

## 1.12 ROHS AND WEEE DIRECTIVES – APPLICATION TO WEIGHING INSTRUMENTS

### WEEE Directive

The WEEE Directive 2002/96/EC as amended by Directive 2003/108/EC has been implemented in UK regulations Waste Electronic and Electrical Equipment Regulations 2006.

The intention of the Directive is to promote the re-use and/or, recycling of electrical and electronic equipment at the end of its normal life, or where this is not possible reduce pollution by requiring the environmentally sound disposal of such equipment. Targets are set for the amount of re-use and recycling that should be achieved.

The Directive imposes the responsibility for financing the treatment of waste electrical and electronic equipment (WEEE) on Producers. A Producer is a person or organisation that:

- manufactures and sells electrical and electronic equipment under his own brand or,
- resells under his own brand equipment produced by others or,
- imports or exports electrical or electronic equipment on a professional basis into a Member State.

A number of approved Schemes have been set up under which the Scheme Operator arrange for the collection, transport and treatment of WEEE on behalf of Producers. These Schemes are responsible for ensuring that WEEE is collected and dealt with correctly and that the mandatory recycling and re-use targets imposed by the Directive are achieved. All Producers were required to initially register with one of the Approved Schemes by the 15<sup>th</sup> March 2007 and thereafter annually. At the time of initial registration, the Producer must supply the Scheme with accurate data concerning the total weight of electrical and electronic equipment that he has placed on the UK market in the calendar year 2006. The Producer must also state the split between equipment intended for use by consumers and that intended for professional use. Producers may change Schemes if they wish but must do so by the 30<sup>th</sup> October in any year and they will then remain in the new Scheme. Failure to register with a Scheme will be an offence.

Retailers, i.e. those who sell equipment direct to consumers, will be required either to offer a take-back service, whereby a consumer buying a new piece of equipment can give an old item of equipment performing the same function to the retailer to dispose of safely, or to join a retailer Scheme whereby facilities are provided where consumers can safely dispose of electrical and electronic equipment without charge. There is no direct equivalent for Producers selling equipment for professional use, but they will be required to fund the safe disposal. (Producers may reach a contractual agreement with their professional customers under which, the user will assume the responsibility for the cost of safe disposal, but how this will be monitored and controlled is not yet known.)

The UKWF has reached an arrangement with WEEE Link, one of the Approved Schemes to provide WEEE registration and systems for the weighing industry. UKWF Members are of course free to register with any of the Schemes. Not all members, however, will need to register and those who do register should be aware that not all of their products come under the scope of the WEEE Directive. The following extract from the notes of a meeting between the UKWF and WEEE Link explain the position:

*“Agreed that the following items are outside the scope of the regulations as they are not supplied directly to end user (except possibly as spare parts in which case they are still outside the scope of the regulations)”*

- Indicators
- Load Cells
- Other peripheral equipment (e.g. remote display units)

Agreed that weighbridges that are intended to be connected to, or form part of control systems (e.g. incoming and outgoing weighbridges incorporated into a waste treatment plant control system), are at the moment classified as being part of a fixed installation and, as such, are outside the scope of the regulations.

It is likely that this exemption will be removed during future amendment of the EC Directive; however weighbridges also fall under the heading of large scale stationary industrial tools and thus, will remain exempt. However, such equipment will fall under Category 6 of Schedule 1 to the regulations and as such, will be subject to the RoHS Directive; this is not considered to be a major problem as the vast majority of electrical / electronic components used in weighing instruments are only available in RoHS compliant form.

**(NOTE: These exemptions do not apply to portable weighbridges)**

Similarly, large capacity dormant platform machines are also regarded as exempt."

### RoHS Directive

The RoHS Directive has recently been recast as Directive 2011/65. The new directive defines the same ten groups of instrument as the previous directive and the WEEE directive. The important change is that, although previously exempted, all types of non-automatic and automatic weighing instruments will fall within either category 8 or 9 of annex 1 of the Directive (Category 8. Medical Equipment; Category 9. Monitoring and control instruments, including industrial monitoring and control instruments.)

At present, the implementing regulations are still "The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2005". It is likely that the regulations implementing the new directive will be introduced in 2013 and will implement the effect of the changes by 22<sup>nd</sup> July 2014.



The following table outlines whether the RoHS Directive (2011/65/EC) will have effect on different types of weighing equipment:

<b>Weighing Machine Type / Description</b>	<b>WEEE Category</b>	<b>RoHS Applies?</b>
<b>Non-automatic Weighing Instruments</b>		
Stand alone retail weighing instruments	9	Yes
Stand alone industrial weighing instruments	9	Yes
Stand alone retail weighing instruments with in-built printer	9	Yes
Stand alone industrial weighing instruments with in-built printer	9	Yes
Retail weighing instruments with networking capability	9	Yes
Industrial weighing instruments with networking capability	9	Yes
Retail weighing instruments incorporated in EPOS Systems	3	Yes
Retail weighing instruments connected to computers for data management purposes	9	Yes
Industrial weighing instruments connected to computers for data management purposes	9	Yes
Retail Weighing Instruments connected to cash registers for cash handling purposes	3 or 9	See Note 1 below
Domestic weighing instruments (Kitchen / bathroom)	2 & 9	Yes
Medical weighing instruments	8	Yes
<b>Automatic weighing instruments</b>		
Gravimetric Filling Machines	9	Yes
In-motion Rail Weighbridges	9	Yes
Discontinuous Totalisers	9	Yes
Continuous Totalisers	9	Yes
Checkweighers	9	Yes
Weigh/Price Labellers	9	Yes

It is impossible to provide a detailed list of weighing instrument types because there are now so many variants and options possible, however, the descriptions listed above should encompass the vast majority of equipment. In the event that a particular instrument does not fall precisely within one of the descriptions listed above or has additional features / facilities to those listed, then the following test should be applied:

- Is the primary function of the instrument weighing for use for trade (as defined in Section 7 of the Weights and Measures Act 1985) or weighing for one of the controlled applications set out in Article 1.2.a of the NAWI Directive 2009/23/EC in a professional environment? If so, the instrument will be considered as falling within category 9 and will therefore be exempted from the RoHS Directive.

(Note: This is one of those awkward cases where there is no clear answer and the situation would need to be judged on a case by case basis. If, for example, the weighing instrument and cash register were sold together and the cash register was capable of working even if the weighing instrument were switched off, then it would be difficult to distinguish this case

from a typical POS system. If, however, the weighing instrument was the primary unit and had the ability to produce a totalised receipt but the use of a simple cash drawer was optional, then it may well be that the weighing instrument is still exempt from the RoHS Directive.)

The Federation is grateful to the NMO for their guidance in this matter. The Federation accepts and understands that the interpretation of legislation is, in the final instance, a matter for the Courts and that the guidance from the NMO is given on that understanding. Members are advised to seek their own legal advice should they have any serious doubts or questions on aspects of the legislation.

