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**DRAFT DATED 20 October 2025**

**Draft decree of [date] amending the Environmental Activities Decree, the Decree on notification of industrial and hazardous waste and the Collection of Waste Decree with regard to the disposal of waste electrical and electronic equipment**

(KetenID WGK014100)

On the recommendation of the State Secretary for Infrastructure and Water Management of [date], No IenW/BSK-, Principal Executive and Legal Affairs;

In view of Article 4.3(1) and (2) and Article 5.1(1) and (2) of the Environment and Planning Act [Omgevingswet] and Article 10.43(1) of the Environmental Management Act [Wet milieubeheer];

Having heard the Advisory Division of the Council of State (advice dated [date], No );  
In view of the further report of the State Secretary for Infrastructure and Water Management dated [date], No. IenW/BSK-, Directorate-General for Administrative and Legal Affairs;

Have approved and hereby decree the following:

**Article I**

The **Environmental Activities Decree** [Besluit activiteiten leefomgeving, BAL] is amended as follows:

**A**

In Article 3.157(1)(l) and (m) are relettered (m) and (n) and the following new subparagraph is added:

l. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

**B**

In Article 3.165(1)(l) and (m) are relettered (m) and (n) and the following new subparagraph is added:

l. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

C

In Article 3.171(1)(e) to (g) are relettered (f) to (h) and the following subparagraph is added:

- e. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

D

In Article 3.185(3)(d), 'waste electrical or electronic equipment' is replaced by 'waste electrical and electronic equipment'.

E

In Article 3.198(1)(j) to (m) are relettered (l), (m), (j), (k) and sections (n) to (q) are relettered (o) to (r) and the following subparagraph is added:

- n. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

F

In Article 3.230(1)(l) to (o) are relettered (m) to (p) and the following subparagraph is added:

- l. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

G

In Article 3.237(2)(a) to (b) are relettered (b) to (c) and the following subparagraph is added:

- a. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

H

In Article 3.244(1) under the insertion of ' : b.', the following subsection is added after 'about':

- a. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;  
and

I

In Article 3.257(1)(a) and (b) are relettered (b) and (c) and the following subparagraph is added:

- a. the delivery of waste electrical and electronic equipment referred to in Section 4.48a;

J

After Section 4.48, the following section is added:

Section 4.48a Disposal of waste electrical or electronic equipment

#### **Article 4.595a (scope of application)**

This section only applies to the disposal of waste electrical or electronic equipment.

#### **Article 4.595b (waste: disposal of equipment)**

With a view to efficient waste management, waste electrical or electronic equipment is delivered to:

- a. a processing facility that meets Article 11 of the Waste Electrical and Electronic Equipment Regulation [Regeling afgedankte elektrische en elektronische apparatuur];
- b. designated collection points for separate collection of waste electrical and electronic equipment from companies, established by or on behalf of the individual producer of electrical and electronic equipment or by a producer organisation for the collective implementation of the extended producer responsibility as referred to in Articles 6 and 8 of the Waste Electrical and Electronic Equipment Regulation; or
- c. a collection company holding a valid permit for the collection of waste electrical and electronic equipment as referred to in the Collection of Waste Decree [Besluit inzamelen afvalstoffen, BIA].

K

In Annex I, the following definition is added in alphabetical order: *waste electrical and electronic equipment*: waste electrical and electronic equipment as referred to in Article 1(b) of the Waste Electrical and Electronic Equipment Regulation;

L

In Annex II (79A) and (79B), 'covered by the Waste Electrical and Electronic Equipment Regulation' is deleted.

#### **Article II**

Appendix I to the **Decree on notification of industrial and hazardous waste** [Besluit melden bedrijfsafvalstoffen en gevaarlijke afvalstoffen] is amended as follows:

1. Subsection 1 under (j) is deleted and subsection (k) is relettered as (j).
2. Sections 2 to 8 are renumbered 3 to 9 and the following subparagraph is added:  
  
2. the storage or transshipment of waste electrical and electronic equipment as referred to in the Waste Electrical and Electronic Equipment Regulation for which a report is submitted as referred to in Article 19 or 20 of that regulation.

#### **Article III**

The **Collection of Waste Decree** is amended as follows:

A

The following section (g) is added to Article 1:

- g. Waste electrical and electronic equipment or WEEE: electrical or electronic equipment which is waste within the meaning of Article 3(1) of Directive 2008/98/EC (Waste

Framework Directive), including all components, sub-assemblies and consumables which are part of the product at the time of disposal.

B

In Article 9, with the deletion of 'or' in point (b) and the replacement of the full stop in point (c) by '; or', the following section is added:

d. discarded electrical and electronic equipment as referred to in the Waste Electrical and Electronic Equipment Regulation.

#### **Article IV**

This Decree shall enter into force on 1 July 2026.

I hereby order this Decree and the associated explanatory notes to be published in the Official Gazette.

STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT – PUBLIC  
TRANSPORT AND THE ENVIRONMENT,

## **Explanatory notes**

### **1. General part**

The Environmental Activities Decree is being amended in connection with the introduction of an obligation to dispose of waste electrical and electronic equipment (WEEE) for specific environmentally harmful activities. The Decree on notification of industrial and hazardous waste is being amended in connection with the introduction of a notification requirement for receipt of all waste electrical and electronic equipment from WEEE processors. The Collection of Waste Decree is being amended in connection with the introduction of a licensing requirement for collectors of waste electrical and electronic equipment.

#### *1.1 Disposal of WEEE*

The purpose of the Waste Electrical and Electronic Equipment Directive (WEEE) is to collect as much WEEE as possible and ensure that it is sent for appropriate processing. This is done by requiring companies to deliver their WEEE to the proper collection facilities. These collection facilities guarantee that WEEE is processed correctly. Appropriate processing means that the requirements of Article 11 of the Waste Electrical and Electronic Equipment Regulation (WEEE Regulation) must be met, including possession of a declaration of conformity in accordance with the applicable CENELEC standard<sup>1</sup> for the processing of WEEE.

Prescribing the disposal of WEEE is part of the action plan to increase the collection rate of WEEE of 15 January 2018, as well as the subsequent 65% action plan of 6 December 2020. The action plan was agreed between producers, processors, retailers, local authorities and the Ministry of Infrastructure and Water Management in the WEEE Monitoring Council and announced in a letter dated 25 September 2017 from the State Secretary for Infrastructure and the Environment to the House of Representatives<sup>2</sup>. Both the action plan and implementation plan are aimed at increasing the collection rate for WEEE, so that the statutory collection target of 65% of new electrical and electronic equipment (EEE) placed on the market<sup>3</sup> is achieved. Another objective may also be assessed in accordance with the WEEE Regulation. This objective relates to 85% of the WEEE generated annually. A letter from the State Secretary for Infrastructure and Water Management to the House of Representatives on 12 December 2024 announced<sup>4</sup> that the Ministry of Infrastructure and Water Management will assess this objective from now on. This is without prejudice to the actions needed to achieve this objective, as defined in the 65% action plan from the OPEN Foundation.

