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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 258/2003  
of 12 February 2003  
establishing the standard import values for determining the entry price of certain fruit and  
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 12 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	101,6
	204	47,4
	212	114,9
	999	88,0
0707 00 05	052	119,6
	204	49,4
	220	244,4
	999	137,8
0709 10 00	220	123,8
	999	123,8
0709 90 70	052	149,2
	204	176,7
	999	162,9
0805 10 10, 0805 10 30, 0805 10 50	052	56,2
	204	44,4
	212	41,5
	220	39,9
	624	82,9
	999	53,0
0805 20 10	204	79,1
	512	64,2
	999	71,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,2
	204	56,5
	220	61,6
	464	134,1
	600	57,5
	624	68,0
	999	73,3
0805 50 10	052	61,0
	600	69,8
	999	65,4
0808 10 20, 0808 10 50, 0808 10 90	400	94,4
	404	97,7
	508	97,2
	720	89,4
	728	112,0
	999	98,1
0808 20 50	388	101,7
	400	114,3
	512	83,7
	528	81,2
	720	39,3
	999	84,0

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 259/2003**  
**of 11 February 2003**  
**establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(4)</sup>, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	39,87	296,30	365,30	26,43
1.30	Onions (other than seed) 0703 10 19	23,89	177,53	218,87	15,83
1.40	Garlic 0703 20 00	147,69	1 097,46	1 353,06	97,89
1.50	Leeks ex 0703 90 00	40,18	298,55	368,09	26,63
1.60	Cauliflowers 0704 10 00	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	91,60	680,68	839,21	60,71
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,49	562,80	40,72
1.100	Chinese cabbage ex 0704 90 90	113,90	846,39	1 043,52	75,49
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—
1.130	Carrots ex 0706 10 00	51,75	384,55	474,12	34,30
1.140	Radishes ex 0706 90 90	71,94	534,62	659,13	47,68
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 00	337,71	2 509,49	3 093,96	223,83
1.170	Beans:				
1.170.1	— Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	151,04	1 122,40	1 383,81	100,11
1.170.2	— Beans ( <i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	225,08	1 672,57	2 062,12	149,18
1.180	Broad beans ex 0708 90 00	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	410,68	3 051,75	3 762,51	272,20
1.200.2	— other 0709 20 00	415,70	3 089,07	3 808,52	275,53
1.210	Aubergines (eggplants) 0709 30 00	112,74	837,77	1 032,89	74,72

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.220	Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	82,64	614,10	757,12	54,77
1.230	Chantarelles 0709 59 10	809,36	6 014,35	7 415,11	536,44
1.240	Sweet peppers 0709 60 10	118,32	879,23	1 084,01	78,42
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	94,16	699,68	862,64	62,41
2.10	Chestnuts ( <i>Castanea</i> spp.), fresh ex 0802 40 00	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	92,76	689,33	849,88	61,48
2.40	Avocados, fresh ex 0804 40 00	173,96	1 292,67	1 593,74	115,30
2.50	Guavas and mangoes, fresh ex 0804 50 00	106,45	791,02	975,25	70,55
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—
2.70.3	— Mandarines and wilkings ex 0805 20 50	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—
2.85	Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh 0805 50 90	92,35	686,26	846,10	61,21
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	54,55	405,36	499,77	36,16
2.90.2	— pink ex 0805 40 00	61,97	460,52	567,77	41,08
2.100	Table grapes 0806 10 10	170,72	1 268,64	1 564,11	113,16
2.110	Water melons 0807 11 00	38,28	284,46	350,71	25,37

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	53,21	395,42	487,52	35,27
2.120.2	— Other ex 0807 19 00	157,06	1 167,11	1 438,94	104,10
2.140	Pears				
2.140.1	— Pears — nashi ( <i>Pyrus pyrifolia</i> ), Pears — Ya ( <i>Pyrus bretschneideri</i> ) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	182,66	1 357,36	1 673,49	121,07
2.160	Cherries 0809 20 95 0809 20 05	462,37	3 435,88	4 236,11	306,46
2.170	Peaches 0809 30 90	234,26	1 740,81	2 146,25	155,27
2.180	Nectarines ex 0809 30 10	130,41	969,09	1 194,79	86,44
2.190	Plums 0809 40 05	137,60	1 022,52	1 260,67	91,20
2.200	Strawberries 0810 10 00	344,40	2 559,22	3 155,27	228,27
2.205	Raspberries 0810 20 10	361,18	2 683,93	3 309,02	239,39
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 473,45	10 949,21	13 499,31	976,60
2.220	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) 0810 50 00	172,39	1 281,03	1 579,39	114,26
2.230	Pomegranates ex 0810 90 95	180,55	1 341,67	1 654,14	119,67
2.240	Khakis (including sharon fruit) ex 0810 90 95	114,71	852,38	1 050,90	76,03
2.250	Lychees ex 0810 90 30	206,31	1 533,11	1 890,17	136,74

## COMMISSION REGULATION (EC) No 260/2003

of 12 February 2003

**amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the eradication of transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, as last amended by Directive 92/118/EEC <sup>(2)</sup>, and in particular Article 10 thereof,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 1494/2002 <sup>(4)</sup>, and in particular Article 23 thereof,

Whereas:

- (1) In its opinion of 4 and 5 April 2002 on safe sourcing of small ruminant materials the Scientific Steering Committee (SSC) recommended that where a case of scrapie is diagnosed in a small ruminant holding, the entire flock should be culled. The SSC indicated however that culling sheep of the ARR/ARR prion protein genotype would carry little risk-reducing benefit. In order to avoid discouraging the reporting of the disease and to safeguard breeds which may have a low level of resistance, this culling should be achieved gradually.
- (2) In the interests of consistency with such rules for the culling of sheep, the rules for intra-Community trade in breeding sheep should be amended to remove scrapie-related restrictions from trade in sheep of the ARR/ARR genotype.
- (3) In its opinion of 16 May 2002 on the safety of bovine embryos, the SSC concluded that there is no need for measures other than those prescribed by the Interna-

tional Embryo Transfer Society Protocols. In its general session of May 2002, the World Animal Health Organisation (Office International des Epizooties (OIE)) decided on similar scientific grounds to delete all trade conditions related to bovine embryos and ova. BSE-related trade conditions for bovine embryos and ova in Regulation (EC) No 999/2001 should therefore be deleted, and Commission Decision 92/290/EEC of 14 May 1992 concerning certain protection measures relating to bovine spongiform encephalopathy (BSE) in the United Kingdom <sup>(5)</sup>, as amended by the Act of Accession of Austria, Finland and Sweden, should be repealed.

- (4) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes VII, VIII and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

*Article 2*

Decision 92/290/EEC is repealed.

*Article 3*

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Point 2(b) of Annex VII and point (a)(iii) of part I of Chapter A of Annex VIII shall apply from 1 October 2003.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(4)</sup> OJ L 225, 22.8.2002, p. 3.

<sup>(5)</sup> OJ L 152, 4.6.1992, p. 37.



This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX

Annexes VII, VIII and XI are amended as follows:

