



22nd of February 2010

WEEE-PIN's views on recast of WEEE Directive¹

Summary

In 2003 the WEEE Directive endorsed producer responsibility for WEEE. The goals of producer responsibility are to:

- stimulate eco-design.
- enhance re-use and recycling.
- include environmental costs in the product price.

WEEE-PIN believes that achieving these goals are a necessity in setting further steps on the road to a recycling society. The current WEEE Directive did however only partially deliver on these goals. The recast of the WEEE Directive is an opportunity to set things straight and to make sure the Directive delivers on all its goals.

Local and regional authorities therefore strongly advocate for the following:

- Incorporate rules in the Directive on (visible) fees and financing in order to:
 - **relate fees to** product **reusability** or **recyclability** which contributes to eco-design.
 - make the **financing** schemes of producer organisations completely **transparent** and accountable in order to improve acceptance by the public and to prevent misuse.
 - 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 producers responsibility.
- Set a **separate target** in the Directive for **re-use**, in order to prevent re-use from being overlooked by compliance schemes.
- Ensure the improved **collection rates** apply to at least each product category individually, to prevent a focus on the collection of only heavy equipment.
- To tackle illegal trade:
 - **Improve monitoring and reporting** of WEEE to increase traceability.
 - **Enforce** rules on trade of second hand EEE.

Introduction

The original WEEE Directive was drafted to impose producer responsibility for waste electrical and electronic equipment (WEEE). Producer responsibility is not a goal in itself; it is a policy instrument that aims at delivering a number of policy goals²:

¹ The WEEE Public Interest Network (WEEE-PIN) is a network within ACR+ of organizations from different European Member states focussed on the development of the WEEE Directive from a public interest perspective.

² Directive 2002/96/EC, preamble (nrs 1, 12, 15, 19), art. 1, art. 5, 1, (a), art. 8, 1, art. 7.



1. To stimulate eco-design: the basic idea behind producer responsibility is that producers, once they are confronted with the treatment of the waste of their own products, will start making better products that contain less hazardous materials and are easier to re-use or recycle.
2. To enhance re-use and recycling: by setting targets for these, producer responsibility will lead to more re-use and recycling, especially for those products for which the recycling market has not developed because of its high cost.
3. To include environmental costs in the product price: producer responsibility should lead to the inclusion of the environmental costs into the product price, which ensures that product prices reflect the hidden costs of waste management and which contributes to the polluter-pays principle.

These policy goals are strongly supported by local and regional authorities. It is a necessity to achieve these goals when setting further steps on the road to a recycling society.

Observations on the current WEEE Directive and recommendations

Looking at the current WEEE Directive, the implementation in Member States and the functioning of producer compliance schemes, the following results of producer responsibility for EEE can be observed:

Eco design:

In the different Member States producer compliance schemes are implemented. In most cases these are collective systems. In countries where individual systems are implemented, clearing house constructions have been set up. In both cases producers are not actually confronted with the waste management of their own products. Instead they just pay a fee to the compliance scheme, which in return will then take care of their products. The intended feedback of producer responsibility is therefore lacking. For this reason the WEEE Directive has so far not lead to any visible stimulus for Eco-Design. The RoHS Directive and the Eco-Design Directive are therefore welcomed, since they also make a large contribution to the desired effects. This does not mean, however, that the WEEE Directive should not contribute. In most compliance schemes today, fees are charged per product type or category. It makes no difference whether a specific product is designed for recycling or not. LCD screens with mercury backlight lighting, which cause severe problems in the recycling phase, are normally charged the same fee as screens with a LED backlight lighting which are far more easy to recycle. This is not consistent and it does not convey the desired feedback to producers.



Instead the fee charged by compliance schemes should be related to the reusability or recyclability of a specific product. In order to achieve this there is a need for specification on the calculation of (visible) fees within the WEEE Directive.

Re-use and recycling:

Prepare for Re-use.

In the waste hierarchy, (prepare for) re-use activities take a leading position (after waste prevention). Nevertheless, to date, compliance schemes are only focussing on recycling.

