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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the re-examination of the WEEE recovery targets,
on the possible setting of separate targets for WEEE to be prepared for re-use
and
on the re-examination of the method for the calculation of the recovery targets set out in
Article 11(6) of Directive 2012/19/EU on WEEE**

1. INTRODUCTION

Directive 2012/19/EU on waste electrical and electronic equipment ⁽¹⁾ (the WEEE Directive), which is a recast of the earlier Directive 2002/96/EC ("the old WEEE Directive") entered into force on August 2012 and had to be transposed by Member States by 14 February 2014.

The WEEE Directive lays down rules on the management of WEEE with a view to contributing to sustainable production and consumption by, as a first priority, the prevention of WEEE and, in addition, by the re-use, recycling and other forms of recovery of such waste so as to reduce the disposal of waste and to contribute to the efficient use of resources and the retrieval of valuable secondary raw materials.

In this context, the WEEE Directive introduces in Article 11 and Annex V combined preparing for re-use and recycling targets as well as recovery targets for WEEE and sets out in Article 11(2) the methodology for the calculation of these targets.

This report answers to the following requirements for the Commission set out in article 11(6) of the WEEE Directive:

1. Re-examine the recovery targets referred to in its Annex V, Part 3;
2. Examine the possibility of setting separate targets for WEEE to be prepared for re-use;
3. Re-examine the method for the calculation of the achievement of the recovery targets referred to in Article 11(2) with a view to analysing the feasibility of setting targets on the basis of products and materials resulting (output) from the recovery, recycling and preparation for re-use processes.

To prepare the present report, the Commission contracted independent consultants to review relevant statistical data, literature and technical information and held consultations with major stakeholders (Member States, industry associations, extended producer responsibility (EPR) compliance systems, NGOs and independent experts) ⁽²⁾.

The purpose of this report is to inform the European Parliament and the Council of the Commission's assessment and conclusions related to these issues.

¹ Official Journal L 197, 24.7.2012, p. 38.

² "Study on WEEE recovery targets, preparation for re-use targets and on the method for calculation of the recovery targets": http://ec.europa.eu/environment/waste/weee/events_weee_en.htm .

2. RE-EXAMINATION OF THE WEEE RECOVERY TARGETS

2.1. Objective

Electrical and electronic equipment (EEE) falling within the scope of the WEEE Directive is currently classified under 10 “product - oriented” categories set out in its Annex I and II ⁽³⁾. From 15 August 2018, EEE will be classified under 6 “collection - oriented” categories set out in Annex III and IV ⁽⁴⁾. The recovery targets to be met by producers according to Article 11(1) are applicable per EEE category as set out in Annex V.

As recycling and recovery targets are contingent on the mass and material composition of the individual categories, the change in categorisation may affect the overall mass and the material composition of the new categories. Therefore, the main reason for the re-examination of the recovery targets is to assess whether the change in EEE categories resulted in significant changes to the ambition level of these targets.

2.2. Assessment with regard to the re-examination of the WEEE recovery targets

The analysis focused on the comparison between the level of ambition of the recovery targets applicable for each one of the 10 categories from 15 August 2015 until 14 August 2018, as set out in Part 2 of Annex V, and the recovery targets applicable for each of the 6 categories from 15 August 2018 onwards, as set out in Part 3 of that Annex V.

The study came to the following main conclusions:

- For the large majority of products there is no change in the absolute value of the recycling and recovery targets due to the transition from 10 to 6 categories of EEE. Where there is, the change is not significant. Moreover, the very few products affected by the change in targets (e.g. professional tools, medical equipment, professional monitoring and control equipment), form only a very small fraction of the overall WEEE stream, and thus the impact on the overall recovery and recycling rate is negligible.
- The change in the categories results in an increase of over 7% of the mass to be recycled, which means that the recycling targets applicable from 2018 onwards (under 6 categories) are more ambitious than the targets applicable from 2015 to 2018 (under 10 categories). This is desirable since the targets should progress in time and enforcing the 2018 targets (6 categories) will lead to a slight increase of the environmental and economic benefits, due to the increase in materials recovered and recycled.
- The clustering under the 6 categories is much closer to the operations at collection and treatment level. It can thus also increase consistency in data reporting and limit the administrative burden both for WEEE collection and treatment facilities and for national authorities when consolidating and checking data consistency.

2.3. Conclusion

On the basis of the assessment carried out, the Commission concludes that there is no justification for revising the recovery targets with respect to the 6 new categories of EEE referred to in Annex V, Part 3 as these targets maintain a similar level of ambition than the targets set out under the current 10 categories of EEE as referred to in Annex V, Part 2.

