



Regulatory Alerts & Updates

Regulatory Alert: Spain Introduces Stricter Controls for the Import of Electrical and Electronic Equipment from Third Countries

January 16, 2023

BACKGROUND:

Spain is the first country in the European Union (EU) to introduce stricter controls for the imports of electrical and electronic equipment (EEE) and consumables from third countries. At this moment it is not clear if other EU Member States will adopt the same rigorous controls for imports of EEE.

What has happened?

On January 16, 2023, a new measure called RoHS- RAEE control will be introduced in Spain for imports and temporarily for re-imports of electrical and electronic equipment from countries outside of the European Union. The new measure is based on Royal Decree 993/2022, and it will be enforced by the Official Service of Inspection, Surveillance and Regulation of Foreign Trade (Servicio Oficial de Inspección, Vigilancia y Regulación de las Exportaciones- SOIVRE). It is in line with the European Union's strategy to improve the safety and health of its citizens and the natural environment and to facilitate the re-evaluation and proper disposal of electronic waste.

These controls will be applied to imports and temporarily for re-imports of electronic and electrical devices, batteries, and accumulators to verify compliance with Waste Electrical and Electronic Equipment (WEEE)^[1], Waste batteries and accumulators (RPyA)^[2], and Restriction of Hazardous Substances in electrical and electronic equipment (RoHS)^[3]. Passing the control

will be a condition of receiving approval from Spanish Customs to release the shipment for free circulation.

Depending on the scope of application of each standard, the controls will essentially consist of verifying the registration in the corresponding registry, the technical documentation that certifies compliance, physical inspections and analytical tests will eventually be carried out.

The following shipments will be excluded from the RoHS - RAEE control:

- Business to Business shipments (B2B): only commercial samples with value up to EUR 150.00 and less than 5 units
- Business to Consumer shipments (B2C): with value up to EUR 1000.00 and less than 5 units.
- Consumer to Consumer shipments (C2C): if intended for personal use only and not acquired by way of sale.
- Products excluded in article 2 point: 2-3-4 of Royal Decree 993/2022.

List of all HS codes liable to this new measure is available [here](#).

What does it mean for FedEx and Customers?

Spanish importers of any products liable to RoHS and RAEE control will have to complete a registration in the Integrated Industrial Registry (RII) and ensure all required documentation such as safety datasheet and/ or other paperwork proving conformity with the standards is in place at the time of importation. The same requirements apply to non - established importers who also must appoint an authorized representative in Spain.

¹ https://environment.ec.europa.eu/topics/waste-and-recycling/waste-electrical-and-electronic-equipment-weee_en

² https://environment.ec.europa.eu/topics/waste-and-recycling/batteries_en

³ https://environment.ec.europa.eu/topics/waste-and-recycling/rohs-directive_en#law

FedEx in Spain will be responsible for submitting the RoHS and RAEE electronic form to authorities and will have to liaise with the importer in case any additional information or documentation is requested by SOIVRE Authority. The electronic forms will have to be submitted by FedEx via an implemented web portal serving as a single point of entry for information on controls conducted by SOIVRE authority. The data required for submission will include Import Declaration number, type of business, unit of product, SOIVRE code, type of SOIVRE declaration and Importer's RII Registration Number. The electronic form submitted by FedEx will be linked to the Import Declaration and therefore any other information on the exporter, importer and the shipment will be available to the authorities automatically. As this is an additional task, it will incur an ancillary charge of EUR 37.00 that will be billed to the customer.

Timeline for Implementation: January 16, 2023

References:

Bulletin Board with information on new RoHS and WEE Controls

<https://comerciomig2.serviciosmin.gob.es/WebEstacice/>

State Official Newsletter (Spanish Text Only)

https://comerciomig2.serviciosmin.gob.es/WEBEstacice/ayuda/RD_993_2022_rohs_raee.pdf

List of HS codes falling in scope of the controls

https://comerciomig2.serviciosmin.gob.es/WEBEstacice/ayuda/LISTA_TARIC_ROHS_RAEE_PUBLICADA.pdf

Information for importers on registration to The Integrated Industrial Registry

<https://industria.gob.es/registros-industriales/RAEE/Paginas/Index.aspx>