

## **EMERGENCY ORDINANCE no. 5 of April 2, 2015 on Waste Electrical and Electronic Equipment**

Pursuant to the provisions in art. 24 of Directive [2012/19/EU](#) of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE), considering that the obligation of Romania, as European Union member state, to ensure the transposition of Directive [2012/19/EU](#) in the national law by 14 February 2014 at the latest has not been fulfilled, whereas, pursuant to the non-observance of the term for the transposition of Directive [2012/19/EU](#), the European Commission has initiated the preliminary procedure of the declaratory action for the non-observance of the obligations pursuant to art. 258 of the Treaty on the European Union, Romania receiving from the European Commission the Default Notification no. 4.835 of 31 March 2014, as on 17 October 2014, the European Commission issued the Substantiated Note no. 15.710 to which Romania answered on 16 December 2014, committing to adopt the norm for the transposition of Directive [2012/19/EU](#) by the end of the first half of 2015, representing the last pre-contentious stage of the declaratory action for the non-observance of the obligations to comply and communicate the measures for the transposition of this directive, before notifying the European Court of Justice, whereas a delay in the observance of the obligation to communicate the transposition measures may trigger the submission with the European Court of Justice of the declaratory action for the non-observance of obligations by the European Commission against Romania, pursuant to art. 258 of the Treaty on the European Union, whereas, according to art. 260(2) and (3) of the Treaty on the European Union, the liability of Romania for the infringement of the obligations to transpose Directive [2012/19/EU](#) may materialize both in the payment of a lump sum, amounting to Eur 1,740,000 in the case of Romania, and in the payment of comminatory penalties, ranging between Eur 2,000 and Eur 124,000/day of delay, which is to be calculated as of the transposition term, i.e. 14 February 2014, whereas the waste electrical and electronic equipment is one of the target fields to be regulated, and, as an immediate consequence of the failure to adopt the measures herein, the objectives and interests of the environmental policy on the preservation, protection and improvement of the environmental quality are affected, as well as human health, on the one hand, and on the other hand, the failure to observe the ex-ante condition 6.2 for the Large Infrastructure Operational Programme 2014-2020, considering that these elements concern the public interest, representing emergency and extraordinary situations the regulation whereof cannot be postponed, pursuant to art. 115(4) of the Constitution of Romania, as republished, **The Government of Romania** hereby adopts this emergency ordinance.

### **☐CHAPTER 1: Subject**

#### **☐Art. 1**

This emergency ordinance sets the measures for the protection of the environment and people's health by preventing or mitigating the negative effects associated to the generation and management of waste electrical and electronic

equipment, hereinafter referred to as WEEE, by reducing the global effects of the use of resources and improving the efficiency in the use of these resources, according to the provisions in art. 1 and 4 of the Law no. [211/2011](#) on the regime of waste, republished, so as to contribute to sustainable development.

## ☐ **CHAPTER 2: Scope**

### ☐ **Art. 2**

☐ **(1)** The provisions of this emergency ordinance apply to electrical electronic equipment, hereinafter referred to as EEE, as follows:

**a)** up to 14 August 2018, for EEE included in the categories stipulated in annex no. 1, except for the ones in art. 4;

**b)** as of 15 August 2018, for all EEE falling under the categories stipulated in annex no. 2, except for the ones in art. 4 and 5.

**(2)** Annex no. 3 contains the list of EEE falling under the categories in annex no. 1.

**(3)** Annex no. 4 includes the list of EEE that falls under the categories stipulated in annex no. 2.

### ☐ **Art. 3**

This emergency ordinance applies notwithstanding the provisions in the laws on health and safety, in the laws on chemicals, especially in the Regulation (EC) no. [1.907/2006](#) of the European Parliament and of the Council of 18 December 2006 on the registration, evaluation, authorization, and restriction of chemicals (REACH), on the establishment of the European Chemicals Agency, on the amendment of Directive [1999/45/EC](#) and on the abrogation of the Regulation (EEC) no. [793/93](#) of the Council and of the Regulation (EC) no. [1.488/94](#) of the Commission, as well as of Directive [76/769/EEC](#) of the Council and of Directives [91/155/EEC](#), [93/67/EEC](#), [93/105/EC](#), and [2000/21/EC](#) of the Commission, as well as on the laws on the management of waste and of the laws on the design of goods.

### ☐ **Art. 4**

The provisions herein do not apply for the following EEE:

**a)** equipment required for the protection of essential security national interests, including weapons, ammunition, and warfare dedicated to specific military purposes;

**b)** equipment that is especially designed and installed as part of another type of equipment that is excluded or does not fall under the scope hereof, which can only fulfill their role if they are included in the respective equipment;

**c)** filament bulbs.

### ☐ **Art. 5**

In addition to the equipment stipulated in art. 4, as of 15 August 2018, the provisions herein do not apply for the following EEE:

**a)** equipment designed to be sent into space;

**b)** large fixed industrial tools;

**c)** large fixed equipment, except for the equipment that is included in such installations, but which is not especially designed and installed as part of the respective equipment;

**d)** means of transportation for people or goods, except for two-wheeled electrical vehicles that are not homologated;

**e)** non-road mobile equipment exclusively accessible for professional use;

**f)** equipment especially designed for research and development purposes and only accessible in the case of transactions between companies;

**g)** medical devices and medical devices for in vitro diagnosis, if they are suspected of being infested prior to the end of the lifecycle, as well as active implantable medical devices.

### ☐ **CHAPTER 3: Definitions**

#### ☐ **Art. 6**

**(1)** For the purposes hereof, the meaning of the specific terms and phrases is stipulated in annex no. 5.

**(2)** The definitions in para (1) used in this emergency ordinance are supplemented by the definitions in annex no. 1 of the Law no. [211/2011](#), as republished.

### ☐ **CHAPTER 4: Product design**

#### ☐ **Art. 7**

The Ministry of Economy, Commerce and Tourism promotes the cooperation between manufacturers and recyclers for the identification of measures promoting the design and manufacture of EEE, especially in order to facilitate the reuse, dismantling, and sale thereof or of components and materials when they become WEEE, without affecting the requirements on the proper operation of the market and the product design, including the provisions in the Government Decision no. [55/2011](#) on establishing the environmental-friendly design requirements applicable to energetic impact goods.

#### ☐ **Art. 8**

Manufacturers producing EEE are bound:

**a)** to apply the environmental-friendly design requirements facilitating the reuse and treatment of WEEE stipulated in the Government Decision no. [55/2011](#);

**b)** not to prevent the reuse of WEEE through specific design features or specific manufacture processes, except if such specific design features or processes offer critical advantages, for instance, in relation to environmental protection and/or safety requirements.

### ☐ **CHAPTER 5: Separate waste collection**

#### ☐ **Art. 9**

☐ **(1)** In order to ensure the correct treatment of all collected WEEE and so as to reach a high WEEE separate collection level, WEEE generated by private households shall be collected by:

**a)** the public WEEE collection service established according to art. 36(2)(d) of the Law on local public administration no. [215/2001](#), republished, as amended and supplemented;

**b)** retailers, according to the provisions in art. 11;

**c)** collection centers established by economic operators authorized to collect WEEE, acting based on an agreement concluded with the manufacturers/collective organizations or on an agreement concluded with the economic operators carrying out WEEE treatment operations on behalf of the manufacturers/collective organizations.

**(2)** The activity carried out by retailers according to the provisions in para (1) lett. b) is not subjected to the registration or authorization requirements in the Law no. [211/2011](#), as republished.

**(3)** The retailers stipulated in para (1) lett. b) are bound to handover the collected WEEE to the collection centers in para (1) lett. a) and c) or directly to the economic operators carrying out WEEE treatment activities, for the reclaiming thereof, on the manufacturer's behalf.

**(4)** The collection centers in para (1) lett. a) and c) are bound to take over all WEEE from holders and retailers, free of charge, and to ensure WEEE entering and exiting the collection centers, including of the WEEE entrusted for the preparation for reuse of the specialized units for the performance of this activity.

**(5)** The elimination of WEEE under the form of unsorted municipal waste, as defined in art. 2(4) item 3 of the Law on locality sanitation service no. 101/2006, republished, as well as the handover of WEEE to, respectively, the takeover of WEEE by other economic operators than the ones stipulated in para (1).

