CONCLUSIONS AND RECOMMENDATIONS on the occasion of the report 'The Dutch WEEE Flows'

INTRODUCTION: The Recast

In 1999, the Netherlands was the first country in Europe to introduce a nation-wide system for the collection and recycling of discarded electronic equipment. This scheme was based on the requirements set out in the Decree on the Removal of White and Brown Goods: legislation that outlined producers' responsibilities with regard to this waste stream. The European version of this legislation, the Directive on Waste Electric and Electronic Equipment (WEEE), dates from 2004, and resulted in the introduction of take back systems throughout Europe that worked along more or less the same lines as the system developed in response to Dutch legislation. The European directive needed to be converted into national regulations no later than August 2006 – a deadline that was only met by the Netherlands and Greece. By now, the so-called Recast procedure of this WEEE Directive has entered its final stage. The WEEE Recast has not led to entirely new legislation, but has however resulted in certain proposed adjustments that are on the verge of being formally adopted. A number of important issues have once again become a subject of debate, leading to, among other things, the following change proposals:

SCOPE
EU policymakers reached an agreement to open the scope of the Directive after six years. Therefore, today's ten scope categories and exclusions will remain unchanged for the first six years. All equipment that meets a definition outlined in the Directive will eventually be covered, except for a list of specific products (new scope exclusions will come in addition to the existing exclusions).

PRODUCT DESIGN
This will have the same focus on the application of the requirements established under the Ecodesign Directive 2009/125/EC.

COLLECTION TARGET
EU policymakers agreed to a progressively increasing collection target. In fact, the existing method will be kept until four years after the Directive's entry into force (foreseen in 2014, so: 2018). Member states would then have to meet an interim collection target of 45% of WEEE Put on Market (POM). A 65% target would apply seven years after entry into force (2021). Alternatively, Member States will be able to collect 85% of the WEEE that is generated each year. The European Commission shall develop a methodology and within three years eventually table an amendment concerning the WEEE Generated target.

COLLECTION TARGETS RESPONSIBILITY
Member states shall adopt measures to ensure correct treatment of all collected WEEE, and shall prohibit the disposal of separately collected e-waste which has not yet undergone proper treatment. So this includes a registration of the recycling streams involved.

REUSE TARGET
Industry's position has been that preparation for reuse targets shall be included in the overall recycling targets. The European Parliament has finally withdrawn its proposals for a 5% preparation for reuse target. However member states may set more ambitious separate collection rates. Member states promote that prior to any further transfer collection schemes is granting access for personnel from re-use centres to provide for the separation of WEEE to be prepared for re-use.

RETAIL TAKE BACK
The new directive also requires large electronic and electrical goods shops (minimum of 400 m2 of EEE sales) to set up collection points for used small equipment (no external dimension more than 25 cm) on a 'Old for New' basis.

SHIPMENT USED EEE
Strong regulations for WEEE shipments: test report for each piece of EEE, a declaration that no piece of EEEE is waste, appropriate protection against damage during transportation plus reference to third party certification have been finally included.

PRODUCER DEFINITION
The compromise has been a national definition but a producer is allowed to appoint a person on the territory of a member state as authorised representative who is fulfilling the obligations of that producer. This is also the case by selling on distance. Appointment of an authorized person shall be by written mandate.

STANDARDS
Standards for collection, transport and treatment will be developed, which shall be used for minimum standards to be set via comitology. This will lead to a certain level of quality for recyclers.

FINANCING
As a result of the 4 October 2011 ENVI Committee vote, in which the EP accepted the Council position at first reading, the issue of financing has never formed part of the trialogue discussions. However producers could be allowed by member states to show purchasers, on a voluntary basis at the time of sale, the costs. Moreover member states may, where appropriate, encourage producers to finance also the costs occurring for collection of WEEE from private households to collection facilities.

