

Ordinance of the Federal Minister of Agriculture and Forestry, Environment and Water Management on Waste Prevention, Collection and Treatment of Waste Electrical and Electronic Equipment (WEEE Ordinance),

BGBI. (Federal Law Gazette) II No. 121/2005

Having regard to Articles 13, 13a, 13b, 14, 19, 23 (1) and (3), 28a and 36 of the Waste Management Act 2002 (*Abfallwirtschaftsgesetz*—AWG 2002), BGBI. I No. 102, as amended in BGBI. I No. 155/2004 and by the announcement published in BGBI. I No. 181/2004, the following ordinance is adopted in agreement with the Federal Minister of Economic Affairs and Labour:

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Objectives

Article 1. The objectives of this Ordinance are:

1. the prevention of waste electrical and electronic equipment (WEEE) and, if such wastes cannot be prevented, the re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste with a view to sustainable material flow management and the improvement of the environmental situation; this shall be done with the participation of all operators involved in the life-cycle of electrical and electronic equipment, e.g. producers, distributors, consumers and, in particular, treatment operators;
2. a rate of separate collection of at least 4 kg on average per inhabitant per year of WEEE from private households from 2006 on;
3. the restriction of the use of hazardous substances in electrical and electronic equipment so as to contribute to the protection of human health, to avoid hazards to the natural living conditions of animals or plants, or to soil and to contribute to the environmentally sound recovery and disposal of WEEE.

Scope

Article 2. (1) This Ordinance shall apply to electrical and electronic equipment falling under the equipment categories set out in **Annex 1** provided that the equipment concerned is not part of another type of equipment that does not fall within the scope of this Ordinance.

(2) Electric light bulbs shall only fall within the scope of this Ordinance with regard to Article 4(1) and (2).

(3) Equipment, arms, munitions and war material that are specifically intended for military purposes and that are important for protecting the essential interests of Austria's security shall be excluded from this Ordinance.

Definitions

Article 3. For the purposes of this Ordinance, the following definitions shall apply:

1. "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 equipment categories set out in Annex 1 and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current;
2. "waste electrical and electronic equipment" or "WEEE" means electrical and electronic equipment which is waste within the meaning of Article 2 AWG 2002, including:
 - (a) all components,
 - (b) all subassemblies, and
 - (c) all consumableswhich are part of the product at the time of discarding;
3. "re-use" means any operation by which WEEE is used for the same purpose for which the equipment was conceived, including the continued use of the equipment or components thereof which are returned to collection points, distributors, recyclers or producers;
4. "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 or the disposal of the WEEE;
5. "final distributor" means any party offering electrical or electronic equipment on a commercial basis to a final consumer;
6. "final consumer" means any party purchasing electrical or electronic equipment for using it;
7. "electrical and electronic equipment for private households" means:
 - (a) electrical and electronic equipment intended for private households,
 - (b) electrical and electronic equipment for commercial, industrial, institutional and other users which, because of its nature and quantity, is similar to that for private households,
 - (c) electrical and electronic equipment which, because of its quantity, is not similar to electrical and electronic equipment for private households at the time it is put on the market, but which is comparable with waste electrical and electronic equipment from private households with regard to potential waste generation (dual-use equipment);

8. “waste electrical and electronic equipment from private households” means electrical and electronic equipment for private households which is considered waste;
9. “electrical and electronic equipment for commercial purposes” means electrical and electronic equipment which is not considered to be electrical and electronic equipment for private households pursuant to Number 7;
10. “waste electrical and electronic equipment from commercial purposes” means waste electrical and electronic equipment which is not considered to be waste electrical and electronic equipment from private households pursuant to Number 8;
11. “dangerous substances or preparations” mean substances or preparations considered dangerous pursuant to Article 3(1) of the Chemicals Act 1996 (*Chemikaliengesetz*), BGBl. I No. 53/1997, as amended in BGBl. I No. 98/2004;
12. “putting on the market” means the transfer of electrical and electronic equipment to another legal entity on a commercial basis;
13. “collection points” mean points set up
 - (a) by municipalities or associations of municipalities under Article 28a AWG 2002, or
 - (b) producers of electrical and electronic equipment for private households under Article 13a(1) AWG 2002where waste electrical and electronic equipment from private households can be returned;
14. “mass percentage” means the masses of electrical and electronic equipment for private households that are put on the market by producers and reported by a collection and recovery system in relation to the total mass of electrical and electronic equipment for private households put on the market which is reported by collection and recovery systems.

Substance bans and prevention

Article 4. (1) The putting on the market of:

1. electrical and electronic equipment, and
2. luminaires for private households and electric light bulbs

which contain more than 0.1 by weight of lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) in each homogeneous material or more than 0.01% by weight of cadmium in each homogeneous material shall be banned. A homogeneous material shall be a material which cannot be separated into individual substances by mechanical methods.

(2) Paragraph 1 shall not apply to:

1. electrical and electronic equipment of the categories 8 and 9 of Annex 1,
2. electrical and electronic equipment of categories 1 to 7 and 10 of Annex 1 if such equipment was put on the market in the European Union for the first time before 1 July 2006,
3. luminaires for private households and electric light bulbs if they were put on the market in the European Union for the first time before 1 July 2006,
4. spare parts for electrical and electronic equipment put on the market for the first time before 1 July 2006 that are required for
 - (a) the repair of such electrical and electronic equipment, or
 - (b) the re-use of such equipment, and
5. the applications listed in **Annex 2**.

(3) Producers shall not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example with regard to the protection of the environment or safety requirements.

Return of waste equipment

Article 5. (1) Final consumers shall be able to return WEEE from private households at least free of charge at:

1. collection points under Article 3(13)(a),
2. collection points under Article 3(13)(b),
3. at other return facilities set up by producers or collection and recovery systems for that purpose,
4. at the final distributor’s on a one-to-one basis pursuant to Paragraph 2 or 3.

Acceptance of WEEE from private households that present a risk to the recipient's health and safety due to contamination with dangerous substances or preparations may be refused. If other wastes have been added to WEEE from private households, the recipient may charge the costs resulting from the acceptance of such wastes or refuse to take over the wastes added.

