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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 and end-of-life batteries.

In pursuance of the rules on producer responsibility for waste electrical and electronic equipment (EEE) and waste batteries this document describes what a company must do in relation to cease and mergers.

Producer responsibility for EEE has authority in the Danish Statutory Order on management of waste electrical and electronic equipment (the WEEE Order) no. 362 of 6 April 2010 (with subsequent amendments). The Order is based on Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE Directive).

Producer responsibility for waste batteries has authority in the Danish Statutory Order on batteries and accumulators and waste batteries and accumulators (the Battery Order) no. 1186 of 10 December 2009. The Order is based on Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators (Battery Directive).

All statutory and other documents mentioned below can be found on [www.dpa-system.dk](http://www.dpa-system.dk) under the item *Documents*.

Producer responsibility rests on the principle that each producer or importer assumes responsibility for collection and management of WEEE and waste batteries to the effect that products becoming waste are managed in an environmentally correct manner.

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

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## **CVR and VAT numbers as company identification**

A CVR number (Central Business Register number), which is given to a company by the Central Business Register (CVR) under the Danish Commerce and Companies Agency, is a unique identification of a company in Denmark. Therefore, this CVR number defines each company in the producer register of DPA-System. When a company ceases or changes ownership, including through a merger, it is necessary to decide whether to delete or change the CVR number.

Foreign companies cannot register with a CVR number. In cases when a producer/importer places electrical equipment on the market through distance sale the international VAT number and country code is 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.

Note that it is not possible to register foreign VAT numbers for producers/importers placing electrical equipment for commercial use or 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.

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 take back 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.

### **Take-back 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 with the Danish Commerce and Companies Agency. 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. No new registration fee is levied.

### **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. No new registration fee is levied.

Note that DPA-System's producer register is connected to the CVR system. Therefore, only producers in this CVR system can be registered. 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.

Note that complaints about guidelines issued by DPA-System can be brought before the Danish Environmental Protection Agency at any time.

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