



# EUROPEAN COMPLIANCE ENFORCEMENT

## The Danish Experience

EPA - Denmark

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# Overview of presentation



- **The Danish perspective.**
  - Key statistics, Danish authorities in brief
- **Compliance enforcement - ROHS**
  - Distribution of responsibilities
  - Objectives, strategies
  - Methods, experiences and issues
  - Nordic & EU member state cooperation
- **E-Waste management**

# Some key statistics

- 5.5 million inhabitants, member of EU
- GDP : 289 bn. USD, 45,000 USD per capita, (in top ten)
- 294,000 enterprises (almost 1 for each per 10 persons in the workforce)
- Turnover in 2005: 477 bn. USD, exports: 116 bn. USD
- Large number of SMEs: 92 % have 10 or less employees
- Volume of electronics marketed in 2007: 176,000 tonnes,
- Volume of registered electronics waste in 2007: 83,000 tonnes
- General waste statistics: 70% of total recycled, 6 % deposited, 24% incinerated (energy used for heating)



# Environmental administration and the EU

- The international dimension is dominant in the work of the Danish EPA.
- The EU collaboration is an important factor in Danish environmental policy.
- Approximately, two in every three new regulations are derived from EU directives or regulations.

In addition: Nordic cooperation (Norway, Sweden, Denmark, Finland, Iceland) on enforcement, test methods, etc.





# Enforcement framework

## Legal foundation

ROHS directive transposed into national legislation.

*NB: national transpositions may vary between EU-member states*

## Enforcement authority

Ministry of Environment, EPA - Chemicals Inspectorate Service (EPA-CIS)

## Advice, guidance, information:

ROHS-portal, Consultants, EPA

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# Enforcement objectives & strategies

## Objectives (other than environmental)

- Prevent breaches & non-compliance situations
- Avoid discrepancies in member state enforcement practices

## Strategies

### A. Dialogue and information – a prerequisite for enforcement

- Dialogue with enterprises on practical implementation issues before and after entering into force
- Information/awareness raising

### B. Enforcement

- Proactive, strategic, enforcement campaigns
- Nordic enforcement cooperation
- EU harmonization, cooperation and worksharing



# A. Dialogue and Information

## Dialogue and consultation

- EPA/Industry dialogue forum  
EPA & relevant industry organizations and other interest groups.  
Established in the preparatory process before entry into force of the regulation.  
Meets 1-2 times/year

## Information, guidance and advice

### EPA and EU authorities

- EPA's website, fact sheets
- EU – web sites, common FAQ's
- Advertisement in trade journals and "post cards"
- Talks at trade meetings

### Private actors

- The ROHS-portal: "www.ROHSGUIDEN.dk"
- The WEEE-system (weee.system.dk)



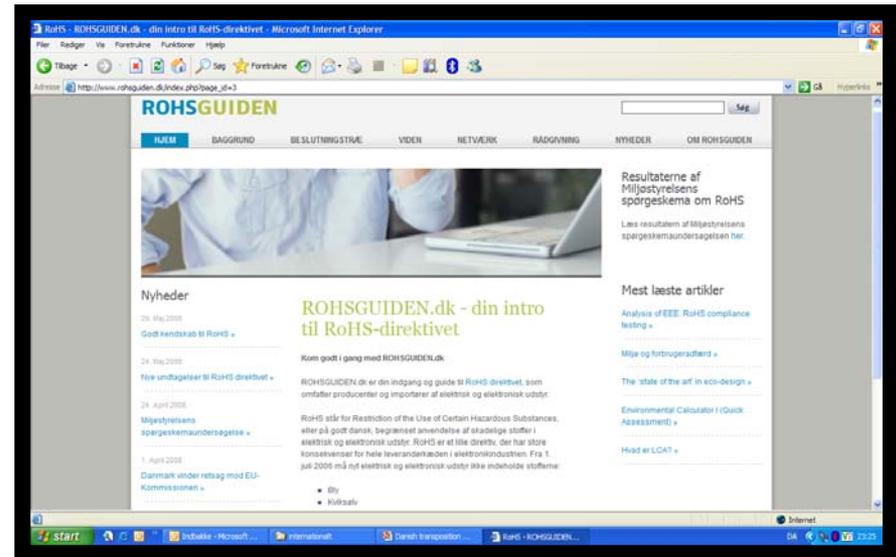
# Guidance and advice for enterprises - ROHSGUIDEN.dk



- Web-portal developed by consultancies with expert knowledge on RoHS. Financial support by EPA.