(2) When selling EEE for private households, the final distributor shall be obliged to take back, at the final consumer's request, WEEE at least free of charge on a one-to-one basis if the returned equipment is of an equivalent type and has fulfilled the same function as the new equipment. Final distributors shall be exempt from this obligation if their sales area is less than 150 m² and if they inform final consumers on the exemption from the take-back obligation, in particular, by a clear announcement in their shop.

(3) For legal transactions in which the final distributor sells EEE for private households by mail order, including electronic mail order, the final distributor can fulfil the obligation of taking back WEEE on a one-to-one basis under Paragraph 2 by setting up at least two points accessible to the public per political district where final consumers can return WEEE from private households. Final consumers shall be informed of these points and their opening hours in a suitable manner.

(4) Unless producers of EEE for private households fulfil their take-back obligation individually pursuant to Article 7(3)(1), they shall set up at least one collection point in each political district where WEEE from private households can be returned by final distributors. The WEEE shall be taken back at least free of charge at the collection points.

(5) Final distributors of EEE shall be able to return WEEE from private households free of charge at least at:

1. collection points under Article 3(13)(b),
2. collection points pursuant to Article 3(13)(a) if appropriate contracts have been concluded between a collection and recovery system and the collection point and if the legal and technical requirements are met.

The last two sentences of Paragraph 1 shall apply *mutatis mutandis*.

Collection points

Article 6. (1) At the collection points pursuant to Article 3(13), WEEE shall be collected and held ready separately for at least the collection and treatment categories listed in **Annex 3** unless provided otherwise in a contract on the sorting of WEEE.

(2) Unless there is a contract on the collection of WEEE from private households with one or more collection and recovery systems for a specific collection and treatment category, municipalities (associations of municipalities) may notify pick-up needs according to Paragraph 4 to the co-ordination body pursuant to Article 19 within the framework of the separate collection of these WEEE under Article 28a AWG 2002:

1. when a quantitative threshold defined in Annex 3 is reached in a collection and treatment category, or
2. for those collection and treatment categories in which the quantitative threshold defined in Annex 3 has not been reached within six months.

(3) A producer may notify pick-up needs according to Paragraph 4 from a collection point pursuant to Article 3(13)(b) to the co-ordination body if:

1. the producer has already taken back WEEE corresponding to the ratio of the EEE put on the market by him to the total EEE put on the market as reported by the collection and recovery systems, and
2. a quantitative threshold defined in Annex 3 is reached in a collection and treatment category.

(4) The notification of pick-up needs shall contain the following information:

1. GLN (global location number) of the collection point,
2. collection and treatment category,
3. estimated mass, and
4. number, type, form and size of collection containers.

(5) Pick-up needs pursuant to Paragraph 2(1) and Paragraph 3 may be notified for the first time at the earliest on 31 October 2005.

Take-back of waste electrical and electronic equipment from private households by producers

Article 7. (1) Producers of EEE for private households shall take back WEEE collected after 12 August 2005 from collection points pursuant to Article 3(13)(a), from final distributors or final consumers at collection points pursuant to Article 3(13)(b) and—if they have set up other return facilities—from final consumers at least free of charge. The last two sentences of Article 5(1) shall apply *mutatis mutandis*.

(2) For EEE for private households put on the market before 13 August 2005, producers shall fulfil their take-back obligation under Paragraph 1 in proportion to the ratio of EEE put on the market by them to the total amount of EEE put on the market by participating in a collection and recovery system pursuant to Article 15. Changing from one collection and recovery system to another shall only be permitted at the end of a calendar quarter.

(3) For EEE for private households put on the market before 13 August 2005, producers shall fulfil their take-back obligation under Paragraph 1:

1. either individually by sorting out all EEE put on the market by them; these producers shall conclude contracts on the sorting out of the EEE for private households put on the market by them with the operators of all collection points where their EEE may be returned, and shall initiate the procedure in accordance with Article 13a(3) AWG 2002 furnishing proof of the contracts concluded, the guarantee according to Article 8(1)(2) or (3) and the technical requirements needed for sorting by notifying the Federal Minister of Agriculture and Forestry, Environment and Water Management; or
2. by participating in a collection and recovery system pursuant to Article 15 in line with the ratio of their EEE put on the market to the total EEE put on the market as reported by the collection and recovery systems.

Changing from take-back under Number 1 to take-back under Number 2 or from one collection and recovery system to another shall only be permitted at the end of a calendar quarter.

(4) For EEE for private households sold to private final consumers within the framework of distance selling (under the meaning of Article 5a of the Consumer Protection Act (*Konsumentenschutzgesetz—KSchG*), BGBl. No. 140/1970 as amended in BGBl. I No. 62/2004) in other Member States of the European Union, producers shall comply with the relevant national provisions transposing Article 8(1) to (3) of Directive 2002/96/EC on waste electrical and electronic equipment, OJ No. L 37 of 13.02.2003, p. 24, which apply in the Member State where the EEE buyer resides.

Guarantee by producers

Article 8. (1) When putting on the market EEE for private households after 12 August 2005, producers shall provide a guarantee for the take-back and treatment of these products. The guarantee shall apply to each collection and treatment category separately and may take the form of:

1. participation in an appropriate collection and recovery system for WEEE or
2. an insurance or
3. a blocked bank account.

(2) Guarantees pursuant to Paragraph 1(2) and (3):

1. shall provide sufficient cover for the logistic and treatment costs resulting from all EEE put on the market by the producer,
2. shall remain unaffected by the insolvency or withdrawal from the market of the producer or guarantor, and
3. shall identify as a beneficiary a collection and recovery system authorised for the relevant collection and recovery category which will contractually perform the take-back and treatment of WEEE for the producer in the event of his insolvency or withdrawal from the market.

Identification of treatment charges by producers

Article 9. (1) At the time of sale of new products, producers shall not show separately to purchasers the costs of collection and treatment of WEEE from private households.

