

# **Chapter 1. Waste electrical and electronic equipment**

Regulations relating to the recycling of waste (Waste Regulations). This is an unofficial translation of the [Norwegian regulation](#).

Laid down by the Ministry of the Environment on the 2 May 2005 pursuant to sections 31, 33, 49, 52a, 63 and 81 of Act no. 6 of 13 March 1981 concerning protection against pollution and concerning waste (the Pollution Control Act), cf. Royal Decree no. 1245 of 8 July 1983 and Royal Decree no. 785 of 11 June 1993. Cf. the EEA agreement, Annex XX, no. 32f (Council Directive 2002/96/EC).

## **I. Introductory provisions**

### **1-1. Scope**

The provisions in this chapter govern the reception, collection, recycling and other treatment of waste electrical and electronic equipment (EE equipment).

The provisions in this chapter do not cover disposable batteries. In this chapter, batteries shall mean a source of electrical current that consists of one or more cells where the electricity is generated by the direct transfer of chemical energy.

The provisions in this chapter do not cover products covered by return schemes laid down in accordance with Regulations no. 1362 of 21 November 2003 relating to radiation protection and use of radiation (the Radiation Protection Regulations).

The provisions in this chapter do not cover EE equipment that is permanently installed in:

- constructions that are regarded as vehicles pursuant to the Road Traffic Act no. 4 of 18 June 1965;
- rolling stock that shall be approved by the Ministry of Transport and Communications in accordance with section 5 of Act no. 100 of 11 June 1993 on the establishment and operation of railways, including tramways, underground railways and suburban railways etc. (the Railways Act); or
- constructions that are regarded as small craft or leisure craft pursuant to the definition in section 1 of Act no. 47 of 26 June 1998 relating to leisure boats and small craft.

The provisions in this chapter do not cover EE equipment that is permanently installed in constructions that can be registered in the following registers:

- The Norwegian Civil Aircraft Register in accordance with Act no. 101 of 11 June 1993 relating to aviation (the Aviation Act).
- The Norwegian Ordinary Ship Register in accordance with the Norwegian Maritime Code no. 39 of 24 June 1994;
- The Norwegian International Ship Register in accordance with Act no. 48 of 12 June 1987 relating to a Norwegian international ship register;
- The Norwegian Petroleum Register in accordance with Act no. 72 of 29 November 1996 relating to petroleum activities.

The provisions in this chapter are not applicable for Svalbard and Jan Mayen.

## **1-2. Purpose**

The purpose of the provisions in this chapter is to reduce the environmental problems caused by EE equipment when it ends up as waste. This shall be achieved through the separate collection, sorting and treatment of materials and components that are hazardous waste and through a high degree of recycling of other parts of the waste. The provisions are intended to ensure that this kind of waste is recycled where recycling is justified after the environmental, resource and economic factors have been weighed up.

## **1-3. Definitions**

For the purposes of this chapter:

- a) EE equipment means products and components that depend on an electrical current or electromagnetic field in order to function correctly, as well as equipment for the generation, transfer, distribution and measurement of these currents and fields, including the components necessary for the cooling, heating, protection, etc., of the electrical or electronic components. In cases of doubt, the Norwegian Pollution Control Authority or the agency authorised by the Ministry of the Environment shall decide which equipment is to be regarded as EE equipment.
- b) EE waste means scrap EE equipment.
- c) Household waste means waste from private households, including large objects such as furniture and the like, cf. section 27 of the Pollution Control Act.
- d) Industrial waste means waste from public and private enterprises and institutions, cf. section 27 of the Pollution Control Act.
- e) Recycling means the utilisation of EE waste in the form of re-use, material recovery or energy recovery.
- f) Distributor means anyone who on a commercial basis sells new or used EE equipment. This also includes all sales of EE equipment outside permanent places of business, including mail order and via the Internet.
- g) Producer means anyone who on a commercial basis imports into or manufactures in Norway EE equipment for the Norwegian market.
- h) Exporter means anyone who on a commercial basis sells new or used EE equipment from Norway to purchasers abroad. This also includes all sales of EE equipment outside permanent places of business, including mail order and Internet sales.
- i) Approved treatment facility means a facility for the treatment of EE waste that has been issued the necessary permit under the terms of section 29 of Act no. 6 of 13 March 1981 concerning protection against pollution and concerning waste (the Pollution Control Act), cf. sections 11 and 16, or under the terms of section 11-6 of these regulations, or an equivalent permit issued by the authorities of another country.
- j) Take-back company means an enterprise that undertakes to fulfil the obligations under the terms of these regulations for one or more producers and that is registered and certified in accordance with section 1-13.
- k) Collectively financed take-back company means a take-back company where one or more producers finance the waste treatment in proportion to its or their market share of EE equipment and the amount of EE waste generated in the same year.
- l) Individually financed take-back company means a take-back company where one or more producers finance the waste treatment of its or their own products.
- m) Certificate means a document issued by a certification body that confirms that a take-back company fulfils the requirements stipulated in or pursuant to these regulations.
- n) Certification body means an enterprise that provides certification of take-back companies and that fulfils the criteria contained in appendix 2 to this chapter.

