

**Fourth meeting of
ACR+
WEEE Public Interest Network**

26/03/08

**Review of Directive 2002/96/EC on WEEE
The Producer Responsibility Principle of the
WEEE Directive**

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"The Producer Responsibility Principle of Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE)"

Study contract 07010401/2006/449269/MAR/G4 European Commission – DG Environment



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Institute for
Environmental
Strategies
Germany



The International
Institute for Industrial
Environmental Economics
Lund University
Sweden



Risk & Policy
Analysts
United Kingdom

Objective

- **evaluation of the operation of the Directive's provisions related to producer responsibility obligations for WEEE**
- **consideration of options to improve the operation of those obligations in the EU**
- **consideration of the impacts of those options**

Elements of producer responsibility (WEEE Directive)

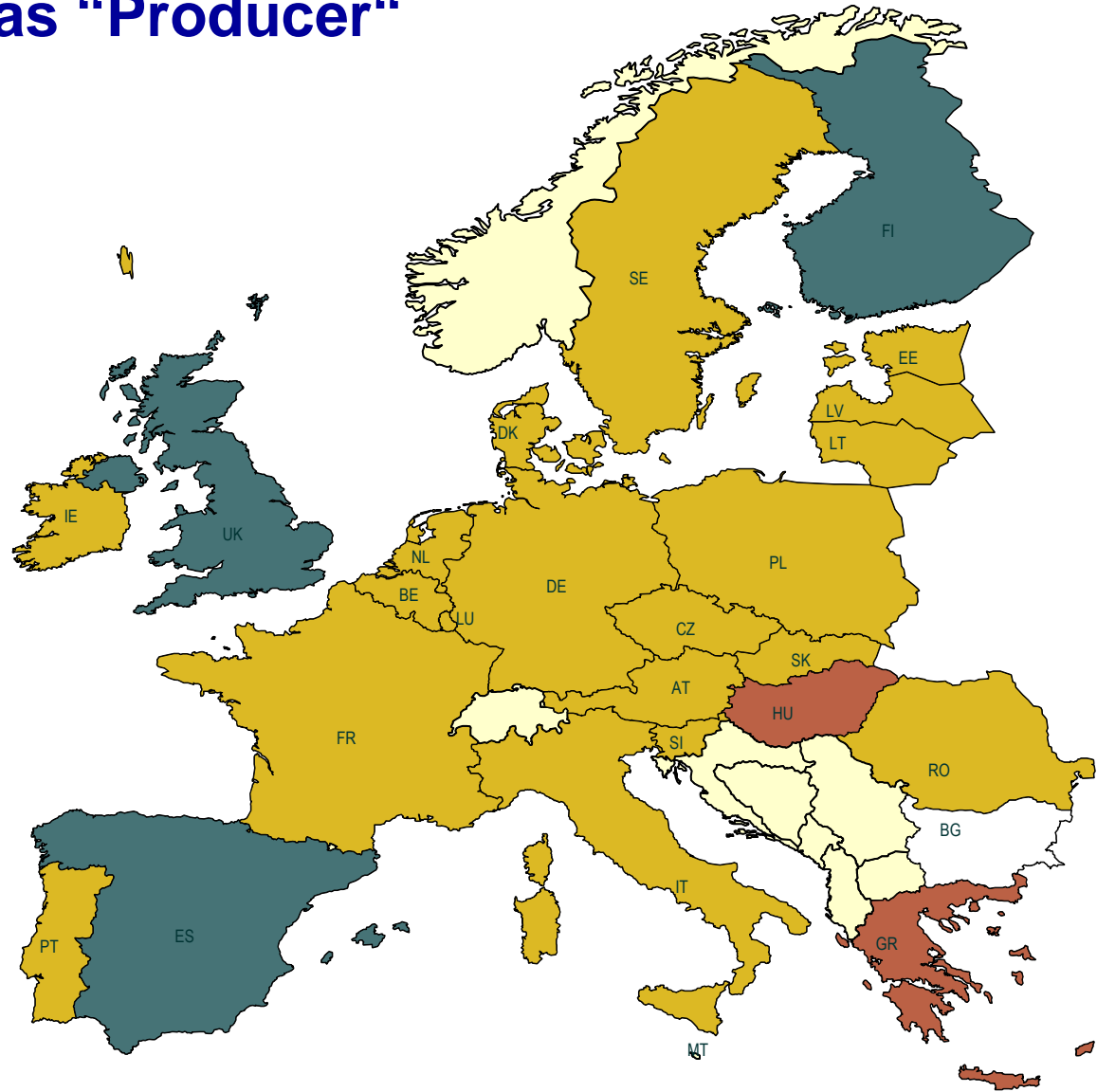
- (i) design responsibility
- (ii) organisational responsibility,
- (iii) financing responsibility,
- (iv) information responsibility,
- (v) labelling responsibility

