Work Package 3: Legal Framework

Deliverable 3.1

Development and Distribution of Legal & Policy Questionnaire

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EXECUTIVE SUMMARY

A clear understanding of the current legal framework on how electrical & electronic products are dealt with at the end of life stage is the first step in compiling a gap analysis of how policy may be improved. One of the key objectives of the CWIT project is the comparative overview of relevant legal policies and requirements and how these are implemented and enforced globally. This information is important for establishing the baseline legal scenario in countries where WEEE originates and is finally treated or dumped.

It is necessary therefore to understand the correlation between the policies and regulations in place (or proposed) and how these may act as a deterrent or conversely an opportunity to engage in illegal trade in e-waste.

This analysis depends on a methodological approach to data collection. To achieve this, the CWIT consortium has developed two comprehensive legal and policy questionnaires for the EU and a select group of international countries. The objective of these questionnaires is to provide a global overview of the current legal framework and policies that effect the fight against illegal trade in WEEE, at EU and international levels.

The Consortium has a number of concurrent data gathering requirements relating to crime analysis information, recycling and WEEE amounts and streams, in addition to the legal and policy data requirements. The Work Package 3 questionnaires are designed to establish the existing legal framework in the target countries and will be supplemented with the information collected by work packages 2, 4 and 5. This information will feed into the overall project recommendations of Work Package 6.

Targeted questionnaires have been compiled for specific actors within the WEEE industry through work packages 2 and 4. These industry specific questionnaires are aimed at recyclers, refurbishers and pre-processors in order to determine key metrics and obtain critical data. The questionnaires constructed as part of Work Package 5 request details of court decisions, case law, and information on the modalities used in the illegal trade of e-waste. In addition, there is a restricted access, law enforcement specific questionnaire which is being distributed securely via INTERPOL’s channels. These questionnaires will provide vital information on the practical implementation of the legislation. These questionnaires are also available on the CWIT project website and each will enable participants to engage fully with the output of the project.

The countries requested to provide information for Work Package 3 were the 28 EU Member States and a number of international countries representing both originators and final destinations of WEEE. The research into these countries provides a valuable insight into the effectiveness or otherwise of established legal frameworks in combatting illegal trade of waste, the results of which will be discussed further in Deliverable 3.3.

Respondents of the survey are the relevant authorities in the countries of interest, typically officials within the Ministry of Environment. The list of recipients of the questionnaire was supplemented by the list of stakeholders generated in Work Package 2 (Deliverable 2.1 “Mapping of WEEE Actors”). More detailed analysis of the respondents is contained in Deliverable 3.2 in the synthesis of the questionnaires.
1 INTRODUCTION

Deliverable 3.1 is composed of Tasks 3.1 and 3.2. These tasks required an extensive literature review of both international policies and European policies to provide an overview of the selected country policies and requirements. To obtain the maximum benefit from this data collection phase, Tasks 3.1 and 3.2 were dealt with separately to take into account the individual needs of stakeholders within and outside of the EU. This was due to the implementation of the re-cast WEEE Directive in Europe occurring during this phase of the project.

The deadline for EU Member States to transpose the re-cast WEEE Directive 2012/19/EU\(^1\) into their national legislation was 14 February 2014. In recognition of the difficulties that would be encountered in obtaining information from policy makers and authorities throughout the EU at that time, the consortium agreed with the Project Officer to postpone issuing the EU questionnaire until after the official transposition date had passed. An interim report on Deliverable 3.1 was submitted at M6 to provide update on the status of the data collection activities.

During this critical information gathering stage, consortium members both attended and hosted a number of events involving key stakeholders involved in the WEEE industry. These events were an important opportunity to raise awareness of the project’s objectives and request participation in providing information via the surveys.

In accordance with the Description of Work, the information gathered using these questionnaires will be uploaded into the Compliance and Risks database, known as C2P. This will enable project partners and the Commission to elicit vital information for comparative analysis. The C2P database is a compliance and regulatory affairs information management system. C2P is extensively used by actors in the WEEE industry including producers and European association communities to track global regulations, standards and other key documents across a large number of policy areas.

The output from this work package is to comparatively evaluate different national political and regulatory environments on WEEE and from this to deliver recommendations for best WEEE policies, requirements, implementation and enforcement that support actions countering the illegal trade of WEEE. The deliverable report will also be accessible through the CWIT project website to further disseminate the results to a wider audience.

For ease of reference, the methodology for the EU and international questionnaires is discussed in separate sections below.

The figure below shows the high level overview of how Work Package 3 integrates with other work packages. In addition, the information provided by Deliverable 2.1 “Mapping of WEEE Actors” is a valuable network of stakeholders from which to obtain the critical information required.

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2 OBJECTIVES AND APPROACH

The objective of the EU and international questionnaires is to gather existing policies and legal requirements to establish the existing legal framework and provide a valuable resource for the stakeholders involved in the project, the European Commission, and the wider public.

Each questionnaire has a distinct focus. The international questionnaire looks at the extent of the legal framework in place or if there are proposals to develop measures to deal with e-waste. The EU questionnaire is focussed on how the Member States have dealt with the transposition of the re-cast WEEE Directive and in particular the measures that relate to combatting illegal trade of WEEE.

