

STAKEHOLDER CONSULTATION ON THE REVIEW OF THE DIRECTIVE 2002/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON WASTE ELECTRICAL AND ELECTRONICAL EQUIPMENT (WEEE)

RREUSE OPINION

Reuse and Recycling European Union Social Enterprises

Need for revision of the WEEE-directive

RREUSE welcomes the stakeholder consultation on the review of the WEEE-directive to be able to give our views on the proposed options for review and to indicate what is essential to increase reuse of WEEE.

Reuse of waste is the preferred mode of recovery as reuse and repair of end-of-life products help reduce the increasingly growing waste amount. By extending the product life reuse enhances resource efficiency and saves energy, and thus reduces water and air pollution. This also applies for waste of electrical and electronic appliances. Though energy-efficiency of EEE is important, in most cases the overall ecological impact of an EEE can be reduced by using or reusing the appliance as long as possible.

Repair and reuse of WEEE is already well developed in the EU and economically viable as the demand from consumers for secondhand EEE is bigger than the supply. RREUSE-members in 10 member states collect more than 150.000 tons WEEE every year. If collection of reusable items would be performed at the earliest stage possible this amount can be raised a lot.

The, mainly, non-profit organizations dealing with reuse not only contribute to the waste management for ecological reasons but have an important (local) social role by offering job opportunities for disadvantaged people on the 'first labor' market and by offering essential household items for people with low incomes. These social aspects of reuse should not be forgotten in this environmental legislation.

The WEEE directive states that Member States shall give priority to the reuse of whole appliances (art.7.1). It also states that collection and transport shall be carried out in a way which optimizes reuse and recycling of those components or whole appliances capable of being reused or recycled (art. 5.4). However, these good principles are all too often translated into take-back systems which concentrate on low-cost recycling in centralized plants, thus endangering the existing local or regional reuse systems. One of

the reasons for this effect is the fact that until December 2008, only the reuse of components and not the reuse of whole appliances is taken into account in the recycling targets that producers have to achieve. This is absolutely not a motivation for producers to favor reuse. Another reason is the producer responsibility through which the local reuse market faces new challenges. Local authorities have therefore a very important role in protecting the current reuse systems, to direct reusable WEEE to repair – reuse centers. If not, all WEEE is in danger to be treated for recycling immediately.

Another important aspect for repair and reuse centers is the availability of information on components, materials and on repair of all types of products on the market. The WEEE directive requires, in order to facilitate reuse, that producers provide this information for new EEE (art. 11.1). However, in practice reuse centers or networks often have to pay or encounter other difficulties in obtaining the necessary information.

Many problems are found in the way the WEEE Directive has been implemented in Europe. Solutions must be found in clarifying the existing framework but the directive should also be improved with clear targets and incentives for reuse.

Summary of RREUSE opinion

Reuse is important to help slow down the increase in the WEEE amounts and therefore deserves an approach creating real incentives for high quality reuse of appliances within Europe. Reuse targets as a whole, reuse targets for specific product categories, obligation to select for reusable items at first collection points, no financial discrimination against reuse, treatment standards favoring the environmentally more sound manual dismantling will all contribute to a higher reuse percentage of WEEE in the future.

Specifically to enhance reuse, the revision of the WEEE directive should correct following issues:

1. Give producers **full financial responsibility** covering the whole chain of WEEE collection (incl. municipal collection), sorting, selection for reuse, recycling and final treatment. Ensure no discrimination against reuse. Producer responsibility should be seen exclusively as a financial responsibility to help society deal with the waste generated in the best ecological and social solution;
2. Oblige the **selection of reusable WEEE** in all collection sites at the earliest stage. This could be done by reuse-centers or revision experts if covered by the financial responsibility of producers;
3. Introduce general **targets for reuse of whole appliances** of WEEE and reuse targets for specific product categories which can be decided on by Member States;

