Response to the Call for Evidence regarding the proposed CRM Act

Brussels, 24 November 2022

In Europe, the WEEE that is collected is treated to higher standards than in the rest of the world. That's largely thanks to twenty years of Extended Producer Responsibility (EPR) legislation across Europe. However, legislation must be redesigned to make it fit for purpose for new market and geopolitical realities.

Our commitment | Secondary materials, especially materials such as rare earths, gallium and indium, that are needed in renewable energy technologies or high-tech applications, make a marginal contribution to meeting materials demand. The WEEE Forum will consider (a) support for both legislative and non-legislative initiatives that seek to foster the collection of WEEE that contain CRMs and the recovery of CRMs from WEEE, (b) involvement in the roll-out of targeted raw materials projects through participation in Strategic Projects of European Interest that benefit from streamlined procedures and better access to finance, and (c) involvement in EU grant-funded raw materials projects. 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. Initiatives must be that ensure that more WEEE is properly recycled and accounted for.

Legislation | The current body of WEEE legislation, principally Directive 2012/19/EU, lays down no requirements regarding recovery of CRMs. Collection requirements revolve around weight rather than the type of materials.

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. The European Commission has expressed the ambition to recover at least 20% of the rare earth elements present in relevant waste streams by 2030. Such an ambition calls for maximum recovery of CRMs, which 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.

> **Regulations** | The EU must create market pull by promoting the use of secondary CRMs in products. The viability of recovery of specific CRMs can be fostered fiscally and financially, e.g. through bespoke incentive schemes for recyclers and producers who use secondary CRMs. Financial, VAT and taxation policies must support Circular Economy initiatives stimulating repair, remanufacturing and refurb. The Shipments of Waste legislation should promote a system that allows for mutual recognition of companies involved in responsible waste shipments, thereby stimulating the competitiveness of markets.
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> **Volumes** | We need to collect more in order to have significant volumes to sustain our recycling industry and more CRM available for key EU industrial sectors. People must be

stimulated to return their WEEE to collection points and to shops, 1:0 and possibly expanded with shops that do not sell electrical and electronic equipment. The density of collection points must be enhanced, all actors must be made aware of the CRM challenge and parallel flows and illegal shipments of WEEE must be actively countered.

Recycling technologies | Too much WEEE that contains CRMs is treated to exclusively recover precious metals, and not to recover CRMs. Investments in new CRM recycling technologies and plants require simpler authorisation procedures. Recycling technologies to extract CRMs are not commercially viable. Even in cases where this is technically feasible, recycling of CRMs is not an economically attractive or viable proposition.

Circular economy | In order to ensure that (critical) raw materials and resources remain in circulation as long as possible, legislation must be oriented towards the circular electronics system, i.e. the lifecycle of sustainable products in their value chain. Such a value chain approach, enabled by the Digital Product Passport, calls for engaging with all actors.

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 (or Stakeholders Platform) 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.

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.

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 a mapping of the potential supply of secondary CRMs from EU stocks and wastes. 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.

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

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