ORGALIME

ORGALIME GUIDE

A practical Guide to understanding the scope of

Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE)

and

Directive 2002/95/EC on the Restriction of the Use of Certain Hazardous Substances in EEE (RoHS)

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This is an Orgalime publication. Orgalime is the European Engineering Industries Association representing the interests of the mechanical, electrical, electronic and metalworking industries at the level of the EU in the legal, technical and economic fields.

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FOREWORD

Directive 2002/95/EC on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) and Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE) entered into force with their publication in the Official Journal of the European Union on 13 February 2003.

This Guide is intended to help authorities and producers to interpret the scope of these two directives. It provides interpretations, criteria and decision trees that help the reader to determine whether products falling in "grey areas" do actually fall within the scope of these directives or not.

This ORGALIME Guide is focused on the "scope" and is to be considered as complementary to other ORGALIME Guides on the WEEE and RoHS directives[2].

This ORGALIME Guide reflects the best knowledge of industry experts from all over Europe and the state of the art at the moment of its publication. The principles contained in this Guide are however not legally binding. A binding interpretation of Community legislation is of the exclusive competence of the European Court of Justice. ORGALIME also recommends that producers, when applying this Guide and its principles, always refer to the national legislation of the member state they are dealing with, as many provisions on the scope had been transposed in different ways by individual member states.

Subject to new information, this document may be modified to accommodate new developments. Such information will be updated on Orgalime's website www.orgalime.org.

[2] ORGALIME GUIDE "A practical Guide to understanding the EC Directives on Waste Electrical and Electronic Equipment (WEEE) and on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) of 27 January 2003", published in April 2003; ORGALIME GUIDE " A practical Guide to understanding the specific obligations of Directive 2002/95/EC on the Restriction of the Use of Certain Hazardous Substances in EEE (in preparation); ORGALIME GUIDE on Contractual Aspects of the WEEE Directive in the Business-to-Business Field (in preparation).

1. INTRODUCTION

Directives 2002/95/EC (RoHS) and 2002/96/EC (WEEE) were published in the Official Journal of the European Union on 13 February 2003.

The scope of the WEEE Directive is defined in Article 2 of the WEEE Directive:

> *1. This Directive shall apply to electrical and electronic equipment falling under the categories set out in Annex IA provided that the equipment concerned is not part of another type of equipment that does not fall within the scope of this Directive. Annex IB contains a list of products which fall under the categories set out in Annex IA.*
> *2. This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.*
> *3. Equipment which is connected with the protection of the essential interests of the security of Member States, arms, munitions and war material shall be excluded from this Directive. This does not, however, apply to products which are not intended for specifically military purposes.*

The scope of the RoHS Directive is defined in Article 2 of the RoHS Directive and refers directly to the scope of the WEEE Directive:

> *1. Without prejudice to Article 6, this Directive shall apply to electrical and electronic equipment falling under the categories 1, 2, 3, 4, 5, 6, 7 and 10 set out in Annex IA to Directive No 2002/96/EC (WEEE) and to electric light bulbs, and luminaires in households.*
> *2. This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.*
> *3. This Directive does not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before 1 July 2006.*

These two directives are based on different articles of the EC Treaty:

- The WEEE Directive is based on Article 175: It therefore specifies the minimum requirements of the measures to be transposed into national law. It is therefore possible that some Member States could adopt more stringent measures when transposing the directive into national law.
- The RoHS Directive is based on Article 95: It therefore aims at harmonising the legislation of Member States in the area of restricting the use of certain hazardous substances in EEE.

However, as shown in the above extracts from their respective scopes, the WEEE and RoHS Directives share the same basic scope.

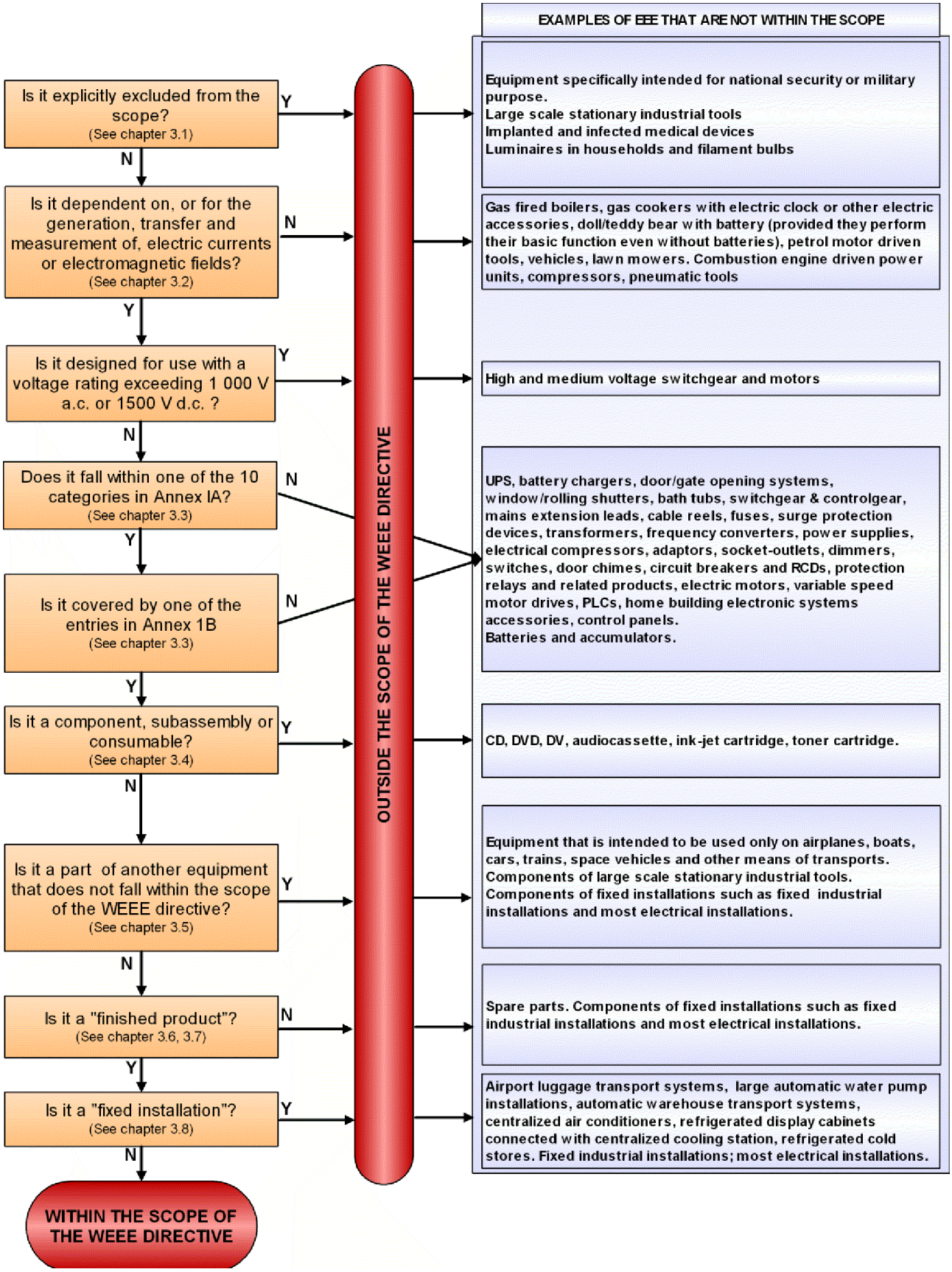
This is a critical point, as the Article 95 based RoHS Directive makes reference for its scope to the Article 175 based WEEE Directive. The extension of the latter (WEEE) by Member States must not lead to an indirect extension of the former (RoHS), because this would be against the principle of harmonisation. As RoHS is a product related directive, any non-harmonised transposition of the RoHS Directive would result in a fragmentation of the internal market through the creation of trade barriers.
The correct interpretation of the scope of WEEE and RoHS Directives is therefore essential to the successful implementation of these two directives. The RoHS scope must be clearly defined and applied in a harmonised way throughout Europe. The WEEE scope might be extended by Member States provided this extension is not transferred to RoHS and that trade barriers are not created.

Following the publication of the Commission document "Frequently Asked Questions on the WEEE and RoHS Directives" of 24 May 2005 **(F.A.Qs as follows)**, it is now possible to define the scope of these directives using the criteria provided by the Commission. This ORGALIME document provides a methodology to determine whether or not a particular product type falls within the scope of the WEEE and/or RoHS Directive.

Orgalime's 35 trade federation members in 23 EU countries represent some 130,000 companies in the mechanical engineering, electrical, electronic and metalworking industries. The industry employs some 7 million people and includes a substantial majority of small and medium-sized companies. Our industry generates 1,235 billion euro of output per year and account for over a quarter of the production and a third of the industrial exports of the European Union.

