

**Brussels, 17 March 2014**

## **Orgalime contribution to the Commission consultation on certification for waste treatment facilities**

Orgalime, as the voice of European metalworking, mechanical engineering, electrical and electronic engineering industries, thanks the Commission for consulting stakeholders on the issue of certification for waste treatment facilities.

We would like to provide our comments to the debate, which reflect 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 (WEEE).

1. Do you have data on flows of waste exported from the EU to non-EU countries that could be useful in assessing the need for a certification scheme and for the development of such a scheme?

- Yes
- No
- No answer

If yes, please indicate what type of data you have including key figures:

The first information resource for such data should be Member States' implementation reports and market surveillance reports of relevant EU waste policy acquis, including the Waste Shipment Regulation and WEEE Directive.

We are aware of the following additional reports:

- Report of the European Environmental Agency "Waste without borders in the EU? Transboundary shipments of waste", as available at: <http://www.eea.europa.eu/publications/waste-without-borders-in-the-eu-transboundary-shipments-of-waste>
- Report No 7/2012 of the European Environmental Agency on "Movements of waste across the EU's internal and external borders", available at: <http://www.eea.europa.eu/publications/movements-of-waste-EU-2012>

2.1 What is the impact of CURRENT waste exports to non-EU countries on the competitiveness of the sector(s) you are active in (if applicable)?

- Positive impact overall
- Negative impact overall
- No answer

Please elaborate briefly

*Orgalime, the European Engineering Industries Association, speaks for 38 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2012 accounted for some €1,840 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.*

[www.orgalime.org](http://www.orgalime.org)

Orgalime represents manufacturers of electrical and electronic equipment, as covered by the WEEE Directive.

There are massive flows of WEEE outside the producer owned WEEE systems, which are not counted today:

In April 2008, the combined Dutch WEEE recycling systems published a research report (see footnote 1) that showed that out of a total of 18.5 kg of WEEE that is generated per inhabitant per year, 14.8 kg (80%) is recycled but only 5.7kg (31%) is recycled by the producer funded WEEE systems, with the majority of WEEE recycled by commercial collectors. A study by UNU (see footnote 2) in 2012 found similar results for the Netherlands with 75% - 80% of WEEE being collected but only 36% reaching producers WEEE recycling systems.

In the UK a study by WRAP (see footnote 3) found that only half of the WEEE treated was recorded through the WEEE compliance schemes.

A study by Ökopol (see footnote 4) of WEEE flows in Germany found that only 32% of WEEE reached producers recycling systems.

It is primarily WEEE with a value that disappears from the official WEEE channel in times of high material prices through unreported collection routes, while producer run schemes often remain (financially) burdened with end of life management of low value materials. This can cause negative competitiveness impacts, especially when such leaked WEEE is illegally treated.

Proper implementation and enforcement of existing and new shipment rules of WEEE and used EEE suspected to be WEEE is important to combat free riding and negative impacts on manufacturers' competitiveness.

The horizontal Market Surveillance regulation and Package should also apply for enforcement of EU waste policy acquis.

Before introducing new tools, such as certification schemes, we feel that the potential of the existing legislation should be better enforced. Orgalime therefore calls for stricter enforcement of EU waste legislation to avoid leakage of valuable waste fractions outside Europe, leading to competitive disadvantages at global scale, and to strengthen the EU's secondary raw materials market.

[1] Witteveen+Bos (2008) Onderzoek naar complementaire afvalstromen voor e-waste in Nederland, 10 April 2008  
<http://www.wecycle.nl/futureflows>

[2] UNU (2012), The Future Flows, 2011 Dutch E-waste Quantification  
[http://www.wecycle.nl/uploads/futureflows/Press/Report\\_Dutch\\_WEEE\\_Flows.pdf](http://www.wecycle.nl/uploads/futureflows/Press/Report_Dutch_WEEE_Flows.pdf)

[3] WRAP (2012) Market Flows of WEEE Materials (<http://www.wrap.org.uk/content/model-market-flows-electrical-products>)

[4] Ökopol (2011) WEEE Flows in Germany. (Short Analysis for Hewlett Packard)

2.2 What do you expect to be the impact of FUTURE waste exports to non-EU countries on the competitiveness of the sector(s) you are active in (if applicable) if current trends continue?

- Positive impact overall
- Negative impact overall
- No answer

Please elaborate briefly

Impacts will depend on the level of implementation and enforcement of the new rules for shipments of WEEE/used EEE suspected to be WEEE and the amended Waste Shipment Regulation.

3.1 Which is your PREFERRED option out of the ones assessed in the RPA study?

- No EU certification scheme
- Voluntary EU certification scheme
- Mandatory EU certification scheme
- Mandatory EU certification scheme including mandatory third-party verification
- None of the above

- No answer

Please briefly explain why (benefits vs. costs, ease of implementation, reasonable administrative burden for SMEs, effectiveness in terms of the objective of fair competition, etc.)