1. Annex VII is replaced by the following:

## ‘ANNEX VII

**ERADICATION OF TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHY**

1. The inquiry referred to in Article 13(1)(b) must identify:
  - (a) in the case of bovine animals:
    - all other ruminants on the holding of the animal in which the disease was confirmed,
    - where the disease was confirmed in a female animal, its progeny born within two years prior to, or after, clinical onset of the disease,
    - all animals of the cohort of the animal in which the disease was confirmed,
    - the possible origin of the disease,
    - other animals on the holding of the animal in which the disease was confirmed or on other holdings, which may have become infected by the TSE agent or been exposed to the same feed or contamination source,
    - the movement of potentially contaminated feedingstuffs, of other material or any other means of transmission, which may have transmitted the TSE agent to or from the holding in question;
  - (b) in the case of ovine and caprine animals:
    - all ruminants other than ovine and caprine animals on the holding of the animal in which the disease was confirmed,
    - in so far as they are identifiable, the parents, all embryos, ova and the last progeny of the animal in which the disease was confirmed,
    - all other ovine and caprine animals on the holding of the animal in which the disease was confirmed in addition to those mentioned in the second indent,
    - the possible origin of the disease and the identification of other holdings on which there are animals, embryos or ova which may have become infected by the TSE agent or been exposed to the same feed or contamination source,
    - the movement of potentially contaminated feedingstuffs, other material or any other means of transmission, which may have transmitted the BSE agent to or from the holding in question.
2. The measures laid down in Article 13(1)(c) shall comprise at least:
  - (a) in case of confirmation of BSE in a bovine animal, the killing and complete destruction of bovine animals identified by the inquiry referred to in point 1(a), first, second and third indent. The Member State may decide not to kill and destroy all bovine animals on the holding of the animal in which the disease was confirmed as referred to in the first indent of point 1(a), depending upon the epidemiological situation and traceability of the animals on that holding;
  - (b) in the case of confirmation of TSE in an ovine or caprine animal, from 1 October 2003, according to the decision of the competent authority:
    - (i) either the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b); or
    - (ii) the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b), with the exception of:
      - breeding rams of the ARR/ARR genotype,
      - breeding ewes carrying at least 1 ARR allele and no VRQ allele, and
      - sheep carrying at least one ARR allele which are intended solely for slaughter,
    - (iii) if the infected animal has been introduced from another holding, a Member State may decide, based on the history of the case, to apply eradication measures in the holding of origin in addition to, or instead of, the holding in which the infection was confirmed. In the case of land used for common grazing by more than one flock, Member States may decide to limit the application of the measures to a single flock, based on a consideration of all the epidemiological factors,
  - (c) in case of confirmation of BSE in an ovine or caprine animal, killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second to fifth indents of point 1(b).

- 3.1. Only the following animals may be introduced to the holding(s) where destruction has been undertaken in accordance with point 2(b)(i) or (ii):
    - (a) male sheep of the ARR/ARR genotype;
    - (b) female sheep carrying at least 1 ARR allele and no VRQ allele;
    - (c) Caprine animals, provided that:
      - no ovine animals other than those of the ARR/ARR genotype are present on the holding,
      - thorough cleaning and disinfection of all animal housing on the premises has been carried out following de-stocking,
      - the holding shall be subjected to intensified TSE monitoring, including the testing of all culled and dead-on-farm caprine animals over the age of 18 months.
  - 3.2. Only the following ovine germinal products may be used in the holding(s) where destruction has been undertaken in accordance with point 2(b)(i) or (ii):
    - (a) semen from rams of the ARR/ARR genotype;
    - (b) embryos carrying at least 1 ARR allele and no VRQ allele.
  4. During a transitional period until 1 January 2006 at the latest, and by way of derogation from the restriction set out in point 3(b), where it is difficult to obtain replacement ovine animals of a known genotype, Member States may decide to allow non-pregnant ewe lambs of an unknown genotype to be introduced to the holdings referred to in point 2(b)(i) and (ii).
  5. Following the application on a holding of the measures referred to in point 2(b)(i) and (ii):
    - (a) movement of ARR/ARR sheep from the holding shall not be subject to any restriction;
    - (b) sheep carrying only one ARR allele may be moved from the holding only to go directly for slaughter for human consumption or for the purposes of destruction;
    - (c) sheep of other genotypes may only be moved from the holding for the purposes of destruction.
  6. The restrictions referred to in points 3 and 5 shall continue to apply to the holding for a period of three years from:
    - (a) the date of attainment of ARR/ARR status by all ovine animals on the holding; or
    - (b) the last date when any ovine or caprine animal was kept on the premises; or
    - (c) in the case of point 3.1(c), the date when the intensified TSE monitoring commenced.
  7. Where the frequency of the ARR allele within the breed or holding is low, or where it is deemed necessary in order to avoid inbreeding, a Member State may decide to:
    - (a) delay the destruction of animals as referred to in point 2(b)(i) and (ii) for up to two breeding years;
    - (b) allow ovine animals other than those specified in point 3 to be introduced to the holdings referred to in point 2(b)(i) and (ii), provided that they do not carry a VRQ allele.
  8. Member States applying the derogations referred to in points 4 and 7 shall notify to the Commission an account of the conditions and criteria used for granting them.'
2. The title of Chapter A of Annex VIII, and the text of Part I of Chapter A of Annex VIII, are replaced by the following:

'CHAPTER A

**Conditions for intra-Community trade in live animals**

- I. Conditions which apply irrespective of the category of the Member State or third country of origin or residence of the animal

The following conditions shall apply to trade in ovine and caprine animals:

- (a) ovine and caprine animals for breeding shall either:
  - (i) come from a holding which has satisfied the following requirements for at least three years:
    - it is subject to regular official veterinary checks,
    - the animals are marked,
    - no case of scrapie has been confirmed,
    - checking by sampling of old female animals intended for culling is carried out on the holding,
    - females are introduced into that holding only if they come from a holding which complies with the same requirements; or

- (ii) have been continuously kept on a holding or holdings complying with the requirements laid down in point (i) since birth or for the last three years; or
- (iii) from 1 October 2003, be animals of the ARR/ARR prion protein genotype, as defined in Annex I of Commission Decision 2002/1003/EC (\*).

If they are destined for a Member State which benefits, for all or part of its territory, from the provisions laid down in point (b) or (c), they shall comply with the additional guarantees, general or specific, which have been defined in accordance with the procedure referred to in Article 24(2);

- (b) a Member State which has a compulsory or voluntary national scrapie control program for all or part of its territory:
  - (i) may submit the said program to the Commission, outlining in particular:
    - the distribution of the disease in the Member State,
    - the reasons for the program, taking into consideration the importance of the disease and the cost/benefit ratio,
    - the geographical area in which the program will be implemented,
    - the status categories defined for holdings and the standards which must be attained in each such category,
    - the test procedures to be used,
    - the program monitoring procedures,
    - the action to be taken if, for any reason, a holding loses its status,
    - the measures to be taken if the results of checks carried out in accordance with the provisions of the program are positive,
  - (ii) the program referred to in point (i) may be approved if it complies with the criteria laid down in that point, in accordance with the procedure referred to in Article 24(2). The additional guarantees, general or specific, which may be required in intra-Community trade, shall be defined at the same time or at the latest three months after approval of the program in accordance with the procedure referred to in Article 24(2). Such guarantees must not exceed those which the Member State implements nationally,
  - (iii) amendments or additions to the programmes submitted by Member States may be approved in accordance with the procedure referred to in Article 24(2). Amendments to the guarantees which have been defined in accordance with point (ii) may be approved in accordance with that procedure,
- (c) where a Member State considers that its territory or part of its territory is free from scrapie:
  - (i) it is to submit to the Commission appropriate supporting documentation, setting out in particular:
    - the history of the occurrence of the disease in its territory,
    - the results of surveillance testing based on serological, microbiological, pathological or epidemiological investigation,
    - the period over which the surveillance was carried out,
    - the arrangements for verifying the absence of the disease,
  - (ii) the additional guarantees, general or specific, which may be required in intra-Community trade are to be defined in accordance with the procedure referred to in Article 24(2). Such guarantees must not exceed those which the Member State implements nationally,
  - (iii) the Member State concerned is to notify the Commission of any change in the details specified in point (i) which relate to the disease. The guarantees defined in accordance with point (ii) may, in the light of such notification, be amended or withdrawn in accordance with the procedure referred to in Article 24(2).

(\*) OJ L 349, 24.12.2002, p. 105.

3. In Part D, point 1 of Annex XI the following words are deleted:

‘Commission Decision 92/290/EEC of 14 May 1992 concerning certain protection measures relating to bovine embryos in respect of bovine spongiform encephalopathy (BSE) in the United Kingdom.’

**COMMISSION REGULATION (EC) No 261/2003**  
**of 12 February 2003**  
**concerning the provisional authorisation of new uses of additives in feedingstuffs**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs <sup>(1)</sup>, as last amended by Regulation (EC) No 1756/2002 <sup>(2)</sup>, and in particular Articles 3 and 9e thereof,

Whereas:

- (1) Directive 70/524/EEC provides that a new use of an additive already authorised requires a Community authorisation in accordance with Article 4 of the Directive.
- (2) Directive 70/524/EEC provides that provisional authorisation of a new additive for use in feedingstuffs or a new use of an additive already authorised may be given if the conditions laid down in that Directive are satisfied and if it is reasonable to assume, in view of the available results, that when used in animal nutrition it has one of the effects referred to in Article 2(a) of that Directive. Such provisional authorisation may be given for a period not exceeding four years in the case of additives referred to in Part II of Annex C to that Directive.
- (3) New data were submitted by the producing companies in support of application to extend the authorisation of the two preparations of the enzymes set out in Annex I and II to this Regulation, and which are listed under Numbers 50 and 51 in the Annexes to Directive 70/524/EEC, to new animal categories.
- (4) The assessments of the applications for authorisation submitted in respect of the new use of the preparations of the enzymes set out in Annex I and II, show that the

conditions referred to in Article 9e(1) of Directive 70/524/EEC are satisfied, and the extensions of use should therefore be authorised on a provisional basis for a period of four years.