(2) Paragraph 1 shall not apply to the costs of collection and treatment of WEEE from private households put on the market as new products before 13 August 2005. These costs may be displayed separately for products of

1. equipment categories 2 to 10 of Annex 1 until 13 February 2011,
2. equipment category 1 of Annex 1 until 13 February 2013.

The costs displayed shall demonstrably not exceed the costs actually incurred for collection and treatment.

Take-back of waste electrical and electronic equipment used for commercial purposes by producers

Article 10. (1) Producers who have put EEE for commercial purposes on the market before 13 August 2005 shall take back these products at least free of charge if they replace them by new products fulfilling the same function.

(2) Producers putting EEE for commercial purposes on the market after 12 August 2005 shall take back these products at least free of charge.

(3) With regard to WEEE from commercial purposes, producers may agree with the users of the equipment, excluding private households, on arrangements for financing collection or treatment differing from Paragraphs 1 and 2.

Re-use and treatment

Article 11. (1) For WEEE taken back pursuant to Article 7 or 10, producers shall demonstrably ensure that:

1. WEEE is re-used as a whole if this is appropriate to the appliances' technical state, environmentally sound and reasonable in economic terms; the categories of EEE handed on for re-use and the mass of these appliances shall be recorded;
2. WEEE not re-used is treated in line with the state of the art;
3. the requirements specified in the Ordinance on Waste Treatment Obligations (*Abfallbehandlungspflichtenverordnung*), BGBl. II No. 459/2004, are complied with;
4. the re-use and recycling targets defined in Annex 3 are reached for WEEE pursuant to Number 2 by 31 December 2006 at the latest;
5. with regard to the calculation of targets pursuant to Paragraph 4, records are kept on the mass of WEEE, their components, materials and substances if these:
 - (a) are supplied to or leave a treatment plant, or
 - (b) are supplied to a recovery plant.

The first to third sentences of Article 17(5) AWG 2002 shall apply *mutatis mutandis* to the records pursuant to Numbers 1 and 5.

(2) WEEE exported to countries outside the European Union shall only be taken into account in the calculation of the re-use and recycling targets specified in Annex 3 if:

1. the producer demonstrates that the requirements of Paragraph 1 are met, and
2. export complies with Community legislation on waste shipment.

(3) Each waste collecting operator (in particular municipalities or associations of municipalities) who accepts WEEE from final consumers and does not return it to the producer shall observe the provisions of Paragraphs 1 and 2.

Labelling

Article 12. (1) Parties putting EEE on the market as producers after 12 August 2005 shall mark it indelibly and well visibly and legibly by the symbol given in **Annex 4** unless this marking has been applied already. Producers shall be exempt from this obligation with regard to EEE for which this marking is impossible due to legal provisions or due to the size or function of the product. In these cases, the symbol shall be printed on the packaging, on the instructions for use or on the warranty of the EEE.

(2) On each EEE put on the market for the first time after 12 August 2005, producers shall provide information on the fact that the product is put on the market for the first time after that date. This obligation can be met by marking the products with the symbol shown in Annex 4.

(3) Producers putting EEE on the market after 12 August 2005 shall provide the product with a label that unambiguously identifies the producer. For EEE imported from another Member State to Austria, this labelling obligation shall also be considered met if it is clearly shown that the product is put on the market after 12 August 2005 and the producer's obligation of take-back and treatment is demonstrably met in a different manner, in particular by fulfilling this obligation, for example, in proportion to the ratio of the EEE put on the market by the producer to the total EEE put on the market as reported by the collection and recovery systems.

Information for final consumers

Article 13. Producers shall provide final consumers of EEE for private households with information on the following fields in a suitable manner, e.g. in print media or through the Internet:

1. the purpose of the separate collection of WEEE and the disadvantages of disposal together with unsorted municipal waste,
2. the return and collection options available,
3. the meaningfulness of re-use, recycling and other forms of recovery for WEEE,
4. the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment, and
5. the meaning of the symbol shown in Annex 4.

The information identified in Number 2 shall be co-ordinated with the operators of collection points pursuant to Article 3(13)(a).

Information for operators of treatment plants

Article 14. Producers shall make available the information required for the re-use and treatment of each type of new EEE put on the market after 12 August 2005 within one year after the relevant equipment type is put on the market. This information shall identify, as far as it is needed by operators of repair companies and treatment plants in order to comply with the provisions of this Ordinance, the different components and materials, as well as the location of dangerous substances and preparations in EEE. It shall be made available to operators of repair companies and treatment plants by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

Participation in a collection and recovery system

Article 15. (1) Producers fulfilling their take-back obligation by participating in a collection and recovery system pursuant to Article 7(2) or (3)(2) shall contractually transfer this obligation and the related duties under Articles 5(3), 11(1) and (2), 13, 21(1)(7), 23(1) and 24(1) for each collection and treatment category in their entirety to an authorised collection and recovery system for WEEE, whereby the corresponding obligations and duties are conveyed to the system's operator.

(2) Producers of EEE for commercial purposes may contractually transfer their obligations under Articles 10, 11(1) and (2), 23(4) and 24(1) for each collection and treatment category in their entirety to an authorised collection and recovery system for WEEE, whereby the corresponding obligations are conveyed to the system's operator.

(3) If a producer who sells EEE within the framework of distance selling (under the meaning of Article 5a KSchG) in other Member States of the European Union only participates in one collection and recovery system, he may contractually transfer the obligation pursuant to Article 23(2) to this collection and recovery system, whereby this obligation is conveyed to the operator of this system.

(4) Producers shall give the relevant collection and recovery system appropriate audit rights, in particular with regard to the masses of EEE put on the market by them.

Requirements for the establishment and operation of a collection and recovery system

Article 16. (1) A WEEE collection and recovery system may only be set up and operated for taking over the obligations under Article 15(1) or (2) in their entirety for one or more collection and recovery categories.

(2) Collection and recovery systems shall demonstrate that they have an appropriate coverage all over the national territory, which means that in line with the obligation of Article 5(4), at any rate, a minimum of one collection point has to be established per political district and a disposal logistics plan has to be prepared showing that pick-up from collection points in accordance with Article 3(13) can be performed.