³ These categories are the following: 1) large household appliances, 2) small household appliances, 3) IT and telecommunications equipment, 4) consumer equipment, 5) lighting equipment, 6) electrical and electronic tools, 7) toys, leisure and sports equipment, 8) medical devices, 9) monitoring and control instruments, 10) automatic dispensers.

⁴ These categories are the following: 1) temperature exchange equipment; 2) screens, monitors and equipment containing screens with a surface greater than 100cm²; 3) lamps; 4) large equipment (any external dimension greater than 50cm); 5) small equipment (no external dimension greater than 50cm); 6) small IT and telecommunications equipment (no external dimension greater than 50cm).

3. EXAMINATION OF THE POSSIBILITY OF SETTING SEPARATE TARGETS FOR WEEE TO BE PREPARED FOR RE-USE

3.1. Objective

The appropriateness of setting separate targets for preparation for re-use was examined by compiling the relevant practices applied in Member States, analysing the drivers and obstacles for preparation for re-use and, on the basis of the information available, assessing whether it is feasible and practicable to set separate targets for WEEE to be prepared for re-use.

3.2. Assessment with regard to the possibility of setting separate targets for WEEE to be prepared for re-use

In 2012, about 70,000 tonnes of WEEE were reported by Member States to Eurostat as being re-used/prepared for re-use in the EU. However, reporting of separate data on re-use/preparation for re-use is voluntary for Member States and only fifteen Member States reported related data in 2012, as presented in the table below.

Table: Quantities of WEEE collected and re-used/prepared for re-use in 2012⁵

Member State	WEEE collected (tonnes)	WEEE re-used/ prepared for re-use (tonnes)	Re-use/ preparation for re-use rate on the basis of WEEE collected
Austria	77,402	1,248	2%
Belgium	116,458	4,068	3%
Bulgaria	38,431	292	1%
Croatia	16,187	0	0%
Cyprus	2,514	42	2%
Czech Republic	53,685	0	0%
Denmark	76,200	0	0%
Estonia	5,465	0	0%
Finland	52,972	557	1%
France	470,556	9,568	2%
Germany	690,711	11,845	2%
Greece	37,235	0	0%
Hungary	44,262	0	0%
Ireland	41,177	360	1%
Italy	497,378	-	-
Latvia	4,694	37	1%
Lithuania	14,259	0	0%
Luxembourg	5,010	0	0%
Malta	1,506	0	0%
Netherlands	123,684	475	0%
Poland	175,295	791	0%
Portugal	43,695	33	0%

⁵ Source: "Study on WEEE recovery targets, preparation for re-use targets and on the method for calculation of the recovery targets": http://ec.europa.eu/environment/waste/weee/events_weee_en.htm . (Data source: Eurostat)

Member State	WEEE collected (tonnes)	WEEE re-used/ prepared for re-use (tonnes)	Re-use/ preparation for re-use rate on the basis of WEEE collected
Romania	23,083	0	0%
Slovakia	22,671	0	0%
Slovenia	9,430	30	0%
Spain	157,994	351	0%
Sweden	168,612	0	0%
United Kingdom	503,611	41,630	8%
TOTAL	3,474,177	71,327	2%

Given the high number of Member States that did not report separately the quantities of WEEE re-used/ prepared for re-use, but also the lack of specifications on the activities that were considered as re-use and preparation for re-use in Member States' reports, this information is not sufficiently representative. This data leads to conclude, however, that, with the exception of a few Member States,, re-use and preparation for re-use are not well developed at EU level.. The study found that there are significant differences in the consumption patterns between Member States as regards used/ second –hand products which has affected the level of development of the sector. This makes it somewhat difficult to assess the potential for preparation for re-use across the EU.

The study analysed the feasibility of setting a separate target for preparation for re-use. Regarding economic impacts, preparation for re-use could result in significant revenues and savings to the economy. Due to positive effects on job creation and due to the opportunity given to parts of the population with low income to buy low cost household appliances, preparation for re-use has positive social impacts as well. Possible environmental impacts from preparation for re-use are related to the avoidance of manufacturing new EEE, and waste prevention. However, energy consumption should be taken into consideration since new appliances are usually more efficient than re-used older equipment.

On the other hand, setting a separate target for preparation for re-use would require good knowledge of the quantities of WEEE that could be prepared for reuse in the EU and of the economic feasibility of changing logistics, to ensure that the potential for re-use of WEEE can indeed be realized. In particular in Member States where preparation for re-use is under-developed, it would require changes to the collection structures and establishment of procedures for the testing of WEEE when collected and prior to any further transfer. It would also require the development of a reporting system to eliminate the risk of double counting as WEEE might be collected and prepared for re-use several times before recycling. The reporting system should also distinguish between the real flows of WEEE prepared for re-use and equipment that is re-used without being waste. In addition, if a separate target on preparation for re-use target is put in place, there is a risk that producers of EEE contribute unequally to the achievement of the target since the demand for second hand products is not the same for all the EEE categories and in some cases different even for different brands of the same type of equipment. While the risk of contributing unevenly also exists under a combined target, it nevertheless provides for more flexibility to compensate the differences in demand for second hand products that exists between the EEE categories.

