

Statement Authorised Representative

Foreign Producer

Producers established in Europe that put electrical and electronic equipment (**EEE**) on the market in a member state other than where they are established (the **Foreign Producer**) are required, on the basis of European legislation (the **WEEE Directive**), to appoint an authorised representative (the **Authorised Representative**) in that other member state (the **AR Regulation**). On the basis of the AR Regulation, the Authorised Representative - in addition to the Foreign Producer - becomes responsible for fulfilling the obligations of that Foreign Producer in the country where the Foreign Producer puts EEE on the market (the **Purpose**).

The Agreement

In the Netherlands, Stichting OPEN (the **OPEN Foundation**) actually implements the Purpose of the AR Regulation by means of the generally binding waste management fee agreement (the **Agreement**) (about which you can find more information via this translation). All producers of EEE are bound by the Agreement. Under the Agreement, the OPEN Foundation implements the producer responsibility on their behalf.

Under the Agreement, every producer (including the Foreign Producer) is obliged to join the OPEN Foundation, pay a contribution to the OPEN Foundation and make a report to the OPEN Foundation about his EEE put on the market. These obligations are separate from the AR Regulations and have to be fulfilled by every producer. If the Foreign Producer complies with all Dutch obligations, the Foreign Producer is compliant in the Netherlands. From a Dutch perspective, the AR Regulation and the appointment of an Authorised Representative are therefore unnecessary and less efficient.

The Statement

The OPEN Foundation can on request of a Foreign Producer issue a compliance statement (the **Statement**). In that Statement, the OPEN Foundation states that if the Foreign Producer complies with the obligations under the Agreement, the Foreign Producer is compliant in the Netherlands. The OPEN Foundation also explains the collective way in which producer responsibility is arranged in the Netherlands and that, in the opinion of the OPEN Foundation, the appointment of an Authorised Representative is not necessary. The Statement can - if necessary - be handed over by the Foreign Producer to the competent authority in the member state where the Foreign Producer is situated.

Of course, it is always possible for a Foreign Producer in the Netherlands to appoint an Authorised Representative. It is important to note, however, that the appointment of the Authorised Representative does not discharge the Foreign Producer from his obligations under the Agreement.

In the coming period, the OPEN Foundation will work on drafting the Statement. The Statement will be ready for the first time after the declaration period in 2022 in which producers have to declare the EEE they put on the Dutch market in the year 2021. A request to the OPEN



Foundation to draw up a Statement can be made after the declaration period in 2022 via producenten@stichting-open.org.

Register

Foreign Producers can register here with or without an Authorised Representative. Questions about the Statement? Please contact the OPEN Foundation at: producenten@stichting-open.org.