



16 March 2009

Fédération Européenne des Activités de la Dépollution et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

FEAD position paper on the revision of the WEEE Directive

FEAD welcomes the European Commission's proposal for a revised Directive on WEEE, which provides major improvement for a more effective and efficient implementation of this legislation, more suited to today's characteristics of the EEE market.

The Commission's proposal brings an answer to some of the main difficulties encountered in the management of WEEE, such as illegal shipments to developing countries for "re-use" or treatment within or outside the EU with poor environmental and sanitary care.

Definitions and scope

The greater coherence with other EU legislation, for instance, the reference to the relevant definitions in the new Waste Framework Directive (Directive 2008/98/EC), is a good step forward, especially in terms of legal certainty. To ensure further consistency with the Waste Framework Directive and the Waste Hierarchy, "re-use of WEEE" must be replaced by "re-use of EEE", as re-use relates to products or components that are not a waste.

As pointed out by the European Commission in the Impact Assessment¹, there is a need to clarify both the scope and the categories of the Directive aiming at harmonisation among Member States. Therefore, FEAD welcomes the reference to the RoHS Directive for the definition of the scope. However, FEAD advises against the extensive use of comitology to clarify the distinction between WEEE from private households and non household WEEE as stipulated in article 2 point 4 of the Commission's proposal. Comitology has sometimes proven a rather non-transparent procedure in which stakeholder involvement is limited.

Extended producer responsibility

FEAD supports the extended producer responsibility and advocates for the reinforcement of this general principle, as proposed by the European Commission, with governments having to encourage producers to finance all the costs occurring for collection and treatment facilities for WEEE, including from private households.

Targets

FEAD agrees that separate collection and recycling of WEEE are essential to reduce risks for the environment and human health. FEAD therefore welcomes the increase in national targets, and the EU-harmonised approach in doing so, with common objectives for Member States. However, the suggested deadline of 2016 should be amended by setting-up a clear progressive timeframe. FEAD proposes that the implementation starts in 2010 based on a progressive target:

- 2010, 45%
- 2011, 55%
- 2012, 65%

¹ SEC (2008) 2934

Clarification on the organisation of the collection and recycling of WEEE from households and industry

FEAD members witness that in a number of countries take-back schemes interfere in the relation producer of waste - collector of waste. Furthermore, FEAD is experiencing that take-back schemes are increasingly organised in a monopolistic way and are not enough controlled by the public authorities. FEAD deems it, therefore, important to establish maximum market shares for collective schemes dealing with household WEEE and to establish completely separated take-back-schemes for household and industrial waste as it is important to let the market forces work in the case of industrial WEEE and not to interfere in the market relations. For WEEE from households, take-back-organisations must respect public procurement rules. The waste management sector is also asking for clarification on the role of the actors for the collection, sorting and treatment of WEEE. In that regard, it is necessary to provide clarity on who is the owner of the waste in every waste treatment stage.

Consistently with the legislation currently applied in some Member States, the future revised Directive should foresee the possibility to collect WEEE in groups corresponding to one or more categories specified in Annex I of the Commission's proposal for a revision of the RoHS Directive, in order to rationalise waste collection and treatment, and reduce costs.

If the collection of household WEEE was to be organised by the producing industry in collaboration with municipalities, tendering (public market procedure) by the dedicated organisation must be mandatory. However, the collection of non-household WEEE including household appliances used in the industry must respect the existing commercial relations between producers of waste and the waste management companies.

The role of the dedicated organization has to be limited to

- Certify through an objective evaluation system the waste management companies participating in this specific collection
- Promote the selective storage and collection via financial incentives for the producers providing well sorted WEEE to certified waste collectors
- Consolidate & cross control the data provided by the producers and collectors, and provide in due time reports to the authorities proving the required collection and recycling rates.

As a conclusion, FEAD members consider that two totally different collection systems for household and industrial waste are essential.

Illegal shipments of WEEE

As reported by the European Commission, there is growing evidence of WEEE being exported outside the EU, arguably for re-use, and thus without compliance with obligations under the Waste Shipment Regulation as the material remains "non-waste". FEAD therefore fully supports the emphasis given to inspection and monitoring of shipments, with the establishment of minimum requirements as set in Annex I.

In order to guarantee efficient and harmonised enforcement of the Directive, FEAD calls upon increased and dedicated training of enforcement staff responsible for WEEE (customs, police, fraud repression officers) as well as an reinforcement of IMPEL.

Exchange of information and establishment of Best Available Techniques for the treatment of WEEE

Furthermore, FEAD encourages the exchange of information and know-how among operators which is a key element to improve the implementation of this Directive. This could, for instance, be achieved by periodically organising workshops and/or other initiatives to exchange views and gather experiences.

FEAD also advocates for a level playing-field in terms of treatment and environmental standards. FEAD therefore considers the definition and implementation of harmonized WEEE treatment

environmental standards (with particular reference to BAT for WEEE management and treatment facilities) as essential in order to ensure the same level of environmental protection and health.

Measures to stimulate the markets for recyclates

As final consideration, FEAD wishes to remark that, especially in the current economic downturn, it is necessary to stimulate the markets for recyclates with demand-side measures (Green Public Procurement (GPP), incentives for buying “green” or recovered material made products), in order to meet the recycling targets set in the new Waste Framework Directive.

FEAD is the European Federation representing the European waste management industry. Its members are national waste management associations, with an approximate 70% share in the household waste market and handling more than 75% of industrial and commercial waste in Europe (with a collective annual turnover of approximately € 50 billion). FEAD has 22 members from 21 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 350 000 people who operate around 2 000 recycling and sorting centres, 1 700 composting sites, 400 waste-to-energy plants and 2 200 controlled landfills and play an important role in the determination of the best environmental option for waste management problems.