- (5) The assessments of the applications also show that certain procedures may be required to protect workers from exposure to the additives set out in Annexes I and II. Such protections should however be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(3)</sup>.
- (6) The Scientific Committee for Animal Nutrition has delivered favourable opinions with regard to the safety of those preparations, under the conditions set out in the Annexes to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparations belonging to the group 'Enzymes' listed in Annex I and II are authorised for use as additives in animal nutrition under the conditions laid down in these Annexes.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(2)</sup> OJ L 265, 3.10.2002, p. 1.

<sup>(3)</sup> OJ L 183, 29.6.1989, p. 1.

## ANNEX I

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
50	6-phytase EC 3.1.3.26	Preparation of 6-phytase produced by <i>Aspergillus oryzae</i> (DSM 11857) having a minimum activity of:  Coated form: 2 500 FYT/g <sup>(1)</sup>  Liquid form: 5 000 FYT/g	Sows	—	750 FYT	—  —  —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting  2. Recommended dose per kg of complete feedingstuff: 750-1 000 FYT  3. For use in compound feed containing more than 0,25 % phytin bound phosphorus	1.2.2007

<sup>(1)</sup> 1 FYT is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C.

## ANNEX II

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
51	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase EC 3.2.1.8 produced by <i>Bacillus subtilis</i> (LMG S-15136) having a minimum activity of:  Endo-1,4-beta-xylanase: 100 IU/g (1)	Pigs for fattening		10 IU		1. In the directions for use of the addi- tive and premixture, indicate the storage temperature, storage life, and stability to pelleting  2. Recommended dose per kilogram of complete feedingstuff:  Endo-1,4-beta-xylanase: 10 IU/kg  3. For use in compound feed rich in arabinoxylans e.g. minimum 40 % wheat or barley	1.1.2007

<sup>(1)</sup> 1 IU is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from birchwood xylan per minute at pH 4,5 and 30 °C.

**COMMISSION REGULATION (EC) No 262/2003**  
**of 12 February 2003**  
**laying down special measures concerning the application of Regulation (EC) No 2179/2002 in the**  
**pigmeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 3444/90 of 27 November 1990 laying down detailed rules for granting private storage aid for pigmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 3533/93 <sup>(2)</sup>, and in particular Article 11(b) thereof,

Whereas:

An examination of the situation has indicated a risk that there will be an excessively large number of applications for the private storage aid scheme introduced by Commission Regulation (EC) No 2179/2002 <sup>(3)</sup>. Therefore, it is necessary to suspend application of the Regulation and reject the applications in question,

*Article 1*

1. Application of Regulation (EC) No 2179/2002 is hereby suspended for the period 13 to 19 February 2003.
2. Applications submitted from 7 to 12 February 2003 for which acceptance decisions would have had to be taken during that period, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 13 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

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<sup>(1)</sup> OJ L 333, 30.11.1990, p. 22.

<sup>(2)</sup> OJ L 321, 23.12.1993, p. 9.

<sup>(3)</sup> OJ L 331, 7.12.2002, p. 11.



**COMMISSION REGULATION (EC) No 263/2003**  
**of 12 February 2003**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1513/2001 <sup>(2)</sup>, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77 <sup>(4)</sup>.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 72, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 201, 26.7.2001, p. 4.

<sup>(3)</sup> OJ L 78, 31.3.1972, p. 1.

<sup>(4)</sup> OJ L 348, 30.12.1977, p. 53.

## ANNEX

**to the Commission Regulation of 12 February 2003 fixing the export refunds on olive oil**

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

**COMMISSION REGULATION (EC) No 264/2003**  
**of 12 February 2003**  
**determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 <sup>(3)</sup>, as amended by Regulation (EC) No 1486/2002 <sup>(4)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 27,802/100 kg.

*Article 2*

This Regulation shall enter into force on 13 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

<sup>(4)</sup> OJ L 223, 20.8.2002, p. 3.

**DIRECTIVE 2002/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 27 January 2003**  
**on the restriction of the use of certain hazardous substances in electrical and electronic equipment**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty in the light of the joint text approved by the Conciliation Committee on 8 November 2002 <sup>(4)</sup>,

Whereas:

- (1) The disparities between the laws or administrative measures adopted by the Member States as regards the restriction of the use of hazardous substances in electrical and electronic equipment could create barriers to trade and distort competition in the Community and may thereby have a direct impact on the establishment and functioning of the internal market. It therefore appears necessary to approximate the laws of the Member States in this field and to contribute to the protection of human health and the environmentally sound recovery and disposal of waste electrical and electronic equipment.
- (2) The European Council at its meeting in Nice on 7, 8 and 9 December 2000 endorsed the Council Resolution of 4 December 2000 on the precautionary principle.
- (3) The Commission Communication of 30 July 1996 on the review of the Community strategy for waste management stresses the need to reduce the content of hazardous substances in waste and points out the potential benefits of Community-wide rules limiting the presence of such substances in products and in production processes.
- (4) The Council Resolution of 25 January 1988 on a Community action programme to combat environmental pollution by cadmium <sup>(5)</sup> invites the Commission to pursue without delay the development of specific measures for such a programme. Human health also has

to be protected and an overall strategy that in particular restricts the use of cadmium and stimulates research into substitutes should therefore be implemented. The Resolution stresses that the use of cadmium should be limited to cases where suitable and safer alternatives do not exist.

- (5) The available evidence indicates that measures on the collection, treatment, recycling and disposal of waste electrical and electronic equipment (WEEE) as set out in Directive 2002/96/EC of 27 January 2003 of the European Parliament and of the Council on waste electrical and electronic equipment <sup>(6)</sup> are necessary to reduce the waste management problems linked to the heavy metals concerned and the flame retardants concerned. In spite of those measures, however, significant parts of WEEE will continue to be found in the current disposal routes. Even if WEEE were collected separately and submitted to recycling processes, its content of mercury, cadmium, lead, chromium VI, PBB and PBDE would be likely to pose risks to health or the environment.
- (6) Taking into account technical and economic feasibility, the most effective way of ensuring the significant reduction of risks to health and the environment relating to those substances which can achieve the chosen level of protection in the Community is the substitution of those substances in electrical and electronic equipment by safe or safer materials. Restricting the use of these hazardous substances is likely to enhance the possibilities and economic profitability of recycling of WEEE and decrease the negative health impact on workers in recycling plants.
- (7) The substances covered by this Directive are scientifically well researched and evaluated and have been subject to different measures both at Community and at national level.
- (8) The measures provided for in this Directive take into account existing international guidelines and recommendations and are based on an assessment of available scientific and technical information. The measures are necessary to achieve the chosen level of protection of

<sup>(1)</sup> OJ C 365 E, 19.12.2000, p. 195 and OJ C 240 E, 28.8.2001, p. 303.

<sup>(2)</sup> OJ C 116, 20.4.2001, p. 38.

<sup>(3)</sup> OJ C 148, 18.5.2001, p. 1.

<sup>(4)</sup> Opinion of the European Parliament of 15 May 2001 (OJ C 34 E, 7.2.2002, p. 109), Council Common Position of 4 December 2001 (OJ C 90 E, 16.4.2002, p. 12) and Decision of the European Parliament of 10 April 2002 (not yet published in the Official Journal). Decision of the European Parliament of 18 December 2002 and Decision of the Council of 16 December 2002.

<sup>(5)</sup> OJ C 30, 4.2.1988, p. 1.

<sup>(6)</sup> See page 24 of this Official Journal.

human and animal health and the environment, having regard to the risks which the absence of measures would be likely to create in the Community. The measures should be kept under review and, if necessary, adjusted to take account of available technical and scientific information.