The simple reason for this is that compliance schemes are driven by producers, whose main interest is to sell new products, not to re-use old ones. The current producer compliance schemes are therefore not targeting the re-use of WEEE. The incorporation of re-use targets in the recycling target will not change this situation. Producers will try to reach the target only through recycling, and neglect the possibilities for re-use. The experience of re-use organisations however demonstrates that 20-30% of all discarded EEE is still fully functional or can be after minor repairs.

If the European Commission is serious about the waste hierarchy and feels that re-use of whole appliances should be encouraged, then only a separate target for the re-use of whole appliances will make this happen.

Recycling

The WEEE Directive has certainly given a boost to the recycling of WEEE with a negative recycling value such as CRT-screens, CFC containing devices and gas discharge lamps. For WEEE with a positive recycling value and few pre-treatment requirements (e.g. dismantling), such as large white goods, the WEEE Directive has brought no further improvement with respect to recycling rates, since these appliances in most cases have been separately collected and treated for metal recovery.

The new collection rate proposed by the Commission is welcomed by local and regional authorities and will contribute to a higher level of recycling. Questions remain however on the application of the collection rate in collective systems. When the collection rate is applied to a (collective) system as a whole (for all appliances), as is proposed by the European Commission, there will be undesired effects. In this case it is likely that compliance schemes will focus first on the equipment that contributes most to the weight of the stream, rather than equipment with very little weight. Unfortunately most of the heavy appliances such as large white goods have a very low environmental impact, whereas gas discharge lamps have very little weight, but a high environmental impact.

It should be avoided that through this collection rate a mechanism is created that focuses only on heavy equipment rather than equipment with a high environmental impact. To achieve this, as a minimum standard at least, the collection rate should be applied to each product category individually.



Polluter pays principle

Looking at the coverage of cost for collection and recycling, we can observe that there are great differences between the Member States. The handling and storage of WEEE at local collection facilities (such as civic amenity sites) has become a significant activity. Examples in different Member States such as Spain, Portugal, Flanders and the Netherlands have shown that the cost of these activities easily add up to almost 100 € per tonne of WEEE. Additionally, local and regional authorities often take care of separate door-to-door WEEE collection schemes. Both activities bear significant costs. In Member States where separate door-to-door WEEE collection schemes by local and regional authorities exist, no funding by producer compliance schemes is provided for this service. In Member States where WEEE is mainly managed at local collection facilities, a partial compensation for these activities is occasionally available. This leads to the conclusion that producers never bear the total cost for WEEE management. In all cases, these costs are at least partially borne by the tax payer.

To ensure that all WEEE management costs are borne by the consumer (the polluter) rather than the tax payer, it is necessary that producers also fully fund the collection, handling and storage of WEEE by local and regional authorities.

The current wording of the Commission's proposal providing for an "encouragement to finance all costs for collection facilities" is too weak and will lead to even greater differences between Member States rather than harmonisation. Rather than encouraged, producers must be obliged to finance all the costs for collection, handling and storage.

The second observation to be made is that producers' compliance schemes are not transparent in their financing. In schemes that work with a visible fee, it is unclear how the fees are calculated, which costs are incorporated in the fee, and which are not. Sometimes we even see a visible fee on goods with a positive recycling value. It cannot be explained to the public why they pay a visible fee for a washing machine, when the local scrap dealer is happy to buy the discarded washing machine for the same money. Some cases producers' compliance schemes have accrued enormous funds out of the visible fee. In the Netherlands for instance, the NVMP system has built up a fund of approximately 300 million €, which comes down to 18 € per inhabitant. In Flanders the fund mounts up to 25 € per inhabitant. Since the compliance schemes are not transparent and accountable, it is unclear to the public how their fees are being put to use which leads to a lowered acceptance of the fees.

If the visible fee can be prolonged, it is necessary that clear rules are set on the calculation of the visible fee and on the size of the accrued funds by producers. These rules should include a variable fee related to the reusability or recyclability of



the products. There is also a need for complete transparency and accountability on the financing schemes by producer organisations. Visibility of the fee is clearly less relevant than transparency on how it has been calculated and used.