A pilot test was carried out (see below) with industry experts to ensure that the questionnaire was comprehensive but also capable of being completed relatively easily. During the testing phase, the feedback on the breadth of questions and depth of information requested, meant that the best approach was to construct several distinct questionnaires within work packages 2, 4 and 5 for dissemination to different stakeholders.

Stakeholders that have been identified as potential contributors to the project received an email from a consortium member inviting them to participate in the project. This invitational email contained both a PDF document of the questionnaire and a link to the CWIT project website where the stakeholder could easily complete the answers online². A FAQ section has also been provided on the website to explain the terminology used in the questionnaire³. Directing stakeholders to the CWIT website to complete the questionnaire has helped to significantly increase traffic to the project website.

3 PILOT TESTING GROUP

To enhance the stakeholder experience and ensure that the questions posed were relevant and comprehensive, the consortium distributed the questionnaire to a select number of industry experts for their evaluation and feedback.

These experts also included members of the High-Level Advisory Board (see Deliverable 1.6 “List of High-Level Advisory Board members”). The feedback enabled the consortium members to refine the questionnaire in terms of the quality and relevance of the questions, how they were formulated, and the structure and overall comprehensiveness of the instrument in general.

During this construction phase, and based on the feedback received, it was decided to separate the questions regarding the legal framework from the practical enforcement questions. These issues will be investigated in greater detail in work packages 2, 4 and 5. This ensures that stakeholders are contacted with the most relevant questionnaire for their area of expertise and avoids cross contacting the same stakeholders multiple times.

² www.cwitproject.eu/participate
³ www.cwitproject.eu/faq
4 METHODOLOGY INTERNATIONAL QUESTIONNAIRE

The legal and policy questionnaire required a comprehensive approach to selecting the optimal questions, structure and format, the stakeholder types, and the list of countries to target. The following sections outline the methodology used to address these issues:

4.1 List of international countries selected

The following countries were selected based on analysis regarding the dynamics of the WEEE industry in terms of geographical significance, maturity of the WEEE industry within the country, and legislative and policy developments. A deciding factor was also on the basis of important industry knowledge within the consortium which highlighted countries that were originators and final destinations of WEEE. These countries also represent a mixture of acknowledged good practices and those countries wishing to improve their processes with regard to the treatment of e-waste and associated illicit behaviour.

Table 1. List of international countries selected.

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4.2 Stakeholders

The consortium compiled an extensive database of contacts in WP2 through various dissemination activities promoting the project. The recipients of the WP3 questionnaires comprised members of the relevant authorities within each of the target countries together with experts from industry, academia, policy bodies and NGOs.
Many of the respondents contacted were known to members of the consortium through previous initiatives in WEEE and criminal behaviour research. The questionnaire was also disseminated to selected stakeholders that registered their interest in participating in the project through the CWIT website.

4.3 Question selection criteria and format

The international questionnaire is attached in Annex A. The questions were selected to establish a baseline of information regarding the EEE and WEEE industry within the target countries. The questions comprise a mix of dropdown menus, tick box answers, and blank text boxes to provide respondents with adequate space to provide more information. The online questionnaire uses “skip-logic” whereby answering ‘Yes’ or ‘No’ to particular sections of the questionnaire brings the respondent to a different consequent question.

The questions cover the following issues:

1. **Please list all national legislation and policies that affect e-waste.**

   This open text field provides an opportunity to seek additional information on other regulatory instruments that may have an impact on e-waste, such as health and safety or financial laws. In addition, practical guidance documents may yield useful information on how national authorities deal with e-waste matters.

2. **What stage of development is your national e-waste management regulation/ EPR based e-waste regulation at?**

   This requires a tick box answer to determine the maturity of the national e-waste legislation. The choices allow for situations where draft proposals are in existence but not yet completed. The respondents are also provided with the choice of an open text answer with ticking the ‘Other’ option.

3. **If the regulation is Enacted or in Draft, what principle is it based on?**

   This question concerns the responsibility principle upon which the national legislation is based (e.g. polluter pays, extended producer responsibility, or other system). This provides an insight into how countries have interpreted the responsibilities for dealing with electronic products put on the market at the end of life stage.

4. **Please identify all the areas related to EEE and e-Waste that are regulated in your country:**

   This question concerns the regulation of the various stages of the product lifecycle. This provides an insight into the traceability of responsibility for electronic products put on the market.

5. **Under your national legislation, do companies placing EEE on the market have to register with an official body?**

   This question provides an insight into the traceability of responsibility for electronic products put on the market.

6. **What are the registration requirements?**

   This open text field allows respondents to provide details of the registration requirements for the various parties such as producers, compliance schemes etc.
7. **Under your national legislation, what product categories are covered?**

This multiple tick box allows the respondent to tick all the categories of electronic products that are covered by the national legislation regarding e-waste. Answers to this question will provide insights into the types of products most and least regulated. Examples include, appliances from households, appliances from professions and businesses, IT and consumer equipment, cooling and freezing appliances, white goods, screens, other mixed appliances such as toys, hair dryers etc.,

8. **Under your national legislation, what information must be reported for EEE?**

This open text field enables respondents to provide information on who should report to the authorities (e.g. producers, distributors, compliance schemes etc.). Answers to this question will provide an indication of where there is a requirement to report products put on the market.

