

Opinion of the European Economic and Social Committee on 'Meeting the challenges of the WEEE management in the EU'

(2009/C 175/06)

On 17 January 2008 the European Economic and Social Committee decided to draw up an own-initiative opinion, in accordance with Rule 29(2) of its Rules of Procedure, on

WEEE Management.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 30 October 2008. The rapporteur was SYLVIA GAUCI.

At its 449th plenary session, held on 3 and 4 December 2008 (meeting of 4 December), the European Economic and Social Committee adopted the following opinion by 119 votes in favour and 1 abstention.

1. Conclusions and recommendations

1.1 The WEEE Directive has a simplification potential in order to reduce the administrative burden on the market forces.

1.2 In reviewing the Directive, the European Union together with national authorities should ensure that the Directive creates a level playing field across all EU countries. This will benefit the environment, business operators and European citizens.

1.3 Due to the fact that materials are more valuable now than 5-10 years ago, many WEEE items escape the established collection routes. The consequence is that some items are not properly treated. Hazardous, non-valuable pieces of discarded fridges, for example capacitors, are removed without being treated. Today, producers are held responsible for management of WEEE over which they have little or no control. All actors in the chain, including therefore scrap dealers, traders, should face the same responsibilities.

1.4 Schools play a major role in educating young citizens with regard to their contribution in the fight against waste. Young citizens should thus be alerted concerning the dangers linked to the end-of-life of the electrowaste in an attempt to promote its prevention, reuse, recovery and recycling. Education is first and foremost a responsibility of Member States, but producer organisations can and do play a major role as well.

1.5 The review of the Directive should allow for a better interaction between provisions for the protection of human health and the environment on the one hand and rules that affect the smooth functioning of the Internal Market on the other. In particular, the producer definition should not lead to more barriers to the Internal Market. In addition, this will be more in conformity with recent European Court of Justice case law that requires the environmental protection not to run counter the principles of the Internal Market.

1.6 Currently, market-share based collective systems have proved successful in managing WEEE properly. A revised Directive should not create any obstacles to the practice of sharing costs of WEEE management on the basis of current market shares. The way forward for Annex II is to allow interested parties to continue developing treatment standards.

1.7 Finally, tackling the electrical and electronic waste stream in the EU in a cost-effective manner should help eradicate the shipment of this type of waste to third countries, where the environmental standards are lower and the risks for the manpower handling this waste are higher. The Directive should thus fulfil its social aim to protect the environment and reduce the impact of waste on human health. The implementation of treatment standards in third countries should be promoted.

2. Introduction

2.1 Directive 2002/96/EC ⁽¹⁾ on waste electrical and electronic equipment is designed to tackle the fast increasing waste stream of electrical and electronic equipment (EEE) and complements European Union measures on landfill and incineration of waste.

2.2 On the basis of many sources and different estimation techniques, the amount of new EEE put on the EU27 market is estimated at 10.3 million tonnes per year. A number of forecasting assumptions predict that by 2020, total WEEE arisings will grow annually between 2.5 % and 2.7 % reaching about 12.3 million tonnes. The total quantity collected in 2006 was 2 million tons.

2.3 It is thus important at this stage to assess whether the Directive has delivered the expected results in terms of environmental protection. It is also relevant to find out which improvements are possible and which are the most appropriate means to achieve them.

(1) EESC's opinion on WEEE, OJ C 116, 20.4.2001, p. 38-43.

2.4 In particular, the WEEE Directive has put in place a number of waste management patterns in order to achieve increased recycling of electrical and electronic equipment and limit the total quantity of waste going to final disposal.

2.5 Producers are incentivised to design electrical and electronic equipment in an environmentally more efficient way, while taking waste management aspects fully into account. For this reason, the WEEE directive involves the concept of extended producer responsibility. In order to comply with the legislation, producers of EEE will need to consider the entire life cycle of electrical and electronic products, including the product's durability, upgrading, reparability, disassembly and the use of easily recycled materials. They are also responsible for taking back and recycling electrical and electronic equipment provided they fall under one out of the ten broad product categories ⁽²⁾. Finally, they need to provide data to demonstrate compliance.

2.6 The extended producer responsibility is triggered as soon as a market operator identifies himself through the national producer registers, drawn by national authorities in each Member State. The term 'producer' covers various types of activities and includes namely the producers of own brand products, or the importers, or the resellers. The scope of the term 'producer' is so broad as to involve as many business activities as possible and thus achieve a cost efficient WEEE management scheme. Yet the problem is that the broad coverage leads to the situation that one product can have multiple producers responsible for management, which is legally unacceptable.

2.7 The WEEE directive aims to encourage separate collection by setting quantitative targets. By 31 December 2006 at the latest, EU countries should have achieved a rate of separate collection of at least 4 kg on average per inhabitant per year of waste electrical and electronic equipment from private households. A new mandatory target should be set by December 2008.