#### **Art. 10**

**(1)** Notwithstanding the provisions in para (2)-(5), art. 9 para (1) and art. 11, manufacturers organize and operate individual or collective services for the takeover of WEEE generated by individual households, with the obligation to take over all WEEE generated by marketed EEE, provided that such systems observe the objectives hereof, as well as the legal regulations in force on environmental protection.

**(2)** The administrative-territorial units, through the deliberation authorities, ensure, according to the provisions in the Law on public utility municipal services no. 51/2006, republished, as supplemented, the collection of WEEE generated by individual households, by at least one of the following:

**a)** fixed collection centers, at least one for every 50,000 inhabitants, but no more than one center for each administrative-territorial unit;

**b)** mobile collection points, if accessible to the population in terms of location and period of availability;

**c)** periodic collection, with appointed operators, at least once every quarter.

**(3)** The administrative-territorial units, through the deliberating units, set the establishment and/or operation of public collection centers stipulated in para (2) by executive authorities or by economic operators, according to the provisions in the Law no. [51/2006](#), republished, as subsequently supplemented, and in compliance with the provisions in the Government Emergency Ordinance no. [34/2006](#) on the award of public procurement agreements, of public work concession agreements, and of service concession agreements, approved as amended and supplemented through the Law no. [337/2006](#), as amended and supplemented.

**(4)** The public collection centers and points stipulated in para (2) lett. a) and b) shall be located in places and at distances ensuring easy access, especially considering the population density.

**(5)** The manufacturers or the collective organizations acting on their behalf are bound to ensure the takeover of all waste electrical and electronic equipment generated by individual households separately collected according to art. 9(1).

**(6)** The obligation stipulated in para (5) exclusively applies for WEEE that do not contain the essential components or the ones containing waste other than WEEE and, especially an mainly, in so far as the heat transfer equipment containing ozone layer depleting substances and greenhouse effect fluorinated gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment stipulated in items 5 and 6 of annex no. 2.

#### **Art. 11**

**(1)** Upon the supply of a new product, upon the purchaser's request, retailers are bound to takeover WEEE in "one-to-one" system, free of charge, under the same terms as the ones for the delivery of the new product, if the equipment is of the equivalent type and has fulfilled the same features as the new equipment and inform the purchaser on this possibility prior to the purchase of the new one.

(2) Retailers holding sales premises in the EEE field of at least 400 m<sup>2</sup> are bound to ensure the collection of very small WEEE from end users free of charge, within the stores or in the immediate vicinity thereof, without the obligation to purchase an equivalent type EEE.

#### ☐Art. 12

(1) For WEEE that, pursuant to contamination, feature risks for the health and safety of personnel, the retailer may refuse the takeover according to the provisions in art. 11, based on a protocol made available to control bodies.

(2) The WEEE holder is bound to handover the WEEE stipulated in para (1) along with the protocol stipulated in para (1) directly to the collected centers stipulated in art. 9 para (1) lett. a) and c).

#### ☐Art. 13

For types of WEEE other than the ones generated by individual households and notwithstanding the provisions in art. 33, manufacturers shall ensure the collection of such WEEE, through one of the systems herein.

### ☐CHAPTER 6: Discard and transport of collected WEEE

#### ☐Art. 14

The discarding of separately collected WEEE that has not been subjected to the specific treatment operations stipulated in art. 20-24.

#### ☐Art. 15

Economic operators carrying out the collection and transport of separately collected WEEE shall ensure optimum conditions so that they can be prepared for reuse, recycling, and for the isolation of hazardous materials.

#### ☐Art. 16

(1) In order to maximize the preparedness for reuse, prior to the performance of all transfers, the separation of WEEE to be prepared for reuse from other separately collected WEEE shall be ensured in the collection point of the public WEEE collection centers stipulated in art. 9 (1) lett. a) and c), with the involvement of the personnel in the specialized units whose activity also includes the reuse of WEEE.

(2) The specialized units having as field of activity the reuse of WEEE are bound to ensure the handover of the parts and materials resulting from the WEEE taken over according to para (1), which cannot be reused, to the respective collection center.

### ☐CHAPTER 7: Collection rate

#### ☐Art. 17

As of 1 January 2016, notwithstanding the provisions in art. 10, the EEE producers are bound to achieve the minimum collection rates stipulated in the table in annex no. 6, calculated as the percentage ratio between the overall WEEE weight collected during the respective year according to art. 9-16 and the average weight of the total EEE quantity marketed during the 3 previous years.

#### ☐Art. 18

By 31 December 2015, EEE manufacturers are bound to organize the collection of WEEE generated by individual households, so as to achieve a national average collection ratio of at least 4 kg/dweller/year.

#### ☐Art. 19

In order to set whether the minimum collection rate has been achieved, manufacturers or the collective organizations acting on their behalf and the economic operators carrying out collection and treatment activities shall submit with the National Environmental Protection Agency the information on separately

collected WEEE, according to art. 9-12, including in the report at least data on the WEEE that:

**a)** has been taken over from the collection and treatment centers;

**b)** has been taken over by retailers;

**c)** has been separately collected by manufacturers or economic operators collecting on their behalf.

## ☐ **CHAPTER 8: Adequate treatment**

### ☐ **Art. 20**

Treatment and reclaiming or recycling operations, except for the preparation for reuse, carried out by authorized economic operators must include at least the removal of all liquids and the selective treatment of WEEE parts according to annex no. 7.

### ☐ **Art. 21**

Economic operators carrying out collection and/or treatment operations are bound to store and treat WEEE according to the technical requirements in annex no. 8.

### ☐ **Art. 22**

**(1)** Manufacturers are bound to implement systems allowing for the reclaiming of WEEE, using the best available techniques, as stipulated in art. 3 lett. j) of the Law no. [278/2013](#) on industrial emissions.

**(2)** Manufacturers may implement the systems stipulated in para (1) individually or collectively.

### ☐ **Art. 23**

**(1)** The obligations concerning WEEE treatment shall be regarded as fulfilled if the European and the original Romanian standards are observed, as applicable, for treatment, including reclaiming, recycling and preparation for reuse, of WEEE.

**(2)** The list of Romanian standards adopting European and original Romanian standards in the field of the treatment, including reclaiming, recycling and preparation of WEEE for reuse, stipulated in para (1), is approved through the order of the minister of environment, waters, and forests, within 90 days as of the enforcement hereof, which is to be published in the Official Gazette of Romania, Part I.

**(3)** The technical requirements in annex no. 7 are regarded as observed, if the economic operators authorized for the performance of the treatment operations apply the standards in the list in para (2).

### ☐ **Art. 24**

The Ministry of Environment, Waters, and Forests, by facilitating the access to the information, encourages the economic operators carrying out treatment operations to implement certified environmental management systems according to the provisions in the Regulation (EC) no. [1.221/2009](#) of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organizations in a community environmental management and audit system (EMAS) and on the abrogation of the Regulation (EC) no. [761/2001](#) and of the Decisions [2001/681/EC](#) and [2006/193/EC](#) of the Commission.

## ☐ **CHAPTER 9: Authorizations**

### ☐ **Art. 25**

**(1)** Economic operators carry out WEEE treatment operations only if they hold an environmental permit, according to the provisions in art. 32 of the Law no. [211/2011](#), as republished.

**(2)** The environmental permit issuing authority stipulated in para (1) is bound to explicitly indicate the types of WEEE that can be treated according to annex no. 1.

**(3)** As of 15 August 2018 the obligation in para (2) is fulfilled in compliance with the provisions in annex no. 2.

**(4)** The derogations from the authorization obligation are only granted in compliance with the provisions in art. 34-36 of the Law no. [211/2011](#), as republished.

**(5)** Upon the issue of the environmental permit stipulated in para (1) and of the registration thereof if derogations from the authorization have been granted according to para (4), the issuing authority shall make sure that all required conditions for the observance of the requirements in art. 20-23 and for the achievement of the reclaiming objectives in art. 27 are included.

**(6)** The manufacturers' obligations herein may be implemented:

**a)** individually;

**b)** through the transfer of responsibilities, based on agreement, to a legally established legal person, hereinafter referred to as collective organization.

**(7)** The licensing, review, yearly endorsement procedure and criteria, as well as the ones for the withdrawal of the operating license of collective organizations and for the approval of the operating plan for manufacturers that individually fulfill the obligations herein, the licensing procedure and criteria for authorized representatives stipulated in art. 40, as well as for the approval of the structure and duties of the authorization board shall be approved through the joint order of the minister of environment, waters, and forests and of the minister of economy, commerce, and tourism, within 90 days as of the enforcement of this emergency ordinance, which is to be published in the Official Gazette of Romania.