9. **Is there a collection system or infrastructure for e-waste in your country?**

This open text field allows respondents to describe the process for e-waste collection e.g. if there are landfills or municipal collection sites. This question also prompts the respondent to describe the type of organisation that regulates and manages the e-waste system (i.e. public or private entities).

10. **Under your national legislation, are there reporting requirements for e-waste?**

This Yes/No question leads to further details in Q11.

11. **What are the reporting requirements for e-waste?**

This open text field enables respondents to provide greater detail on the reporting requirements for the various actors in the industry (producers, recyclers, compliance schemes etc.)

12. **Are there substances or products prohibited from being landfilled within your national solid-waste and/or e-waste legislation?**

This is a multiple tick box type answer where respondents can choose the various hazardous and restricted substances that are prohibited from being landfilled in their country. Examples of prohibited materials include lead, mercury, cadmium, hexavalent chromium, PBBs, PBDEs. An additional text field also allows for further elaboration on other materials that may be prohibited from being landfilled with general waste.

13. **Is there a collection target for e-waste?**

This open text field asks respondents to provide information on the targets and how they are collected.

14. **Under your national legislation, who is responsible for financing the collection of e-waste?**

This open text field provides an opportunity to indicate where responsibility lies for financing the collection of e-waste. Answers to this question will be indicative of how effective processes are for tracing products put on the market to end of life stage.

15. **Under your national legislation, who is responsible for financing the treatment of e-waste?**

This open text field provides an opportunity to indicate responsibility for financing the treatment of e-waste.
16. If there are recycling targets for e-waste in your country, what are they?

This open text field requests information on the recycling targets for e-waste. Answers to this question will give an indication of how comparable the national legislation is with the EU targets.

17. What is the usual collection route for reported e-waste amounts?

This is a multiple tick box type answer that enables respondents to supply information on the various collection routes for reported e-waste. Examples of the choices given are dedicated containers for multiple waste, retailers and shops, curbside collection, informal collectors and none indicating no collection route for reported e-waste. Respondents are also provided with an open text field to provide additional information if available.

18. Under your national legislation, are there permits required for the collection, storage, and transportation of used EEE?

This is a multiple tick box Yes/No type answer that enables respondents to indicate whether there are permits required for used EEE in particular. The existence of permits for used EEE may provide an indication of traceability of products.

19. Are there permits required for the collection, storage, and transportation of e-waste?

Similarly to Q18, this multiple choice answer requires a Yes/No for the permits required for the collection, storage and transportation of e-waste.

20. Under your national legislation, which of the following e-waste actions require a permit?

This multiple tick choice answer requests information on the various actions concerning e-waste. These actions include the separation of waste, recycling, pre-treatment, treatment, final treatment and disposal. A blank text box is provided for respondents to provide additional information if available.

21. Under your national legislation, what are the specific e-waste related penalties for collection and trading offenses?

This open text field provides respondents with the opportunity to give details on the financial implications, criminal or civil sanctions for e-waste penalties. Answers to this question will indicate the severity of penalties in existence.

22. Any additional information:

The final section invites respondents to provide their perspective on any additional information they deem to be important in relation to legal requirements. This affords respondents an opportunity to illustrate any best practices or other relevant information they wish to highlight in relation to the fight against illegal trade of e-waste.
Figure 3. Screenshot of the international questionnaire registration section on the CWIT website.
Figure 4. Screenshot of the international questionnaire.
5 METHODOLOGY EU QUESTIONNAIRE

5.1 List of EU Countries

The EU questionnaire was distributed to all 28 EU Member States and to Norway. The IMPEL Conference held in Norway in June 2014, provided an excellent opportunity to further communicate the objectives of the project to the wider WEEE and enforcement community.

5.2 Stakeholders

The EU questionnaire is attached in Annex B. Respondents for the EU Questionnaire comprised stakeholders that registered their interest in participating in the project through the CWIT website. In addition, members of the consortium engaged with the Technical Advisory Committee responsible for the national implementation of the re-cast WEEE Directive. Also, members of the consortium engaged with the IMPEL network in order to promote the data gathering initiatives of the project.

5.3 Question selection criteria and format

1. Please list the main national legislation and policies relevant for the management of WEEE, in addition to the transposition of the WEEE Directive (Directive 2012/19/EC)

This open text field answer allows respondents to provide additional information on other legal instruments that may affect management of WEEE nationally. The prompt text suggests references to any implementing guidelines, end of life management of electronics rules; checklists for what is considered used equipment, financial instruments e.g. ban on cash transactions etc.

