

Document: Draft minutes EERA meeting Germany  
Location: Aurubis Lünen  
Date: 12-10-2017  
Attendees: Thorsten Pockrandt (TP), Dirk Kerher( DK), Sebastian Schormann (SSchor), Manfred Fahrner (MF), Stefan Schwellinger (SSchwe), Norbert Zonneveld (NZ), Lida Stengs (LS)

### **Welcome**

Welcome to all and especially to Mr. Stefan Schwellinger (Alba)  
The draft minutes of last meeting (04-07-2017) were approved.

### **Draft agenda and action list:**

TP would like to add to the draft agenda the increase of requests for audits from ERP, like Epeat, R2 audits etc. It costs a lot of money and time and it is not clear what the added value is. The request to EERA is to send out a call to stop these developments or at least ask for clarifications for these requests and extra costs. There is also some discussion on Reptool. Reptool is not related to standards, and is an initiative of Renate Gabriel. NZ explains that the end processing standard, TS 50625-5 is ready and this gives also clear directions in how to calculate recycling and recovery rates. Besides that it is worth mentioning that the ProSUM project ends by the end of this year. It gives information about the mass balance of a product. ProSUM does not provide information on whether or not the materials really can be retrieved.. WEEForum has an agreement with Epeat on the mutual recognition of the WLX and Epeat standards.

#### ACTION:

- EERA will approach the WEEE Forum and will try in a joint effort to get recognition of the Cenelec standards as well. WEEE Forum has decided to withdraw the WLX standard by 1 January 2020.
- EERA will prepare a letter to ERP, with the request to stop the increase of different audit requests or at least explain this. Another topic is that ERP still promotes R2 on their website and that is not understandable for EERA members. ERP has left the WEEElabex organisation (last week).

NZ: The WKO is accredited for the training of auditors and for issuing certificates for WEEElabex and Cenelec standards. For operators there is a webinar available on the audit procedures for Cenelec. At this moment, WKO is the only organisation who can issue an accredited certificate. In total there are 44 independent auditors and 28 lead auditors. SS adds that the practical situation is that the list of German speaking auditors is still limited in Germany for certain streams f.i only 2 for C&F. NZ informs the meeting that he is still the chairman of the advisory board of WKO, so contact him in case you would bring issues to the table.

SSchwe is mentioning the risk that the group of auditors grows too fast, which may imply that the quality goes down? NZ answers that the quality is now guaranteed because there is agreed that there will be 2 independent review auditors. Because of financial constraints it has been decided that for the coming 2 years they can be second party auditors who are not active in auditing. It is now stated that 10% of all audits must be reviewed. WKO is a young organisation and , they are working hard on becoming more professional.

In Germany there are also the TA Luft requirements and they will not accept the Cenelec standards, which is a pity. Recyclers have to realise that they are not capable to change this. Germany will remain a special in Europe with a set of special rules for quality.

### **NSRR- Fast Track Notification:**

LS gives a review on the progress in the North Sea resources Roundabout- Green deal, Fast Track Notification case. The case, initiated by Müller-Guttenbrunn GmbH and HKS Metals deals with the concept of 'Fast-Tracks' for WEEE: making shipments to compliant EU WEEE recyclers easier and



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faster. Article 14 of the European Waste Shipment Regulation provides ample basis for the concept of 'Fast-Track Notification', but implementation can be improved. For this case Flemish, French, UK and Dutch public and private sector experts are joined by Austrian colleagues to explore possibilities for commonly accepted criteria for pre-consents and mutual accepted processes, amongst other things. The Danish government has shown interest in the case. The Commission (DGENV) is following the case as an observer. The working group had its first meeting in the Dutch Permanent Representation in Brussel on September 13. The idea is to disseminate the results further to other MS.

### **Plastics:**

NZ is mentioning the presentations Chris Slijkhuis gave at the German workshop, August 30. This resulted in some invitations to speak. CS is invited to speak at BVSE and VDM. Norbert is invited by VDI.

The EERA position papers on plastics are discussed:

- Plastics [click here for plastics strategy position](#),
- Chemical, products and waste interface [click here for Chemicals products and waste position](#)
- Deca BDE [click here for Deca BDE position](#).

The position papers can all be found at the EERA members' site, but please log in first. NZ proposes to translate the EERA position paper EC Plastics strategy in German.