The 'domestic leakage' working group under the above-mentioned action plan found that part of the WEEE is currently collected outside the official collection structure of the producers, is mixed illegally and is not processed in an appropriate manner according to the CENELEC standard under Article 11 of the WEEE Regulation. According to the working group, this amount is between 40,000 and 110,000 tonnes per year. According to the more detailed and in-depth UNU study 'The Dutch WEEE Flows 2018' conducted in 2020, the amount of waste that is not processed properly amounts to approximately 100,000

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<sup>1</sup> Refers to the series of standards drawn up and published by the European standardisation institute Cenelec under serial number 50625.

<sup>2</sup> Parliamentary Papers II, 2017-18, 30872, No 212

<sup>3</sup> This concerns the total volume of WEEE over the three years preceding the assessment year for the collection target.

<sup>4</sup> Parliamentary Papers II, 2024-25, 36600-XII, No 78

tonnes. After this study in 2020, no more detailed studies have been carried out, but in 2024, it can be reasonably assumed that the leakage of 100,000 tonnes has not decreased. The energy transition, for example, will accelerate the replacement of existing climate installations with more energy-efficient variants. This equipment contains high levels of metal and has a positive value, making it attractive as freely marketable leakage. One of the ways in which WEEE is leaked is the collection and trading of WEEE by mostly smaller collectors operating outside of the official collection infrastructure as prescribed in the WEEE Regulation. These collectors benefit directly from the positive value of WEEE. In addition to potential environmental damage caused by leakage, corporation tax and VAT payment are also evaded. A more detailed explanation of the extent and composition of the leakage is provided below.

In connection with the application for a generally binding declaration (AVV) in 2020, the OPEN Foundation prepared the 65% Action Plan<sup>5</sup> to stop leakage. This action plan includes a number of actions aimed at commercial WEEE that have subsequently become an integral part of the incentive scheme (under the name Wecycle voor bedrijven). The action plan states that the waste disposal obligation for WEEE and adequate enforcement are essential to achieve the objectives described. The following are the objectives that could be achieved according to the action plan:

- Action 1: Collection of 15,000-20,000 tonnes by the end of 2022, with a maximum potential of 45,000-50,000 tonnes;
- Action 6: Collection of 1,000 tonnes by the end of 2022. There is little information available regarding the maximum potential of fittings, given their diversity;
- Action 7: Collection of 5,000 tonnes by the end of 2022, followed by 9,500 tonnes by the end of 2023, with a maximum potential of 15 ktonnes if all links in the chain work together;
- Action 8: Collection of 7,500 tonnes by the end of 2022, followed by 15,000 tonnes, with a maximum of 40,000-50,000 tonnes if all links in the chain work together;
- Action 11: This concerned provisional research to achieve better service provision at locations where large volumes of WEEE are expected to be discarded. No specific goal was set for this, but it led to Wecycle voor bedrijven (a drop-off location system that includes a free collection service).

It was estimated in 2020 that WEEE originating from the business sector could be collected in 2022 in the amount of 28,000 to 33,000 tonnes. This could increase to approximately 35,000-40,000 tonnes by the end of 2023, subject to mandatory reporting and adequate enforcement. In 2022, the collection of commercial WEEE remained at 11,000 tonnes. In 2023, 42,000 tonnes were to be collected according to the original forecast from 2020 (and among these 42,000 tonnes, approximately 3,000 tonnes are central heating boilers). Based on current insights, collection is expected to increase to 52,000 tonnes by 2024. There is a levelling-off of collection results and an additional incentive in the form of an obligation to dispose of waste in combination with enforcement, which is considered necessary by the parties to exploit the full potential.

In 2020, an estimate was made of 100,000 tonnes of WEEE being removed as 'old iron', i.e. without processing according to CENELEC and without safety measures, such as the removal of batteries, based on a previous study by Unitar in 2018. On the basis of this study, approximately 58,000 tonnes could still have been collected under the Incentive Scheme in 2023 with a 100% collection result. The Incentive Scheme eliminates the price difference with 'old iron' by covering the costs of depollution (a CENELEC requirement) with financial support ranging from EUR 125 to EUR 200 per tonne, depending on the

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<sup>5</sup> 65% Action Plan - OPEN Foundation (stichting-open.org)

product category. In the meantime, the policy framework in the Netherlands has been amended. In line with the National Circular Economy Programme (NPCE), greater emphasis is being placed on product reuse and extending product life. Part of the product use will take place abroad (export reuse).

Due to a very rapid increase in newly sold products (Put-on-Market/PoM), the actual disposal of EEE is also increasing, albeit at a slower rate (as many products have a long service life). In the Netherlands, a total of 348 ktonnes is ultimately available for collection. The final leakage is 129 ktonnes, of which 66 ktonnes are in household and commercial residual waste, plus bulky waste from the collection points and 63 ktonnes are removed via the metal route or other routes and is therefore not processed according to CENELEC. This 63 ktonnes is slightly above the previously indicated 58 ktonnes. This increase is due to a further increase in the number of new products on the Dutch market, and therefore more PoM (see also the NWR reports that show this growth). Finally, the PoM data for 2023 for devices used in the professional sector targeted by the disposal obligation has been examined:

Product		Put on Market Kg 2023
E1/04 -	Air conditioning equipment (built-in) and heat pumps	
E4/10 -	Central heating boilers, electric water heaters and gas water heaters (>50 cm)	
E4/12 -	Ventilation and recirculation equipment (>50 cm)   >150 m <sup>3</sup> /hour   built-in)	
E4/13 -	Ventilation and recirculation equipment (>50 cm)   >150 m <sup>3</sup> /hour   built-in)	
E4/14 -	Ventilation, recirculation and heating equipment (>50 cm)   individual)	
E4/15 -	Installation of heating and hot water equipment (>50 cm)	
E4/22 -	Measurement and monitoring equipment (>50 cm)	
E4/25 -	IT, ICT and office equipment (>50 cm)   professional)	
E4/26 -	Fixtures for fluorescent, energy-saving and gas-discharge lamps (>750 g)	
E4/27 -	Fixtures with integrated LED (>750 g)	
E4/28 -	Fixtures for interchangeable LED (>750 g)	
E5/05 -	Central heating boilers, electric water heaters and gas water heaters (=50 cm)	
E5/06 -	Ventilation and recirculation equipment (=50 cm)   >150m <sup>3</sup> /hour   built-in)	
E5/07 -	Ventilation and recirculation equipment (=50 cm)   >150m <sup>3</sup> /hour   built-in)	
E5/08 -	Ventilation, recirculation and heating equipment (=50 cm   individual)	
E5/09 -	Heating and hot water equipment (=50 cm)   built-in)	
E5/15 -	Measurement and monitoring equipment, including detectors, sensors and switches (=50 cm)	
E6/05 -	IT, ICT and office equipment (=50 cm)   professional)	
<b>Total put-on-market data for selected products (rounded off)</b>		

