

Clarifications regarding WEEE labelling obligations and producer identification pursuant to Legislative Decree No. 49/2014

Introduction

Following recent reports concerning customs inspections on photovoltaic panels imported from third countries, it is considered appropriate to provide clarification regarding the regulatory obligations applicable in Italy in the field of WEEE (Waste Electrical and Electronic Equipment). Based on the checks carried out, there do not currently appear to be any recent regulatory changes compared to the framework already established by Legislative Decree No. 49/2014. Legislative Decree No. 2 of 7 January 2026, implementing Directive (EU) 2024/884, introduced amendments of a mainly clarificatory nature to Legislative Decree No. 49/2014, including an update to Article 28 aimed at strengthening EEE marking requirements, particularly with regard to producer identification and the traceability of the date of placing on the market. These amendments do not affect labelling obligations or the information to be provided to users pursuant to Article 26, which remain unchanged.

The purpose of this document is therefore to:

- Clarify the current regulatory requirements.
- Provide operational guidance to operators.
- Prevent incorrect interpretations.

1. Identification of the Producer under WEEE (RAEE) legislation

Pursuant to Article 4(1)(g) of Legislative Decree 49/2014, a “producer” is defined as the entity that first places electrical and electronic equipment on the national market.

In particular, the definition includes:

- The manufacturer who markets products under its own brand.
- The entity that resells products under its own brand.
- The importer who introduces products from other countries.
- The foreign entity that sells directly on the Italian market.

It follows that:

- WEEE (RAEE) responsibility always lies with the entity that first places the product on the Italian market.

2. Obligation to Identify the Producer – Art. 28 of Legislative Decree 49/2014

Identification:

One of the key elements of the regulation is the requirement that the producer must always be clearly identifiable.

- The marking must allow the producer to be identified unequivocally.
- In case of import or distribution, the role of the operator must be clear (e.g., “distributed by”, “imported by”).

Note: The core requirement is the ability for the competent authorities to clearly and unambiguously identify the Party Responsible for placing the product on the market.

Indication of the Date of Placing on the Market:

The marking must make it possible to distinguish between:

- Electrical and Electronic Equipment (EEE) placed on the market after 13 August 2005
- For photovoltaic (PV) panels → after 13 August 2012

For EEE falling under the so-called “Open Scope”, these obligations apply only if placed on the market from 15 August 2018 onwards.

This requirement serves to distinguish between the “historical” regime and the “new” regime.

Minimum Content of the Marking:

The marking must include at least one of the following:

- Name of the producer
- Registered logo
- Registration number in the EEE Register

Quality Requirements of the Marking:

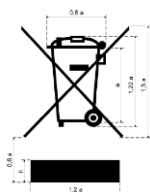
The marking must comply with CEI EN 50419:2023 and must be:

- Visible
- Legible
- Indelible

It must withstand the tests required by the technical standard.

Affixing of the WEEE Symbol:

The crossed-out wheeled bin symbol must be present.



Positioning on the Product:

The marking and symbol must be affixed:

- directly on the EEE,
- or on a visible part of it.

If it is NOT possible to affix them on the product, they must be placed on:

- Packaging
- Instructions for use
- Documentation (including digital documentation)

Alternative Systems (RFID):

RFID systems may be used, but only subject to prior approval by the Supervisory Committee.

3. Instructions and information for users – Article 26 of Legislative Decree 49/2014

General information obligation:

The producer must provide information to end users.

Placement of information:

The information must be included in the instructions for use of the EEE (Electrical and Electronic Equipment).

If the product does NOT include instructions:

The obligation is transferred to the distributor, who must provide the information:

- At the point of sale
- Through informational materials

The information must include:

▪ **Prohibition of disposal in municipal waste**

WEEE must NOT be disposed of as mixed municipal waste but must be collected separately.

▪ **Information on collection systems**

The following must be indicated:

- Methods for WEEE collection
- Available take-back systems, including distributor take-back mechanisms

▪ **Information on “one-to-one” and “one-to-zero” systems**

The following must be clearly stated:

- Possibility to return equivalent WEEE at the time of purchasing a new product (1:1)
- Possibility of free disposal of small WEEE (1:0)

▪ **Information on environmental and health risks**

Potential effects on the environment and human health must be indicated, arising from:

- Presence of hazardous substances

- Improper management/disposal
- **Active role of the user**

The user's role must be explained with regard to:

- Reuse
- Recycling
- Recovery
- **Meaning of the WEEE symbol**

The meaning of the crossed-out wheeled bin symbol must be explained:

- It ensures proper treatment and recovery of materials, preventing negative impacts on the environment and human health.

4. Role of membership in Collective Schemes

Membership in a Collective Scheme (e.g. PV CYCLE):

Ensures the management of organizational and financial obligations

It does NOT replace the obligations related to:

- Proper labelling
- Identification of the producer

5. Operational guidelines for operators

In light of the above, it is recommended to verify:

- Correct identification of the producer in accordance with applicable law
- Consistency between the brand on the product and the Responsible Party
- Presence of the WEEE symbol
- Presence of mandatory instructions and information
- Proper management of EPR obligations (Register + Collective Scheme)

This document is intended solely for informational and operational purposes and does not in any way replace applicable legislation or any guidance or interpretations issued by the competent authorities.

For any regulatory clarification, reference should be made in particular to Legislative Decree 49/2014, Directive 2012/19/EU, as well as to documents, clarifications, and guidance published by the Ministry of Environment and Energy Security (MASE) and other competent authorities in the field of WEEE (Waste Electrical and Electronic Equipment).