

## **Pro-Europe Response to the**

# **Stakeholder Consultation on the Review of Directive 2002/96/EC of the European Parliament and of the Council on Waste Electrical and Electronic Equipment (WEEE)**

### **1.0 Introduction**

PRO EUROPE<sup>1</sup>, Packaging Recovery Organisation Europe, welcomes the Commission's initiative to review Directive 2002/96/EC on WEEE. Pro-Europe have established an internal working group on WEEE chaired by Valpak UK Ltd, which provides a platform for European countries to discuss and exchange information and best practice between themselves. This response is submitted on behalf of the members of the Pro-Europe WEEE working group whose names are listed at the end of this paper.

Pro-Europe supports this review and many of the proposals contained within the paper. However, there are a number of areas where we believe further simplification and harmonisation of the requirements across Europe would benefit the more effective recovery of WEEE. Our aim is to highlight to the Commission our learning from some of the issues that have arisen during the implementation and operation of WEEE across Europe.

We would very much welcome the opportunity to discuss the matters contained within this paper in more detail.

### **2.0 Summary of Key recommendations:**

- We recommend collection and treatment targets be based on a percentage target of EEE placed on the market rather than a fixed kilogram per inhabitant target. It is possible for the current target expressed in kg per inhabitant to either create a disincentive to increasing collection (for example the UK was already collecting in excess of the 4kg required and producers therefore have no incentive to increase this further) or to be impossible or very difficult to achieve (for example in Member States which have close to or less than 4 kg placed on their markets). We further suggest that a target set in this way would better allow for planning and significantly reduce the industry burden because it would enable producers to be aware of their collection and treatment obligations in advance.
- The 10 Directive categories seem unnecessarily complex and burdensome for reporting and it is not clear what environmental benefit they bring. Furthermore variations in the way in which the Directive's 10 categories have been interpreted by each Member State have created considerable confusion for multi-national companies to report data in each respective country. We recommend that the 10 categories are realigned to the 5 common collection streams in order to reduce administrative burdens

---

<sup>1</sup> PRO EUROPE is the umbrella organisation for 30 packaging and packaging waste recovery schemes acting in the interests and on behalf of industry, and mainly using the "Green Dot" trademark. Its members span 24 Member States, 2 candidate countries (Turkey, Croatia), Ukraine, Norway, Iceland and Canada. [www.pro-europe.info](http://www.pro-europe.info)

and enable the scope of the Directive to be broader and all-encompassing of electrical products.

- An approach that takes the whole life cycle of the electrical product into account has far broader connotations than solely design for disassembly and should be better encouraged wherever possible, for example reducing the global warming potential of that product by reducing the energy consumption of the item during use.
- Take-back to store is generally inconvenient to the consumer and not aligned with traditional waste and recycling practices in many Member States. There is no evidence that higher take back has been achieved through this route which is often viewed as an easy option for retailers. The vast majority of recycling collections have been via approved municipal recycling sites. As such high levels of returns via in store collections are not seen. We suggest that alternatives such as requiring distributors to establish a network of collection sites through an opt-out is enforced.

### **3.0 Issues for consultation- Comments and Recommendations**

#### **3.1 Targets**

##### **(3.1.1) Targets on collection**

We agree that there is a large difference in EEE consumption and WEEE collection rates across the EU. The current 4 kg target does not reflect such variations and is neither appropriate nor affective across the wide range of markets in different Member States. As such, we do not support a fixed mandatory target expressed as weight per inhabitant per year because whilst many Member States already meet and exceed this (so there is no incentive to further increase collection) others find it extremely difficult or impossible to achieve because they have much less WEEE available to collect.

In addition the practical implications of this concept for implementation mean that a compliance scheme's obligation will fluctuate through the year because final collections and therefore obligation share will vary depending on the degree of collection achieved nationally. This leads to considerable operational uncertainty and increased administrative cost for producers.

This presents many difficulties for schemes in order to balance its financing of WEEE collection and treatment against this.

In addition, differing interpretations of the ten Directive categories combined with the hazardous nature of some WEEE has led to wide disparities in data collection and reporting across Member States. For example in the UK producers and schemes have to report by thirteen categories (the 10 Directive categories with further subdivisions for hazardous large household cooling appliances, display screens and lighting).

Pro-Europe is not aware of any environmental justification for the number of categories and therefore the level of reporting that is currently required.

We also feel that the third option presented in the paper which suggests the target should focus only on the most environmentally-relevant streams would add further complexity and not be consistent with the environmental objectives of the Directive. It would also be dependant on life cycle data which is highly open to interpretation and challenge.

### **Recommendation 1**

We fully support the second option presented in this paper for a variable mandatory collection target expressed as a percentage of the total amount of EEE placed on the market in the Member State in preceding years.