• Transposition / Implementation of the WEEE D

- Definition of producers
- Allocation of responsibility for collection
- Financial mechanism + financial guarantee
- Producer Registration & Reporting
- ...

Definition of Importer as “Producer“ Article 3(i)(iii)

-  National
-  Ambiguous
-  European



Analysis

Definition of Importer as “Producer” Article 3(i)(iii)

Implications of national approach

- + facilitating Member States to identify a legal actor within their national territory that can be held liable
- Potentially multiple producers for the same product when traded on intra-community level and increase in administrative burden
- Potential conflicts with incentives for product and product system improvements and implementation of Individual Producer Responsibility

Allocation of Responsibility for Collection of WEEE from Private Households

Physical Responsibility

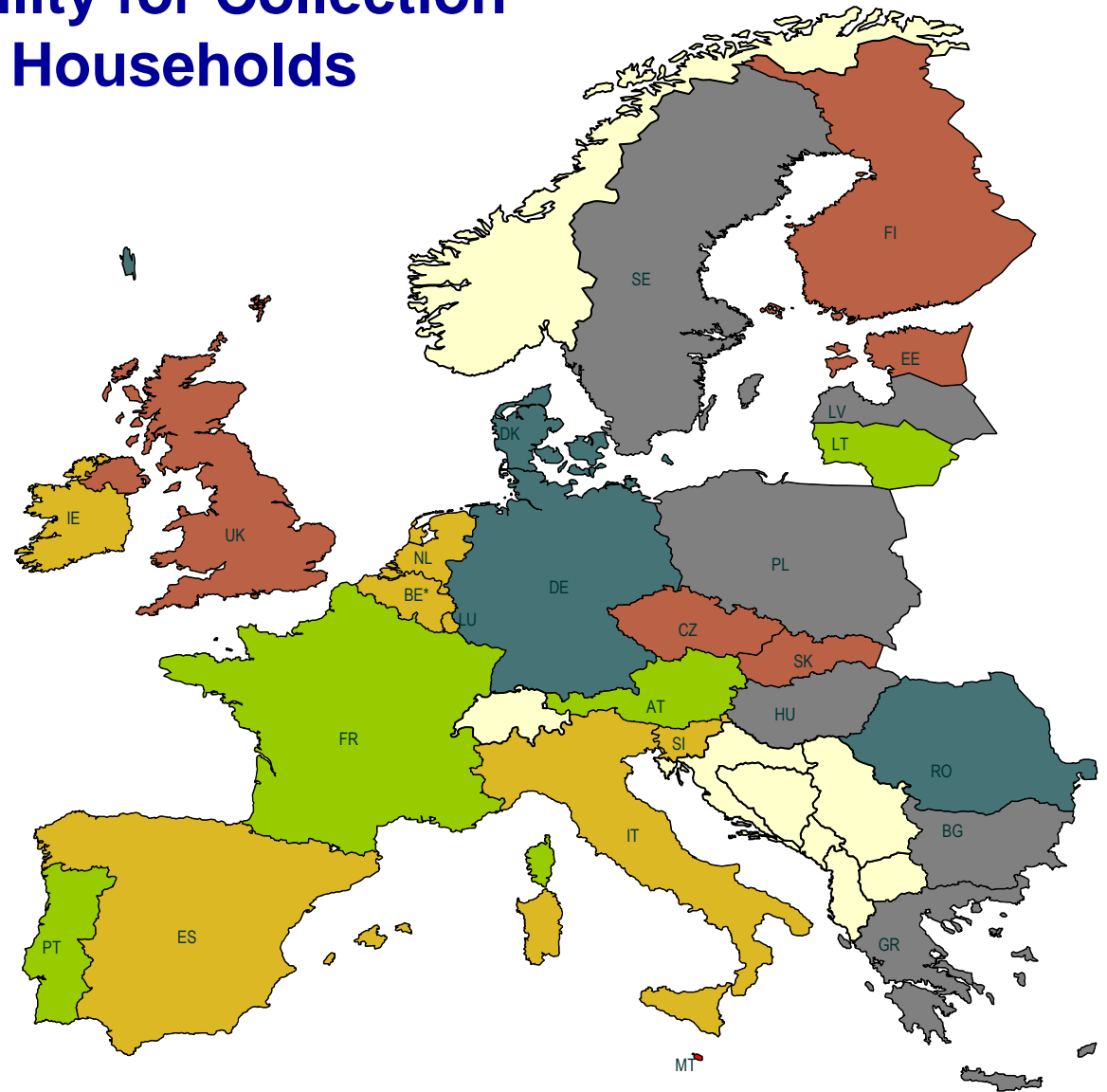
- D/M/P
- D/M
- D/P
- M
- P

D = Distributor

M = Municipality

P = Producer

Definition of 'producer' varies between national and European approach



Analysis

* Brussels

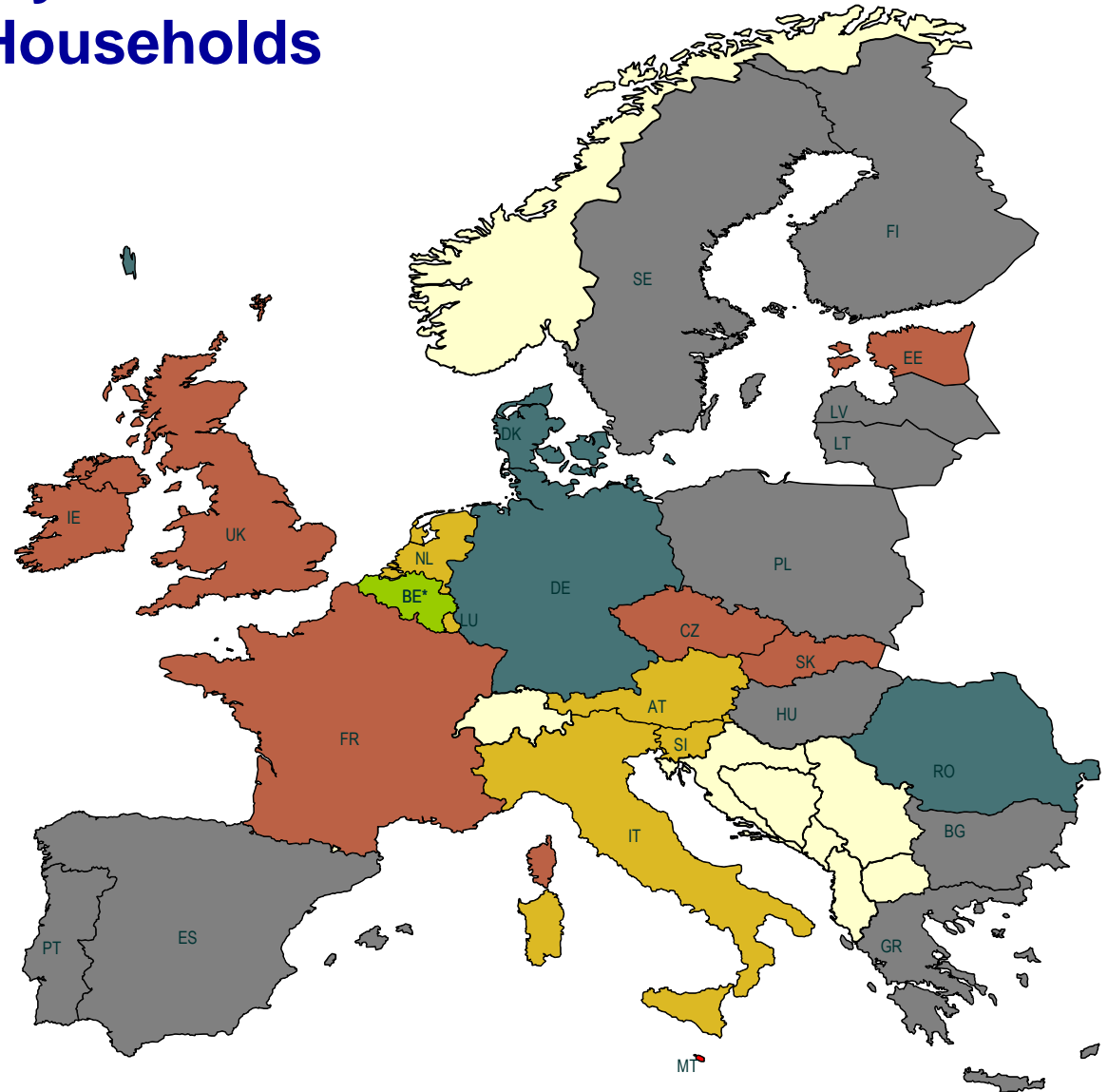
Allocation of Responsibility for Collection of WEEE from Private Households

