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Questions and answers on the revised directive on waste electrical and electronic equipment (WEEE)

What is the objective of the current WEEE Directive and what are its key provisions?

The WEEE Directive¹ aims to prevent the generation of electrical and electronic waste and to promote re-use, recycling and other forms of recovery in order to reduce the quantity of waste discarded. It requires the collection of waste electrical and electronic equipment and the recovery and re-use or recycling of waste collected.

The directive sets out collection requirements and a minimum collection target of 4 kg per inhabitant per year for WEEE from private households. In line with the so-called waste hierarchy, preference is given to re-using whole appliances of collected WEEE. In addition the directive provides minimum combined targets for re-using components and recycling and minimum recovery targets. The directive requires all separately collected electrical and electronic equipment to be treated according to the requirements laid down in Annex II.

The directive is based on producer responsibility and the polluter pays principle as enshrined in the Treaty. The producers of equipment used by private households are responsible for providing financing for the collection, treatment, recovery and environmentally-sound disposal of WEEE deposited at collection facilities. Producers of equipment used by others than private households are financially responsible for the costs of collection, treatment, recovery and environmentally-sound disposal.

Member States are required to draw up a register of producers and collect information on an annual basis on the quantities and categories of electrical and electronic equipment placed on their market, collected, re-used, recycled and recovered within that Member State and on collected waste exported.

Why does the Commission propose to revise the directive?

The WEEE Directive came into force on 13 February 2003. In the first few years of the directive a number of technical, legal and administrative difficulties became apparent which resulted in unintended costs and burden on market actors and administrations. The WEEE Directive was thus included in the Commission's rolling programme for up-date and simplification.

Experience also indicated that the directive's expectations in protecting the environment and health could not be achieved at current collection and recycling rates. The review therefore sets improved collection and recovery targets at levels which would best benefit society. The revision is foreseen in the directive. It requires the Commission to propose new mandatory WEEE collection target by 31 December 2008 and new targets for recovery and re-use or recycling, including for re-using whole appliances as appropriate, and targets for electrical and electronic medical devices.

¹ Directive 2002/96/EC on waste electrical and electronic equipment

Which problems needed attention?

Only approximately a third of waste electrical and electronic equipment (33%) is reported to be treated according to the legislation. The rest goes to landfills (13%) and potentially to sub-standard treatment inside or outside the EU (54%). Illegal trade to non-EU countries is still widespread.

Material resources, which can potentially replace extracted raw materials are lost and the best options for recovery of those materials are not used. Improper treatment of collected WEEE results in environmental damage and increased health risks, in the European Union and especially in non-EU countries.

The sometimes unclear scope of the directive can have competition distorting effects and render implementation complex, causing greater administrative burden. This burden relates more specifically to the lack of harmonised registration and reporting requirements for producers.

Which changes does the Commission propose?

- harmonise the registration and reporting obligations for producers and make national registers of producers inter-operational so that producers need only register and report in one Member State for all their activities in the EU. This is expected to lead to potential savings of €60 million;
- clarify the scope and definitions;
- change the collection target from the current 4kg/capita per year ("one size fits all") to a variable target that takes into account the economies of individual member States. The new target is set at 65% of the average weight of products placed on the market in the two preceding years. Although many Member States have already reached this target it becomes binding in 2016, thus giving other Member States time to adjust;
- a combined recycling and re-use target which is socially and environmentally viable that will sort out current deterrents to re-using;
- enhance environmental benefits and material savings by including recovery and recycling/re-use targets for medical devices;
- set minimum inspection requirements for Member States to strengthen the enforcement of the directive and include minimum monitoring requirements for shipping WEEE;
- make Member States, where appropriate, encourage producers to finance all the costs of separate collection;
- allow producers to show to consumers at the time of sale the cost of collection, treatment and disposal of products in an environmentally-sound manner, without time limitation and for all equipments. This is in line with the principles of sustainable consumption and production and ensures that consumers can make informed purchasing choices.

What overall improvements are expected?

- Significantly reduce the administrative burden to producers without lowering the level of environmental protection;
- Enhance effectiveness of the directive through simplified and improved implementation;
- Reduce the environmental impacts of collection, treatment and recovery of WEEE at levels providing the greatest benefit to society.

Description of main measures

A. Harmonising registration and reporting for producers

What is proposed?

A new provision is added in the directive to harmonise producer registration and reporting in the EU by making national registers inter-operable.

Why is this proposed?

The current directive requires producers to register and report differently in each Member State they place products on the market, causing them significant administrative burden. To reduce the burden of implementing the WEEE Directive the Commission proposes to harmonise registration and reporting obligations for producers by making the registers inter-operational. In this way producers will need only register in one Member State for all their activities in the EU.

Overall cost savings from harmonised registration and reporting is estimated to be about €60 million.

B. Clarification of the scope and definitions

What is proposed?

