

## 'WEEE – recast' - Parliament's plenary vote! ACR+ / WEEE-Pin communication to its members

On Thursday 3 February 2011, the WEEE Directive took another step forward in the recast process with the European Parliament's adoption of its first reading report. [The report was adopted with a substantial majority \(580 votes in favour, 37 against and 22 abstentions\).](#)

The next step is intensive negotiations with the European Council regarding their political agreement on the matter, currently expected for mid-March 2011. A second reading is expected and a final directive text will take at least six months to more than a year to be finalised. The new final directive is to be implemented in national legislation no later than 18 months after the publication of the final text.

Although the report does not fully reflect our aspirations, ACR+ / WEEE-Pin welcomes the vote, aiming to tighten up the requirements and the closing of some of the loopholes that have led to problems with the implementation of the rules.

Among the key changes backed by the Parliament are to move from the current weight-based target for WEEE collection, to a percentage-based goal, with member states expected to collect 85% of all WEEE generated by 2016.

### **How well now does the current recast text meet the position ACR+ / WEEE-Pin has been defending in the last two years?**

When comparing the latest report with the key ACR+ / WEEE-Pin propositions as formulated and communicated in the last two years, the following conclusions can be drawn:

1. Make producers responsible for **all WEEE management costs** from the moment EEE becomes WEEE, so that the tax payer is no longer co-financing the producer's responsibility.

*The vote saw the Parliament back moves to make producers, retailers and consumers responsible for funding the collection, treatment and recycling of WEEE from collection points (article 12). This shifts the payment from general taxpayers to the consumers of EEEs in line with the polluter pays principle.*

*The same article stipulates that Member States, where appropriate, may encourage producers to finance also the cost occurring for collection of WEEE from private households*

### Background

The European Commission estimates that each European currently generates 17-20 kg of waste electric and electronic equipment per year. This includes anything from light bulbs to computers, TV sets, mobile phones, kettles and refrigerators.

The EU's 2003 Directive on Waste from Electrical and Electronic Equipment (WEEE) aims to increase the re-use, recycling and recovery of such waste, but has come under fire for being too complicated, costly and even impossible to implement, leaving room for improvement.

WEEE is complemented by a directive on restricting the use of certain hazardous substances (RoHS), which are often contained in equipment and may end up leaking into local water supplies when dumped in landfills.

[The European Commission tabled a proposal to review the WEEE and RoHS directives in December 2008.](#)

[One of the reasons for the recast was a lack of clarity over both the products covered by the current WEEE Directive and their categorization, which allows for different interpretations.](#)

[In addition, the Commission hopes that the recast will improve implementation and enforcement of the laws, both rather poor so far, and cut related unnecessary administrative burden.](#)

[The EU executive's 2008 impact assessment on the recast showed that only one third of the WEEE produced annually appears to be collected, treated and reported according to the current legislation, while illegal trade and dumping of WEEE in third countries remains widespread.](#)

to collection facilities. ACR+ has always advocated full cost recovery including also to the collection facilities.

Finally the article continues with the all important statement: "Where receiving full coverage for their costs, municipalities and private collection points shall hand over all the WEEE to producer responsibility schemes". Florenz' report notes that the actual rules for calculating the cost of collection will be laid down by individual member states. This measure is likely to draw opposition by producers and retailers, who could see their costs increase, and consumers, who could see the cost of collection passed on to them. It is however important that local and regional authorities influence and encourage their national authorities to apply the 'full coverage of costs' principle.

**Follow up ACR+ / WEEE-Pin:** this issue will require adequate monitoring in the coming years. Please keep us informed about the financial practices in your municipality, region, MS.

## 2. Set a **separate target** in the Directive for **reuse**, in order to prevent reuse to be neglected by compliance schemes.

The separate collection is to be carried out optimizing reuse and recycling as well as confining hazardous substances. The collection schemes must segregate re-usable appliances at the collection points (article 6), prior to any transportation. This is an introduction of a new municipal responsibility in many countries. The collection facilities will hand over the WEEE, for purposes of preparing for re-use, to designated establishments or undertakings (article 5 2b).

However, the recovery targets established in article 11 still combine, depending on the category of WEEE, a target for re-use and recycling, saying that in example for category 1 and 4, 80% shall be prepared for re-use and recycled. This will not sort out current deterrents to reusing unless minimum and separate targets are set for reuse. Quality reuse of appliances must be ensured, associating amongst others, the social economy enterprises networks.