(3) Collection and recovery systems shall offer all-inclusive solutions for producers that shall correspond to representative mass percentages.

(4) Collection and recovery systems for WEEE from private households shall submit the signed agreement to the Federal Minister of Agriculture and Forestry, Environment and Water Management as a part of the documentation when applying for the system's authorisation in accordance with Article 29(4) AWG 2002. An amendment to the agreement or the conclusion of a new agreement does not result in a modified authorisation according to Article 29(1) AWG 2002.

(5) As a prerequisite for the operation of their system, collection and recovery systems shall demonstrate by annually submitting the data pursuant to Article 18(1)(1), for the first time in the data for the calendar year 2006 to be supplied by 10 April 2007, that they reach:

1. either a mass percentage of at least 5% of all EEE put on the market in the relevant collection and treatment category annually, or
2. a mass percentage of at least 20% of the EEE put on the market annually when adding up the mass percentages in the individual collection and treatment categories for which the collection and recovery system has been authorised.

If the mass percentages are not reached after setting a reasonable period of grace, the Federal Minister of Agriculture and Forestry, Environment and Water Management shall appropriately restrict or withdraw pursuant to Article 31(2)(5)(b) AWG 2002 the authorisation for the operation of the collection and recovery system as per the end of the current calendar quarter.

Own collection volumes of collection and recovery systems

Article 17. (1) In addition to the collection points established pursuant to Article 3(13), a collection and recovery system may set up further return facilities for WEEE from private households. The WEEE collected there shall be re-used or treated in accordance with Article 11.

(2) Collection and recovery systems shall offer an agreement on crediting to the respective collection and treatment category of the WEEE masses demonstrably collected by their participants within the framework of other return facilities and of the masses of WEEE from private households re-used or treated pursuant to Article 11.

(3) When calculating the obligation percentage pursuant to **Annex 5**, the co-ordination body shall take into account, as the own collection volume of the collection and recovery system, the masses of WEEE from private households that have been collected according to Paragraphs 1 and 2 as well as at collection points according to Article 3(13), that have been re-used or treated pursuant to Article 11 and that were not notified as pick-up needs and not handed over to a collection and recovery system through the co-ordination body, if the collection and recovery system has informed the co-ordination body of each transfer of WEEE to another legal entity (the transferee commissioned) by supplying the following data to the register pursuant to Article 22(1) AWG 2002:

1. the locations where WEEE have been collected, specifying the collection and treatment categories as well as, if available, the GLNs for these locations,
2. the transferees commissioned by collection and treatment category,
3. the masses submitted to treatment by collection and treatment category, and
4. proof of compliance with Article 11(1)(3) and (4).

The documentation confirming these data shall be kept on file by the collection and recovery system. The first to third sentences of Article 17(5) AWG 2002 shall apply *mutatis mutandis*.

Additional documentation duties of collection and recovery systems

Article 18. (1) Without prejudice to their contractual duties on record keeping, the operators of collection and recovery systems shall submit the following documents to the Federal Minister of Agriculture and Forestry, Environment and Water Management at any rate annually by 10 April of the following year in order to demonstrate the proper performance of their business activities:

1. a list of the participating producers, specifying the GLN and the mass of EEE put on the market in the previous calendar year for which the producers participated in the system concerned, broken down by collection and treatment categories which, in their turn, shall be sub-divided into EEE for private households and EEE for commercial purposes, and
2. an activity report.

The list pursuant to Number 1 shall be submitted through the register.

(2) Furthermore, the operators of collection and recovery systems shall submit to the Federal Minister of Agriculture and Forestry, Environment and Water Management an annual report (at any rate the annual financial statements plus their annexes) on the previous calendar year by 10 September of each year.

(3) The operators of collection and recovery systems shall publish their general terms and conditions in an appropriate fashion. Before any amendment of the general terms and conditions, the changes planned shall be submitted to the Federal Minister of Agriculture and Forestry, Environment and Water Management.

Co-ordination body

Article 19. (1) The co-ordination tasks defined in Article 13b(1) AWG 2002 shall be fulfilled, as a co-ordination body, by the Federal Minister of Agriculture and Forestry, Environment and Water Management or a legal entity appointed by the Minister.

(2) The agreements concluded with the collection and recovery systems for WEEE for private households shall contain provisions on the following issues regulating in greater detail the tasks defined in Article 13b(1)(1) AWG 2002:

1. performance of pick-up from collection points pursuant to Article 3(13), in particular
 - (a) definition of the possibility of taking over pick-up needs notified by the operators of collection points on a voluntary basis within a specific period of time,
 - (b) time limits for picking up WEEE pursuant to Article 6(2)(1) or 6(3) and pursuant to Article 6(2)(2),
 - (c) consent to the direct commissions placed by the co-ordination body with a transferee contracted by the collection and recovery system at the system's expense if pick-up was not effected by the system in due time;
2. definition of flat rates to cover the costs of using the collection infrastructure of municipalities or associations of municipalities within the framework of pick-up co-ordination, taking into consideration:
 - (a) the waste quantities to be expected, the facilities required for fulfilling the tasks of municipal collection, the useful life of the facilities and possibilities for raising efficiency with regard to picking up WEEE,
 - (b) the flat rates for financing collection infrastructure shall cover:
 - aa. the costs of containers as far as these are borne by the municipality or association of municipalities, and
 - bb. the costs of any necessary covers and structural measures for WEEE from private households, if these are required under the Ordinance on Waste Treatment Obligations (*Abfallbehandlungspflichtenverordnung*), BGBl. II No. 459/2004;

The flat rates shall be reduced proportionately to the relevant mass of WEEE collected if it is not returned to the producers within the framework of pick-up co-ordination;