Seeks to target:

- Those affected by the directive. SME's – particularly smaller importers not associated through a business organization.
- Companies without in-house technical expertise.
- Company representatives who need an easy-to-understand introduction to the directive.



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# B. RoHS - Enforcement

## Mandate and Methods

### Mandate/Authority:

- a) To conduct unannounced inspections on premises and to confiscate product samples for analysis.
- b) To ban sales, to order withdrawal from market.

### Methods

- Campaigns on new legislation or suspected product groups, enterprise groups a.o.
- Typical sampling target enterprises: retailers
- Act on reports/complaints/requests from citizens, companies, NGO's and other authorities. EPA Web-based reporting tool.
- Cooperation with customs services and other authorities in Denmark.
- Nordic cooperation.
- EU-cooperation – RoHS enforcement network.



# Tools & Techniques

## Screening and tests

### a) Nondestructive, indicative XRF screening

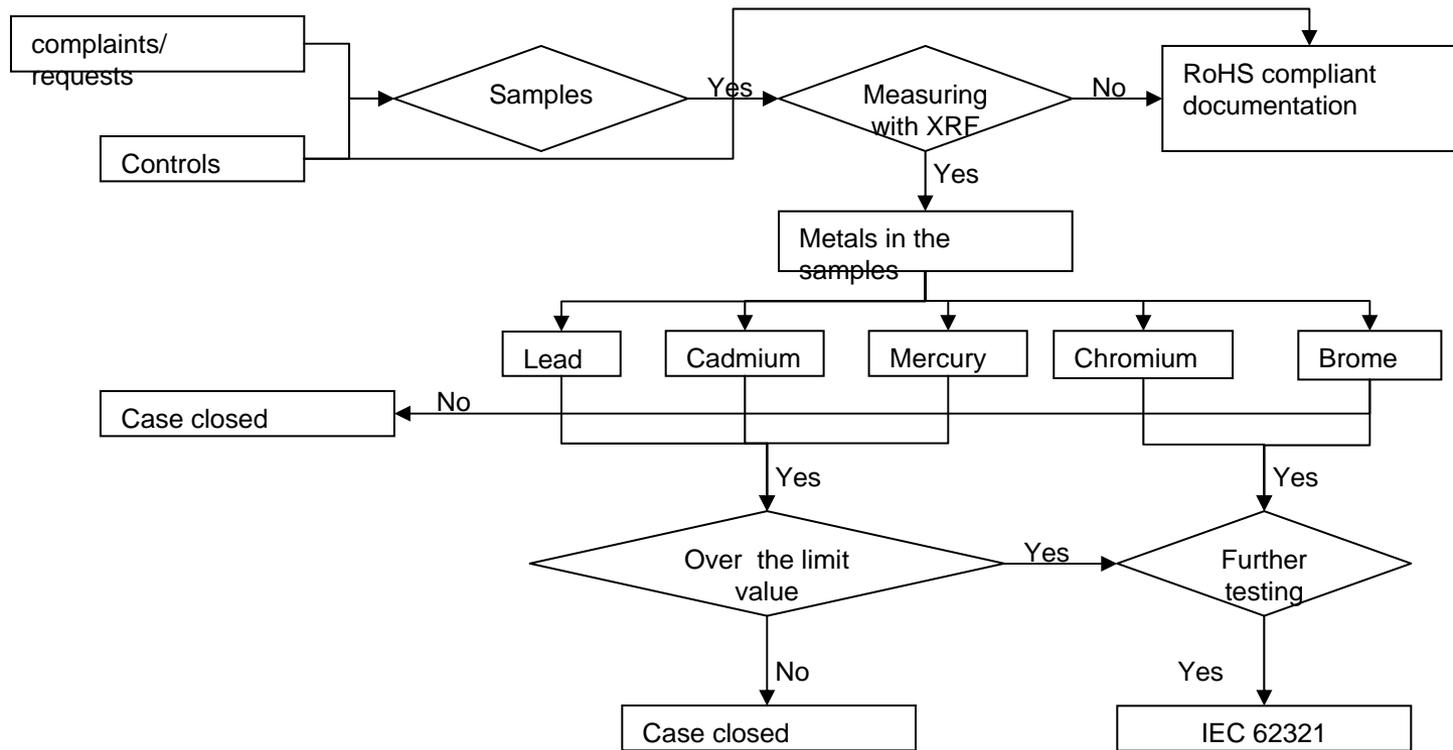
- Handheld or stationary XRF-analyzer
- Surface of materials only
- Pb, Hg, Cd : indicative
- Cr: no separation of CrIV from Cr/CrIII
- No separation of brominated flame retardants