2. WEEE DECISION TREE

The WEEE decision tree shown below is supposed to be used to determine whether or not equipment is within the scope of the WEEE Directive. The meaning of each box of the tree is described in chapter 3 of this document “Guide to the use of the WEEE decision tree”.



3. GUIDE TO THE USE OF THE WEEE DECISION TREE

3.1. EXPLICIT EXCLUSIONS

The WEEE Directive explicitly excludes from its scope:

- **Equipment specifically intended for national security or military purposes**

Article 2.3 of the WEEE Directive states:

> *Equipment which is connected with the protection of the essential interests of the security of Member States, arms, munitions and war material shall be excluded from this Directive. This does not, however, apply to products, which are not intended for specifically military purposes.*

- **Large scale stationary industrial tools (Category 6, Annex IB)**

The Commission F.A.Qs document defines "Large-scale stationary industrial tools" as:

> *Machines or systems, consisting of a combination of equipment, systems, finished products and/or components, each of which is designed to be used in industry only, permanently fixed and installed by professional at a given place in an industrial machinery or in an industrial building to perform a specific task. Not intended to be placed on the market as a single functional unit.*

Large-scale stationary industrial tools are machines or systems designed to be used in industry only, including small industries, craftsmen and construction sites. They are installed by specialized personnel employed by the manufacturer, the user, a manufacturer representative or other specialized professionals responsible for the installation activity. They are permanently located during their phase of use.

Examples of large-scale stationary industrial tools include: machine tools, paper machines, printing presses, packaging machines, textile machines, industrial robots, industrial measurement and monitoring platforms (e.g. for pulp and paper).

- **Implanted and infected medical devices (Category 8, Annex IB)**

Medical devices designed for being implanted in the human body and/or that are considered to be infected are excluded from the scope of the WEEE Directive.

An infected medical device for the purpose of directive 2002/96/EC is any device or part of a device which has come into contact with a potentially infectious substance, such as body fluids (blood, urine etc), tissue samples or other biological contaminants prior to end of life and which cannot be adequately decontaminated by the manufacturer's recommended procedure to the end user or in the absence of such by surface decontamination methods.

- **Luminaires in households[3] and filament bulbs**

Annex IB, category 5 of the WEEE Directive excludes explicitly **all** luminaires for fluorescent lamps in households from the scope of the WEEE directive, and filament bulbs.

Annex IB.5 of the WEEE Directive reads:

> *- Luminaires for fluorescent lamps with the exception of luminaires in households*
>
> *- Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs*

[3] This provision has been transposed in different ways throughout Europe.

3.2. ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE)

Article 3(a) of the WEEE Directive defines “electrical and electronic equipment (EEE)” as follows:

> *Electrical and electronic equipment' or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current;*

The Commission F.A.Qs document defines “dependent” as follows:

> *“Dependent" means that the equipment needs electricity (e.g. not petrol or gas) as its primary energy to fulfil its basic function. It also means that when the electric current is off, the appliance cannot fulfil its basic (primary) function. If electrical energy is used only for support or control functions (e.g.) this type of equipment is not covered by Directive 2002/96/EC*

Some examples of products that are not considered EEE:

- Gas fired boilers
- Gas cookers with electric clock or other electric accessories
- Teddy bears/dolls/toys with battery (provided they perform their basic function even without batteries)
- Petrol motor driven tools, vehicles or lawnmowers
- Combustion engine driven power units, compressors, pneumatic tools.

3.3 INTERPRETATION OF ANNEXES IA AND IB[4] OF THE WEEE DIRECTIVE

Article 2(1) of the WEEE Directive states:

> *This Directive shall apply to electrical and electronic equipment falling under the categories set out in Annex IA provided that the equipment concerned is not part of another type of equipment that does not fall within the scope of this Directive. Annex IB contains a list of products which fall under the categories set out in Annex IA.*

The title of Annex IB of the WEEE Directive is:

> *List of products which shall be taken into account for the purpose of this Directive and which fall under the categories of Annex IA.*

Annex IB of the WEEE Directive is an "indicative" (and not "exhaustive") list and includes for certain categories general entries such as "Other products or equipment for….". Such categories of this Annex IB can also be subdivided into two lists - one for specific entries, and another one for general entries e.g.:

Exhaustive (specific) entries	Indicative (general) entries
Refrigerators, Freezers, Washing machines, Electric hot plates, Personal computers, Facsimile, Television sets, Drills, Saws, Electric trains, Automatic dispenser for hot drinks	Other large appliances used for refrigeration, conservation and storage of food Equipment for the purpose of measuring, indicating or registering time Other products for transmitting sound, images, or other information by telecommunications Measuring, weighing or adjusting appliances for household or as laboratory equipment

Provided the equipment is a finished product (see chapter 3.6 of this Guide), then all equipment listed as specific entries, and all equipment covered by the general entries, fall under the scope of the WEEE

[4] Please note that some product categories, such as category 7 (Toys, leisure and sports equipment), do not include such general entries of “Other products…”. This interpretation should therefore be applied with care.

Directive. All equipment that is not indicated by either the specific entries or the general entries DOES NOT FALL under the scope of the WEEE Directive.

Some examples of products NOT covered by Annex IA or IB, and therefore nor falling within the scope of the WEEE Directive are:

UPS (Uninterruptible power supplies) Battery chargers Door/gate opening systems Window/rolling shutters Bath tubs Switchgear & controlgear Mains extension lead Cable reels Fuses Surge protective devices	Transformers Frequency converters Power supplies Electrical compressors Adaptors Socket-outlets Dimmers Switches Door chimes Circuit breakers and residual current devices (RCDs)	Protection relays and related products Electric motors Variable speed motor drives Programmable logic controllers (PLCs) Home building electronic systems accessories

3.4 COMPONENTS, SUBASSEMBLIES, CONSUMABLES

Components, subassemblies and consumables are out of the scope of the WEEE Directive. However, it is clear that they have to be considered as part of the product in the event that they are included at the moment the product becomes waste:

Article 3.b of the WEEE Directive defines:

> *'Waste electrical and electronic equipment' or 'WEEE' means electrical or electronic equipment which is waste within the meaning of Article 1(a) of Directive 75/442/ EEC,* ***including all components, subassemblies and consumables*** *which are part of the product at the time of discarding.*

3.5. PART OF ANOTHER TYPE OF EQUIPMENT NOT FALLING WITHIN THE SCOPE

Article 2(1) of the WEEE Directive states:

> *1. This Directive shall apply to electrical and electronic equipment falling under the categories set out in Annex IA provided that the* ***equipment concerned is not part of another type of equipment that does not fall within the scope of this Directive****. Annex IB contains a list of products which fall under the categories set out in Annex IA.*

Therefore, components, subassemblies and spare parts that are not finished products (see chapter 3.6 and 3.7 of this Guide) but are part of other equipment, which does not fall under the scope of the WEEE Directive, are outside the scope of the WEEE Directive. Examples of "equipment that does not fall within the scope of this Directive" include:

- **Means of transport**

Equipment that is intended to be used only on airplanes, boats, cars, trains, space vehicles, and other means of transport is outside the scope of the WEEE Directive.

- **Large scale stationary industrial tools**

Equipment that is part of a large-scale stationary industrial tool is outside the scope of the WEEE Directive (see chapter 3.1 of this Guide for the definition of "large-scale stationary industrial tool").

- **Fixed installations**

The Commission F.A.Qs document states that equipment that is considered to be a fixed installation does not fall under the scope of the WEEE Directive (See chapter 3.8 of this Guide for the definition of "fixed installation").
Therefore, any equipment that is a part, component or subassembly of a fixed installation is also outside the scope of the WEEE Directive.
As a consequence, components (such as electric motors, transformers, variable speed motor drives,

switchgear & controlgear products, protection relays and related products, programmable controllers, sensors, transducers, etc.) of fixed industrial installations (e.g. industrial machinery, industrial tools, industrial control panels, etc.) do not fall within the scope of the WEEE Directive, since they are not finished products, but part of equipment that does not fall under the scope of the WEEE.
The reference to "Other control and monitoring instruments used in industrial installations (e.g. in control panels)" in Category 9 of Annex IB of the WEEE Directive only applies to control and monitoring instruments that are finished products (see chapter 3.6 of this Guide) and not to parts, components or subassemblies of an industrial installation.
Annex A.10 of this Guide lists some examples.