Around 151,000 tonnes of new equipment within a business context were placed on the Dutch market in 2023. These will eventually return as WEEE, by which there is also a replacement of product A by B. For example, heat pumps (E1/04). These will replace central heating boilers, resulting in more central heating boilers ending up as WEEE. Only

in the medium term will heat pumps end up as WEEE. Heat pumps are heavier than central heating boilers, which means that this change alone will further increase the volume. The above-mentioned equipment contains high levels of metal, making it susceptible in terms of leakage on disposal, which is exactly the leakage that is the focus of the disposal obligation.

As mentioned above, the OPEN Foundation producer organisation<sup>6</sup> introduced an incentive scheme in 2023 to ensure that discarded equipment is sent to a licensed processor. As part of the scheme, the OPEN Foundation reimburses EUR 125, up to a maximum of EUR 200, per tonne, depending on the type of equipment and whether it is sent to a CENELEC certified and licensed processor. Invoicing takes place on the basis of weight data and invoices. In 2023, the scheme resulted in an additional volume of 42,000 tonnes of collected and properly processed equipment. This volume included 3,000 tonnes of discarded central heating boilers. Although this concerns a considerable number of central heating boilers, 10,000 to 12,000 tonnes of central heating boilers should be disposed of on an annual basis according to the put-on-market data. The market therefore lacks a volume of 7,000 to 9,000 tonnes of central heating boilers alone, meaning that a total of 58,000 tonnes could still be collected (100,000 tonnes minus 42,000 tonnes), for which the introduction of a mandatory return scheme is considered necessary by the parties involved. According to the parties, this will counteract the appeal of the 'grey market' (where no VAT is paid and corporate tax is evaded).

To prevent WEEE from ending up in the 'grey market', with the risk of improper processing and environmental damage, representatives of the stakeholders (producers, collectors and processors) have determined and recommended that introducing a WEEE return obligation could partially remedy the shortcomings in the current system. This Decree serves that purpose.

The subsequent introduction of a disposal obligation does not involve the introduction of a new and additional national obligation. This is partly due to the lack of sufficient clarity on this aspect in the current legislation. The implementing practice calls for provisions that make clear an already existing obligation on the proper disposal of WEEE that applies to business professionals. The disposal obligation is therefore in fact nothing more than the further detailing of the existing regulation for WEEE. In order to clarify this aspect, the general framework of the current system is explained briefly below.

According to Article 5 of the EU WEEE Directive, Member States must take appropriate measures to prevent unseparated collection (e.g. from residual waste) of WEEE.

Article 11 of the EU Waste Framework Directive requires that Member States take measures to promote high-quality recycling and to introduce separate waste collection for this purpose where technically, environmentally and economically feasible, and that is suitable to meet the necessary quality standards for the relevant recycling sectors.

Section B.3.4.2.2 of the National Waste Management Plan [Landelijk afvalbeheerplan, LAP] prescribes the industrial waste categories that always requires separation by the companies where the waste is generated; WEEE is included as one of the waste flows in the LAP. Companies must therefore keep this waste flow separate and then deliver it separately to a waste collector or take it personally to the appropriate collection point. It is not permitted to combine waste fractions. Pursuant to Article 8 of the WEEE Regulation, a producer must ensure the separate collection of waste electrical and electronic equipment that it has placed on the market, other than waste electrical and electronic equipment from private households (extended producer responsibility (EPR)).

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<sup>6</sup> Expansion of the incentive scheme for installation of air conditioning systems and heat pumps - OPEN Foundation (stichting-open.org)



Producers are bound by the legally mandated collection target under the WEEE Directive of 65% of the three-yearly PoM or 85% of WEEE generated in a year.

Within these frameworks, the Netherlands strives for the best possible separate collection of

WEEE from both private individuals and businesses. For this reason, all disposers are expected to dispose of their WEEE via the appropriate infrastructure available, such as that of the collective producers' organisation OPEN Foundation. According to the WEEE Directive, separate collection of WEEE is a prerequisite for ensuring the specific processing and recycling of WEEE and is necessary to achieve the established level of protection of human health and the environment in the EU (as explained in Recital 14 of the WEEE Directive<sup>7</sup>).

The obligation to dispose of WEEE applies primarily to companies where a higher than average amount of WEEE is produced on a structural basis due to the nature of the professional activity. The categorisation of companies is based on the assessment of the aforementioned stakeholder representatives of the percentage of those companies in the total of the aforementioned approximately 100,000 tonnes of unsuitable processing. This risk approach has led to the establishment of a disposal obligation for WEEE for thrift shops and companies that repair used products, metal recycling companies such as scrap dealers, recycling centres, construction companies, installation companies, groundwork companies, road construction companies, hydraulics companies, painting companies, data centres, laboratories and hospitals in accordance with the Environmental Activities Decree.

The companies subject to the obligation to dispose of WEEE arising within the performance of professional activities will be subject to the obligation to dispose of WEEE generated in accordance with three possibilities. The first concerns the direct delivery to CENELEC certified processors as provided for in Article 11 of the WEEE Regulation. The WEEE is then provided to the company that carries out the appropriate processing. The second option concerns delivery to the appropriate collection system for WEEE made available either by an individual producer or importer or made available by a producer organisation on behalf of the producer or importer. In the Netherlands, a single nationwide producer organisation is currently responsible for the collection of all WEEE from both private individuals and businesses (OPEN Foundation - Organisation for Producer Responsibility for E-waste Netherlands<sup>8</sup>). The producer organisation ensures that the collection of WEEE that is generated by both private individuals and businesses and for which specific collection points have been established. It is one of the tasks of a producer organisation to inform and advise disposers about the entire collection system. A collection infrastructure has been set up specifically for WEEE generated by businesses. The website [www.wecyclevoorbedrijven.nl](http://www.wecyclevoorbedrijven.nl) describes the various options available, which consist of either delivering items to a Wecycle collection point for businesses or having them collected by the OPEN Foundation. This system is promoted through account managers, participation in trade fairs and publications in trade journals. Finally, there is also the option of delivering it to a collector with a specific permit for the collection of WEEE. The collector will deliver the WEEE to a certified processor or to the collection system of the producer organisation. This obligation will be included in the collection permit.