### b) Enforcement evidence:

- Wet chemical analysis IEC 62321
- New Cr test method under development



# Enforcement decision tree



# Enforcement results

## Danish experience



### Three enforcement campaigns - so far:

- A) General (mixed categories) (part of Nordic project): 20% non-compliance
- B) Toys: 12 % non-compliance
- C) Christmas light chains: 0 % non-compliance

Non-compliance across categories 13%. Mainly Asian products (MP4 player, cell-phone, mouse, juicer, Ipod-dock)

All products had documentation, including test results claiming RoHS compliance.

The finding was lead in the soldings.

# Enforcement results

## Nordic enforcement project - 2007

### Preliminary indications (awaiting publication)

- High awareness of regulation among enterprises
- High occurrence of compliance documentation
- High trust in documentation from suppliers
- **Non-compliance :**
  - Lead (Pb) in soldings and plastic
  - Documentation cannot be trusted



# EU RoHS enforcement network

## Background

Differing scope interpretations among MS : grey areas ?

Differing enforcement approaches : test or documentation ?

## ■ Objectives

- Information sharing
- Develop and share Best enforcement practices
- Develop consistent interpretation of scope issues
- Communication with non-EU enforcement bodies
- Conduct common enforcement activities

## ■ Members: competent authorities of EU member states



# Enforcement experiences and issues



## Scope

**Grey areas caused by non-exhaustive, guiding categories.**

## Some recent examples:

- Unidirectional Navigation Beacons (airports): stationary or Cat. 3 telecomms equipment ?
- Parent/child location devices : monitoring or Cat. 4 home appliance ?
- Logic controllers and data loggers : monitoring or Cat. 3 IT ?
- Smoke detectors: Monitoring and control ?

## Placing on the market

Identical models / different production dates

**Documentation:** no standards, no fixed requirements, no labels

# Electronic Waste

## - Authorities and responsibilities



**EPA** : National regulatory authority (Environmental Protection Act, NB: WEEE a minimum directive => differences between member states. Enforcement of registration, fees, labelling issues.)

**WEEE-system** (private, non-profit): Management of

- fees, registers for producers & importers
- distribution of E-waste from municipal collection sites
- agreements with municipalities on waste collection
- guidance for enterprises

### **Municipalities**

- Management of primary waste collection sites
- Enforcement of waste collection, sorting, waste imports

### **"EL-RETUR"**

Association formed by enterprises to manage and organize the receipt of e-waste



# E-Waste

## - Municipal waste collection sites



98 Municipalities. Avg. 20,000-30,000 inhabitants

Typically

2-4 collection sites per municipality

4,000-20,000 people per site



# E-Waste

## WEEE –system results

- In 2007: 15 kgs/capita collected (EU target: 4kgs/cap)
- Recovery percentages: 87- 93% of collected amount.
- 7.5% of recovered volume incinerated.



# E-Waste

## - Enforcement issues

- Reaching SME's
- Free-riders :  
Possibly 5,000 enterprises not registered.  
Action by EPA in cooperation with WEEE-system:  
Information letter to all potential non-compliers. If enterprise considers itself outside the scope of the regulation, request it to report to EPA.  
Non-compliers are reported to police.
- Export of E-waste to non-EU member states.



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# Thank You

Further information

[www.mst.dk](http://www.mst.dk) (Danish EPA)



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