**(8)** The authorization, reauthorization, review and yearly endorsement of the operating license for collective organizations, and the approval of the operating plan for the manufacturers stipulated in para (6) lett. a) shall be exonerated from the provisions in art. 2(1) of the Government Emergency Ordinance no. [27/2003](#) on the tacit agreement procedure, approved as amended and supplemented through the Law no. [486/2003](#), as subsequently amended and supplemented.

## **CHAPTER 10: WEEE Transfers**

### **Art. 26**

**(1)** The transfer to another member state or the export outside the European Union of WEEE for treatment purposes shall be performed in compliance with the provisions on the transfer of waste included in the Regulation (EC) no. [1.013/2006](#) of the European Parliament and of the Council of 14 June 2006 on the transfer of waste and in the Regulation (EC) no. [1.418/2007](#) of the Commission on 29 November 2007 on the export of certain waste to be reclaimed, listed in annex III or IIIA to the Regulation (EC) no. [1.013/2006](#) of the European Parliament and of the Council in certain countries where the OCDE decisions on the control of cross-border circulation of waste do not apply.

**(2)** WEEE exported to countries outside the European Union shall be taken into account in the assessment of the fulfillment of the obligations and objectives stipulated in art. 27 only if, in compliance with the Regulation (EC) no. [1.013/2006](#) and the Regulation (EC) no. [1.418/2007](#), the exporter demonstrates that the treatment has been performed under terms equivalent to those stipulated herein.

## ▣ **CHAPTER 11: Reclaiming objectives**

### ▣ **Art. 27**

(1)EEE manufacturers are bound to make sure that for all separately collected WEEE, according to art. 9-12 and sent for treatment, either individually or through collective organizations, according to art. 20-26, the minimum objectives in annex no. 9 are observed.

(2)Economic operators holding an environmental permit for the performance of WEEE treatment operations are bound to fulfill the minimum obligations in annex no. 9 for all WEEE received for treatment and to submit the data on the achieved reclamation rates to the entities submitting WEEE for treatment.

(3)The reaching of objectives in annex no. 9 shall be calculated for each category as the percentage report between the mass of fractions resulting from the treatment of WEEE entering the reclamation or recycling/reuse preparation plant and the mass of all separately collected WEEE, falling under the respective category.

(4)The preliminary activities, including the sorting and storage of reclaimed waste, is not taken into account in the achievement of the objectives stipulated in para (1).

(5)For the calculation of the objectives stipulated in para (1), the manufacturers or collectors and the treatment operators acting on their behalf are bound to hold and enter in the register the WEEE mass, the components, the materials or substances thereof upon the exit from the collection point, at the entry and exit from the treatment plants, as well as upon the entry in the reclaiming or recycling/reuse preparation plant.

(6)The operators of the reclaiming or recycling/reuse preparation plants are bound to hold and enter in register the mass of products and of materials upon the entry and exit from the reclaiming, recycling or reuse preparation plant and send such data to the county environmental protection agencies, as well as to the entities submitting WEEE for treatment, so as to be communicated to the producers or collective organizations.

(7)The Ministry of Economy, Commerce, and Tourism proposes research topics for the development of new WEEE reclamation, recycling and treatment technologies within the research programs, upon the request of economic operators.

## ▣ **CHAPTER 12: The financing of the management of WEEE generated by individual households**

### ▣ **Art. 28**

(1)Manufacturers are bound to ensure the financing of the collection, treatment, reclaiming and discard the WEEE generated by individual households under environmental-safe conditions.

(2)For products entered on the market after 31 December 2006, each manufacturer is liable for the funding of the operations in para (1) on the waste generated by their own products.

(3)The manufacturer may opt for the fulfillment of the obligations stipulated in para (2), either individually, or through collective organizations.

### ▣ **Art. 29**

(1)In order to avoid all situations in which the costs for the management of WEEE generated by orphan goods are borne by the population or by the manufacturers that continue their activity, each manufacturer shall ensure a guarantee upon the launching of EEE on the market, demonstrating that the

management of all WEEE generated by the respective EEE will be ensured, according to the provisions hereof.

☐(2) The guarantee for the financing of the operations in art. 28 (1) and (2) for EEE manufacturers consists of:

**a)** a letter of bank guarantee or a recycling guarantee insurance policy submitted with the Environment Fund Administration, hereinafter referred to as AFM, for the guarantee period, the value whereof represents the cost for the financing of the operations stipulated in para (1) for EEE entered on the national market, corrected with the yearly ROBOR interest; or

**b)** the adhesion to one of the collective organizations acting on the manufacturer's behalf, authorized according to art. 25(7).

#### ☐Art. 30

(1) Each collective organization acting on the producers' behalf, authorize according to art. 25 (7), is bound to set up a guarantee for the financing of the operations in art. 28 (1) and (2), for WEEE generated by products that are still in the guarantee period launched on the national market by manufacturers who have adhered to the collective organization and who have suspended their activity.

(2) The guarantee in para (1) shall be yearly established, until 31 March of the year subsequent to the one when the activity has been carried out, under the form of a bank letter of guarantee or of a recycling guarantee insurance policy with a value corresponding to the amounts paid for the respective EEE by the relevant economic operators to the collective organization, corrected with the yearly ROBOR, made available to AFM.

(3) The Beneficiary of the guarantee in para (1) is AFM, according to the law, should the collective organization suspend its activity.

#### ☐Art. 31

(1) The methodology for the set up of the financial guarantee for EEE producers, stipulated in art. 29 (1), and for collective organizations, stipulated in art. 30 (1), as well as for the use thereof by AFM is approved through the order of the minister of environment, waters, and forests, within 90 days as of the enforcement hereof.

(2) The guarantee in art. 29 (1) shall be managed according to the provisions in the Government Emergency Ordinance no. [196/2005](#) on the Environment Fund, approved as amended and supplemented through the Law no. [105/2006](#), as amended and supplemented.

#### ☐Art. 32

(1) The financing of the management of historical EEE waste generated by individual households shall be ensured by all manufacturers present on the national market upon the generation of management costs, through the systems stipulated herein, pro rata with the market share held, and without discriminations, depending on the category the marketed EEE belongs to.

(2) The market share in para (1) for collective organizations and manufacturers who have decided to individually fulfill the obligations herein shall be calculated by the same as the percentage ratio between the quantity expressed in EEE mass units dedicated to individual households marketed in the year previous to the one when the financing is performed and the total quantity of EEE marketed at a national level in the previous year by manufacturers registered according to art. 38 (2), communicated to the National Environmental Protection Agency on its own website, by 15 June of each year.

## ▣ **CHAPTER 13: The financing for the management of WEEE generated by other users than individual households**

### ▣ **Art. 33**

**(1)** The financing of environmental-safe collection, treatment, reclaiming and discarding costs for WEEE generated by other users than the individual households and coming from products marketed after 31 December 2006 shall be ensured by manufacturers.

**(2)** For historical waste replaced with equivalent new goods or with goods that fulfill the same function, the financing of management costs shall be ensured by the manufacturers of such products upon supply.

**(3)** In the case of historical waste, other than the ones stipulated in para (2), coming from other users than individual households, the financing of management costs shall be ensured by the respective users.

**(4)** Notwithstanding the provisions herein, manufacturers and users, other than individual households, may conclude agreements stipulating other financing methods, in compliance with the legal provisions in force.

## ▣ **CHAPTER 14: Information for users**

### ▣ **Art. 34**

**(1)** Producers and retailers are bound to inform purchasers, upon the sale of EEE, on the costs associated to the collection, treatment, and discarding thereof under environmental-safe conditions, by separately highlighting such costs.

**(2)** The costs stipulated in para (1) shall not exceed the actual costs borne for the respective EEE, when they become waste.

▣ **(3)** Producers shall provide to the EEE users in individual households the required information concerning:

**a)** the obligation to separately collect WEEE and not to eliminate WEEE with unsorted municipal waste;

**b)** the handover and collection systems made available to them, encouraging them to coordinate information on the existing collection centers, regardless of the manufacturers or other operators establishing the same;

**c)** the role of individual household EEE users in the reuse, recycling, and other WEEE reclamation forms;

**d)** potential harmful effects over the environment and human health pursuant to the presence of hazardous materials in EEE;

**e)** the meaning of the symbol in annex no. 10.

**(4)** The information in para (3) is supplied in the instructions for use, except for the ones stipulated in lett. b), which can also be supplied at the point of sale and/or through awareness-raising campaigns.