- (c) the flat rates shall be borne by the collection and recovery systems in proportion to their mass percentages, with the infrastructure costs of the collection points pursuant to Article 3(13)(a) demonstrably covered by their own collection volume being counted against their share of the flat rate up to the amount of that share in relation to the mass of WEEE collected in this way;
 3. establishment of a fee for the costs incurred by municipalities or associations of municipalities to ensure the harmonised information of final consumers as a function of the number of residents; this fee shall be borne by the collection and recovery systems in proportion to their mass percentages;
 4. identification of institutions to which disputes may be referred for arbitration, the potential arbitration cases, the duration of the arbitration proceedings and payment of arbitration costs.
- (3) Further to Article 13b(1)(2) AWG 2002, co-ordination shall include the following measures:
1. calculation of the obligation percentage of the collection and recovery systems and forwarding of a notified pick-up need to the collection and recovery system with the highest obligation percentage;
 2. allocation of the flat rates pursuant to Paragraph 2(2) and the fee pursuant to Paragraph 2(3);
 3. preparation of an annual concept for information activities pursuant to Article 13 with the involvement of the operators of collection points according to Article 3(13).

(4) In fulfilling its tasks, the co-ordination body shall comply with the requirements specified in Annex 5.

Notification and transmission of pick-up needs

Article 20. (1) In line with their obligation percentages pursuant to Annex 5 for each collection and treatment category, the collection and recovery systems shall pick up WEEE at collection points according to Article 3(13) when the co-ordination body informs them in electronic form of pick-up needs for WEEE from private households through the register. The pick-up needs shall be forwarded together with the following information:

1. GLN of the collection point,
2. collection and treatment category,
3. estimated mass, and
4. number, type, form and size of collection containers.

(2) The collection and recovery system shall forthwith inform the co-ordination body of the GLN of the contracted transferee through the register.

(3) Before taking over WEEE, the contracted transferee shall report the pick-up date (when transport starts) and the GLN of the site to which the waste is planned to be transported to the co-ordination body through the register. In the case of dangerous WEEE, the transferee shall additionally report the treatment process planned, the transporter and the type of transport.

(4) For dangerous WEEE, the data according to Paragraphs 1 to 3 can be used as consignment note data according to Article 18(3) AWG 2002 for shipment.

(5) After pick-up, the contracted transferee shall report the GLN of the site to which the wastes were delivered, the date of receipt and the mass weighed to the co-ordination body through the register.

(6) For dangerous WEEE, provision of the data pursuant to Paragraphs 1 to 5 shall be considered to constitute reporting of consignment note data according to Article 18(3) AWG 2002.

(7) Collection and recovery systems can use the reporting structures pursuant to Paragraphs 1 to 5 for recording their own collection volumes. Notwithstanding Paragraphs 2 and 3, in that case, the contracted transferee shall specify the collection and recovery system for which the collection volume is to be recorded. If the data pursuant to Paragraphs 1 to 3 and 5 are provided through the register, these data shall also be considered to constitute consignment note data according to Article 18(3) AWG 2002.

Registration of obligated parties

Article 21. (1) Producers fulfilling the take-back obligation in accordance with Article 7(2) or (3)(2) or Article 10 shall enter the following data in electronic form in the register pursuant to Article 22(1) AWG 2002 on the Internet site of the Umweltbundesamt Gesellschaft mit beschränkter Haftung (Federal Environment Agency) and shall ensure that these data are available by 30 September 2005 at the latest:

1. name, addresses (e.g. registered office) of the producers and the business address relevant for serving notices,
2. company register numbers, association register numbers, supplementary register numbers or, for natural persons, sector-specific personal identifiers,
3. identification of economic sectors (four-digit codes) in accordance with Council Regulation (EEC) No. 3037/90 on the statistical classification of economic activities in the European Community, OJ L 293 of 24.10.1990, p. 1, as last amended by Commission Regulation (EC) No. 29/2002, OJ L 6 of 10.01.2002, p. 3,
4. contact addresses, including e-mail addresses, if available, and contact persons,
5. the EEE put on the market, indicating the collection and treatment category,
6. information as to whether EEE is put on the market for private households or for commercial purposes,
7. for EEE for private households, the collection points pursuant to Article 3(13)(b) by indicating their GLNs,
8. identification of the related collection and recovery system,
9. for EEE for private households, information as to whether products are sold within the framework of distance selling (under the meaning of Article 5a KSchG) in other Member States of the European Union.

Producers who put on the market EEE for the first time after 12 August 2005 shall supply the data pursuant to Numbers 1 to 9 to the register within one month of taking up business. Changes of data pursuant to Numbers 1 to 9 shall be supplied to the register within one month.

(2) At the request of their participants, collection and recovery systems shall forward the registration data pursuant to Paragraph 1(1) to (6) and (8) as well as—if the producer only participates on one collection and recovery system—the registration data pursuant to Paragraph 1(9) to the register.

(3) Producers who fulfil the take-back obligation individually in accordance with Article 7(3)(1) shall supply the following data to the register within one month of being identified as individual take-back producers:

1. the EEE put on the market, indicating the collection and treatment category,

2. information as to whether EEE is put on the market for private households or for commercial purposes,
3. the type of guarantee, identifying the insurance company or bank and the collection and recovery system specified as beneficiary,
4. for EEE for private households, information as to whether products are sold within the framework of distance selling (under the meaning of Article 5a KSchG) in other Member States of the European Union.

Changes of data pursuant to Numbers 1 to 4 shall be supplied to the register within one month.

(4) In addition to their registration under AWG 2002, operators of collection points pursuant to Article 3(13) shall supply to the register the following information by 31 July 2005:

1. the type of collection point (Article 3(13)(a) or (b)), and
2. in the case of collection points pursuant to Article 3(13)(a), the facilities of the collection point for each collection and treatment category.

Operators of collection points that are taken into operation for the first time after 12 August 2005 shall supply the data pursuant to Numbers 1 and 2 to the register within one month of taking up this activity. Changes of data pursuant to Numbers 1 and 2 shall be supplied to the register within one month.