2. Has your country transposed the WEEE Directive re-cast (Directive 2012/19/EC) into your national legislation?

The official date for transposition of the WEEE Directive passed on 14th February 2014. The answers to this Yes/No question indicate whether transposition into national legislation occurred on time. This question incorporates “Skip-logic” whereby answering Yes or No takes the respondent to a different subsequent question. Yes answers bring the respondent to Q3, while No answers bring the respondent to Q16.

3. In the context of Article 10.2 (Shipments of WEEE) transposition, did you define “equivalent conditions” in order to make sure exporters can prove that the treatment of exported WEEE is equivalent to the requirements of Directive 2012/19/EC?

Answers to this open text field question enable respondents to further elaborate on how specific terms are defined within their national law. In particular, whether there is a definition or other documents or guidelines that provide further detail for industry and enforcement personnel on what are “equivalent conditions” for proving that treatment of exported WEEE is equivalent to treatment procedures available within the EU.

4. In the context of Article 18 of Directive 2012/19/EC (Administrative Cooperation and Exchange of Information) transposition, is there any actual or future program to exchange information on inspections carried out?

This open text field allows respondents to provide information on measures in which they may be involved that would assist in the exchange of information on inspections. Activities in this area would be a good indicator of cooperation between relevant agencies both nationally and internationally.

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4 IMPEL – Network for the Implementation and Enforcement of Environmental Law, www.impel.eu
5. As required by Article 23 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, is there an inspection system which covers waste shipments, in particular exports of WEEE outside the Union in compliance with Regulation No 1013/2006 (Shipments of Waste Regulation)?

Answers to this open text field question will indicate if there are inspection guidelines in place and if so, how numbers and results of inspections may be tracked and reported.

6. In the context of Article 23.3 of Directive 2012/19/EC (Inspection and Monitoring), who is financing the costs of the inspections?

This multiple choice answer gives the respondent a choice of persons potentially responsible for financing the costs of inspections. Choices include producers, third parties acting on their behalf, other persons arranging the shipment of used EEE suspected to be WEEE. Respondents are also provided with an open text field to provide additional information if available.

7. As required by Article 23.2 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, is there a programme or strategy implemented/planned to ensure that shipments of used EEE suspected to be WEEE are carried out in accordance with the minimum requirements in Annex VI of Directive 2012/19/EC (Minimum Requirements for Shipments)?

Answers to this open text field question will indicate if there are instruments or guidelines that align the requirements of Annex VI of the re-cast WEEE Directive.

8. As required by Article 23.2 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, what are the measures implemented/planned to monitor shipments of used EEE?

Answers to this open text field question will show if there are measures in place to monitor shipments of used EEE. Having appropriate measures in place for monitoring shipments would be an important indicator regarding traceability of used EEE flows.

9. In the context of Annex VI.1 (a) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a template or guidelines for the owner of the used EEE to prepare the invoice and contract relating to the sale and/or transfer of ownership of EEE which states that the equipment is destined for direct re-use and is fully functional?

Answers to this open text field question will indicate what support already exists for owners of used EEE and inspectors/enforcement officials to understand what constitutes EEE for re-use.

10. As stated in Annex VI (b) of Directive 2012/19/EC (Minimum Requirements for Shipments), have the organisations that are allowed to issue a certificate of testing and proof of functionality, been defined?

In this open text field, respondents may provide information on what entities can issue a certificate of testing. Some countries may have specific accredited entities for this purpose.

11. Do these organisations have to be accredited by a competent authority?

Respondents can provide additional information on the competent authority that provides accreditation to the testing facilities mentioned in Q10. Answers to this question will indicate the degree to which testing and certification can be traced and managed through official channels.
12. In the context of Annex VI. 1 (c) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a template or guide for the declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste?

Answers to this open text field question will indicate what support exists for exporters of EEE and inspectors/enforcement officials to determine that the consignment does not contain waste. Clear guidelines on this subject may be an important deterrent to wrongly labelling consignments of WEEE as used EEE.

13. As referred in Annex VI. 1. (d) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a guide or set of criteria to define appropriate protection of the goods against damage during transportation, loading and unloading?

Answers to this open text field question should indicate if there are guidelines developed for providing information on protecting goods during transportation, loading and unloading.

14. In the context of Annex VI. 2 of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a specific definition of the “conclusive proof” that the shipment is taking place in the framework of a business-to-business transfer agreement?

Answers provided by respondents should indicate if actors within the WEEE industry have specific guidelines on the conclusive proof needed to show that the shipment is part of a B2B transfer agreement.

15. As required by Annex VI. 3 of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a protocol or guidelines for a functionality test?

Answers provided by respondents should indicate the supports available to those in the WEEE industry for ensuring that EEE intended for re-use is suitable for its purpose.

16. Under your national legislation, is there an inspection system which covers waste shipments, in particular exports of WEEE outside the Union?

Respondents whose countries have not transposed the re-cast WEEE Directive into their national legislation are directed to Q16 and subsequent questions to provide information. The answers to this open text field will indicate what other measures exist in national legislation for inspection of waste shipments, particularly exports of WEEE outside of the EU.