- (9) This Directive should apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation, in particular Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances <sup>(1)</sup>.
- (10) The technical development of electrical and electronic equipment without heavy metals, PBDE and PBB should be taken into account. As soon as scientific evidence is available and taking into account the precautionary principle, the prohibition of other hazardous substances and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers should be examined.
- (11) Exemptions from the substitution requirement should be permitted if substitution is not possible from the scientific and technical point of view or if the negative environmental or health impacts caused by substitution are likely to outweigh the human and environmental benefits of the substitution. Substitution of the hazardous substances in electrical and electronic equipment should also be carried out in a way so as to be compatible with the health and safety of users of electrical and electronic equipment (EEE).
- (12) As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available.
- (13) The adaptation to scientific and technical progress of the exemptions from the requirements concerning phasing out and prohibition of hazardous substances should be effected by the Commission under a committee procedure.
- (14) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>.

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Objectives

The purpose of this Directive is to approximate the laws of the Member States on the restrictions of the use of hazardous substances in electrical and electronic equipment and to contri-

bute to the protection of human health and the environmentally sound recovery and disposal of waste electrical and electronic equipment.

#### Article 2

#### Scope

1. Without prejudice to Article 6, this Directive shall apply to electrical and electronic equipment falling under the categories 1, 2, 3, 4, 5, 6, 7 and 10 set out in Annex IA to Directive No 2002/96/EC (WEEE) and to electric light bulbs, and luminaires in households.
2. This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.
3. This Directive does not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before 1 July 2006.

#### Article 3

#### Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) 'electrical and electronic equipment' or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA to Directive 2002/96/EC (WEEE) and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;
- (b) 'producer' means any person who, irrespective of the selling technique used, including by means of distance communication according to Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts <sup>(3)</sup>:
  - (i) manufactures and sells electrical and electronic equipment under his own brand;
  - (ii) resells under his own brand equipment 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 subpoint (i); or
  - (iii) imports or exports electrical and electronic equipment on a professional basis into a Member State.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed a 'producer' unless he also acts as a producer within the meaning of subpoints (i) to (iii).

<sup>(1)</sup> OJ L 78, 26.3.1991, p. 38. Directive as amended by Commission Directive 98/101/EC (OJ L 1, 5.1.1999, p. 1).

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(3)</sup> OJ L 144, 4.6.1997, p. 19. Directive as amended by Directive 2002/65/EC (L 271, 9.10.2002, p. 16).

## Article 4

**Prevention**

1. Member States shall ensure that, from 1 July 2006, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE). National measures restricting or prohibiting the use of these substances in electrical and electronic equipment which were adopted in line with Community legislation before the adoption of this Directive may be maintained until 1 July 2006.

2. Paragraph 1 shall not apply to the applications listed in the Annex.

3. On the basis of a proposal from the Commission, the European Parliament and the Council shall decide, as soon as scientific evidence is available, and in accordance with the principles on chemicals policy as laid down in the Sixth Community Environment Action Programme, on the prohibition of other hazardous substances and the substitution thereof by more environment-friendly alternatives which ensure at least the same level of protection for consumers.

## Article 5

**Adaptation to scientific and technical progress**

1. Any amendments which are necessary in order to adapt the Annex to scientific and technical progress for the following purposes shall be adopted in accordance with the procedure referred to in Article 7(2):

- (a) establishing, as necessary, maximum concentration values up to which the presence of the substances referred to in Article 4(1) in specific materials and components of electrical and electronic equipment shall be tolerated;
- (b) exempting materials and components of electrical and electronic equipment from Article 4(1) if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to therein is technically or scientifically impracticable, or where the negative environmental, health and/or consumer safety impacts caused by substitution are likely to outweigh the environmental, health and/or consumer safety benefits thereof;
- (c) carrying out a review of each exemption in the Annex at least every four years or four years after an item is added to the list with the aim of considering deletion of materials and components of electrical and electronic equipment from the Annex if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to in

Article 4(1) is technically or scientifically possible, provided that the negative environmental, health and/or consumer safety impacts caused by substitution do not outweigh the possible environmental, health and/or consumer safety benefits thereof.

2. Before the Annex is amended pursuant to paragraph 1, the Commission shall *inter alia* consult producers of electrical and electronic equipment, recyclers, treatment operators, environmental organisations and employee and consumer associations. Comments shall be forwarded to the Committee referred to in Article 7(1). The Commission shall provide an account of the information it receives.

## Article 6

**Review**

Before 13 February 2005, the Commission shall review the measures provided for in this Directive to take into account, as necessary, new scientific evidence.

In particular the Commission shall, by that date, present proposals for including in the scope of this Directive equipment which falls under categories 8 and 9 set out in Annex IA to Directive 2002/96/EC (WEEE).

The Commission shall also study the need to adapt the list of substances of Article 4(1), on the basis of scientific facts and taking the precautionary principle into account, and present proposals to the European Parliament and Council for such adaptations, if appropriate.

Particular attention shall be paid during the review to the impact on the environment and on human health of other hazardous substances and materials used in electrical and electronic equipment. The Commission shall examine the feasibility of replacing such substances and materials and shall present proposals to the European Parliament and to the Council in order to extend the scope of Article 4, as appropriate.

## Article 7

**Committee**

1. The Commission shall be assisted by the Committee set up by Article 18 of Council Directive 75/442/EEC <sup>(1)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39.



*Article 8***Penalties**

Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.

*Article 9***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 13 August 2004. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of all laws, regulations and administrative provisions adopted in the field covered by this Directive.

*Article 10***Entry into force**

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

*Article 11***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 27 January 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. DRYG

## ANNEX

**Applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from the requirements of Article 4(1)**

1. Mercury in compact fluorescent lamps not exceeding 5 mg per lamp.
2. Mercury in straight fluorescent lamps for general purposes not exceeding:
  - halophosphate 10 mg
  - triphosphate with normal lifetime 5 mg
  - triphosphate with long lifetime 8 mg.
3. Mercury in straight fluorescent lamps for special purposes.
4. Mercury in other lamps not specifically mentioned in this Annex.
5. Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.
6. Lead as an alloying element in steel containing up to 0,35 % lead by weight, aluminium containing up to 0,4 % lead by weight and as a copper alloy containing up to 4 % lead by weight.
7. — Lead in high melting temperature type solders (i.e. tin-lead solder alloys containing more than 85 % lead),
  - lead in solders for servers, storage and storage array systems (exemption granted until 2010),
  - lead in solders for network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunication,
  - lead in electronic ceramic parts (e.g. piezoelectronic devices).
8. Cadmium plating except for applications banned under Directive 91/338/EEC <sup>(1)</sup> amending Directive 76/769/EEC <sup>(2)</sup> relating to restrictions on the marketing and use of certain dangerous substances and preparations.
9. Hexavalent chromium as an anti-corrosion of the carbon steel cooling system in absorption refrigerators.
10. Within the procedure referred to in Article 7(2), the Commission shall evaluate the applications for:
  - Deca BDE,
  - mercury in straight fluorescent lamps for special purposes,
  - lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications (with a view to setting a specific time limit for this exemption), and
  - light bulbs,as a matter of priority in order to establish as soon as possible whether these items are to be amended accordingly.

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<sup>(1)</sup> OJ L 186, 12.7.1991, p. 59.

<sup>(2)</sup> OJ L 262, 27.9.1976, p. 201.



**DIRECTIVE 2002/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 27 January 2003**  
**on waste electrical and electronic equipment (WEEE)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the Opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the Opinion of the Committee of Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty in the light of the joint text approved by the Conciliation Committee on 8 November 2002 <sup>(4)</sup>,

Whereas:

- (1) The objectives of the Community's environment policy are, in particular, to preserve, protect and improve the quality of the environment, protect human health and utilise natural resources prudently and rationally. That policy is based on the precautionary principle and principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.
- (2) The Community programme of policy and action in relation to the environment and sustainable development (Fifth Environmental Action Programme) <sup>(5)</sup> states that the achievement of sustainable development calls for significant changes in current patterns of development, production, consumption and behaviour and advocates, *inter alia*, the reduction of wasteful consumption of natural resources and the prevention of pollution. It mentions waste electrical and electronic equipment (WEEE) as one of the target areas to be regulated, in view of the application of the principles of prevention, recovery and safe disposal of waste.
- (3) The Commission Communication of 30 July 1996 on review of the Community strategy for waste management states that, where the generation of waste cannot be avoided, it should be reused or recovered for its material or energy.