4. Make **reuse activities visible in monitoring and reporting** systems covering the entire collected, recovered and exported WEEE stream; Make counting of reuse obligatory;
5. Recognize fully the **social aspects** of repair and reuse and give full support to initiating projects within the social economy sector;
6. Establish **quality criteria for reuse** and ensure accreditation for repair and reuse centres to ensure proper monitoring and to avoid sham reuse;
7. Oblige producers to provide **for free all necessary information** of all available products on the market to accredited repair and reuse centres, in order to facilitate reuse, maintenance, upgrade and refurbishment of WEEE;
8. Describe **treatment standards** to clarify when and how substances or components should be removed to make sure that the most environmentally friendly dismantling, removal of hazardous substances and highest component reuse is made possible; Annex 2 should not be removed as it is needed to reach the environmental goal of the directive.
9. Give clear incentives for producers and local authorities to prioritize reuse;
10. Give priority to reuse **inside EU** and establish easy and clear criteria and ensure inspection in order to tackle illegal waste exports so-called 'for reuse';

Furthermore the revision should opt for:

11. Broadening the scope to include all EEE appliances on the market and spare parts, cables, consumables even when not part of the appliances when discarded;
12. Monitoring of all WEEE collected (by retailers and municipalities) downstream and enforcement of the targets is an important task for the Member States;
13. Setting a collection **target** linked with quantities put on the market;
14. Collection and recycling targets needed for all product groups;
15. All grey-zone-products should be integrated in the B2C schemes.
16. Shredding of all WEEE together should be explicitly excluded.

CONSULTATION

3.1 TARGETS

3.1.1 Targets on collection

Options to improve the current level of separate collection of WEEE include:

A- Fixed mandatory collection target for all Member States or differentiated per Member State expressed in weight per inhabitant per year to be achieved by a certain date;

B- Variable mandatory collection target expressed in a % of collection in function of the total quantities of EEE put on the market in preceding years in a Member State or per product category;

C- Environmental weight based collection target focussing only on the environmentally most relevant streams to be collected (or combining with the fixed or mandatory target described above);

D- An obligatory give-back by collection points (local municipalities, retailers, distributors, brokers, traders, recycling shops,...) to the producer responsibility organisations (PRO's) or to individual schemes.

RREUSE OPINION:

In short, we prefer option B. Option A has too many drawbacks, option C can be used in combination with B for certain product categories (small appliances). Option D is unacceptable as it would give even more control of the whole process to the producers and would damage some of the few existing opportunities to take out reusable appliances. Only if certain conditions are fully met in the directive concerning collection system and responsibilities it can be accepted.

First of all, the current collection target only covers a small part of the total WEEE generation. If only for that amount the take-back systems (producer organizations) will take their responsibility, the target is counterproductive. Targets are essential and a crucial driver, but nevertheless **the aim should be to collect all WEEE separately and strive for 100% collection of what is generated.** Some MS, e.g. Finland, already formulate that all WEEE arising should be collected. In Austria all collection points and schemes are obliged by law to take back all WEEE they receive from consumers or businesses and the schemes are obliged to finance all WEEE-costs regardless if the target of 4 kg is exceeded. It is important that **the responsibility of the producers is not limited to the target!**

Member States play an important role in monitoring and control of the targets. Currently no official control or sanctions are used by most Member States to guarantee the fulfilling of the targets.

Option A: A fixed weight collection target for all MS might be too easy to achieve for some MS and hence be of no help to improve the collection, and too difficult to obtain, due to lower consumption of EEE, in other MS. A weight target differentiated

to MS and established within the directive, would provide a too blunt and inflexible amount which, due to the steadily increasing consumption of EEE, should be continuously revised. Hence this should not be an option, however if chosen, at least 8 kg/pp annually should be set.

Option B: A collection target expressed as a percentage of the (averaged) quantities sold on the market during previous years (e.g. 3) is the best way to allow different collection targets in the MS adapted to the amount consumed. The aim should at least be to collect between 60-75% of what has been sold. Specific collection targets for each product group might not be essential and making administrative costs higher due to complexity. However, specifically for small appliances (mobile phones) which might get lost easier a specific target should be set and for environmentally very relevant waste streams (cooling equipment, monitors), a 100% collection target should be obligatory.

