplimiento de las obligaciones de LA EMPRESA, así como trasladar esta información a LA EMPRESA.*

6) *Determinar y designar libremente a la/s persona/s física/s que serán habilitadas en los medios del Registro Integrado Industrial para realizar en nombre de LA EMPRESA los actos recogidos en el presente poder.*

El ejercicio de las anteriores facultades por xxxxxxxx se llevará a cabo en los siguientes términos:

- *Para la ejecución de este apoderamiento, es indispensable para xxxxxx disponer de la información, datos o documentos de LA EMPRESA relacionados en este apoderamiento y exigidos por el artículo 8 del Real Decreto 110/2015 o instrumentos o normas que desarrollen o complementen el mismo, como datos, información o documentos que deben ser facilitados por el Representante autorizado al Registro integrado del Ministerio de Industria. La información y datos que a tal efecto suministre LA EMPRESA deberá ir acompañada de una declaración de veracidad de la misma.*

La remisión de dicha información, cumplimentada sin errores ni falsedades conforme al procedimiento y términos acordados por LA EMPRESA y xxxxxx, es condición esencial del presente apoderamiento. En ningún caso, xxxxxxxx será responsable de los daños o perjuicios que puedan derivarse por la inexactitud, retraso o error en la información facilitada por LA EMPRESA.

- *LA EMPRESA se compromete a dejar indemne a xxxxxx ante cualquier reclamación, condena, daño, perjuicio, gasto o sanción de cualquier orden jurisdiccional que pudiera derivarse para xxxxxxxx directa o indirectamente de la ejecución de este apoderamiento siempre que xxxxxxxxxx haya trasladado en tiempo y forma la información que le haya facilitado LA EMPRESA en la forma y plazos acordados conforme al punto anterior.*

- *El apoderamiento no supone la transmisión a xxxxxxxx de las responsabilidades que únicamente corresponden a LA EMPRESA en su condición de productor de aparatos eléctricos y electrónicos, ni las que son transmitidas a xxxxxxxxxx o a cualquier otro Sistema de Responsabilidad ampliada del productor conforme a la normativa vigente.*

Y para que conste a los efectos oportunos emito el presente documento en xxxxxxxx, a xx de xxxxxx de xxxxxx.

5. Useful links

Producer register:

<https://industria.gob.es/RAEE/Paginas/Index.aspx>

Compliance scheme(s):

Ecolec: <https://www.ecolec.es/>

Ecotic: <https://www.ecotic.es/>

ERP: <https://erp-recycling.org/es-es/>

Ecoasimelec: <https://www.tragamovil.es/>

Ecofimatica: <https://www.ecofimatica.es/>

Ecolum: <http://www.ecolum.es/>

Ambilamp: <https://www.ambilamp.es/>

Ecoraees: <https://www.eco-raee.com/>

Reinicia: <https://www.reinicia.eu/#reinicia>

Sunreuse: <http://www.sunreuse.eu/>

Enforcement authority:

Spain is divided into 17 autonomous communities and 2 autonomous cities (Regions). Each of these regions is competent for the enforcement.

https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/prevencion-y-gestion-residuos/enlaces/Pagina_enlaces_comunidades_autonomas.aspx

Further useful information:

Royal Decree 110/2015 (English version): <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/prevencion-y-gestion-residuos/flujos/aparatos-electr/Royal-Decree-on-wastes-electronic-electric-equipments.aspx>

<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/prevencion-y-gestion-residuos/flujos/aparatos-electr/Default.aspx>

Sweden

Introduction

In Sweden there is an extended producer responsibility (EPR) for eight product groups. EPR places the responsibility for the proper end-of-life management of the waste products on the individual producers. However, producers work collectively to exert this responsibility by setting up Producer Responsibility Organisations (PROs). For producers of electric and electronic equipment and batteries, it is mandatory to be part of a PRO. The legislation mandates the collection systems to have a national coverage to give the entire Swedish population access to the system.

There are two PROs for electrical and electronic waste and batteries. Electrical Equipment Collection Service (El-Kretsen) is the largest, owned by the 19 trade associations for electrical equipment. The other is Recipo, a company focusing on collection of electronic waste in stores, their members being individual producers (retailers). A producer of electrical products is required to use the services of a PRO with a nationwide collection system regardless of whether the products are for private or commercial use. In Sweden the producer organisations operate as not-for-profit businesses.

In Sweden, the EU directives have been incorporated into national law by Ordinance on producer responsibility for electrical and electronic products SFS 2014:1075

The EPA

For electrical and electronic waste and batteries, the EPA has the operational responsibility to ensure that each producer complies with the EPR. This is done through the information that the producers annually report to the EPA. The municipalities are responsible for the local compliance to most of the EPRs. This includes the compliance of local producers to their respective ordinance. The local authorities also have the responsibility to audit any treatment facilities within the municipality.