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<sup>7</sup> Separate collection is a prerequisite for ensuring the specific processing and recycling of WEEE and is necessary to achieve the established level of protection of human health and the environment in the Union. Consumers must actively contribute to the success of this collection and must be encouraged to dispose of WEEE properly. To this end, suitable facilities for the disposal of WEEE, including public collection points where private households should be able to return their waste at least free of charge, must be established.

<sup>8</sup> <https://www.stichting-open.org/>

The purpose of the disposal obligation is to ensure that WEEE is ultimately processed appropriately and does not end up outside of the processing chain. The disposal obligation applies only to equipment that has reached waste status and does not apply to equipment delivered by the owner of the equipment for repair at a repair shop or sold as a second-hand product to a refurbisher, or delivered to another establishment for reuse. The waste disposal obligation only applies once the owner<sup>9</sup> of electrical and electronic equipment (EEE) decides to dispose of it, so the waste status (WEEE) also applies after the owner has determined that repair or refurbishment is not an option and the equipment is no longer usable for the owner. This consideration is therefore entirely within the domain of the owner of the equipment and relates only to equipment that has reached the waste phase. At that point, the owner has the three options described above. The disposal obligation does not determine the retention period or quantity of EEE or parts of EEE stored within a company of which the owner intends to dispose. Depending on the nature of the business, it may be necessary or desirable for EEE or parts of EEE that the owner intends to dispose of to be kept for a longer or shorter period within that business. It is up to the owner of that EEE to decide this, unless specific rules for storage and retention periods apply to that particular owner. As indicated above, the disposal obligation does not cover the reuse or repair of EEE and the preparation for reuse of WEEE (which typically involves the repair or refurbishment of WEEE). The manner in which any repair or refurbishment of EEA (not in the waste phase) takes place and is carried out on products and any preparation for reuse on site is applied and carried out falls outside the scope of the disposal obligation. For EEE repair activities, specific requirements may apply if that EEE is<sup>10</sup> subject to an implementing measure under the Ecodesign Directive. Preparation for reuse is a waste processing operation with the aim of restoring WEEE so that it can be (re)introduced onto the market as functioning equipment. Specific requirements from the WEEE Regulation apply to operations involving waste. The waste disposal obligation precedes any preparation for reuse because the obligation to dispose of waste applies from the moment that an owner of EEE decides to actively dispose of it and the discarded EEE is then classified as waste in the legal sense (according to the Environmental Management Act). The person who accepts this waste, whether a collector, sorter or processor, may, in principle, carry out processing operations provided that the WEEE Regulation is complied with.<sup>11</sup>

When a processor wishes to prepare discarded electrical equipment for reuse and/or reuse parts in other equipment, the CENELEC declaration of conformity 'preparation for reuse' is required. In the Netherlands, a total of 62 such 'preparation for reuse' declarations of conformity have currently been issued, serving the higher R strategies in line with the NPCE. The OPEN Foundation provides financial support to parties wishing to obtain this declaration of conformity. This support focuses not only on processing (CENELEC I and II) of WEEE by which raw materials are recovered, but also on companies wishing to obtain the CENELEC 'preparation for reuse' declaration of conformity.

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<sup>9</sup> In legal terms, this is usually referred to as the 'holder'. For clarity, these explanatory notes refers to the owner as the holder of EEE.

<sup>10</sup> Directive 2009/125/EC of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

<sup>11</sup> For processing operations, a Cenelec certificate is required.

### *1.2 Obligation to report receipt of WEEE*

The Decree on notification of industrial and hazardous waste (hereinafter: Notification Decree) is being amended so that any person receiving WEEE for processing must report receipt of WEEE to the National Waste Notification Bureau (Landelijk meldpunt afvalstoffen, LMA) at the Ministry of Infrastructure and Water Management. Annex I to Article 2 of the Notification Decree is hereby amended in order to introduce a notification requirement with regard to the receipt of all WEEE by companies processing WEEE. The notification must be made to the LMA. This ensures an overview of the total quantity of WEEE delivered to processors for appropriate processing in accordance with Article 11 of the WEEE Regulation. The receipt notification also improves the traceability of origin and the insight into the WEEE supply chain.

The Decree on the Separate Collection of Household Waste [Besluit gescheiden inzameling huishoudelijke afvalstoffen] (Official Gazette 2020, No. 170) states that information relating to both the receipt and disposal of hazardous waste, including hazardous WEEE, is subject to a notification requirement. A notification obligation for the receipt of waste therefore already applies in a number of cases in which WEEE is received, for example if it concerns hazardous substances in combination with WEEE or individually hazardous WEEE.

The amendment to Article 2 of this Decree removes the exception to the reporting obligation for the receipt of WEEE from WEEE processors. For processors already receiving hazardous WEEE, this exception as reported has no effect because they are already required to report the receipt, whether or not in combination with other waste. In addition, there are processors that do not receive hazardous waste or WEEE which, as a result of this amendment, are also subject to a notification requirement for the receipt of WEEE.

Monitoring of compliance with the reporting obligation rests with the ILT.

### *1.3 Collection permit for WEEE collection*

Under Article 10.45(1) of the Environmental Management Act, collectors of industrial waste or hazardous waste must either be included on a national list of collectors or have a permit. According to the Collection of Waste Decree (hereinafter: Collection Decree), a permit is required for the collection of certain categories of waste oil, ship-generated waste and small quantities of hazardous waste. Collection is required in any case when the waste substances are collected from the party that disposes of the waste substances and when the responsibility for the waste is transferred from the disposer to the collector.

The authorisation requirement promotes the efficient management of the collection of certain categories of industrial or hazardous waste. Article 9 of the Collection Decree designates certain categories of waste oil, certain types of small hazardous waste and ship-generated waste for this purpose. The introduction of a permit requirement for these waste flows also serves to ensure a sufficient level of quality in the collection and subsequent processing of high-risk waste flows. The high risk of WEEE stems from the potential leakage hazard of harmful substances present in many WEEE, from safety aspects associated with electrical circuits, fire hazards from lithium-ion batteries, etc. The Collection Decree sets out the requirements for the granting of permits. All persons and companies that collect, transport, trade or broker waste on a professional basis must be included on the list of transporters, collectors, traders and intermediaries (VIHB list). This includes collection permit holders. Criteria have been established in the Regulation for collectors, transport companies, dealers and brokers of waste [Regeling

inzamelaars, vervoerders, handelaars en bemiddelaars van afvalstoffen] for inclusion on the VIHB list, as well as for removal from the list. The criteria for inclusion on the VIHB list corresponds in part to the requirements laid down in transport legislation (National and International Road Transport Organisation: NIWO commercial transport permit) for the transport of (waste) substances and a European directive on admission to the profession of goods or passenger carrier on the road. The basic criterion for being included on the VIHB list is reliability.