**(5)** In order to reduce the discarding of WEEE as unsorted municipal waste to a minimum and to facilitate the separate collection thereof, manufacturers are bound to adequately mark electrical and electronic equipment entered on the market with the symbol in annex no. 10.

**(6)** In exceptional situations in which, due to the size of the equipment or to the function thereof, the application of the symbol on the equipment is not possible, the respective symbol shall be applied on the packaging, on the instructions of use, and on the EEE guarantee certificate.

### ▣ **Art. 35**

The Ministry of Environment, Waters, and Forests, and the local public administration authorities can promote and co-finance, according to the law and within the limits of the approved dedicated yearly budget, alongside manufacturers and collective organizations, awareness-raising and education

campaigns, meant to encourage the population's involvement in the WEEE collection and to promote the facilitation of the reuse, treatment, and reclamation process.

## ▣ **CHAPTER 15: Information on treatment plants**

### ▣ **Art. 36**

**(1)** In order to facilitate the preparation for reuse and the adequate treatment of WEEE under environmental-safe conditions, including the maintenance, improvement, reconditioning, and recycling, manufacturers are bound to provide, free of charge, reuse and treatment information for each new type of EEE firstly entered on the European Union market, within one year as of the launching of the respective equipment on the market.

**(2)** This information shall stipulate, if required by specialized reuse units and treatment and reclamation plants, in order to observe the provisions herein, the various EEE parts and materials, as well as the location of the hazardous materials and mixtures in such equipment.

**(3)** EEE manufactureres provide this information to specialized reuse units and treatment and reclamation plants under the form of manuals or in electronic format, including, without limitation, electronic data storage devices or online services.

### ▣ **Art. 37**

In order to clearly set the date on which the EEE has been launched on the market, manufacturers are bound to apply a marking stipulating that the respective piece of equipment was entered on the market after 31 December 2006; to this end, the European standard EN 50419 shall apply, respectively the Romanian standard SR EN no. 50419:2006.

## ▣ **CHAPTER 16: Registration, information and reporting**

### ▣ **Art. 38**

**(1)** In order to monitor the observance of the requirements herein, the National Environmental Protection Agency draws up, according to para (5), a national producer register, which also includes producers supplying EEE through distance communication techniques.

**(2)** In order to launch EEE on the market, producers, including the ones in para (3), are bound to register with the registry stipulated in para (1), receiving a registration number, which they are to communicate to all business networks through which EEE is sold. [in force within 120 days as of publication]

**(3)** Producers supplying EEE through remote communication means in Romania, as stipulated in Annex no. 5(g), are bound to register with the registry in para (1).

**(4)** If the producers in para (3) are not registered in Romania according to para (2), the registration shall be performed through the authorized representatives thereof, according to the provisions in art. 40(2).

▣ **(5)** The National Environmental Protection Agency shall make sure that:

**a)** each producer or each authorized representative, if appointed according to the provisions in art. 40, registered according to the provisions herein, can enter online in the register all pertinent information reflecting the respective manufacturer's activities in Romania;

**b)** upon registration, each producer or each authorized representative, if appointed according to the provisions in art. 40, supplies the information in annex no. 11 lett. A, committing to update the same, as applicable;

**c)** each manufacturer or each authorized representative, if appointed according to the provisions in art. 40, supplies the information in annex no. 11 lett. B;

**d)** the national registry in para (1) provides links to the other national registries in EU member states on its website, to facilitate the registration of manufacturers or, as applicable, of the authorized representatives appointed according to art. 40, in all member states.

**(6)** The registration and reporting format, the reporting frequency towards the national registry in para (1), as well as the procedure for the keeping of records and the reporting of the information in art. 9 (4) and in art. 27 (6) shall be approved through an order of the minister of environment, waters, and forests, to be published with the Official Gazette of Romania, Part I, within 90 days as of the enforcement hereof.

**(7)** Economic operators marketing or distributing EEE free of charge are bound to request to manufacturers and communicate to beneficiaries, upon request, their registration number with the EEE manufacturer registry, set up according to the provisions in para (1).

**(8)** Economic operators trading EEE are bound to check whether manufacturers purchasing EEE are registered with the national registry stipulated in para (1).

**(9)** The National Environmental Protection Agency yearly collects information under the form of data and estimates, concerning the quantities and categories of EEE entered on the market, WEEE collected by all means, prepared for reuse, recycled, and reclaimed in Romania, as well as on the separately collected and exported WEEE mass.

**(10)** The National Environmental Protection Agency submits with the European Commission, every three years, within nine months as of the end of the relevant three-year period, a report on the implementation of Directive [2012/19/EU](#) of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment and the information in para (9).

**(11)** The report in para (10) shall be drawn up based on the questionnaire in the Decision [2004/249/EC](#) of the Commission of 11 March 2004 concerning a questionnaire for Member States reports on the implementation of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) and in Decision [2005/369/EC](#) of the Commission of 3 May 2005 laying down rules for monitoring compliance of Member States and establishing data formats for the purposes of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment.

**(12)** The first report concerns the period between 14 February 2014 and 31 December 2015.

## **CHAPTER 17: Obligations of WEEE holders**

### **Art. 39**

**(1)** Economic operators manufacturing or importing from a third party country or from another EU member state EEE that represent the subject hereof and that is not to be sold, respectively who do not hold the capacity of manufacturer according to the definition in lett. g) of annex no. 5, are bound to keep records of such EEE and to entrust the WEEE generated by the respective equipment exclusively to operators authorized to collect and/or treat WEEE according to the provisions herein.

**(2)** Natural and legal persons holding WEEE, including the one generated by EEE imported for own use, are bound to hand over WEEE to the collection systems herein.

## ☐ **CHAPTER 18: Authorized representative**

### ☐ **Art. 40**

**(1)** In order to sell EEE in Romania, all producers established in a different EU member state are entitled, by way of exception from the provisions in lett. g) items (i)-(iii) of annex no. 5, to appoint an authorized natural or legal person established on the territory of Romania as authorized representative in charge with the fulfillment of the respective manufacturer's obligations, according to the provisions herein.

**(2)** In order to sell EEE to another member state other than the one where their offices are located, all producers, defined according to the provisions in lett. g) item (iv) of Annex no. 5, with their registered offices on the territory of Romania, are bound to appoint an authorized representative in the respective member state, liable for the fulfillment of the respective manufacturer's obligations, according to the provisions in Directive [2012/19/EU](#), on the territory of the respective state.

**(3)** Producers appoint the authorized representative according to the law.

## ☐ **CHAPTER 19: Administrative cooperation and information exchange**

### ☐ **Art. 41**

**(1)** The Ministry of Environment, Waters and Forests cooperates, according to the law, with the member state authorities in charge with the application of Directive [2012/19/EU](#), especially in order to implement an adequate information flow, so as to ensure the observance of the provisions thereof by manufacturers and, as applicable, supply to each other, as well as to the Commission, information meant to facilitate the adequate implementation of Directive [2012/19/EU](#).

**(2)** The administrative cooperation and the information exchange stipulated in para (1), especially between the national registries, shall include electronic communication means.

**(3)** The cooperation in para (1) includes, among other things, ensuring the access to pertinent documents and information, including to the results of possible inspections, subject to the observance of the provisions in the law on data protection in force in the member state where the authority whose cooperation is requested is established.

### ☐ **Art. 42**

Pursuant to the provisions herein, the Ministry of Environment, Waters, and Forests and/or the executive authorities of the local public administration may conclude, according to the law, agreements with the representatives of the involved economic sectors.

