

DIRECTIVE 2012/19/EU ON WASTE ELECTRICAL & ELECTRONIC EQUIPMENT WEEE2

The Directive 2012/19/EU, concerning Waste Electrical and Electronic Equipment (WEEE2), was published July 2012, repealing previous pieces of legislation on WEEE.

T&D Europe understands that its transmission & distribution high-voltage equipment is out of the scope of this Directive, and some of the equipment used for automation, protection, control, communication and measurement in electrical networks, when those are specifically designed, dimensioned and customized according to the specific needs of the application and installed as part of high-voltage equipment or another type of equipment that is excluded.

1. According to the Directive 2012/19/EU (WEEE2)

- the scope of the previous WEEE directive is kept until August 2018;
- high-voltage equipment is out of the scope, taking into account the definition of EEE (not exceeding 1,000 V AC / 1,500 V DC);
- the so-called “open scope” will then be applicable from August 2018, where “all” EEE should be included, unless explicitly excluded;
- the Directive’s annexes III and IV are only used to classify the EEE and do not define the Directive’s scope;
- this Directive shall not apply to EEE, as reflected in the following articles
 - Article 2 - Scope, Point 3, Section B:
 - (b) Equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment;
 - Article 2 - Scope, Point 4:
 - (b) Large-scale stationary industrial tools;
 - (c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installation;

- Article 3 - Definitions, Point 1:
 - (b) ‘Large-scale stationary industrial tools’ means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;
 - (c) ‘large-scale fixed installation’ means a large-size combination of several types of apparatus and, where applicable, other devices, which:
 - (i) a large-size combination of several types of apparatus and, where applicable, other devices, which;
 - (ii) are assembled, installed and de-installed by professionals;
 - (iii) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
 - (iv) can only be replaced by the same specifically designed equipment.All four prerequisites must be met for the exclusion to apply.

2. Furthermore, the FAQ document to WEEE, published by the EC in 2014, provides additional information on the exclusions

- Point 3.6. COMPONENTS:

- “Components cover the range of items that, when assembled, enable an EEE to work properly. Components placed on the market separately in order to be used to manufacture and/or repair an EEE fall outside the scope of the Directive unless they have an independent function themselves.”

Therefore, components that have no independent function are not considered as EEE and are outside the scope of the WEEE Directive.

- Point 3.14. “What type of equipment falls under the exclusion in Article 2(3)(b) as ‘specifically designed and installed as part of another equipment ...?’”
 - “If equipment is specifically produced in order to be installed as part of another type of equipment that is excluded from or does not fall within the scope of the Directive and can fulfil its function only if it is part of that equipment, such equipment is ‘specifically designed’ and falls out of the scope of the Directive (Article 2(3)(b)). In these cases, “specifically designed” equipment means that it is tailor made since it is designed to meet the needs of a specific application in the equipment that it is part of.”

- Point 3.17. “Is equipment such as IT and telecommunication equipment used within a large-scale fixed installation or a large-scale stationary industrial tool excluded from the scope?”
 - This depends. Equipment which is not specifically designed and installed as part of an excluded installation or tool is not excluded from the scope.

T&D Europe understands that WEEE2 directive is not applicable to ‘large-scale stationary industrial tools’ and ‘large-scale fixed installations’ which represent the T&D Europe equipment.

This is supported by Directive’s FAQ document of April 2014, sections E and F, detailing exclusions: “The idea is that large-scale industrial tools/machines that are installed, maintained, used and removed by professionals should be excluded from the new WEEE Directive“ and “The idea is that professional EEE which is of large size and fixed but not an industrial tool, can be exempted if it fulfils the criteria in the definition of large-scale fixed installation“.

Furthermore it can be referred to the European Commission’s ROHS2 FAQ document of December 12, 2012, which clearly states under Q3.1 that an installation with a rated power greater than 375 kW can be considered large-scale. T&D Europe Equipment’s rated power exceed this value.

T&D Europe understands that some of the equipment used for automation, protection, control, communications and measurement in electrical networks, fall under the exceptions previously mentioned only when they are specifically designed, dimensioned and customized according to the specific needs of the installation. In those cases the WEEE2 Directive is not applicable to them.

The type of equipment that fall under these exceptions are always part of high- and medium-voltage switchgear installations, and are always specifically adapted to the needs of the installed switchgear and the electrical network at the point of installation. Those cannot fulfil their basic functions without being connected to their respective high/medium-voltage equipment. A non-exhaustive list of that equipment is the following:

- High- and medium-voltage equipment protection relays;
- CT/VT which are installed in high/medium-voltage equipment;
- high/medium-voltage switchgear specific devices and sensors like: voltage presence indicators, fault passage indicators, internal arc fault indicators, etc.;
- Communication devices;
- Any other protection, control, automation and metering equipment for electrical transmission and distribution network;
- etc.

When equipment used for automation, protection, control, communications and measurement in electrical networks are not specifically designed, WEEE2's open scope applies in 2018 according to each national implementation agenda.

Non exhaustive lists of that equipment are available in some countries, e.g. France and Spain.

T&D Europe also recommends to always referring to the national legislation and guidance, if any, of the Member State they are dealing with, as many provisions on the WEEE scope are transposed in different ways by individual Member States.

Subject to new information, this document may be modified to accommodate new developments.

ABOUT T&D EUROPE

T&D Europe is the European Association of the Electricity Transmission & Distribution Equipment and Services Industry, which members are the European National Associations representing the interests of the electricity transmission and distribution equipment manufacturing and derived solutions. The companies represented by T&D Europe account for a production worth over € 25 billion EUR, and employ over 200,000 people in Europe. Further information on T&D Europe can be found here: <http://www.tdeurope.org>

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