Any EU certification scheme would require enforcement outside the border of the EU to be effective, which the current international legal framework does not allow. Certification would in our view increase raw material input costs (which represent some 45% of total manufacturing costs in Orgalime industries) and thereby negatively impact the overall competitiveness of European engineering industries (if not encourage disinvestment of certain production phases) that are the EU's main exporter of goods (one third of total EU exports stem from our industry). For this reason, Orgalime objects to pushing certified materials into products, especially via EU product policy.

3.2 Which is your LEAST PREFERRED option out of the ones assessed in the RPA study?

- No EU certification scheme  
 Voluntary EU certification scheme  
 Mandatory EU certification scheme  
 Mandatory EU certification scheme including mandatory third-party verification  
 None of the above  
 No answer

Please briefly explain why (costs vs. benefits, implementation problems, heavy administrative burden for SMEs, ineffectiveness in terms of the objective of fair competition, incompatibility with WTO rules etc.)

Orgalime considers reinforced implementation and enforcement of the EU's considerable EU waste policy acquis as the most effective tool to combat illegal waste streams. In particular, a proper implementation and enforcement of the specific rules established during the WEEE recast (see Articles 8, 10, 23 and annex VI) would be promising in the light of the pursued environmental objectives and realise them more quickly and consistently than a new certification scheme:

- Article 8.3 WEEE requires the development of harmonised European standards for the treatment, including recovery, recycling and preparing for re-use, of WEEE. Those standards should reflect the state of the art. European standardisation organisations are currently working on such standards.
- The future EU harmonised waste treatment standards following article 8.3 WEEE should be consistently applied in the EU and be promoted at international level to facilitate a coherent and successful implementation.
- Article 8.6 WEEE requires Member States to encourage establishments or undertakings, which carry out treatment operations to introduce certified environmental management systems in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco- management and audit scheme (EMAS).
- Article 10.2 WEEE allows the treatment of WEEE outside the EU when the exporter can prove that the treatment took place under conditions that are equivalent to the requirements of this Directive. International standards on the basis of harmonised European standards are in our view a prerequisite for the implementation of this Directive and better suited to deliver the environmental objectives than a certification scheme. They also appear more cost effective to us.
- In addition, any facility handling WEEE needs to seek the relevant permits following the Waste Directive and be in compliance with EU acquis, such as the Industrial Emissions Directive.

We request that waste treatment facilities properly implement these requirements and that these provisions are equally followed up by proper market surveillance and enforcement.

Finally, Orgalime recommends developing European wide harmonised minimum quality standards for secondary raw materials.

3.3 If you have further comments on the options assessed in the RPA study, please elaborate briefly

Third party certification is one procedure of conformity assessment. It is applied in areas, where the risks involved justify its use. It is however no replacement for market surveillance and enforcement activities.

We recommend the proper implementation and enforcement of EU waste policy acquis.

4.1 If an EU certification scheme (voluntary or mandatory) for waste treatment facilities were to be introduced, which categories of waste should be covered as a matter of priority?

- All “green” listed waste under the Waste Shipment Regulation
- All other non-hazardous waste included in Part 2 of Annex V to the Waste Shipment Regulation
- Certain specific “green” listed or other non-hazardous waste under the Waste Shipment Regulation

Orgalime consider reinforced implementation and enforcement of the EU’s considerable EU waste policy acquis as the most effective tool to combat illegal waste streams.

4.2 If an EU certification scheme (voluntary or mandatory) for waste treatment facilities were to be introduced, which categories of waste should NOT be covered?

- All “green” listed waste under the Waste Shipment Regulation
- All other non-hazardous waste included in Part 2 of Annex V to the Waste Shipment Regulation
- Certain specific “green” listed or other non-hazardous waste under the Waste Shipment Regulation

Orgalime consider reinforced implementation and enforcement of the EU’s considerable EU waste policy acquis as the most effective tool to combat illegal waste streams.

5 Please briefly give any further comments that you consider important in this context

Orgalime promotes the establishment of harmonised treatment standards for priority waste streams through European standardisation organisations, and full implementation of the EU waste acquis, coupled with efficient and effective market surveillance and enforcement to combat illegal shipments of (valuable) waste fractions outside Europe.

In that sense, we believe the recent Commission proposal for an amendment of the Waste Shipment Regulation which has been backed up by the European Parliament Environment Committee is a positive step in this direction.

For WEEE, the specific rules of the recast WEEE Directive should be properly applied and enforced.

Also, developing European wide harmonised minimum quality standards for secondary raw materials appear important to us.

Transparency Register ID Number of Orgalime: 20210641335-88