Publication of the lists of producers, collection points and treatment operators

Article 22. The Federal Minister of Agriculture and Forestry, Environment and Water Management shall publish:

1. a list of producers of EEE for private households, indicating whether they fulfil the take-back obligation in accordance with Article 7(3)(1) or (2),
2. a list of collection points pursuant to Article 3(13), indicating the type of collection point (Article 3(13)(a) or (b)), and
3. a list of WEEE treatment operators, with treatment operators registered under Article 16 of the Environmental Management Act (*Umweltmanagementgesetz—UMG*), BGBl. I No. 96/2001, as amended in BGBl. I No. 99/2004, being marked specifically,

on the Internet site of the Federal Ministry of Agriculture and Forestry, Environment and Water Management and shall update these lists quarterly.

Reporting of waste electrical and electronic equipment put on the market

Article 23. (1) Producers of EEE for private households shall report the masses of EEE put on the Austrian market in a calendar quarter in electronic form to the co-ordination body through the register no later than seven weeks after the reference quarter. The report shall specify the masses of EEE broken down by collection and treatment categories and indicate the calendar quarter. If no EEE was put on the market in a specific calendar quarter, a nil report shall be submitted. The first report shall cover the third quarter of 2005.

(2) Producers who sell EEE for private households within the framework of distance selling (under the meaning of Article 5a KSchG) in other Member States of the European Union shall report the following data in electronic form to the Federal Minister of Agriculture and Forestry, Environment and Water Management through the register once a year by 10 April of the following year:

1. the calendar year covered by the report,
2. the masses of EEE for private households sold, broken down by Member States and by collection and treatment categories,
3. information as to whether the obligations are fulfilled on a collective or individual basis in line with the national transpositions of Article 8(1) to (3) of Directive 2002/96/EC on waste electrical and electronic equipment, and
4. if applicable, identification of the collective system participated in.

(3) Collection and recovery systems shall report the total masses of EEE put on the Austrian market by their participants in a calendar quarter, broken down by collection and treatment categories, in electronic form to the co-ordination body through the register no later than seven weeks after the reference quarter, whereby the reporting duty under Paragraph 1 of the producers participating in the collection and recovery system in question is fulfilled. The report on the third quarter of 2005 shall be submitted no later than 31 October 2005.

(4) Producers of EEE for commercial purposes shall report the masses of EEE put on the Austrian market in a calendar year to the co-ordination body through the register by 10 April of each calendar year for the previous calendar year. The report shall specify the masses of EEE broken down by collection and

treatment categories. If no EEE was put on the market in a specific calendar year, a nil report shall be submitted.

Reporting on re-use and treatment

Article 24. (1) Producers shall report the following information for each calendar year to the co-ordination body through the register by 10 April of the following calendar year:

1. the masses of WEEE, broken down by collection and treatment categories, that were
 - (a) collected, broken down by WEEE from private households and WEEE for commercial purposes,
 - (b) re-used as whole products,
 - (c) re-used as components, materials and substances,
 - (d) recycled,
 - (e) recovered in total,
 - (f) exported to another Member State of the European Union,
 - (g) exported to countries outside the European Union,and
2. the recovery rates reached and the rates achieved for the re-use and recycling of components, materials and substances, broken down by collection and treatment categories.

(2) Each waste collecting operator (in particular municipalities or associations of municipalities) who accepts WEEE from final consumers and does not return it to the producer shall submit reports pursuant Paragraph 1(1) and (2) to the co-ordination body through the register.

(3) Each waste treatment operator who treats WEEE shall make available to the relevant reporting agent pursuant to Paragraph 1 and 2 the data specified in Paragraph 1(1)(c) to (e) separately for each item through the register.

(4) For the year 2005, the reports pursuant to Paragraphs (1) and (2) shall cover the WEEE collected from 13 August to 31 December 2005.

Duties of self-importers

Article 25. Final consumers who purchase EEE for their business operations shall demonstrably hand over such equipment to an authorised waste collecting or treatment operator at their own cost if no producer is obliged to take back the equipment and if there is no participant in a collection and recovery system for this equipment; it shall not be permitted to hand over these WEEE free of charge to a collection point pursuant to Article 3(13) or to a final distributor pursuant to Article 5(2) or (3).

Data structures of reports

Article 26. Reports to be submitted via the register under this Ordinance shall use the data structures defined in the ON Rule ONR 192150 "Data structures for electronic data interchange in the field of waste management," issued on 1 January 2005. The resulting report structures will be published in the form of an XML scheme file on the Internet site of the Federal Ministry of Agriculture and Forestry, Environment and Water Management.

Transposition of Community legislation

Article 27. This Ordinance transposes Directive 2002/96/EC on waste electrical and electronic equipment (WEEE), OJ L 37 of 13.02.2003, p. 24, as amended by Directive 2003/108/EC amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE), OJ L 345 of 31.12.2003, p.106, and Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, OJ L 37 of 13.02.2003, p. 19.

Entry into force and repeal

Article 28. (1) Unless provided otherwise in Paragraph 2, this Ordinance shall enter into force on the day after promulgation.

(2) Articles 5 to 11, 13, 15, 17, 20, 21(1) to (3), 22 and 25 shall enter into force on 13 August 2005.

(3) The Lamp Ordinance (*Lampenverordnung*), BGBl. No. 144/1992, as amended in BGBl. II No. 440/2001, shall be repealed at the end of 12 August 2005. However, Article 4 of the Lamp Ordinance shall continue to apply.

(4) The Ordinance on the Take-back of Refrigeration Equipment (*Verordnung über die Rücknahme von Kühlgeräten*), BGBl. No. 408/1992, as amended in BGBl. II No. 440/2001, shall be repealed at the end of 12 August 2005.

