

# APPLiA Comments on the Evaluation of the WEEE Directive

APPLiA welcomes the evaluation of the WEEE legislation which will provide an opportunity to assess fully if the current WEEE Directive remains fit for purpose. As a sector with over 20 years experience with WEEE requirements, we look forward to working with the Commission and the consultants conducting the evaluation study to investigate the challenges and the potential future solutions to further improve the level of WEEE collected and properly treated and recycled across the EU.

## Main messages

- **All WEEE actors** involved in the collection, transportation, sorting and treatment should have a responsibility under an effectively enforced legislation to ensure that **all WEEE** is accounted for and treated properly.
- The way the **collection target** is set and calculated needs to be reevaluated as it is not working. Factors that influence collection should be considered such as a product category's average or expected lifetime, trends and market developments, consumer behaviour and the value of secondary raw materials.
- There should be a **harmonisation of WEEE treatment** across the EU aligned to EN 50625 / EN 50614 standards as the mandatory reference. Recycling & Recovery ambitions should focus on improving the quality of secondary raw materials to go back into material loops in the circular economy.
- Any future revision of WEEE legislation, should not jeopardise the well-functioning systems set up so far in Member States, but rather build on the **many good practices** demonstrated in raising the bar on WEEE management. This good work should form the base of a future harmonised approach to handling WEEE, whether that be a revision of the Directive or moves towards a Regulation.
- WEEE legislation should focus on increasing proper collection and recycling. Preventing/ delaying waste from arising and working towards a circular value chain should be handled in the Ecodesign for Sustainable Products Regulation (ESPR). All **product ecodesign requirements should exclusively be regulated under ESPR.**



## 1. ALL WEEE = WEEE ALL

WEEE is a valuable resource for the secondary raw materials market and the circular economy. However, not all WEEE is being recovered and recycled properly. Two decades of WEEE management experience has shown that only a proportion (around 30-40%) of all the WEEE arising is accounted for as being properly collected and treated by the EPR systems set up by producers. The rest is unaccounted for, even if it is actually being handled properly. Other actors outside EPR channels, driven by commercial considerations, handle significant volumes of waste and these volumes do not enter formal EPR systems and are not registered and reported.

Due to this leakage in WEEE flows, many appliances do not reach recycling facilities meeting treatment standards and this contributes to a great loss of potential secondary raw materials across the EU and impedes full circularity. All actors involved in the entire chain of collection, transportation, sorting and treatment should contribute to the proper collection, treatment and reporting of discarded EEE. The following actors can be identified: producers, consumers, end-users, retailers, collectors (not to be seen as a separate group, but as a header for all those actors which collect WEEE), scrap metal dealers, recyclers, cities and local communes, municipalities, traders, preparation for re-use organisations.

One of the key principles of WEEE legislation must be that all actors that can influence collection rates, recovery and treatment should hold responsibility, based on their actual means of leverage and their access to a significant proportion of all WEEE generated. The future WEEE legislation has to enshrine in law that all these WEEE actors should have a legal responsibility to ensure that all WEEE is accounted for and treated properly.

With the upcoming further revision of WEEE legislation, producers are considering their role in the WEEE recycling chain in a scenario where most of the WEEE has a value and is currently collected and recycled by actors other than producers or their Producer Responsibility Organisations (PROs). To demonstrate to the Commission what would be needed for WEEE legislation to be more effective and a potential legal framework that would stimulate WEEE systems to implement an all actors approach, APPLiA has been considering that the all actors concept could be implemented in two possible ways:

1. **Free Market Approach** - All actors handling WEEE could be required to register and report quantities they collect, recover and recycle in line with European treatment standards, this way contributing to the attainment of WEEE collection recovery and recycling targets.
2. **Mandatory Handover Approach** - All actors handling WEEE could be legally required to handover the WEEE they collect to producer responsibility organisations or a producer organised take-back-system to manage it in line with high quality standards.

Both approaches would require strong and effective control and enforcement across EU Member states. The lack of enforcement and market surveillance has always been and still is a major shortcoming of the WEEE regulatory framework. Unless the law is enforced, both



at market entry level and at recycling level, the situation will remain suboptimal and free-riders will continue to undermine responsible practices.

**The current status quo of WEEE implementation across the EU shows that many Member states have put in place systems that somehow combine elements of the above approaches but, due to a lack of a level playing field and effective enforcement, have not been fully effective in collecting all WEEE generated and properly treating it. Better measures to collect and recycle all WEEE, as well as closing the gaps in raw materials' data information and collection are necessary to improve knowledge on the quality and quantity of recovered secondary raw materials from WEEE. The quality of all WEEE treatment must be ensured through standards and market surveillance must ensure conformity with these standards and the legal WEEE framework to ensure compliance.**

## 2. Rethink Collection Targets

The way the collection target is set and calculated needs to be re-evaluated as it is not working. As demonstrated by numerous studies, reports, and Eurostat data, most countries cannot reach the current targets set by the Directive. This opens up the debate about how realistic and fit for purpose the collection target is. Flaws in the collection methodologies are becoming more apparent as experience with WEEE management develops and the statistical base grows.