3.6. FINISHED PRODUCTS

The WEEE Directive applies only to finished products, not to components. The Commission F.A.Qs document defines "finished product" as:

> *A finished product is any device or unit of equipment that has a **direct function,** its own enclosure and if applicable ports and connections intended for end users."*
> ***"Direct function"'** is defined as any function of a component or a finished product which fulfils the intended use specified by the manufacturer in the instructions for use for an end user. This function can be available without further adjustment or connections other than simple ones which can be performed by any person.*

PARTS AND COMPONENTS OF ELECTRICAL INSTALLATIONS

There exists a wide range of products that are within the grey area of the scope of the WEEE Directive. They are, for instance: thermostats, chrono-thermostats, timers, smoke detectors, gas detectors, etc.
They are explicitly listed in Annex IB of the WEEE Directive but can be put on the market either as:

- Finished products for final users, or
- Components for electrical installations and systems

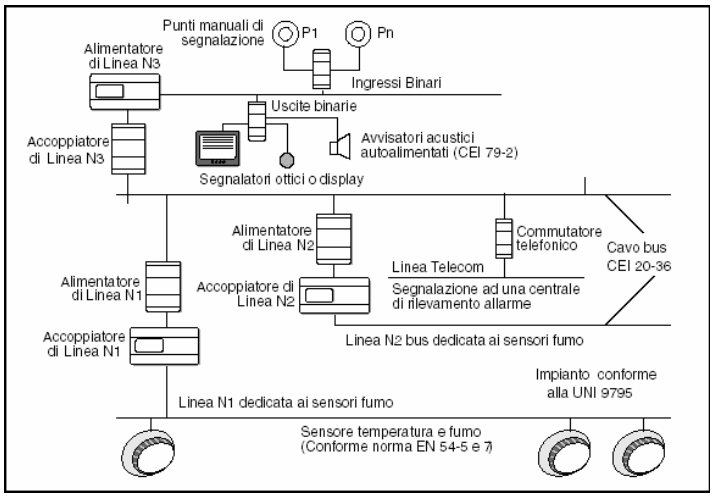
The former are finished products and are within the scope of the WEEE Directive.
The latter are components and not finished products, according to the definition of "finished product". Such products have to be installed by competent persons in an electrical installation. Outside of the installation, they do not perform any direct function.

• Electrical installations do not fall under the WEEE Directive

The WEEE Directive's logic is based on the assumption that it applies to finished products and not to components. Electrical installations are composed of several components, e.g.:

Smoke detection installation:

- Power supplies
- Binary inputs
- Binary outputs
- Acoustic signals
- Visual signals
- Sensors
- Bus lines
- Central monitoring units
- Cables



It is clear, from the list and the figure, that every component is really a component and not a finished product.
Therefore, electrical installations are not to be considered equipment, of the types listed in Annex IA and IB and, as such, are to be considered out of the scope.

- **Finished products in electrical installations**

Components of electrical installations are excluded from the scope only if they are components and not finished products. This is very important, as some products could be a finished product and not a component even if “part” of en electrical installation or system.
Professional lighting equipment, including emergency lighting is within the scope of the WEEE Directive even if it is part of an installation, system, industrial machinery or fixed installation, if it is a finished product that, taken outside the installation, could perform its function.
User terminals, if they are finished products, could fall within the scope of the WEEE Directive.
This applies, for instance, to monitors, multiplexes or recorders of access control systems, etc.
Annex A of this Guide lists examples components of electrical installations that are out of the scope and finished products with comparable function that are in the scope of the WEEE Directive.

PARTS AND COMPONENTS OF INDUSTRIAL INSTALLATIONS

Examples of components of industrial installations that are outside the scope of the WEEE Directive include: transformers, variable speed motor drives, switchgear & controlgear products, protection relays and related products, programmable controllers, sensors & transducers (e.g. pressure, flow and temperature), electric motors, control panels, operator consoles, and interfaces to a variety of external systems.

3.7. SPARE PARTS

Unless they are within the scope in their own right, spare parts, even if sold directly to the end user, are not within the scope of the WEEE Directive.

3.8. FIXED INSTALLATIONS

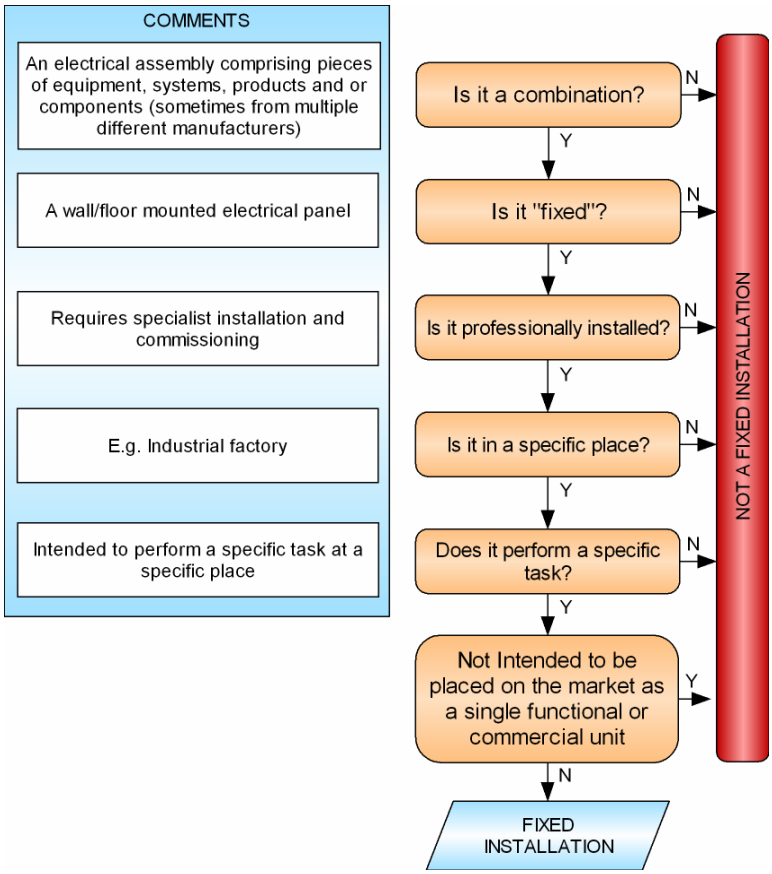
Fixed installations are outside the scope of the WEEE Directive. They are defined in the Commission F.A.Qs document as:

> *"**Fixed installation**", in the broadest sense, is defined as "a combination of several equipment, systems, finished products and/or components (hereinafter called "parts") assembled and/or erected by an assembler/installer at a given place to operate together in an expected environment to perform a specific task, but **not intended to be placed on the market as a single functional or commercial unit.***

The following “Fixed Installation decision tree” is based on the Commission's definition of “fixed installation”

Examples of fixed installations include:

- Industrial installations
- Airport luggage transport systems
- Process control installations
- Traffic light installations
- Large automatic water pump installations
- Airport runway lighting installations
- Radio telescope installations
- Automatic warehouse transport systems
- High voltage substations
- Skating hall ice rink machinery installations
- Wind turbines stations
- Centralised air conditionings
- Refrigerated display cabinets connected with centralized cooling station, refrigerated systems, refrigerated cold stores.



Fixed industrial installations are outside the scope of the WEEE Directive, and therefore, any components or parts of a fixed industrial installation are also outside of the scope.

Examples of “Fixed Industrial Installations” are found in applications such as:

- Petro-chemical processing
- Automobile manufacturing
- Pharmaceutical
- Material handling
- Power generation
- Water treatment
- Paper manufacturing

and typically comprise industrial automation equipment such as transformers, variable speed motor drives, switchgear & controlgear products, protection relays and related products, programmable controllers, sensors & transducers (e.g. pressure, flow and temperature), electric motors, control panels, operator consoles, and interfaces to a variety of external systems.

Most electrical installations are also fixed installations and are therefore not in the scope of the WEEE (see chapter 3.6).

