



Response to the public consultation on the evaluation of WEEE legislation

Strengths & weaknesses

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Final



Strengths of WEEE legislation

1. The EU's WEEE legislation, based on the Extended Producer Responsibility (EPR) principle, has enabled the creation of the world's most extensive, comprehensive and innovative **ecosystem** of 'actors', practices, services and technologies. That ecosystem enables impactful awareness campaigns, provides for a dense network of accessible collection points as well as recycling infrastructure, improves market intelligence (WEEE flows) and fosters responsible management of the treatment, depollution and recycling of raw materials in WEEE. 55% of WEEE that arises in Europe every year is reported as properly collected and recycled; the global average is 18%. In that respect, the Directive is a major success story.
2. Twenty years of WEEE legislation has elevated **environmental standards**. EPR and the recycling and recovery targets have stimulated, thanks inter alia to the co-ordinating role of producer responsibility organisations (PROs), the widespread application of Best Available Technologies for collection/treatment of e-waste.
3. Generally speaking, manufacturers now bear a significant portion of the **costs** for management of WEEE, which is the main goal of the EPR policy approach.
4. **Distributors**, including online distributors, have a responsibility in taking back e-waste from consumers and providing for information at point of sale.
5. The WEEE sector plays a critical role in recycling secondary raw materials and recovering refrigerants which reduces **greenhouse gas emissions** significantly.
6. PROs can implement the systems to foster **circularity** and deliver a circular society.

Weaknesses of WEEE legislation

1. Due to the fact that WEEE legislation takes the form of a Directive and due to the voluntary, non-legally binding nature of the EU standardisation system, the WEEE **playing field is not level** and competition is uneven. Member States have divergent interpretations of the Directive and its Annexes, resulting in certain practices being allowed in some Member States but not in others.
2. An increasing number of (online) **free-riders** do not contribute to the financing of WEEE management costs. Insufficient enforcement of the law and inadequate monitoring create scope for free-riders to dodge the system.
3. The Directive lacks the levers to control the **amount of waste** produced. And in some cases these levers are best placed elsewhere, for example in eco-design legislation. The only thing PROs have any control of is the WEEE which they collect and the management of which they finance. At the end of the day, WEEE generated is an estimate and the way that amount is estimated needs improving.
4. Legislation, policies and programmes have largely been ineffective in preventing, let alone countering, **irresponsible WEEE management**. Too much e-waste is hoarded, improperly disposed of via municipal household waste or illegally shipped, despite widespread information campaigns and distinct policies.
5. The method to calculate the **collection target** is not fit for purpose.
6. The Directive is a weight-based law that is ill-suited to capture **critical raw materials** in WEEE, which we need for the digital, green and energy transition, make the EU less reliant on third countries and drive new circular business models.
7. Legislation lacks the levers to foster **circular business models** such as reuse, repair, refurbishment or remanufacturing of products.
8. People remain insufficiently aware that they can **return** electrical products free of charge.

Opportunities

- The evaluation of WEEE legislation is an opportunity to join up the thinking between design of products and waste legislation to advance the circular economy agenda.

Threats

- Anything less than a radical rethink of EPR may produce sub-optimal results. A continuation of weight target-based policies risks stifling innovations needed to capture critical raw materials and drive new circular business models.

About the WEEE Forum a.i.s.b.l.

The WEEE Forum, founded in 2002, is an international for-impact association representing fifty-two producer responsibility organisations (PROs) across the globe that responsibly manage the collection and recycling of electrical and electronic waste (WEEE). Together with our members, we are at the forefront of turning the extended producer responsibility principle into an effective policy approach through our combined knowledge of the technical, business and operational aspects of collection, logistics, de-pollution, processing, preparing for reuse and reporting of e-waste. We aspire to be the world's foremost e-waste competence centre excelling in the implementation of the circularity principle.

The fifty-two PROs are based in Australia, Austria, Belgium, Bosnia & Herzegovina, Canada, Colombia, Cyprus, Czechia, Denmark, France, Greece, Iceland, India, Ireland, Italy, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom. It is the biggest organisation of its kind in the world. In 2022, its member organisations reported collection and proper de-pollution and recycling of more than 3,100,000 tonnes of WEEE.

Members in 2023: Ανακύκλωση Συσκευών (Appliances Recycling), ARCwaste, Australia New Zealand Recycling Platform, Canadian Electrical Stewardship Association, Circular Energy, Cobat RAEE, EcoCómputo, Ecolec, Ecologic, ecosystem, Ecotic, ECOTIC, Ecotrel, EGIO, El-Kretsen, electrão, Electronic Products Recycling Association, EPA, E-waste Recycling Authority, ElektroEko, Elektrowin, elretur, Envidom, Environ, EPRON, Erion WEEE, ΦΩΤΟΚΥΚΛΩΣΗ (Fotokiklosi), GoRecycle, Karo Sambhav, Lightcycle, Major Appliances Recycling Roundtable, MoldControl, Norsirk, OPEN, PV CYCLE Italia, PV CYCLE UK, Recipo, Recupel, Recyclia, Red Verde, RENAS, Repic, SENS eRecycling, SWICO, UFH, Úrvinnslusjóður, WEEE Cyprus, WEEE Ireland, WEEE Malta, WEEE Recycle and Zeos.

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