



Frankfurt a. M., 18.04.2005

Marianne Klingbeil

Head of Unit

European Commission

Directorate-General Environment

Directorate G – Sustainable Development and Integration

ENV.G.4 – Sustainable Production & Consumption

B-1049 Bruxelles

**Implementation of the WEEE Directive
Treatment Requirements according to Annex II**

Dear Mrs. Klingbeil,

with this letter we want to express our concerns about certain aspects of the implementation of directive 2002/96/EC, the WEEE directive.

As you know, annex II of this directive defines certain minimum standards for the treatment of WEEE, especially listing hazardous components which have to be removed intact before any further treatment is done. This was introduced to ensure that certain hazardous substances are completely removed and not distributed into the environment or secondary resources, while at the same time a high standard of material recovery should be achieved.

Unfortunately, in the ongoing discussions on implementing the directive in the Member States, nearly every single entry of annex II (1) has been questioned, trying to neglect the necessity of removal of the named components and substances and to allow for automated mechanical processing and reduced sorting procedures. In the case of plastics, this is connected to a very extensive interpretation of the term "recycling", originally meaning material recovery, but here including a wide range of thermal treatment methods.

Sometimes this is also connected to an interpretation of recycling and recovery rates which considers a component as recycled or recovered if it is introduced into a legal recycling or recovery process, whatever its efficiency, rendering the rates of Art. 7 as nearly meaningless.

We are very concerned to hear that some of the discussions in the Technical Adaption Committee are pointing in the direction to support such efforts and to allow for exemptions from the requirements laid down in Annex II of the WEEE directive.

From our long-term experience with recycling of WEEE, we want to underline strongly that the removal of hazardous substances and components before any automated treatment is not only necessary to securely exclude toxic substances from the environment, but can be done in economically and socially feasible ways, thus making the process really sustainable.

The environmentally, economically and socially sound activities of social enterprises, which have been established in some member states for several years and have promoted reuse as well as recycling of electric appliances, thus delivering valueable environmental and social services to their local communities, are already under pressure from the reorganisation of the sector powered by the introduction of producer responsibility. If quality standards are weakened, they will loose their only competitive advantage, and many jobs for handicapped or long-term unemployed people as well as services to the local communities will be lost.

Therefore we want to ask you to remove any doubts about the applicability and pertinency of the requirements of Annex II and to make it clear that any amendments to the annex can be done only in accordance with the procedures described in Art. 13 and 14 (2), including the consultations mentioned therein and a very thorough proof of fulfillment of the requirements of Art. 6 (1), second indent ("ensuring at least the same level of protection for human health and the environment").

Kind regards

RREUSE

Dr. Horst Bröhl-Kerner

Workability International Europe

Dr. Manfred Duchâteau

Contact:

p.A. Recyclingzentrum Frankfurt
Lärchenstr. 131, D-65933 Frankfurt a. M.
Tel. ++49 69 94 21 63 102
Fax ++49 69 94 21 63 701
Mail horst.broehl-kerner@werkstatt-frankfurt.de

Annex: Short presentation of the undersigned organisations.