

RECAST OF THE DIRECTIVE 2002/96/EC ON WEEE

An opportunity to maximise the re-use of WEEE across Europe

Background

This paper presents the views of Reuse and Recycling EU Social Enterprises (RREUSE), the European federation of social enterprises active in re-use and repair, on the recast of the Directive on Waste Electrical and Electronic Equipment (WEEE) published by the Commission in December 2008. RREUSE welcomes the Commission proposal and takes this opportunity to put forward a few proposals for improvement, to ensure that the professional re-use of WEEE develops across Europe.

Re-use, either as a measure of waste prevention, or as the preferred mode of waste recovery, is given the highest priority in the recently approved EU waste hierarchy. By re-using, repairing end-of-life EEE and giving products a second life, re-use helps to reduce the increasingly growing quantity of WEEE, while at the same time saving resources and energy and reducing GHG emissions. WEEE re-use and repair activities are already well established and economically viable in the EU, as the demand from consumers for second-hand EEE currently is bigger than the supply. RREUSE members alone collect over 160.000 tons of WEEE yearly in 10 Member States.

The potential for increasing re-used volumes in the future however, is huge and this could be augmented considerably, should the separate collection and sorting of reusable items be performed at the earliest stage in the WEEE management chain. Many problems arise from the implementation of the existing WEEE Directive in Europe. Solutions must be found to clarify the existing framework and to improve it with clearer targets and incentives for re-use.

Summary

The current WEEE Directive states that Member States shall give priority to the re-use of whole appliances (art.7.1). It also provides for collection and transport to be carried out in a way that optimises re-use and recycling of the components or whole appliances capable of being re-used or recycled (art. 5.4). **In practice**, these good principles were too often translated into **take-back systems** which **concentrate on low-cost recycling** in centralized plants, **thus endangering the existing local or regional re-use systems**. One of the reasons for this is the lack of incentives for Member States or producers to favour re-use in the WEEE Directive.

The recast proposal also fails to provide real drivers for re-use of EEE, as **the proposed combined target for recycling and re-use could easily be met by recycling activities alone**. We therefore recommend the directive explicitly requires a minimum 5% target for re-use for each of the categories listed in Article 11.1.

Proposals for improvement

The following will enable the achievement of much higher volumes of re-used WEEE in the future: the establishment of clear targets for re-use, the obligation to separate reusable items at first collection points, no financial discrimination favouring cheap recycling treatment over possible re-use, treatment standards ensuring an environmentally sound manual dismantling.

To maximise the re-use of WEEE, the recast of the WEEE directive should provide for the following improvements:

1. **Mandatory selection and segregation of reusable WEEE in all collection sites** at the earliest stage possible where practicable (to be included in articles 6.2 and 8.1). The selection could be carried out by experts from the accredited re-use centres described below, if covered by the financial responsibility of producers (article 12.1)
2. Introduction of a **separate 5% target for the re-use of whole appliances in each of the categories listed in article 11.1**, to ensure monitoring and provide drivers to enforce the principles of the waste hierarchy. For such a target to be achieved, adequate manual handling, transportation and storage conditions must be provided (article 6.2)
3. **Guaranteed access to separately collected WEEE for the accredited re-use centres** which carry out the selection of reusable items as well as the preparation for re-use activities. The accredited re-use centres will set up adequate monitoring and reporting systems to report on collected, prepared for re-use, recovered and exported WEEE (art. 8)
4. Secure **high-quality treatment standards** clarifying when and how hazardous substances or components should be removed: **Annex II should not be weakened** as it is needed to secure the environmental goals of the WEEE directive, the **definition of "remove"** should not allow for mechanical shredding to be used for decontamination purposes (article 3.q)
5. Oblige producers to provide, **free of charge, the necessary technical information** to accredited repair and re-use centres for all EEE products and components available on the market, and clear and permanent identification of the EEE (age and energy class), in order to maximise and ensure high quality re-use, maintenance, upgrading and refurbishment of WEEE (article 15.1)
6. Give priority to repair and re-use of WEEE inside the EU and establish simple and clear criteria to **ensure adequate monitoring and inspection mechanisms for export of reusable items** to tackle illegal WEEE exports outside the Community.

Prevention and re-use of WEEE should be given a clear priority (articles 1 and 8)

RREUSE is concerned that **the Commission has deleted the reference to the waste hierarchy and the priority order between prevention, re-use, recycling and recovery in new Article 1**. That reference existed in old article 1 and has been moved to new recital 7.

The “waste hierarchy” of waste management options according to their environmental benefits, as established by the new Waste Framework Directive, is one of the cornerstones of EU waste legislation and as such should clearly be enshrined in the WEEE Directive.

→ **We are advocating for the re-introduction of old article 1 into new article 1**

Furthermore, re-use of WEEE should be prioritised as a preferred recovery option, in line with the above mentioned waste hierarchy. **WEEE should be recycled only when they cannot be prepared for reuse, to re-establish the priority for the re-use of whole appliances** which was deleted in article 11.1.

