

By-laws of Danish Producer Responsibility System (DPA-System)

Appendix 2:

Distribution of responsibilities and tasks between DPA-System and the Danish Environmental Protection Agency

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Background

With the introduction of producer responsibility for waste electrical and electronic equipment (WEEE), batteries (BAT), and end-of-life vehicles (ELV) producers and importers (in the following referred to as producers) are responsible for taking back at their own expense waste equipment and products, for securing environmental treatment and ensuring that this equipment has as low an environmental impact as possible in a life-cycle perspective. As part of this obligation producers have the duty to register with DPA-System, to report statutory information and to pay statutory fees and provide financial guarantee pursuant to current rules.

In Denmark, producer responsibility for waste electrical and electronic equipment has been in force since 1 April 2006, while for batteries it was introduced on 1 January 2009. Producer responsibility is based on EU Directives and is regulated in the Environmental Protection Act and a number of Statutory Orders. DPA-System administers the national producer register in which all companies producing or importing electrical and electronic equipment or batteries must register.

DPA-System (former WEEE-System) was originally established at the initiative of producers represented by DI (Confederation of Danish Industry), DE (Danish Chamber of Commerce) and a number of sector organizations. Pursuant to the Environmental Protection Act the Minister for the Environment can delegate part of the administration of the producer responsibility system to DPA-System and tasks are described in detail in the Statutory Order on management of waste electrical and electronic equipment, the Statutory Order on batteries and accumulators and waste batteries and accumulators, and the Statutory Order on management of waste in the form of motor vehicles and derived waste fractions in force at any time. Furthermore, tasks are described in a number of mandates for DPA-System.

Distribution of responsibilities

To ensure the smooth operation of work relating to the producer register and the rules on producer responsibility it has been and still is of utmost importance that DPA-System in cooperation with the Danish Environmental Protection Agency (EPA) assumes a number of different tasks and keeps a close dialogue.

In this cooperation, the Danish EPA is overall responsible for regulations and their interpretation. DPA-System is main responsible for day-to-day administration towards producers and importers. The Danish EPA is responsible for supervision and enforcement. The Danish EPA is responsible for developing and interpreting administrative frameworks and enforcing the rules when necessary. DPA-System is responsible for developing and operating the producer register and for guiding companies in questions relating to their producer responsibility. This distribution of responsibilities is explained in detail below.

The Danish EPA

Tasks relating to regulatory basis and its interpretation

- Ensuring that implementation into national law takes place in compliance with the Directive
- Preparing information about acts and orders
- Interpreting regulations and proposing amendments if necessary

- Assessing and discussing with stakeholders whether the practical implementation of the producer responsibility system takes place in the most expedient way, including whether it comprises sufficient incentives for meeting the objectives of producer responsibility

Tasks relating to control and supervision

- Supervising producers in relation to their registration in the producer register and reporting of correct data pursuant to the law
- Supervising how DPA-System assumes its tasks
- Handling complaints about decisions made by DPA-System
- Notifying the police of producers not complying with the producer responsibility

DPA-System: tasks relating to administrative system

- Establishing and operating a producer register
- When contacted, assessing whether a producer or a product is covered by producer responsibility and notifying the result to producers
- Maintaining a dialogue with producers and guiding on producer responsibility
- Administering allocation schemes
- Assessing whether duties are complied with under the allocation scheme (i.e. DPA-System controls at year-end whether producers have collected the quantities allocated to them)
- Assessing whether sufficient financial guarantee has been provided and managing funds
- Assessing whether location of reception centres complies with regulations cf. sections 29 and 12(3) of the Battery Order (will later also apply to ELV)
- Receiving statutory reports from the producers
- Calculating and levying statutory fees from producers
- Preparing general information and guidance relating to the producer responsibility system directed at producers
- Submitting annual reports and copies of auditors' records after presentation of accounts

Overarching tasks will appear in relation to responsibility for rules, administration and enforcement requesting cooperation between DPA-System and the Danish EPA.

Special tasks assumed in close cooperation between DPA-System and the Danish EPA

- Discussing future tasks in relation to the producer responsibility
- Coordinating work plans
- Preparing measures, including campaigns and project activities to ensure, among other things, that all producers have registered

- Discussing how reported data from producers to DPA-System are quality assured, cf. section 9(Ø) of the Environmental Protection Act
- Coordinating information efforts directed at potential free-riders and producers

All special tasks such as campaigns or projects to be assumed in part or in total by DPA-System and thereby not being considered as regular DPA-System *tasks relating to the administrative system* must be approved by the Executive Committee of DPA-System.

To obtain the best possible overall administration and enforcement of the rules on producer responsibility for waste electrical and electronic equipment it is found expedient to execute day-to-day work in both the Danish EPA and DPA-System through a close and constructive dialogue, thereby coordinating continuously tasks between the two parties. Therefore, the following framework of coordination of the future work under the producer responsibility scheme has been established.

Coordination

- Annual meetings will be held between the Minister and the Chairman of the Executive Committee of DPA-System
- The Executive Committee of DPA-System will invite the Danish EPA to Committee meetings when the Executive Committee of DPA-System finds it expedient. Likewise, the Danish EPA will invite the Executive Committee of DPA-System or its Chairman to meetings when expedient. Such meetings should as a minimum be held once a year.
- A close dialogue between the Danish EPA and the secretariat will be maintained.
- Procedures will be drawn up as needed specifying distribution of work between the Danish EPA and the secretariat of DPA-System relating to selected tasks.

Financing

Every year DPA-System will present a budget for a calendar year approved by the Board of DPA-System.

DPA-System will submit the budget and a recommendation regarding fee rates of the variable fees¹ to the Danish EPA. The Ministry of the Environment will determine the final and approved rates. The fee rates must correspond to actual costs borne by DPA-System in connection with tasks carried out under the WEEE Order, the Battery Order, and the ELV Order.

Specific activities can be agreed between the Danish EPA and the Board of DPA-System financed in part or in total by the Danish EPA.

¹ Cf. section 45(3) of the Battery Order according to which the Danish EPA shall determine the fee rates stipulated in section 44(2)-(4) and (7), based on budget and recommendation submitted by DPA-System regarding fee rate as well as section 56(3) of the WEEE Order according to which the Danish EPA shall determine the fee rates stipulated in section 54(2) and (3) and section 55 (1)-(5) on an annual basis. DPA-System shall publish fee rates on its website.