Fees

Both the municipalities and the EPA charge fees for the supervision of the producer responsibilities. The fee is most commonly designed as an hourly fee based on the time used for each inspection and the work concerned herewith.

Public Awareness

The EPR ordinances electric and electronic waste and batteries regulate the responsibility of the producers to inform the public about their products and collection systems and how producers and municipalities are to coordinate their efforts regarding public awareness.

The role of the municipalities

For easier and effective communication/information for the public and to have a unified front regarding waste management, the responsibility for communication and information rests with the municipalities.

The information includes:

- the obligation to separate packaging, newsprint, electrical waste and batteries from other waste;
- how to separate the different types of waste;
- available collection systems;
- the results achieved from waste separation.

The producers of electrical products and batteries are obliged to collaborate with the municipalities and provide information needed in the communication with the public.

Collection of the electrical waste originating from households are carried out in collaboration with the municipalities at the municipal recycling centres. The organisation of collection of commercial electrical waste varies depending on local conditions and is done in collaboration with both municipalities and transport companies.

In the beginning of this EPR, the PRO for electronic and electric equipment financed the whole EPR system with product fees. As the recycling processes got more efficient and with higher metal prices, the degree of product fees financing the EPR-system decreased. To avoid some products subsidising others, the product fees are differentiated depending on the product – material content, complexity and size.

1. Mandatory appointment of authorised representative

According to the WEEE- directive member states shall make sure that those who are producers in another member state than where it is established appoint an authorised representative. The authorised representative takes over the responsibility for fulfilling the obligations of a producer in that member state and needs to be established in that member state.

- It is mandatory for a Swedish producer selling EEE by means of distance communication to a user in another member state to appoint an authorised representative.
- For a producer selling EEE by means of distance communication from another member state to Swedish users it is mandatory according to the WEEE-directive to appoint an authorised representative in Sweden. The same obligation applies to a branch, since they are part of a foreign-based company.
- Producers that are established in a third country and sell by means of distance communication to Swedish users must be registered or may instead register through an authorised representative.
- Producers inside EU that sell to a Swedish producer but want to report for the Swedish producer must appoint an authorised representative in Sweden.

2. Voluntary appointment of authorised representative

Under sub-article 17(1) a producer, as defined in Article 3(1)(f)(i-iii), may voluntarily choose to appoint an AR in a EU member state where he is not established. If a producer chooses this option, the WEEE2 directive obliges each EU member state to ensure they can proceed. Section 30 in Swedish ordinance ensures the producers this option.

From the outset it should be noted that the AR option under Article 17(1) is offered by way of exception to the general rule. The exception to appoint an AR can only apply when a “producer” (exporter) who is placing EEE on a market in another EU member state where he is not established wishes to assume all the obligations of a producer in that other EU member state (Article 17(1)) instead of the importer (Article 3(1)(f)(iii)) in that EU member state. The obligation placed on an EU member state to allow a producer to appoint an AR applies only in cross border trading.

3. Authorised representative – roles and responsibilities

By accepting the appointment and signing the mandate the AR accepts that the AR is responsible for acting in name and on behalf of the foreign producer in all matters pertaining to, inter alia:

- Fulfilling of all national producer obligations.
- Communication with the national register.
- Provision of all relevant producer/AR information upon request to the national register.
- Informing the producer about all relevant national obligations and information.
- Responsibility for payment of any fees etc.
- Accepting prosecutions in the event of non-compliance.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate. Prior to registration the written mandate outlining the appointment of the AR must be submitted to the national register where the registration application is filed. An example of such a written mandate can be found in Annex 1 ([guidance-authorised-representatives-2015-02-25](#)).

Together with the written mandate mentioned above the exporter must also submit a document to the national register showing that the exporter and the importer/importers in concern have agreed on transferring the producer's responsibilities to the exporter represented by an Authorised Representative.

The estimated timeframe to appoint an AR in Sweden is between 1 and 3 weeks depending on the time of year. The closer to 31 of March the longer it can take.

National guidance for appointment of an AR in Sweden can be found at:

www.naturvardsverket.se/upload/stod-i-miljoarbetet/vagledning/avfall/producentansvar/guidance-authorised-representatives-2015-02-25.pdf

5. Useful links

Producer register:

<http://eeb.naturvardsverket.se/In-english/>

Compliance scheme(s)/service companies:

<https://www.el-kretsen.se/english/>

<https://recipo.se/en/>

Enforcement authority:

<http://www.swedishepa.se/>

Further useful information:

<http://eeb.naturvardsverket.se/Global/V%C3%A4gledning/guidance-authorised-representatives-2015-02-25.pdf>

United Kingdom

Introduction

Obligated companies must register as a producer annually. How this is done depends on how much EEE they put on the UK market in the previous calendar year (also known as a compliance year).