Some specific fixed installations falling within the scope

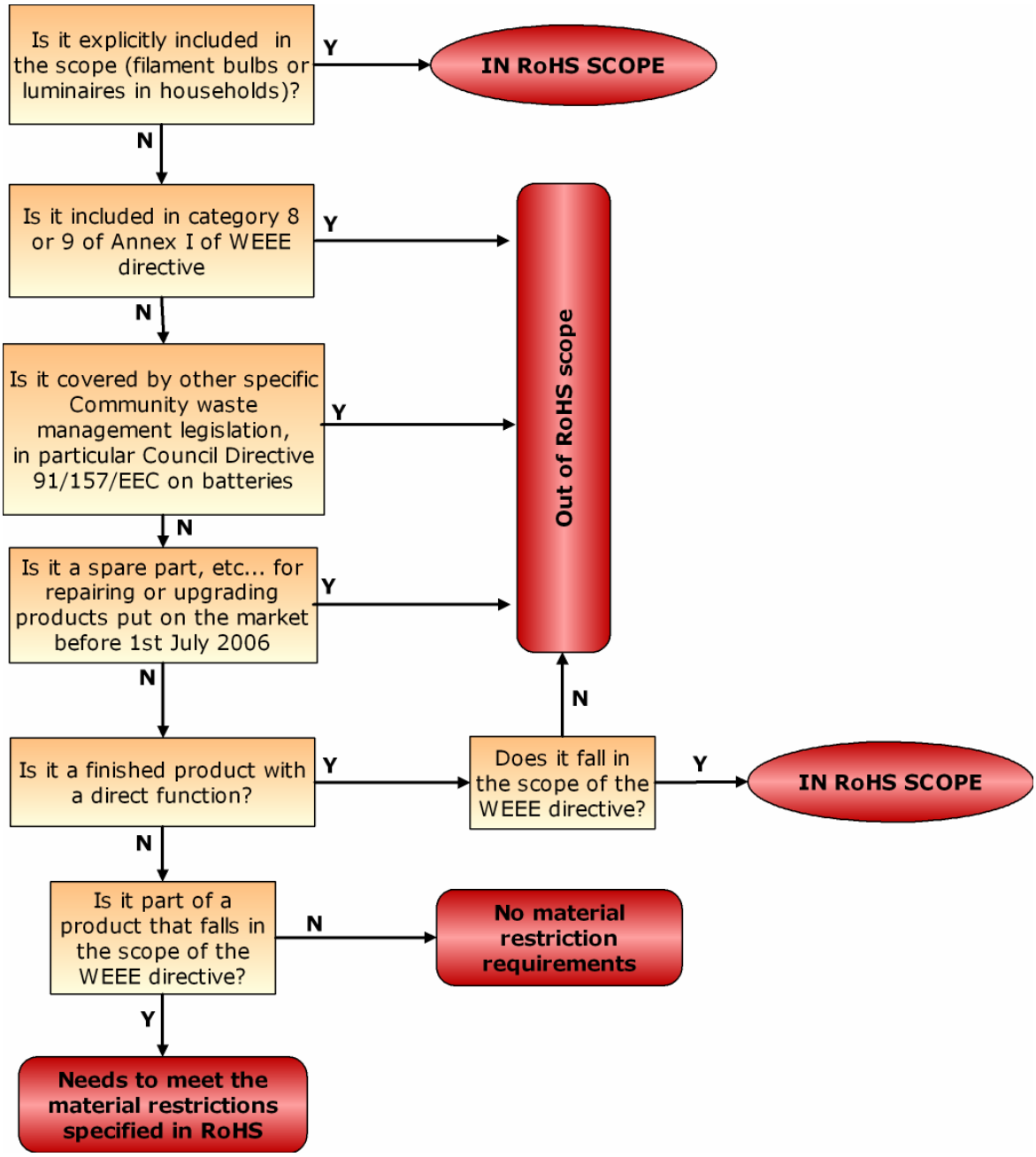
Some specific types of fixed installation are listed in Annex 1A or 1B and are therefore within the scope of the WEEE Directive e.g.:

Medical devices

Some medical devices listed in Annex IB of the WEEE directive (e.g. radiotherapy equipment, nuclear medicine equipment) may be considered “fixed installations”, but, as they are specifically mentioned in Annex IB of the WEEE Directive, they are considered as falling within the scope of the WEEE Directive.

4. ROHS DECISION TREE

The decision tree shown below is used to determine whether or not equipment is within the scope of the RoHS Directive.



5. GUIDE TO THE USE OF THE RoHS DECISION TREE

The RoHS Directive only applies to Electrical and Electronic Equipment (EEE) that are "put on the market" as finished products with a direct function.

The directive applies to finished products, so that there are no legal requirements on components / parts by themselves. As a consequence, components or parts of finished products that are not in the scope of the RoHS Directive are not subject to any RoHS requirements.

However, restriction of substance use in a given finished product indirectly implies the same requirements to all of its parts (material, components, sub-assemblies).

Therefore, to determine whether a component/ part/ sub-assembly needs to meet the substance restrictions specified in the RoHS Directive, it is necessary to determine if the finished product into which the component/ part/ sub-assembly will be incorporated is itself within the scope of the RoHS Directive (i.e. including put on the market as a new product after July 1st 2006).

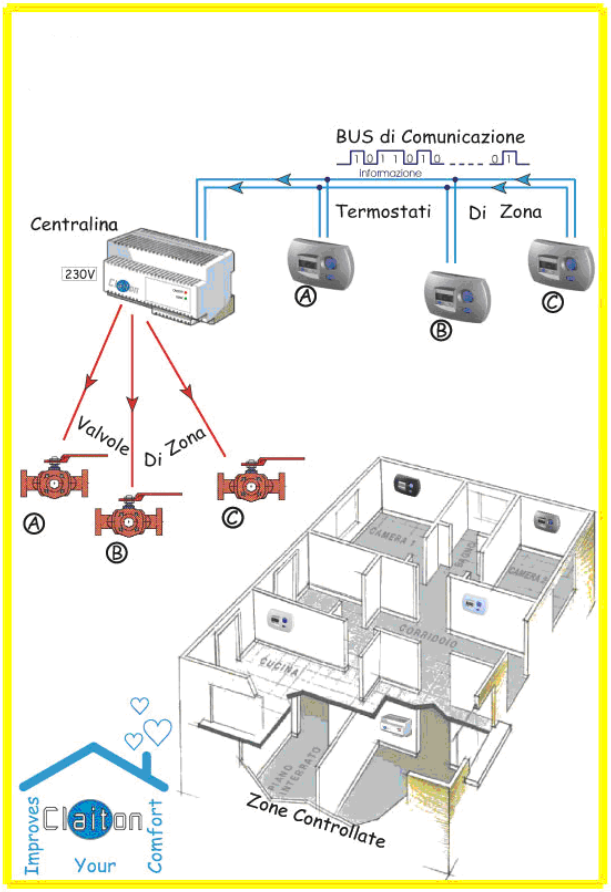
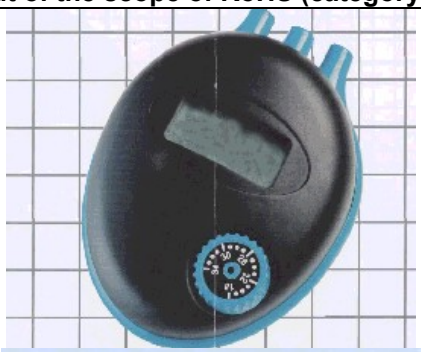
The RoHS decision tree relates to the WEEE decision tree as, with the exception of categories 8 and 9, light bulbs, and luminaires in households, finished products falling within the scope of the WEEE Directive also fall within the scope of the RoHS Directive.

RoHS Annex

The Annex to the RoHS Directive lists specific applications that are currently exempted from the substance ban. All exemptions are subject to periodic review on a 4-year basis.

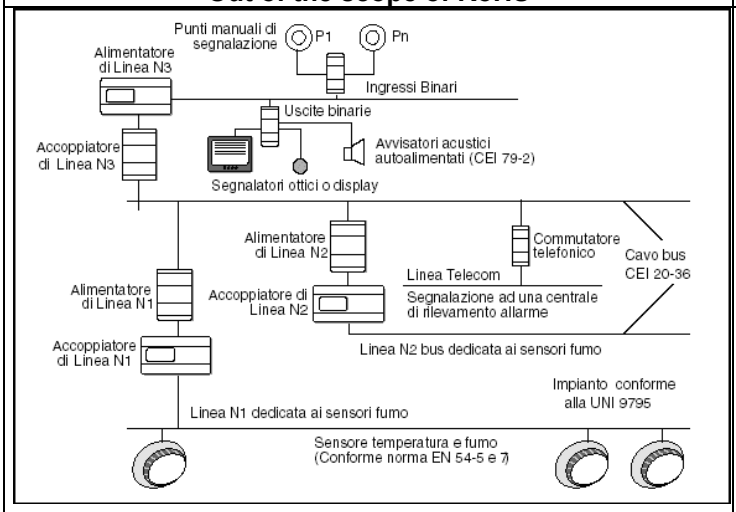
ANNEX A
EXAMPLES OF EQUIPMENT BOTH IN AND OUT OF THE SCOPE OF THE WEEE AND ROHS DIRECTIVES

1.HEATING CONTROL

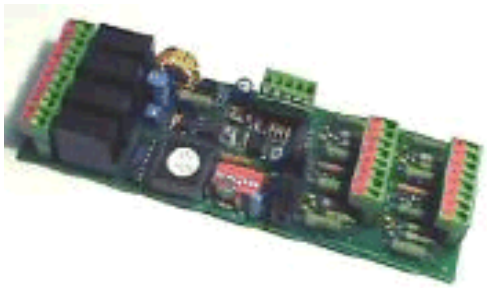
COMPONENTS OF ELECTRICAL INSTALLATIONS Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE Out of the scope of RoHS (category 9)
   	  Thermostats for terrarium  Thermostats for aquarium

