

Position statement

Status April 2007

Electrical and Electronic Equipment – WEEE and RoHS

On 27 January 2003 the European Parliament and the Council of the European Union adopted the Directive 2002/95/EC on the **restriction of the use of certain hazardous substances in electrical and electronic equipment** (RoHS) and the Directive 2002/96/EC on **waste electrical and electronic equipment** (WEEE). To this date, both Directives have become effective in most member states of the European Union.

The Directives apply to electrical and electronic equipment (EEE) and regulate the placing on the market, the recovery as well as the sustainable disposal of EEE. Waste-economic objectives are the prevention of waste from EEE as well as the recycling of that equipment and the reduction of waste and harmful substances.

The WEEE-Directive applies to equipment that falls within one of the following categories:

Large household appliances, Small household appliances, IT and telecommunications equipment, Consumer equipment, Lighting equipment, Electrical and electronic tools with the exception of large-scale stationary industrial tools, Toys, leisure and sports equipment, Medical products (with the exception of implanted and infectious products), Monitoring and control instruments, Automatic dispensers.

The RoHS-Directive shall apply to electrical and electronic equipment falling under the categories according to the WEEE-Directive, without Medical products (cat. 8) and Monitoring and control instruments (cat. 9).

The Directives do not apply to electrical and electronic equipment that do not fall under the categories named above or that is part of another appliance that does not come under the law.

The manufacturers of cleaning machines, appliances and systems for commercial use, that are associated in the European Cleaning Machines Association EUnited Cleaning, place the following products on the market, which are not affected by both Directives:

- Floor cleaning machines for indoor and outdoor cleaning for commercial use (e.g. sweepers, vacuum cleaners for industrial use, scrubber-dryers, single-disc machines)
- High pressure cleaning machines and systems for commercial use and car cleaning

These products are not household appliances; on the contrary, they are machines which are intended exclusively for the application by professional users. Thus, they are covered neither by category 1 (Large household appliances) nor by category 2 (Small household appliances).

Furthermore, the products mentioned above are no electrical or electronic tools and thus they are not covered by category 6, which serves the treatment of fluid or gaseous substances or materials (e.g. wood, metal).

All other categories do not apply to floor and high pressure cleaning machines.

According to this, manufacturers do not have to comply with the legal requirements of the national implementations of both Directives. In spite of this European regulation, the scope of a national implementation can differ from the scope mentioned above. In this case the manufacturers have to consider the particular national law.

However, affected by the regulations are appliances which can be used in households as well as similar areas of commercial use. These appliances (certain products as some vacuum cleaners, carpet sweepers or high pressure cleaners) may be considered, because of their nature, design and use, as small household appliances (category 2).¹

Main statement:

In General, electric driven floor cleaning machines, as well as high pressure cleaners for commercial use, are neither household appliances nor tools but machines for commercial and industrial use.

Thus, they do not fall under the scope and are not affected by the regulations of both the WEEE- and RoHS-Directive.

Certain products (e.g. some vacuum cleaners, high pressure cleaners) may be considered as small household appliances because of their nature, design and use. Thus, they could have to fulfil the legal requirements.

Frankfurt, April 2007

¹ For details see annexed 'Reasoning paper'.

Annex

Reasoning paper

The position statement on the European Directives WEEE and RoHS is based on the consideration as follows:

- Electrical powered floor treatment machines and high pressure cleaners for commercial and industrial use are not covered by the categories 1 (large household appliances) and 2 (small household appliances) since the mentioned products are machines and not household appliances.

Even though the WEEE Directive defines the term “household” extensively and covers commercial and industrial use generally, this fact is subject to the condition that **nature and quantity** of the accordant waste electrical and electronic equipment (WEEE) are similar to that of WEEE from private households. That condition is explicitly not fulfilled by the machines mentioned. Furthermore, the mentioned machines for professional use within business or industry are covered by the European Machinery Directive which excludes household appliances². – Therefore, these machines can not be treated as household appliances.

- Category 6 covers, amongst others, equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means. High pressure cleaners for commercial and industrial use are no such tools. Therefore they are not covered by category 6.
- Other categories are not suitable for cleaning machines.

The manufacturers of cleaning machines, that are associated in EUnited Cleaning, also place household appliances on the market as well as dual-use equipment which are very similar to household appliances. Thus, certain products for household and similar use shall be considered, because of their nature, design and use, as small household appliances (category 2):

- vacuum cleaners for domestic use or similar areas of application
- spray extractors for domestic use or similar areas of application
- carpet sweepers for domestic use or similar areas of application
- high pressure cleaners for domestic use or similar areas of application

² Directive 2006/42/EC Art. 1, Cl. 2 (k).

The European Guidelines on the application of Council Directive 2006/95/EC explain the expression ‘household appliances’ with respect to the Machinery Directive 2006/42/EC as follows: “The expression ‘household appliances’ designates equipment intended for everyday housekeeping functions such as washing, cleaning, cooking, etc. Examples of household appliances include washing machines, dish washers, vacuum cleaners and machinery for food preparation and cooking.”

Exclusion criteria, if products are **not** household appliances in the meaning of the WEEE Directive, are as follows:

- range of application (e.g. heavy duty)
- intended use as defined by manufacturers' instruction manual, and with regard to size, design, construction³, etc.
- three-phase-appliances
- appliances for hazardous dusts (dust classes L, M or H)
- appliances used in explosive atmospheres
- vacuum cleaners with two or more suction motors
- hot water high pressure cleaners

In contrast to these products, household appliances fall under the scope of the WEEE Directive and have to accomplish the legal requirements of both Directives. For this case the manufacturer has to prove if they are for private use (B2C) or for professional use only (B2B) since the treatment may differ for B2C and B2B products with respect to the national legislations⁴.

Criteria for that decision can be as follows⁵:

- distribution channels are not accessible for consumers
- accessories typically used by private persons do not exist
- sales to private persons is excluded by general terms and conditions
- use by trained/skilled persons only, no laymen
- use of standards for professional equipment instead of those for household appliances
- professional customers (e.g. building cleaners) are in charge of disposal

³ Criteria according to construction are, for instance, requirements due to standards as well as lifetime, duty cycle, frequency of use, etc.

⁴ In some countries (e.g. Germany) manufacturers of B2C products have to participate in financing of the public disposal system for WEEE. However, the differentiation between B2B and B2C does not affect the question of encompassment of machines under the law. – Thus, the requirements of RoHS have to be fulfilled for household appliances in each case.

⁵ Criteria like these were accepted already by local authorities (e.g. EAR in Germany).