

TOR Reference No.: 2019/08	Author(s): Nicole Dicke / Janka Steinert / Michael Owens Amended by: Elisabete Dias Ramos
Version: 3	Date: 07 August 2019
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe): Sharing experiences about, and cooperating in, the implementation of the requirements of the WEEE Directive regarding authorised representative.	<input checked="" type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<p>Implementation of Article 17 of the WEEE directive (2012/19/EU):</p> <ul style="list-style-type: none"> Improving the implementation and enforcement of the obligations of an authorised representative (AR). Developing a uniform enforcement strategy to address unregistered producers of electrical and electronic equipment that are not established in a member state. 	
1.4 Abbreviated name of work or project	
Enforcement Cooperation in EWEN (European WEEE Enforcement Network).	

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)	
<p>Article 17 WEEE 2012/19/EU: Authorised representative:</p> <ol style="list-style-type: none"> 1. Each member state shall ensure that a producer as defined in article 3(1)(f)(i) to (iii) established in another member state is allowed, by way of exception to article 3(1)(f)(i) to (iii), to appoint a legal or natural person established on its territory as the authorised representative that is responsible for fulfilling the obligations of that producer, pursuant to this directive, on its territory. 2. Each member state shall ensure that a producer as defined in article 3(1)(f)(iv) and established on its territory, which sells EEE to another member state in which it is not established, appoints an authorised representative in that member state as the person responsible for fulfilling the obligations of that producer, pursuant to this directive, on the territory of that member state. 3. Appointment of an authorised representative shall be by written mandate. 	
2.2 Link to IMPEL MASP priority work areas	
<ol style="list-style-type: none"> 1. Overcome challenges in implementing EU environmental law. 2. Respond to our members needs by improving communication and cooperation. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
2.3 Why is this work needed? (background, motivations, aims, etc.)	
<ul style="list-style-type: none"> • Improving and simplifying the enforcement of Art. 17 WEEE and prosecution of European cross-border WEEE free-riders. • International cooperation in cross-border prosecution. • A non-bureaucratic and simple way to communicate between competent authorities. • Exchanging experiences in enforcement and prosecution of cross-border WEEE free-riders and in implementation of the requirements of the WEEE Directive regarding authorised representative in the other EU member states. 	
2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)	
<ul style="list-style-type: none"> • An increase in the number of fully registered producers of electrical and electronic equipment in the EU. • Less free-riders and therefore fair competition between producers that are established in a European country and those that are selling on the EU market but are established outside the EU. • Exchange of information, working methods, case studies and experiences to inform participants of new developments. 	

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

No, but the project “Implementation of the WEEE Directive – including BRFs (2017)” concerns the same directive even though its focus was on the enforcement of producer obligations under the directive and the environmentally sound management of WEEE.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

According to the WEEE directive 2012/19/EU (respectively the implemented national law: e.g. ElektroG in Germany) every producer of electrical and electronic equipment has to be registered in the national register (Germany: stiftung elektro-altgeräte register) to ensure that they will fulfil their responsibilities, when their sold products become waste (e.g. WEEE).

There is no common European register. When a producer, established in a country, wants to sell his products in another European country, where he has no establishment, he is required to appoint an authorised representative in that country, who must fulfil his obligations there according to the WEEE directive (especially registration).

When a producer has not appointed an authorised representative, it is difficult for the national regulatory authority to prosecute him abroad (e.g. in his home country). That is why the regulatory authorities need to work together. One solution is to bring the cross border free-riders (producers without registration) to the attention of the competent national authority in that country, in which the producer has his establishment. In this way, there are less difficulties associated with prosecution or with translation of relevant documents.

For working better together, the regulatory authorities need a platform / SharePoint to exchange information. They need to know who is responsible in the other member states for transmission of the reports necessary for enforcement and prosecution.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

- 1) Guidelines for the regulatory authorities (e.g. how to prosecute a producer without an authorised representative in the other member states, what evidence is needed for transmission to another country).
- 2) Guidelines for producers of electrical and electronic equipment who are selling their products into other European countries without an establishment there (e.g. they must appoint an authorised representative in every member state, who fulfils the obligations according to the WEEE directive 2012/19/EU).
- 3) To use “Basecamp” for better communication between the regulatory authorities of the member states.
- 4) A greater level of more efficient and effective cooperation between member states for prosecuting more free-riders.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

- Guidelines for regulatory authorities: **February 2019**.
- Guidelines for producers: **May 2019**.
- Preparation of the network meeting in Autumn 2019: **June 2019**.
- Monitoring in 2020: are there more appointed authorised representatives?
- Cooperation from 2020 on with custom authorities, if possible.

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

- No interest from sanctions authorities.
- Not enough participants at the next meeting.
- No uniform procedure against cross border free-riders.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Co-led by:

- Janka Steinert, German Environment Agency, Germany.
- Nicole Dicke, German Environment Agency, Germany.
- Michael Owens, Environmental Protection Agency, Ireland.