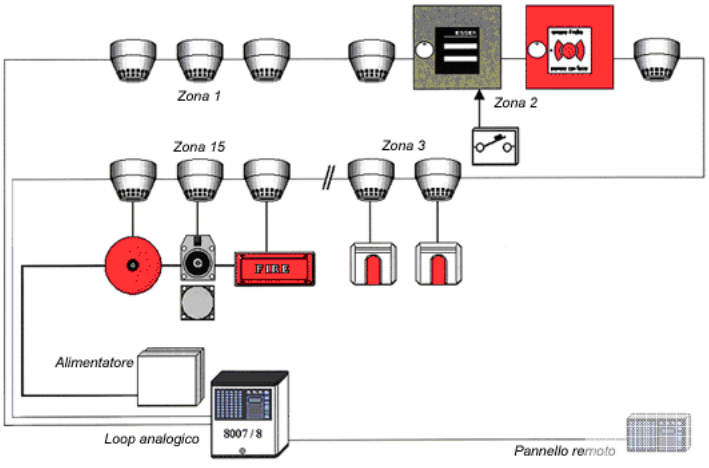
2.SMOKE/GAS DETECTOR

COMPONENTS OF ELECTRICAL INSTALLATIONS Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE Out of the scope of RoHS (cat. 9)

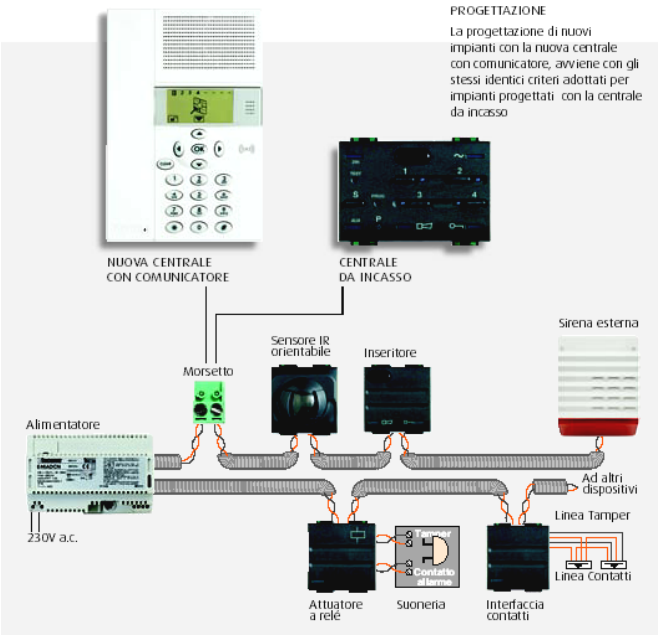


Stand alone, operated by internal batteries.



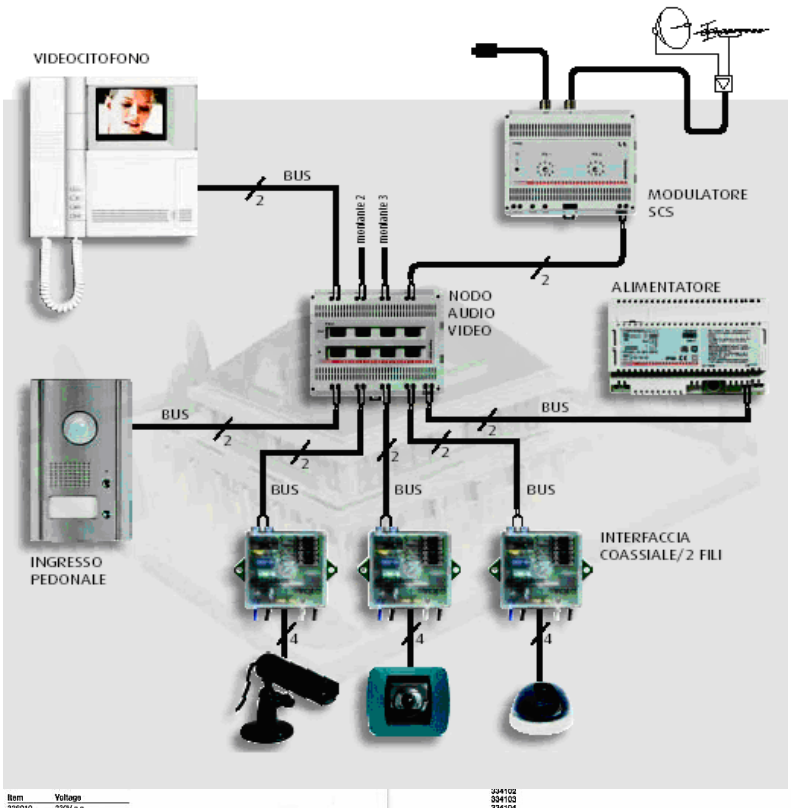


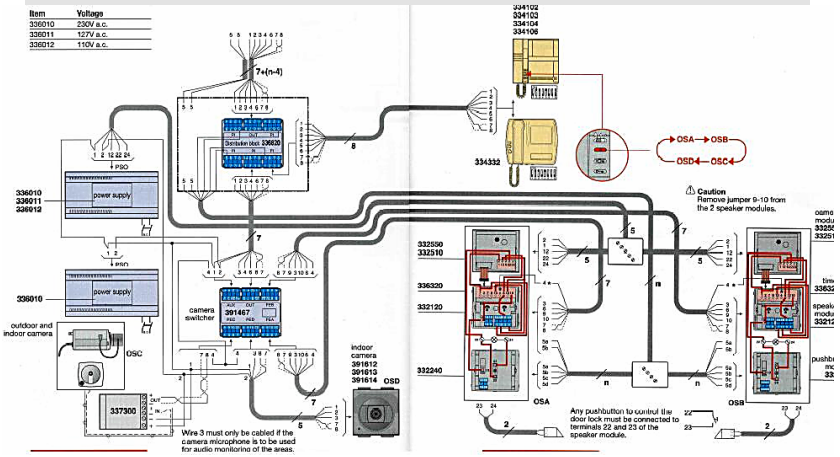
3.ALARM SYSTEM

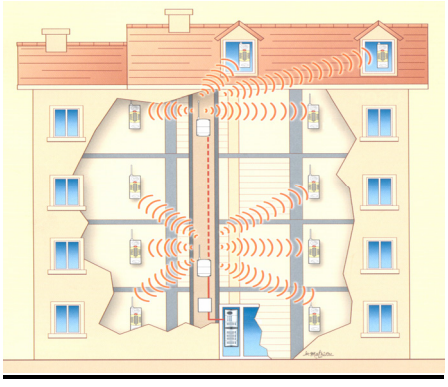
COMPONENTS OF ELECTRICAL INSTALLATIONS Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE In the scope of RoHS
	

4.DOOR ENTRY SYSTEM

COMPONENTS OF ELECTRICAL INSTALLATIONS Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE In the scope of RoHS

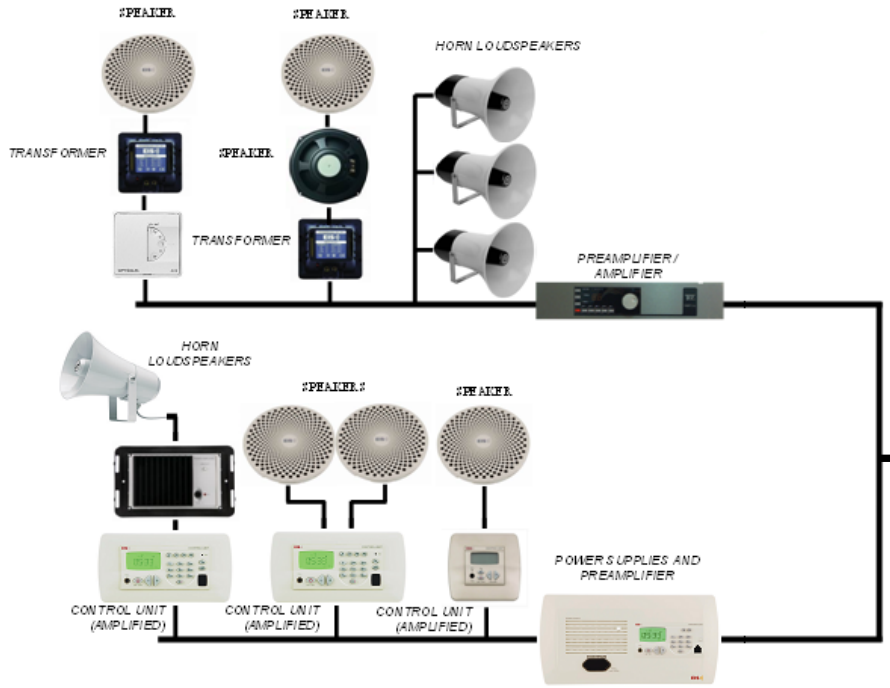
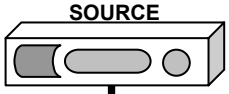
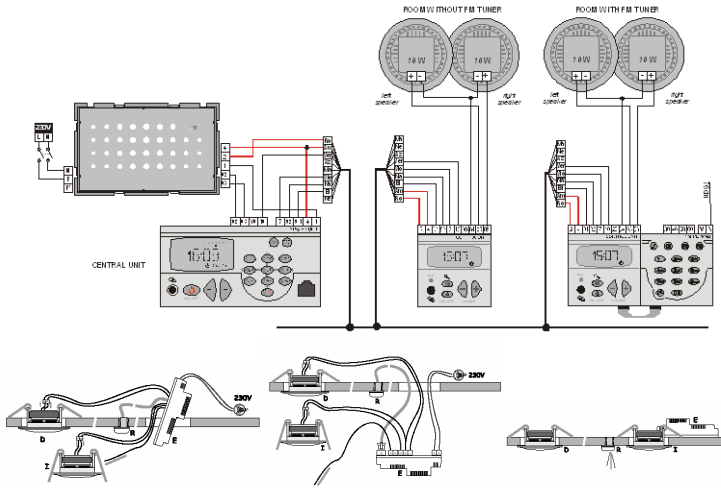






