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**EU-WIDE UNIFORM CONDITIONS
FOR THE PROPER QUALITY TREATMENT OF WEEE:
A call for Implementing Acts to lay down minimum quality WEEE treatment
standards in strict accordance with the European standards**

The European Commission is considering the preparation of possible Implementing Acts laying down minimum quality standards for treatment of Waste Electronic and Electrical Equipment (WEEE).

The signatories of this paper are strongly of the view that it is absolutely crucial to do so in strict accordance with the European standards for WEEE. The consultants¹ that undertake the preparatory study, the Member States and the European Commission should acknowledge the importance of strictly implementing all requirements from EN 50625 and EN 50614, the suite of CENELEC standards covering the collection, transport, re-use and treatment of WEEE and avoid their watering down since they represent **one integral set of standards to be applied by all actors in a harmonised way throughout Europe for improved quality waste management.**

Executive summary of joint industry messages and recommendations:

- The European standards EN 50625 and EN 50614 for WEEE lay down specifications expressly designed to put WEEE legislation into practice and cover the process of collection, transport, re-use and treatment of WEEE.
- The standards and Technical Specifications constitute an integral and integrated set of normative requirements and specifications that are critical to achieving the overall objectives of WEEE legislation.
- Requirements on depollution, depollution monitoring, limit and target values, documentation, monitoring of downstream treatment put the legal provisions into practice.
- Putting the standards into practice is a viable proposition.
- **To ensure uniform conditions for the implementation of Article 8.5 of the Directive 2012/19/EU on waste electrical and electronic equipment (WEEE), the Commission should adopt Implementing Acts laying down minimum quality WEEE treatment standards in strict accordance with the European standards for WEEE, the reference numbers of which have been published on the website of the European Commission (see [here](#)).**
- Such Implementing Acts laying down minimum quality WEEE treatment standards will contribute to **improved quality waste management and harmonisation of treatment practices throughout Europe.**

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European standards EN 50625 and EN 50614 on WEEE lay down specifications expressly designed to put WEEE legislation into practice and cover the process of collection, transport, re-use and treatment of WEEE.

The EN 50625 and EN 50614 standards, developed at CENELEC, one of the three European standardisation organisations, are the fruit of six years of intensive work by standardisation experts and a wide variety of experts from national committees engaged in the development of the standards, as well as including producers, producer responsibility organisations, recyclers, NGOs, independent experts and scientists. They seek to define the essence of what constitutes “state of the art”, as laid down in EU legislation, whilst ensuring alignment with Mandate M518, which emanates from Directive 2012/19/EU on WEEE and respecting other pieces of legislation. There is no evidence that the technical experts within CENELEC went beyond their mandate.

- For example, both WEEE and Waste legislation require the application of “state of the art” and “proper” (Article 8) treatment, collection and logistics of WEEE. The EN 50625 and EN 50614 series lay down specifications and clear procedures required to put the principle of “state of the art” treatment into practice – also in accordance with legislation regarding Waste Shipments, General Data Protection, ADR², General European Health and Safety and Industrial Emissions³.
- The term “beyond the Directive”, used by the consultants undertaking the study for the European Commission to allegedly distinguish between requirements emerging from the Directive and others, is misleading as it could be associated with the notion of doing more than is required. The normative requirements laid down in EN 50625 and EN 50614 seek to provide the level of detail required to put legislation into practice (see below).

Currently the standards are actively being used. Five Member States are using them as part of a legislative framework. More than 150 WEEE treatment facilities have been audited in accordance with CENELEC normative requirements, contributing to improved waste management and harmonisation of treatment practices throughout Europe.

The EN Standards and Technical Specifications constitute an integral and integrated set of normative requirements and specifications that are critical to achieving the overall objectives of WEEE legislation

EN 50625 / EN 50614 should be considered one integral set of normative requirements that refer to each other, not a pool of requirements to select from. Cutting out parts of the various standards risks creating contradictory requirements or duplication across different standards and, alarmingly, might disrupt the consensus meticulously reached among a wide variety of stakeholders.

Requirements on depollution, depollution monitoring, limit and target values, documentation, monitoring of downstream treatment put the legal provisions into practice.

Requirements on depollution, depollution monitoring, limit and target values, documentation, monitoring of downstream treatment effectively and demonstrably allow for harmonised rules of implementation, uniform interpretation, unequivocal assessment of conformity with legislation and prevention of negative environmental impact. Furthermore, and most importantly, they ensure uniform

² European Agreement concerning the International Carriage of Dangerous Goods by Road

³ Industrial Emissions Directive

auditing, verification and enforcement and should therefore be applied uniformly by all actors handling and treating WEEE. See the Annex for further consideration.