Financial Responsibility

Analysis

- D
- D/M
- D/P
- M
- P

D = Distributor
 M = Municipality
 P = Producer
 Definition of 'producer' varies between national and European approach



* Brussels

Allocation of Responsibility for Collection of WEEE from Private Households

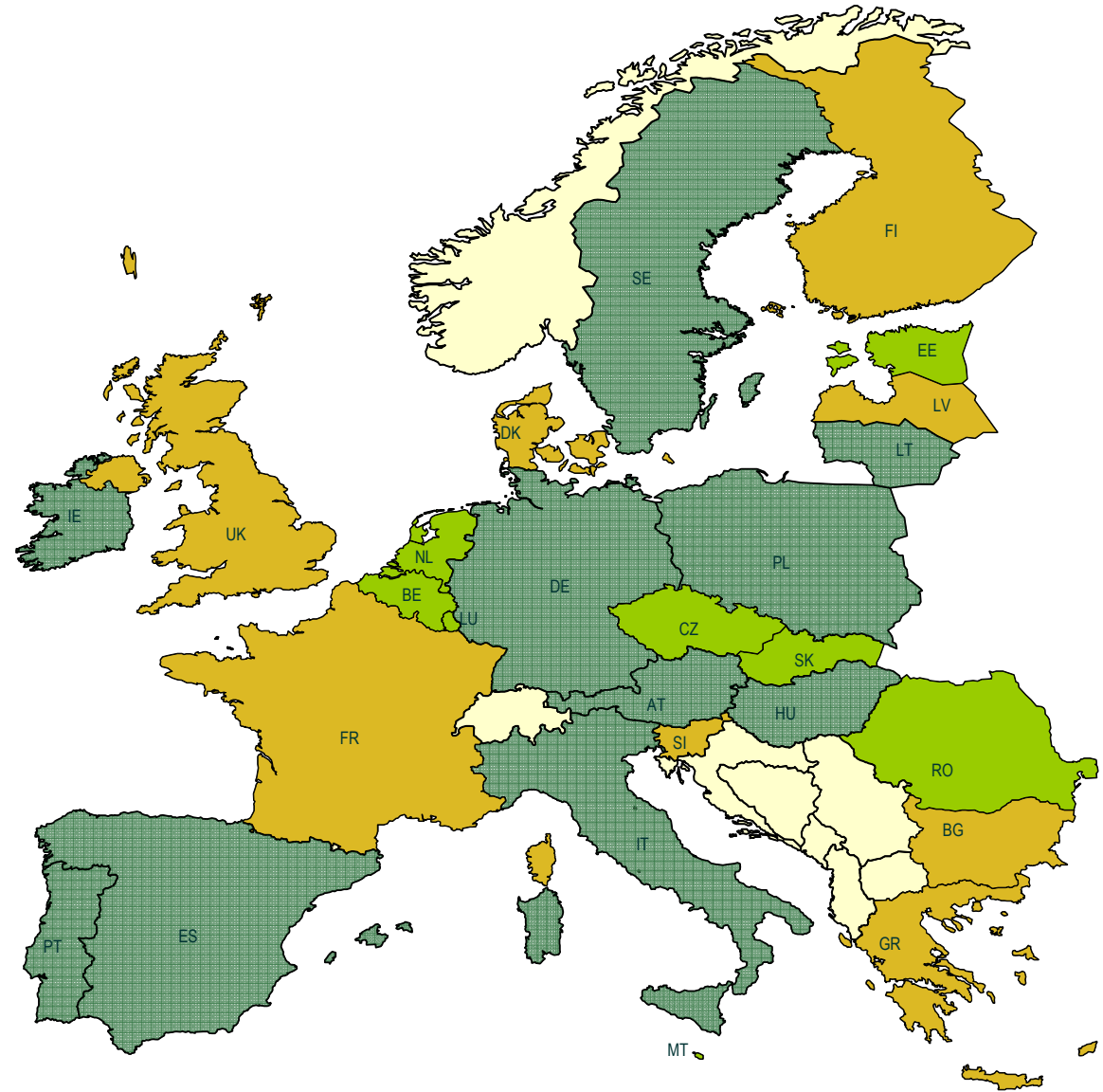
Financial Responsibility

Implications

- disturbance to a level playing field for producers that choose to set up their own independent compliance schemes which may not have access to collection sites subsidised by municipalities.
- not in line with polluter pays principle when general tax payers, rather than consumers of EEE, finance the collection of WEEE from private households

Financial Mechanism: WEEE from Private Households: New WEEE

- Financing the waste from own products
- Variations of Article 8(2) or ambiguous interpretation
- Individual financial responsibility for new waste not explicitly allocated



Analysis

Financial Mechanism: WEEE from Private Households: New WEEE

Implications

Limitation of responsibility for each producer to finance his own WEEE not fully implemented