17. Who is financing the costs of the inspections?

Respondents are requested to choose from list of persons who may be responsible for financing the costs of inspections. The choices include producers, third parties acting on their behalf or other persons arranging the shipment of used EEE suspected to be WEEE. Respondents are also provided with a blank text field to add additional information if available.

18. Is there any actual or future program to exchange information on inspections carried out?

This open text field requests respondents to provide information on any other measures or programs to exchange information on inspections. Answers to this question may provide insight into cooperation between agencies and institutions both nationally and internationally.
19. Under your national legislation, is there a programme or strategy implemented/planned to ensure that shipments of used EEE suspected to be WEEE comply with Regulation 1013/2006 (Regulation on Shipments of Waste)?

This open text field requests information from respondents on measures in place or planned that would help to identify and ensure that shipments of used EEE comply with the Regulation on Shipments of Waste.

20. Under your national legislation, are there any measures implemented/planned to monitor shipments of used EEE?

Answers to this open text question may indicate good practices for monitoring shipments of used EEE to determine the routes and final destinations used.

21. Under your national legislation, are there any templates or guides so the holder who arranges the transport of used EEE can prove that none of the material or equipment within the consignment is waste?

Answers to this open text field question will indicate what support exists for exporters of EEE and inspectors/enforcement officials to determine that the consignment does not contain waste. Clear guidelines on this subject may be an important deterrent to wrongly labelling consignments of WEEE as used EEE.

22. Under your national legislation, are exporters of used EEE obliged to provide a certificate of functionality of the appliances transported?

This is a Yes/No answer regarding the requirement to provide a certificate of functionality for appliances.

23. Do the organisations issuing the functionality certificates have to be accredited by a competent authority?

Respondents can provide additional information on the competent authority that provides accreditation to the testing facilities. Answers to this question will indicate the degree to which testing and certification can be traced and managed through official channels.

24. Is there a protocol or guidelines to perform a functionality test?

Answers provided by respondents should indicate the supports available to those in the WEEE industry for ensuring that EEE intended for re-use is suitable for its purpose.

25. Is there a guide or set of criteria to define appropriate protection of the used EEE against damage during transportation, loading and unloading?

Answers to this open text field question should indicate if there are guidelines developed for providing information on protecting goods during transportation, loading and unloading.

26. Under your national legislation, what permits are required for treating WEEE?

Answers to this open text field question requests the respondent to provide information on the type of permits required for various actions in the treatment of WEEE. The prompt text includes the following examples of actions: separation, recycling, pre-treatment, treatment, final treatment, & disposal etc.
27. Under your national legislation, what are the specific WEEE related penalties for collection and trading offenses?

Answers to this open text field question requests details on the specific penalties associated with the collection and trading of WEEE. In particular, respondents are asked to give details of financial implications, criminal and civil sanctions etc.

28. Under your national legislation, are there special provisions that address pollution as a result of waste treatment?

Answers to this open text field will indicate if there are special provisions in the national legislation that addresses pollution as a result of waste treatment.

29. Who is liable for prosecution, and, who should be prosecuted with regard to the illegal trade of e-waste?

This open text field requests information on the liability for prosecution for illegal trade of e-waste.

30. Is liability with regard to the illegal trade of e-waste considered to be:

This multiple tick box type answer invites respondents to provide information on the type of liability that exists with regard to illegal trade of WEEE. Choices include criminal liability, civil liability or administrative liability.

31. Is legal persons’ liability established under your legislation? For example does liability also attach to a company or organisation under your legislation?

This Yes/No answer will indicate if liability is established under the national legislation and if so, does liability also attach to a company or organisation.

32. If corporate liability exists with regard to the illegal trade of WEEE, is it criminal, civil and/or administrative in nature?

This multiple tick box type answer invites respondents to provide information on the type of corporate liability that exists with regard to illegal trade of WEEE. Choices include criminal liability, civil liability or administrative liability.

33. Is there a provision for joint liability?

This question seeks to establish if all Directors/Partners in a company or organisation share liability for the wrongdoing of one member.

34. In your view, is your national legislation adequate to prosecute offenses related to trade of e-waste?

This section provides an opportunity for the respondent to provide their perspective on the effectiveness of their national legislation in the prosecution of e-waste offences.

35. In your view, what kind of additional provisions should be included into your NATIONAL legislation for enhanced prosecution of such cases?

This section invites respondents to provide their perspective on additional measures that should be undertaken at national level for achieving greater prosecution rates.
36. In your view, what kind of additional provisions should be included into INTERNATIONAL legislation for enhanced prosecution of such cases?

This section invites respondents to provide their perspective on additional measures that should be undertaken at international level for achieving greater prosecution rates.

37. Please provide any additional information you may deem important in relation to the illegal trade of WEEE.

The final section invites respondents to provide their perspective on any additional information they deem to be important in relation to legal requirements. This affords respondents an opportunity to illustrate any best practices or other relevant information they wish to highlight in relation to the fight against illegal trade of e-waste.
Figure 5. Screenshot of the EU questionnaire on the CWIT website.
ANNEX A – International Questionnaire

INTERNATIONAL LEGAL & POLICY QUESTIONNAIRE

The CWIT team has developed this questionnaire to be completed by international e-Waste stakeholders and experts. Its purpose is to collect information on the legal framework that affects e-Waste.