Putting the standards into practice is a viable proposition

A lot of experience has been acquired in the application of WEEE collection, transport and treatment standards. Applying the standards is clearly feasible and operators that have implemented the standards are generally better at managing risks, complying with legislation and achieving the objectives of the Union's environment policies, in particular, to preserve, protect and improve the quality of the environment, to protect human health and to utilize natural resources prudently and rationally. The cost of implementation varies according to the readiness level of the operator: those that are compliant with all applicable legislation have low costs of implementation but for those that do not it does undeniably give rise to capital costs. Some authorities are developing simplified audits for small scale companies and the experiences gained through this exercise should be shared in the next standards' revision process.

Why the European Commission should adopt Implementing Acts laying down minimum quality WEEE treatment standards in strict accordance with the European standards for WEEE the reference numbers of which have been published on the website of the European Commission.

The standards currently put pressure on the "legally regulated market", i.e. the operators that operate legally and in full compliance with the law, because they are most visible to the authorities. Unfortunately, this creates an unlevelled playing field for the market. Unless the standards requirements are applied uniformly by all actors handling and treating WEEE, the market will remain distorted and the protection of the environment is at serious risk to be compromised. The absence of implementing acts laying down minimum quality WEEE treatment standards is distorting recycling markets and encouraging WEEE leaks. There are massive flows of unreported WEEE outside the producer owned WEEE systems. Operators should not be allowed to undertake 'lower quality recycling' activities depending on the Member State where they operate. Only a legal instrument like an Implementing Act can guarantee the respect of minimum standards by all actors handling and treating WEEE. To ensure a level playing field, it is important that all WEEE is properly collected, transported and treated and that all actors involved in the collection and treatment of different waste streams (producer owned WEEE systems or not), respect the spirit of the legislation.

This is why, to ensure uniform conditions for the implementation of Article 8.5 of Directive 2012/19/EU on WEEE, we call on the European Commission to adopt Implementing Acts laying down minimum quality WEEE treatment standards in strict accordance with the European standards for WEEE, the reference numbers of which have been published on the website of the European Commission (see [here](#)).

Such Implementing Acts will contribute to improved quality waste management and harmonisation of treatment practices throughout Europe.

WEEE treatment is complex chain of activities undertaken by several operators that can be located in various Member States. Minimum standards guarantee that all parts of the chain are fulfilling the same conditions.

The EU should promote these European standards for WEEE at international level with its trading partners to ensure a global level playing field.

Requirements on depollution and depollution monitoring and limit and target values

Requirements on depollution and depollution monitoring as well as limit and target values effectively and demonstrably allow for harmonised rules of implementation, unequivocal assessment of conformity with legislation and prevention of negative environmental impact. They ensure uniform auditing, verification and enforcement and should therefore be applied uniformly in the European Union by all actors handling and treating WEEE.

- Requirements on depollution, depollution monitoring and limit and target values provide the details for treatment operators to demonstrate compliance with Article 8 and Annex VII and VIII of the Directive on WEEE. For example, Article 8 refers to the removal of “all fluids”, for which EN 50625 not only sets the level for proper treatment but also harmonizes the criteria on what “all fluids” removal should be considered by setting measuring protocols and target and limit values. In other words, the specifications guarantee that the general principle of the Directive can be put into practice in a harmonised fashion. They also allow for an unequivocal assessment of conformity with legislation and a method to limit or prevent negative environmental impact of substances of concern which can be hazardous, for example mercury, polychlorinated biphenyls, cadmium, volatile fluorocarbons and some brominated flame retardants.
- A very important aspect in demonstrating compliance with the target and limit values is the way in which WEEE and streams resulting from treatment are sampled and analysed. A substantial part of the standards, represented by the Technical Specifications, and especially TS 50625-3-1, address the procedures for specifying the concentrations of the substances of concern. Without these procedures, a harmonised and unequivocal implementation of the legal rules of the Directive are not possible.
- Furthermore, EN 50625 lays down a method of updating target values per Member State or treatment operator, without requiring a revision of the standards (let alone of legislation). In other words, the standards allow for **flexibility**: in setting limit values, the presence of a substance originating from other sources than the targeted hazardous components, has been considered.
- Annex V of the Directive sets recycling and recovery targets for different WEEE categories. However, Article 11 provides an explanation that can give rise to different interpretations, whilst targets ought to be the same for all Member States. EN 50625-1 provides a clear specification to harmonise and clarify the calculation methodology and it adapts the description to the practicalities of WEEE treatment. An unequivocal, **harmonised interpretation** at EU level calls for such specifications. Harmonised tools, protocols and methods are required to secure uniform audit/enforcement approach, ensuring level playing field.
- It has been argued that the use of annual mass balance is in line with the Directive for the calculation of the recycling and recovery rates. However, in some cases, mass balances cannot be used by the treatment operators, for example in situations where large appliances are treated together with mixed scrap. Furthermore, the methodology that assesses depollution, achievement of target values for batteries and capacitors, and limit values for concentrations of hazardous substances to be achieved by the end of the treatment processes is based on the performance of batches. Failure to provide a methodology disallows for an assessment of the implementation of EU legislation. **Batch methodologies** described in the standards allow for a