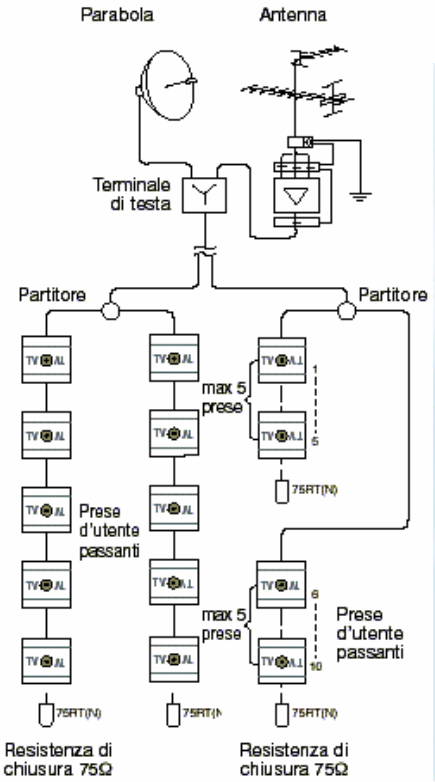
The question of whether data are transmitted by wires or wireless is irrelevant for the decision of whether the product falls in the scope of the directive or not.

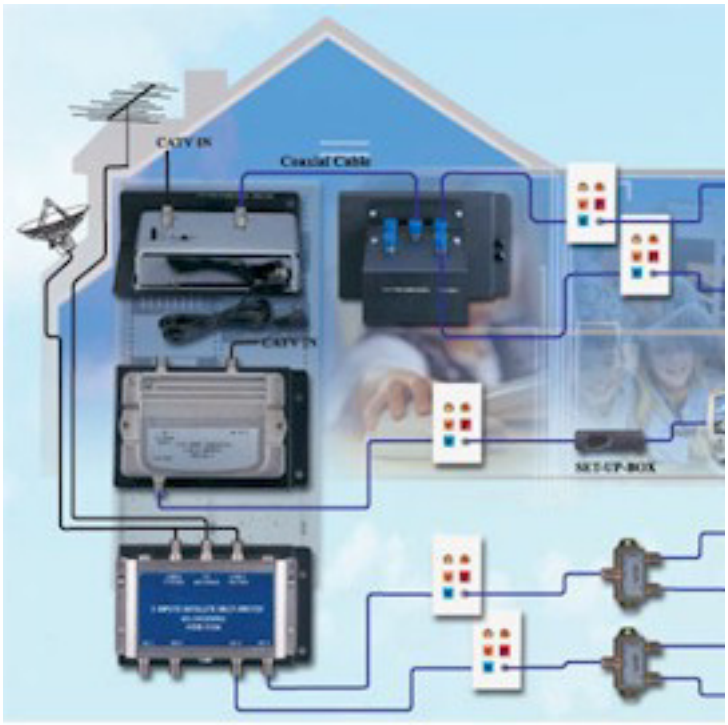
5. SOUND DIFFUSION

COMPONENTS OF ELECTRIC INSTALLATION Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE In the scope of RoHS
	EXTERNAL SOUND SOURCE 
	
	

6.TV RECEIVER

COMPONENTS OF ELECTRICAL INSTALLATIONS
Out of the scope of WEEE
Out of the scope of RoHS

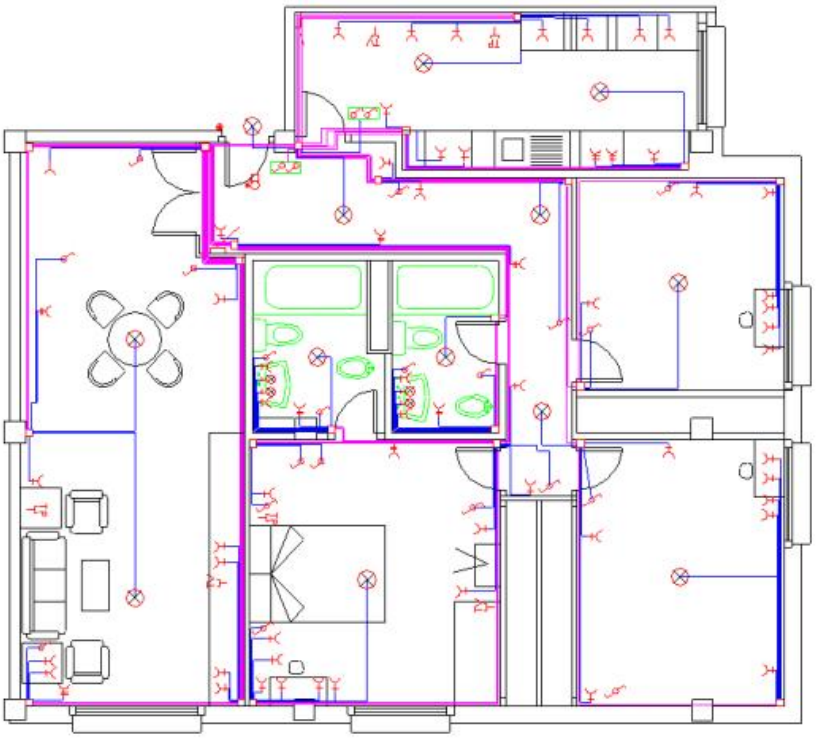


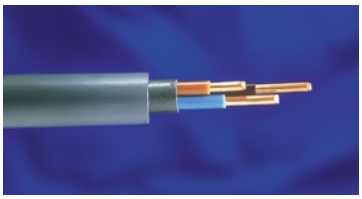


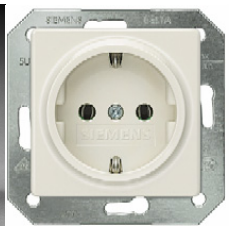
FINISHED PRODUCTS
In the scope of WEEE
In the scope of RoHS

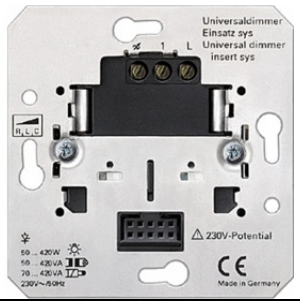
7.ENERGY DISTRIBUTION

COMPONENTS OF ELECTRICAL INSTALLATIONS
Out of the scope of WEEE
Out of the scope of RoHS



