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Cease/mergers of companies (WEEE, BAT)

DPA-System is short for Danish Producer Responsibility System. DPA-System is in charge of administrative tasks associated with the rules on producer responsibility under Danish environmental law regarding waste from electrical and electronic equipment, end-of-life batteries and accumulators, and end-of-life vehicles.

Producer responsibility for these waste types has authority in the Danish Environmental Protection Act. This Act translates into three Statutory Orders for the different waste types: the WEEE Order, the Battery Order, and the End-of-life Vehicles Order (the current statutory texts can be found on www.dpa-system.dk).

The Danish Statutory Orders take offset in three EU directives for the same waste types: the so-called WEEE Directive, the Batteries Directive, and the ELV Directive. Also these directives with exact titles and dates can be found on www.dpa-system.dk.

Producer responsibility rests on the principle that each producer or importer assumes responsibility for collection and management of WEEE, waste batteries, and end-of-life vehicles to the effect that products becoming waste are managed in an environmentally correct manner, with the highest possible utilisation of resources contained in such products.

Producers and importers are in the following referred to as *producers* as the rules applying to both types are the same.

In general, the following abbreviations are used: WEEE for waste electrical and electronic equipment, BAT for batteries and accumulators, and ELV for end-of-life vehicles.

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In pursuance of the rules on producer responsibility for electrical and electronic equipment (EEE equipment), batteries and accumulators, and ELV respectively, this document describes what businesses must do in connection with cease and mergers.

CVR and VAT numbers as company identification

A CVR number (Central Business Register number), which is given to a company by the Danish Business Authority through cvr.dk, is a unique identification of a company in Denmark. Therefore, this CVR number defines each company in the producer register of DPA-System. DPA-System regularly updates companies' data in the producer register by importing data from cvr.dk.

When a company ceases or changes ownership, including through a merger, it is necessary to decide whether to delete or change the CVR number.

Distance sellers, i.e. foreign producers within and outside the EU, cannot register with a CVR number. In such cases the company's VAT number and country code are used. The combination of VAT number and country code is just as the CVR number a unique identification of a company. Thus, the following directions apply to both CVR number for Danish companies and VAT number for foreign companies from outside the EU.

EU based distance sellers must register with DPA-System through an authorised representative, who must register with a CVR number.

Note! It is not possible to register foreign VAT numbers for producers/importers placing batteries on the Danish market.

Cease/deletion of company

If a producer subject to producer responsibility ceases dealing in products covered by producer responsibility or if the company ceases altogether, the company must be deleted from the producer register of DPA-System.

Deletion of a producer is done by sending an e-mail to DPA-System stating the reason for deletion. DPA-System will register the reason and delete the registration in the producer register.

A deletion can take place at any time. However, it should be done with a notice of two weeks before discontinuation from the producer responsibility. It is not possible to delete registration retrospectively. If the producer is member of a collective scheme this collective scheme will in some cases submit the request for deletion to DPA-System on behalf of the producer. In connection with the request from the collective scheme documentation from the producer must always be presented, stating the reason for deletion.

In cases when a collective scheme wishes a producer to discontinue membership of the collective scheme DPA-System will change the status of the producer from member of the collective scheme into individual

complier. The individual complier thereby is still under the duty to fulfil his producer responsibility. DPA-System will in this case inform the producer that he is now registered as an individual complier.

You can read more about this subject in the document *Criteria for shift between producer schemes*.

Cease of producer responsibility

If a producer ceases to place products on the market covered by producer responsibility the producer's producer responsibility also ceases. However, it is important to note the time when the different duties under the producer responsibility cease. It appears from the following when the duties to report, to collect and to provide financial guarantee to DPA-System cease.

Reporting

Producers must report data for the calendar years in which products covered by producer responsibility have been placed on the market. If a producer has only been active in the market for part of a calendar year the quantities for this period must be reported.

Collection of allocated WEEE/waste portable batteries

Individual compliers placing electrical equipment for private use and/or portable batteries on the market must take back allocated electrical equipment and/or portable batteries until the end of the ongoing allocation period. This applies regardless of the time when activities in covered products cease.

For producers members of a collective scheme but discontinuing membership, the responsibility for the fraction of WEEE/batteries allocated to the discontinuing member still lies with the collective scheme until the end of the allocation period.

Financial guarantee for electrical equipment for private use

If an individual complier has provided financial guarantee for an allocated quantity of electrical equipment for private use the financial guarantee is released when the allocated quantity has been taken back and the allocation period has expired. This applies whether or not the producer ceases to deal in products covered by producer responsibility before the end of the allocation period.

If the financial guarantee has been provided by a collective scheme on behalf of the producer, the financial guarantee is not released until the end of the allocation period, even if the producer has discontinued his membership with the collective scheme before the end of the allocation period.

If the producer has been member of a collective scheme exempt from the provision of financial guarantee, but ceases his membership, the collective scheme will continue to cover the guarantee for the producer's share of quantities to be taken back until the end of the allocation period.

Mergers

If a company ceases due to a merger different rules apply to new registration and updating in the producer register of DPA-System. The rules depend on the CVR number that the producer chooses to use when the merging company registers. Below the consequences deriving from the choice of CVR number for registration in the the producer register of DPA-System are explained.

Continuation of CVR number

The merging company can choose to transfer his CVR number from one of the companies affected by the merger.

If the transferred CVR number is already registered with DPA-System the producer responsibility continues as hitherto, and subsequent reports are done under the existing registration. However, the merging company must make sure that any changes in master data etc. are entered in the database. Also, registration of data on quantities must now cover all data for all merging companies in the relevant reporting year, i.e. for all categories and quantities.

Change of CVR number

If a producer chooses to change his CVR number in a new company but will still be registered in the producer register and maintain historical data, the producer must inform DPA-System accordingly by e-mail. Then DPA-System will make the relevant changes in the registration system and delete the original CVR number.

Note that DPA-System's producer register is connected to the CVR system so it is only possible to register producer registered in CVR. This also means that master data entered by the producer in the CVR system will automatically appear in the DPA-System producer register. Producers ceasing registration in the CVR system will be deleted in the producer register.

Responsibility for information to DPA-System about ceases and mergers

Producers have a statutory duty to inform DPA-System in writing when changes in the registration of the producer are made, including changes in the use of a CVR number.

Collective schemes deleting, updating or registering on behalf of their members and receiving information about ceases or mergers must inform DPA-System about these changes in writing. This information must reach DPA-System immediately after having become known to the collective scheme.

In connection with deletion DPA-System must always have written documentation from the producer.

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