## ☐ **CHAPTER 20: Sanctions**

### ☐ **Art. 43**

☐ **(1)** The infringement of the provisions herein represent contraventions, unless perpetrated in such conditions that, according to the criminal law, they are regarded as offences, and shall be sanctioned as follows:

☐ **a)** with a fine of RON 500 to RON 1,000 for natural persons and with a fine of RON 10,000 to RON 20,000 for legal persons:

**1.** failure to observe the provisions in art. 10(2), art. 12(2), art. 16 and art. 39(2);

☐ **b)** with a fine of RON 30,000 to RON 40,000:

- 1.** failure to observe the provisions in art. 8, art. 9(1)(a) and (b) and para (4) and (5), art. 11(1), art. 13, art. 27(1), (5) and (6), art. 36, art. 39(1);
- 2.** failure to observe the provisions in art. 37;
- ☐ **c)** with a fine of RON 40,000 to RON 50,000:
  - 1.** failure to observe the provisions in art. 9(1)(c) and (3), art. 11(2), art. 17, art. 28(1) and (2), art. 29(1), art. 30(1) and (2), art. 33(1)-(3);
  - 2.** failure to observe the provisions in art. 14, 20, and 21;
  - 3.** failure to observe the provisions in art. 34 (1), (3), and (5);
  - 4.** failure to observe the provisions in art. 38(7) and (8); [comes into force within 120 days as of publication]
  - 5.** failure to observe the provisions in art. 10(5), art. 23(3), art. 27(2) and art. 38(2) and (3).
- (2)** In the case of the perpetration of the contraventions in para (1)(c) item 5, apart from the contravention fine sanction, the additional sanction of the temporary suspension of the economic operator's activity shall apply, up to the compliance with the provisions herein.
- (3)** For the heat transfer equipment containing ozone-layer depleting substances and greenhouse effect fluorinated gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment stipulated under categories 5 and 6 of annex no. 2, in the case of operators holding an environmental permit according to the provisions in the Law no. [211/2011](#), republished, in the case of the perpetration of the contraventions in para (1) lett. c) item 2, apart from the contravention fine sanction, the additional sanction of the temporary suspension of the economic operator's activity shall also be applied, up to the compliance with the provisions herein.
- (4)** If the conditions stipulated under the suspension document have not been observe, in the situation stipulated in para (2), the competent environmental protection authority orders, after the expiry of the suspension term, the cancellation of the environmental permit.
- ☐ **(5)** The acknowledgement of the contraventions in para (1)-(3) and the application of the sanctions shall be performed by the authorized representative of:
  - a)** The National Environmental Guard, for the contraventions in para (1) lett. a), b), and lett. c) items 1, 2, 4, and 5;
  - b)** The National Consumer Protection Authority, for the contraventions stipulated in para (1) lett. b) item 2 and lett. c) items 3 and 4, for EEE dedicated to consumers, as defined in art. 2 item 2 of the Government Ordinance no. [21/1992](#) on the consumers' protection, republished, as subsequently amended and supplemented.
- (6)** The provisions on the contraventions stipulated in para (1) and (2) shall be supplemented by the provisions in the Government Ordinance no. [2/2001](#) on the public regime of contraventions, approved as amended and supplemented through the Law no. [180/2002](#), as subsequently amended and supplemented.
- (7)** The provisions on the contraventions stipulated in para (1) apply notwithstanding the provisions in art. 26 of the Government Decision no. [306/2011](#) on certain measures for the supervision of the market of goods regulate by the European Union laws, harmonizing the requirements for the marketing thereof.
- (8)** The Ministry of Environment, Waters and Forests, through the Ministry of Exterior, informs the European Union on this emergency ordinance, as well as on the possible amendments of art. 43.

## ▣ **CHAPTER 21: Inspection and Control**

### ▣ **Art. 44**

**(1)** The authorities stipulated in art. 43(5) perform adequate inspections and controls, according to the law, in order to check the adequate implementation of the provisions herein.

▣ **(2)** These inspections shall cover, as a minimum:

**a)** the information reported according to the provisions herein;

**b)** the transfers, especially the WEEE exports from outside the European Union, according to the provisions in the Regulation no. [1.013/2006](#) and in the Regulation no. [1.418/2007](#);

**c)** the operations within the treatment plants, according to the Law no. [211/2011](#), republished, and to annex no. 7.

**(3)** The authorities in charge with the control of waste transfer shall make sure that the transfers of EEE suspected of being WEEE are carried out according to the minimum requirements in annex no. 12 and adequately control such transfers.

**(4)** The costs of the adequate analyses and inspections, including the storage costs, of used EEE suspected of being WEEE may be imputed to manufacturers, to third parties acting on their behalf or of other persons organizing the transfer of used EEE suspected of being WEEE, in compliance with the legal provisions in force.

**(5)** The implementation acts adopted by the Commission stipulating additional norms on the inspection and control and, especially, uniform implementation conditions for item 2 of annex no. 12 are transposed by a Government decision.

## ▣ **CHAPTER 22: Final and transitory provisions**

### ▣ **Art. 45**

**(1)** Economic operators authorized to carry out WEEE collection activities, authorized upon the enforcement hereof, are bound, within 120 days as of the enforcement hereof, to observe the obligations in art. 9(1) lett. c).

**(2)** Economic operators who are authorized, on the enforcement date hereof, to carry out WEEE collection activities and who, at the end of the term stipulated in para (1), have not concluded agreements with EEE manufacturers, collective organizations or economic operators carrying out WEEE treatment operations on the manufacturers' behalf shall no longer be entitled to carry out the WEEE collection activity.

**(3)** Economic operators carrying out treatment activities are bound to observe the technical requirements in annex no. 7. The proof of the compliance with the technical requirements in annex no. 7 shall be submitted by the economic operators carrying out treatment activities to the environmental permit issuing authority within 6 months as of the enforcement hereof, for environmental permit review purposes.

**(4)** The Ministry of Environment, Waters and Forests submits with the European Commission the secondary laws adopted on the basis hereof.

**(5)** The collective organization operating licenses issued according to the law, valid upon the enforcement hereof shall continue to be valid until 31 December 2015.

**(6)** Collective organizations whose operating license is valid upon the enforcement hereof and which intend to continue their activity for the takeover of the electrical and electronic equipment manufacturers after 31 December 2015 are bound to submit the licensing documentation according to the procedure in art. 25(7) during 1-15 October 2015.

**Art. 46**

- Annexes nos. 1-12 are an integrating part hereof and shall be updated through the order of the minister of environment, waters and forests.

**Art. 47**

(1) All references to the Government Decision no. [1.037/2010](#) on waste electrical and electronic equipment shall be construed as a reference hereto.

(2) The measures adopted or imposed by the regulatory authority pursuant to the laws in force prior to the enforcement hereof shall remain valid up to the review thereof, according to the provisions herein.

(3) Producers registered with the EEE Producer Registry on the enforcement date hereof shall preserve this capacity of registered manufacturer up to the expiry of the registration administrative act.

**Art. 48**

This emergency ordinance comes into force 10 days as of the publication date, except for the provisions in art. 38(2), as well as for the provisions in art. 43 para (1) lett. c) item 4, coming into force 120 days as of the publication date.

**Art. 49**

Upon the enforcement date hereof, the following are repelled:

a) Government Decision no. [1.037/2010](#) on the waste electrical and electronic equipment, published with Official Gazette of Romania, Part I, no. 728 of 2 November 2010;

b) The order of the minister of environment and forests no. [2.264/2011](#) on the approval of the methodology for the calculation of the yearly waste electrical and electronic equipment rate, published with the Official Gazette of Romania, Part I, no. 715 of 11 October 2011;

c) Order of the minister of environment and water management no. [901/S.B./2005](#) on the approval of specific measures for the collection of waste electrical and electronic equipment with contamination risks for the health and safety of personnel in the collection points, published with the Official Gazette of Romania, Part I, no. 910 of 12 October 2005.

\*

This Emergency Ordinance transposes Directive [2012/19/EU](#) of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE), published with the Official Journal of the European Union, series L, no. 197 of 24 July 2012.

