



RREUSE Proposals for amendments to the Commission’s Proposal on the WEEE recast

Article 1: Subject matter (official reference number 59)

Commission proposal WEEE recast	RREUSE proposal
<p>This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipments and by reducing overall impacts of resource use and improving the efficiency of such use.</p>	<p>This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipments and by reducing overall impacts of resource use and improving the efficiency of such use, in line with articles 1 and 4 of Directive 2008/98/EC. It also contributes to sustainable consumption and production by improving the environmental performance of all operators involved in the life cycle of electrical and electronic equipment.</p>
<p style="text-align: center;">Objectives</p> <p>The purpose of this Directive is, as a first priority, the prevention of waste electrical and electronic equipment (WEEE), and in addition, the re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste. It also seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, e.g. producers, distributors and consumers and in particular those operators directly involved in the treatment of waste electrical and electronic equipment.</p>	



Justification:

- 1- RREUSE is concerned that the Commission has deleted and moved to recital 7 the reference to the principles enshrined in the Waste framework Directive, such as the waste prevention objective and the 5-steps waste hierarchy introducing a priority order between waste management options in accordance with their respective environmental benefits. Therefore a reference should be made here to article 1 and 4 of the Waste Framework Directive.
- 2- The original 2003 WEEE Directive insisted on **improving the environmental performance of all actors dealing with either EEE or WEEE, in a comprehensive, life cycle approach.** This should be explicitly retained and therefore, the subject should explicitly include the non-waste aspects of this Directive.

Article 3 : Definitions (official reference number 104)

Commission Proposal WEEE recast	RREUSE proposal
<p>(q)'remove' means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, preparations and components are contained as an identifiable stream or identifiable part of a stream at the end of the treatment process. A substance, preparation or component is identifiable if it can be monitored to prove environmentally safe treatment.</p>	<p>(q)'remove' means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, preparations and components are extracted at the earliest possible stage of the treatment process and as completely as technically feasible. The removal process has to take place before any other treatment which risks distributing or diluting hazardous components within the waste stream. contained as an identifiable stream or identifiable part of a stream at the end of the treatment process. A substance, preparation or component is identifiable if it can be monitored to prove environmentally safe treatment.</p>

Justification:

The new definition of remove introduced by the Commission Proposal has a direct impact on the minimum treatment requirements set out in the Annex II of the Directive, since the word "remove" is used in points 1 and 2 of Annex II. It might raise doubts whether shredding may be allowed to be used before separating hazardous substances during the treatment phase. We advocate for the deletion of such a broad definition, especially since Annex II cannot be touched during the recast procedure.



Article 5: Separate collection (official reference number 117)

Commission Proposal WEEE recast	RREUSE proposal
<p>1. Member States shall adopt appropriate measures in order to minimize the disposal of WEEE as in the form of unsorted municipal waste and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases.</p>	<p>1. Member States shall adopt appropriate measures in order to minimize the disposal of WEEE as in the form of unsorted municipal waste and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases and for small appliances.</p>

Justification:

In the current state of affairs, separate collection of both cooling and freezing equipment and small appliances is insufficient, and there is a need to provide Member States with incentives to improve collection rates in these particular fields.

Regarding small appliances, most of them currently end up in the bin, although small EEE often contains hazardous substances as well as valuable resources which need to be recycled.

Article 6: Disposal and transport of collected WEEE (official reference number 126)

Commission Proposal WEEE recast	RREUSE proposal
<p>2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances.</p>	<p>2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances. In order to maximise re-use of whole appliances, Member States shall also ensure that collection schemes allow for the segregation of re-usable appliances from separately collected WEEE at the collection points, prior to any transportation.</p>



Justification:

In the current state of affairs, separate collection of reusable appliances does not happen and there is a need to provide Member States with incentives to improve collection rates in these particular fields, as well as to **translate the priority to re-use of whole appliances (old article 7.1 of the WEEE Directive) into specific measures** in the field.

In order to establish a priority for the re-use of whole appliances, the best way to go is to provide for the **selection and separation of potentially reusable items at the earliest stage possible**. This would preserve their quality and maximise the re-use potential of the WEEE streams.