If a percentage target is based on weight, one should not forget that the average weight per appliance has decreased during recent years. Using a percentage of EEE sold in a previous year does not take into account the fact that not for every sold product another is thrown away.

Option C: The collection should not focus only on the environmentally most relevant streams, as products and their environmental impact are changing. E.g. if more complex, different substances would be used in a certain product which make them much more environmentally dangerous, the directive would not be flexible enough to adapt to this change. Collection, for the sake of clarity for consumers and for the environmental benefit should focus on all EEE. Nevertheless, small products such as mobile phones end up quite easily in a dustbin instead of a separate collection point and they are in need of a specific target. Environmentally more dangerous products (cooling equipment, monitors) should receive particular attention, but not by disregarding the whole WEEE arising and a 100% collection target should be set in combination with an overall WEEE collection target. Not regulating large and small household appliances, or not installing a collection, reuse, recycling target - as if they are less environmentally dangerous - can hardly be accepted. They account for a high percentage of the WEEE, they also contain dangerous substances and in future a lot more different or complicated products (and substances) can be expected as is already the case with build-in circuit boards in washing machines and in general more electronic components in white goods. Collection targets for all product groups and removal instructions remain necessary.

Option D: An obligatory give-back by collection points to the PRO's or individual schemes is only acceptable if **several conditions are met**:

- 1) The reuse sector/organizations have **access to all collected WEEE at first collection sites** to select that equipment that could meet the criteria for being reused, refurbished or repaired. If access and selection is done after bad treatment (outdoor stock, crushing, transport) no reusable items can be selected anymore. Reuse organizations should be recognized as equivalent partners. It is also clear that each collection channel has its intrinsic quality. Experience in Belgium shows a lower reuse percentage of WEEE collected at municipal sites,

whereas WEEE collected at distributors is of significantly better quality. Priority should be given to selection at high quality sites.

- 2) Producers have **the full financial responsibility** for all costs of collection. Also selection for reuse should be rewarded the same as if the WEEE went directly for treatment. No discrimination against reuse should be allowed. The current practice in Belgium and Austria for instance, is that the collective schemes pay more to the distributors if they forward all their WEEE to them and they will not receive the premium if they give part of their collected WEEE to the reuse-sector. In the review this discrimination against reuse should explicitly not be allowed.
- 3) Producer associations are **responsible for making sure that reuse is a priority** and staff at the collection centers should screen all incoming products for possible reuse and for appropriate storage of reusable products (not in open air, not disposed of by throwing).
- 4) **Separate reuse targets** for whole appliances, not included within the recycling targets are needed for the same reason.
- 5) The **scope of products is 100%** to all WEEE: no exemptions, so consumers can bring back whatever part, component, subassembly of an electric appliance, whole or broken appliances, all lamps, including filament lamps, to a collection point for free. This is essential from a consumer point of view.

Obligatory take-back by producers without these criteria might lead to circumvention of reuse as these organizations favor the easiest and cheapest solution, e.g. large-scale shredding and recycling. The danger of vertical integration by producer associations not allowing any competition within recycling businesses and impeding reuse is real if these conditions are not met. Even if the law says that reuse is a priority: obliging selection for reuse at first collection sites is essential in combination with full financial responsibility of producers.

Whether obligatory take-back would change consumer behavior towards separate collection instead of dustbin is doubtful. For this reason, the most important issue is the take back for free.

3.1.2 Targets for recovery, component, material and substance reuse and recycling

Options related to recovering and recycling include:

A- Increase the current targets, for all or some categories;

B- Introduce a target for category 8 equipment (medical devices);

C- Material based targets for all WEEE or per product category;

D- Stimulation of outlet market for recycled and recovered products, in particular for encouraging high level of material re-application.