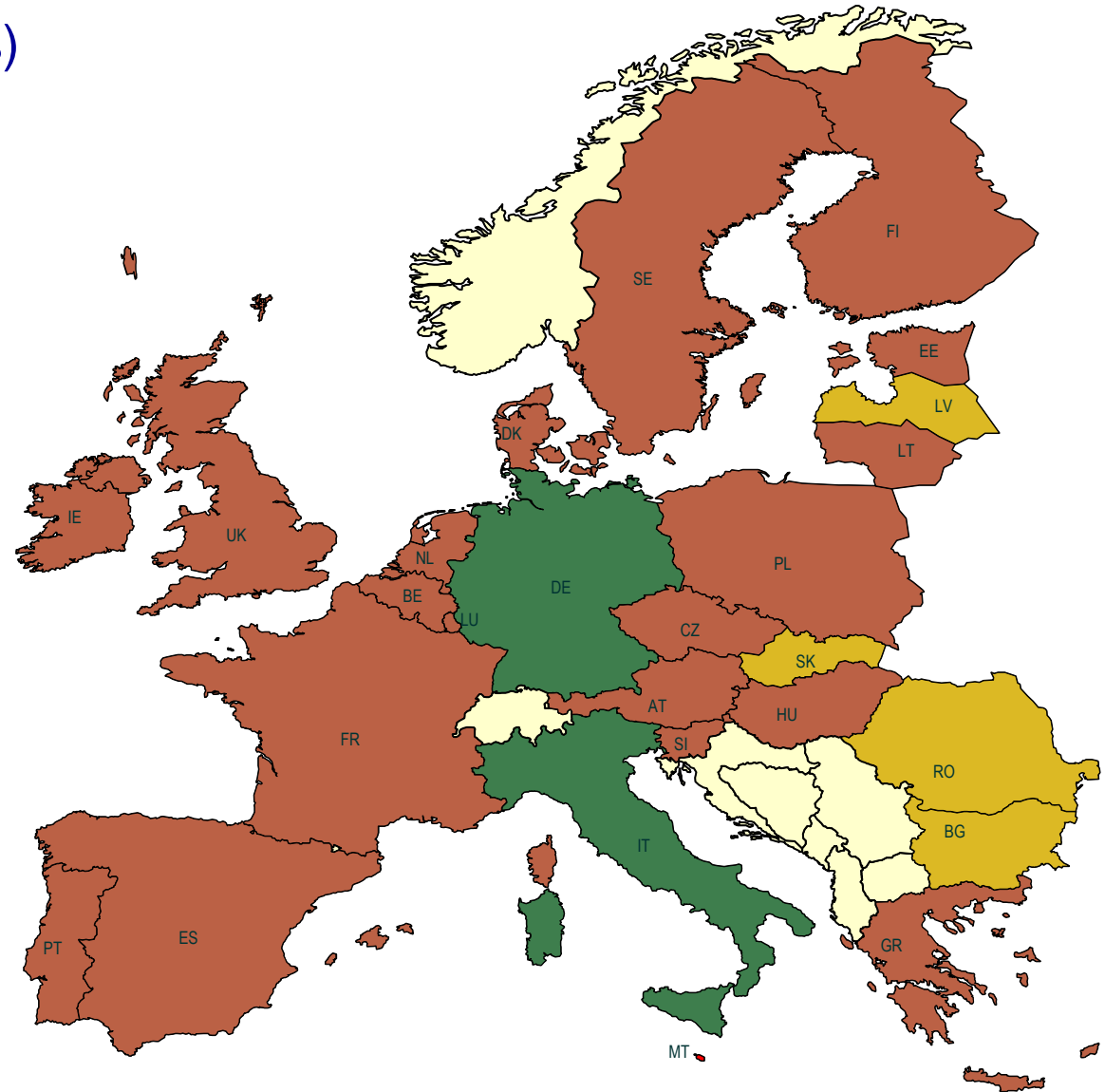
Negative consequence for further development of IPR approaches

Member State concern over IPR:

If market surveillance is not successful any future orphan WEEE would be the financial responsibility of Member States and not the remaining producers on the market

Financial Guarantee (WEEE from Private Households)

- Collective scheme membership is considered to be the Financial Guarantee
- Financial Guarantee required from all compliers
- “Product Tax” can be considered de facto guarantee



Financial Guarantee: WEEE from Private Households

Implications

- Lack of level playing field when producer chooses to set up own brand compliance scheme in most MS
- Uncertainties regarding whether there will be adequate funds available to finance all new WEEE

Reporting / Registering

Analysis

- ...
- **Criteria for B2B/B2C split**
- **Definition of weight**
- ...