Reporting and treatment of WEEE

The fact that too little WEEE is reported to be treated according to legislation is not an environmental problem but the result of insufficient monitoring.

This could be tackled through monitoring, registration and permitting obligations for all treatment facilities that receive WEEE, regardless of whether they are contracted by compliance schemes or receive WEEE directly on the market.

Any treatment facility for WEEE is already subject to Annex II and III of the Directive, ensuring certain minimum standards for the treatment of WEEE.

It could be considered to apply the recovery targets of article 12 to these facilities as well.

Illegal trade

Apart from these observations made by local and regional authorities, the European Commission observed that, under the current WEEE Directive, only approximately 33% of the WEEE is reported to be treated according to the legislation³. Although a great deal of WEEE is separately collected and treated, not all WEEE is going through the producers' compliance schemes. In particular, WEEE with a positive recycling value is sometimes directly sold to the recycling industry, since producers' compliance schemes do not normally refund the market value to the last owner. The European Commission also observed that illegal trade is still widespread, resulting in environmental damage and health risks.

Illegal trade is certainly an important issue to deal with. In the Netherlands it is observed that illegal trade does not originate from the official collection systems but in most cases derives from grey areas which are not connected to the official system and which are not controlled, such as traders that collect through local advertisements in papers and on the internet.

An obligation to hand over all collected WEEE to the compliance schemes, as advocated by producers, will not help to tackle illegal trade since it does not target

³ Commission of the European Communities : Proposal for directive of the European Parliament and of the council on waste electrical and electronic equipment (WEEE) (Recast)



the most important origins of illegal trade. The enhancement of the traceability of WEEE through improved monitoring is therefore far more important to tackle illegal trade.

Most illegal trade is taking place under the pretext of reuse. It is therefore crucial that a clear distinction is made between reusable appliances and waste.

In this respect the new annex I is welcomed. Furthermore the prevention of illegal trade is above all a matter of enforcement of existing regulations. Annex I will clarify the context in which re-use can be a valid argument for trade.

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Recommendations from ACR+

If we want to make the WEEE-Directive delivering on the goals of producer responsibility the following recommendations are to be made:

Eco design amendment

Article 4
Product design

Commission proposal	Proposal
<p>Member States shall ⇒ , in line with Community product legislation including Directive 2005/32/EC on eco-design, ⇨ encourage ⇒ measures to promote ⇨ the design and production of electrical and electronic equipment ⇒ notably in view of facilitating ⇨ which takes into account and facilitates □ re-use □, dismantling and recovery in particular the re-use and recycling of WEEE, its components and materials. ⇒ These measures shall respect the proper functioning of the internal market. ⇨ In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.</p>	<p>Member States shall ⇒ , in line with Community product legislation including Directive 2005/32/EC on eco-design, ⇨ encourage ⇒ (financial) measures to promote ⇨ the design and production of electrical and electronic equipment ⇒ notably in view of facilitating ⇨ which takes into account and facilitates □ re-use □, dismantling and recovery in particular the re-use and recycling of WEEE, its components and materials. ⇒ These measures shall respect the proper functioning of the internal market. ⇨ In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.</p>

Reuse and recycling amendment

Article 117
Recovery ⇨ targets ⇨

Commission proposal	Proposal
<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide</p>	<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide</p>



for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.

12. Regarding ~~all~~ WEEE ~~separately collected and~~ sent for treatment in accordance with Articles 68, 9 and 10 ~~or for preparation for re-use~~, Member States shall ensure that, by 31 December ~~2011~~ ~~2006~~, producers meet the following ~~minimum~~ targets:

(a) for WEEE falling under categories 1 and 10 of Annex IA ~~to Directive 20xx/xx/EC (RoHS)~~,
- ~~85% shall be recovered~~, ~~the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and~~
- ~~80% shall be prepared for re-use and recycled;~~
~~component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance;~~

(b) for WEEE falling under categories 3 and 4 of Annex IA ~~to Directive 20xx/xx/EC (RoHS)~~,
- ~~80% shall be recovered,~~ ~~the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and~~
- ~~70% shall be prepared for re-use and recycled;~~
~~component, material and substance re-use and recycling shall be increased to a minimum of 65 % by an average weight per appliance;~~

(c) for WEEE falling under categories 2, 5, 6, 7, ~~8~~ ~~and 9~~ of Annex IA ~~to Directive 20xx/xx/EC (RoHS)~~,
- ~~75% shall be recovered,~~ ~~the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and~~
- ~~55% shall be prepared for re-use and recycled;~~

for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.