According to the 'domestic leakage' working group referred to in Section 1.1, one of the problems with the collection of WEEE is also the activities of a number of mostly smaller collectors that increase the risk of leakage outside of appropriate processing channels. To address this issue, in line with the approach for high-risk waste flows in the Collection Decree, a collection permit requirement for WEEE is being introduced. It is expected that this will lead to fewer, but more professional, collection companies of WEEE from companies and will make enforcement easier. Compliance with authorised collectors is monitored by the ILT.

The National Waste Management Plan (LAP3) provides, through Sector Plan 71: Waste electrical and electronic equipment, the general policy framework for the granting of permits, in particular the minimum standard for efficient waste management of WEEE.

## **2. Implementation and enforcement**

The decision was made to establish general rules in the Environmental Activities Decree for the disposal of WEEE, not for a permit requirement. One of the principles of the Environmental Activities Decree is to regulate as many activities as possible with general rules. Furthermore, for reasons of efficiency and regulatory burden, a permit is not the appropriate instrument for imposing a general obligation on a homogeneous group. Monitoring of compliance with the obligation to dispose of waste by companies therefore rests with the local competent authority (municipalities). This competent authority already has the responsibility to check the companies designated in this Decree for compliance with the general provisions of the BAL. Because these companies must in principle dispose of their WEEE correctly on the basis of the legislation in force, the disposal obligation does not in itself constitute an additional burden on the implementation of compliance. With the disposal obligation, they have an unambiguous legal framework that clarifies the implementation of enforcement for both the relevant company and the supervisory authority.

### ***Enforceability, feasibility and fraud resistance (HUF)***

On 17 March 2023, the result of the HUF test (enforceability, practicability and fraud resistance) was received from the ILT. The various proposals for improvement or clarification of the text have been considered and taken into account. Provided that the comments of the ILT are taken into account, the HUF test states that the Decree is enforceable and feasible. The ILT links fraud resistance to the inclusion of an obligation to issue a waste delivery receipt.

In terms of feasibility, the ILT notes that this requires an additional capacity of up to 3.8 FTE at the ILT. This concerns a temporary deployment of approximately 3 FTE in connection with the peak load for the licensing of collectors under the BIA. A structural commitment to monitoring approximately 40 companies per year, with each inspection taking two days, as well as identifying free riders, represents a structural commitment of approximately 0.8 FTE. In addition, more time will also be needed for the environmental services and regional police to monitor compliance with the disposal of WEEE; the ILT has

not made any estimate of the time required for this. An estimate of the additional time that is most likely to be needed cannot be given because it depends on the prioritisation of compliance monitoring by local authorities. This local assessment is based on the independent policy for the implementation of supervision in combination with the local specific conditions in the area concerned. It is also important that the disposal obligation is actually already part of the existing monitoring and control because the general European and national legal framework already envisages the separate disposal of WEEE.

Moreover, the positive opinion of the ILT on this proposal underlines that further clarification and detailing of regulation obligations contributes to better enforceability of that regulation. As described in the general part of these explanatory notes, both the policy and legislative framework focus on separate disposal and collection of WEEE. According to the parties, the general nature of this framework complicates compliance with it. This proposal describes more precisely how the disposal of WEEE can be carried out and allows for a relatively simple structure for monitoring and enforcement. A legal regulation for the waste disposal obligation also creates a better basis for informing disposers about and drawing their attention to compliance with the correct disposal of WEEE, as advocated in the aforementioned legal frameworks.<sup>12</sup>

ILT monitoring is selective and focused on effectiveness. The ILT focuses its monitoring on the largest societal risks. In the HUF test of 17 March 2023, the ILT identified the additional capacity needed for both licensing and supervision. This is based on the estimate of approximately 40 companies that will be covered by the legislation for collection as explained above. The task of monitoring the disposal obligation of companies lies mainly with the environmental services, so several parties are involved in monitoring than the ILT alone. ILT has no insight into the choices made in or control over the risk-based approach of the individual environmental services. The monitoring task of the ILT focuses primarily on the collection permit and reporting obligation of the companies. By linking the reporting obligation to the collection permit, the primary disposers of WEEE can be better identified. This also provides a better overview of scarce materials. The ILT does, however, see a certain risk of inefficiencies in monitoring due to incomplete information flows because part of the information runs through the OPEN Foundation producer organisation and part falls outside the reporting obligation. Of the 20,000 companies registered on the VIHB list, 6,500 are listed as collectors. However, it is not clear exactly which waste these companies collect because that information is not included. The ILT therefore believes that better and more extensive monitoring of the VIHB is not effective and efficient.

Finally, the ILT recommends including an additional provision regarding proof of disposal (a waste delivery receipt) that must be handed over by the recipient of discarded electrical and electronic equipment to the disposer. This opinion has not been taken into account in order to limit the regulatory burden of the proposal. In the formal, commercial circuit, it is common for an invoice to be issued for proven services, such as the collection or processing of WEEE. This invoice itself can serve as proof of disposal, which makes the inclusion of a separate obligation to issue a waste delivery receipt superfluous. In principle, each disposer is already required to register that waste flows have been disposed of in the proper manner and the correct processors, including the corresponding waste flow numbers.

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<sup>12</sup> The EU Waste Framework Directive, EU WEEE Directive, WEEE Regulation and National Waste Management Plan.

### **3. Regulatory burden (administrative burden, compliance costs and implementation costs)**

#### ***Advisory Board on Regulatory Burden (ATR)***

On 24 November 2023, the Advisory Board on Regulatory Burden (ATR) issued its advice on the proposal for a WEEE disposal obligation. The operative part of the opinion reflects the fact that the explanatory notes to the proposal need to be supplemented before decision-making can take place in a substantiated manner. Following advice from the ATR, the explanatory notes have therefore been supplemented in more detail in the following sections:

- A more comprehensive problem analysis on WEEE leakage and the impact of the proposed delivery obligation – included in Section 1.1 of the explanatory notes.
- The way in which risk-based monitoring and enforcement to combat leakage is being reinforced – included in Section 2.2 of the explanatory notes.
- A supplementary description of the consultation with businesses and how their input has been incorporated – included as Chapter 4 of the explanatory notes.
- The report on the SME assessment that has been carried out – included in Section 3.2 of the explanatory notes.
- A clarification of the capacity for monitoring and enforcement – included in Section 2.2 of the explanatory notes.
- A supplement to the analysis of regulatory impact – included in Section 3.3 of the explanatory notes.

