



Response to the Call for Evidence in view of the evaluation of WEEE legislation Brussels, 3 November 2022

In Europe, unlike in the rest of the world, the rate of growth of volume of WEEE that is properly treated and recycled exceeds the rate of growth of the volume of WEEE that is generated. The WEEE that is collected is also treated to higher standards than in the rest of the world. That's largely thanks to twenty years of Extended Producer Responsibility legislation across Europe. However, legislation must be redesigned to make it fit for purpose for new market realities. The WEEE Forum will contribute constructively to a thorough evaluation of WEEE legislation with a view to improving its effectiveness, efficiency, relevance and added value. This is our response to the Call for Evidence.

Our commitment | Producer Responsibility Organisations (PRO) in the WEEE Forum commit themselves to [collecting 100% of WEEE available for collection](#), and to investing in fair and cost-effective information campaigns, research as well as Circular Economy and #allactors initiatives.

EPR | The current EPR policy model must be redesigned. Producers and PROs are not the only actors that should be held accountable for handling WEEE, because other entities also collect WEEE yet do not formally report and properly treat them. All actors that have access to WEEE must be accountable. [UN research](#) co-ordinated by the WEEE Forum in 2020-2021, indicates that only 55% of WEEE in Europe is properly reported as collected and treated.

Circular economy | Legislation must be oriented towards the [circular electronics system](#), i.e. the lifecycle of products in their value chain. Such a value chain approach, enabled by the [Digital Product Passport](#), calls for engaging with all actors.

Critical Raw Materials | A lot of CRMs are lost before recycling due to limited collection of certain types of WEEE. The current legislation mainly addresses bulk metals rather than CRM. Without sustainable access to raw materials, Europe cannot become #1 climate neutral continent. The EU must develop resilient value chains for EU industrial ecosystems to reduce its dependence on primary CRM supplied by China, through circular use of resources, sustainable products and innovation. Maximum recovery of CRM is fully reliant on three things: [regulations, volumes and recycling technologies](#). The collection of WEEE that contain CRM must be maximised – the ambition should go beyond recycling technologies. Any adjustment of collection takes resolve – it takes more than four years on average to build waste treatment plants and obtain permits – and requires sustained strategy and financial support. The Commission must consider deploying the standards and the voluntary certification system developed by the Horizon 2020 grant-funded [CEWASTE](#) project, and introducing mandatory minimum standards on recycling of CRM in WEEE.

Collection target | The [minimum WEEE collection rates](#) are not fit for purpose. Practically none of the Member States meet them. Given that producers and PROs are not the only entities that have access to WEEE, the WEEE Forum reject any initiative that results in them becoming solely responsible for compliance with the target.

We | It takes a village to tackle the electronic waste issue; WEEE is a societal challenge. All actors that have access to WEEE, and therefore can influence the collection rate as well as recovery and treatment, should contribute to attaining the targets, based on their actual means of leverage and their access to WEEE that arises in the market. UN research in 2020 provides evidence that the Member States that put in place a [Co-ordination Body](#), that brings all actors and stakeholders together and that, inter alia, monitors compliance with allocation of collection responsibilities, sets a reporting framework and designs strategies for improving the collection network, showed higher collection rates than in the Member States that did not.

Recycled content | Mandatory recycled content is meaningless because too generic a requirement. The real issue is a better alignment of supply of and demand for specific types of materials. This might, for example, involve standardisation of grades of recycled plastics.

Standards | In conjunction with producers and recyclers associations, the WEEE Forum have consistently and for more than ten years called on the EU legislators to raise the bar on proper treatment and de-pollution of WEEE, make the harmonised normative requirements in the [EN 50625 and EN 50614 standards legally binding](#) and enforce them. Only suppliers that are in conformity with the standards can be contracted with. The value chains are global, so standards need to be global too; the EU must play a role in making the standards global.

Target setting method | The method that calculates the collection target must be redesigned. Do we need a quantitative target? If it can be demonstrated that we do, what method is most appropriate? The WEEE Forum will engage with the policymakers to identify options that are more adequate than the current 65% of the “average weight of electrical and electronic equipment placed on the market in the three preceding years in the Member State”.

WEEE flows | You cannot manage what you don't measure. Effective policies that enhance secondary raw materials markets require a sound understanding of the actors and WEEE flows. The [Urban Mine Platform](#), key deliverable of the Horizon 2020 grant-funded project [ProSUM](#) (Prospecting Secondary Raw Materials in the Urban Mine and Mining Waste), which the WEEE Forum led, and which will live on in the Horizon Europe [FutuRaM project](#) (Future Availability of Secondary Raw Materials), contributes to the knowledge base. Collection and recovery performance as required by legislation must also be monitored in terms of the criticality of materials.

Enforcement | Authorities must survey the market, co-ordinate policies and enforce WEEE legislation. For example, all WEEE that is treated in accordance with the EN 50625 and EN 50614 standards must be reported, all actors on the market must be registered, and parallel, substandard or illegal WEEE flows and operations as well as all types of free-riding must be countered.

Eco-modulation | The main conclusion of major in-depth [research](#) by dss+ in 2021, co-ordinated by the WEEE Forum and involving the PROs in the WEEE Forum as well as producers and producer associations, regarding eco-modulation was that it is impossible to have a wide, comprehensive, and ambitious scheme where EPR financial contributions do not exceed “the costs that are necessary to provide waste management services in a cost-efficient way” (as stipulated in legislation), and yet have a discernible effect on consumer and producer behaviour.

Consumers | Unless people return their electricals for repair or recycling, we will not be able to tap into the (critical) raw materials that are sitting in those products, and we will have to mine more materials than necessary. Programmes must be designed to [raise awareness](#) and engage with consumers. Consumers' responsibilities must be evaluated.

Tax | Financial, VAT and taxation policies must support Circular Economy initiatives stimulating repair, remanufacturing and refurb.

Visible fee | Considering their role in making WEEE treatment financially transparent, raising awareness among the population and in countering (online) free-riding, the visible fee should remain a financing mechanism option for PROs.

Online free-riding | Online (often distance) sellers not registered and not undertaking take back, or not paying for collection and reprocessing, impose an unfair cost on other producers and retailers, distort the market, make compliant companies less competitive and result in an overstatement of WEEE collection rates. EU legislation must [counter online free-riding](#) and hold online platforms accountable via a [strong liability regime and firm obligations](#).

Worldwide | We need a Paris-type Agreement laying down a global plan for material recycling and the creation of circularity through technology and innovation. We need to explore a [new approach to propel e-waste collection rates in countries with no EPR-based regulation](#).

Find out much, much more on our website: www.weee-forum.org.

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