Categories of equipment covered by this Ordinance

1. Large household appliances

For example, 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 and seating furniture; electric fans; air conditioner appliances; other fanning, exhaust ventilation and conditioning equipment

2. Small household appliances

For example, 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

For example, 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 disk calculators; 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; other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment

For example, radio sets; television sets; videocameras; video recorders; hi-fi recorders; audio amplifiers; musical instruments; 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

For example, luminaires for fluorescent lamps; fluorescent lamps: straight fluorescent lamps, compact fluorescent lamps; other gas discharge lamps: low pressure sodium lamps, pressure sodium lamps, mercury lamps, metal halide lamps; operating equipment/equipment for the purpose of spreading or controlling light with the exception of filament bulbs, e.g. regulating equipment

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

For example, 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

For example, electric trains or car racing sets; hand-held video game consoles; video games; computers for biking, diving, running and rowing; sports equipment with electric or electronic components; coin slot machines

8. Medical devices (with the exception of all implanted and infected products)

For example, radiotherapy equipment; cardiology; dialysis; pulmonary ventilators; nuclear medicine; laboratory equipment for *in-vitro* diagnosis; analysers; freezers; fertilisation tests; other appliances for detecting, preventing, monitoring, treating or alleviating illness, injury or disability

9. Monitoring and control instruments

For example, smoke detectors; 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

For example, 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

Applications 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)
8. Lead in solders for servers, storage and storage array systems (exemption granted until 2010)
9. Lead in solders for network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunication
10. Lead in electronic ceramic parts (e.g. piezoelectronic devices)
11. Cadmium plating except for applications banned under Directive 91/338/EEC amending for the tenth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, OJ L 186 of 12.07.1991, p. 59
12. Hexavalent chromium as an anti-corrosion of the carbon steel cooling system in absorption refrigerators

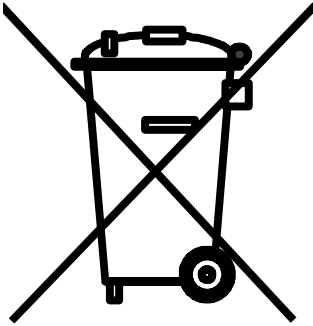
Classification of equipment

Collection and treatment categories	Equipment categories pursuant to Annex 1	Recovery targets related to the average weight per appliance		Quantitative thresholds in kg for notifying pick-up needs
		Rate of recovery in %	Rate of re-use and recycling for components, materials and substances	
Large appliances*	Large household appliances (excluding cooling appliances, refrigerators, freezers and air conditioner appliances)	80	75	4000
	IT and telecommunications equipment (excluding display screen equipment)	75	65	
	Large lighting equipment (excluding gas discharge lamps)	70	50	
	Large electrical and electronic tools	70	50	
	Large toys, leisure and sports equipment	70	50	
	Automatic dispensers without refrigerating devices	80	75	
	Large medical devices	-	-	
Cooling appliances, refrigerators and freezers	Large monitoring and control instruments	70	50	2000
	Cooling appliances, refrigerators and freezers as well as air conditioner appliances	80	75	
Display screen equipment, including appliances with cathode-ray tubes	Automatic dispensers with refrigerating devices	80	75	1500
	IT and telecommunications equipment—screens (with cathode-ray tubes, LCD and plasma screens)	75	65	
	Consumer equipment—TV sets (with cathode-ray tubes, LCD and plasma screens)	75	65	
Small electrical appliances*	Monitoring and control instruments—screens	70	50	1500
	Small household appliances	70	50	
	IT and telecommunications equipment (excluding display screen equipment)	75	65	
	Consumer equipment (excluding display screen equipment)	75	65	
	Small lighting equipment (excluding gas discharge lamps)	70	50	
	Small electrical and electronic tools	70	50	
	Small toys, leisure and sports equipment	70	50	
Small medical devices	-	-		
Gas discharge lamps	Small monitoring and control instruments	70	50	500
	Lighting equipment (gas discharge lamps)	-	80	

* “Large” appliances are those whose longest edge equals or exceeds 50 cm, and “small” appliances are those whose longest edge is less than 50 cm long.

Symbol identifying equipment for separate collection

Electrical and electronic equipment shall be marked using the crossed-out wheeled bin (see below) as the symbol indicating separate collection. The symbol must be printed visibly, legibly and indelibly.



Rules for the co-ordination body according to Article 19

1. Mass percentage of EEE

On the basis of the masses of EEE for private households that are reported as having been put on the market by producers and by collection and recovery systems, the mass percentage shall be calculated separately for each collection and treatment category per calendar quarter.

The mass percentage shall be determined separately for each collection and recovery system.

The mass percentage shall be established no later than two weeks after the end of the reporting deadline pursuant to Article 23 and shall be used for calculating the obligation percentage of the subsequent calendar quarter.

The mass percentages shall be communicated to the systems.

The mass percentage of a system is calculated for a specific collection and treatment category as follows:

The mass percentage of a system (MP_S) is the mass of EEE for private households (M_S) reported as having been put on the market by the system (the producers participating in the system) divided by the total mass of EEE for private households (M_{total}) reported as having been put on the market by all systems:

$$MP_S \text{ in } \% = 100 \times M_S / M_{total}$$

The calculation of the mass percentage shall take account of the fact whether a collection and recovery system covers EEE for private households only put on the market before 13 August 2005 or also those put on the market after 12 August 2005.

The mass percentage changes as a result of:

- (a) the reports on equipment put on the market (per quarter),
- (b) the determination of the share of waste generated by EEE for private households put on the market before 13 August 2005 in the total WEEE from private households in accordance with Point 3 if a collection and recovery system is obliged to accept either only such equipment or only equipment put on the market after 12 August 2005.

2. Consideration of WEEE from private households collected pursuant to Article 17 (own collection volume)

Consideration is only given to WEEE from private households of the same collection and treatment category.

The masses collected within the framework of own collection are only taken into account when a report according to the provisions of Article 17(3) has been submitted.

The co-ordination body forthwith performs a plausibility check on the reports received pursuant to Article 17(3) and re-calculates the obligation percentage of the collection and recovery system in line with the masses reported.

3. Determination of the share of waste generated by EEE for private households put on the market before 13 August 2005 in the WEEE from private households

At least once a year, the co-ordination body shall determine by means of suitable methods (waste analyses, market analyses, sound estimates) the share of EEE for private households put on the market before 13 August 2005 that are returned as waste in a calendar year in the total WEEE from private households registered in the same calendar year.

