

CORRESPONDENTS' GUIDELINES No 8

Subject: Classification of waste cartridges containing toner or ink, according to Regulation (EC) No 1013/2006 on shipments of waste¹

1. These Correspondents' Guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were agreed by the correspondents at the meeting on 10 September 2009 organised pursuant to Article 57 of Regulation (EC) No 1013/2006. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 01 October 2009 and should be reviewed at the latest five years from the above date and, if necessary, revised.

2. Entry GC020 in part II of Annex III reads

“Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery“.

3. Entry A1180 in part I of Annex IV, and in part 1 of Annex V list A reads

“Waste electrical and electronic assemblies or scrap² containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B, B1110³)⁴“.

4. *It is unclear how to classify waste cartridges containing toner or ink.* There is a need to achieve a Community-wide approach in order to ensure that different competent authorities in Member States classify this waste in the same way.

¹ These Correspondents' guidelines do not reflect any consensus on the classification of empty cartridges destined for re-use (refill and/or upgrading).

² This entry does not include scrap assemblies from electric power generation.

³ B1110 reads as follows:

Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap¹ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A, A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use² and not for recycling or final disposal³

¹ This entry does not include scrap from electrical power generation.

² Re-use can include repair, refurbishment or upgrading, but not major reassembly.

³ In some countries these materials destined for direct re-use are not considered wastes.

⁴ PCBs are at a concentration level of 50 mg/kg or more.

5. *As a common understanding of the correspondents*, it has been agreed that where the material is waste:⁵

- a) Cartridges may be classified under entry GC020 provided that they do not contain toners or inks with hazardous properties (the classification should be based on safety data sheets or product information sheets referring to the composition of the relevant toners or printing inks);
- b) Drum-driven cartridges may be classified under entry GC020 provided that they do not contain any hazardous materials. Examples for drum-driven cartridges, which may be assigned to GC020, are unproblematic organic photo-conductive (OPC) drums and drums with a scratch-resistant amorphous silicon layer or zinc oxide coating;
- c) Other cartridges containing toners and inks with hazardous characteristics or photo-conductive drums with hazardous materials (e.g. cadmium sulphide, selenium-arsenic) should be classified under entry A1180, unless another entry contained in Annex IV applies.

6. *Moreover, it has been agreed* that whenever reference to the European list of wastes⁶ is required, the following codes are considered relevant for waste cartridges⁷, also in cases where these have been removed from electronic equipment still in use:

a) Waste cartridges classified under entry GC020:

16 02 16 components removed from discarded equipment other than those mentioned in 16 02 15

b) Waste cartridges classified under entry A1180:

16 02 15* hazardous components removed from discarded equipment

⁵ This understanding is without prejudice to the definition of waste electrical and electronic equipment (WEEE) in Directive 2002/96/EC on waste electrical and electronic equipment.

⁶ Commission Decision 2000/532/EC as amended.

⁷ For off-specification batches and unused products there may be other relevant codes.