Many factors affect formal collection and reporting of WEEE such as citizen behaviour, technological developments of EEE, competition for WEEE from scrap collectors, lack of reporting of professional WEEE reuse and recycling, lack of collection of WEEE due to exports for reuse, illegal exports of WEEE, long lifespans of certain EEE (e.g PV panels, cooling appliances) and inadequate enforcement. The market for WEEE has also been impacted by the variations in the definition of waste and the move in WEEE legislation from a closed defined list of WEEE to an open scope (impacting the WEEE categories).

**It is crucial now that European legislators consider the role of collection targets and develop a more appropriate calculation methodology that allows for better harmonisation of reporting and collection at European level and establishes a more realistic link between the new EEE placed on the market and the WEEE actually collected. Targets should consider each product category's average or expected lifetime as well as other factors that influence collection like trends and market developments, consumer behaviour and the value of secondary raw materials.**



### 3. Recycling & Recovery

There is no need to rethink the recovery and recycling targets as set by the WEEE Directive as they have steadily increased and supported by the WEEE treatment standards. Instead more focus should be placed on improving the quality of the secondary raw material output so that it can more easily come back into a real circular economy striving to close material loops.

Despite the development of better recycling techniques through cooperation between producers and recyclers and the introduction of European treatment standards (EN 50625 / EN 50614), many producers today encounter problems as they simply cannot use what comes out as recycled and recovered materials in new home appliances (especially plastics). To really enhance circularity, it would be important that this is improved so we are not forced to use virgin material because producers cannot get the quality from recycled materials.

Despite all recycling efforts, it cannot be ruled out that not all secondary raw materials can be reused in the same way. Materials that are sometimes only recovered after more than 20 years cannot meet "modern" requirements regarding food contact, substance restrictions, etc. This should also be taken into account in recycling targets. In addition, there is still not a harmonised approach across the EU to the quality of WEEE treatment. More efforts are needed to ensure all WEEE is recycled according to the EN treatment standards.

**Legislation should set requirements on the quality of the recycled materials to be delivered by recyclers - this will drive the market. As a starting point, the Commission should ensure that EN 50625 / EN 50614 standards are the mandatory reference for all WEEE treatment. Enforcement could be supported by the mandatory application of the certification schemes that have been set up to obtain formal compliance to the requirements set in the standards. APPLiA also fully supports the good practice example coming from the work of the Circular Plastic Alliance. The Commission has mandated further EN standards on the quality of plastic recyclates for the most commonly used plastics in home appliances.**

### 4. Build on the current good practices

WEEE legislation has been in place for two decades. Some Member States had even introduced national collection and recycling requirements on WEEE before the European legislation. Producers have consequently set up systems – the Producer Responsibility Organisations – or have organised themselves individually to tackle the collection and proper treatment of WEEE with EPR arrangements with actors in the value chain to put EPR into practice. Producers have developed agile industry solutions which are effective, efficient and adapted to the local requirements following the transposition of the European Directive



and to the local societal conditions. There have been considerable investments to increase collection and to improve re-use, recycling and recovery. However, there have been challenges due to implementation problems, lack of harmonisation and lack of enforcement.

**Despite the flaws in the European Directive and the national/regional transpositions, there have been considerable improvements in WEEE management and the levels of WEEE being collected and properly recycled. This good work should form the base of a future harmonised approach to handling WEEE, whether that be a revision of the Directive or moves towards a Regulation. Effectiveness of the legislation hinges on it being properly enforced and harmonised across the EU and being able to anticipate new trends and changing circumstances.**

## 5. Ecodesign & WEEE Legislation

With the aim to make sustainable products the norm, there has been a concerted effort in EU policy measures towards waste prevention. Producers have invested in waste prevention measures, which ultimately impact how much WEEE is generated and collected under WEEE legislation. WEEE legislation should focus on increasing the levels of WEEE collected and recycled properly across the EU. Preventing/delaying waste from arising and work towards a circular value chain should be handled in the Ecodesign for Sustainable Products Regulation (ESPR). All product ecodesign requirements should exclusively be regulated under ESPR.

The ESPR aims to make ecodesign principles deliver on sustainability, including circularity. It will further develop ecodesign requirements on material efficiency aspects: durability, reliability, reparability, upgradability, recyclability, hazardous substance, recycled content and design for disassembly. These elements are similar to the criteria set by an amendment to the Waste Framework Directive in 2018 that established general minimum requirements for EPR schemes, including those for WEEE, and required the eco-modulation of fees paid by the manufacturer or importer to producer responsibility organisations taking into account ecodesign aspects, such as durability, reparability, recyclability and the presence of hazardous substances. The Commission believes that eco-modulation will supplement the ESPR, but the concern is that it may give rise to inconsistencies or confusion instead. APPLiA was part of a producer task force, set up by the WEEE Forum, that studied eco-modulation of fees and compiled the findings in a paper [here](#). The paper argues that it is inherently 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, and yet has a discernible effect on consumer and producer behaviour.



**APPLiA recommends that the ESPR is the more appropriate tool to tackle product design aspects for home appliances than eco-modulation of the WEEE fee. While eco-modulation of fees may be a useful concept, the benefits depend a great deal on the way the scheme is put into practice.**

**For more information please contact:**

Korrina Hegarty *Policy Director, Environment*  
[korrina.hegarty@applia-europe.eu](mailto:korrina.hegarty@applia-europe.eu)