## **II. Duties of the distributor**

### **1-4. Duty to receive EE waste**

Distributors shall accept the return of EE waste that is household waste free of charge at the shop premises or at an appropriate place in the immediate vicinity of the shop premises.

Distributors shall also accept EE waste that is industrial waste free of charge when an equivalent quantity of new EE equipment is purchased.

The duty to accept EE waste is limited to equipment similar to that which the distributor sells or has previously sold, but is not limited to particular brands or makes. Similar equipment means equipment that belongs to the same product range and has the same functions as that which is sold at the time of return. The duty to accept EE waste applies irrespective of the sales volume or sales period as well as for one year after the last piece of similar EE equipment has been sold.

When EE equipment is sold and/or delivered through a channel outside of the shop premises, including by mail order or via the Internet, the distributor shall establish an effective system for forwarding and receiving similar quantities of EE waste. The distributor shall receive the EE waste free of charge, but can charge for costs directly related to the dispatching of EE waste. The price of dispatching the EE waste must not exceed the amount that the distributor requires when dispatching similar quantities of sold EE equipment.

### **1-5. Duty to ensure the sorting, storage and forwarding of EE waste**

The distributor shall ensure that EE waste that is received is sorted from other waste and stored in a suitable place. The storage method shall not present a risk of pollution or damage to people or animals. The possibility that components in the EE waste can be reused, recycled or sorted shall not be reduced.

The distributor shall store the EE waste received until it is collected by a certified take-back company. If the EE waste is not collected, the distributor shall itself contact a take-back company in order to arrange for the collection. The take-back company may require that the distributor transports the EE waste to be handed over at a suitable place within a reasonable distance from the place where the distributor receives the waste.

### **1-6. Duty to provide information**

The distributor shall provide information to the effect that EE waste should not be disposed of together with other waste and that it receives EE waste free of charge. It shall provide this information through notices in all shop premises, display and exhibition premises, at temporary points of sale and in all sales and information material that is published in connection with the sales activities, both in electronic and paper-based media. The text shall be eye-catching and easy to read, and it shall be distinct from other information.

## **III. Duties of the municipality**

### **1-7. Duty to receive EE waste**

The municipality shall ensure that a sufficient provision exists for the reception of EE waste. The municipality shall receive household waste free of charge. The municipality shall also

receive EE waste that is industrial waste, but it can demand a charge for the costs associated with the reception and storage of such waste.

#### **1-8. Duty to ensure the sorting, storage and forwarding of EE waste**

The municipality shall ensure that the EE waste is sorted from other waste and stored in a suitable place. The storage method shall not present a risk of pollution or damage to people or animals. The possibility that components in the EE waste can be reused, recycled or sorted shall not be reduced.

The municipality shall store the EE waste received until it is collected by a certified take-back company. If the EE waste is not collected, the municipality shall itself contact a take-back company in order to arrange for the collection.

#### **1-9. Duty to provide information**

The municipality shall inform households and companies that EE waste is not to be disposed of together with other waste and that it receives EE waste.

### **IV. Duties of the producer**

#### **1-10. Requirement regarding membership in a take-back company**

The producer shall finance the collection, sorting, reuse, recycling, disposal and other treatment of EE waste through membership in a certified, collectively or individually financed take-back company, cf. section 1-13. Membership entails that the producer enters into an agreement for the purchase of services from a certified take-back company or that the producer itself operates a certified take-back company.