RREUSE OPINION

In short, RREUSE is in favor of all four options, option A being the most important.

Any recycling and recovery target is as good or as bad as the **monitoring and control mechanisms** in place to ensure compliance with these targets. Strict and above all uniform, EU-wide monitoring specifications are required if market distortion and manipulation in presenting recovery and recycling data are to be avoided.

With that view, we strongly recommend the creation of a central database for European producers which is regularly audited by an independent service. The directive should also impose Member States to provide sanctions for the non achievement of targets by producer's compliance schemes.

Option A: In general it can be stated that the targets have been essential to drive WEEE management towards a recycling industry. In many countries the recycling targets are easily met, and it is proven that technically there is no problem in increasing the current targets. A target of 80% across all product groups is realistic. Recycling of nearly all materials is possible, except fiberboard which goes to energy recovery. Except for lamps, recycling of nearly 100% is achievable. One overall recycling target of 80% would also simplify the legislation.

Option B: All the product categories without a recycling target should clearly get one within this review. Recent data indicate that a high recycling rate for category 8 is achievable.

Option C: Material based targets were already proposed during the co-decision procedure of the WEEE directive, specifically for the plastic fraction. Material based targets have benefits for recycling purposes, but should only be used in combination with the product group approach to enhance specifically the recycling of certain streams. A material based target is needed for plastics as this is not a valued product (low market price) and could be set for the total of plastic-based WEEE. A plastic recycling target would help increase the recovery of WEEE as a whole and stimulate the design of new products towards an easily recyclable and uniform plastic polymer.

In Belgium, a combination of recycling targets for product groups and material based targets for metals, plastic and glass is used.

Option D: Stimulation of the outlet market is a valuable measure to promote recycling. But to enhance high quality recycled products, manual dismantling is important (see further). The focus should not solely be put on recycled products, also educational and promotional measures for reused products should be included within these measures.

3.1.3 Targets for reuse of whole appliances

Options to improve the reuse of whole appliances include:

A- Set a target for reuse of whole appliances to be achieved by a certain date;

B- Include the reuse of whole appliances in the current or increased components, material and substance reuse and recycling targets;

C- Give obligatory access for the reuse sector/organisations to collected WEEE to select that equipment that could meet the criteria for being reused, refurbished or repaired.

RREUSE OPINION

Option A and C are absolutely necessary to implement what has been legally already adopted within the WEEE directive, namely that reuse should be prioritized.

Option A: YES, essential. Only a specific reuse target will create the necessary investments and stimulate all stakeholders to make reuse of WEEE a reality in all MS. Due to the fact there was no target for reuse of whole appliances within the WEEE-directive up till now, there has been neither any official monitoring by Member States or by the European Commission on reuse. The lack of reuse data should not be used as an excuse for not setting any target within this revision. One of the main intrinsic drivers for asking a revision in 2008 was the uncertainty about the height of the collection, recycling and possible reuse targets in 2000. Nowadays we can see the collection target was set too low, recycling targets can be set higher and reuse targets should be included from now on.

It is important that all ways of reuse are clearly accounted for, which is not always the case in actual situations. A lot of reuse and repair activities are hidden, non-reported and as soon as there will be a target, these reused items will pop-up in the statistics. The combination of a high collection target and a good and harmonized reporting system that obliges each channel to report on collected amounts, amounts selected/sent for reuse and amounts sent for treatment, will make it possible to increase the reuse targets very soon after setting the initial one.

Estimations of reusable quantities vary between 10-40% between our members. Several data suggest that the amount of reusable WEEE might be quite high. On one event where people could bring their broken EEE for repair by experts, free of charge, more than 2/3 could be restored by minor repair work (ACRplus, 2003 within IEEP study). In the Netherlands they calculated that within their model of regional transfer stations (ROS+ model) which could offer selection of reusable WEEE, a realization of

78% reuse (of whole appliances and material reuse) would be realistic. 78% is however extremely high.