We feel that this is the most appropriate solution to the issues caused by a fixed Kg target. This would allow producers and schemes to plan ahead through the knowledge of what is required of them at the beginning of each compliance year. Furthermore a percentage placed on the market target would enable product category specific targets to be introduced that focus on increasing the collection of appropriate streams if desired (a similar approach to that applied to different packaging materials under the Packaging Waste Directive). This option would avoid costly administrative burdens in dividing up collection and treatment costs equitably, enable real increases in collection to achieve the environmental aims of the Directive and simultaneously simplifying the system.

### **Recommendation 2**

We believe that an amendment to the target as suggested in Recommendation 1 above would be most effective if coupled with a reduction in the number of categories. We believe that a simpler categorisation of EEE should be devised which provides the same degree of environmental assurance and reporting capabilities but with significantly less administrative complexity for all stakeholders. We suggest that the current reporting categories are realigned to the five collection streams as follows:

1. Large household equipment excluding cooling appliances
2. Cooling devices
3. Televisions and monitors
4. Gas discharge lamps
5. All other mixed WEEE

These five suggested categories better align to collection and treatment operational practices and so would significantly reduce the burden on industry if introduced.

#### **(3.1.2) Targets on recovery, component, material, substance reuse and recycling.**

We feel that the environmental aims of the Directive will be best served through encouraging increased WEEE collection and treatment. We can see no reason to additionally increase the targets for reuse, recycling or recovery of treated WEEE unless this was justified by full environmental cost benefit analysis. The existing recovery targets should be recalculated to apply to the simpler category proposals made above.

We do not recommend the introduction of material based targets for all WEEE or per product category. We feel that this is likely to result in a very complex system for little additional environmental benefit.

### **Recommendation 3**

It is our belief that should the collection target be modified to a percentage placed on the market target (as per recommendation 1 above) and set at a level to require greater levels of collection, then additional recovery along with component, material and substance reuse and recycling would be encouraged as an effect of this. In summary we feel that most environmental benefit would be achieved through increasing collection and treatment. The market for recycled and recovered products will be driven by increased and more appropriate targets and not vice-versa. Therefore it is unnecessary for the Commission to intervene and actively encourage a high level of material re-application if the targets are set sufficiently to drive end market expansion in the first instance.

#### **Recommendation 4**

We support the introduction of a target for medical equipment but emphasise again that we feel the ten categories is too administratively complex and burdensome. Instead we suggest that the ten categories are re-aligned to the 5 collected streams of WEEE with stream specific recovery targets. **As a result of this realignment**, medical equipment would become subject to the same recovery target as other mixed WEEE within our proposed category 5 above.

#### **(3.1.3) Targets for the reuse of whole appliances**

We disagree with the suggestion to set specific targets for reuse of electrical products because re-use may not always be environmentally beneficial over recycling or commercially viable. It is of little use making a product available for reuse if no market for the product can be found.

#### **Recommendation 5**

Pro-Europe recommend that the reuse of appliances is included with the current components, materials and substance reuse and recycling targets.

### **3.2 The Scope of the Directive**

#### **(3.2.1) Options for the clarification of the scope**

We agree that clarifying the scope would be helpful but advise against the use of a fixed list (including a negative list) as this could never be exhaustive and so would be limited in its usefulness.

#### **Recommendation 6**

We support the first option presented in the paper that suggests formalising criteria such as that applied in the Frequently Asked Questions on <http://ec.europa.eu> and agree that this would be a helpful approach. We point the Commission to similar guidance which is available from the UK's Department of Business Enterprise and Regulatory Reform's Guidance Notes (December 2007) in the form of a flow chart and which is attached here in Appendix I. Such guidance is more helpful as it is broader in its application than a definitive list.

We further wish to highlight that scoping issues could be greatly reduced through the implementation of five product streams rather than ten categories of WEEE, as per our Recommendation 2 above.

#### **(3.2.2) Options on the width of the scope**

We fully support the option within the paper to broaden the width of the scope and feel that it should encompass all WEEE. Pro-Europe would like to strongly caution that extending the number of product reporting categories would only add greater complexity to the compliance system and increase administrative burdens. We have no objection to increasing the indicative lists of products providing these are for guidance only.

#### **Recommendation 7**

We support the inclusion of more products through guidance and the availability of formalising criteria but feel strongly that these should fit into 5 categories which could be aligned to the collection streams as per recommendation 2 above. Fewer categories would make it simpler for all equipment to be included within the scope. This way more

electrical products could then be brought into scope under our suggested fifth category for 'all other mixed WEEE' (as per Recommendation 2).

### **3.3 The Operation of the Producer Responsibility Provisions**

We feel unqualified to comment on the first option presented in this section of the paper regarding bringing certain provisions under Art. 95 or Art.175 of the Treaty.

We would however like to comment that the third option which suggests defining targets to stimulate eco-design is desirable in principle but would be difficult to implement practically for individual producers without considerable burden. Furthermore we would highlight that eco-design requirements should take account of the whole life cycle of a product but that the WEEE Directive is not best placed to encourage this.

#### **Recommendation 8**

We feel that there are benefits to the second option of harmonising the implementation of reporting, registration and information requirements across Member States; however we feel that the allocation of financial responsibility is best left up to the individual Member State.

