

Directive 2012/19/EU (WEEE) FARECOGAZ POSITION PAPER

Foreword

Ref. :

- Directive 2012/19/EU (WEEE) is on waste electrical and electronic equipment.
- Frequently Asked Questions on Directive 2012/19/EU (WEEE) on April 2014
- Letter to FARECOGAZ from EUROPEAN COMMISSION - DIRECTORATE-GENERAL ENVIRONMENT - Directorate B - Circular Economy & Green Growth - ENV.B.3 - Waste Management & Secondary Materials

Directive 2012/19/EU (WEEE) has been published in the Official Journal of the European Union in July 2012; Member States were entitled to adopt and publish by 15 February 2014 the national regulations necessary to comply with the Directive (after that date, and following the publication of national decrees, the previous Directive 2002/96/EC has been formally repealed).

Scope of the Directive 2011/65/EU (RoHS II) is now disjoint by the Directive 2012/19/EU (WEEE)

Main changes have been introduced by a new definition of "electrical and electronic equipment EEE": equipment using electricity for primary and secondary functions, which is dependent on electric currents or electromagnetic fields in order to work properly. For the purposes of this definition, 'dependent' means, with regard to EEE, needing electric currents or electromagnetic fields to fulfill at least one intended function;

Evaluations

Following evaluations can be made on the basis of

- Directive 2012/19/EU (WEEE) text and its relevant FAQ released on April 2014:
 1. Art. 2 – Point 3.b of Directive 2012/19/EU (WEEE) clearly states the exemption of the equipment that is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment.
 2. Above Art. 2 – Point 3.b of WEEE Directive, combined with the document "Frequently Asked Questions on Directive 2012/19/EU (WEEE) on April 2014" released by European Commission DG Environment (clauses 3.14, 3.17 and 4.2) confirms that Fuel Gas Infrastructures and relevant installations (transmission pipeline, distribution network, pressure control and metering stations, ...) are out of the scope of WEEE as:
 - Fuel Gas Infrastructures and relevant installations can be defined as "fixed installations";
 - Electrical and Electronic Equipment within the context of this paper do not have their own independent function and cannot be defined as "finished products";
- Letter to FARECOGAZ from EUROPEAN COMMISSION - DIRECTORATE-GENERAL ENVIRONMENT - Directorate B - Circular Economy & Green Growth - ENV.B.3 - Waste Management & Secondary Materials on 5th July 2017:
 - Equipment that has a mechanical function only and does not depend on electric currents or electromagnetic fields in order to work properly does not meet the definition of EEE and therefore does not fall into the scope of the Directive.
 - Equipment that meets the definition of EEE and is specifically designed and installed as part of large-scale fixed installation such as the gas infrastructure scheme is excluded from the scope of the Directive. For example, equipment specifically designed (tailor-made) to be used in gas exploitation platforms or rigs, in gas generation and storage stations, in the gas transport and gas distribution networks as well as in gas

consumption, and can fulfil its function only if it is part of these installations is excluded from the scope of the Directive.

- Equipment which is not tailor-made and can be ordered out of a catalogue is a finished product and has a functionality of its own and therefore falls within the scope of the Directive. The fact that professional, trained staff shall install such equipment does not turn it into a component of a large-scale fixed installation and does not exclude it from the scope of the Directive. For example, solenoid valves which need electric currents to work properly and are available in the market as a finished product with a functionality of its own fall within the scope of the Directive.

Position

From above statements, follows that:

FARECOGAZ position is that:

- ***Electrical and electronic equipment specifically designed and manufactured to be installed and used in the fuel gas infrastructure and relevant installations are excluded from the scope of Directive 2012/19/EU (WEEE).***
- ***Electric and electronic equipment available in the market like finished products and with functionality of its own fall within the scope of the Directive 2012/19/EU (WEEE), even if they are installed and used in the fuel gas infrastructure and relevant installations.***

In the event of conflict in terms of more restrictive requirements in National laws / standards / codes of practices of Gas System Operators (GSOs) with this position, the National laws / standards and/or codes of practices shall take precedence.

Köln, 27th November 2017