4.2 Project team (who will take part: name, organisation and country)

- Thomas Gulz, Federal Ministry of Sustainability and Tourism, Austria.
- Maya Schmidt, OVAM, Belgium (Flanders).
- Frederik Lesseliers; Bruxelles-Environnement, Belgium (Brussels).
- Stéphane Lucic, Service Public de Wallonie, Belgium (Wallonie).
- Martin Zemek, Czech Environmental Inspectorate, Czech Republic.
- Markéta Michalová, Ministry of Environment, Czech Republic.
- Anne H. Larsen, Ministry of Environment and Food of Denmark, Denmark.
- Annette Jorgenson, Ministry of Environment and Food of Denmark, Denmark.
- Kerli Rebane, Ministry of the Environment, Estonia.
- Rene Rajasalu, Environmental Inspectorate, Estonia.
- Teemu Virtanen, Centre for Economic Development, Transport and the Environment for Pirkanmaa, Finland.
- Anne Sachse, German Environment Agency, Germany.
- Ioanna Gkitzeni, Hellenic Recycling Agency, Greece.
- Rozy Charitopoulou, Hellenic Recycling Agency, Greece.
- Maeve McHugh, Environment Protection Agency, Ireland.
- Ilze Doniņa, Ministry of Environmental Protection and Regional Development, Latvia.
- Annick Fehr, Environment Protection Agency, Luxemburg.

- Anno Loonstra, Ministry of Infrastructure and Environment, Netherlands.
- Heidis Holstad Frantzen, Norwegian Environment Agency, Norway.
- Justyna Filipowicz, Ministry of Environment, Poland.
- Paweł Sosnowski, Ministry of Environment, Poland.
- Małgorzata Tomczak, Chief Inspectorate of Environmental Protection, Poland.
- Mafalda Mota, Portuguese Environment Agency, Portugal.
- Alicia López Leal, Spanish Ministry for Ecological Transition, Spain.
- Lars Eklund, Swedish Environmental Protection Agency, Sweden.
- John Davies, Natural Resources Wales, UK (Wales).
- Nathaniel Chalamanda, Scottish Environment Protection Agency, UK (Scotland).
- Christopher Garvie, Scottish Environment Protection Agency, UK (Scotland).
- Diane Carlisle, Northern Ireland Environment Agency, UK (Northern Ireland).
- Allison Townley, Northern Ireland Environment Agency, UK (Northern Ireland).
- Louisa Hatton, Environment Agency, UK (England).
- Jonathan Coldicott, Environment Agency, UK (England).

4.3 Other IMPEL participants (name, organisation and country)

From every member state one responsible person of the sanction authority.

4.4. Other non-IMPEL participants (name, organisation and country)

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 2019 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	12,320 €			
How much money is to be co-financed?				
Total budget	12,320 €			

6. Detailed other costs of the work for year 2019

6.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.2 What are the total costs for the consultant?	N/a.

6.3 Who is paying for the consultant?	N/a.
6.4 What will the consultant do?	N/a.
6.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
6.6 What are the additional costs for?	N/a.
6.7 Who is paying for the additional costs?	N/a.
6.8 Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

7. Communication and follow-up (checklist)

	What		By when
7.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR ^{✓*}	<input checked="" type="checkbox"/>	
	Interim report ^{✓*}	<input checked="" type="checkbox"/>	
	Project report ^{✓*}	<input checked="" type="checkbox"/>	
	Progress report(s) [✓]	<input checked="" type="checkbox"/>	
	Press releases	<input checked="" type="checkbox"/>	
	News items for the website ^{✓*}	<input checked="" type="checkbox"/>	
	News items for the e-newsletter	<input type="checkbox"/>	
	Project abstract ^{✓*}	<input checked="" type="checkbox"/>	
	IMPEL at a Glance [✓]	<input type="checkbox"/>	
	Other, (give details):	<input checked="" type="checkbox"/>	

	<ul style="list-style-type: none"> Information on the websites of the sanction authorities (e.g. UBA in Germany, EPA Ireland). 		
7.2 Milestones / Scheduled meetings (for the website diary).	Telephone conferences for project team before publishing the guidelines and for preparing the meeting in Autumn 2019.		
7.3 Images for the IMPEL image bank.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
7.4 Indicate which materials will be translated and into which languages.	<ul style="list-style-type: none"> Guidelines for producers (how to appoint an authorised representative in every country) in English and the national language (for publishing at the national register). Guidelines for regulatory authorities on how to exchange free-riders reports (which conditions are needed in which country) in English. Implemented national law (WEEE directive), e. g. ElektroG into the English language. A short report about the whole project in English and German. 		
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	We use the Impel SharePoint “Basecamp” for regulatory authorities to facilitate more effective and efficient cooperation between them.		
7.6 Identify which groups/institutions will be targeted and how.	Regulatory authorities according to the WEEE directive (2012/19/EU).		
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.			

✓) Templates are available and should be used. *) Obligatory

8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

*In case of doubts or questions please contact the
IMPEL Secretariat.*

*Draft and final versions need to be sent to the
IMPEL Secretariat in word format, not in PDF.*

Thank you.