- (4) The Council in its Resolution of 24 February 1997 on a Community strategy for waste management <sup>(6)</sup> insisted on the need for promoting waste recovery with a view to reducing the quantity of waste for disposal and saving natural resources, in particular by reuse, recycling, composting and recovering energy from waste and recognised that the choice of options in any particular case must have regard to environmental and economic effects but that until scientific and technological progress is made and life-cycle analyses are further developed, reuse and material recovery should be considered preferable where and in so far as they are the best environmental options. The Council also invited the Commission to develop, as soon as possible, an appropriate follow-up to the projects of the priority waste streams programme, including WEEE.

- (5) The European Parliament, in its Resolution of 14 November 1996 <sup>(7)</sup>, asked the Commission to present proposals for Directives on a number of priority waste streams, including electrical and electronic waste, and to base such proposals on the principle of producer responsibility. The European Parliament, in the same Resolution, requests the Council and the Commission to put forward proposals for cutting the volume of waste.

- (6) Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(8)</sup> provides that specific rules for particular instances or supplementing those of Directive 75/442/EEC on the management of particular categories of waste may be laid down by means of individual Directives.

- (7) The amount of WEEE generated in the Community is growing rapidly. The content of hazardous components in electrical and electronic equipment (EEE) is a major concern during the waste management phase and recycling of WEEE is not undertaken to a sufficient extent.

- (8) The objective of improving the management of WEEE cannot be achieved effectively by Member States acting individually. In particular, different national applications of the producer responsibility principle may lead to substantial disparities in the financial burden on economic operators. Having different national policies on the management of WEEE hampers the effectiveness of recycling policies. For that reason the essential criteria should be laid down at Community level.

<sup>(1)</sup> OJ C 365 E, 19.12.2000, p. 184 and OJ C 240 E, 28.8.2001, p. 298.

<sup>(2)</sup> OJ C 116, 20.4.2001, p. 38.

<sup>(3)</sup> OJ C 148, 18.5.2001, p. 1.

<sup>(4)</sup> Opinion of the European Parliament of 15 May 2001 (OJ C 34 E, 7.2.2002, p. 115), Council Common Position of 4 December 2001 (OJ C 110 E, 7.5.2002, p. 1) and Decision of the European Parliament of 10 April 2002 (not yet published in the Official Journal). Decision of the European Parliament of 18 December 2002 and Decision of the Council of 16 December 2002.

<sup>(5)</sup> OJ C 138, 17.5.1993, p. 5.

<sup>(6)</sup> OJ C 76, 11.3.1997, p. 1.

<sup>(7)</sup> OJ C 362, 2.12.1996, p. 241.

<sup>(8)</sup> OJ L 194, 25.7.1975, p. 47. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

- (9) The provisions of this Directive should apply to products and producers irrespective of the selling technique, including distance and electronic selling. In this connection the obligations of producers and distributors using distance and electronic selling channels should, as far as is practicable, take the same form and should be enforced in the same way in order to avoid other distribution channels having to bear the costs of the provisions of this Directive concerning WEEE for which the equipment was sold by distant or electronic selling.
- (10) This Directive should cover all electrical and electronic equipment used by consumers and electrical and electronic equipment intended for professional use. This Directive should apply without prejudice to Community legislation on safety and health requirements protecting all actors in contact with WEEE as well as specific Community waste management legislation, in particular Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances <sup>(1)</sup>.
- (11) Directive 91/157/EEC needs to be revised as soon as possible, particularly in the light of this Directive.
- (12) The establishment, by this Directive, of producer responsibility is one of the means of encouraging the design and production of electrical and electronic equipment which take into full account and facilitate their repair, possible upgrading, reuse, disassembly and recycling.
- (13) In order to guarantee the safety and health of distributors' personnel involved in the take-back and handling of WEEE, Member States should, in accordance with national and Community legislation on safety and health requirements, determine the conditions under which take-back may be refused by distributors.
- (14) Member States should encourage the design and production of electrical and electronic equipment which take into account and facilitate dismantling and recovery, in particular the re-use and recycling of WEEE, their components and materials. Producers should not prevent, through specific design features or manufacturing processes, WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages, for example with regard to the protection of the environment and/or safety requirements.
- (15) Separate collection is the precondition to ensure specific treatment and recycling of WEEE and is necessary to achieve the chosen level of protection of human health and the environment in the Community. Consumers have to actively contribute to the success of such collection and should be encouraged to return WEEE. For this purpose, convenient facilities should be set up for the return of WEEE, including public collection points, where private households should be able to return their waste at least free of charge.
- (16) In order to attain the chosen level of protection and harmonised environmental objectives of the Community, Member States should adopt appropriate measures to minimise the disposal of WEEE as unsorted municipal waste and to achieve a high level of separate collection of WEEE. In order to ensure that Member States strive to set up efficient collection schemes, they should be required to achieve a high level of collection of WEEE from private households.
- (17) Specific treatment for WEEE is indispensable in order to avoid the dispersion of pollutants into the recycled material or the waste stream. Such treatment is the most effective means of ensuring compliance with the chosen level of protection of the environment of the Community. Any establishment or undertakings carrying out recycling and treatment operations should comply with minimum standards to prevent negative environmental impacts associated with the treatment of WEEE. Best available treatment, recovery and recycling techniques should be used provided that they ensure human health and high environmental protection. Best available treatment, recovery and recycling techniques may be further defined in accordance with the procedures of Directive 96/61/EC.
- (18) Where appropriate, priority should be given to the reuse of WEEE and its components, subassemblies and consumables. Where reuse is not preferable, all WEEE collected separately should be sent for recovery, in the course of which a high level of recycling and recovery should be achieved. In addition, producers should be encouraged to integrate recycled material in new equipment.
- (19) Basic principles with regard to the financing of WEEE management have to be set at Community level and financing schemes have to contribute to high collection rates as well as to the implementation of the principle of producer responsibility.
- (20) Users of electrical and electronic equipment from private households should have the possibility of returning WEEE at least free of charge. Producers should therefore finance collection from collection facilities, and the treatment, recovery and disposal of WEEE. In order to give maximum effect to the concept of producer responsibility, each producer should be responsible for financing the management of the waste from his own products. The producer should be able to choose to fulfil this obligation either individually or by joining a collective scheme. Each producer should, when placing a product on the market, provide a financial guarantee to prevent costs for the management of WEEE from orphan products from falling on society or the remaining producers. The responsibility for the financing of the management of historical waste should be shared by all existing producers in collective financing schemes to which all producers, existing on the market when the costs occur,

<sup>(1)</sup> OJ L 78, 26.3.1991, p. 38. Directive as amended by Commission Directive 98/101/EC (OJ L 1, 5.1.1999, p. 1).

contribute proportionately. Collective financing schemes should not have the effect of excluding niche and low-volume producers, importers and new entrants. For a transitional period, producers should be allowed to show purchasers, on a voluntary basis at the time of sale of new products, the costs of collecting, treating and disposing in an environmentally sound way of historical waste. Producers making use of this provision should ensure that the costs mentioned do not exceed the actual costs incurred.

- (21) Information to users about the requirement not to dispose of WEEE as unsorted municipal waste and to collect WEEE separately, and about the collection systems and their role in the management of WEEE, is indispensable for the success of WEEE collection. Such information implies the proper marking of electrical and electronic equipment which could end up in rubbish bins or similar means of municipal waste collection.

- (22) Information on component and material identification to be provided by producers is important to facilitate the management, and in particular the treatment and recovery/recycling, of WEEE.

- (23) Member States should ensure that inspection and monitoring infrastructure enable the proper implementation of this Directive to be verified, having regard, *inter alia*, to Recommendation 2001/331/EC of the European Parliament and the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States <sup>(1)</sup>.

- (24) Information about the weight or, if this is not possible, the numbers of items of electrical and electronic equipment put on the market in the Community and the rates of collection, reuse (including as far as possible reuse of whole appliances), recovery/recycling and export of WEEE collected in accordance with this Directive is necessary to monitor the achievement of the objectives of this Directive.