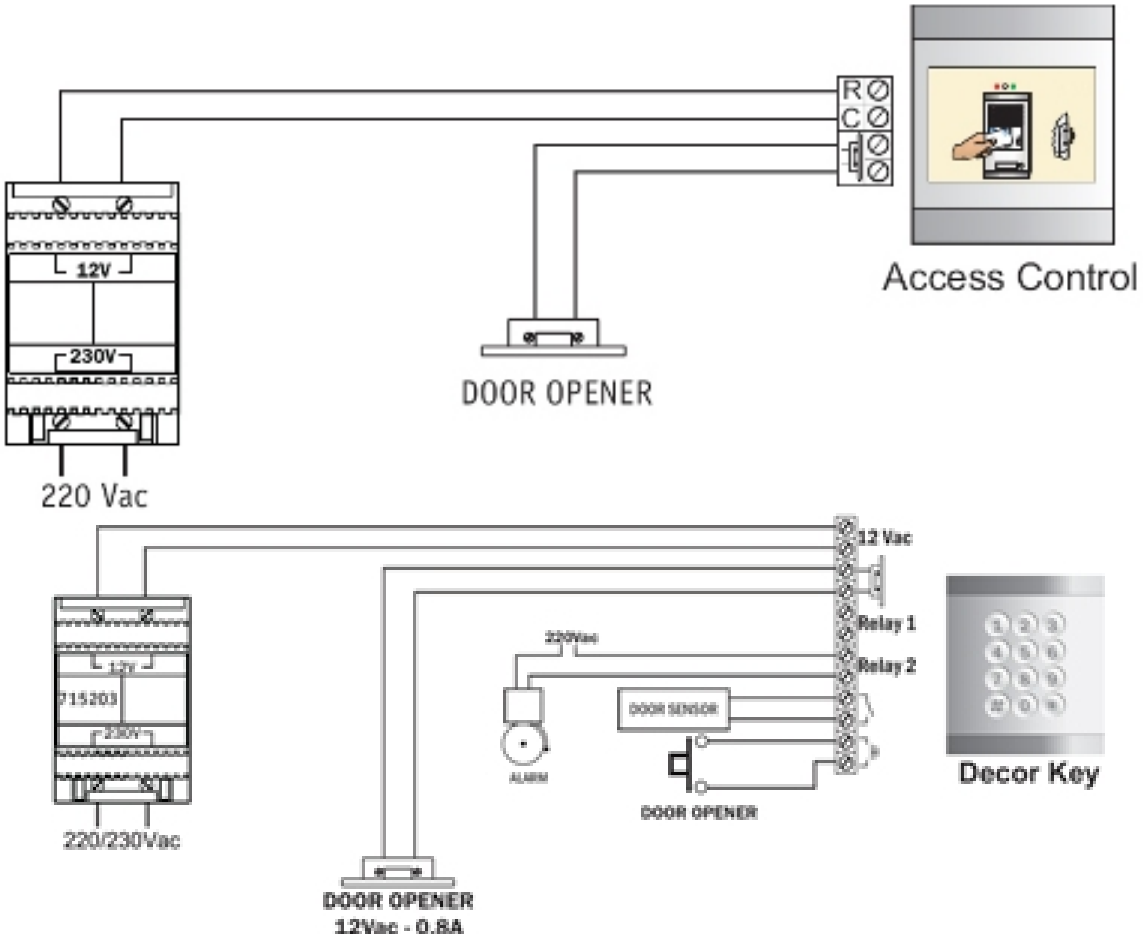






8.CONTROL ACCESS

COMPONENTS OF ELECTRICAL INSTALLATIONS
Out of the scope of WEEE
Out of the scope of RoHS



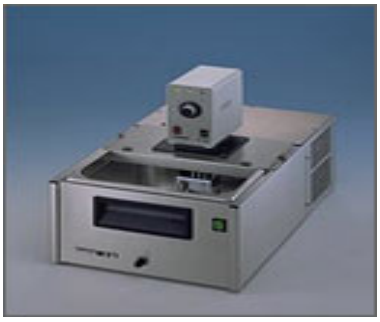
9.INDUSTRIAL AUTOMATION

COMPONENTS OF INDUSTRIAL INSTALLATION Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE Out of the scope of RoHS
 Drive, Contactor, Inverter, Interface, Programmable Logic Controllers (PLCs), Safety push button, Sensor, Control Panel	 Hand held data logger Bench data logger Energy Meter

10.TEST AND MEASUREMENT EQUIPMENT

COMPONENTS OF INDUSTRIAL INSTALLATIONS Out of the scope of WEEE Out of the scope of RoHS	FINISHED PRODUCTS In the scope of WEEE Out of the scope of RoHS (cat. 9)
	 Multimeters and amperometric clamps   Laboratory oscilloscopes

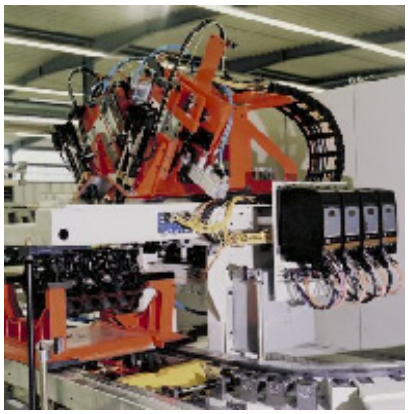
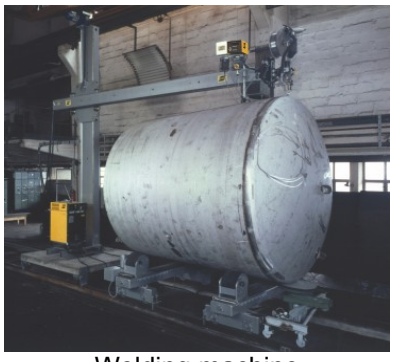
11. LABORATORY TECHNOLOGY EQUIPMENT

COMPONENTS OF A LABORATORY TECHNOLOGY INSTALLATION Not included in the scope of WEEE Not Included in the scope of RoHS	FINISHED PRODUCTS Included in the scope of WEEE Out of scope of RoHS (cat.9)
 Environment Controlled Rooms  Conditioning Rooms  Walk in conditioning cabinets	 Gas Chromatography Instrument  Refrigerated Open Bath Circulator  Orbital Shaker  Bench Incubator

12. MEDICAL LABORATORY EQUIPMENT

COMPONENTS OF A LABORATORY INSTALLATION Not included in the scope of WEEE Not Included in the scope of RoHS	FINISHED PRODUCTS Included in the scope of WEEE Out of scope of RoHS (cat.8)
 Conditioning Rooms	 Blood – Bacterial Cell Analyser
 Walk in conditioning cabinets	 Patient Monitoring System
	 Automated Analyser – Patient Samples

13. LARGE SCALE STATIONARY INDUSTRIAL TOOLS

Large Scale stationary industrial tools Out of the scope of WEEE Out of the scope of RoHS	Electric tools In the scope of WEEE In the scope of RoHS
 Milling machine   Vehicle component assembling station  Welding machine	    

14. REFRIGERATED DISPLAY CABINETS CONNECTED WITH CENTRALISED COOLING STATION

PART OF A FIXED INSTALLATION
Not included in the scope of WEEE
Not included in the scope of RoHS

Remote refrigeration condensing units

Parallel compressors refrigeration system

15. REFRIGERATED COLD STORES

PART OF A FIXED INSTALLATION
Not included in the scope of WEEE
Not included in the scope of RoHS

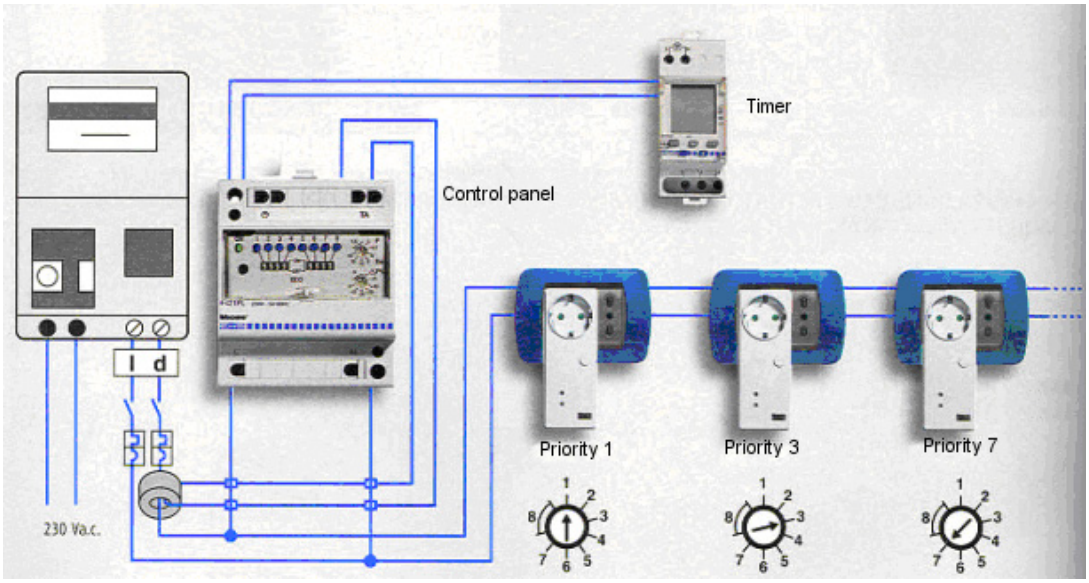
ANNEX B
APPLICATION OF THE WEEE AND RoHS DECISION TREES TO PARTICULAR PRODUCT TYPES

1. Power supply control installations
2. Control panels
3. UPS (Uninterruptible power supplies)
4. Automation for gates, shutters, door/gate opening detection, safety or counting systems
5. Battery chargers, transformers and power supplies
6. Dehumidifiers and air conditioners
7. Electric scooters and means of transport
8. Controller or touch panel of industrial robots (e.g. manipulator for welding) or other similar industrial machinery
9. Telephone cards and cheque cards with transponders
10. Electronic detonators used to initiate explosives (mining, extraction and demolition activities)
11. Devices and systems for metering and billing electric energy
12. Data storage devices (memory cards, smart cards, floppy disks, CDs, etc.)
13. Industrial PCs
14. Cable head-ends
15. Car radio and car stereo
16. Remote controls

1. POWER SUPPLY CONTROL INSTALLATIONS

Components of power supply control installations are out of the scope of WEEE and RoHS as they are components of an electrical installation.

