

## **Review of EU Directive 2002/96/EC: Waste Electrical and Electronic Equipment (WEEE)**

### ***The Euromot Position***

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of Internal Combustion  
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**EUROMOT**  
Engine-in-Society

Euromot is the **European Association of Internal Combustion Engine Manufacturers**.

We represent the leading manufacturers of internal combustion engines used in a broad range of nonroad and marine applications (construction, mining and material handling equipment, trucks and buses, agricultural and forestry equipment, lawn/garden and recreational equipment, commercial marine and seagoing vessels, workboats and pleasure boats, rail traction, power generation).

Euromot has been working for many years with international regulatory bodies, eg European Union, the UN Economic Commission for Europe (UNECE), the UN International Maritime Organizations (IMO) and the Central Commission for the Navigation on the Rhine (CCNR). In addition, we are seeking an open and fair dialogue with national governments to provide reliable know-how on advanced internal combustion engine technologies in general and, in particular, on the feasibility of environmental as well as cost-effective product regulations. To achieve a pro-active engagement of all stakeholders in international harmonisation of regulations affecting engines and equipment, we coordinate our activities worldwide (USA & Canada, China, India, Japan) with trade associations of the nonroad and marine industry sector.

For further information about our Association please pay us a virtual visit at <http://www.euromot.org> – your bookmark for engine power worldwide.

## Introductory remarks

Euromot would like to contribute to the revision process of the WEEE Directive 2002/96/EC. As stated in earlier communications to the European Commission, DG Environment, we want to express our concerns on the legal status of specific products, i.e. generators powered by combustion engines, with respect to possible application of the WEEE 2002/96/EC and RoHS 2002/95/EC Directives. Examples of the products are given in the annex of this document.

In this context, Euromot member companies are facing significant legal uncertainties regarding both, the question of generators being within the scope of the WEEE and RoHS Directives and the implementation of the Directives in the EU Member States.

In our view, generators are not, nor should be, covered by the scope of the WEEE Directive and the RoHS Directive.

## Scope of the Directive

The scope of the WEEE Directive is mentioned in Article 2, where reference is made to 10 categories, listed in Annex IA, under which a product must fall if it fits the definition of electronic and electrical equipment as mentioned in Article 3(a). The scope of the RoHS Directive as mentioned in Article 2 simply refers to the scope of the WEEE Directive. Annex IB of the WEEE Directive lists a number of specific products that are covered. However, since the WEEE directive is based on Article 175 of the Treaty of the European Union, EU Member States can add additional products.

This has resulted in the fact that some products, including generators, are covered by some EU Member States but not by the others. This is a significant burden for our member companies as it leaves them in considerable legal and marketplace uncertainties on an EU-wide WEEE product coverage. Furthermore it is in conflict with the principles of Article 95 of the Treaty on which the RoHS Directive is based.

Regarding the WEEE coverage the Frequently Asked Questions (FAQ) guide from the Directorate General Environment, as well as other available guidelines from EU Member States (e.g. the United Kingdom, The Netherlands, Germany) exclude any combustion engine powered product from the scopes. Consequently, also a generator set is excluded, because:

- (1) its primary energy source is not electricity which is the main criteria for a product being in the scopes as is the intention of the Directives;
- (2) it does not fall under any of the 10 categories of the annex IA in the WEEE Directive;
- (3) it does not fall under any of the product specifications listed for the above 10 categories in annex IB.

We agree with these guidelines and are of the opinion that generators are not, nor should be, covered by the scope of the WEEE Directive and the RoHS Directive.

Moreover, taking into account that the internal combustion engine is the principal part of generators, one has to bear in mind the practical difficulties concerning returning and recycling arrangements. Manufacturers would have to organise the recollection of the WEEE for each Category set out in Annex IA by, inter alia, offering various containers

specially designed for each individual Category. They are not prepared for a take-back of an internal combustion engine.

### **The Euromot Position**

Due to uncertainties on the legal status of generators powered by combustion engines that have already lead to a non-uniform implementation of the WEEE and RoHS Directives in the Member States our member companies are facing significant economic burdens and technical difficulties in trying to comply with EU requirements. Therefore, Euromot asks DG ENV to consider the following aspects for the forthcoming review of the WEEE Directive:

- 1 Euromot seeks for a clarification of the scope of the WEEE Directive, as given by Article 2, with respect to internal combustion engines and equipment driven by internal combustion engines. As indicated by the DG ENV WEEE and RoHS FAQ guidelines as of August 2006 we suggest to explicitly exempt them as electricity is not the primary source of energy that is required for their functionality.
- 2 Euromot seeks for a clarification of the uncertainties caused by linking the scope of the RoHS Directive 2002/95/EC with the scope of the WEEE Directive whilst having made regards to different Articles of the Treaty in the Directives (Article 175 in WEEE and Article 95 in RoHS, respectively). The consequences of extending the scope of WEEE, as done by several Member States, on the scope of RoHS is a process not well understood by industry.

Frankfurt/Main, 17 August 2006

Dr Peter Scherm  
General Manager

**Annex: Generator Sets Product Examples**

**Euromot manufacturers supply engines for different types of generator sets which should not be covered by the WEEE and RoHS Directives:**

