

ภาคผนวก ง

**ประกาศมาตรการการบำบัดขยะอุปกรณ์ไฟฟ้าและอิเล็กทรอนิกส์เพื่อนำไปสู่การผลิต
และการบริโภคที่ยั่งยืนของกลุ่มสมาชิกสหภาพยุโรป เมื่อวันที่ 4 กรกฎาคม 2012**

**(DIRECTIVE 2012/19/EU OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL of 4 July 2012)**

DIRECTIVE 2012/19/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 4 July 2012****(Excerpt)****Article 3** Definitions

1. For the purposes of this Directive, the following definitions shall apply:

(a) ‘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 and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;

(b) ‘large-scale stationary industrial tools’ means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

(c) ‘large-scale fixed installation’ means a large-size combination of several types of apparatus and, where applicable, other devices, which:

(i) are assembled, installed and de-installed by professionals;

(ii) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and

(iii) can only be replaced by the same specifically designed equipment;

(d) ‘non-road mobile machinery’ means machinery, with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

(e) ‘waste electrical and electronic equipment’ or ‘WEEE’ means electrical or electronic equipment which is waste within the meaning of Article 3(1) of Directive 2008/98/EC, including all components, sub-assemblies and consumables which are part of the product at the time of discarding;

(f) ‘producer’ means any natural or legal person who, irrespective of the selling technique used, including distance communication within the meaning of Directive 97/7/EC of

the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (19):

(I) is established in a Member State and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of that Member State;

(ii) is established in a Member State and resells within the territory of that Member State, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the 'producer' if the brand of the producer appears on the equipment, as provided for in point (i);

(iii) is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or

(iv) sells EEE by means of distance communication directly to private households or to users other than private households in a Member State, and is established in another Member State or in a third country.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed to be a 'producer' unless he also acts as a producer within the meaning of points (i) to (iv);

(g) 'distributor' means any natural or legal person in the supply chain, who makes an EEE available on the market. This definition does not prevent a distributor from being, at the same time, a producer within the meaning of point (f);

(h) 'WEEE from private households' means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households;

(i) 'finance agreement' means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;

(j) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;

(k) ‘placing on the market’ means the first making available of a product on the market within the territory of a Member State on a professional basis;

(l) ‘removal’ means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

(m) ‘medical device’ means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 1(2) of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (20) which is EEE;

(n) ‘in vitro diagnostic medical device’ means an in vitro diagnostic device or accessory within the meaning of, respectively, point (b) or (c) of Article 1(2) of Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (21) which is EEE;

(o) ‘active implantable medical device’ means an active implantable medical device within the meaning of point (c) of Article 1(2) of Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (22) which is EEE.

2. In addition, the definitions of ‘hazardous waste’, ‘collection’, ‘separate collection’, ‘prevention’, ‘re-use’, ‘treatment’, ‘recovery’, ‘preparing for re-use’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC shall apply.

Article 11

Recovery targets

1. Regarding all WEEE separately collected in accordance with Article 5 and sent for treatment in accordance with Articles 8, 9 and 10, Member States shall ensure that producers meet the minimum targets set out in Annex V.

2. The achievement of the targets shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery or recycling/preparing for re-use facility, after

proper treatment in accordance with Article 8(2) with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.

Preliminary activities including sorting and storage prior to recovery shall not count towards the achievement of these targets.

3. In order to ensure uniform conditions for the implementation of this Article, the Commission may adopt implementing acts establishing additional rules on the calculation methods for the application of the minimum targets. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

4. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the weight of WEEE, its components, materials or substances when leaving (output) the collection facility, entering (input) and leaving (output) the treatment facilities and when entering (input) the recovery or recycling/preparing for re-use facility. Member States shall also ensure that, for the purposes of paragraph 6, records on the weight of products and materials when leaving (output) the recovery or recycling/preparing for re-use facility are kept.

5. Member States shall encourage the development of new recovery, recycling and treatment technologies.

6. On the basis of a report of the Commission accompanied, if appropriate, by a legislative proposal, the European Parliament and the Council shall, by 14 August 2016, re-examine the recovery targets referred to in Annex V, Part 3, examine the possibility of setting separate targets for WEEE to be prepared for re-use and re-examine the calculation method referred to in paragraph 2 with a view to analysing the feasibility of setting targets on the basis of products and materials resulting (output) from the recovery, recycling and preparation for re-use processes.

Article 12

Financing in respect of WEEE from private households

1. Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households that has been deposited at collection facilities set up under Article 5(2).

2. Member States may, where appropriate, encourage producers to finance also the costs occurring for collection of WEEE from private households to collection facilities.

3. For products placed on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer may choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and shall ensure that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

4. The responsibility for the financing of the costs of the management of WEEE from products placed on the market on or before 13 August 2005 ('historical waste') shall be borne by one or more systems to which all producers existing on the market when the respective costs occur contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

5. Member States shall take the necessary measures to ensure that appropriate mechanisms or refund procedures are developed for the reimbursement of contributions to the producers where EEE is transferred for placing on the market outside the territory of the Member State concerned. Such mechanisms or procedures may be developed by producers or third parties acting on their behalf.

6. The Commission is invited to report, by 14 August 2015, on the possibility of developing criteria to incorporate the real end-of-life costs into the financing of WEEE by producers, and to submit a legislative proposal to the European Parliament and the Council if appropriate.