benchmarking of the recycling and recovery rates across Europe, and as such create a transparent and level playing field. Again, batch methodologies are a necessary component of harmonised implementation of EU legislation.

Requirements on documentation

In many cases, requirements with respect to documentation, monitoring, recording and reporting are necessary to unequivocally demonstrate compliance with the standards. For example:

- Compliance with the management system required in EN 50625-1
- Compliance with inspection requirements in Article 23 of the Directive
- Compliance with Article 7 on collection rates
- The assurance and verification procedures result in a systematic, independent, documented process for obtaining records, statements of fact or other relevant information and assessing them objectively to determine the extent to which specified requirements are fulfilled.

Requirements on monitoring of WEEE and downstream treatment

It has been argued that requirements on monitoring of WEEE and downstream treatment are beyond the requirements of legislation regarding WEEE, Waste and Waste Shipments. However, traceability of WEEE is key in guaranteeing proper WEEE management because of the high share of unreported flows. Requirements on monitoring and downstream traceability apply the state-of-the-art principle and ensure that the treatment of WEEE, which is often performed by several actors in a value chain, is in conformity with the Directive.

- The Directive requires facilities to report and record incoming WEEE and treated streams that leave the facilities. Treatment usually consists of a cascade of treatment operations within the same country or in another country, both inside or outside Europe.
- The standards require the first treatment operator to monitor downstream fractions. Downstream monitoring provides a verifiable and accurate basis for the calculation of the recycling and recovery rates, and it monitors the hazardous waste streams until final treatment by downstream operators, as required by the Waste Frame Directive. By doing so, operators can demonstrate that WEEE is treated in a way that complies with legislation and that state-of-the-art technologies are being used.

APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 44 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.

More information is available at [APPLiA's website](#).

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EERA, the European Electronics Recyclers Association, is a non-profit organization that represents the interest of the 30 major recycling companies who are treating waste electrical and electronic equipment WEEE in Europe. The EERA members recycle ± 2.500.000 tonnes of WEEE annually and have more than 100 locations in 22 European countries. EERA members are pre - processors and end processors. EERA recyclers treat 1/3 of the total WEEE market. (2/3 disappears) Total WEEE market in Europe is 9-10 million tonnes of WEEE/ per year. Total turnover of EERA members is 900 million euro. EERA aims for the harmonization of international and national regulations for WEEE recycling, in order to obtain a free market (level playing field) for demand and supply of services.

More information is available at [EERA's website](#).

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The WEEE Forum, set up in 2002, is the world's largest multi-national centre of competence as regards operational know-how concerning the management of waste electrical and electronic equipment (WEEE). It is a Brussels-based, international not-for-profit association speaking for 36 (soon 39) not-for-profit electrical and electronic equipment waste producer compliance schemes – alternatively referred to as 'producer responsibility organisations' (PRO). The 36 PROs are based in Europe, Australasia and North America: Australia, Austria, Belgium, Canada, Czechia, Cyprus, Denmark, Estonia, Italy, Greece, France, Iceland, Ireland, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. It is the biggest organisation of its kind in the world. In 2017, its member organisations reported collection and proper depollution and recycling of 2,100,000 tonnes of WEEE. Members in 2019: ANAKYKΛΩΣΗ ΣΥΣΚΕΥΩΝ, ASEKOL, Australia New Zealand Recycling Platform, Ecodom, Ecologic, Eco-systèmes, Ecotic, ECOTIC, Ecotrel, EES-Ringlus, EGIO, Electrão, Electrocyclosis Cyprus, ElektroEko, Elektrowin, El-Kretsen, elretur, Environ, EPRA, Fotokiklosi, Norsirk, Recipo, Recupel, Remedia, RENAS, Repic, RoRec, SENS e-Recycling, SWICO, UFH, Úrvinnslusjóður, Wecycle, WEEE Ireland, WEEE Malta, WEEE Recycle and Zeos.

More information is available at the [WEEE Forum's website](#).