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FEAD feedback on Call for evidence for an evaluation of the WEEE Directive

FEAD, the European Federation for Waste Management and Environmental Services, representing the private waste and resource management industry across Europe, welcomes the evaluation of the WEEE Directive and supports the objective of the European Green Deal and the new Circular Economy Action Plan.

The WEEE management sector is crucial towards sustainability, and even more so today, where recent events are highlighting the strengths and weaknesses of the world's state when it comes to raw materials and supply. WEEE is one of the fastest-growing waste streams which, furthermore, contains precious and critical raw materials, the recovery of which is crucial for a more circular economy and potentially also for EU open strategic autonomy.

FEAD knows how delicate and important the role of the waste management industry is in order to achieve ambitious goals and meet the challenges of the present and the future. Therefore, to contribute to the public consultation aiming at evaluating the WEEE Directive, FEAD sets out below its observations, comments and proposals.

1. To what extent was the implementation of the WEEE Directive successful and which were the main problems and the main challenges and why?

WEEE legislation and management is crucial in order to handle impacts of electrical and electronic equipment on humans, and it helps avoiding unnecessary emissions, aiming at retaining important resources. Nonetheless, the current WEEE Directive, and its highly variable implementation in each Member State, often with poor enforcement and the absence of a level-playing field, is not at present providing the ideal regulatory context for sustainable WEEE management health and the environment.

Moreover, the fact that in 2019, the collection rate of WEEE was 48.5%¹ in the European Union (measured as the volume of WEEE collected in relation to the average amount of electronic equipment put on the market in the three preceding years, i.e. 2016-2018), while the target set down in the WEEE Directive is 65 percent, is an indication that the policy circle is not functioning optimally.

One of the major issues raised during the consultation with our members is the need for more harmonisation in Europe. The current WEEE Directive leaves room for different interpretations by individual Member States on how to transpose the legislation at their national level. As a result, the obligations and conditions recyclers face in each Member State vary, contributing to an uneven playing field in a variety of points (e.g. competition faced between operators, severity of enforcement, waste categories, registration requirements, storage and collection methods etc.).

A particular example of the lack of harmonisation is the definition of categories in the different Member States:

¹ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Waste_statistics_-_electrical_and_electronic_equipment&oldid=556612

- Italy defined 5 WEEE groups² to be used at collection facilities and on the basis of which the collection quotas for each producer are calculated
- Greece uses 63 sub-categories³, which adds a great amount of administrative burden for Greek recyclers
- in various Member States, some producer collective schemes still operate using a combination of the previous and most recent WEEE categories, increasing confusion and a lack of cohesion across the EU.

FEAD believes there are problems also in the definition of EEE categories, because, as an example, the current classification according to size is not functional. More emphasis should be placed on the classifications according to product content, hazards, and treatment requirements rather than size. This would ensure an appropriate collection method and treatment, facilitating the recovery of specific material and critical raw materials (RAW) within groups of products that share similar content and, most probably, processing methods.

The design of categories focused on product constituents and treatment requirements should be done through study with input from waste management sector, that plays an essential role in the products' life cycle. More so in a circular economy, where valuable secondary raw materials (and CRM) from recycling are re-looped into the value chain. It is therefore essential that the waste management industry is consulted to contribute to the definition of these important aspects.

Product design is also a key aspect, and it should be directly linked to the ability to carry out proper recycling at its' end-of-life. At present recyclers face a number of prominent issues which obstruct adequate processing and thus the fulfilment of expected recycling and recovery targets.

Products shall be designed and manufactured maximising recyclability, taking into consideration the aspects of waste management and subsequent valorisation of recycled materials. The following requirements are critical for facilitating the WEEE management at end-of-life:

- ensure **the easy removability of batteries,** circuit boards and other components to guarantee the environmentally safe treatment and capture of key CRMs in Europe;
- provide for **clearer identification** of certain substances, materials, and components in EEE (e.g. colour coding to demonstrate any hazardous or significant parts present);
- introduce **recycled content targets** in the production of EEE to promote and address the current problematic lack of output routes for recycled materials that operators in Europe face.

Consistency with other legislations is crucial to improve the efficacy of the provisions on WEEE and reach the highest recyclability. Some of the proposals listed above are already present in some of the European Commission's proposals (Batteries Regulation, Eco-design Directive) and are only waiting to be adopted by the Parliament and the Council.

One major aspect in which shortcomings and deficits that need to be improved are noted is **collection.** The improvement and regulation of particular details could help Member States and companies to reach the European's collection targets, but also and above all to improve the re-use and recycling of WEEE.

- Producers and producer collective schemes should remain responsible for all WEEE that they put on market.
- The collection targets should be more tailored to the category of product (e.g. PV panels) and its unique characteristics rather than a generic exception of the life-cycle.