We are very grateful for your assistance in completing this questionnaire. Information provided will not be shared, and will be aggregated and anonymised. If you would like to follow up this questionnaire with an interview we would be delighted to speak with you in confidence (please email us: info@cwitproject.eu).

To assist you, we have also compiled a glossary to explain some of the terminology we use in the questionnaire, see www.cwitproject.eu/faq.

* Required

1. Please choose your country *

Mark only one oval.

- Australia
- Canada
- Chile
- China
- Colombia
- Ghana
- India
- Japan
- Kenya
- Mexico
- New Zealand
- Nigeria
- USA
- Other

2. Please enter your email address

NATIONAL LEGAL FRAMEWORK FOR EEE AND E-WASTE

In this section, we are seeking to understand the current legal situation in your country for actions affecting e-waste. In particular, we require information on national regulations and policies that may include implementing guidelines, end of life management of electronics, import/export rules, checklists for what is considered used equipment, financial instruments used, etc.

If there is a legal framework in place but regulations have not yet been enacted, please provide details of the current situation in your country.
Q1: Please list all national legislation and policies that affect e-waste.

For example, please include reference to any implementing guidelines, end of life management of electronics, import/export rules, checklists for what is considered used equipment, financial instruments used, etc. Where possible please provide dates of enforcement.

Q2: What stage of development is your national e-waste management regulation/ EPR based e-waste regulation at?

(EPR means extended producer responsibility)

Mark only one oval.

- Enacted/ implemented
- In draft/ incomplete
- None
- Other:

Q3: If the regulation is Enacted or in Draft, what principle is it based on:

Mark only one oval.

- EPR (extended producer responsibility)
- Polluter pays
- Other:

Q4: Please identify all the areas related to EEE and e-Waste that are regulated in your country:

Please tick all that apply

- Product design
- Registration
- Reporting
- Labelling
- Collection/Separation
- Treatment
- Recovery
- Other:

Q5: Under your national legislation, do companies placing EEE on the market have to register with an official body?

Mark only one oval.

- Yes
- No

Q6: What are the registration requirements?

Please give details of registration requirements for all affected parties, e.g. Producers, Recyclers, Compliance Schemes, etc.

Q7: Under your national legislation, what product categories are covered?

Please tick all that apply

- Appliances from households
- Appliances from professions and businesses (e.g. medical devices)
- IT and consumer equipment (radio, printers, phones etc.)
- Cooling and freezing appliances (fridges, air conditioners)
- White goods (Large household appliances e.g. washing machines)
Q8: Under your national legislation, what information must be reported for EEE?

Please provide information on who needs to report (e.g. Producer, Distributor, Compliance Scheme, etc.)

Q9: Is there a collection system or infrastructure for e-waste in your country?

Please describe in terms of how the waste is sorted (landfill etc) and the type of organisation that regulates and manages the e-waste system (i.e. public/private body, regional/national etc.)

Q10: Under your national legislation, are there reporting requirements for e-waste?

Mark only one oval.

- Yes
- No

Q11: What are the reporting requirements for e-waste?

Please explain the frequency of reporting, type of information reported (e.g. by weight/pieces), clustering of data (number of items in the list), official body etc.

Q12: Are there substances or products prohibited from being landfilled within your national solid-waste and/or e-waste legislation?

E.g. Is there a ban on landfilling cathode ray tubes contained in tvs? Please tick all that apply and provide details on any other restricted substances.

- Lead
- Mercury
- Cadmium
- Hexavalent chromium
- Polybrominated biphenyls (PBB)
- Polybrominated diphenyl ether (PBDE)
- Other:

Q13: Is there a collection target for e-waste?

Please describe the target(s) and how they are calculated.

Q14: Under your national legislation, who is responsible for financing the collection of e-waste?

Q15: Under your national legislation, who is responsible for financing the treatment of e-waste?
Q16: If there are recycling targets for e-waste in your country, what are they?

Please specify e.g. type of e-waste and recycling targets

Q17: What is the usual collection route for reported e-waste amounts?

Check all that apply.

- Dedicated containers for multiple waste
- Retailers and shops
- Curbside collection
- Informal collectors
- None
- Other:

Q18: Under your national legislation, are there permits required for the collection, storage, and transportation of used EEE?

Mark only one oval per row.

<table>
<thead>
<tr>
<th>Collection</th>
<th>Storage</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes / No</td>
<td>Yes / No</td>
<td>Yes / No</td>
</tr>
</tbody>
</table>

Q19: Are there permits required for the collection, storage, and transportation of e-waste?

Mark only one oval per row.

<table>
<thead>
<tr>
<th>Collection</th>
<th>Storage</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes / No</td>
<td>Yes / No</td>
<td>Yes / No</td>
</tr>
</tbody>
</table>

Q20: Under your national legislation, which of the following e-waste actions require a permit?

Please tick all that apply

- Separation
- Recycling
- Pre-treatment
- Treatment
- Final Treatment
- Disposal
- Other:

Q21: Under your national legislation, what are the specific e-waste related penalties for collection and trading offenses?