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PRIME MINISTER  
**VICTOR-VIOREL PONTA**

Countersigned:

p. Minister of Environment, Waters and Forests,

**Mihail Făcă,**

Secretary of State

Minister of Economy, Commerce, and Tourism,

**Mihai Tudose**

p. Minister of Exterior,

**George Ciamba,**

Secretary of State

Minister of Health,

**Nicolae Băncicioiu**

Minister of Regional Development and Public Administration,

**Nicolae-Liviu Dragnea**

Minister of Transports,

**Ioan Rus**

Minister for the Information Society,

**Sorin Mihai Grindeanu**

Ministry of Education and Scientific Research,

**Sorin Mihai Cîmpeanu**

▣ **ANNEX no. 1: Categories of EEE regulated during the transition period, according to the provisions in art. 2(1)(a)**

1. Large household appliances
2. Small household appliances
3. IT equipment and electronic communication equipment
4. Consumption electrical devices and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools, except for large fixed industrial tools
7. Toys, leisure and sports equipment
8. Medical devices, except for all implanted and infested goods
9. Monitoring and control tools
10. Automatic dispensers

▣ **ANNEX no. 2: Categories of EEE regulated under art. 2(1)(b)**

1. Heat transfer equipment
2. Screens, monitors and equipment with monitors exceeding 100 cm<sup>2</sup>
3. Lamps
4. Large equipment, with any of the external sizes above 50 cm, including, among others: sound or image reproduction equipment, musical equipment; electrical and electronic tools; toys, sports and leisure equipment; medical devices; supervision and control instruments; automatic dispensers; electric current generation equipment. This category does not include the equipment under items 1-3.
5. Small equipment (no external size above 50cm), including, among others: household appliances; consumer equipment; lighting equipment, sound or image reproduction equipment, musical equipment; electrical and electronic tools; toys, sports and leisure equipment; medical devices; supervision and control devices; automatic dispensers; electric current generating equipment. This category does not include the equipment in items 1-3 and 6.
6. Small IT and telecom equipment, no external size above 50cm

▣ **ANNEX no. 3: List of EEE included in the categories in annex no. 1**

▣ **1. Large household appliances:**

- a) large refrigerating devices;
- b) freezers;
- c) refrigerators;
- d) other large devices used for the refrigeration, preservation, and storage of food;
- e) washing machines;
- f) Dryers;
- g) dishwashers;
- h) cooking machines;
- i) electric stoves;
- j) electric cooking plates;
- k) microwave ovens;
- l) other large devices used for the preparation or other food processing purposes;
- m) electric heating machines;
- n) electric radiators;
- o) other large devices used for the heating of rooms, beds, chairs, and armchairs;

- p)**electric fans;
- q)**air conditioners;
- r)**other ventilation, discarding and air-conditioning devices.

**2.**Small household appliances:

- a)**vacuum cleaners;
- b)**carpet cleaning devices;
- c)**other cleaning devices;
- d)**devices used for sewing, knitting, weaving and other textile processing methods;
- e)**ironing machines and other ironing, calendering devices and other types of clothing attendance forms;
- f)**toasters;
- g)**fryers;
- h)**grounding machines, coffee filters and container and packaging opening and sealing devices;
- i)**electric knives;
- j)**hair clippers, hair dryers, tooth brushes, shavers, massage devices and other bodycare devices;
- k)**clocks, watches and time measuring, indication and registration equipment;
- l)**balances.

**3.**IT and electronic communication equipment:

- a)**centralized data processing;
- b)**high capacity data processing systems;
- c)**mini-computers; printers; personal IT devices;
- d)**personal computers, including CPU, mouse, monitor and keyboard;
- e)**laptops, including CPU, mouse, monitor and keyboard;
- f)**notebooks;
- g)**electronic computers;
- h)**printers;
- i)**copying equipment;
- j)**electrical and electronic typewriters;
- k)**pocket and office calculators;
- l)**other products and equipment for the collection, storage, processing, presentation or electronic information presentation or communication equipment;
- m)**user terminals and systems;
- n)**fax machines;
- o)**telex machines;
- p)**telephone devices;
- q)**public phones;
- r)**wireless telephone devices;
- s)**mobile phones;
- ş)**answering machines;
- t)**other products or equipment for the transmission of sounds, images, or other information through electronic communications.

**4.**Consumer electrical devices and photovoltaic panels:

- a)**radio device;
- b)**TV sets;
- c)**video cameras;
- d)**video recorders;
- e)**high definition recorders;
- f)**audio amplifiers;
- g)**musical instruments;

**h)** other goods or equipment for the recording or reproduction of sounds or images, including signals or other sound or image broadcasting technologies, otherwise than through electronic communications;

**i)** photovoltaic panels.

▣ **5.** Lighting equipment:

**a)** lighting bodies for fluorescent lamps, except for household use lighting bodies;

**b)** straight fluorescent lamps;

**c)** compact fluorescent lamps;

**d)** high-intensity discharge lamps, including high-pressure sodium-vapor lamps and metallic halogen lamps;

**e)** low-pressure sodium-vapor lamps;

**f)** other lighting bodies or light diffusing or control bodies, including LED, except for filament lamps.

▣ **6.** Electrical and electronic tools, except for large fixed industrial lamps):

**a)** drilling machines;

**b)** saws;

**c)** sewing machines;

**d)** lathes, millers, grinders, polisher, saw cutting, cutting, shearing, punching, drilling, stamping, folding, bending machines or machines dedicated to other wood, metal, or other material processing operations;

**e)** riveting, nailing, screwing machines or rivet, nail, screw extraction machines or machines with similar purposes;

**f)** welding, soldering or similar use machines;

**g)** spraying, spreading, dispersing machines or machines for other liquid or gaseous substance treating operations, using other means;

**h)** lawn mowers or other gardening equipment.

▣ **7.** Toys, leisure and sports equipment:

**a)** electric train or car racing sets;

**b)** hand-held video game consoles;

**c)** video games;

**d)** computers for cycling, diving, cross, canoeing and other such;

**e)** sports equipment with electrical or electronic parts;

**f)** coin dispensers.

▣ **8.** Medical devices, except for all implanted and infested devices:

**a)** radiotherapy devices;

**b)** cardiology equipment;

**c)** dialysis equipment, pulmonary ventilation, nuclear medicine equipment;

**d)** laboratory equipment for in vitro diagnosis;

**e)** analyzers;

**f)** refrigerating machines;

**g)** fertilization tests;

**h)** other devices for the detection, prevention, supervision, treatment, curing of diseases, wounds or inabilities.

▣ **9.** Monitoring and control instruments:

**a)** smoke detectors;

**b)** heat adjusters;

**c)** thermostats;

**d)** household use measuring, weighing or adjusting devices or devices used as laboratory equipment;

**e)** other supervision and control instruments used in industrial equipment, e.g., on control panels.

▣ **10.** Automatic dispensers:

- a) automatic hot drink dispensers;
- b) automatic warm or cold bottle or can dispensers;
- c) automatic solid goods dispenser;
- d) automatic teller machines;
- e) all devices automatically supplying all kinds of products.

#### ▣ **ANNEX. 4: List of EEE falling under the categories in annex no. 2**

##### ▣ **1.** Heat transfer equipment:

- freezers, refrigerators, automatic cold product dispensers, air-conditioners, dehumidifiers, heat pumps, oil radiators and other heat transfer equipment using fluids other than water for heat transfer.

##### ▣ **2.** Screens, monitors, and equipment containing screens above 100 cm<sup>2</sup>:

- screens, TV sets, LCD picture frames, monitors, laptops, notebooks.

##### ▣ **3.** Lamps:

- straight fluorescent lamps, compact fluorescent lamps, fluorescent lamps, high-intensity discharge lamps, including high-pressure sodium-vapor lamps and metallic halogen lamps, low-pressure sodium-vapor lamps, LED.

##### ▣ **4.** Large equipment:

- washing machines; dryers; dishwashers; cooking machines; electric stoves; electric cooking plates; lighting devices; sound or image reproduction equipment, musical equipment, except for organs located in churches; knitting and weaving machines, large CPUs, large printers, copying machines, large coin dispensers, large medical devices, large surveillance and control instruments, large automatic goods dispensers and large automatic teller machines, photovoltaic panels

##### ▣ **5.** Small equipment:

- vacuum cleaners, carpet cleaning devices, sewing devices, lighting devices, microwave ovens, ventilation equipment, ironing machines, toasters, electric knives, water boilers, alarm clocks and watches, electric shavers, balances, hair care and body care products, pocket calculators, radio devices, video cameras, video devices, high definition equipment, musical instruments, sound or image reproduction equipment, electrical and electronic toys, sports equipment, cycling, diving, cross, canoeing etc. computers, smoke detectors, heat adjusters, thermostats, small electrical and electronic tools, small medical devices, small surveillance and control devices, small automatic goods dispensers, small equipment with integrated photovoltaic panels.

##### ▣ **6.** Small IT and electronic communication equipment, no external size above 50 cm:

- mobile phones, GPS, pocket calculators, routers, personal computers, printers, telephones.