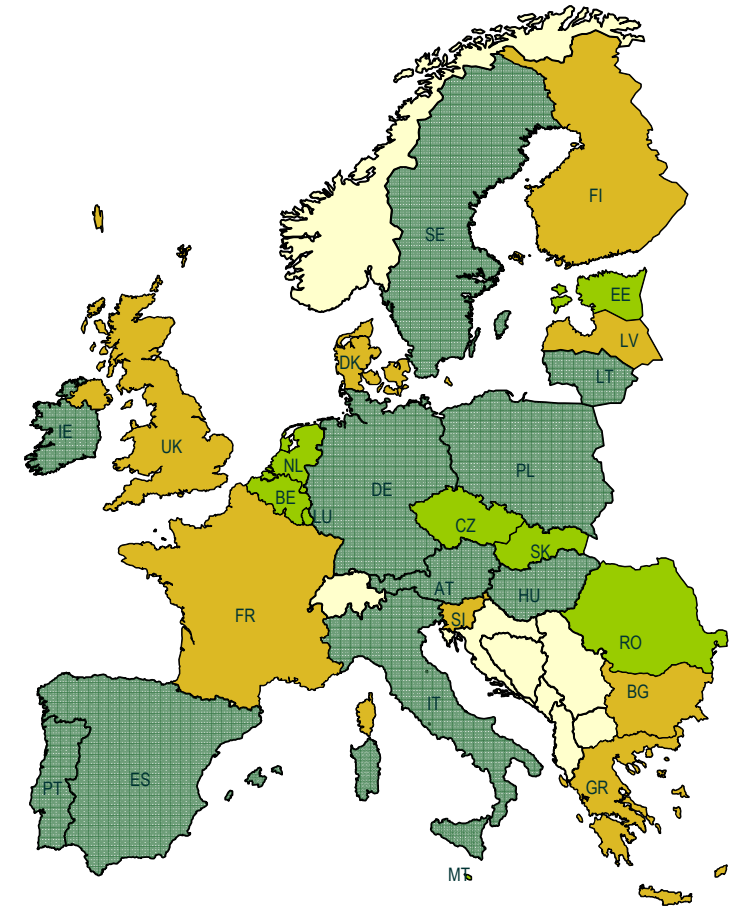
Analysis of impacts

- Analysis of impact of individual measures
- Grouping of measures → scenarios
- Analysis of impact of scenarios

Results

➤ Financial responsibilities

- Maintain choice for producers to fulfil financial responsibility for their own products individually or by joining a collective scheme (→ Article 8.2)
- Proper and harmonised implementation in all MS



Results (cont.)

➤ Harmonisation

- Harmonise definitions like “producer“ and “put on the market“ in the context of the ‘Common framework for the marketing of products’

(Quantitative) Assessment of impacts ?

- Harmonise approaches for registering and reporting
- current harmonisation activities / European standard

Assessment of impacts depends on details of e.g.
European standard

Results (cont.)

➤ Level playing field

- **Financial guarantee**

(Each individual producer pays vs. collective financial guarantees)

- Costs: 8 – 40 b€ vs. 0.5 – 1.4 b€ (or lower)
- Negative effect for individual systems
– development of low cost solutions?
- Harmonised quality requirements for collective financial guarantees

Results (cont.)

- **Collection of WEEE (here: b2c)**
(financial responsibility of producer vs. municipality)
 - levelled economic effects
0.5 b€ - 1.4 b€ - transfer of costs,
 - improvement in competition in the internal market
 - removing barriers
(for those companies that wish to set up their own schemes)

➤ **Supra national approach**

• **EU network of MS**

→ money transfer related to cross border transfer of EEE or WEEE

• **EU registration at one MS**

→ Register + reporting for all MS in a single MS

→ Financial guarantee in MS

→ Each MS enforces on behalf of other MS

• **EU Register**

→ Register + reporting at EU level (data sent to MS)

→ Financial guarantee at EU level

→ Each MS enforces on behalf of EU institution

➤ Supra national approach

Measure	Total
EU Network of MS	-17-18 m€
	-7
EU registration at one MS	+289-410 m€
	+17
EU Register	>+226-276 m€
	+15

Results

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http://ec.europa.eu/environment/waste/wEEE/pdf/final_rep_okopol.pdf

http://ec.europa.eu/environment/waste/wEEE/pdf/summary_okopol.pdf

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RPA