DUAL USE PRODUCTS
This issue has never formed part of the trialogue discussions. However, industry will have an opportunity to work with the Commission on WEEE II clarification items for the FAQ/Guidance document.

Of course, each of the above points could be viewed in either a positive or a negative light, depending on who is offering his/her opinion. We will therefore not be making any normative statements in the present conclusions and recommendations.

It has become clear, however, that important questions that were touched upon in the Recast programme have not yet been satisfactorily answered. Examples include the interpretation of concepts like POM and WEEE-Generated. The term POM was also extensively discussed in the debate surrounding the Recast process. How should we deal with the export of new products that have been introduced in the market? What is electric or electronic equipment exactly, and which categories can we use to describe these products? Should we adopt ten categories? Six? Five? When should a device be considered discarded and when do we speak of its re-use? Which impact does this have on the existing or feasible collection percentages? The present report offers a wealth of data on such issues and can serve as a basis for substantiated recommendations – including recommendations for those questions that have not yet been satisfactorily answered.

CONCLUSIONS

1 Put on Market (POM) can be determined on the basis of information provided by national statistics agencies

When it comes to determining the combined weight of the Electrical and Electronic Equipment (EEE) put on the market, the data collected by the different countries' statistics agencies (e.g. CBS in the Netherlands) can serve as effective input for establishing the POM.

This solution yields a number of advantages, such as a substantial reduction of administrative costs (after all, in each country, official statements for the national statistics agency are already required by law). But international harmonisation should also be seen as a major advantage, since the classification of the products has been uniformly organised in each of the participating states. In fact, the statistical system is universal, and can also be used for possible other systems/products. Any shortcomings that present themselves can be addressed in the same way, and these solutions can be introduced in each of the participating countries. Naturally, we will need to – and will be able to – make corrections on the basis of the data supplied by the systems.

2 WEEE-Generated can be determined on the basis of the UNU Model

In an initial estimate, the volume of discarded electrical equipment can be determined on the basis of the technical model from the survey. This establishes a connection between the sales and possession of a product and its discarding at the end of its useful life. In addition, the model establishes a connection between the discretionary income of a country's population and the expected volume of discarded electrical equipment in that country. At the same time, it needs to be clear that there are many other sources of data that can also be used to further fine-tune the model.

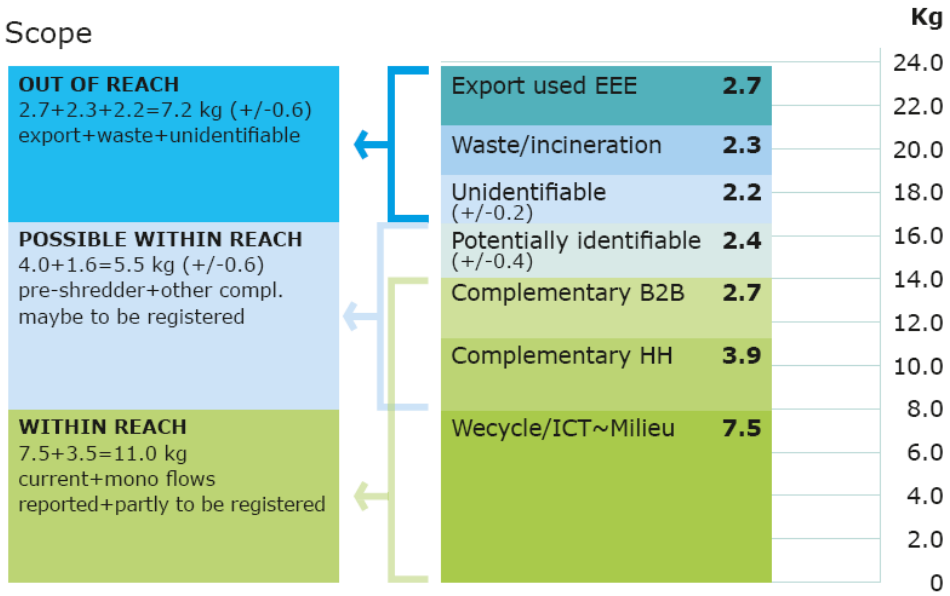
Incidentally, it is necessary to perform a baseline measurement that provides an answer to the question how many devices can be found in a specific country's homes and public and private-sector office buildings.