Experience in Belgium shows 30 % reuse in the most optimal case of selective collection. When talking about integral selection, reuse levels are much lower. In Belgium, all EEE collected and resold are counted for the WEEE-directive, but some have never been monitored as part of 'officially collected WEEE stream'. If the collective scheme would pay the different actors correctly, many of the 'hidden flows' would cease. Experience teaches that high metal prices, export and resale of WEEE cannot be neglected. Unfortunately an accurate estimation of these 'hidden flows' is not existing.

In the UK they are getting 10% out of the take-back systems (and they want to achieve 25%). Reuse is counted in the collection target and netted off the producer obligation to recycle the proportion reused (i.e. reuse = 100% recycling). The recycling target is set on the remainder and therefore reuse is discounted from the recycling tonnage but is counted in the overall collection tonnage. There are about 40 different compliance schemes in the UK. If a CS has a 40% market share and they reuse 10% of the waste they collect (36% remains) they only have to apply the recycling target on that remaining 36%. This therefore encourages other CS to reduce their waste amount for recycling. Reuse is then valuable, and is a benefit for the producer compliance scheme, it equals the recycling obligation, has no onward transportation cost, no recycling cost... Every CS in UK has to register and draft an operational plan in which they show how they are going to reuse. But even then, reuse is sometimes squeezed out of the plan.

In a country with many compliance schemes reporting and counting of reuse to make it economically interesting for producers is interesting, however in a MS with only one CS like in Belgium this way of counting would not help. Therefore a EU target for reuse is needed.

Quantitative information on collection and reuse in Flanders (BE) and Austria is attached. For Austria these are the official data from the Ministry for the national WEEE reporting system. Only in 2 of the 9 provinces reuse quantities were reported. Trying to estimate how much the present potential could be for the entire country, the reuse quantities should be divided by 3,5 and multiplied by 8 (this is the relation of the population of the two provinces Vienna and Upper Austria to the total population). The reuse-percentage of big appliances can rise up to 2,4% and that of TV/Monitors up to 12,8% under the current reuse-adverse conditions in Austria.

At this moment the demand for secondhand/reused EEE is higher than the supply; probably due to many societal changes (divorces, mobility of people, more items per household, increase of low income groups...).

An overall reuse target of 5-10% of weight of WEEE collected could and should be reused. It can then be assigned to different product categories (70% are large household appliances) however reuse-targets per product category should be established by MS as consumer habits are quite different. These targets should be a driver, making it all visible and grow in time. Raising targets every 4 years should lead to innovation in design focusing on reuse.

We should not question whether targets should be set, they should anyway within this revision! To make reuse economically viable, a target is needed. **An initial reuse target of 10% is realistic for all WEEE within 5 years after adoption of the directive.** Specific targets for product categories can be considered, especially on white goods and computers a higher target can be set.

But of course a target will not be achieved on its own and the current barriers should be withdrawn wherever possible: e.g. intrinsic product barriers to reuse forbidden, quality standards for reused appliances to enhance consumer trust, information flow on products and components towards reuse-repair centers (as has been established within the car-repair industry) and clear and permanent identification of the EEE (at least year of construction and energy class) would all facilitate reuse and allow for the repair and reuse of energy efficient WEEE.

Option B: In first instance, NO.

Inclusion of reuse of whole appliances within the overall recycling target is off course a possibility but of much lower impact towards realization of reuse than a separate one. Therefore we do not favor this option, but see it as a 'last resort' option, being only slightly better than having no target and only acceptable if the recycling targets are correspondingly higher than now.

However, UK has implemented the current directive with inclusion of reuse of whole appliances within the recycling targets. And as such, it is, for the reuse sector the best possible implementation of the current directive because it makes the producers wanting to divert a certain amount to reuse.

Option C: YES, essential.

One of the biggest complaints of the existing reuse-centers on the implementation of the WEEE directive is the lack of access to the WEEE-stream. By giving obligatory access for the reuse sector to all 'first' collection sites to select that WEEE that could meet the criteria for being reused, refurbished or repaired, the reuse possibilities will increase tremendously.