### **3.4 Treatment Requirements**

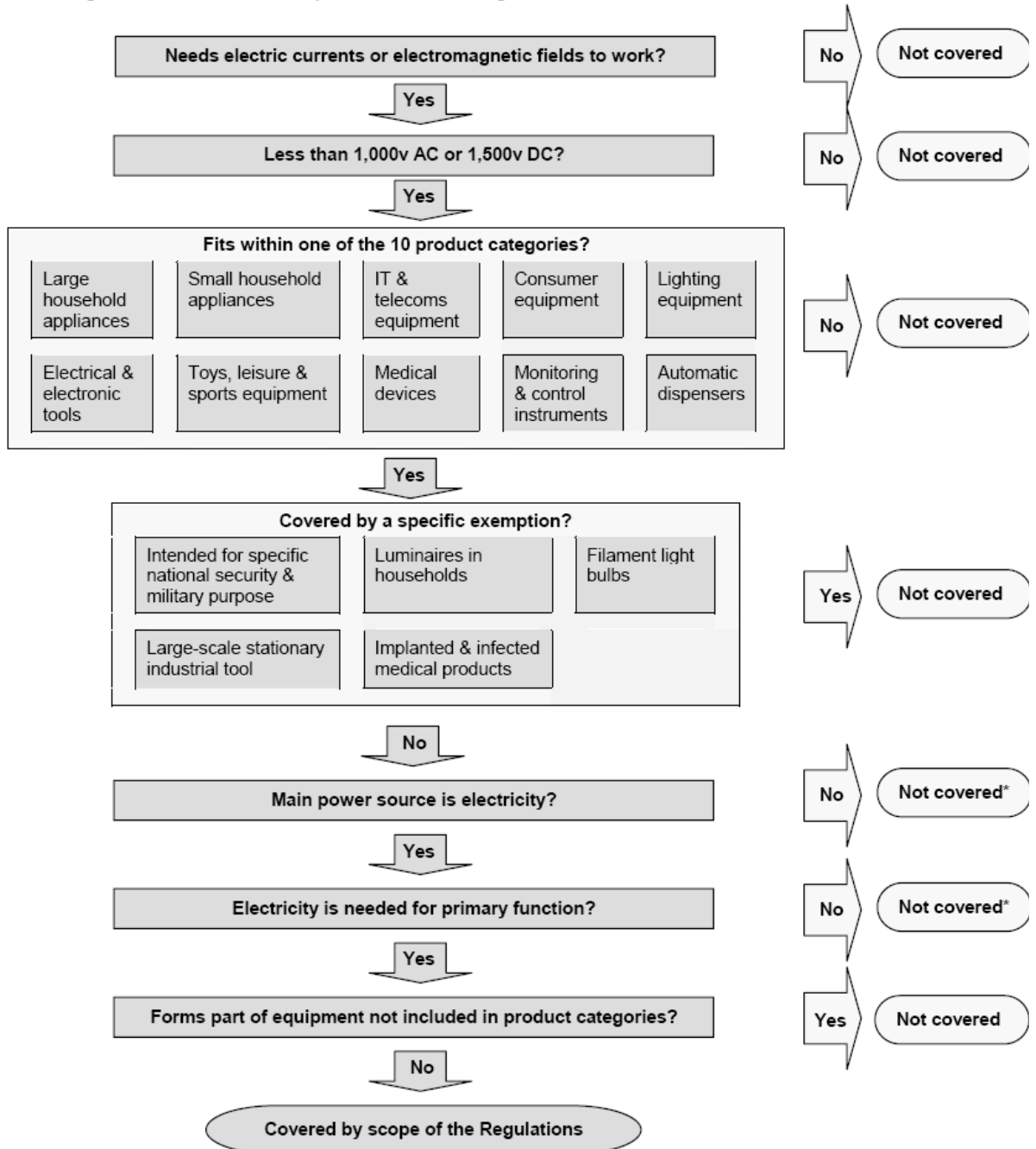
We feel unqualified to respond in favour of any of the options presented in response to this question.

#### **Recommendation 9**

We would caution the Commission against defining the term "remove" and feel strongly that this would be our least preferred option. This option has the potential to increase the costs associated with the treatment of WEEE for no additional environmental benefit, for example if treatment facilities were required to "remove" waste batteries whole and intact from electrical appliances prior to their treatment where both the battery and EEE have the same lifespan and are discarded simultaneously.

Appendix I

A 'decision tree' that could be used by producers to decide whether or not a product might come within the scope of the WEEE Regulations.



\*While these exclusions are not expressly provided for in the WEEE Directive, it is BERR's view that they apply. It should be noted, however, that a definitive legal interpretation is only available from the court. Producers should rely on independent legal advice on compliance

List of WEEE Working Group Member Schemes:

DSD, Germany

ARA, Austria

Eco-Emballages, France

Rekopol, Poland

Latvijas Zalais Punkts, Latvia

Valpak, UK