Article 8: Treatment (official reference number 163)

Commission Proposal WEEE recast	RREUSE proposal
<p>1. Member States shall ensure that all separated collected WEEE undergoes treatment.</p> <p>2. Treatment other than preparing for re-use shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this directive</p> <p>3. Member States shall ensure that producers and third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems maybe set up by producers individually or collectively. Member States shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III. Producers or third parties acting on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE using best available treatment, recovery and recycling techniques. The systems may be set up by producers individually and/or collectively. To ensure compliance with article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the</p>	<p>1. Member States shall ensure that all separated collected WEEE undergoes treatment in accordance with the waste hierarchy priority order established by Directive 2008/98/EC. To give priority to “preparation for re-use”, a check should be implemented prior to any treatment, to ascertain whether the waste equipment or individual components thereof are reusable. This check should be carried out by accredited repair and reuse centres, established according to article 11.1 and Annex IV of Directive 2008/98/EC, or similarly qualified personnel.</p> <p>2. Treatment other than preparing for re-use shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this directive</p> <p>3. Member States shall ensure that producers and third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems maybe set up by producers individually or collectively. Member States shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III. Producers or third parties acting</p>

~~removal of all fluids and a selective treatment in accordance with Annex II of this Directive.~~

4. Annex II may be amended in order to introduce other treatment technologies ensuring at least the same level of protection for human health and the environment.
Those measures, designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3). The Commission shall evaluate as a matter of priority whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays are to be amended.

~~on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE using best available treatment, recovery and recycling techniques. The systems may be set up by producers individually and/or collectively. To ensure compliance with article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II of this Directive.~~

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Justification:

It is crucial that collection and treatment of WEEE be made using the best available techniques but also in accordance with the waste hierarchy set up by the Waste Framework Directive (2008/98/EC). **Separately collected WEEE should be prepared for re-use as a priority and, only when it is not reusable, treated for recycling, energy recovery or disposal.**

An **obligatory check for reusability**, as already required by the German ElektroG, seems to be an appropriate measure. To do this in a proper way, treatment facilities should either use accordingly qualified personnel or let an accredited re-use center do the sorting.

Article 11 : Recovery targets (official reference numbers 175-177-182-185)

Commission proposal WEEE recast	RREUSE Proposal
<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.</p> <p>12. Regarding all WEEE separately collected and sent for treatment in accordance with Articles 68, 9 and 10 or for preparation for re-use, Member States shall ensure that, by 31 December 2011 2006, producers meet the following minimum targets:</p> <p>(a) for WEEE falling under categories 1 and 10 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 85% shall be recovered, the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and - 80% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance; <p>(b) for WEEE falling under categories 3 and 4 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 80% shall be recovered, the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and - 70% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 65 % by an average weight per appliance; <p>(c) for WEEE falling under categories 2, 5, 6, 7, 8 and 9 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 75% shall be recovered, the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and 	<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.</p> <p>12. Regarding all WEEE separately collected and sent for treatment in accordance with Articles 68, 9 and 10 or for preparation for re-use, Member States shall ensure that, by 31 December 2011 2006, producers meet the following minimum targets:</p> <p>(a) for WEEE falling under categories 1 and 10 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 85% shall be recovered, the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and - 75% shall be recycled; component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance; - 5% shall be prepared for re-use <p>(b) for WEEE falling under categories 3 and 4 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 80% shall be recovered, the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and - 65% shall be recycled; component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance; - 5% shall be prepared for re-use <p>(c) for WEEE falling under categories 2, 5, 6, 7, 8 and 9 of Annex IA to Directive 20xx/xx/EC (RoHS),</p> <ul style="list-style-type: none"> - 75% shall be recovered, the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and

- ⇒55% shall be prepared for re-use and recycled;
 ⇐ component, material and substance re-use and recycling shall be increased to a minimum of 50 % by an average weight per appliance;

(d) for gas discharge lamps, ⇒85% shall be prepared for re-use and recycled. ⇐ the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps

2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.

3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility and/or when entering (input) the recovery or recycling facility.

Detailed rules for monitoring the compliance of Member States with the targets set out in paragraph 2, including specifications for materials, shall be established. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish new targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and for the products falling under category 8 of Annex IA, by 31 December 2008. This shall be done with account being taken of the environmental benefits of electrical and electronic equipment in use, such as improved resource efficiency resulting from developments in the areas of materials and technology. Technical progress in re-use, recovery and recycling, products and materials, and the experience gained by the Member States and the industry, shall also be taken into account.

