



Deutsche Umwelthilfe



# Call to revise EU legislation for Waste Electrical and Electronic Equipment (WEEE)

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## Background paper

Production, use, and disposal of Electrical and Electronic Equipment (EEE) have severe environmental impacts. The increasing demand for such devices exhausts valuable resources, causes high energy demand, and frequently leads to the release of harmful substances into the environment. 2019 data clearly show that almost all member states fail to collect sufficient WEEE separately and therefore do not reach the EU target of 65 percent collection. As a consequence, up to 4.8 million tonnes of WEEE are still disposed improperly every year (e.g. in nature, residual waste streams, or illegal exports) and lost for re-use and recycling.

The existing Directive 2012/19/EU (WEEE2 directive) entered into force in August 2012 and went only through minor revisions since then. Contrary to most EU laws, there was no clear revision clause and date in the 2012 text. In fact, some important regulations (e.g. treatment requirements) still trace back to the first WEEE Directive from 2002.

Since there is the need for particular urgent action to reduce environmental impacts from WEEE, 4 environmental NGOs and representatives of waste treatment operators call on the EU Commission for a quick and fundamental recast of WEEE legislation. The upcoming European initiative setting new design requirements and consumer rights for electronics should clearly call for the WEEE Directive review to be started no later than 2023. It is, furthermore, recommended to consider a replacement of the WEEE2 directive with a WEEE Regulation, since a regulation comes into force immediately and is more legally binding.

In the context of the upcoming review, the European Commission should:

**1. Promote horizontal design and information requirements.**

Ecodesign criteria must be more focused to achieve a fundamental change in the way of dealing with electrical appliances. WEEE Regulation must contain general obligations to design all types of electrical equipment in such a way that spare parts (particularly batteries, displays, lamps and other wearing parts) can be easily removed and replaced and general repairability is enhanced. Furthermore, design for recycling must be promoted and binding recycled content targets for plastics must be integrated into WEEE regulation in order to promote high-quality plastics recycling and reduce the use of fossil-based plastic. A product passport is recommended to enhance consumer information, disclose material contents, and environmental and social performance of products.

**2. Introduce the right to repair.**

A basis for a fundamental 'right to repair' must be introduced into EU legislation and applied also to WEEE. This includes open access to repair information and spare parts for all repair companies as well as consumers. Also, a repair index must be prescribed by law to enable the identification of durable and repairable products by customers.

**3. Reduce hazardous pollutants and substances hampering circular loops.**

Chemicals in electrical equipment must be further restricted. Therefore, it is necessary to align WEEE legislation better with other laws (e.g. Regulation (EU) No 2019/1021 (POP regulation) or Directive 2011/65/EU (RoHS)) and establish more general restrictions (in line with the EU 2020 Chemicals [Strategy](#) for Sustainability).

**4. Promote re-use.**

Re-use and/or preparing for re-use targets that are separate from collection and recycling objectives should be set. Article 6 (2) must be revised and make it absolutely clear that reusable products should be collected in a way that safeguards their reusability, for example by making their storage in weatherproof facilities mandatory. The assessment of the reusability of a WEEE item must happen at the earliest stage possible before it is mixed with recyclables. EPR schemes must both finance the improvement of WEEE collection facilities to fit the needs of re-use preparing for re-use operators and participate in the funding of preparing for re-use activities. In line with the waste hierarchy, the financial support for the tonnage collected for preparing for re-use and re-use must be higher than for the tonnage collected for recycling and recycled. European WEEE standards should be revised accordingly so that preparation for re-use is prioritised over recycling (see further details in point 6).

**5. Reinforce the responsibility of producers to enhance WEEE collection.**

Collection of WEEE must be improved significantly since most member states are failing to meet the required collection target and, therefore, impact improper disposal. It is essential to expand the responsibility of producers, including the coverage of the costs of collection of WEEE from household, collecting more systematically WEEE when delivering a new EEE according to the 1 to 1 rule, or even 0 to 1 rule for small devices, ensuring a proper density of collection points and dedicating more efforts to enhancing consumer awareness. All producers should be obligated to join a producer responsibility organisation (PRO), which must ensure comprehensive and nationwide networks for WEEE return. Distributors' return obligations (Article 8 (2) c) should be specified in such a way that all distributors with a total sales area of more than 100 m<sup>2</sup> are responsible to accept

small WEEE. Taking only the specific selling space for electric equipment as a basis has shown to cause enforcement issues (e.g. in Germany).

#### **6. Set modern rules for WEEE treatment, collection, logistics, and preparation for re-use.**

The 2002 requirements for treatment, collection, logistics, and preparation for re-use of WEEE in Europe are outdated and inconsistent across EU member states. We propose to integrate provisions from CENELEC standards (EN 50625 series) into the WEEE Regulation (see [Joint Position](#)). This would have environmental benefit, particularly for Temperature Exchange Equipment, for which 6.3 MtCO<sub>2</sub>e greenhouse gas emissions may be saved annually, as a [study](#) on WEEE standards commissioned by DG Environment quantified. While the level of ambition of the CENELEC standards must be preserved in all environmental, health and social aspects, further [improvements](#) should be considered. This is particularly important concerning more effective protection of WEEE against damage during collection, transport, and storage, especially to safeguard reusability (as mentioned in point 4). To further promote recycling of WEEE, separate recycling quota for plastics as well as prospectively for critical raw materials (e.g. tantalum, indium, and germanium) are necessary. Additionally, modern rules supporting the better dismantling of Electric Equipment, logistics practices, and recovery of critical raw materials from the [CEWASTE](#) project should be considered.

#### **7. Restrict illegal imports from third country sellers notably through online marketplaces.**

Illegal imports into the EU are increasingly problematic since these products evade fulfilling producer and retailer responsibilities e.g. take-back obligations for WEEE and often do not provide liability in case of environmental or safety violations. Therefore, we demand to introduce liability and due diligence obligations for online platforms in WEEE regulation comparable to those for retailers (see [open letter](#)).

#### **8. Stop illegal exports.**

Illegal exports of e-waste cause serious environmental and social problems for receiving countries such as Nigeria, Ghana or India. To reduce these impacts, electronic equipment should become longer-lasting and more repairable while also the shipment of items for re-use must be more strictly controlled and systematically reported (under the coming EDI system as planned under Waste Shipment Regulation) to rule out illegal exports of e-waste. As items shipped for re-use will have to be properly treated when reaching their end-of-life in receiving countries (within or outside the EU), financial compensation of this burden must be ensured.