- (25) Member States may choose to implement certain provisions of this Directive by means of agreements between the competent authorities and the economic sectors concerned provided that particular requirements are met.

- (26) The adaptation to scientific and technical progress of certain provisions of the Directive, the list of products falling under the categories set out in Annex IA, the selective treatment for materials and components of WEEE, the technical requirements for storage and treatment of WEEE and the symbol for the marking of EEE should be effected by the Commission under a committee procedure.

- (27) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Objectives

The purpose of this Directive is, as a first priority, the prevention of waste electrical and electronic equipment (WEEE), and in addition, the reuse, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste. It also seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, e.g. producers, distributors and consumers and in particular those operators directly involved in the treatment of waste electrical and electronic equipment.

#### Article 2

#### Scope

1. This Directive shall apply to electrical and electronic equipment falling under the categories set out in Annex IA provided that the equipment concerned is not part of another type of equipment that does not fall within the scope of this Directive. Annex IB contains a list of products which fall under the categories set out in Annex IA.

2. This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.

3. Equipment which is connected with the protection of the essential interests of the security of Member States, arms, munitions and war material shall be excluded from this Directive. This does not, however, apply to products which are not intended for specifically military purposes.

<sup>(1)</sup> OJ L 118, 27.4.2001, p. 41.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

## Article 3

**Definitions**

For the purposes of this Directive, the following definitions shall apply:

- (a) 'electrical and electronic equipment' or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA and designed for use with a voltage rating not exceeding 1 000 Volt for alternating current and 1 500 Volt for direct current;
- (b) 'waste electrical and electronic equipment' or 'WEEE' means electrical or electronic equipment which is waste within the meaning of Article 1(a) of Directive 75/442/EEC, including all components, subassemblies and consumables which are part of the product at the time of discarding;
- (c) 'prevention' means measures aimed at reducing the quantity and the harmfulness to the environment of WEEE and materials and substances contained therein;
- (d) 'reuse' means any operation by which WEEE or components thereof are used for the same purpose for which they were conceived, including the continued use of the equipment or components thereof which are returned to collection points, distributors, recyclers or manufacturers;
- (e) 'recycling' means the reprocessing in a production process of the waste materials for the original purpose or for other purposes, but excluding energy recovery which means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;
- (f) 'recovery' means any of the applicable operations provided for in Annex IIB to Directive 75/442/EEC;
- (g) 'disposal' means any of the applicable operations provided for in Annex IIA to Directive 75/442/EEC;
- (h) 'treatment' means any activity after the WEEE has been handed over to a facility for depollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery and/or the disposal of the WEEE;
- (i) 'producer' means any person who, irrespective of the selling technique used, including by means of distance communication in accordance with Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts <sup>(1)</sup>:
  - (i) manufactures and sells electrical and electronic equipment under his own brand,

- (ii) resells under his own brand equipment 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 subpoint (i), or

- (iii) imports or exports electrical and electronic equipment on a professional basis into a Member State.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed a 'producer' unless he also acts as a producer within the meaning of subpoints (i) to (iii);

- (j) 'distributor' means any person who provides electrical or electronic equipment on a commercial basis to the party who is going to use it;
- (k) 'WEEE from private households' means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households;
- (l) 'dangerous substance or preparation' means any substance or preparation which has to be considered dangerous under Council Directive 67/548/EEC <sup>(2)</sup> or Directive 1999/45/EC of the European Parliament and of the Council <sup>(3)</sup>.
- (m) 'finance agreement' means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place.

## Article 4

**Product design**

Member States shall encourage the design and production of electrical and electronic equipment which take into account and facilitate dismantling and recovery, in particular the reuse and recycling of WEEE, their components and materials. In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.

## Article 5

**Separate collection**

1. Member States shall adopt appropriate measures in order to minimise the disposal of WEEE as unsorted municipal waste and to achieve a high level of separate collection of WEEE.

<sup>(2)</sup> OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p. 1).

<sup>(3)</sup> OJ L 200, 30.7.1999, p. 1. Directive as amended by Commission Directive 2001/60/EC (OJ L 226, 22.8.2001, p. 5).

<sup>(1)</sup> OJ L 144, 4.6.1997, p. 19.



2. For WEEE from private households, Member States shall ensure that by the 13 August 2005:

- (a) systems are set up allowing final holders and distributors to return such waste at least free of charge. Member States shall ensure the availability and accessibility of the necessary collection facilities, taking into account in particular the population density;
- (b) when supplying a new product, distributors shall be 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. Member States may depart from this provision provided they ensure that returning the WEEE is not thereby made more difficult for the final holder and provided that these systems remain free of charge for the final holder. Member States making use of this provision shall inform the Commission thereof;
- (c) without prejudice to the provisions of (a) and (b), producers are allowed to set up and operate individual and/or collective take-back systems for WEEE from private households provided that these are in line with the objectives of this Directive;
- (d) having regard to national and Community health and safety standards, WEEE that presents a health and safety risk to personnel because of contamination may be refused for return under (a) and (b). Member States shall make specific arrangements for such WEEE.

Member States may provide for specific arrangements for the return of WEEE as under (a) and (b) if the equipment does not contain the essential components or if the equipment contains waste other than WEEE.

3. In the case of WEEE other than WEEE from private households, and without prejudice to Article 9, Member States shall ensure that producers or third parties acting on their behalf provide for the collection of such waste.

4. Member States shall ensure that all WEEE collected under paragraphs 1, 2 and 3 above is transported to treatment facilities authorised under Article 6 unless the appliances are reused as a whole. Member States shall ensure that the envisaged reuse does not lead to a circumvention of this Directive, in particular as regards Articles 6 and 7. The collection and transport of separately collected WEEE shall be carried out in a way which optimises reuse and recycling of those components or whole appliances capable of being reused or recycled.

5. Without prejudice to paragraph 1, Member States shall ensure that by 31 December 2006 at the latest a rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households is achieved.

The European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish a new mandatory target by 31 December 2008. This may take the form of a percentage of the quantities of electrical and electronic equipment sold to private households in the preceding years.

#### Article 6

#### Treatment

1. Member States shall ensure that producers or third parties acting on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE using best available treatment, recovery and recycling techniques. The systems may be set up by producers individually and/or collectively. To ensure compliance with Article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II to this Directive.

Other treatment technologies ensuring at least the same level of protection for human health and the environment may be introduced in Annex II under the procedure referred to in Article 14(2).

For the purposes of environmental protection, Member States may set up minimum quality standards for the treatment of collected WEEE. Member States which opt for such quality standards shall inform the Commission thereof, which shall publish these standards.

2. Member States shall ensure that any establishment or undertaking carrying out treatment operations obtains a permit from the competent authorities, in compliance with Articles 9 and 10 of Directive 75/442/EEC.

The derogation from the permit requirement referred to in Article 11(1)(b) of Directive 75/442/EEC may apply to recovery operations concerning WEEE if an inspection is carried out by the competent authorities before the registration in order to ensure compliance with Article 4 of Directive 75/442/EEC.

The inspection shall verify:

- (a) the type and quantities of waste to be treated;
- (b) the general technical requirements to be complied with;
- (c) the safety precautions to be taken.

The inspection shall be carried out at least once a year and the results shall be communicated by the Member States to the Commission.

3. Member States shall ensure that any establishment or undertaking carrying out treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III.

4. Member States shall ensure that the permit or the registration referred to in paragraph 2 includes all conditions necessary for compliance with the requirements of paragraphs 1 and 3 and for the achievement of the recovery targets set out in Article 7.

5. The treatment operation may also be undertaken outside the respective Member State or the Community provided that the shipment of WEEE is in compliance with Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community <sup>(1)</sup>.

WEEE exported out of the Community in line with Council Regulation (EEC) No 259/93, Council Regulation (EC) No 1420/1999 <sup>(2)</sup> of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste and Commission Regulation (EC) No 1547/1999 <sup>(3)</sup> of 12 July 1999 determining the control procedures under Council Regulation (EEC) No 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply, shall only count for the fulfilment of obligations and targets of Article 7(1) and (2) of this Directive if the exporter can prove that the recovery, reuse and/or recycling operation took place under conditions that are equivalent to the requirements of this Directive.