When re-examining the collection rates and target dates (three years from the date of entry into force) as foreseen under article 7.4, ACR+ / WEEE-Pin will make sure the possibility of setting a separate 5% (or even higher %) target for reuse is taking into account.

Further actions to facilitate re-use are regulated in article 15. Most interesting is the proposed obligation for producers to provide free of charge information in the form of manuals on re-use and treatment of each product put on the market.

**Follow up ACR+ / WEEE-Pin:** data on reuse rates provided by ACR+ / WEEE-Pin members and other stakeholders will allow us to continue the debate when re-examining the collection and target dates.

## 3. Make sure the improved **collection rates** apply to each product category individually, to prevent a focus on the collection of only heavy equipment.

Article 11 specifies that the targets for separate collection are calculated as a percentage of the weight of the respective 5 categories that enters the facilities. The initial ten categories were brought back to the following five: temperature exchange equipment (1), screens and monitors (2), lamps (3), large equipment (> 15kg) and small equipment (< 15kg).

Also, the provision is made to ensure that retailers will now be obliged to take back very small waste appliances, such as light bulbs or mobile phones, regardless of whether a new

*appliance is sold at the same time. This applies to all retailers, including distant sellers (with the exception of micro-enterprises).*

*Increasing the collection of these appliances and raising consumer awareness about this should reduce the amount of these small appliances ending up in the general waste stream and thereby escaping adequate treatment.*

**Follow up ACR+/ WEEE-Pin:** *review regularly the statistics on this issue. The ACR+ observatory might, as a complementary source of information, assist in collecting relevant data on this issue.*

#### 4. To **tackle illegal trade** by improving monitoring and reporting of WEEE to increase traceability and enforce existing rules on trade of second-hand EEE.

*Importantly, the EP has also voted to clamp down on illegal exports of WEEE outside the EU: only equipment that has been certified to be fully functional and sent properly may be exported. It is long overdue that we stop making developing countries the dumping ground for our hazardous waste.*

*Article 20 clearly states that MS shall carry out appropriate inspections and monitoring to verify the proper implementation of this directive and shall at least cover shipments, in particular exports of WEEE outside the community. This is clearly a crucial issue as inspections and monitoring are nowadays very poorly undertaken by most MS.*

**Follow up ACR+/ WEEE-Pin:** *numerous (in) national NGOs in developed and developing countries are tracking compliance with above measure. ACR+/ WEEE-Pin will review all reporting on this issue and if needed address this issue.*

#### Other noteworthy paragraphs in the recast are:

- *MS shall encourage cooperation between producers and recyclers and measures to **promote the design and production of electrical and electronic equipment** notably in view of facilitating re-use, dismantling and recovery of WEEE, its components and materials. This provision for product design for re-use and recycling is still weak and far less demanding than those regarding the use of hazardous materials and substances in new products. It remains vaguely worded, with no specific requirements on product design such as minimum recycling content, minimised gluing and welding of different parts,... This calls into question their enforcement in practice. The main reason for it is that producers, unfortunately, are usually not interested in reuse and will normally opt for other recovery methods in order to achieve their mandatory reuse/ recycling targets.*
- *Further on the recast encourages the development of **minimum standards for the collection and treatment**, including recovery, recycling and preparing for re-use, of WEEE in compliance with article 28 of the new Waste Framework Directive.*
- *MS shall ensure that producers of electrical or electronic appliances placed on the market are clearly marked by a **mark on the appliance**.*
- *The **collection target** is and will continue to be a discussion point. Parliament proposes to Council at terms a 85 % of WEEE to be collected. However, 4 kg per person is to be collected in 2012. Different calculation methods, as well as the development of a methodology are possible (article 7).*



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## Conclusions

Strengthening the WEEE Directive will contribute towards the EU becoming a resource-efficient recycling society. WEEE is about the fastest growing waste stream in Europe, and one with huge potential for reducing our dependence on imported or virgin raw materials. With higher collection targets and modern ecological technologies for the treatment of electrical and electronic waste, the European Union can create new jobs, make substantial financial savings and secure a leading position in technological development. We must recycle more and in a better way.

Ultimately the question should be whether this WEEE recast is sufficient to stem the tide of the ever increasing volume of electronic waste. Prevention, as the top of the waste hierarchy, is certainly not the strongest point of this recast. A missed opportunity because only recycling and recovery of precious metals and other materials may be partially or totally offset by the increasing number of electronic equipment on the market. It is only hoped that the new waste framework and the eco-design directive, by applying more stringent quantitative and qualitative waste prevention targets, will be able to reverse this trend.