→ **Priority to the re-use of whole appliances (article 8 to be amended) and early segregation of potentially reusable appliances is necessary (article 6.2)**

In that respect, **local amenity sites and retailers have a very important role to play in collaborating with the accredited local re-use centres**, so as to direct reusable whole appliances to the re-use centres. Should they fail to prioritise re-use, reusable WEEE would be treated for recycling with no further environmental considerations.

→ **Retailers and municipal collection points must allow accredited re-use centres to access and select reusable WEEE prior to transportation for further treatment and reprocessing (an amendment is needed in article 6 and 8)**

Collection targets for small and hazardous containing appliances

The new collection target is still based on weight and could therefore be met by collecting heavier WEEE. **Additional separate targets, at least for lighting equipment and small appliances such as mobile phones and pocket computers**, which could easily end up in the bin, are therefore essential to avoid damaging human health and the environment.

Monitoring and control of the collection targets: although Member States play an important role in this, to date no official control or sanctions are in place to guarantee the fulfilment of the targets in most Member States.

→ **A separate collection priority for small appliances should be set in article 5.1**

Recycling targets

RREUSE acknowledges that the 5% increase of the recycling targets was meant to accommodate the inclusion of re-use of whole appliances into the recycling target¹. Nevertheless, **in our view a separate re-use target is needed to provide Member States with appropriate drivers to maximise the re-use of WEEE.**

This would generate the necessary drivers for investment at the national level, and ensure that Member States provide effective support to the introduction and development of dedicated re-use structures, such as the accredited re-use centres provided for by the Waste Framework Directive. **Adequate infrastructure would therefore be put into place, making re-use of WEEE a reality across Europe.**

Due to the absence of a re-use target within the current WEEE Directive, there has been no official monitoring of re-use so far. It is **important that all re-use streams are clearly accounted for**, which is currently not the case. Many re-use and repair activities are still unreported and will appear in the statistics as soon as there is a target to be met.

→ **We advocate for the inclusion of a separate 5% re-use target for each of the categories listed in article 11.1**

Guaranteed access to WEEE for accredited re-use centres

The lack of an early and guaranteed access to the WEEE stream for re-use actors is currently undermining re-use activities. To implement the provisions of the Waste Framework Directive and maximise re-use of WEEE across the EU, **priority access to separately collected WEEE should be guaranteed to the accredited re-use centres** which carry out the selection of reusable appliances and parts as well as the preparation for re-use activities.

Early selection of reusable items could be carried out by experts from the approved re-use and repair centres, if covered by the financial responsibility of producers (article 12)

Adequate monitoring and reporting systems will also be set up by the accredited re-use centres to report on collected, prepared for re-use, recovered and exported WEEE.

Accredited re-use centres provide guarantees in terms of **environmental and health and safety compliance, standardised treatment procedures, reused products' liability, reporting and traceability, insurance, technical expertise, training and license requirements, after sales service.** These centres were first defined by the revised Waste Framework Directive (Annex IV.16).

→ **We recommend giving accredited re-use centres mandatory access to all "first" collection sites (that could be introduced in article 6.2 and 8)**

¹ The 5% figure is mentioned by the Commission in MEMO/08/764 of 3 December 2008: "As about 5% of collected WEEE is suitable for re-use as a whole, the overall targets are increased by 5%"

Finally, strict, uniform **monitoring and control mechanisms** should be put in place to ensure compliance with the recycling targets. The directive should also impose on Member States to provide sanctions when the targets are not achieved.

Illegal exports of WEEE under the “reuse” label

RREUSE shares the Commission’s concerns about the harmful consequences for developing countries’ public health and environment that derive from illegal exportation of WEEE for substandard treatment or dumping. We welcome the proposal to enforce control of exports of WEEE to tackle “sham re-use” and illegal dumping.

Nevertheless, the proposed new Annex I does not **take into consideration the exports of waste EEE to be prepared for re-use outside the Community** e.g. in the framework of North-South cooperation and development programmes, such as those carried out in Africa by several RREUSE members.

- **We recommend that the sorting, reporting and export monitoring of reusable WEEE is carried out by the accredited, exporting re-use centres**
- **Evidence that the exported WEEE has undergone a selection for re-use according to official criteria should be provided. Non reusable WEEE is shipped back to the EU for adequate treatment when no treatment is possible in the destination country.**

Strong treatment requirements must remain in place

An environmentally-sound treatment legislation focused on high material recovery is essential to correct market tendencies that favour cheaper treatment solutions, which undermine the environmental goal of the directive. The requirements set in Annex II to remove substances, preparations and components contained in WEEE before any other mechanical treatment are clear, environmentally-sound and practically relevant.

- **The provisions of Annex II of the current Directive should be preserved**

In particular, the requirement of manual dismantling for the removal of hazardous parts and substances must be maintained, as the environmental impacts are much more difficult to control in the case of large-scale mechanical shredding, during which mercury, PCBs and other hazardous substances are released into the environment. We are therefore **concerned by the Commission’s proposal of a new definition for “remove” in new Article 3** of the proposal, which relates to Annex II of the Directive. This definition would allow operations that do not yield the same amount of substance removal as manual dismantling.

- **We recommend that the proposed definition of “remove” (article 3.q) enforces the best available techniques to maximise the safe removal of hazardous substances**