**ACTION:** There is decided to send the paper to all German members first.

### **HP 14: regulation**

Chris Slijkhuis attended a meeting this summer and he reported the level of approach is extremely academic. Ecotoxicity tests that are asked for are impossible to fulfil by recyclers. Testing of every container that arrives at your plant, can be asked. The impact could be enormous. It is not clear if WEEE plastics will be included. It is not unthinkable that this will come into force in all EU MS. EERA does not know how to approach this topic, yet. EERA tried to create awareness, but that is not enough. This is probably a topic where we need to cooperate with EURIC and in Germany with BVSE, BDE. EERA has to work on a strategy because it is expected that the differences between MS will be enormous (pragmatic approaches and dogmatic approaches)

**ACTION:** EERA secretariat will send out the draft regulation HP14.

### **Timeline (draft) of policies and regulations.**

During the last EERA meeting Germany Thomas Dietershagen has asked for an EERA timeline, based on the EU – EC agenda. The timeline is presented and discussed in the meeting.

Activities on EC level and time lines – October 2017

Subject	Time	Content	Notice	Action EERA
<b>WEEE Directive</b>				
Art – 2 Scope	(b) from 15 August 2018	All EEE shall be classified within the categories set out in Annex III. Annex IV contains a non-exhaustive list of EEE which falls within the categories set out in Annex III (open scope).		
	By 14 August 2015	The Commission shall review the scope of this Directive set out in point (b) of paragraph 1, including the parameters to distinguish between large and small equipment in Annex III, and shall present a report thereon to the European Parliament and to the Council. The report shall be accompanied by a legislative proposal, if appropriate.	14 April 2017 – No change	
7 – Collection rate	From 2016	the minimum collection rate shall be 45 % calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State.	31 December 2017	On various occasions EERA has warned that it is expected that 12 out of 28 MS may reach the target.  EERA members are asked to monitor the reported collection rates in case of irregularities. Findings will be send to EC and EP.
7 – Collection rates	From 2019	the minimum collection rate to be achieved annually shall be 65 % of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85 % of WEEE generated on the territory of that Member State.		On various occasions EERA has warned that it is expected that only 3 out of 28 MS may reach the target.
7 – Collection rates	By 14 August 2015,	The Commission shall adopt implementing acts establishing a common methodology for the calculation of the weight of EEE placed on the national market and a common methodology for the	18 April 2017 - COMMISSION IMPLEMENTING REGULATION (EU) 2017/699	EERA commented in letter to EC on 1 June 2015



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		calculation of the quantity of WEEE generated by weight in each Member State.		
7 – Collection rates	By 14 August 2015	The Commission shall present a report to the European Parliament and to the Council on the re-examination of the deadlines relating to the collection rates referred to in paragraph 1 and on possibly setting individual collection rates for one or more categories set out in Annex III, particularly for temperature exchange equipment, photovoltaic panels, small equipment, small IT and telecommunication equipment and lamps containing mercury.	18 April 2017 – No change	EERA participated in all consultation meetings.
8 – Proper treatment	By 14 February 2013	The Commission shall request the European standardisation organisations to develop European standards for the treatment, including recovery, recycling and preparing for re-use, of WEEE. Those standards shall reflect the state of the art.	4 February 2013  Mandate M/518	All standards under M/518 are published except for PV's and Reuse.  EERA participated in all working groups for a period of 4,5 years.
10 - Shipments of WEEE	By 14 February 2014	The Commission shall adopt delegated acts, in accordance with Article 20, laying down detailed rules supplementing those in paragraph 2 of this Article, in particular the criteria for the assessment of equivalent conditions.	Started in November 2014.  No further information.	EERA sent joint position paper together with CECED, DE and WEEE Forum. Recommendation to apply Cenelec standards.
Art 11 – Recovery rates	By 14 August 2016	On the basis of a report of the Commission accompanied, if appropriate, by a legislative proposal, the European Parliament and the Council shall re-examine the recovery targets referred to in Annex V, Part 3, examine the possibility of setting separate targets for WEEE to be prepared for re-use and re-examine the calculation method referred to in paragraph 2 with a view to analysing the feasibility of setting targets on the basis of products and materials resulting (output) from the	18 April 2017 EC considers that it is not appropriate to set individual collection targets in the WEEE Directive at this stage.	