However, access is good, lack of financial means and/or personnel to perform this task and bad storage would undermine it. Therefore recognition and correct payment of all the actors in the entire chain is necessary. Reuse centers should play an active role and have a voice as one of the stakeholders (which is the case in Flanders (BE)).

The current reuse sector might not have enough personnel or money to visit all collection sites on a regular basis to select reusable WEEE. A first 'reusability' screening of all WEEE collected by municipalities could be performed by the site guard, if some basic formation was provided and in combination with good monitoring assets. This can be foreseen by making this only obligatory for those regions/collection sites where one or more authorized reuse centers officially state their interest in taking reusable WEEE from the collection sites. This will facilitate the handling for regions without reuse centers or for very small regional collection sites where reuse centers cannot afford it due to high transportation costs for very few reusable WEEE, like in the inner Alps or on small islands for example.

To fulfill this selection it is essential to have the possibility to separate reusable WEEE and store it in a specific closed 'reuse' container/recipient at the collection site. And the producer financial responsibility should be extended explicitly to the collection of WEEE at municipal sites including selection of reusable WEEE.

3.2 THE SCOPE OF THE DIRECTIVE

3.2.1 Options for clarification of the scope

Options related to clarification of the scope include:

A- Clarifying the scope, by formalising criteria used in the document

http://ec.europa.eu/environment/waste/wEEE/pdf/faq_wEEE.pdf on Frequently Asked Questions (FAQ);

B- Clarifying the scope by using a fixed list of products falling under the scope or falling outside the scope (negative list), updated through the Comitology process;

C- Classifying categories of equipment as being WEEE from private households (B2C) or as being WEEE from users other than private households (B2B);

D- Define the scope under the RoHS Directive and refer to it in the WEEE Directive.

RREUSE OPINION

We favor **option A**. In general to clarify the scope it seems the best to use option A, by formalizing criteria and not by working with a fixed list of products which need to be updated once in a while (**option B**), nor by defining the scope under the RoHS directive, which is based on art. 95, impeding Member States to go further (**option D**) which is important when not all WEEE would be included. If the scope of products would include all WEEE, there is no need for a fixed list. If the scope is established by a list of examples, it should not be limitative in order to have new appliances brought onto the market in it.

Option C: There is a clear need for a different approach concerning the current B2C and B2B products and financial mechanisms.

Products coming from businesses, but which are generally also used by households, should be integrated in the B2C take-back-schemes as chances are that this waste will turn up most of the time in the municipal collection facilities. These so-called grey-zone-products, like PC's, lighting etc. coming from businesses but also used by households, should be integrated in the B2C take-back schemes with the corresponding financial responsibility mechanism. A different approach for 'real' B2B WEEE, which classification should not be left to producers, would be welcome. In many cases there is a take-back of old appliances at the delivery of new ones and a contractual relationship between producer and user. However, same reuse, recycling, material recovery targets should apply and same financial producer responsibility should apply.

3.2.2 Options on the width of the scope

Options related to the width of the scope include:

A- The inclusion of (other) types of products/product categories in the scope;

B- Maximise the scope to all EEE (also above 1000Volt AC or 1500Volt DC) and to spare parts and components;

C- The exclusion of types of products/product categories from the scope.

RREUSE OPINION

Highest preference to option B (maximizing the scope) and secondly to option A (inclusion). We reject exclusions of types of products or whole categories from the scope (option C).

Option A: Yes. In terms of material recovery, the more product categories/types of products are collected and having a recycling target, the better. E.g. the exclusion of filament lamps within the current directive is not understandable as these are perfectly recyclable, contain lead and mercury and collection costs would not exceed those from other lamps. The inclusion of all energy-using-products might be envisaged. The inclusion of military products, no longer of strategic significance is possible.