In conclusion, the study confirmed that setting a separate target on preparation for re-use will create additional obligations for economic operators and Member States (e.g. reporting,

monitoring) and a significant increase in administrative burden. The combined preparation for re-use and recycling target applicable from 2015 onwards (Annex V, Part 2 and 3), enables Member States to reach this target by favouring both recycling and preparation for re-use. However, Member States setting national targets for preparation for re-use of WEEE are more likely to actively promote practices to increase preparation for re-use, including promoting access to WEEE to personnel from re-use centres, as required by Article 6(2) of the Directive, thereby achieving more positive results with regard to the EU waste hierarchy for WEEE.

3.3. Conclusion

On the basis of the key findings of the assessment, the Commission concludes that it is not appropriate at this stage to set separate targets for WEEE to be prepared for re-use in the WEEE Directive. The Commission will however promote the exchange of information between Member States to identify good practices in Member States where targets for preparation for re-use of WEEE have been set at national or regional level or under extended producer responsibility schemes.

4. RE-EXAMINATION OF THE METHOD FOR THE CALCULATION OF THE ACHIEVEMENT OF THE RECOVERY TARGETS SET OUT IN ARTICLE 11(2) OF DIRECTIVE 2012/19/EU ON WEEE

4.1. Objective

Article 11(2) of the WEEE Directive defines the method for the calculation of the achievement of the recovery targets as dividing the weight of the WEEE entering the recovery or recycling/preparing for re-use facility (input-based approach) by the weight of all separately collected WEEE for each category, expressed as a percentage.

The re-examination of this calculation method considered whether it is feasible and practicable to set targets on the basis of products and materials resulting from the recovery, recycling and preparation for re-use processes (output-based approach).

4.2. Assessment with regard to the re-examination of the method for the calculation of the achievement of the recovery targets

The study first analysed the available output-related data on Member State level from several different information sources ⁽⁶⁾ including a stakeholder consultation. It concluded that almost no data on materials resulting (output) from the recovery, recycling and preparation for re-use processes ("output-related fractions" or else mentioned as "material fractions") is available at Member States' level and only a limited database exists, in particular when extended producer responsibility schemes apply reporting tools developed under specific technical specifications ⁽⁷⁾.

On this basis, it was concluded that the most promising approach to collect output-related data is for Member States to further enforce the requirements under Article 11(4) of the WEEE Directive to ensure that producers or third parties acting on their behalf keep records on output-related data as well, and to promote tools to be used for the harmonisation of these records.

⁶ EUROSTAT data, Member States' Implementation Reports for Waste Framework Directive 2008/98/EC and WEEE Directive, consultations with national authorities

⁷ WEEELABEX technical specifications document and European Standard EN 50625-1 on Collection, logistics & treatment requirements for WEEE - Part 1 and TS 50625-3-1 -- Part 3-1

Regarding the environmental benefits from introducing output- based recovery targets, the study highlighted that this may give an incentive to increase recycling efficiency via technical improvements. However, given that valuable materials, which are present in significant amounts in WEEE, are already almost completely recycled due to their economic value, total output-based targets may only have a limited influence on actual recycling practices. The study also concluded that output-based (or material-based) targets will not significantly influence monitoring of de-pollution of WEEE, given that normally this takes place at an early step of the recycling process, as a pre-treatment operation. Therefore, from an environmental perspective, priority should be given to enforcement by Member States of selective treatment including de-pollution, as already required according to Article 8 and Annex VII of the WEEE Directive. Overall, strict implementation, enforcement and monitoring of WEEE collection targets have a strong impact on actual recycling/ recovery, as it has been shown that WEEE entering the collection schemes is usually being recovered/recycled at high rates in terms of its weight.

In the Circular Economy Action Plan, the Commission set out to promote the development of European standards for material-efficient recycling of WEEE, as well as of waste batteries and other relevant complex end-of-life products, to increase recycling of critical raw materials. This is considered a more pragmatic approach than setting binding output-based recycling targets.

4.3. Conclusion

On the basis of the assessment carried out, the Commission concludes that there is no overriding justification for replacing the input-based method for the calculation of the achievement of the recovery targets by setting targets on the basis of products and materials resulting from the recovery, recycling and preparation for re-use processes (output-based approach).