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		recovery, recycling and preparation for re-use processes.		
Art 12 - Financing in respect of WEEE from private households	By 14 August 2015	The Commission is invited to report, by 14 August 2015, on the possibility of developing criteria to incorporate the real end-of-life costs into the financing of WEEE by producers, and to submit a legislative proposal to the European Parliament and the Council if appropriate.	Unknown	
Art 15 Information for treatment facilities	No deadline	In order to facilitate the preparation for re-use and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling	On 8 September 2015 a stakeholder meeting was organised.  In February 2017 Digital Europe organised a workshop.  No further progress	EERA published a position paper and participated in consultation meeting and workshop.  In October 2016 EERA sent a joint letter to the European Commission and asked for action.
Art 16 - Registration, information and reporting	14 February 2014 to 31 December 2015.	Member States shall, at three-year intervals, send a report to the Commission on the implementation of this Directive and on the information set out in paragraph 4.	No report Last report over 2007 – 2009  Eurostat last reported over 2014	In 2016 EERA participated in Eurostat survey and reacted on the unreliability of the data
Art 20 - Exercise of the delegation	13 November 2016.	The power to adopt delegated acts referred to in Article 7(4), Article 8(4), Article 10(3) and Article 19 shall be conferred on the Commission for a period of five years from 13 August 2012. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.	18 April 2017  Over the past five years, the Commission has not exercised the delegated powers conferred to it under Directive 2012/19/EU for the reasons described in this report. It may do so in the future, for the reasons given.	
Art 24 - Transposition	By 14 February 2014.	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 February 2014. They shall immediately communicate to the Commission the text of those provisions.	14 out of 27 MS were too late.	



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<b>Directive 2006/66/EC on Batteries</b>		Evaluation of Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators.	On-line survey 6 September 2017 - 28 November 2017	EERA informed the members and sent the link for the on line survey.
<b>Directive 2011/65/EU RoHS</b>		The Commission frequently receives requests from industry for applications to be exempted from the substance restrictions of Directive 2011/65/EU. These requests need to be evaluated in order to assess whether they fulfill the requirements mentioned at Article 5(1)(a) of the Directive.	Study reports on the exemptions are regularly published.	EERA monitors the publications.
<b>COMMISSION REGULATION (EU) No 757/2010 of 24 August 2010 on POPs</b>		The EC has signed both international instruments on POPs. The Community ratified the Protocol on 30 April 2004 and the Stockholm Convention on 16 November 2004.	POPs regulation includes the restriction of a number of flame retardants that are used in EEE plastics. Recently also WEEE plastics are addressed.	EERA with the help of Chris Slijkhuis monitors all amendments on the POPs regulation of the Stockholm Convention  EERA sent letters to the Stockholm Convention, participated in UNEP - COP in Geneva, regularly gives presentations for authorities and EERA members on POPs in WEEE plastics.
<b>Regulation (EU) 2016/1245 of 28 July 2016 – Waste Shipment Regulation</b>	3 February 2017	<b>CORRESPONDENTS' GUIDELINES No 1</b> Subject: Shipments of Waste Electrical and Electronic Equipment (WEEE) and of used Electrical and Electronic Equipment (EEE) suspected to be WEEE	Clear criteria on what is EEE and WEEE	EERA participates in WSR correspondents meetings.  EERA supports the NSRR project – Fast Track Notifications
<b>Directive 2008/98/EC on waste (Waste Framework Directive)</b>	By 2020	<b>Targets and reporting</b>  The preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight;	EC started discussion on calculation methodology of recycling and recovery rates.	EERA sent joint position paper that calculation methodology for WEEE should not change.  Confirmed by EC.
<b>COM(2017) 33 final on the implementation of the Circular Economy Action Plan</b>	Dec 2017	Plastics Strategy		EERA provided a position paper on WEEE plastics during the correspondence consultation period.