The amended proposal for a mandatory disposal requirement was resubmitted to the ATR on 19 July 2024. In a letter dated 4 September 2024, the ATR reports that changes have been made to the explanatory notes accompanying the proposal in order to incorporate the ATR's recommendations. For instance, the justification of usefulness and necessity has been elaborated in more detail in the explanatory notes to the proposal. An SME assessment has also been carried out. As a result of the SME assessment, it was decided, *inter alia*, to delete the waste delivery receipt for WEEE that is discarded. Following the ATR opinion, the regulatory burden effects of the proposal have been further developed qualitatively and quantitatively in the explanatory notes in accordance with the government-wide methodology. This analysis contributes to informed decision-making on the proposal. The scope of the regulatory burden effects of the proposed disposal obligation does not change as a result of the amended explanatory notes. On this basis, the ATR found that there were no substantive changes to the proposal 'significantly affecting the regulatory burden', as referred to in Article 5(3) of the ATR configuration decision. It therefore sees no need to issue an additional point of view on the proposal and amended explanatory notes.

#### ***SME assessment***

On the advice of the ATR, an SME assessment was conducted on 23 April 2024, giving business owners the opportunity to respond to the proposal for a WEEE disposal obligation based on their practical experience. In the case of new regulations that are expected to have substantial regulatory burdens on SMEs, individual SME business owners can contribute their thoughts to departments at an early stage concerning the design of these regulation. The SME assessment involved the following four questions:

- How do you currently dispose of your WEEE?
- What are your thoughts on the WEEE disposal obligation?
- What do you think about the retention obligation for the waste delivery receipt?
- Do you think the proposed scheme will achieve the intended effect?

Business owners are all aware of the current rules on WEEE and usually dispose of WEEE at the dedicated collection channel that Wecycle makes available to companies. The introduction of a mandatory disposal requirement as proposed does not change this in principle. In the past, however, WEEE was sometimes disposed of through metal recycling or other channels. The proposed measure is clear to businesses and it is evident that WEEE must ultimately end up at the designated collection point – this principle is not in dispute among businesses. However, the business owners stressed that the proposed scheme lacks the aspect of continued use of equipment through reuse or repair.

It was stated that collected waste equipment should not simply be diverted to recycling, but that an intermediate step is desirable for reuse or repair in order to prolong the use (or lifespan). This aspect was also raised in the various opinions expressed during the internet consultation.

In this respect, it has been noted that the proposed disposal obligation only applies once the waste status of the equipment/product is at stake. This means that, during the stage preceding the waste phase, the holder/owner of the equipment/product itself is responsible for service life extension through proper maintenance and repair. The current regulations for WEEE already prescribe that once the equipment/product has been delivered to the legally required collection infrastructure, the aim is to promote the separation of WEEE to be prepared for reuse from other collected WEEE.<sup>13</sup> The OPEN Foundation producer organisation has communicated that reuse and repair of WEEE is an important part of the fulfilment of legal producer responsibility.<sup>14</sup> The OPEN Foundation is currently also further developing preparations for reuse in the WEEE chain. This is currently being done through pilot projects in order to determine the right conditions for a possible future upscaling. The moment a processor wants to prepare a discarded electrical appliance for reuse and/or reuse parts in another product, they can follow the CENELEC 'preparation for reuse' certificate required. In the Netherlands, a total of 38 WEEE processing operators had this certificate in 2023. The OPEN Foundation provides financial support to processors wishing to obtain the certificate.

Also discussed is the five-year retention obligation for proof of the disposal of WEEE, the waste delivery receipt. Business owners reported that this retention obligation would lead to an increased administrative burden. In addition, the actual enforcement of this provision by the business owners was called into question. As a result of this input from business owners, it was decided to remove the retention obligation of five years from the provisions.

Finally, some business owners argued that in addition to the introduction of a disposal obligation, other measures are also possible, such as the further use of a financial reward for proper disposal behaviour through an incentive scheme or deposit-refund system.

### ***Administrative burden***

The structural administrative burden for companies subject to the disposal obligation does not increase with the introduction of a disposal obligation. The delivery (or self-disposal) of WEEE is in itself an activity that can be regarded as common and routine for any company and for which disposal costs are also incurred as usual. After all, this involves the disposal of the company's own commercial waste. The disposal obligation only prescribes the manner in which WEEE should be discarded. It is for the disposer of WEEE to determine which of the mandatory options is preferred. In principle, every disposer is already obliged to register that waste flows have been disposed of in the proper manner and to the proper processors, including the corresponding waste flow numbers.

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<sup>13</sup> Article 6 (2) of Directive 2012/19/EU and Article 9 (2) of the WEEE Regulation.

<sup>14</sup> 8 steps towards a circular e-waste sector – Open Foundation (stichting-open.org)

With the introduction of a receipt notification for all WEEE from processors, a number of processors will still have to submit receipt notification to the LMA and be subjected to a once-off administrative burden. It is expected that around 50 companies will need to register once to access the LMA. The time required for one-time registration (access) is approximately one hour and for the monthly receipt notification approximately two hours, with labour costs of EUR 50 per hour. The administrative costs for one-off LMA access notification are as follows:  $50 \times 1 \times 50 = \text{EUR } 2500$  and the total annual recurring costs are:  $50 \times 24 \text{ (12} \times \text{number of hours per month)} \times 50 = \text{EUR } 60,000$ .

According to the 'domestic leakage' working group referred to in Section 1.1, one of the problems with the collection of WEEE is also the activities of a number of mostly smaller collectors that increase the risk of leakage outside of appropriate processing channels. Due to the illegality of this activity, the working group concluded that it was not possible to determine the exact scope. In order to address this problem, in line with the approach to high-risk waste flows and also on the advice of the ILT, a collection permit requirement for WEEE has been added to the Collection Decree. It is expected that this will lead to fewer, but more professional, collection companies of WEEE from companies and will make enforcement easier. Compliance with authorised collectors is monitored by the ILT. According to the Collection Decree, the administrative burden for obtaining a collection permit is EUR 537 per permit, but this was the cost level in 2004. The ILT currently estimates the average cost in 2024 to be EUR 1,175 for WEEE operators who still wish to apply for a permit. The total one-off administrative burden for businesses for the collection permit would then amount to  $40 \times 1,175 = \text{EUR } 47,000$ .