4. Selection criteria for the transmission of pick-up needs

The selection criteria for transmitting pick-up needs to a collection and recovery system shall be the mass percentage, the pick-up percentage and the obligation percentage.

4.1. Pick-up percentage

The pick-up percentage shall be calculated for each collection and treatment category on the basis of the summed masses of WEEE from private households collected on an ongoing basis by collection and re-

Non-authorized translation

covery systems in a calendar quarter. After the end of a calendar quarter, the masses collected per calendar quarter are again added up.

The pick-up percentage shall be calculated on an ongoing basis separately for each collection and recovery system in each calendar quarter and communicated to the individual systems. It shall be used for calculating the obligation percentage of the current calendar quarter.

The pick-up percentage of a system is calculated as follows:

The pick-up percentage (PP_S) of a system is the mass of WEEE from private households (P_S) collected (picked up) by a system divided by the total mass of WEEE from private households (P_{total}) collected (picked-up) by all systems:

$$PP_S \text{ in } \% = 100 \times P_S / P_{total}$$

The pick-up percentage changes as a result of:

- (a) the transmission of pick-up needs due to the voluntary acceptance of pick-up needs according to Point 5(a);
- (b) the transmission of pick-up needs according to Point 5(b);
- (c) the consideration of own collection volumes according to Point 2;
- (d) any corrections after weighing errors and communication of the mass actually picked up;
- (e) credits and setoffs based on annual re-computation according to Point 6.

4.2. Obligation percentage

The obligation percentage shall serve as the basis on which the co-ordination body transmits pick-up needs to a collection and recovery system.

The obligation percentage is the percentage value representing the extent to which a collection and recovery system is obliged to pick-up WEEE of a collection and recovery category held ready from collection points pursuant to Article 3(13). When the quarterly obligation percentage is determined for the first time, it shall correspond to the mass percentage.

Whenever the pick-up percentage changes, the obligation percentage shall be re-calculated and communicated to the system concerned in electronic form.

The obligation percentage of a system is calculated as follows:

The continuous obligation percentage of a system (OP_S) shall be determined on the basis of the mass percentage (MP_S) according to Point 1 divided by the pick-up percentage (PP_S) calculated on an ongoing basis according to Point 4.

$$OP_S \text{ in } \% = 100 \times MP_S / PP_S$$

After each calendar quarter, the new mass percentages reached by the collection and recovery systems shall be used for calculating the obligation percentage.

5. Transmission of pick-up needs to a collection and recovery system

The co-ordination body shall maintain and continuously update a list of all collection and recovery systems ranked by the level of the obligation percentages obtained. This list shall be established separately by collection and treatment categories and communicated to the collection and recovery systems.

Pick-up needs shall be transmitted to a collection and recovery system through the register as follows:

- (a) Transmission based on a voluntary acceptance of pick-up needs under Article 19(2)(1)(a) shall be made to the collection and recovery system that expressed its readiness for voluntary acceptance; if several systems have done so, the co-ordination body shall select from among them the system that had the highest obligation percentage at the end of the period fixed for declaring readiness for voluntary acceptance of pick-up needs.
- (b) If none of the systems declared to be ready for voluntary acceptance of pick-up needs, the pick-up need is to be transmitted to the collection and recovery system that has the highest obligation percentage in relative terms upon receipt of a pick-up need notification from a collection point pursuant to Article 3(13). If two or more systems have identical obligation percentages, the system with the highest mass percentage shall be selected.

The time when a pick-up need notification is received and the end of the period fixed for declaring readiness for voluntary acceptance of pick-up needs shall be determined accurately to one minute. The obligation percentage of the collection and recovery system obliged to pick up the WEEE shall be re-calculated before the next pick-up need notification is processed, which results in a revised ranking by obligation percentages.

Any change of the obligation percentage after transmitting pick-up needs does not affect transmissions performed previously.

6. Annual re-computation

Annual re-computation serves to compensate for seasonal fluctuations of the quantities picked up quarterly and to prevent potential inequalities resulting therefrom in the obligations of the collection and recovery systems. Annual re-computation shall be performed by the end of the second quarter of the calendar year after the original calculation. Annual re-computation shall be performed as follows:

1. Addition of the WEEE from private households of a collection and treatment category generated in total and held ready for pick-up at the collection points pursuant to Article 3(13) and of the own collection volume taken into account pursuant to Point 2 in the calendar year in question (total collection volume or CV_{total}).
2. Addition of the collection volumes reached by the collection and recovery system in a collection and treatment category in the calendar year in question (CV_S). Own collection volumes pursuant to Point 2 are only taken into account up to 110% of the obligation percentage calculated for the calendar year; this does not apply to the annual re-computation for the year 2005.
3. Calculation of the mass percentage of a system in a collection and treatment category for the entire calendar year based on the masses of EEE for private households reported by the system (the producers participating in the system) as having been put on the market in the calendar year in accordance with Article 18(1)(1) divided by the total mass of EEE for private households reported as having been put on the market by all systems in the calendar year ($MP_{S_{year}}$). The calculation of the mass percentage shall take account of the fact whether a collection and recovery system is obliged to pick up only WEEE from private households put on the market before 13 August 2005 or also waste from EEE for private households put on the market after 12 August 2005.
4. A collection and recovery system has fulfilled its pick-up obligations in a collection and treatment category for a calendar year if the following requirement is met:

$$CV_S = CV_{total} \times MP_{S_{year}}$$

5. If a collection and recovery system has exceeded its pick-up obligation in a collection and treatment category for a calendar year by picking up a higher total mass of WEEE, this mass difference shall be credited as fictitious pick-up to the system's pick-up percentage at the beginning of the third quarter of the calendar year after the original calculation.
6. If a collection and recovery system has fallen below its pick-up obligation in a collection and treatment category for a calendar year by picking up a lower total mass of WEEE, this mass difference shall be counted against the masses picked up by the system when calculating the pick-up percentage from the beginning of the third quarter of the calendar year after original calculation until WEEE in the amount of the mass difference have actually been picked up.