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<p><b>DIRECTIVE 2009/125/EC on establishing a framework for the setting of ecodesign requirements for energy-related products</b></p>		<p>Ecodesign - material efficiency aspects.</p> <p>DG Growth Joint Research Center</p> <p>9 November 2017</p>	<ul style="list-style-type: none"> <li>• Ecodesign requirements for servers and data storage products</li> <li>• Ecodesign requirements for displays</li> <li>• Secondary Raw Materials</li> <li>• Critical Raw Materials</li> <li>• EU Raw Materials Week</li> <li>• Cenelec working group 10-participation by recyclers is still requested</li> </ul>	<p>EERA provided input for design criteria</p> <p>EERA provided input for design criteria</p> <p><a href="#">click here EERA position paper ecodesign 2017</a></p> <p>EERA participated in the JRC workshop and presented its position.</p> <p>EERA participated in workshop on Circular-CRM</p> <p>EERA will present position during opening session</p>
<p><b>IED Art. 13 Forum - Waste Treatment BREF review</b></p>	<p>Review started in 2014.</p> <p>Next meeting 19-20 December 2017</p>	<p>This BREF covers the installations of a number of waste (hazardous and non-hazardous) treatments. The work is coordinated by JRC in Sevilla</p>	<p>The BREF includes requirements for shredder technologies. Including WEEE and C&amp;F treatment. Once the BREF is accepted by IED art 13 committee, it will be coming into force in all MS</p>	<p>EERA is member of the Technical Work Group. Participation in meetings and commenting on draft BREF.</p>
<p><b>Directive 95/46/EC - Protection of personal data</b></p>	<p>Reform of data protection rules into force on 5 May 2016 and EU Member States have to transpose it into their national law by 6 May 2018.</p>	<p>The objective of this new set of rules is to give citizens back control over their personal data, and to simplify the regulatory environment for business. The data protection reform is a key enabler of the Digital Single Market which the Commission has prioritised. The reform will allow European citizens and businesses to fully benefit from the digital economy</p>	<p>Coming into force May 2018.</p>	<p>EERA invited an expert during 2016 meeting in Düsseldorf.</p>
<p><b>COUNCIL REGULATION (EU) 2017/997 of 8 June 2017 amending Annex III to</b></p>	<p>8 June 2017</p>	<p>HP 14 'Ecotoxic': waste which presents or may present immediate or delayed risks for one or more sectors of the environment.</p>	<p>Not finalized how to proceed.</p>	<p>EERA (Chris Slijkhuis) created awareness concerning this subject during WSR correspondence meeting and EERA meetings</p>

<p><b>Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic'</b></p>				
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In addition to Ecodesign:

Manfred Fahrner: the focus must be on information for recyclers (art 15 WEEE Directive). This is the key for what recyclers can ask for. It is important to know what is in the product, and if there are technical bondings, what are the advantages for the product etc..

#### **China National Sword program.**

China has stated to WTO :

- Notification G/TBT/N/CHN/1211 according to which *“by the end of 2017, China will forbid the import of 4 classes, 24 kinds of solid wastes, including plastics waste from living sources, vanadium slag, unsorted waste paper and waste textile materials.”*
- China's Ministry of Environmental Protection is proposing reducing the threshold for contaminants in bales of material for recycling to 0.3 percent.
- The 80% weight Requirement for “Metal and Electrical Appliance Scraps.” GB 16487.10-2017 contains a specific requirement within paragraph 4.5 that *“the content of recyclable metal shall be no less than 80% of the total weight of metal and electrical appliance scraps.”*

The EC discussed the topic at the Waste Shipment Regulation meeting on September 14. The answer of EC was that there is no possibility to influence. NZ gives a short summary of what is discussed with EERA members in Greece. The conclusion of the discussion was that EERA secretariat will prepare a draft document for EC- DG Growth and will ask for approval from EERA members. EERA will ask the EC to anticipate on the opportunities (and risks) that this ban will bring for the EU plastics market. The EC has to realise that this will influence directly the recycling rates, because the capacity of WEEE plastics recycling in EU is still low. EERA members are asked to share their views on this topic.

#### **UNU study update October 2017.**

NZ shares that he is personally disappointed. Last year November, EERA members decided for a study that gives better insight in the negative price spiral. EERA should focus on stopping this process, otherwise the industry should decline. The German recyclers were especially interested in such a study because the lowering of prices has a big impact on the German market. The results of this study were seen as an argument to stop illegal - non compliant treatment.

The study should provide EERA with statistics, objective information, in finding the certain point where the business is going in the wrong way. The reasons are in the quality of the material that reaches the compliant recyclers and the (extra) costs that have to be made for compliant recycling. EERA members process over 2.2. million ton of WEEE, which is 30 % of total market, so our figures must be valuable. The main question now is, what will we do with so little input. Next week there is a steering committee planned and the board has to be informed.