The membership shall cover the categories of EE waste that the producer imports into or manufactures in Norway. The Ministry of the Environment or the agency authorised by the Ministry of the Environment lays down the categories of EE equipment in appendix 1 to this chapter.

The obligation to be a member of a certified take-back company applies to producers of both components and independent products that are EE equipment. If the components that are EE equipment are incorporated in an assembled EE product, the take-back company shall overall ensure that the obligations associated with the whole EE equipment are fulfilled.

#### **1-11. Requirements regarding the sale of EE equipment to purchasers abroad**

In commercial sales to other EEA states, the exporter shall report the quantities and types of EE equipment to the Register of Producers cf. section 1-22, if this kind of reporting is not conducted by the take-back company under the terms of section 1-19. In the reporting, the commercial value of the EE equipment shall be broken down according to country of destination and the categories specified in appendix 1 to this chapter.

If EE equipment is sold on a commercial basis to private households in other EEA states by mail order, via the Internet or similar channels, the exporter shall ensure that the requirements

valid in the country of destination relating to the financing of the collection, recycling and other treatment of the equipment when it ends up as waste are complied with.

### **1-12. Duty to provide information**

In all of its sales and information material and wherever else it is appropriate, the producer shall provide information that EE waste is not to be disposed of together with other waste. The information must indicate where the relevant EE equipment should be delivered for scrapping, that it is covered by a return and take-back system and that they are received free of charge.

V. Duties of take-back companies

### **1-13. Requirements relating to the registration and certification of take-back companies**

Take-back companies shall be registered as separate units in accordance with Act no. 15 of 3 June 1994 relating to the Central Coordinating Register for Legal Entities.

Take-back companies shall be certified by a certification body in accordance with appendix 2 to this chapter. The take-back company shall cover all the costs related to the certification, regular controls and annual reviews. The certification body shall send immediate notification to the Register of Producers, cf. section 1-22, when a certificate is issued or revoked.

The Ministry of the Environment or the agency authorised by the Ministry of the Environment lays down in appendix 2 to this chapter requirements relating to the certification body, rules and criteria for certification as well as rules governing the revocation of certificates.

### **1-14. Duties of collectively financed take-back companies to collect and receive EE waste**

Collectively financed take-back companies shall:

- a) ensure that EE waste is collected free of charge from distributors and the municipalities and, to the extent necessary, get into contact with the municipalities and distributors in order to organise the collection;
- b) receive EE waste free of charge from enterprises that collect waste, on the condition that the EE waste is sorted, stored and forwarded properly in such a way that it is suitable for further treatment in line with the rules stipulated in section 1-18;
- c) collect and receive EE waste in relevant geographical areas of the country where EE equipment of its members is or has previously been sold or delivered, irrespective of the brand or make of the waste equipment;
- d) ensure that the collected EE waste is treated in accordance with the obligations stipulated in section 1-18;
- e) at all times have the financial resources to ensure that the company can fulfil the obligations in this chapter for its members.

The take-back companies shall collect and receive a proportion of the quantity of EE waste collected in total that corresponds to the share of its members in the total supply of goods in the same geographical area. The Register of Producers calculates the supply of goods, cf. section 1-22 d. The obligation relating to collection and reception applies to each category of EE equipment, cf. appendix 1 to this chapter.

The take-back company may require that distributors transport the EE waste to be handed over at a suitable site within a reasonable distance from the point where the waste was received.

### **1-15. Duties of individually financed take-back companies to ensure the collection of EE waste**

Individually financed take-back companies have a responsibility for the EE equipment that each of its members has manufactured in Norway or imported into Norway after the producer in question became a member of the take-back company. The responsibility applies until this EE equipment is scrapped or exported and irrespective of whether the producer remains a member of the take-back company.

The take-back company must establish and operate collection schemes that make it overwhelmingly probable that the EE equipment that the company is responsible for is returned to the take-back company when it is discarded.

The individually financed take-back company may not impose a requirement that distributors or the municipalities sort and/or deliver waste EE equipment of a particular brand or make to the take-back company. Neither may the take-back company base the probability referred to in subsection 2 on such sorting and/or delivery.