12. Regarding ~~all~~ WEEE ~~separately collected and~~ sent for treatment in accordance with Articles 68, 9 and 10 ~~or for preparation for re-use~~, Member States shall ensure that, by 31 December ~~2011~~ ~~2006~~, producers meet the following ~~minimum~~ targets:

(a) for WEEE falling under categories 1 and 10 of Annex IA ~~to Directive 20xx/xx/EC (RoHS)~~,
- ~~85% shall be recovered~~, ~~the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and~~
- ~~75% shall be prepared for re-use and recycled and~~ ~~component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance;~~
~~5% shall be prepared for re-use;~~

(b) for WEEE falling under categories 3 and 4 of Annex IA ~~to Directive 20xx/xx/EC (RoHS)~~,
- ~~80% shall be recovered,~~ ~~the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and~~
- ~~65% shall be prepared for re-use and recycled;~~ ~~component, material and substance re-use and recycling shall be increased to a minimum of 65 % by an average weight per appliance; and~~
~~5% shall be prepared for re-use;~~

(c) for WEEE falling under categories 2, 5, 6, 7, ~~8~~ ~~and 9~~ of Annex IA ~~to Directive 20xx/xx/EC~~



<p>Component, material and substance re-use and recycling shall be increased to a minimum of 50 % by an average weight per appliance;</p> <p>(d) for gas discharge lamps, 85 % shall be prepared for re-use and recycled. the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p> <p>3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.</p> <p>Detailed rules for monitoring the compliance of Member States with the targets set out in paragraph 2, including specifications for materials, shall be established. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).</p> <p>4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish new targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and for the products falling under category 8 of Annex IA, by 31 December 2008. This shall be done with account being taken of the environmental benefits of electrical and electronic equipment in use, such as improved resource efficiency resulting from developments in the areas of materials and technology. Technical progress in re-use, recovery and recycling, products and materials, and the experience gained by the Member</p>	<p>(RoHS) the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and</p> <p>50 % shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 50 % by an average weight per appliance; and</p> <p>5 % shall be prepared for re-use;</p> <p>(d) for gas discharge lamps, 85 % shall be prepared for re-use and recycled. the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p> <p>3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.</p> <p>Detailed rules for monitoring the compliance of Member States with the targets set out in paragraph 2, including specifications for materials, shall be established. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).</p> <p>4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish new targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and for the products falling under</p>
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<p>States and the industry, shall also be taken into account.</p> <p>45. Member States shall encourage the development of new recovery, recycling and treatment technologies.</p>	<p>category 8 of Annex IA, by 31 December 2008. This shall be done with account being taken of the environmental benefits of electrical and electronic equipment in use, such as improved resource efficiency resulting from developments in the areas of materials and technology. Technical progress in re-use, recovery and recycling, products and materials, and the experience gained by the Member States and the industry, shall also be taken into account.</p> <p>45. Member States shall encourage the development of new recovery, recycling and treatment technologies.</p>
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Collection rate amendment

Article 7

Collection rate

Commission Proposal	Proposal
<p>1. Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 65%. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.</p> <p>2. Transitional arrangement may be laid down in accordance with the procedure referred to in Article 18(2) to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances;</p> <p>3. A common methodology shall be established for the calculation of the total weight of electrical and electronic equipment placed on the national market. This measure designed to amend non-essential</p>	<p>1. Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 65% for each product category of Annex I to Directive 20xx/xx/EC (RoHS) separately. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.</p> <p>2. Transitional arrangement may be laid down in accordance with the procedure referred to in Article 18(2) to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances;</p> <p>3. A common methodology shall be established for the calculation of the total weight of electrical and</p>