Compliance costs will change to a limited extent, for example, because higher transport costs arise for WEEE that cannot be delivered via a nearby collector or collection point. It may also involve different prices for the disposal of WEEE because different types of WEEE cannot be offered with the desired degree of separation or sorting. Also, in some cases, the choices for WEEE disposal will be more limited due to the disposal obligation. In those cases, the market has become smaller because of the efficient management of WEEE. Due to the absence of any data, it is not possible to predict exactly whether and to what extent these cost differences will occur. It is estimated that offering the nationwide free service by the WEEE collection system for 'Wecycle voor bedrijven' companies will unburden companies at the point of disposal of WEEE in principle. With a growing number of collection points for businesses in that system, it may even lead to an average cost saving on balance. On the basis of long-term experience and data collected by the OPEN Foundation, a conclusion will be possible in the future.

Finally, it is evident that companies subject to this obligation to dispose of WEEE must be informed about its implementation and compliance. This is a joint responsibility for the legislator and the OPEN Foundation producer organisation. The OPEN Foundation is legally required to inform business owners of relevant obligations and, where necessary, assist them in their implementation. When the WEEE disposal obligation is introduced, the national government will provide information about this via the Ministry of Infrastructure and Water Management helpdesk.



## **4. Consultation**

### ***Preliminary consultation with stakeholders***

The aforementioned WEEE Monitoring Council has regularly discussed the WEEE disposal obligation and discussed its implementation on several occasions. On 15 December 2021, a first detailed draft for a regulation on the obligation to dispose of WEEE was informally presented to a number of stakeholders<sup>15</sup> subject to implementation and from the WEEE Monitoring Council. The reason for this action was the concerns had arisen about the effect and enforceability of the initial choices made in that first draft of the legislative proposal. The responses from the stakeholders showed that these concerns were well founded and the proposal was subsequently amended in the course of 2022 to become the current proposal.

### ***Online consultation***

The online consultation took place from 5 October 2023 to 16 November 2023, during which everyone was given the opportunity to respond to the proposed scheme and explanatory notes. A total of 15 responses were submitted and all 15 responses are available to the public. The responses were submitted by private individuals (one-third of the number of responses), businesses and sectors (half of the responses) and others.

Generally speaking, the responses are predominantly positive and support the principle of a disposal obligation. Criticism and comments mainly concern:

- a. A number of those submitting comments believe that the Decree is not yet sufficiently robust, in particular with regard to the implementation of the circular objectives;
- b. The scope of the regulations would be too limited; there are also concerns about the scope and preconditions of the scheme.

The overview below provides a general summary based on quotes from individual responses. These responses solely reflect the opinions of those who submitted them.

### ***Supportive comments***

The obligation to dispose of waste is seen as a crucial condition for stopping WEEE leakage. The obligation to dispose of WEEE will be a major incentive to ensure the proper collection of WEEE and associated appropriate processing and/or preparation for reuse of WEEE. A notification requirement and (additional) permit requirement for WEEE collectors may help to reduce the risks of environmental and health damage.

### ***About circular objectives***

Achieving circular objectives requires more than just preventing leakage. The delivery obligation as set out in the proposal is not robust and is not in line with the ambitions of the government and progressive producers and companies. The decrees and obligation to issue permits contained therein must take sufficient account of circular, social and climate objectives. The delivery obligation should not prevent an efficient waste management structure in which (preparation for) reuse is made possible and encouraged.

### ***About the scope and regulatory framework***

The proposed obligation to dispose of waste applies to a specific number of categories of businesses or environmentally harmful activities, which means that not all WEEE is subject to the disposal obligation. The disposal obligation could enable greater control of circularity and combating the destruction of products and materials. It is necessary to

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<sup>15</sup> OPEN Foundation, VA, NVRD, VNG, Techniek Nederland, MRF, RND, INRetail, Thuiswinkel.org, BKN and several environmental services and waste processors.

link the disposal obligation to adequate enforcement. The current disposal obligation does not describe a waste management structure that primarily promotes possibilities for reuse and repair. In order to truly achieve chain optimisation and optimal circularity, a remuneration system is needed that actually stimulates and facilitates circular behaviour.

#### *About the consequences for businesses*

The regulations mainly concern the customers of data centres and many commercial or colocation data centres are not the owner of the IT equipment and have no control and responsibility over the recycling of electronic waste. There are concerns about the feasibility due to the limited supply of CENELEC-certified waste processors. The proposed retention obligation for documents providing proof of disposal raises questions about the practical feasibility and administrative burden for certain businesses.

#### *Consideration of critical comments*

With regard to the first critical comment that the Decree is not yet robust enough in relation to the realisation of the circular objectives: Firstly, it should be noted that the proposal for a disposal obligation is aimed at clarifying existing obligations and, consequently, improving their enforceability. The proposal is not intended to set new or additional (measurable) targets as a national cap on the existing statutory targets and other obligations for WEEE. Nor is this the context in which the waste disposal obligation was decided, the main purpose of which is to improve collection, limit leakage and prevent environmental harm by ensuring that as much WEEE as possible is ultimately processed in the proper (prescribed) manner. Leakage poses an increased risk of environmental damage and loss of valuable materials, including precious metals and critical raw materials. If WEEE is disposed of properly by companies as advocated in the proposal, this will also contribute to achieving the goals for the circular economy, in particular the closure of the cycle. The revision of the WEEE Directive planned by the European Commission in 2026 could lead to higher targets for collection, reuse and recycling.

With regard to the second critical comment on the scope and preconditions of the proposed regulations: Emphasis was on the lack of provisions or targets for repair and reuse in the collection chain. Firstly, it should be noted that the proposal for a waste disposal obligation is not intended to introduce new national targets for reuse or repair. The proposal is strictly limited to the aspects explained above. For the record, it should be emphasised that the legislation in force for WEEE does not apply to the reuse and repair of EEE (being a working, non-waste products or equipment), but to the preparation for reuse of WEEE (which often involves the repair or refurbishment of WEEE). The manner in which any repair of products and any preparation for reuse is applied and carried out on site falls outside the scope of the disposal obligation. As regards EEE repair activities, specific requirements may apply if that EEE is<sup>16</sup> subject to an implementing measure under the Ecodesign Directive. Preparation for reuse is a waste processing operation with the aim of restoring WEEE so that it can be (re)introduced onto the market as a product. Specific requirements from the WEEE Regulation apply to operations involving waste. The waste disposal obligation precedes any preparation for reuse because the obligation to dispose of waste applies from the moment that an owner of EEE decides to actively dispose of it and the discarded EEE is then classified as waste in the legal sense (according to the Environmental Management Act). It is argued that waste equipment collected should not simply be sent for recycling, but that an intermediate step aimed at reuse or repair is desirable in order to extend its use (or

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<sup>16</sup> Directive 2009/125/EC of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

lifespan). This aspect has also been highlighted in the SME assessment. In this respect, it can be noted that the proposed disposal obligation only applies once the waste status of equipment/product is at stake. This means that during the pre-waste stage, the holder/owner of equipment/products is personally responsible for extending the lifespan through proper maintenance and repair. Current regulations for WEEE already stipulate that once discarded equipment/product has been disposed of through the legally mandated collection infrastructure, WEEE that is to be prepared for reuse must be separated from other WEEE collected<sup>17</sup>.