3 WEEE-Collected needs to be determined on the basis of the combined statements submitted by the actors, and to be offset against the actually attainable WEEE-Generated ('WeGen Within Reach').

With regard to collection, it has proven very difficult to make any kind of rough estimate of the volume of e-waste that is collected on a separate basis. In principle, the individual and collective systems will be reporting to the national monitoring body via their annual compulsory statement. It is very important that the monitoring body adopts an active attitude vis-à-vis the data it receives. This will increase insight into the quality of the reported collection data and any information that is still missing from the statements.

However, the study has shown that there are still streams that remain unmonitored – either because they are partly illegal or because monitoring is not mandatory for these streams. In addition, the equipment is subjected to a variety of disassembly or destruction procedures that make the devices or parts thereof unrecognisable for monitoring purposes. And finally, there are legal equipment streams (involving goods that are fit for re-use) that are still insufficiently monitored at this point. At any rate, the collection percentage should be determined by dividing accountable monitored volumes by attainable streams (WEEE-generated -/- legal export -/- unrecognisable streams -/- illegal streams).

$$\text{Collection Rate} = \frac{\text{Accounted (and verified) collection}}{\text{WEEE-generated -/- legal export -/- illegal export -/- unrecognisable}}$$



RECOMMENDATIONS

There are a number of recommendations that improve the effectivity of the systems considerably. Each of these recommendations is based on the 'all actors principle': each of the parties involved need to take its responsibility. If an actor doesn't do this voluntarily, the relevant responsibility needs to be established by law.

1. Mandatory handover of e-waste. It is environmentally important that e-waste be recycled in a responsible manner. Having waste recycled through a recognised system ensures the highest environmental return.
2. If mandatory handover is not deemed to be feasible, then mandatory registration must be introduced. Every collector, dealer and recycler must register what happens to the waste stream and report this to the Ministry of Infrastructure and the Environment (I&M). This will have the result that there will be a clearer idea of waste streams and it will allow them to be tracked.
3. Qualified export ban. Anyone who wishes to export electrical appliances for re-use will need a document stipulating that the appliances are still in working order, preferably one document per appliance, since this will restrict the illegal export of e-waste.
4. Enforcement of the regulations, both by the systems themselves via civil-law agreements and by the government, is of great importance. The recommendations above can only succeed if they are strictly enforced. National government has a major role to play.
5. To be able to reach the goals for collection and those for recycling, it is essential that we establish a level playing field within Europe and between the member states. This can be achieved by harmonized standards for monitoring and collection, transport and processing. This will guarantee the proper collection of a maximum volume of e-waste, the recovery of as many base materials as possible, and reduction of harmful emissions and pollution.
6. Introduction of 'old for (comparable to) nothing'
   Time and again, consumer surveys show that convenience plays a very important part when it comes to handing in an obsolete or defunct device for the purpose of effective source-separated collection. This implies that the consumer needs to be able to hand in the unwanted product at a large number of locations - as is the case with batteries, for example. In the Recast scheme, the retailers who are obliged to accept discarded equipment on the basis of 'old for nothing' have a qualified retail area of at least 400m2 – the larger establishments, in other words. This arrangement is definitely unsatisfactory, as it will not lead to a sufficiently finely-meshed retail collection system. We would therefore argue to remove this threshold, so that all stores (webstores included) that sell small electrical devices and energy-saving light bulbs will also be obliged to accept discarded equipment on the basis of old for nothing or comparable to nothing, i.e. the consumer is able to hand in equipment and lamps at the same place where they are bought.

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