Option B: YES. Maximizing the scope is the best option. For the moment, components, subassemblies and consumables are falling under the directive when part of the product at the time of discarding. Inclusion of these 3 groups, also when not part of the product would be a logical and fair decision from the environmental point of view and from consumer point of view. Some consumables like dvd's, videos, print cartridges have a high reuse possibility.

Option C: NO. Exclusion of certain products is not needed, cannot be justified and complicates the legislation.

3.3 THE OPERATION OF THE PRODUCER RESPONSIBILITY PROVISIONS

Options related to the producer responsibility provisions include:

A- Bring the provisions under a different legal basis like provisions related to the scope, definitions, and product requirements in the legislative text under Art. 95 of the Treaty and provisions related to targets, stakeholder responsibilities and waste treatment under Art. 175 of the Treaty, aligning at the same time definitions (e.g. with the recently proposed package on the "marketing of products" or other Community legislation such as the electromagnetic compatibility or low voltage Directives);

B- Harmonise the implementation of the allocation of financial responsibility, the frequencies and formats of reporting, the registration and the making information available;

C- Stimulate eco-design through defining targets for reusability, recyclability and recoverability of electrical and electronic equipment.

RREUSE OPINION

RREUSE favors options B and C.

Option B: Implementation of the WEEE-directive has been very different throughout Europe. Differences in incomplete application of the producer responsibility principle should be avoided. Not only definitions (e.g. producer) have been interpreted differently, but mainly the physical and financial responsibility for collection are not allocated in the same way to producers. In at least nine countries the obligation to finance the collection from households is falling upon the municipalities (Rossem et al. 2006) and even in the countries where legally the producer is obliged to pay for the collection, in practice the municipalities were paying for most of the costs. This means that general taxpayers are paying part of the cost of managing WEEE.

As is happening in Belgium, communities are faced with important costs regarding collection and storage of WEEE. Without correct payment by the collective schemes, tax payers' money is used to cover these expenses. In practice, the consumers pay 2 times for the same service, which is unacceptable.

Harmonising the implementation of the allocation of financial responsibility, making producers **fully financially responsible** is essential to avoid endless debates and struggles. Producer responsibility should be based on the polluter pays principle: all costs for collection and recycling from the moment the consumer discards WEEE, including costs for municipal collection and selection for reuse, should be integrated in the producer's responsibility. The financial responsibility of the producers/compliance schemes should cover all costs of the treatment of reusable WEEE starting from the municipal collection site, the 'reusability screening' of the site personnel, transport to the reuse center, testing, sending back the non-reusable WEEE back to the systems, up to the point when the tested or screened WEEE lose their waste status, which should be clearly defined as the point where the appliance is defined and labeled as either functioning or suitable for reasonable repair, documented and registered for every individual appliance. Costs for repair should not fall under their responsibility, these

should be financed by the sale of the products. To prevent abuse and export of untested e-scrap to developing countries disguised as "suitable for reuse or reasonable repair", only authorized reuse centers should have the right to follow the above stated sequence of selection of reusable items till the point every product is registered.

At the same time the directive should create guarantees for sufficient **transparency** in the functioning of producer responsibility organisations, specifically in the use of finances and the allocation of recycling and treatment markets.

To enable a better comparison between the Member States, the registration of producers, the formats of reporting (and frequency) and the availability of information should also be harmonized. And this would also reduce the administrative costs for all stakeholders.

Option C: Stimulating eco-design through defining targets for reusability and recyclability could be a very essential tool to drive all EEE design towards a higher reusability and recyclability. Although the EuP-directive can be used for improving this aspect, the implementation of that directive is mainly focusing on the energy-use of the appliances. Moreover the EuP is delivering criteria per product group and the aspects of reusability and recyclability can often more easily be tackled for a whole category of products, and thus be better legally embedded within the WEEE directive.

3.4 TREATMENT REQUIREMENTS

Options related to treatment requirements include:

A- Introduce the development of treatment standards;

B- Include a definition of "remove";

C- Modify the entries of the current list in Annex II.1 to the Directive in function of technical progress including a reference to the exemptions granted under the RoHS Directive to ensure that for those applications, the hazardous components, parts and substances are removed.