<p>elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).</p> <p>4. By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment, on the basis of a report of the Commission accompanied by a proposal, if appropriate.</p> <p>5. Without prejudice to paragraph 1, Member States shall ensure that by 31 December 2006 at the latest a rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households is achieved.</p> <p>The European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish a new mandatory target by 31 December 2008. This may take the form of a percentage of the quantities of electrical and electronic equipment sold to private households in the preceding years.</p>	<p>electronic equipment placed on the national market. This measure designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).</p> <p>4. By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment, on the basis of a report of the Commission accompanied by a proposal, if appropriate.</p> <p>5. Without prejudice to paragraph 1, Member States shall ensure that by 31 December 2006 at the latest a rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households is achieved.</p> <p>The European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish a new mandatory target by 31 December 2008. This may take the form of a percentage of the quantities of electrical and electronic equipment sold to private households in the preceding years.</p>
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Polluter pays principle amendment

Article 128

Financing in respect of WEEE from private households

Commission Proposal	Proposal
<p>1. Member States shall ensure that, by 13 August 2005, producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). Member States, where</p>	<p>1. Member States shall ensure that, by 13 August 2005, producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). Member States, where</p>



appropriate, shall encourage producers to finance all the cost occurring for collection facilities for WEEE from private households.

2. For products placed ~~put~~ on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 154(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

~~The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale of new products.~~

3. The responsibility for the financing of the costs of the management of WEEE from products placed ~~put~~ on the market before 13 August 2005 ~~the date referred to in paragraph 1~~ ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

~~Member States shall ensure that for a transitional period of eight years (10 years for category 1 of Annex IA) after entry into force of this Directive, producers are allowed to show purchasers, at the time of sale of new products, the costs of collection,~~

~~appropriate, shall encourage~~ shall ensure that producers ~~to~~ finance all the cost occurring for **collection and** collection facilities for WEEE from private households.

Additional rules on the calculation methods regarding the costs of collection and collection facilities may be laid down by Member States.

2. For products placed ~~put~~ on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 154(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

~~The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale of new products.~~

3. The responsibility for the financing of the costs of the management of WEEE from products placed ~~put~~ on the market before 13 August 2005 ~~the date referred to in paragraph 1~~ ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

~~Member States shall ensure that for a transitional~~



treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the actual costs incurred.

4. Member States shall ensure that producers supplying electrical or electronic equipment by means of distance communication also comply with the requirements set out in this Article for the equipment supplied in the Member State where the purchaser of that equipment resides.

period of eight years (10 years for category 1 of Annex IA) after entry into force of this Directive, producers are allowed to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the actual costs incurred.

4. Member States shall ensure that producers or third parties acting on their behalf report on the financing and costs of the systems for collection, treatment and disposal on an annual basis.

Additional rules for the format of the report may be laid down.

Those measures designed to amend non-essential elements of this Directive, by implementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).

4. Member States shall ensure that producers supplying electrical or electronic equipment by means of distance communication also comply with the requirements set out in this Article for the equipment supplied in the Member State where the purchaser of that equipment resides.



Amendments (text commission without strikethrough)

Article 4

Product design

Commission proposal	Proposal
Member States shall, in line with Community product legislation including Directive 2005/32/EC on eco-design, encourage 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. These measures shall respect the proper functioning of the internal market. In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.	Member States shall , in line with Community product legislation including Directive 2005/32/EC on eco-design, encourage (financial) 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. These measures shall respect the proper functioning of the internal market. In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.