2.8 The WEEE directive also promotes reuse and recycling by establishing recovery, reuse and recycling targets.

2.9 The last pillar on which the WEEE Directive rests is the role of the final users, in other words, the consumers. The consumers are able to return their equipment free of charge. In order to prevent the generation of hazardous EEE waste, substance bans and

restrictions are put in place on the basis of Directive 2002/95/EC (RoHS) ⁽³⁾.

3. General comments — Problems identified

3.1 From the actions described above, Member States were expected to draw their national WEEE management plans in order to be compliant with the Directive. A first assessment of the national implementation of the WEEE legislation can lead to the following conclusions:

- the scope covered by the Directive has given rise to diverging interpretations across the EU, whereby the same product is not necessarily within the scope in all member states, and therefore affects producers in terms of different levels of compliance across Europe;
- the collection targets are easily met by most countries in the EU-15, but remain challenging for most new Member States;
- there is a low performance of collection for product categories others than Category 1 ⁽⁴⁾;
- small items tend not to be returned to collection points and therefore fall outside the established WEEE channels;
- the availability of collection points of WEEE in quite a few member states is not as developed as it should be;
- there is a lack of reporting ⁽⁵⁾ on the quality of treatment of WEEE;
- the two most crucial activities representing administrative burden are registering to national producer registers and reporting;
- the national transposition of the WEEE Directive only took place after 13 August 2004 — and for some countries it is still uncompleted to date. It is therefore too early for a comprehensive social monitoring and evaluation.

⁽²⁾ There are ten categories of EEE covered by the Directive.

- Category 1 — Large Household Appliances
- Category 2 — Small Household Appliances
- Category 3 — IT & Telecoms Equipment
- Category 4 — Consumer Equipment
- Category 5 — Lighting Equipment
- Category 6 — Electrical & Electronic Tools
- Category 7 — Toys, Leisure & Sports Equipment
- Category 8 — Medical Devices
- Category 9 — Monitoring & Control Equipment
- Category 10 — Automatic Dispensers.

⁽³⁾ The RoHS Directive requires the substitution of various heavy metals (lead, mercury, cadmium, and hexavalent chromium) and brominated flame retardants (polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE)) in new electrical and electronic equipment put on the market from 1 July 2006.

⁽⁴⁾ See footnote No 2.

⁽⁵⁾ In conformity with Article 12 of the WEEE Directive on 'Information and reporting' producers should collect information, including substantiated estimates, on an annual basis on the quantities and categories of electrical and electronic equipment put on the market, collected through all routes, reused, recycled and recovered within the Member States, and on collected waste exported, by weight or, if this is not possible, by numbers.

4. Specific comments — Way forward

4.1 The review of the Directive should aim at maximising its environmental results (collect more) and increasing the costs efficiency of WEEE treatment (treat better).

4.2 Meeting the challenges of the WEEE management in the EU also means reducing the administrative burden on businesses, so that they remain economically competitive and can invest resources in improving the environmental performance of their activities, be it in the product design, the collection schemes, the take-back systems or the information provision to the public.

4.3 National administrations and private initiatives can finance education programmes at schools, in order for children at an early stage to be acquainted with good practices about the disposal and the recycling of electrical and electronic equipment. These programmes should be implemented at local level, hence their content should be tailored to local conditions and consumption patterns.

4.4 The most positive environmental improvements and highest cost-efficiency can be realised in the following ways:

- rearrange the product oriented scope ⁽⁶⁾ towards a treatment category oriented scope;
- differentiate the target setting for collection amounts, recycling percentages and treatment requirements;
- achieve a level playing field for different stakeholders across the EU; in particular:
 - The producer definition should cover the same operators across all EU Member States. To this end, an operator who puts a product on the community market should be deemed to be the producer in all EU national markets;
 - National producer registers should function in a more harmonised manner: The different administrative

requirements of various national registration and financing schemes are indeed leading to increased costs for producers operating cross border on the internal market. Producer registers differ in the information collection from producers and their operating principles. Among others, the definitions for types of equipment, criteria for weight, basis for the figures that are reported and consideration for sales to other Member States differ between registers. The frequency and periodicity of reporting data also vary. The European institutions could issue recommendations and guidance in order to achieve this objective, through appropriate consultation of stakeholders;

- A European network of national registers could be created in order to exchange information. Producers could register in a single Member State, reflecting the activities of that registrant in the entire EU. This would simplify the administrative burden for registrants and at the same time lead to a more efficient enforcement of the directive. More harmonizing and less bureaucracy would make it easier to reach the environmental improvements and goals;
- The labelling requirements for the marketing of electrical and electronic equipment should be further harmonised. Failing to do so, the free movement of goods in the internal Market will be continuously hampered.
- clarify and consequently enforce in a homogeneous manner the harmonized approach across the EU Member States;
- reflect on how national governments can encourage research for environmental improvements in the WEEE management;
- finally, the consumers' role in guiding the WEEE policy must be further analysed. In the end, it is the consumer who has to return his e-waste and will also pay, no matter how the financing is arranged.

Brussels, 4 December 2008.

The President of the European Economic and Social Committee

Mario SEPI

The Secretary-General of the European Economic and Social Committee

Martin WESTLAKE

⁽⁶⁾ See product categories as described under footnote No 2.