POWER SUPPLY CONTROL INSTALLATIONS



2. CONTROL PANELS

Control panels do not fall within any of the 10 categories listed in Annex IA. Moreover, they are not finished products, but are a combination of several equipment, systems, finished products and/or components ("parts") assembled and/or erected by an assembler/installer at a given place to operate together in an expected environment to perform a specific task, and are part of a fixed industrial installation or large-scale stationary industrial tool. Control panels therefore:

1. are not finished products
2. do not fall under any of the categories listed in Annex IA
3. are parts/components of equipment that does not fall within the scope of WEEE or RoHS (such as fixed industrial installations and large-scale stationary industrial tools)

and are outside the scope of both WEEE and RoHS.

3. UPS (Uninterruptible Power Supplies)

2 types of UPS can be identified:

- High power UPS. Generally the battery is separate. They are installed in control panels and used for supplying energy to banks, telecommunication network equipment, laboratories, industrial buildings or hospitals
- Low power UPS. Battery is included. They are compact and can be sold directly to consumers or professional users (offices, shops).

UPS of both types are outside the scope of both WEEE and RoHS as they do not fall under any of the 10 categories listed in Annex IA.

4. AUTOMATION FOR GATES, SHUTTERS, DOOR/GATE OPENING DETECTION, SAFETY OR COUNTING SYSTEMS

Equipment for gates, shutters, etc., automation or door/gate opening detection, safety or counting systems do not fall under any of the 10 categories listed in Annex IA. They are therefore outside the scope of both WEEE and RoHS.

5. BATTERY CHARGERS, TRANSFORMERS AND POWER SUPPLIES

If they are sold as independent equipment, then battery chargers, transformers and power supplies do not fall under any of the 10 categories listed in Annex IA of the WEEE Directive. They are therefore outside the scope of both WEEE and RoHS.

However, if they are part of or fully dedicated to a finished product (e.g. a laptop or mobile phone), then their compliance requirements are determined by the equipment to which they belong.

6. DEHUMIDIFIERS AND AIR CONDITIONERS

Equipment, which consists of indoor/outdoor units, ”assembled and/or erected by an assembler/installer at a given place”, such as fabric of a building, “to operate together in an expected environment to perform a specific task, but not intended to be placed on the market as a single functional or commercial unit” should be considered as a "fixed installation" falling outside the scope of both the WEEE and RoHS Directives.
Equipment that does not meet the above-mentioned definition is a "finished product" that is to be considered falling within the scope of both Directives.

Note – Some member states have determined that equipment with rated cooling power of more than 12 kW shall be considered outside the scope of both Directives as it is a “fixed installation”, and that equipment rated at less than 12 kW shall be considered within the scope, unless it is a “fixed installation”. “

7. ELECTRIC SCOOTERS AND MEANS OF TRANSPORT

Electric scooters are a "means of transport" - they are not “leisure equipment”. Therefore, they do not fall under Category 7 of Annex IA of the WEEE Directive. The same applies for all means of electrically powered transport.

ELECTRIC SCOOTERS
Out of the scope of WEEE; Out of the scope of RoHS

8. CONTROLLER OR TOUCH PANEL OF INDUSTRIAL ROBOTS OR OTHER SIMILAR INDUSTRIAL MACHINERY

This type of equipment (used in the automation of industrial processes) is part of a large-scale stationary industrial tool, or part of a "fixed installation", examples of which are manipulators for welding, vehicle component assembly stations, etc. It is therefore outside the scope of both WEEE and RoHS.

9. TELEPHONE CARDS AND CHEQUE CARDS WITH TRANSPONDERS

Telephone cards and cheque cards with transponders are outside the scope of both WEEE and RoHS, as they do not fall under any of the categories listed in Annex IA.

10. ELECTRONIC DETONATORS USED TO INITIATE EXPLOSIVES (Mining, extraction and demolition activities)

Detonators for explosives are outside the scope of both WEEE and RoHS, as they do not fall under any of the categories listed in Annex IA.

11. DEVICES AND SYSTEMS FOR METERING AND BILLING ELECTRIC ENERGY

Devices and systems for metering and billing electric energy on voltage levels higher than 1000V A.C. or 1500 V D.C. are outside the scope of both WEEE and RoHS (see Articles 3(a))
Devices and systems for metering and billing electric energy in residential applications are also outside the scope of both WEEE and RoHS. These devices are not finished products, but component parts of the electric energy distribution system. The distribution system is a “fixed installation” according to the definition given by the Commission F.A.Qs document.
Devices and systems for metering and billing electric energy in control panels in industrial applications are also outside the scope of both WEEE and RoHS, as they are components and not finished products. They are parts of products that do not fall under either WEEE or RoHS (industrial machinery, fixed installations).
Portable devices that are used to meter electric energy and that are finished products are "monitoring and control instruments" (Category 9). They are therefore within the scope of WEEE, but outside the scope of RoHS.

Metering Device as a component of a control system

Out of the scope of WEEE
Out of the scope of RoHS

Metering Devices as a component of a distribution system

Out of the scope of WEEE
Out of the scope of RoHS

Portable metering device – finished product

In the scope of WEEE
Out of the scope of RoHS

12. DATA STORAGE DEVICES (MEMORY CARDS, SMART CARDS, FLOPPY DISKS, CDs, ETC.)

Memory cards, smart cards, floppy disks, CDs, CD-ROMs, and other similar types of data storage devices are not EEE as their primary function is to store data and this function is performed without electric energy. Electric energy is used only for data transfer. For this reason they are outside the scope of both WEEE and RoHS.

13. INDUSTRIAL PCs

The term "Industrial PC" is a generic term that can be applied to many types of computer - depending on their format and function, such equipment could be:

- Category 3 (included in both WEEE and RoHS);
- Category 9 (included in WEEE, excluded from RoHS);
- Not finished products, excluded from both WEEE and RoHS.

If an industrial PC is a finished product, then it can be either Category 3 (IT and telecommunications equipment) or Category 9 (Monitoring and control instrument) depending on whether it can function as IT equipment or whether it is limited to monitoring and control functions only. The following criteria can be used to determine the appropriate category for a particular type of Industrial PC that is a finished product:

- Category 3: Open platform hardware, based on/utilising open operating systems e.g. MS Windows (suitable/intended for IT applications)
- Category 9: Embedded operating system (e.g. specifically intended for industrial automation applications). No significant telecommunications capability.

If an industrial PC is not able to perform its function outside the equipment it is provided with (direct function) or, if it is not provided with an enclosure and ports and connections intended for the final user, then it is not a finished product and is outside the scope of both WEEE and RoHS.

14. CABLE HEAD-ENDS

A cable head-end, as shown in the picture below, is a complex installation of several pieces of equipment, performing multiple tasks. It is a “fixed installation” (as defined in the Commission's F.A.Qs document), and is therefore outside the scope of both WEEE and RoHS. Any device of a cable head-end, that is not a finished product, but a component, is also outside the scope of both WEEE and RoHS.

15. CAR RADIO AND CAR STEREO

As stated by the Commission in its F.A.Qs document on the WEEE and RoHS directives, any equipment that is part (designed to be used only in…) of a means of transport is outside the scope of both WEEE and RoHS.

This is a clarification on the interpretation of Article 2(1) of the WEEE Directive, as car radios and car stereo equipment are part of equipment (a car) which does not fall under the scope of the WEEE Directive.

The same applies for equipment designed to be used only in trucks, boats, airplanes, trains, ships, etc.

16. REMOTE CONTROLS

Remote controls are outside the scope of both WEEE and RoHS, as they do not fall under any of the 10 categories listed in Annex IA. They are considered part of the equipment they control, and therefore they fall within the scope of WEEE and RoHS only if the product that they are part of falls within the scope itself.

TV sets

Remote controls for TV sets are part of the TV and thus fall within the scope of WEEE and RoHS as components.

Product out of the scope

Remote controls for equipment that does not fall within the scope, are out of the scope themselves e.g. industrial machinery and equipment, gate opening systems, alarm systems, etc.

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- Guide for drawing up an international development contract (2)
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- Guide on S 2000 (2)
- A practical Guide to understanding Directives 2002/96/EC (WEEE) and 2002/95/EC (RoHS), April 2003 (3)
- A practical Guide to understanding the scope of Directive 2002/96/EC on WEEE and Directive 2002/95/EC on RoHS, January 2006.
- Guide to understanding the specific obligations of Directive 2002/95/EC (RoHS), in preparation (3)
- Guide on Contractual Aspects of the WEEE Directive in the Business-to-Business Field, in preparation (3)
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