

EU ENVIRONMENTAL AND PRODUCTS SAFETY REGULATIONS
AFFECTING THE MARKETING OF ELECTRICAL AND ELECTRONIC EQUIPMENT IN THE EU/EEA

The table below provides an illustrative list of EU environmental and product safety rules on electrical and electronic equipment (“EEE”) marketed in the EU/EEA.¹

EU legislation	Main requirements
<p>1. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS Directive)</p>	<ul style="list-style-type: none"> ✓ EEE must not contain the substances listed in Annex II to the RoHS Directive, unless they benefit from one of the exemptions for substance applications listed in Annexes III and IV to the Directive. Only the maximum concentration values by weight in homogenous materials as specified in Annex II are tolerated. ✓ Manufacturers must perform an internal production control procedure, produce technical documentation, and issue an EU Declaration of Conformity. ✓ EEE must bear the CE marking. ✓ EEE must bear a type, batch or serial number to allow its identification. ✓ EEE must indicate the manufacturer’s/importer’s name, registered trade name or registered trade mark and address. ✓ Manufacturers, distributors and importers must cooperate with the competent national authority to ensure compliance with the Directive.

¹ The table is only intended to provide an illustrative list of EU requirements that are likely to apply to EEE marketed in the EU/EEA. The table does not cover requirements that apply to specific categories of EEE, such as those following within the scope of Directive 2006/42/EC (Machinery Directive) or Directive 2014/68/EU (Pressure Equipment Directive). The table is not intended to provide legal advice and should not be used for that purpose or as a basis for making decisions concerning legal liability or obligations in particular circumstances. The table does not include all details of the complex and evolving subjects it covers. For further information, please contact Cándido García Molyneux (cgarciamolyneux@cov.com).

	<ul style="list-style-type: none"> ✓ Manufacturers, importers and distributors that become aware that they have marketed non-compliant EEE must take the necessary corrective measures and immediately inform the authorities of the Member States where the EEE was marketed of the non-compliance and measures taken.
2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH Regulation)	<ul style="list-style-type: none"> ✓ Any supplier of an article (e.g., electronic components) containing a substance listed in the REACH Candidate List of Substances of Very High Concern for Authorization in a concentration above 0,1% weight by weight (w/w) must provide the recipient of the article with sufficient information to allow the safe use of the article. ✓ The same information must be provided to consumers within 45 days of receipt of their request. ✓ EEE must also comply with the chemical restrictions of Annex XVII to the REACH Regulation.
3. Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 Amending Directive 2008/98/EC on Waste (Waste Directive)	<ul style="list-style-type: none"> ✓ By 5 January 2021, all suppliers of articles (e.g., electronic components) must notify ECHA if their articles contain 0,1% or more of a substance listed in the REACH Candidate of Substances of Very High Concern for Authorization.
4. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on the Classification, Labelling and Packaging of Substances and Mixtures (CLP Regulation)	<ul style="list-style-type: none"> • These requirements only apply to EEE that is also a container of dangerous substances and mixtures (e.g., ink cartridges, e-liquid pods): ✓ The label of the EEE must include specific CLP information (e.g., hazard pictograms, hazard statements, precautionary statements). ✓ The packaging of the EEE must comply with specific requirements (e.g., be designed and constructed so that its contents cannot escape; its materials must not be susceptible to damage) and may need to comply with child-resistance requirements. ✓ Manufacturers and importers of the EEE may also be required to notify to the European Chemicals Agency the chemical composition of their mixtures and generate an UFI number, which they must put on the label of the EEE.

<p>5. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on Waste Electrical and Electronic Equipment (WEEE Directive)</p>	<ul style="list-style-type: none"> ✓ EEE must be designed and manufactured in a way that facilitates re-use, dismantling and recovery of waste from EEE (“WEEE”). ✓ The EEE must bear the crossed-out wheeled bin symbol and the date of manufacture/put on the market or a mark to specify that the EEE was placed on the market after 13 August 2005. The crossed-out wheeled bin symbol, date and mark should preferably be in accordance with standard EN 50419. ✓ Producers and importers of EEE must register in the national registers of producers of the Member States where they market their EEE. ✓ Producers of EEE must also provide information to treatment facilities on how to treat and recycle the EEE and the chemical composition and hazard substances of the EEE. ✓ Producers must either set up their own waste take-back schemes or join collective compliance schemes.
<p>6. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products (ErP Directive)</p>	<ul style="list-style-type: none"> ✓ EEE must comply with the product specific energy and design requirements adopted under the umbrella of the ErP Directive. The design requirements regulate different categories of EEE, such as: (i) stand-by and off mode products; (ii) computers and computer servers; (iii) games consoles. ✓ Manufacturers must perform a conformity assessment, produce technical documentation, and issue a Declaration of Conformity. ✓ EEE must bear the CE marking. ✓ Manufacturers may be requested to supply information to parties other than manufacturers themselves, which may include: (i) information relating to the manufacturing process; (ii) information for consumers on the significant environmental characteristics and performance of a product; (iii) information for consumers on how to install, use and maintain the product in order to minimize its impact on the environment; (iv) information for treatment facilities concerning disassembling, recycling or disposal at end-life.

