



## Input for Terms of Reference for EC study on gathering information on WEEE practices in Member States, on existing instruments and approaches and on experience with practical applications

Brussels, 24 May 2018

### 1. Background

We understand that, pursuant to the 2017-2018 WEEE Compliance Promotion Exercise, the European Commission intends to commission a new study on WEEE practices in the Member States. The associations EERA, Eurometaux and WEEE Forum, speaking for the majority of stakeholders in the recycling industry and of producer responsibility organisations, have been offered the privilege to give input to the Terms of References for this study. In this note the joint views on the study subjects are provided.

The following topics are being raised in the assumption that the study will be equivalent to a formal Impact Assessment and that the outcome of the study will provide the Commission the possibility to lay down an Implementing Act, as mentioned in Article 8 (Proper Treatment) of the Directive 2012/19/EU on WEEE, as appropriate vehicle to make the EN 50625 WEEE standards legally binding. For operational market parties it is now important to ascertain that the minimum requirements in Article 8 of the Directive correspond with these published standards and that they will be adopted in the legislative framework and in what period.

### 2. Proposed topics for the study

With respect to treatment of WEEE the three associations would like to propose that the benchmark for the study be the treatment standards i.e. the WEEELABEX standards (version 10)<sup>1</sup> or the CENELEC EN 50625 series.

The proposed topics for the Terms of References are:

1. **Costs of compliance.** As a deliverable of the study an analysis of the costs of actual WEEE treatment practices for the different product categories in the Members States versus costs that are required for meeting the requirements of standards should be considered. Cost elements that are important for these analyses are:
  1. Depollution
  2. Non-hazardous waste disposal
  3. Hazardous waste disposal
  4. Waste characterization
  5. Audits including sampling and analyses
  6. Reporting to authorities/take back systems/others on volumes, recycling and recovery rates.
  7. Certification cost (including audits) of standards (WEEELABEX/CENELEC) per category if known

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<sup>1</sup> At present there is more experience in the marketplace with the WEEELABEX standard than with the EN 50625-series. However, the WEEELABEX standards will be withdrawn the latest on 31 December 2019.

2. **Distance to target.** The outcome of an analysis of ‘distance to target’ should provide information on how wide the gap is between, on the one hand, the actual WEEE treatment practices and, on the other, compliance with the Directive in both social (employment) and economic terms. Important elements for the analyses are:
  1. The over-/under representation of certain product categories in the collected and treated WEEE streams compared to WEEE generated data.
  2. The level of scavenging (missing parts/materials) of products prior to compliant treatment.
3. **Substantiated estimates.** Article 16 of the Directive states that “Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported, by weight”. Some Member States have engaged in a practice to identify the methodology of substantiated estimates. The study should analyse what the possible differences are between the substantiated estimates methodologies and the requirements in the Directive. Important elements for these analyses are:
  1. Methodologies to determine the WEEE volumes treated per product category.
  2. Methodologies to determine the recycling and recovery rates of the different product categories.
4. **Standards applicable in the Member States and equivalency.** The study should ascertain which Member States have legally binding standards in place, whether or not they are ‘equivalent’ to the EN 50625 standards and what would be required to make them equivalent.
5. **Legally binding.** The study should explain the various legal EU instruments at hand to make the standards legally binding.

In short, the three associations would expect the study to shed light and provide recommendations on the following issues:

- What are the costs of compliant recycling and what is needed to bridge the gap?
- Can mandatory treatment standards be an effective instrument that contribute to overcome the flaws in actual treatment practices in Member States?
- Are the practices of substantiated estimates compliant with EU legislation and fair. What should be done if there are any discrepancies?
- How can the standards be made legally binding?

We would like to thank the Commission for providing the opportunity to give input to the Terms of References of the study and would like to express our interest in supporting the selected consultant with further information that may contribute to a relevant and valuable study. In case more information is needed, please let us know.

On behalf of the three Associations:

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