MF: Alba agreed and we have been participating in the collection quality part of the study. For the other part of the study, which asks for information on costs for compliant treatment Alba decided not to participate. The main reason for Alba is that the group in this study is too small. The risk of reducing competition-sensitive information is too high. MF motivates this by sharing that the



questions in the UNU study are not good. The questions were not in line with the practical situation in the plants. Aurubis has other arguments. Aurubis, as an endprocessor has another position in the market. NZ adds that Axel Riemann offered to be the contact person for German EERA members. EERA secretariat has tried to contact Axel Riemann several times since the last meeting in July. It is not clear to EERA secretariat what happened and why the German members do not cooperate in the study they have accepted first. In addition NZ replied to the remark of MF. It is well understood by the researcher that data on economics is tailor-made. This was foreseen and the idea is that it can be solved direct communication between company and researchers. DK indicates that the Germans are complaining most about the prices, but now they are not willing to cooperate.

### **EERA focus- expectations from German members**

#### EERA strategy 2017

A discussion is started on EERA strategy. NZ is asking for suggestions and comments from German members.

For EERA, high quality is still one of the topics to focus on. EURIC is using the argument that the costs of certifications are far too high for SME's. EURIC uses probably the figures from the EERA study on costs of certification (2015, and confirmed by a WEEForum study in 2016). The results of this study were that the total amount of costs is between €5.000- €15.000 euros for a first certification, with all labour costs included. In case your plant has never met the requirements of the WEEE Directive and the national legislation, it is indeed possible that the costs are over €200.000. Euric has just sent out a survey on costs of certification.

The EERA strategy is to make proper treatment measurable. There must be paid for compliant treatment. MF is asking for less focus on good quality and more focus on the political scene and cooperation with EURIC. An example could be the art 15 WEEE Directive discussion or we could cooperate in the Waste shipment regulation. The attendees agree that EERA cannot contribute to improve the situation on the German market at this moment.

### **MF shares two presentations EERA focus and expectation form German members**

1. Design for recycling:
2. EERA in Germany:

#### Ad 2. The current situation

- Focus on WEEE-Forum WEEELABEX und Cenelec not relevant for German situation – led to alienation of German members
- German recyclers have many issues where EERA is of no help

#### Why alienation?

- EERA members and board-members know mostly only their national situation
- Germany with its competitive WEEE-system and legal system is quite different
- EERA too far removed from German issues and too slow

#### What shall EERA do?

- Focus on future issues
- Failure of member states to establish working collections
- Failure or shortcomings of EPR philosophy
- Important multinational issues (HP 14, fast track etc.)
- Where is the WEEE-directive under Circular Economy Strategy?
- WEEE III
- EERA can be think-tank for European issues



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- German „Workshop Erstbehandlung“ may be role model
- EERA can feed associations with information
- EERA must accept that national situations may vary

Is EERA important?

- Not for short term national issues
- Important for future issues
- Examples of EERA’s work in the past
  - already 10 years ago about Hg in TFT
  - increased collection targets originate with EERA
- Removal means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream...“ WEEE-Directive Art. 3; 1 (l)
- => Original wording from EERA, important part in discussion of treatment regulations

NZ thanks MF for sharing these insights.

NZ informs the attendees that the EC has organised a final meeting of the EC compliance exercise study, done by BIPRO. It is on October 24 in Brussels.

[link to all presentations in this meeting](#)

**Actionlist:**

<b>Topic:</b>	<b>Who:</b>	<b>Date:</b>
EERA position paper on plastics (draft) to all German Members	LS	a.s.a.p.
Document Digital Europe (June 2017) Ecodesign to all German members	LS	a.s.a.p.
Contact with German manufacturers to cooperate in the discussion of plastics recycling. Initiate proposals for plastics recycling e.g. VAT exemptions	EERA & German members	
Data security on EERA agenda	EERA	
Time line EU themes for WEEE industry	EERA	
Proposal on ecodesign (how to react, where intervention etc..)	TD, MF	August 2017
NDA’s for UNU study (signing)	All German members Coordination: AR	July 20
Bottlenecks at EU level: EERA members should provide EERA with information (unfair competition) and EERA has address this at EU or MS level.	EERA members & EERA	
Next meeting German EERA meeting- Doodle invitation	LS	October 2017
Drafting a joint document with insights from German members. To be presented at EERA meeting Düsseldorf.	German Members	November 2017
EERA position paper Plastics strategy 2017 to German members	LS	October 2017
Draft regulation HP14 to German members	LS	October 2017




**Next EERA meetings:**

78th EERA meeting	Düsseldorf Airport- Sheraton	November 30, start 10:30
79th EERA meeting	Salzburg, Sheraton	January 16