Please give details of financial implications, criminal and civil sanctions etc.

ANY FURTHER ISSUES

This section of the questionnaire provides an opportunity to make comments on any aspect that has not been covered by previous questions.

23. Please provide any additional information you deem important in relation to legal requirements
Annex B – EU Questionnaire

EU LEGAL & POLICY QUESTIONNAIRE

The CWIT team has developed this questionnaire to be completed by European WEEE stakeholders and experts. Its purpose is to collect information on the legal framework that affects WEEE.

We refer extensively to the re-cast WEEE Directive 2012/19/EC and the Shipments of Waste Regulation No 1013/2006 which you can download here from the CWIT project website: http://www.cwitproject.eu/project-overview/.

We are very grateful for your assistance in completing this questionnaire. We understand that it may not be possible to provide answers to all questions but we are grateful to you in providing as much information as you can. Information provided will not be shared, and will be aggregated and anonymised.

If you would like to follow up this questionnaire with an interview we would be delighted to speak with you (please email us: info@cwitproject.eu).

To assist you, we have also compiled a glossary to explain some of the terminology we use in the questionnaire, see www.cwitproject.eu/faq/.

* Required

GENERAL LEGAL FRAMEWORK FOR EEE AND WEEE

In this section, we are seeking to understand the current legal situation in your country for actions affecting WEEE. In particular, we require information on national regulations and policies that may include implementing guidelines, end of life management of electronics, import/export rules, checklists for what is considered used equipment, financial instruments used, ban on cash transactions etc.

Name of respondent:
Title/role:
Organisation/Department:
Telephone number:
Please include country dialling code.
Please choose your country: *

Mark only one oval.

○ Austria
○ Belgium
○ Bulgaria
○ Croatia
○ Cyprus
○ Czech Republic
○ Denmark
○ Estonia
○ Finland
○ France
○ Germany
Q1: Please list the main national legislation and policies relevant for the management of WEEE, in addition of the transposition of the WEEE Directive (Directive 2012/19/EC)

For example, please include reference to any implementing guidelines, end of life management of electronics, import/export rules, checklists for what is considered used equipment, financial instruments used, ban on cash transactions etc. Where possible please provide dates of enforcement. (If national legislation has not yet been enacted, please provide details of policies in place that affect WEEE including health and safety, labour law, pollution control, planning regulations, etc.)

Q2: Has your country transposed the WEEE Directive re-cast (Directive 2012/19/EC) into your national legislation?

Mark only one oval.

- Yes
- No (Skip to Question 16)

Q3: In the context of Article 10.2 (Shipments of WEEE) transposition, did you define “equivalent conditions” in order to make sure exporters can prove that the treatment of exported WEEE is equivalent to the requirements of Directive 2012/19/EC?

If yes, please provide the definition and if available, links or documents related to this.
Q4: In the context of Article 18 of Directive 2012/19/EC (Administrative Cooperation and Exchange of Information) transposition, is there any actual or future program to exchange information on inspections carried out?

If yes, please provide information (links or related documents) and send to info@cwitproject.eu outlining the program characteristics.

Q5: As required by Article 23 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, is there an inspection system which covers waste shipments, in particular exports of WEEE outside the Union in compliance with Regulation No 1013/2006 (Shipments of Waste Regulation)?

If yes, please outline the main actions, deadlines, guidelines and figures of the inspection system; if available, please add links to more information and/or documents.

Q6: In the context of Article 23.3 of Directive 2012/19/EC (Inspection and Monitoring), who is financing the costs of the inspections?

Please, select one or more of the options provided in the list below.

Mark only one oval.  
- Producers  
- Third parties acting on their behalf  
- Other persons arranging the shipment of used EEE suspected to be WEEE  
- Other:  

Q7: As required by Article 23.2 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, is there a programme or strategy implemented/planned to ensure that shipments of used EEE suspected to be WEEE are carried out in accordance with the minimum requirements in Annex VI of Directive 2012/19/EC (Minimum Requirements for Shipments)?

If yes, please outline the main actions, deadlines and figures of the implemented/planned programme or strategy, if available; please add a link to more information.

Q8: As required by Article 23.2 of Directive 2012/19/EC (Inspection and Monitoring), under your national legislation, what are the measures implemented/planned to monitor shipments of used EEE?

Please describe the main measures implemented/planned. If available; please add a link to more information.

Q9: In the context of Annex VI.1 (a) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a template or guidelines for the owner of the used EEE to prepare the invoice and contract relating to the sale and/or transfer of ownership of EEE which states that the equipment is destined for direct re-use and is fully functional?

If yes, please provide a link to such documents or send them to info@cwitproject.eu
Q10: As stated in Annex VI (b) of Directive 2012/19/EC (Minimum Requirements for Shipments), have the organisations that are allowed to issue a certificate of testing and proof of functionality, been defined?

For example accredited entities?

Q11: Do these organisations have to be accredited by a competent authority?

If yes, please name the authority providing accreditation to these entities.