6. Member States shall encourage establishments or undertakings which carry out treatment operations to introduce certified environmental management systems in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) <sup>(4)</sup>.

#### Article 7

#### Recovery

1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the reuse of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.

2. Regarding WEEE sent for treatment in accordance with Article 6, Member States shall ensure that, by 31 December 2006, producers meet the following targets:

- (a) for WEEE falling under categories 1 and 10 of Annex IA,
  - the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance, and

<sup>(1)</sup> OJ L 30, 6.2.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2557/2001 (OJ L 349, 31.12.2001, p. 1).

<sup>(2)</sup> OJ L 166, 1.7.1999, p. 6. Regulation as last amended by Commission Regulation (EC) No 2243/2001 (OJ L 303, 20.11.2001, p. 11).

<sup>(3)</sup> OJ L 185, 17.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 2243/2001.

<sup>(4)</sup> OJ L 114, 24.4.2001, p. 1.

- component, material and substance reuse and recycling shall be increased to a minimum of 75 % by an average weight per appliance;

(b) for WEEE falling under categories 3 and 4 of Annex IA,

- the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance, and
- component, material and substance reuse and recycling shall be increased to a minimum of 65 % by an average weight per appliance;

(c) for WEEE falling under categories 2, 5, 6, 7 and 9 of Annex IA,

- the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance, and
- component, material and substance reuse and recycling shall be increased to a minimum of 50 % by an average weight per appliance;

(d) for gas discharge lamps, the rate of component, material and substance reuse and recycling shall reach a minimum of 80 % by weight of the lamps.

3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.

The Commission shall, in accordance with the procedure laid down in Article 14(2), establish the detailed rules for monitoring compliance, including specifications for materials, of Member States with the targets set out in paragraph 2. The Commission shall submit this measure by 13 August 2004.

4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish new targets for recovery and reuse/recycling, including for the reuse of whole appliances as appropriate, and for the products falling under category 8 of Annex IA, by 31 December 2008. This shall be done with account being taken of the environmental benefits of electrical and electronic equipment in use, such as improved resource efficiency resulting from developments in the areas of materials and technology. Technical progress in reuse, recovery and recycling, products and materials, and the experience gained by the Member States and the industry, shall also be taken into account.

5. Member States shall encourage the development of new recovery, recycling and treatment technologies.

## Article 8

**Financing in respect of WEEE from private households**

1. Member States shall ensure that, by 13 August 2005, producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities, set up under Article 5(2).

2. For products put on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 11(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale of new products.

3. The responsibility for the financing of the costs of the management of WEEE from products put on the market before the date referred to in paragraph 1 (historical waste) shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

Member States shall ensure that for a transitional period of eight years (10 years for category 1 of Annex IA) after entry into force of this Directive, producers are allowed to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the actual costs incurred.

4. Member States shall ensure that producers supplying electrical or electronic equipment by means of distance communication also comply with the requirements set out in this Article for the equipment supplied in the Member State where the purchaser of that equipment resides.

## Article 9

**Financing in respect of WEEE from users other than private households**

Member States shall ensure that, by 13 August 2005, the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from users other than private households from products put on the market after 13 August 2005 is to be provided for by producers.

For WEEE from products put on the market before 13 August 2005 (historical waste), the financing of the costs of management shall be provided for by producers. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for this financing.

Producers and users other than private households may, without prejudice to this Directive, conclude agreements stipulating other financing methods.

## Article 10

**Information for users**

1. Member States shall ensure that users of electrical and electronic equipment in private households are given the necessary information about:

- (a) the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
- (b) the return and collection systems available to them;
- (c) their role in contributing to reuse, recycling and other forms of recovery of WEEE;
- (d) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment;
- (e) the meaning of the symbol shown in Annex IV.

2. Member States shall adopt appropriate measures so that consumers participate in the collection of WEEE and to encourage them to facilitate the process of reuse, treatment and recovery.

3. With a view to minimising the disposal of WEEE as unsorted municipal waste and to facilitating its separate collection, Member States shall ensure that producers appropriately mark electrical and electronic equipment put on the market after 13 August 2005 with the symbol shown in Annex IV. In exceptional cases, where this is necessary because of the size or the function of the product, the symbol shall be printed on the packaging, on the instructions for use and on the warranty of the electrical and electronic equipment.

4. Member States may require that some or all of the information referred to in paragraphs 1 to 3 shall be provided by producers and/or distributors, e.g. in the instructions for use or at the point of sale.

## Article 11

**Information for treatment facilities**

1. In order to facilitate the reuse and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, Member States shall take the necessary measures to ensure that producers provide reuse and treatment information for each type of new EEE put on the market within one year after the equipment is put on the market. This information shall identify, as far as it is needed by reuse centres, treatment and recycling facilities in order to comply with the provisions of this Directive, the different EEE components and materials, as well as the location of dangerous substances and preparations in EEE. It shall be made available to reuse centres, treatment and recycling facilities by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

2. Member States shall ensure that any producer of an electrical or electronic appliance put on the market after 13 August 2005 is clearly identifiable by a mark on the appliance. Furthermore, in order to enable the date upon which the appliance was put on the market to be determined unequivocally, a mark on the appliance shall specify that the latter was put on the market after 13 August 2005. The Commission shall promote the preparation of European standards for this purpose.

## Article 12

**Information and reporting**

1. Member States shall draw up a register of producers and collect information, including substantiated estimates, on an annual basis on the quantities and categories of electrical and electronic equipment put on their market, collected through all routes, reused, recycled and recovered within the Member States, and on collected waste exported, by weight or, if this is not possible, by numbers.

Member States shall ensure that producers supplying electrical and electronic equipment by means of distance communication provide information on the compliance with the requirements of Article 8(4) and on the quantities and categories of electrical and electronic equipment put on the market of the Member State where the purchaser of that equipment resides.

Member States shall ensure that the information required is transmitted to the Commission on a two-yearly basis within 18 months after the end of the period covered. The first set of information shall cover the years 2005 and 2006. The information shall be provided in a format which shall be established within one year after the entry into force of this Directive in accordance with the procedure referred to in Article 14(2) with a view to establishing databases on WEEE and its treatment.

Member States shall provide for adequate information exchange in order to comply with this paragraph, in particular for treatment operations as referred to in Article 6(5).

2. Without prejudice to the requirements of paragraph 1, Member States shall send a report to the Commission on the implementation of this Directive at three-year intervals. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment<sup>(1)</sup>. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made available to the Commission within nine months of the end of the three-year period covered by it.

The first three-year report shall cover the period from 2004 to 2006.

The Commission shall publish a report on the implementation of this Directive within nine months after receiving the reports from the Member States.

## Article 13

**Adaptation to scientific and technical progress**

Any amendments which are necessary in order to adapt Article 7(3), Annex IB, (in particular with a view to possibly adding luminaires in households, filament bulbs and photovoltaic products, i.e. solar panels), Annex II (in particular taking into account new technical developments for the treatment of WEEE), and Annexes III and IV to scientific and technical progress shall be adopted in accordance with the procedure referred to in Article 14(2).

Before the Annexes are amended the Commission shall *inter alia* consult producers of electrical and electronic equipment, recyclers, treatment operators and environmental organisations and employees' and consumer associations.

## Article 14

**Committee**

1. The Commission shall be assisted by the Committee set up by Article 18 of Directive 75/442/EEC.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

<sup>(1)</sup> OJ L 377, 31.12.1991, p. 48.



*Article 15***Penalties**

Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.

*Article 16***Inspection and monitoring**

Member States shall ensure that inspection and monitoring enable the proper implementation of this Directive to be verified.

*Article 17***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 13 August 2004. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of all laws, regulations and administrative provisions adopted in the field covered by this Directive.

3. Provided that the objectives set out in this Directive are achieved, Member States may transpose the provisions set out in Articles 6(6), 10(1) and 11 by means of agreements between the competent authorities and the economic sectors concerned. Such agreements shall meet the following requirements:

- (a) agreements shall be enforceable;
- (b) agreements shall specify objectives with the corresponding deadlines;
- (c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;
- (d) the results achieved shall be monitored regularly, reported to the competent authorities and the Commission and made available to the public under the conditions set out in the agreement;
- (e) the competent authorities shall ensure that the progress reached under the agreement is examined;
- (f) in case of non-compliance with the agreement Member States must implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.