Article 117

Recovery ⇨targets⇨

Commission proposal	Proposal
1.. Regarding all WEEE separately collected and sent for treatment in accordance with Articles 68, 9 and 10 or for preparation for re-use , Member States shall ensure that, by 31 December 2011, producers meet the following minimum targets: (a) for WEEE falling under categories 1 and 10 of Annex I to Directive 20xx/xx/EC (RoHS), - 85% shall be recovered and - 80% shall be prepared for re-use and recycled; (b) for WEEE falling under categories 3 and 4 of Annex I to Directive 20xx/xx/EC (RoHS), - 80% shall be recovered, and - 70% shall be prepared for re-use and recycled;	1. Regarding all WEEE separately collected and sent for treatment in accordance with Articles 68, 9 and 10 or for preparation for re-use, Member States shall ensure that, by 31 December 2011, producers meet the following minimum targets: (a) for WEEE falling under categories 1 and 10 of Annex I to Directive 20xx/xx/EC (RoHS), - 85% shall be recovered and - 75% shall be prepared for re-use and recycled and ; component, material and substance re-use and recycling shall be increased to a minimum of 75% by an average weight per appliance; - 5% shall be prepared for re-use;



<p>(c) for WEEE falling under categories 2, 5, 6, 7, 8 and 9 of Annex I to Directive 20xx/xx/EC (RoHS) ↵,</p> <ul style="list-style-type: none"> - 75% shall be recovered, and - 55% shall be prepared for re-use and recycled; <p>(d) for gas discharge lamps, 85% shall be prepared for re-use and recycled.</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p> <p>3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.</p> <p>Member States shall encourage the development of new recovery, recycling and treatment technologies.</p>	<p>(b) for WEEE falling under categories 3 and 4 of Annex I to Directive 20xx/xx/EC (RoHS) ↵,</p> <ul style="list-style-type: none"> - 80% shall be recovered, and - 65% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 65% by an average weight per appliance; and - 5% shall be prepared for re-use; <p>(c) for WEEE falling under categories 2, 5, 6, 7, 8 and 9 of Annex I to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 75% shall be recovered, and - 50% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 50% by an average weight per appliance; and - 5% shall be prepared for re-use; <p>(d) for gas discharge lamps, 85% shall be prepared for re-use and recycled.</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p> <p>3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.</p> <p>Member States shall encourage the development of new recovery, recycling and treatment technologies.</p>
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Article 7
Collection rate

Commission Proposal	Proposal
<p>1. Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 65%. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance</p>	<p>1. Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 65% for each product category of Annex I to Directive 20xx/xx/EC (RoHS) separately. The</p>



<p>with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.</p> <p>2. Transitional arrangement may be laid down in accordance with the procedure referred to in Article 18(2) to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances;</p> <p>3. A common methodology shall be established for the calculation of the total weight of electrical and electronic equipment placed on the national market. This measure designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).</p> <p>4. By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment, on the basis of a report of the Commission accompanied by a proposal, if appropriate.</p>	<p>collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.</p> <p>2. Transitional arrangement may be laid down in accordance with the procedure referred to in Article 18(2) to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances;</p> <p>3. A common methodology shall be established for the calculation of the total weight of electrical and electronic equipment placed on the national market. This measure designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).</p> <p>4. By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment, on the basis of a report of the Commission accompanied by a proposal, if appropriate.</p>
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Article 128

Financing in respect of WEEE from private households

Commission Proposal	Proposal
<p>1. Member States shall ensure that, producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). Member States, where appropriate, shall encourage producers to finance all the cost</p>	<p>1. Member States shall ensure that, producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). Member States, where appropriate, shall encourage shall ensure that producers to finance</p>



occurring for collection facilities for WEEE from private households.

2. For products placed ~~put~~ on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

3. The responsibility for the financing of the costs of the management of WEEE from products placed on the market before 13 August 2005 ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

all the cost occurring for **collection and** collection facilities for WEEE from private households.

Additional rules on the calculation methods regarding the costs of collection and collection facilities may be laid down by Member States.

2. For products placed ~~put~~ on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

3. The responsibility for the financing of the costs of the management of WEEE from products placed on the market before 13 August 2005 ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

4. Member States shall ensure that producers or third parties acting on their behalf report on the financing and costs of the systems for collection, treatment and disposal on an annual basis.

Additional rules for the format of the report may be laid down.