² <https://www.gazzettaufficiale.it/eli/id/2007/11/05/007G0201/sg>

³ <https://static1.squarespace.com/static/6273d6aab17e87401893aefc/t/62c4b431fab29a4a04bb1c29/1657058354428/EERA+-+Towards+EU+WEEE+Regulations+-+Published+January+2022.pdf>

- WEEE management should be carried out exclusively by approved WEEE collectors and compliant recyclers that are contracted with producers and/or producer collective schemes.
- Quality sorting practices should start at the collection point. Minimum standard requirements for collection sites should be defined to improve the quality of the waste arriving at the plants, reducing fire hazards, exposure to weathering and other dangers arising from presence of hazardous substances, and to ensure better accessibility, both physically and in terms of time. As such, containers should be more adapted to the types of WEEE they hold given that the current treatment of everything as 'bulk' is counterproductive to maintaining the material's quality.
- Marketing activities should be mandatory in each Member State to harmonise producer financing using the EPR visible fee for the promotion of good practice and enhanced awareness amongst consumers. In the existing legislation, information rules are not fully implemented and are not regularly executed and controlled by the competent authorities.

WEEE treatment standards are needed to ensure a level playing field within and among Member States and to increase the environmental benefits through a high-quality recycling. The most critical aspects to focus on are the following:

- Different interpretation by individual Member States should not be permitted to determine where in the treatment chain components and hazardous substances must be removed.
- Producers and producer collective schemes should only be allowed to contract with compliant recyclers and operators who can show evidence of meeting the mandatory re-use, treatment and / or collection standards.
- Enforcement must be strengthened across Europe against rogue actors (e.g. scavengers) and operators acting outside of legal requirements. The instillment in all Member States of a coordination body with enforcement capabilities and of an independent, neutral register to oversee reporting figures should be implemented as a way to ameliorate the current situation.

Recovery targets regulated in Article 11 of the current WEEE Directive should be more tailored to specific product types and should grant flexibility around the methodologies implemented to reach and promote greater recovery of key CRMs and a higher capture and removal of toxic and hazardous substances and fractions.

The value of materials in WEEE is continuously decreasing⁴ due to lessening use of metals and growing usage of lower cost materials such as plastics in products. This affects the output routes for recycled materials and thus the economic viability of recycling, and so presenting significant risks for recyclers.

In several countries competition amongst recyclers for the initial acquisition of WEEE from producers and/or producer collective schemes drives costs up for recyclers despite the fact that the actual value of the material is decreasing, further aggravating the economic profitability of operations.

These challenges can be addressed by creating EU market demand for new products that include recycled materials in their manufacture, with recycled content targets, as well as with limitations on the use of low-cost, low-quality, and reduced recyclability of materials at the end-of-life.

Energy recovery options for WEEE fractions that cannot be recycled should be guaranteed and facilitate to increase demands for waste to heat energy.

Article 15 (1) of the WEEE Directive addresses the **information** that should be made available to treatment facilities, but recyclers consider this to be not fully implemented and of little added value

⁴<https://static1.squarespace.com/static/6273d6aab17e87401893aefc/t/62c4b431fab29a4a04bb1c29/1657058354428/EERA+-+Towards+EU+WEEE+Regulations+-+Published+January+2022.pdf>

at the point of treatment other than for specialist activities. Part of the problem is the absence of a contact person explicitly responsible for this task. In addition, treatment facilities do not have the possibility to officially communicate any criticality encountered during the treatment phase.

For this reason, FEAD believes that producers should consider informing and updating European databases on a regular basis or provide their own website resource to enable recyclers to check if they need to – particularly when working directly with producer clients assessing the life-cycle of their products.

Producer collective schemes could provide a simple to access option on their websites for their members to establish clear points of contact, treatment facilities should be able to report major criticalities they face from the treatment of WEEE. Non-removable lithium batteries are one of the greatest criticalities, causing an increasing number of fire incidents. The legislation must be clear on the fact that all batteries used in new EEE must be removable and must be collected separately from the electronic equipment in which they are used

2. Is the EU intervention still relevant given developments since its entry into force?

WEEE is one of the fastest-growing and developing waste streams in the EU (and globally), which could have a strong impact if not properly managed.

As technology is constantly changing the design and the treatment of EEE, the waste management industry believes in cooperation among different actors and development of interventions at the European level that should aim to improve the way this waste flow is managed, to enable to achieve the goals we, as a community, have set.

For this reason FEAD and their members remain available to work collaboratively so that their knowledge and experience of the end-of-life operations are better understood and integrated in the legislative acts.

The above recommendations will improve the sustainability and development of the European waste management sector and the movement and use of quality materials within Europe, thus helping to achieve the EU Circular Economy objectives.

FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fueling €5 billion of investments into the economy every year. For more information, please contact:

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