- To transfer certain annexes on the scope of the current WEEE Directive to the RoHS Directive (under article 95 of the Treaty). The scope of the WEEE Directive will refer to one of the RoHS annexes which outlines the 10 product categories that the directives apply to.
- Clarification on which appliances are excluded from the scope of the directive (eg: fixed installations)
- A future comitology decision that will categorise types of appliances as household (B2C – business to consumer) and non-household appliances (B2B – business to business).
- Definitions in the directive aligned with the definitions of the Waste Framework Directive and the "Marketing of products package". A definition on "remove" is added.

Why is this proposed?

- The proposal clarifies the scope of the WEEE and RoHS directives. All appliances in the 10 product categories covered by the annex of the RoHS Directive will fall under the scope of the WEEE Directive. Member States can go beyond these 10 product categories for the WEEE Directive (under article 175 of the Treaty).
- The proposal clarifies the exclusion of certain products from the scope of the directives. These exclusions were either already in the present WEEE Directive or were interpreted as excluded from the scope by the Commission's FAQ document on WEEE.

- Categorising the appliances as B2C and B2B will clarify producers' financial and organisational obligation (being different for these 2 categories or products) and aims to reduce freeriding on the market.
- Harmonising definitions will improve coherence with other relevant pieces of EU legislation. The Directive now clarifies the term removal.

C. Collection target

What is proposed?

The proposed 65% WEEE collection rate refers to the amount of electrical and electronic equipment placed on average on the market in the preceding two years. The proposed collection rate would need to be reached by producers every year starting in 2016. The rate applies both to household and non-household WEEE.

Member States may be granted transitional arrangements through comitology in case they have difficulties meeting these requirements due to specific national circumstances.

The proposed collection rate will be re-examined by the European Parliament and the Council in 2012 in view of setting possible separate collection targets for cooling and freezing equipment on the basis of a Commission report accompanied by a proposal, if appropriate.

Why is this proposed?

A variable collection target is proposed in function of the amount of electrical and electronic equipment (EEE) placed on the market to reflect the disparities in Member States' EEE/WEEE markets. The current fixed target is not ambitious enough for the Member States where a large amount of waste electrical and electronic equipment is generated per household, at the same time this target is too ambitious for new Member States where the level of waste generated is lower.

Only a fraction of WEEE is currently collected and reported and treated in an appropriate manner (Annex II of the WEEE Directive). A large portion of waste equipment is collected and leaked to substandard treatment plants or illegally exported. In weight terms, each year the equivalent of 80% of the electrical and electronic equipment put on the market the previous year becomes WEEE. The 80% are broken down as such: 26% are reported as properly collected and treated, 2% are re-used, 10% landfilled and 42% separately collected but not accounted for. The proposed collection target is based on the current estimated level of WEEE collection (68%: 26% + 42%). Producers are responsible for achieving the target, which aims to ensure that the waste collected will be dealt with appropriately, recycled and accounted for.

The new target also includes non-household waste. This will provide better control of this waste stream where only a fraction is reported as collected.

D. Re-use and recycling target

What is proposed?

- To include re-using whole appliances into the recycling and re-use target.
- Increase the targets by 5%.
- Recovery and recycling/re-use targets for medical devices set at the level of the targets for monitoring and control instruments (category 9 appliance).

Why is this proposed?

- Including re-using of whole appliances as part of the existing re-use/recycling target would encourage re-using appliances and provide greater environmental benefits. The flexibility to choose the most sustainable treatment option (re-use or recycling) would remain. It would avoid making re-use an unattractive option by needing to meet higher recycling targets, even when this might be more economically and socially valuable.
- As about 5% of collected waste electrical and electronic equipment is suitable for reuse as a whole, the overall targets are increased by 5%.
- Targets for the recovery/re-use and recycling of medical devices will ensure a high level of recovery of such equipment and lead to environmental benefits.

E. Minimum inspection and monitoring requirement for Member States

What is proposed?

- To strengthen Member States' inspection and monitoring, especially as controlling waste treatment and waste shipments is concerned.
- Minimum monitoring requirements proposed for the shipping of waste electrical and electronic equipment.
- Additional inspections and monitoring rules through comitology.

Why is this proposed?

Experience with the WEEE Directive points to implementation problems on such aspects as the high level of WEEE not handled according to the requirements of the directive. It also shows that a significant amount of illegal shipments of polluting e-waste finds its way to developing where it has an impact on the health of local populations. To close the implementation gap the Commission proposes to strengthen the enforcement of the WEEE Directive.

F. Producer responsibility/financing

What is proposed?

Member States, where appropriate, should encourage producers to finance the cost of collection facilities of waste electrical and electronic equipment from private households.

Why is this proposed?

- to ensure producers' access to waste so as avoid separately collected WEEE going to sub-optimal treatment plants or be illegally shipped abroad;
- to harmonise producer financing across the EU. Some Member States already make producers fully financially responsible for the whole of the WEEE collection;
- shift payments for the collection of WEEE from tax payers to consumers of electrical and electronic equipment – through producers – to bring financing in line with the polluter pays principle set out in the Treaty;
- to create a level playing field between producers opting for collective producer responsibility and those opting for individual solutions to fulfil their responsibility.

Further information:

European Commission webpage on electrical and electronic equipment

http://ec.europa.eu/environment/waste/wEEE/index_en.htm