### **1-16. Duties of individually financed take-back companies to furnish a financial guarantee**

Individually financed take-back companies shall ensure that for all EE equipment that members manufacture in or import into Norway a sufficient financial guarantee is furnished to allow the duties under the terms of section 1-18 to be fulfilled at the time that the EE equipment is scrapped. The material value cannot be taken into account.

The take-back company shall calculate the guarantee amount necessary for each member and shall deposit the guarantee amount with the Norwegian Pollution Control Authority or the agency authorised by the Ministry of the Environment. Deposits and disbursements are administered by the Register of Producers, cf. section 1-22 h.

The Register of Producers shall reimburse the financial guarantee to the take-back company at the time that the EE equipment is identified as scrapped or when a predetermined and stipulated lifetime has expired. When individually financed take-back companies receive the reimbursement of the financial guarantee, the necessary amount shall be made available for the purposes covered by section 1-18.

If the individually financed take-back company no longer exists at the time the reimbursement is to be made, the Register of Producers shall disburse the guarantee amount to all certified collectively financed take-back companies that cover equivalent equipment at this time. The amount shall be distributed according to the market share held by each of the collectively financed take-back companies.

### **1-17. Duty of the individually financed take-back company to participate in the financing of collective take-back companies**

Individually financed take-back companies shall participate in the financing of collectively financed take-back companies in order to cover the costs associated with waste from EE equipment that was produced in or imported into Norway before each of the members joined the company, as well as the costs for all EE waste that cannot be linked to an existing producer.

The take-back company shall calculate the collective obligation based on the estimated average lifetime of each of the products in question.

### **1-18. Duty to ensure the sorting, transport, reuse, recycling and other proper treatment of EE waste**

The take-back company shall ensure that:

- a) EE waste is transported, treated and disposed of by actors that hold the necessary permits and otherwise in line with the applicable rules and regulations;
- b) materials and components in the EE waste that are hazardous waste as defined by chapter 11 relating to hazardous waste are sorted and handled at approved treatment facilities;
- c) other materials and components in the waste are reused and recycled where this is justified after the environmental, resource and economic factors have been weighed up; the justification shall be based on the best available techniques for treatment and recycling and in such a way that priority is given to the reuse of complete EE equipment;
- d) the treatment of the EE waste covers as a minimum the removal of all liquids and other selective treatment and storage in compliance with Appendix 2 to this chapter;
- e) the recycling target in Appendix 2 to this chapter is met and that records are kept of the quantities and types of EE waste coming in to and going out of the treatment facility as well as the breakdown according to further disposal, and that the take-back company collects this data;
- f) all of their subcontractors fulfil the requirements of this provision and that it is possible for this compliance to be ascertained by a certifying body.

### **1-19. Duty to provide information**

The take-back company shall immediately inform the Register of Producers, cf. section 1-22, of which producers join or leave the company as well as which of the categories of EE equipment in Appendix 1 to this chapter are covered by the notifications of producers joining and leaving.

The take-back company shall report to the Register of Producers once a year at a minimum, cf. section 1-22. As a minimum, the report shall cover:

- a) the total quantity of EE waste that has been collected, treated and dispatched for various types of disposal, broken down according to county of collection, municipality, treatment method and the categories stipulated in Appendix 1 to this chapter. The report shall also show the distribution of EE waste between households and industry;
- b) which treatment facilities have been used, what quantities and types of EE waste have been treated and in what countries treatment has taken place;
- c) what quantities of EE equipment are reused as complete equipment, specified in numbers and ton broken down into the categories of EE equipment in Appendix 1,
- d) complete recycling share for all collected EE waste broken down into the categories of EE equipment in Appendix 1, and
- e) the total imports, exports and domestic production of EE equipment of its members broken

down into the categories stipulated in Appendix 1 to this chapter. For exports, the distribution according to receiving country shall be stated.

### **1-20. Duty to provide information**

The take-back company shall provide information stating that EE equipment is not to be disposed of together with other waste. This information must also state where the EE equipment in question is to be handed in for scrapping, that it is covered by a return and take-back system, and that it is received free of charge.