#### ▣ **ANNEX no. 5: DEFINITIONS**

**a) electrical and electronic equipment**, hereinafter referred to as EEE - equipment that depend upon electrical currents or electromagnetic fields in order to operate properly and equipment for the generation, transfer and measuring of these currents and fields, designed for use at a maximum rated voltage of 1,000 Volt, for AC, and of 1,500 Volt for DC;

**b) large fixed industrial tools** - a large assembly of machinery, equipment and/or components operating together for a specific application, permanently installed and uninstalled by professionals in a certain location and used and

maintained by professionals in a production or research and development industrial destination;

**c) large fixed plant** - a certain large-size combination of several types of apparatuses, and, as applicable of other devices, that:

(i) are mounted, installed and uninstalled by professionals;

(ii) are meant for permanent use as part of a building or of a structure in a preset location, fulfilling this purpose and

(iii) may only be replaced with the same time of equipment, especially designed;

**d) non-road vehicles** - equipment holding their own power source, requiring either mobility, or continuous or semi-continuous displacement between a succession of fixed work points during operation;

**e) waste electrical and electronic equipment**, hereinafter referred to as WEEE - electrical and electronic equipment that is waste according to the provisions in item 9 of annex no. 1 to the Law no. [211/2011](#) on the regime of waste, republished, including the components, subassemblies and consumables that are an integrating part of the product when it becomes waste;

**f) Very small WEEE** - waste electrical and electronic equipment with neither of the exterior sized larger than 25cm;

**g) producer** - any natural or legal person that, regardless of the sale technique used, including the remote communication as defined in the Government Emergency Ordinance no. [34/2014](#) on the consumer rights under the agreements concluded with professionals, as well as for the amendment and supplementation of certain norms:

(i) has its office in Romania and manufactures EEE under its own name or under its own trademark or whose EEE is designed or manufactured and sold under its own name or under its own trademark, on the territory of Romania;

(ii) has its office in Romania and resells equipment manufactured by other suppliers on the territory of Romania under its own name or trademark; a reseller is not regarded as a "manufacturer" if the manufacturer's trademark is included on the equipment according to item (i);

(iii) has its office in Romania and launches on the national market, under a professional title, EEE from a third-party country or from another EU member state; or

(iv) sells EEE through remote communication means directly to individual households or to users outside individual households, in Romania and has its office in a different member state or in a third-party country.

Any and all persons exclusively providing financing under or pursuant to a financing agreement is not regarded as a "producer" unless it acts as a producer according to items (i)-(iv);

**h) retailer** - any natural or legal person in the procurement chain, which makes EEE available on the market. This definition does not prevent a retailer to also be a manufacturer according to lett. g);

**i) WEEE generated by individual households** - WEEE generated by individual households and business, industrial WEEE, from institutions and other sources that, due to their nature and quantity, are similar to the ones coming from individual households. Waste coming from EEE that could be used both by individual households, and by users outside individual households are regarded as WEEE coming from individual households;

**j) financing agreement** - all agreements or loan, leasing, rental, or term-sale contracts concerning a piece of equipment, regardless of whether the respective

agreement or contract or all other auxiliary contracts or agreements stipulate the transfer or the possibility to transfer the ownership title over the respective piece of equipment or not;

**k) make available on the market** - all types of supply of a product for retail, consumption or use on the national market, as part of a business activity, in exchange for a payment or free of charge;

**l) professionally** - within the activity carried out commonly, normally, and repeatedly;

**m) launch on the market** - the action of making available a product available on the national market for the first time, under professional terms;

**n) removal-** manual, mechanical, chemical, or metallurgic handling having as a consequence the fact that the hazardous substances, mixtures and parts are retained in an identifiable flow or represent an identifiable part of a flow within the treatment process. A substance, mixture or part is identifiable if it can be monitored in order to check whether the treatment is environmentally safe;

**o) medical device-** EEE defined under art. 2(1)(1) of the Government Decision no. [54/2009](#) on the conditions for the launching on the market of medical devices, as subsequently amended and supplemented;

**p) in vitro diagnosis medical device** - EEE defined in art. 2(2) of the Government Decision no. [798/2003](#) on establishing the conditions for the launching on the market and use of medical devices for in vitro diagnosis, as amended and supplemented;

**q) active implantable device** - EEE defined in art. 2(1)(3) of the Government Decision no. [55/2009](#) on active implantable medical devices, as subsequently amended;

**r) orphan goods-** goods whose manufacturers have ceased business or who cannot be identified when the respective goods become waste;

**s) historical waste** - WEEE coming from products launched on the market before 1 January 2007;

**ş) collective organization-** economic operator established according to the provisions in art. 1(1) of the Companies Law no. [31/1990](#), republished, as amended and supplemented, or according to the provisions in art. 1(1) of the Government Ordinance no. [26/2000](#) on associations and foundations, approved as amended and supplemented through the Law no. [246/2005](#), as amended and supplemented, authorized by the Ministry of Environment, Waters, and Forests, according to the provisions in art. 25(7) of the Government Emergency Ordinance no. [5/2015](#) on waste electrical and electronic equipment and whose activity exclusively involves the takeover and fulfillment of the obligations of electrical and electronic equipment manufacturers or of the authorized representatives acting on the manufacturers' behalf in relation with the management of waste electrical and electronic equipment;

**t) one-to-one system** - system through which, upon the purchase of EEE, an equivalent type of WEEE is taken over, fulfilling the same functions as the supplied piece of equipment;

**ţ) guarantee period** - the time interval, set in the technical norms or declare by the manufacturer, within which long-term use goods are to maintain their operational features, if the transport, handling, storage, and operation requirements have been observed, at the end whereof a piece of electrical or electronic equipment is regarded as waste;

**u) essential national security interest** - the national interests whose role is to ensure the vital national safety, defense, and security functions, the sovereignty, independency, and integrity of the country and of national infrastructures;

v) electronic telecommunications-communications, as defined under the Emergency Government Ordinance no. [111/2011](#) on electronic communications, approved as amended and supplemented through the Law no. [140/2012](#), as subsequently amended and supplemented.

**ANEX no. 6: Minimum yearly collection rates to be achieved by manufacturers**

	Yearly collection rate in %
For 2016	> 40%
For 2017-2020	45%
As of 2021	65%

**ANEX no. 7: Selective management of waste electrical and electronic equipment materials and parts stipulated in art. 20**

1. The removal of the following substances, mixtures, and components from all waste electrical and electronic equipment that is the subject of selective collection, as a minimum:

- a) condensers containing polychlorinated biphenyls (PCB), according to the provisions of the Government Decision no. [173/2000](#) regulating the special regime on the management and control of polychlorinated biphenyls and of other similar compounds, as subsequently amended and supplemented;
- b) parts containing mercury, as well as switches and retroillumination lamps;
- c) batteries;
- d) printed circuit boards of mobile phones, in general, and other devices, if the surface of the printed circuit board exceeds 10 cm<sup>2</sup>;
- e) liquid or paste toner cartridges, as well as color toners;
- f) plastics containing bromurated fireproof substances;
- g) asbestos and asbestos-containing part waste;
- h) cathode tubes;
- i) chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC);
- j) gas-discharge lamps;
- k) liquid crystal displays (and their frame, as applicable) with an area of more than 100 cm<sup>2</sup> and all gas-discharge lamp backlit screens;
- l) external power cables;
- m) parts containing refractory ceramic fibers, as well as the ones described in the Government Decision no. [1.408/2008](#) on the classification, packaging, and labeling of hazardous materials;
- n) parts containing radioactive materials, except for the parts in quantities that do not exceed the exemption values in art. 5(1), art. 8 and 9, as well as items 5-11 of annex no. 2 of the Fundamental radiological security norms, approved through the Order of the chairman of the National Board for the Control of Nuclear Activities no. 14/2000, as amended;
- o) electrolytic condensers containing hazardous materials (height > 25 mm, diameter > 25 mm or similar proportional volume).
- p) These substances, mixtures, and components are discarded or reclaimed according to the Law no. [211/2011](#) on the regime of waste, as republished.

2. The following WEEE parts that are subject to selective collection shall be treated as follows:

- a) cathode tubes: the fluorescent coating must be removed;
- b) equipment containing ozone layer-depleting gas or with global warming potential (GWP) above 15, as well as the ones in foams or refrigeration circuits:

the gases are extracted and adequately treated. Gases depleting the ozone layer are treated according to the Regulation (EC) no. 1.005/2009 of the European Parliament and of the Council of 16 September 2009 on substances depleting the ozone layer;

**c)** gas-discharge lamps: remove the mercury.

**3.** In the light of the ecological considerations and of the opportunity of the preparation for reuse and recycling, items 1 and 2 are applied so as not to prevent the preparation for reuse and recycling under environmental-safe conditions of the components or of the devices as a whole.