The OPEN Foundation producer organisation has announced that the reuse and repair of WEEE is an important part of the fulfilment of legal producer responsibility<sup>18</sup>. The OPEN Foundation is currently also further developing preparations for reuse in the WEEE chain. This is currently being done through pilot projects in order to determine the right conditions for a possible future upscaling. When a processor wants to prepare a discarded electrical appliance for reuse and/or reuse parts in another appliance, the CENELEC 'preparation for reuse' certificate is required. In the Netherlands, a total of 38 WEEE processing operators had this certificate in 2023. The OPEN Foundation provides financial support to processors wishing to obtain the certificate. Finally, the five-year retention obligation for proof of disposal of WEEE, the waste delivery receipt, is being called into question because it is assumed that this retention obligation will lead to an increased administrative burden.

***Parliamentary approval, preliminary publication and notification***  
**PM**

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<sup>17</sup> Article 6 (2) of Directive 2012/19/EU and Article 9 (2) of the WEEE Regulation.

<sup>18</sup> 8 steps towards a circular e-waste sector – Open Foundation (stichting-open.org)

## **Article-by-Article Explanatory Notes**

### **Article I, Subsection A**

In Article 3.157 (of Section 3.5.2 Recycling and repair of used products), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part B**

In Article 3.165 (of Section 3.5.4 Metal Recycling Company), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part C**

In Article 3.171 (of Section 3.5.6 Recycling Centre), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part D**

In Article 3.185, the term waste electrical or electronic equipment has been replaced with the term waste electrical and electronic equipment, because Annex I, with reference to the Waste Electrical and Electronic Equipment Regulation, only includes a definition of the latter term.

### **Article I, Part E**

In Article 3.198 (of Section 3.5.11, Processing of industrial waste or hazardous waste), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply. This discarded equipment is a subcategory of waste materials under the category of commercial waste or hazardous waste in the disposal phase. The opportunity has been taken to place sections (j) to (m) in the order of the numbers of the sections to which they refer, in accordance with the structure of this Decree.

### **Article I, Part F**

In Article 3.230 (of Section 3.7.1 Construction companies, installation companies, groundwork companies, road construction companies, hydraulics companies and painting companies), a section on the disposal of WEEE is added with reference to a section containing rules for the disposal of WEEE.

### **Article I, Part G**

In Article 3.237 (of Section 3.7.3 Data Centre), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part H**

In Article 3.244 (of Section 3.7.5 Laboratory), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part I**

In Article 3.257 (of Section 3.7.9 Hospital), a section on the disposal of WEEE is added with reference to a section containing rules with which the disposal of WEEE must comply.

### **Article I, Part J**

This section has a new paragraph 4.48a with articles on the disposal of WEEE when carrying out the environmentally harmful activities of processing industrial waste or hazardous waste.

### **Article I, Part K**

Annex I defines the term waste electrical and electronic equipment by referring to the Waste Electrical and Electronic Equipment Regulation.

### **Article I, Part L**

In Annex II, the reference to the Waste Electrical and Electronic Equipment Regulation when using the term waste electrical and electronic equipment has been deleted because a definition of waste has now been included in Annex I.

#### *Article 4.595a*

This article indicates the scope of section 4.48a.

#### *Article 4.595b*

This article lists the three options for disposing of WEEE. The first concerns the direct delivery to CENELEC certified processors as provided for in Article 11 of the WEEE Regulation. The WEEE is then provided to the company that carries out the appropriate processing.

The second option concerns delivery to the appropriate collection system for WEEE made available either by an individual producer or importer or made available by a producer organisation on behalf of the producer or importer. In the Netherlands, a single nationwide producer organisation is currently responsible for the collection of all WEEE (OPEN Foundation - Organisation for Producer Responsibility for E-waste Netherlands<sup>19</sup>). The producer organisation ensures that the collection of WEEE that is generated by both private individuals and businesses and for which specific collection points have been established. It is one of the tasks of a producer organisation to inform and advise disposers about the entire collection system. A collection infrastructure has been set up specifically for WEEE generated by businesses. The website [www.wecyclevoorbedrijven.nl](http://www.wecyclevoorbedrijven.nl) describes the various options, which consist of either disposing of the items at a Wecycle collection point for businesses or having them collected by the OPEN Foundation. Finally, there is also the option of delivering it to a

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<sup>19</sup> <https://www.stichting-open.org/>

collector with a specific permit for the collection of WEEE. The collector will deliver the WEEE to a certified processor or to the collection system of the producer organisation. This obligation will be included in the collection permit.

## **Article II**

Annex I to Article 2(1)(b) of the Decree on notification of industrial and hazardous waste will be amended so that the party receiving the WEEE for processing must report receipt of WEEE to the Minister for Infrastructure and Water Management via the National Waste Notification Bureau of the Ministry of Infrastructure and Water Management. The purpose of this amendment is to introduce receipt notification concerning the receipt of all WEEE for companies processing WEEE.

Article 2(40) of the Decree on notification of industrial and hazardous waste regulates the categories of cases in which the obligation to notify the disposal of waste laid down in Article 10.40(1) of the Environmental Management Act does not apply. This obligation does not apply if, for industrial waste, the party to whom the waste has been delivered carries out exclusively environmentally harmful activities with waste belonging to a category listed in Annex I to this Decree, or a combination of those categories, at the place of delivery.

The storage, transshipment or processing of WEEE was designated as an environmentally harmful activity in Annex I(1), introduction and (f). This article stipulates that the processing of WEEE is no longer exempt from the obligation referred to in Article 10.40(1) of the Environmental Management Act, by deleting subsection j of section 1 and inserting a new section 2 in its place.

## **Article III**

Article 9 of the Collection Decree adds the requirement for a collection permit for WEEE.

STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT – PUBLIC  
TRANSPORT AND THE ENVIRONMENT,

A.A. Aartsen