RREUSE OPINION

RREUSE favors all clarifications to the treatment requirements within the directive as the environmental goals of the directive can only be met if appropriate treatment standards and specifications are incorporated into the directive.

The expression "have to be removed" in Annex II certainly needs to be defined (option B), but there is no need for fundamental changes to the provisions of the annex. The requirement in annex II.1 to remove substances, preparations and components contained in WEEE before any other mechanical treatment are clear, environmentally sound and practically relevant, and as such, should definitely be retained. Especially the

requirement of manual dismantling, even involving extra-costs, must be maintained. Not only for keeping reuse competitive to recycling, but also for optimizing the environmental impacts which are much more difficult to manage and control in the case of large-scale mechanical shredding.

Furthermore, article 6(1) in the WEEE-directive foresees that Member States 'may set up minimum quality standards' which was hardly implemented in any of the countries. The best theory can be found in Austria and their 'Waste Treatment Obligation Ordinance'. But, shockingly enough, in practice this did not prevent all WEEE categories (except fridges) in Austria from being put to the shredders without manual dismantling. It is simply stated that the environmental relevance of the substances in discussion is very small or that the output quality of modern shredding and "smashing" facilities is same as manual dismantling. Claiming that dangerous parts or substances are being removed after smashing or before putting it into the shredder is in most cases simply a lie and in Austria a few social enterprises are receiving small amounts of WEEE for manual dismantling for the purpose of serving as a "green and social fig leaf".

The treatment regulations should also include transport and better storage quality standards. In e.g. Germany TVs and monitors are transported in big 30m³ containers and these are poured out in big heaps destroying all the tubes... Many Austrian TVs and monitors are transported to Germany and recycled there, stating that Germany meets the same strong quality standards as Austria!

Manual dismantling has the highest environmental benefit. BAT is connected with mechanical pre-treatment. The so-called "smasher" lifts EEE up and let it fall to break, then put on a belt to sort out the hazardous components. Within such a treatment, mercury and other hazardous substances may be released. The only environmental benefit is due to certain fractions, mainly recovery of metals as there is no recovery of a large proportion of mixed plastic and glass.

Washing machines contain capacitors of which some contain still PCB's and others contain an oily substance which is very dangerous for aquatic organisms. Manual dismantling of washing machines for removal of these parts is essential.

To compare the toxic substances in the output of a shredder and compare it with manual dismantling is difficult as probably the input might be different. Any comparison then is invalid. Different shredders work differently in 27 MS: input is often mixed to be within the national limits of what is allowed in output.

Another argument in favour of manual dismantling is the quality and purity of the recovered ferrous metals, in order to enhance the market in high quality recycled products.

RREUSE is therefore strongly in favor of defining much more clearly which parts must be removed manually!

For the purpose of environmental protection, high quality standards for the treatment of collected WEEE, including transport and storage, should be set up at the EU level, based on the principles of the current Annex II.

As a general principle it should be stated that if there is a choice between operation options the best environmental option should be chosen, even if it is more expensive. A clear list of different options presently available should be made and the best environmental option be used. This is important to e.g. exclude road filling (which is landfill), but promote the reuse or material recovery of CRT-glass (lead can be removed by melting).

An environmentally sound treatment legislation focused on high material recovery is essential and needed to correct market tendencies to do things as cheap as possible which would undermine the goal of the directive. Current treatment practices are not always the best option from the environmental point of view. If we would allow market mechanisms to decide on treatment issues, then export of WEEE would be the perfect choice, which is clearly not the best environmental option. The objectives of any WEEE legislation are environmental protection and resources conservation, and these can only be met by setting good treatment standards, by ensuring that the best environmental benefit is achieved (not always current practice, aim higher than BAT), by explicitly excluding shredding of all together, by demanding manual removal of all toxic parts and substances.