Small Producers:

If less than 5 tonnes of EEE are placed on the UK market in a compliance year, a business can register directly with one of the environmental regulators as a small producer. The place of business dictates which authority the company should register with:

- Environment Agency (England)
- Natural Resources Wales (Wales)
- Northern Ireland Environment Agency (Northern Ireland)
- Scottish Environment Protection Agency (Scotland)

Registration must be done through the National Packaging Waste Database (NPWD). Businesses need to tell the authority how much EEE was placed on the market in the previous calendar year by category and whether it was household or non-household EEE.

'Large' Producers:

If more than 5 tonnes of EEE are placed on the market, a business must join a producer compliance scheme (PCS). A PCS takes on the obligations to finance the collection, treatment, recovery and environmentally sound disposal of household WEEE collected in the UK.

Registration with a PCS must be done by 15 November each year. If a business enters the UK EEE market after 15 November, they must join a PCS within 28 days of placing the EEE on the UK market. They must also be a member of a PCS in the compliance year immediately following the last compliance period in which they put more than 5 tonnes of EEE on the market in the UK.

The PCS will charge fees for its services. This includes fees for collection and treatment costs of WEEE on the producer's behalf. A producer must give its PCS information about their business. They must provide the amount of EEE they have placed on the UK market by category as requested by the scheme. The PCS must register each scheme member with the appropriate authority for each compliance period.

Household EEE:

A PCS is given a collection target for its whole membership for each compliance year. Each producer is responsible for financing a portion of that target based on its market share in each of the 14 product categories of EEE it sells. The PCS reports the information needed by the relevant environmental regulator every 3 months.

Non-household EEE:

A PCS takes on a producer's financial obligations for non-household WEEE arising in each compliance period from:

- EEE a producer placed on the market on or after 13 August 2005

- EEE that was placed on the market before 13 August 2005, regardless of the producer, which the user is replacing with equivalent new EEE

This applies unless alternative arrangements have been made between the producer and the business end-user. The PCS reports the information needed by the relevant environmental regulator once per year.

Before putting EEE on the UK market, producers based in other countries must either appoint an authorised representative (AR) based in the UK or join a UK approved PCS. This must be done in time for the relevant compliance period. UK based producers that put EEE onto the market of other member states can appoint an AR based in that state rather than registering as a producer there.

If a business does not register as a small producer or join a PCS they are committing an offence and may face enforcement action.

1. Mandatory appointment of authorised representative

See 2 below.

2. Voluntary appointment of authorised representative

Authorised Representatives are provided for in UK law by Regulation 14 of the Waste Electrical and Electronic Equipment Regulations 2013 (as amended). Regulation 14 allows for foreign producers to either register via an Authorised Representative or register directly with a compliance scheme in the UK.

3. Authorised representative – roles and responsibilities

Authorised Representatives have the same obligations as a producer, as mentioned in the introduction above. There is no discrepancy when it comes to their responsibilities. This includes the requirements to register, join a scheme, finance collection and recycling etc.

A producer or their authorised representative who has been appointed in respect of any compliance period must join a scheme on or before 15th November in the year immediately preceding the commencement of that compliance period *or* the producer or authorised representative must join a scheme within 28 days of the date that he puts or forms the intention of putting EEE on the market in the United Kingdom.

4. How to appoint authorised representative

As required by the Directive, appointment of an authorised representative must be by written mandate. The written mandate given to an Authorised Representative by a producer is a commercial matter. The UK's Environment Agency's do not prescribe a mandate. The Authorised Representative registers with a PCS or the appropriate authority and carries out its obligations as would be required of the producer. A producer cannot leave a PCS during the compliance year.

5. Useful links

Producer register:

www.gov.uk/government/publications/waste-electrical-and-electronic-equipment-weee-public-registers

Small Producers: <http://npwd.environment-agency.gov.uk/>

Compliance scheme(s)/service companies:

www.gov.uk/government/publications/waste-electrical-and-electronic-equipment-wEEE-public-registers

Enforcement authority:

- [Environment Agency \(England\)](#)
- [Natural Resources Wales \(Wales\)](#)
- [Northern Ireland Environment Agency \(Northern Ireland\)](#)
- [Scottish Environment Protection Agency \(Scotland\)](#)

Further useful information:

GOV.UK EEE Guidance Pages:

www.gov.uk/guidance/electrical-and-electronic-equipment-eee-producer-responsibility