

# *Suspension of activity in the event of non-compliance with new Ordinance on WEEE regime*

16 April 2015

## *In brief*

Government Emergency Ordinance no. 5/2015 (hereinafter referred to as “the Ordinance”) on waste electrical and electronic equipment has been published.

## *In detail*

The Ordinance aims to streamline resources exploitation and promote new standards for the collection, reuse and recycling of waste electrical and electronic equipment (WEEE).

Here are the main substantive changes:

### *I. Electrical and Electronic equipment (EEE):*

- Extending the list of EEE which fall within the scope of the ordinance (e.g. solar panels).
- The definition of a manufacturer expands to include other categories of those with EEE obligations.
- EEE manufacturers and distributors are obliged to inform purchasers of the costs of collection, treatment and disposal of WEEE environmental conditions by separate recording of these costs.

- To sell EEE in Romania, any manufacturer established in another EU Member State is entitled to designate an authorised person or legal person established in Romania as the authorised representative responsible for fulfilling the obligations of the manufacturer.

### *II. Collection - treatment of WEEE and penalties*

- Minimum collection rates to be fulfilled by producers will be 40% for 2016, 45% for the period 2017 - 2020 and 65% as of 2021.
- Implement strict requirements on shipments inside or outside the EU of used EEE suspected to be WEEE, through which exporters are required to demonstrate that they transport electrical appliances which are functional and can be reused.

- The application of administrative sanctions and the temporary suspension of activity for:
  - failure by manufacturers to collect WEEE from private households;
  - failure by authorised economic operators to observe EEE treatment standards;
  - failure by economic operators with environmental permits for the treatment of WEEE to observe the minimum requirements for WEEE;
  - non-registration in the Register of producers as an EEE producer.

### *III. Transitional provisions*

- Upon entry into force of this Ordinance, producers holding a registration

number in the register of EEE producers retain the recorded registration number until the end of the administrative record.

- Collective organisations with operating licences valid from the date of entry into force of the ordinance and which intend to continue their work of taking responsibility for producers of EEE after 31 December 2015 are required to submit specific licensing documentation by 15 October 2015.
- Collective organisations operating licences in force at the date of entry into force of the Ordinance are valid until 31 December 2015.

Upon entry into force of the Ordinance the following

legislative acts will be repealed:

- G. D. no. 1037/2010 on WEEE,
- O.M. no. 2.264 / 2011 and O.M. no. 901 / SB / 2005.

*[Source: Official Gazette of Romania, Part I, nr.253 / April 16, 2015]*

### ***The takeaway***

The Ordinance on waste electrical and electronic equipment came into force on 26 April 2015. Certain exceptions will be implemented over a period of 120 days from that date (e.g. enrolment in the national register of producers for marketing producers of EEE).

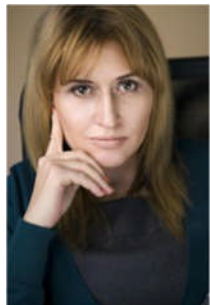
Manufacturers must check the lists of EEE produced or marketed by them and which fall within the scope of the Ordinance.

Until the expiry of the administrative registration, EEE producers may carry on further work.

The costs of collection, treatment and disposal of WEEE should be shown separately at the time of the EEE sale.

## **Let's talk**

For a deeper discussion of how this issue might affect your business, please contact:



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