Q12: In the context of Annex VI. 1 (c) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a template or guide for the declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste?

If available, please provide a link to the document or send it to info@cwitproject.eu

Q13: As referred in Annex VI. 1. (d) of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a guide or set of criteria to define appropriate protection of the goods against damage during transportation, loading and unloading?

If available, please provide a link to the document or send it to info@cwitproject.eu

Q14: In the context of Annex VI. 2 of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a specific definition of the “conclusive proof” that the shipment is taking place in the framework of a business-to-business transfer agreement?

If yes, please, provide the text of the definition.

Q15: As required by Annex VI. 3 of Directive 2012/19/EC (Minimum Requirements for Shipments), is there a protocol or guidelines for a functionality test?

If available, please provide a link to the document or send it to info@cwitproject.eu

Skip to Question 26.

Q16: Under your national legislation, is there an inspection system which covers waste shipments, in particular exports of WEEE outside the Union?

If yes, please outline the main actions, deadlines, guidelines and figures of the inspection system; if available, please add links to more information and/or documents.
Q17: Who is financing the costs of the inspections?

Please, select one or more of the options provided in the list below.
Mark only one oval.

- Producers
- Third parties acting on their behalf
- Other persons arranging the shipment of used EEE suspected to be WEEE
- Other:

Q18: Is there any actual or future program to exchange information on inspections carried out?

If yes, please provide information outlining the program characteristics (please send link or related documents to info@cwitproject.eu).

Q19: Under your national legislation, is there a programme or strategy implemented/planned to ensure that shipments of used EEE suspected to be WEEE comply with Regulation 1013/2006 (Regulation on Shipments of Waste)?

If yes, please outline the main actions, deadlines and figures of the implemented/planned programme or strategy, if available; please add a link to more information (info@cwitproject.eu).

Q20: Under your national legislation, are there any measures implemented/planned to monitor shipments of used EEE?

If yes, please provide a brief description and if available, include a link to more information and send to info@cwitproject.eu.

Q21: Under your national legislation, are there any templates or guides so the holder who arranges the transport of used EEE can prove that none of the material or equipment within the consignment is waste?

If available, please provide a link to the documents or send it to info@cwitproject.eu.

Q22: Under your national legislation, are exporters of used EEE obliged to provide a certificate of functionality of the appliances transported?

Mark only one oval.

- Yes
- No

Q23: Do the organisations issuing the functionality certificates have to be accredited by a competent authority?

If yes, please name the authority providing accreditation to these entities.
Q24: Is there a protocol or guidelines to perform a functionality test?

*If available, please provide a link to the document or send it to info@cwitproject.eu*

Q25: Is there a guide or set of criteria to define appropriate protection of the used EEE against damage during transportation, loading and unloading?

*If available, please provide a link to the document or send it to info@cwitproject.eu.*

Q26: Under your national legislation, what permits are required for treating WEEE?

*For example: separation, recycling, pre-treatment, treatment, final treatment, & disposal etc.*

Q27: Under your national legislation, what are the specific WEEE related penalties for collection and trading offenses?

*Please give details of financial implications, criminal and civil sanctions etc.*

Q28: Under your national legislation, are there special provisions that address pollution as a result of waste treatment?

*If available, please provide a link to the document or send it to info@cwitproject.eu.*

**LEGAL FRAMEWORK ON ILLEGAL TRADE OF WASTE AND E-WASTE**

In this section we would like to gain knowledge on the legal framework related to illegal trade in waste. In particular, we would like to obtain information relating to details of prosecution, offenses, and liability in respect of waste and e-waste.

Q29: Who is liable for prosecution, and, who should be prosecuted with regard to the illegal trade of e-waste?

Q30: Is liability with regard to the illegal trade of e-waste considered to be:

*This question refers to the liability of the individual. Please check all that apply. Check all that apply.*

- Criminal
- Civil
- Administrative

Q31: Is legal persons’ liability established under your legislation?

*For example does liability also attach to a company or organisation under your legislation? Mark only one oval.*

- Yes
- No
Q32: If corporate liability exists with regard to the illegal trade of WEEE, is it criminal, civil and/or administrative in nature?

*Please check all that apply.*

- Criminal
- Civil
- Administrative

Q33: Is there a provision for joint liability?

*For example, would all Directors/Partners in a company or organisation share liability for the wrongdoing of one member?*

Q34: In your view, is your national legislation adequate to prosecute offenses related to trade of e-waste?

*Please explain with examples where possible.*

Q35: In your view, what kind of additional provisions should be included into your NATIONAL legislation for enhanced prosecution of such cases?

Q36: In your view, what kind of additional provisions should be included into INTERNATIONAL legislation for enhanced prosecution of such cases?

**ANY FURTHER ISSUES**

Q37: Please provide any additional information you may deem important in relation to the illegal trade of WEEE.

Q38: Would you like a member of the CWIT Consortium to contact you about obtaining more information on this questionnaire?

*Mark only one oval.*

- Yes
- No

Q39: Would you like to receive updates, newsletters and publications from the CWIT Project?

*Mark only one oval.*

- Yes
- No