4. (a) Greece and Ireland which, because of their overall:

- recycling infrastructure deficit,
- geographical circumstances such as the large number of small islands and the presence of rural and mountain areas,
- low population density, and
- low level of EEE consumption,

are unable to reach either the collection target mentioned in the first subparagraph of Article 5(5) or the recovery targets mentioned in Article 7(2) and which, under the third subparagraph of Article 5(2) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(1)</sup>, may apply for an extension of the deadline mentioned in that Article,

may extend the periods referred to in Articles 5(5) and 7(2) of this Directive by up to 24 months.

These Member States shall inform the Commission of their Decisions at the latest at the time of transposition of this Directive.

(b) The Commission shall inform other Member States and the European Parliament of these decisions.

5. Within five years after the entry into force of this Directive, the Commission shall submit a report to the European Parliament and the Council based on the experience of the application of this Directive, in particular as regards separate collection, treatment, recovery and financing systems. Furthermore the report shall be based on the development of the state of technology, experience gained, environmental requirements and the functioning of the internal market. The report shall, as appropriate, be accompanied by proposals for revision of the relevant provisions of this Directive.

*Article 18***Entry into force**

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

*Article 19***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 27 January 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. DRYG

<sup>(1)</sup> OJ L 182, 16.7.1999, p. 1.

## ANNEX IA

**Categories of electrical and electronic equipment covered by this Directive**

1. Large household appliances
  2. Small household appliances
  3. IT and telecommunications equipment
  4. Consumer equipment
  5. Lighting equipment
  6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
  7. Toys, leisure and sports equipment
  8. Medical devices (with the exception of all implanted and infected products)
  9. Monitoring and control instruments
  10. Automatic dispensers
-

## ANNEX IB

**List of products which shall be taken into account for the purpose of this Directive and which fall under the categories of Annex IA**

## 1. Large household appliances

Large cooling appliances

Refrigerators

Freezers

Other large appliances used for refrigeration, conservation and storage of food

Washing machines

Clothes dryers

Dish washing machines

Cooking

Electric stoves

Electric hot plates

Microwaves

Other large appliances used for cooking and other processing of food

Electric heating appliances

Electric radiators

Other large appliances for heating rooms, beds, seating furniture

Electric fans

Air conditioner appliances

Other fanning, exhaust ventilation and conditioning equipment

## 2. Small household appliances

Vacuum cleaners

Carpet sweepers

Other appliances for cleaning

Appliances used for sewing, knitting, weaving and other processing for textiles

Irons and other appliances for ironing, mangling and other care of clothing

Toasters

Fryers

Grinders, coffee machines and equipment for opening or sealing containers or packages

Electric knives

Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances

Clocks, watches and equipment for the purpose of measuring, indicating or registering time

Scales

## 3. IT and telecommunications equipment

Centralised data processing:

Mainframes

Minicomputers

Printer units

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included)

Laptop computers (CPU, mouse, screen and keyboard included)

Notebook computers  
Notepad computers  
Printers  
Copying equipment  
Electrical and electronic typewriters  
Pocket and desk calculators  
and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means  
User terminals and systems  
Facsimile  
Telex  
Telephones  
Pay telephones  
Cordless telephones  
Cellular telephones  
Answering systems  
and other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment

Radio sets  
Television sets  
Videocameras  
Video recorders  
Hi-fi recorders  
Audio amplifiers  
Musical instruments  
And other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in households  
Straight fluorescent lamps  
Compact fluorescent lamps  
High intensity discharge lamps, including pressure sodium lamps and metal halide lamps  
Low pressure sodium lamps  
Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)

Drills  
Saws  
Sewing machines  
Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials  
Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses  
Tools for welding, soldering or similar use  
Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means  
Tools for mowing or other gardening activities

7. Toys, leisure and sports equipment
    - Electric trains or car racing sets
    - Hand-held video game consoles
    - Video games
    - Computers for biking, diving, running, rowing, etc.
    - Sports equipment with electric or electronic components
    - Coin slot machines
  8. Medical devices (with the exception of all implanted and infected products)
    - Radiotherapy equipment
    - Cardiology
    - Dialysis
    - Pulmonary ventilators
    - Nuclear medicine
    - Laboratory equipment for *in-vitro* diagnosis
    - Analysers
    - Freezers
    - Fertilization tests
    - Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability
  9. Monitoring and control instruments
    - Smoke detector
    - Heating regulators
    - Thermostats
    - Measuring, weighing or adjusting appliances for household or as laboratory equipment
    - Other monitoring and control instruments used in industrial installations (e.g. in control panels)
  10. Automatic dispensers
    - Automatic dispensers for hot drinks
    - Automatic dispensers for hot or cold bottles or cans
    - Automatic dispensers for solid products
    - Automatic dispensers for money
    - All appliances which deliver automatically all kind of products
-

## ANNEX II

**Selective treatment for materials and components of waste electrical and electronic equipment in accordance with Article 6(1)**

1. As a minimum the following substances, preparations and components have to be removed from any separately collected WEEE:
  - polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) <sup>(1)</sup>,
  - mercury containing components, such as switches or backlighting lamps,
  - batteries,
  - printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,
  - toner cartridges, liquid and pasty, as well as colour toner,
  - plastic containing brominated flame retardants,
  - asbestos waste and components which contain asbestos,
  - cathode ray tubes,
  - chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC),
  - gas discharge lamps,
  - liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,
  - external electric cables,
  - components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances <sup>(2)</sup>,
  - components containing radioactive substances with the exception of components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation <sup>(3)</sup>,
  - electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 mm or proportionately similar volume)

These substances, preparations and components shall be disposed of or recovered in compliance with Article 4 of Council Directive 75/442/EEC.
2. The following components of WEEE that is separately collected have to be treated as indicated:
  - cathode ray tubes: The fluorescent coating has to be removed,
  - equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly treated. Ozone-depleting gases must be treated in accordance with Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer <sup>(4)</sup>.
  - gas discharge lamps: The mercury shall be removed.
3. Taking into account environmental considerations and the desirability of reuse and recycling, paragraphs 1 and 2 shall be applied in such a way that environmentally-sound reuse and recycling of components or whole appliances is not hindered.
4. Within the procedure referred to in Article 14(2), the Commission shall evaluate as a matter of priority whether the entries regarding:
  - printed circuit boards for mobile phones, and
  - liquid crystal displaysare to be amended.

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<sup>(1)</sup> OJ L 243, 24.9.1996, p. 31.

<sup>(2)</sup> OJ L 343, 13.12.1997, p. 19.

<sup>(3)</sup> OJ L 159, 29.6.1996, p. 1.

<sup>(4)</sup> OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 2039/2000 (OJ L 244, 29.9.2000, p. 26).

## ANNEX III

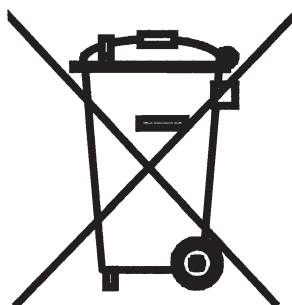
**Technical requirements in accordance with Article 6(3)**

1. Sites for storage (including temporary storage) of WEEE prior to their treatment (without prejudice to the requirements of Council Directive 1999/31/EC):
  - impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
  - weatherproof covering for appropriate areas.
2. Sites for treatment of WEEE:
  - balances to measure the weight of the treated waste,
  - impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
  - appropriate storage for disassembled spare parts,
  - appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste,
  - equipment for the treatment of water in compliance with health and environmental regulations.

## ANNEX IV

**Symbol for the marking of electrical and electronic equipment**

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.





**Joint declaration of the European Parliament, the Council and the Commission**

relating to

*Article 9***Financing in respect of WEEE from users other than private households**

'Noting that concerns have been raised about the possible financial implications for producers of the present wording of Article 9, the European Parliament, the Council and the Commission declare their common intention of examining these issues at the earliest opportunity. Should these concerns prove to be founded the Commission states its intention to make a proposal to amend Article 9 of the Directive. The Parliament and the Council undertake to act expeditiously on any such proposal in accordance with their respective internal procedures.'

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