Those measures designed to amend non-essential elements of this Directive, by implementing it,



	shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).
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Recommendations from RREUSE

If we want the WEEE Directive to give a priority to the reuse of WEEE, the following amendments' proposals should be considered:

Article 6

Disposal and transport of collected WEEE

Commission Proposal WEEE recast	RREUSE proposal
2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances.	2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances. In order to maximise re-use of whole appliances, Member States shall also ensure that collection schemes allow for the segregation of re-usable appliances from separately collected WEEE at the collection points, prior to any transportation.

Justification:

In the current state of affairs, separate collection of reusable appliances does not happen and there is a need to provide Member States with incentives to improve collection rates in these particular fields, as well as to **translate the priority to re-use of whole appliances (old article 7.1 of the WEEE Directive) into specific measures** in the field.

In order to establish a priority for the re-use of whole appliances, the best way to go is to provide for the **selection and separation of potentially reusable items at the earliest stage possible**. This would preserve their quality and maximise the re-use potential of the WEEE streams.



Article 8
Treatment

Commission Proposal WEEE recast	RREUSE proposal
<p>1. Member States shall ensure that all separated collected WEEE undergoes treatment.</p> <p>2. Treatment other than preparing for re-use shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this directive</p> <p>3. Member States shall ensure that producers and third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems maybe set up by producers individually or collectively. Member States shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III. Producers or third parties acting on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE using best available treatment, recovery and recycling techniques. The systems may be set up by producers individually and/or collectively. To ensure compliance with article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this Directive.</p> <p>4. Annex II may be amended in order to introduce</p>	<p>1. Member States shall ensure that all separated collected WEEE undergoes treatment in accordance with the waste hierarchy priority order established by Directive 2008/98/EC. To give priority to “preparation for re-use”, a check should be implemented prior to any treatment, to ascertain whether the waste equipment or individual components thereof are reusable. This check should be carried out by accredited repair and reuse centres, established according to article 11.1 and Annex IV of Directive 2008/98/EC, or similarly qualified personnel.</p> <p>2. Treatment other than preparing for re-use shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this directive</p> <p>3. Member States shall ensure that producers and third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems maybe set up by producers individually or collectively. Member States shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III. Producers or third parties acting on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE using best available treatment, recovery and recycling techniques. The systems may be set up by producers</p>



<p>other treatment technologies ensuring at least the same level of protection for human health and the environment.</p> <p>Those measures, designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3). The Commission shall evaluate as a matter of priority whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays are to be amended.</p>	<p>individually and/or collectively. To ensure compliance with article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this Directive.</p> <p>4. Annex II may be amended in order to introduce other treatment technologies ensuring at least the same level of protection for human health and the environment.</p> <p>Those measures, designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3). The Commission shall evaluate as a matter of priority whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays are to be amended.</p>
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Justification:

It is crucial that collection and treatment of WEEE be made using the best available techniques but also in accordance with the waste hierarchy set up by the Waste Framework Directive (2008/98/EC). **Separately collected WEEE should be prepared for re-use as a priority and, only when it is not reusable, treated for recycling, energy recovery or disposal.**

An **obligatory check for reusability**, as already required by the German ElektroG, seems to be an appropriate measure. To do this in a proper way, treatment facilities should either use accordingly qualified personnel or let an accredited re-use center do the sorting.



Article 11 **Recovery targets**

Same comments as ACR+ (see page 7)

Justification:

In the waste hierarchy, (preparing for) re-use takes a leading position after waste prevention. Nevertheless, to date, most of the existing producers' schemes focus on recycling and overlook the re-use of whole appliances, although former 2003 WEEE Directive had set a priority for this in old article 7.1.

The incorporation of re-use targets in a combined re-use and recycling target will not change this situation. Producers will be able to reach the target only by recycling, and as a consequence could continue to overlook the possibilities for re-use. **The experience of re-use organizations, however, is that there is potential for re-use since, of all separately collected WEEE, between 5 and 20 percent are still fully functional or can be repaired.**

If the European Parliament wants to see implemented the waste hierarchy and feels that the re-use of whole appliances should be prioritised, setting a separate target for the re-use of whole appliances would help to make this happen. A minimum target of 5% of separately collected WEEE for re-use would generate reporting obligations for Member States and give full potential to re-use and preparing for re-use activities.