### **1-21. Duty to cover the costs associated with the operation of the Register of Producers**

The take-back company shall cover the costs associated with the operation of the Register of Producers, cf. section 1-22, with a contribution corresponding to the share that its members have in the total goods supply of all EE equipment. Individually financed take-back companies shall in addition cover the administrative costs of the Register of Producers related to the financial guarantees as set out in section 1-16.

The Norwegian Pollution Control Authority or the agency authorised by the Ministry of the Environment sets the size of the fee for each take-back company and may lay down more detailed provisions concerning payments. The take-back company shall pay the fee to the Norwegian Pollution Control Authority in accordance with the invoice issued by the Register of Producers. The entire amount paid shall be used to cover the costs of the Register of Producers.

## **VI. Register of Producers**

### **1-22. The Register of Producers**

The Norwegian Pollution Control Authority or the agency authorised by the Ministry of the Environment shall establish and own a register that shall cover all producers of EE equipment. The Register of Producers shall:

- a) receive and collate data from the take-back companies in which producers are members, on the imports, exports and domestic production of EE equipment by the producers broken down into the categories in Appendix 1 to this chapter, as well as draw up an overview of the countries of destination for exports;
- b) receive and collate data from the take-back companies on the EE waste that is collected, treated and dispatched for various types of disposal, broken down into the categories in Appendix 1 to this chapter, which treatment facilities are used, what quantities and types of EE waste are treated and in what country the treatment has taken place;
- c) upon request, provide the authorities of other EEA states data on the export of EE equipment and EE waste from Norway;
- d) calculate the total goods supply in Norway broken down into the categories in Appendix 1 to this chapter. Goods supply means the commercial sale and other supply of EE equipment on the Norwegian market. The goods supply is calculated as the imported and produced quantity by weight less the exported quantity by weight of EE equipment. When calculating the goods supply, a deduction shall be made for the part that is covered by individually financed take-back companies;
- e) provide guidance on the duties of the individual producer that must be fulfilled through membership in a take-back company, including providing information on which take-back

- companies are certified to cover the EE equipment in question;
- f) inform the producer if the certification of the take-back company in which the producer is a member, is revoked;
  - g) collect data on the business registration number, address and import and domestic production of EE equipment of the producers broken down into the categories in Appendix 1 to this chapter from the Directorate of Customs and Excise, the Directorate of Taxes and the Brønnøysund Register Centre in order to identify those producers who do not fulfil their duties under the terms of sections 1-10 and 1-11, and advise these producers of their duties;
  - h) administer deposits and disbursements of financial guarantees for individually financed take-back companies, cf. section 1-16,
  - i) only provide information in compliance with the rules on the duty to maintain confidentiality in the Public Administration Act,
  - j) act impartially in the relationship between competing take-back companies.

The Norwegian Pollution Control Authority or the agency authorised by the Ministry of the Environment may lay down more detailed requirements governing the fulfilment of letters a) to j) of this provision.

## **VII. Final provisions**

### **1-23. Relationship to chapter 11 relating to hazardous waste**

Distributors, municipalities, and take-back companies that receive or collect EE waste in accordance with their obligations under the terms of these regulations do not require a permit under the terms of section 11-6 for the reception, storage and transport of EE waste that is hazardous or that contains materials and components that are hazardous waste.

### **1-24. Labelling and phasing out of components**

Provisions on the labelling and phasing out of components are incorporated in sections 3-15 to 3-19 of the regulations of 1 June 2004 no. 922 relating to restrictions on the use of chemicals and other products that are hazardous to health and the environment (the Product Control Regulations).

### **1-25. Control**

The county governor is responsible for ensuring compliance with the obligations of distributors and municipalities in parts II and III of this chapter. The Norwegian Pollution Control Authority is furthermore responsible for ensuring compliance with the provisions of this chapter and with measures taken pursuant to the provisions of this chapter.

### **Appendix 1: Categories of EE equipment**

Laid down by the Ministry of the Environment or by the agency authorised by the Ministry of the Environment pursuant to section 1-10, subsection 2.

### **Appendix 2: Certification of take-back companies**

Laid down by the Ministry of the Environment or by the agency authorised by the Ministry of the Environment pursuant to section 1-13, subsection 3.

II.

These amendments enter into force on 1 July 2006. Chapter 2 is repealed from the same date.