

Brussels, 4 September 2015

RESPONSE TO PUBLIC CONSULTATION ON THE FUNCTIONING OF THE EU WASTE MARKETS

Orgalime thanks the European Commission for its public consultation on the functioning of the EU Waste Markets in the context of the preparation of the new initiative on the 'Circular Economy'.

We would like to provide the following **key messages related to the questions of identified regulatory failures and obstacles to the functioning of the EU waste markets**. These follow our industry's experience with the implementation of the waste stream specific Directive 2012/19/EU (repealing 2002/96/EC) on Waste Electrical and Electronic Equipment and our broader vision on how Circular Economy can work for European Manufacturing (see [Position Paper of 3 August 2015](#)):

Orgalime believes that the EU has a comprehensive and thorough EU waste policy framework in place and supports its strict enactment.

As regards Directive 2012/19/EU, we do not see that there are significant regulatory failures. The Directive has been recently recast and updated according to new market developments and needs. The key challenge at this stage remains a proper and as harmonised as possible a transposition, implementation and enforcement in EU Member States.

Any possible amendment of the Waste Directive in the context of Circular Economy needs to strive for consistency with the Recast WEEE Directive for our sector and should not undermine its implementation. This is particularly true for any possible changes to be made to the Extended Producer Responsibility Principle.

We have however identified the following situations that can hamper the optimal implementation of the EU waste hierarchy for our sector and can result in negative impacts on Circular Economy policy objectives:

- A lack of full implementation and enforcement of the EU waste policy acquis in general and in the area of waste shipments in particular: repair, reuse and recycling of products can be negatively impacted as long as waste appliances are still illegally shipped outside Europe.
 - A lack of enacting a sufficiently strict landfill policy: repair, reuse and recycling of products can be negatively impacted as long as waste appliances are still landfilled.
 - Conflicting policy objectives and requirements derived from different EU legislation that can pose challenges to preventing that a product becomes waste earlier than necessary: for example, REACH Authorisation and Restriction requirements, which can render impossible the production or import of spare parts to repair products already placed on the market, thereby leading to reduced product lifetimes and (too) early disposal.
- Similarly, the current wording of article 2(2) of Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment renders electrical and electronic equipment waste earlier than necessary.

Orgalime, the European Engineering Industries Association, speaks for 43 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 24 European countries. The industry employs some 10.3 million people in the EU and in 2014 accounted for more than €1,825 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

- Legal obstacles, such as the difficult interlinkages between EU Chemicals Policy (REACH, RoHS) and Circular Economy as such, or the conflict between strict criteria for shipments of used electrical and electronic equipment (items can only be shipped during the legal warranty period, or need to demonstrate that they are still fully functional) and Circular Economy objectives.
- International trade of remanufactured products and proper access to spare parts for remanufacturing outside the EU are essential to contribute to the Circular Economy. Though, barriers exist in these areas.
- Lack of innovation, adaptation to technical progress or new technology uptake in the waste sector.
- Non-harmonised implementation of certain legal frameworks or the lack of harmonisation in Europe, such as the definition of end of waste criteria, the differing interpretations of “hazardous waste” with regard to waste transport and shipments.
- New entrants and actors handling WEEE due to its economic value, but who do not fall under the producer responsibility principle; as a result, the majority of WEEE (especially high value scrap) is dealt with outside the producer organised waste management schemes.

Therefore, improvements, especially with respect to realising Circular Economy objectives, would in our view be possible in the following areas:

- Giving priority to enacting strict landfill and waste shipment policies, realistically increased recycling and recovery targets, strict implementation and enforcement of waste policies and the setting of EU minimum quality criteria for secondary raw materials based on ISO or EN standards.
- Creating real commitment for strong enforcement of the EU’s waste legislation to avoid leakage of valuable waste fractions outside Europe and strengthening the EU’s secondary raw materials market.
- Setting and enforcing minimum quality criteria for secondary raw materials to secure a high level of protection of workers and consumers.
- Exploiting the opportunities that the increased use of ICT in manufacturing (“Internet of Things”) will bring throughout the different market segments, including in the waste treatment sector.
- Supporting the development of harmonised waste treatment standards, both European and international ones, to improve the quality of recycling.
- Monitoring and developing detailed statistics, data and reporting of all WEEE flows and actors.
- Moving towards the new WEEE Collection Rate on “WEEE generated” to capture all flows; monitoring and reporting on municipal marketing of WEEE.
- Ensuring that all WEEE flows are recycled following high level standards to prevent loss of valuable resources.
- Mirroring the new market realities in any possible review of Extended “Producer” Responsibility of the EU Waste Directive.
- In general, providing coherent, integrated policy objectives, boundary limits and sufficient flexibility for manufactures to implement them: a modern EU waste policy needs to fully tie in with other EU policies rather than to be pursued as a standalone objective, which risks leading to environmental burden shifting from the waste phase to other life cycle stages.

We remain available for further information and would be interested in participating in the stakeholder meeting on 12 November 2015.

For further information, please contact:

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