#### **ANNEK no. 8: Technical requirements stipulated in art. 21**

**1.** Storage locations (including temporary storage) of WEEE prior to the treatment thereof, notwithstanding the provisions in the Government Decision no. [349/2005](#) on the storage of waste, as subsequently amended and supplemented:

**a)** waterproof surfaces for adequate areas, provided with plants for the collection of leak waste and, as applicable, with decanters and grease separators;

**b)** weather-proof coating for adequate areas.

**2.** WEEE treatment locations:

**a)** treated waste weigh measuring balances;

**b)** water- and weather-proof surfaces for adequate areas, equipped with leak waste collection equipment and, as applicable, with decanters and grease separators;

**c)** adequate storage for dismantled parts;

**d)** adequate containers for the storage of batteries, condensers containing PCB/PCT and other hazardous waste, such as radioactive waste;

**e)** water treatment equipment, according to the health and safety regulations.

#### **ANNEK no. 9: Minimum reclaiming objectives stipulated in art. 27**

**(1)** Part 1: Minimum objectives applicable for each category as of the enforcement date hereof and up to 14 August 2015 on the categories stipulated in annex no. 1 hereto:

**a)** for WEEE in category 1 or 10 in annex no. 1 to the emergency ordinance:

- 80% is reclaimed; and

- 75% is recycled;

**b)** for WEEE in category 3 or 4 in annex no. 1 to the emergency ordinance:

- 75% is reclaimed; and

- 65% is recycled;

**c)** for DEEE in categories 2, 5-8 or 9 in annex no. 1 to the emergency ordinance:

- 70% is reclaimed; and

- 50% is recycled;

**d)** for gas-discharge lamps, 80% is recycled.

**(2)** Part 2: Minimum objectives applicable per category as of 15 August 2015 until 14 August 2018 concerning the categories in annex no. 1 to the emergency ordinance:

**a)** for WEEE in category 1 or 10 of annex no. 1 to the emergency ordinance:

- 85% is reclaimed; and

- 80% is prepared for reuse and recycled;

**b)** for WEEE in category 3 or 4 in annex no. 1 to the emergency ordinance:

- 80% is reclaimed; and
- 70% is prepared for reuse and recycled;
- ▣ **c)** for WEEE in categories 2, 5-8 or 9 in annex no. 1 to the emergency ordinance:
  - 75% is reclaimed; and
  - 55% is prepared for reuse and recycled;
- d)** for gas discharge lamps, 80% is recycled.
- ▣ **(3)** Part 3: Minimum objectives applicable per category as of 15 August 2015 concerning the categories in annex no. 5 to the emergency ordinance:
  - ▣ **a)** for WEEE in category 1 or 4 in annex no. 2 to the emergency ordinance:
    - 85% is reclaimed; and
    - 80% is prepared for reuse and recycled;
  - ▣ **b)** for WEEE in category 2 of annex no. 2 to the emergency ordinance:
    - 80% is reclaimed; and
    - 70% is prepared for reuse and recycled;
  - ▣ **c)** for WEEE in category 5 or 6 in annex no. 2 to the emergency ordinance:
    - 75% is reclaimed; and
    - 55% is prepared for reuse and recycled;
  - d)** for WEEE in category 3 in annex no. 2 to the emergency ordinance, 80% is recycled.

#### ▣ **ANNEX no. 10: EEE marking symbol**

The symbol indicating that EEE is subject to selective collection is a crossed out wheeled bin, as shown below. The symbol must be visibly, legible, and indelibly printed.



#### ▣ **ANNEX no. 11: Information on the registration and reporting in art. 38**

▣ **(1)**A. Information to be submitted upon registration

- 1.** Name and address of the manufacturer or of the authorized representative thereof, if appointed according to the provisions in art. 40 (post code and locality, street and number, country, telephone and fax number, e-mail address, as well as a contact person). If an authorized representative is appointed, as defined in art. 40, the manufacturer's authorized representative's contact data, as well
- 2.** The national manufacturer's identification code, including the European tax identification code, or the manufacturer's national tax identification number
- 3.** EEE category according to annex no. 1 or no. 2 to the emergency ordinance, as applicable
- 4.** Type of EEE (household appliances or other)
- 5.** EEE marking

**6.**Information concerning the undertaking of responsibility by the manufacturer: individual or collective system, including information on the financial guarantee

**7.**Sales technique used (e.g., remote sale)

**8.**Statement stipulating that the supplied information is accurate

☐ **(2)B.** Information to be submitted for reporting

**1.**Manufacturer's national identification code

**2.**Reporting period

**3.**EEE category according to annex no. 1 or no. 2 to the emergency ordinance, as applicable

**4.**Quantity of EEE launched on the internal market, expressed in mass units

**5.**Quantity, expressed in mass units, of separately collected waste EEE, recycled (including prepared for reuse), reclaimed and discarded on the territory of member states or transported outside the European Union

☐ **(3)NOTE:**

The information in items 4 and 5 must be provided per categories.

### ☐ **ANNEX no. 12: Minimum transfer requirements**

☐ **1.**In order to differentiate between EEE and WEEE, if the object holder states that he intends to ship or actually ships the used EEE, not WEEE, member states shall request the owner to have available, in support for its request, the following:

**a)**a copy of the invoice and of the agreement on the sale and/or transfer of the ownership title over EEE, stipulating that the equipment is dedicated to the direct reuse and that it is fully operational;

**b)**proof on the assessment or testing, under the form of a copy, of the records (testing certificate, operating proof), for each article in the batch and a protocol containing all records-related information, according to item 3;

**c)**a statement of the holder undertaking the transport of EEE according to which none of the materials or pieces of equipment in the batch is waste, as defined in item 9 of annex no. 1 to the Law no. [211/2011](#) on the regime of waste, as republished;

**d)**adequate protection against damage during transportation, loading and unloading, especially through adequate load packaging and stacking.

☐ **2.**By way of exception, item 1(a) and (b) and item 3 do not apply if there is clear proof in support of the fact that the transportation is performed as part of an inter-company transfer agreement and if:

**a)**EEE is returned to the manufacturer or to a third party acting on its behalf for manufacture faults during the guarantee period, with the intention to be reused; or

**b)**Used professional EEE is sent to the manufacturer or a third party acting on its behalf or to a third party in countries where final Decision C(2001)107 of the OCDE Council on the review of Decision C(92)39 on the control of cross-border transport of waste to be reclaimed, reconditioned, or repaired, pursuant to a valid agreement, with the intention to be reused applies; or

**c)**Used and faulty professional EEE, such as medical devices or the parts thereof, is sent to the manufacturer or a third party acting on its behalf for the review of the main causes, pursuant to a valid agreement, if such review can only be carried out by a manufacturer or by third parties acting on its behalf.

☐ **3.**In order to demonstrate that the shipped items are used EEE, and not WEEE, member states impose the following steps for the performance of the testing and the maintenance of records concerning the used EEE:

☐ **3.1.**Step 1: Testing

**a)** The operation is tested and the presence of hazardous materials is assessed. Tests to be performed depend on the type of EEE. In the case of most used EEE, an operating test concerning the essential features is sufficient.

**b)** The results of the evaluation and testing are registered in a document in proof.

**3.2.** Step 2: Document in proof

**a)** The document in proof is safely, but not permanently, affixed onto the EEE as such (if not packaged), or on the packaging, so as to be legible, without unpacking the equipment.

**b)** The document in proof must contain the following information:

(i) item designation, equipment designation, if included in the list in annex no. 3 or in annex no. 4 to the emergency ordinance, as applicable, and the designation of the category in annex no. 1 or in annex no. 2 to the emergency ordinance, as applicable;

(ii) item identification number, type no., if applicable;

(iii) manufacture year, if available;

(iv) designation and address of the company liable for the operating proof;

(v) results of the tests described in step 1, including the operating test date;

(vi) type of tests performed.

**4.** Apart from the documentation requested in item 1-3, each used EEE load (e.g., container, truck) shall be accompanied by:

**a)** a relevant shipment document, e.g. CMR or bill of lading;

**b)** a statement of responsibility on behalf of the liable person.

**5.** In the absence of proof as to the fact that an item is used EEE and not WEEE, through the required corresponding documents according to item 1-4 and in the absence of adequate protection against damaging during transportation, loading and unloading, especially through adequate packaging and stacking of the load, which are the obligations of the holder organizing the transport, the authorities in the member states believe that the respective item is WEEE and that the load includes an illegal transfer, the shipment shall be treated according to the provisions in art. 24 and 25 of the Regulation (EC) no. [1.013/2006](#) of the European Parliament and Council of 14 June 2006 on waste transfers.

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