45. Member States shall encourage the development of new recovery, recycling and treatment technologies.

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- ⇒50% shall be recycled; ⇐ component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance;

- ⇒5% shall be prepared for reuse

(d) for gas discharge lamps, ⇒85% shall be prepared for re-use and recycled. ⇐ the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps

2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.

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Detailed rules for monitoring the compliance of Member States with the targets set out in paragraph 2, including specifications for materials, shall be established. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

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45. Member States shall encourage the development of new recovery, recycling and treatment technologies.



Justification:

In the waste hierarchy, (preparing for) re-use takes a leading position after waste prevention. Nevertheless, to date, most of the existing producers' schemes focus on recycling and overlook the re-use of whole appliances, although former 2003 WEEE Directive had set a priority for this in old article 7.1.

The incorporation of re-use targets in a combined re-use and recycling target will not change this situation. Producers will be able to reach the target only by recycling, and as a consequence could continue to overlook the possibilities for re-use. **The experience of re-use organizations, however, is that there is potential for re-use since, of all separately collected WEEE, between 5 and 20 percent are still fully functional or can be repaired.**

If the European Parliament wants to see implemented the waste hierarchy and feels that the re-use of whole appliances should be prioritised, setting a separate target for the re-use of whole appliances would help to make this happen. A minimum target of 5% of separately collected WEEE for re-use would generate reporting obligations for Member States and give full potential to re-use and preparing for re-use activities.

Article 14: Information for users (official reference number 213)

Commission Proposal WEEE recast	RREUSE proposal
<p>1. ⇒ Member States shall ensure that producers are allowed to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the actual costs incurred. ⇐</p>	<p>1. ⇒ Member States shall ensure that producers are allowed to show purchasers, at the point of sale of new products, relevant life-cycle environmental information on the sound collection, treatment and disposal of the concerned product with, as a minimum, information concerning chemical content and toxicity, reparability and recyclability. This environmental information could include the cost associated to the end-of-life of the concerned product, but Member States should not establish a mandatory, fixed visible fee to be applied across an overall product range, or an overall product category. ⇐</p>

Justification:

The indefinite extension of the allowance to show a "visible fee" at the point of sale can lead many stakeholders to deliberately interpret or use this provision as an opportunity for imposing a flat and undifferentiated fee to all producers of an EEE type. This contradicts the principle of internalisation of the real end-of-life costs in the



price of appliances, as a flat rate does not reflect the real end of life cost and environmental burden of the specific product. For example, there is no significant difference between the visible fee associated to a 17 inches LCD screen and a 30 inches LCD screen. Under such circumstances, there is **no economic incentive for producers to compete for improving the recyclability and durability of their products by reducing their real end-of-life costs through eco-design.**

Consequently, the **visible fee is NOT the appropriate signal to help the public make more sustainable purchasing decisions**, although the Commission justifies the extension of such a visible fee with the need to favour smarter consumption and green public procurement (new Recital 20). The fee is whether too small per unit (white goods containing refrigerant gas for example), or inappropriate if the recycling has a positive value. Other type of consumer information would be more useful to develop (life-span, reusability, recyclability, recycled material content) to allow sustainable consumption choices and end-of-life management.

Article 15: Information for treatment facilities (official reference number 221)

Commission Proposal WEEE recast	RREUSE proposal
<p>1. In order to facilitate the ⇒ preparation for ⇐re-use and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, Member States shall take the necessary measures to ensure that producers provide re-use and treatment information for each type of new EEE placed on the market. (...)</p>	<p>1. In order to facilitate the ⇒ preparation for ⇐re-use and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, ⇒ re-use, preparation for re-use ⇐ refurbishment and recycling, Member States shall take the necessary measures to ensure that producers provide free of charge re-use and treatment information for each type of new EEE placed on the market. (...)</p>

Justification:

Re-use shall be promoted as a means of waste prevention as well as part of the environmentally sound treatment, and the information required by the article is needed for both.

Too often, re-use centres have to buy technical information from producers, which most of them cannot afford due to insufficient treated volumes.