	<ul style="list-style-type: none"> ✓ Where possible, the information above should be given on the product itself. ✓ Consumers must be provided with information on the role that they can play in the sustainable use of the product, and when required, the ecological profile of the product and the benefits of ecodesign. ✓ Instructions must document the measures adopted by the manufacturer to improve the environmental performance and to establish the ecological profile of the EEE.
<p>7. Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the Harmonization of the Laws of the Member States Relating to Electromagnetic Compatibility (EMC Directive)</p>	<ul style="list-style-type: none"> ✓ EEE must be designed and manufactured in accordance with the essential safety requirements of Annex I to the Directive. EEE that complies with the harmonized standards published by the European Commission are presumed to be in conformity with the essential safety requirements of Annex I to the ECM Directive. ✓ Manufacturers must perform a conformity assessment, produce technical documentation, and issue a Declaration of Conformity. ✓ EEE must bear the CE marking. ✓ EEE must bear a type, batch or serial number allowing manufacturers' identification. ✓ EEE must indicate the manufacturer's/importer's name, registered trade name or registered trade mark and postal address. ✓ Storage and transport conditions must not jeopardize the EEE's compliance with the essential safety requirements of Annex I. ✓ Manufacturers, importers and distributors that become aware that they have marketed non-compliant EEE must take the necessary corrective measures. When the non-compliant EEE presents a risk, manufacturers, importers and distributors must also immediately inform the authorities of the Member

	<p>States where the EEE was marketed of the non-compliance and corrective measures taken.</p> <ul style="list-style-type: none"> ✓ Manufacturers, importers and distributors must cooperate with the competent national authority on any action taken to eliminate the risks posed by their EEE.
<p>8. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the Harmonization of the Laws of the Member States Relating to the Making Available on the Market of Radio Equipment (RED Directive)</p>	<ul style="list-style-type: none"> ✓ Radio EEE must be designed and manufactured in accordance with the essential health, safety, and EMC requirements set out in the RED Directive. EEE that complies with the harmonized standards published by the European Commission are presumed to be in conformity with the essential requirements of RED. ✓ Manufacturers must perform a conformity assessment, produce technical documentation, and issue a Declaration of Conformity. ✓ Radio equipment must bear the CE marking. ✓ Radio equipment must be accompanied by the required documents, the instructions and the safety information in a language which is easily understood by consumers. ✓ Radio equipment must bear a type, batch or serial number allowing its identification. ✓ Radio equipment must indicate the manufacturer's/importer's name, registered trade name or registered trade mark and postal address. ✓ Storage or transport conditions must not jeopardize the radio equipment's compliance with the essential requirements set out in the RED Directive. ✓ Manufacturers, importers and distributors that become aware that they have marketed non-compliant EEE must take the necessary corrective measures. When the non-compliant EEE presents a risk, manufacturers, importers and distributors must also immediately inform the authorities of the Member

	<p>States where the EEE was marketed of the non-compliance and corrective measures taken.</p> <ul style="list-style-type: none"> ✓ Manufacturers, importers and distributors must cooperate with the competent national authority on any action taken to eliminate the risks posed by their EEE.
<p>9. Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the Harmonization of the Laws of the Member States Relating to the Making Available on the Market of Electrical Equipment Designed for Use Within Certain Voltage Limits (Low Voltage Directive)</p>	<ul style="list-style-type: none"> ✓ EEE must be designed and manufactured in accordance with the safety requirements of Annex I to the Low Voltage Directive. EEE that complies with the harmonized standards published by the European Commission are presumed to be in conformity with the essential requirements of the Directive. ✓ Manufacturers must perform a conformity assessment, produce technical documentation, and issue a Declaration of Conformity. ✓ EEE must bear the CE marking. ✓ EEE must bear a type, batch or serial number to allow its identification. ✓ EEE must indicate the manufacturer's/importer's name, registered name or registered trade mark and the postal address. ✓ EEE must be accompanied by the required documents and instructions and safety information in a language which can be easily understood by consumers. ✓ Storage or transport conditions must not jeopardize the EEE's compliance with the safety objectives. ✓ Manufacturers, importers and distributors that become aware that they have marketed non-compliant EEE must take the necessary corrective measures. When the non-compliant EEE presents a risk, manufacturers, importers and distributors must also immediately inform the authorities of the Member States where the EEE was marketed of the non-compliance and corrective measures taken.

	<ul style="list-style-type: none"> ✓ Manufacturers, importers and distributors must cooperate with the competent national authority on any action taken to eliminate the risks posed by their EEE.
<p>10. Directive 94/62/EC on Packaging and Packaging Waste (Packaging and Packaging Waste Directive)</p>	<ul style="list-style-type: none"> ✓ Packaging must comply with the essential design requirements defined in the Directive, including Annex II to the Directive (e.g., limitation of material, reusable or recoverable packaging; reduction of the presence of noxious and other hazardous substances). Packaging that complies with the harmonized packaging standards published by the European Commission are presumed to comply with the essential requirements of the Directive. ✓ The sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components must not exceed 100 ppm by weight. ✓ Producers and importers of packaging must register with the national registers of producers of the Member States where they market their packaging. ✓ Producers must set up their own waste packaging take-back schemes or join collective compliance schemes in the different Member States.
<p>11. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on Batteries and Accumulators and Waste Batteries and Accumulators (Battery Directive)</p>	<ul style="list-style-type: none"> ✓ Batteries must be readily removable by consumers or professionals. ✓ Instructions must explain how to remove batteries. ✓ Batteries or accumulators may not contain more than 0,005% of mercury by weight or 0,002% of cadmium by weight. ✓ All batteries, accumulators and battery packs must be marked with the crossed-out wheeled bin symbol. ✓ Batteries, accumulators and button cells must be marked with the Hg, Cd or Pb symbol if they contain more than 0,0005% of mercury, more than 0,002% of cadmium or more than 0,004% of lead, respectively. The symbol must be under the crossed-out wheeled bin.

	<ul style="list-style-type: none">✓ Producers and importers of batteries must join the national register of battery producers of the Member State where they market their batteries.✓ Producers must set up their own waste battery take-back schemes or join the different national collective compliance schemes.✓ Lithium high battery must comply stringent requirements of international agreements on the transport of dangerous goods (<i>e.g.</i>, ICAO, ADR, AND).
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