

Brussels, 17 June 2010

RECOMMENDATIONS ON WEEE RECAST

In view of the upcoming European Parliament Environment committee vote on the draft report of Rapporteur Karl-Heinz FLORENZ on the proposal for a recast Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE), Orgalime would like to ask you for your support to ensure that the following key issues for our industry are taken into account. These aim at ensuring sustainable legislation, which will both take due account of the considerable investment made by producers for the setting up of WEEE management schemes in record time, while bringing about those adjustments needed to improve the existing legislation for the environment and for producers whether large or small:

1. Orgalime kindly asks you to support proposals that:

- require responsible action by all actors that intervene in the WEEE chain and multi-stakeholder process of WEEE management in practice.
- build upon running national structures instead of introducing unnecessary changes also without no demonstrated environment benefit, in particular in the areas such as the financing rules of collection from private households or collection rate.
- introduce a new collection rate on Member States on the basis of “WEEE generated” to improve transparency of collection results and enforcement.
- introduce a distinct set of scope exclusions, including: military equipment; equipment which is part of another type of equipment not within the scope of WEEE; fixed installations; large scale industrial tools; non road mobile machinery; any means of transport; photovoltaic modules; fixed parts of a building; filament light bulbs and implanted and infected medical devices.
- shape WEEE registration in a way that reduces administrative burden and costs, such as via better harmonised registration and reporting formats for electronic registration or the clarification that it is not necessary for a company to have a legal seat in each Member State.
- ensure a maximum level of harmonisation of the Directive (European approach) without compromising effective enforcement in Member States (national approach), especially in the area of producer definition and registration.
- introduce a WEEE resident agent for the purpose of strengthening enforcement.
- clarify that a distributor making equipment available for the first time on a national territory from another Member State inside the Community (intra-community trade) either concludes an agreement with the producer or provides the registration and the financing of the management of WEEE arising from this equipment himself.
- eliminate the erroneous mix of registration and take back obligations in article 16.4.
- acknowledge that re-use of appliances can only take place before a product enters a collection facility.
- dry out illegal flows and shipments of WEEE and strengthen the possibilities of enforcement.

2. Orgalime kindly asks you to refrain from:

- introducing an open scope via article 2 and the new annexes I.A and I.B in the absence of an EU impact assessment and sufficient knowledge on the consequences of such a severe modification.
- extending producer responsibility for financing of collection from private households to collection facilities, which has no demonstrated environmental benefit and would require producers to (part-) finance activities they cannot control or influence.

Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 10.6 million people in the EU and in 2009 accounted for some €1,427 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

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- listing equipment which is covered by the proposed scope exclusions in article 2.3 (such as large electrical and electronic industrial tools and machinery, large appliances generating or transferring current or large measuring instruments and installations) in the new annex I.B illustrative list of product examples and thereby creating conflicting requirements.
- introducing too descriptive ways of how to organise WEEE take back in practice, especially for very small volume wastes via distributors, since such details need to be defined at national level due to the different structures of retailers.
- tackling nanomaterials under WEEE and RoHS instead of REACH.
- exempting SMEs from registration and financing obligations (de minimis clause), since this can easily create possibility of abuse.
- restricting legal exports of WEEE for the purpose of repairing professional goods to the warranty period, since such legal shipments after the warranty period are equally important to avoid that an appliance turns into waste earlier than necessary.
- sidelining the preparatory study process of the Eco Design Directive 2009/125/EC prior to setting eco design requirements on any environmental aspect, including for possible requirements facilitating re-use, dismantling or recovery of WEEE, as described partly in compromise package 3 on standards.

Consequently, the following COMPROMISE PACKAGES or ELEMENTS THEREOF should be SUPPORTED:

- **Package 1 on scope:** all amendments except amendment on art. 2.1
- **Package 2 on collection target:** all amendments
- **Package 3 on standards:** all amendments except amendment on art. 4

Consequently, the following COMPROMISE PACKAGES or ELEMENTS THEREOF should be REJECTED:

- **Package 4 on reuse targets:** all amendments
- **Package 5 on very small volume waste:** amendment on art. 14.1a (new)

Regarding all tabled 273 amendments of the draft report of Rapporteur Florenz, Orgalime has issued its opinion and recommendation on 5 May 2010, which we consider still valid and for which we kindly reiterate our request for your support.

We particularly recall our request for your SUPPORT for the following amendments:

- On scope: 11, 39, 44, 45, 61, 62=63, 65=69=71, 66, 67, 68, 77=112, 78, 105=106, 109, 110, 111
- On financing: 27=196
- On collection and collection rate: 3, 46, 48, 87, 127 (most parts of 129, 130, 134, 135 and 16 (first sentence) could also be supported) and 172
- On producer definition and registration: 5 (second sentence), 31, 32, 81, 85, 229, 231, 232.
- On the role of distributors: 56, 140
- On recycling, recovery and reuse targets: 174, 178, 191, 192
- On waste shipment: 2, 34, 37, 40, 41, 169, 254, 255, 256

We particularly recall our request for your REJECTION of the following amendments:

- On scope: 6, 36, 64, 264 - 272
- On financing 50– 53, 195=197=202, 198=199, 201, 203, 207, 208, 209 and 211.
- On collection and collection rate: 128, 131, 132, 133, 136, 137
- On nanomaterials: 54, 92, 93, 94.
- On the role of distributors: 119, 121, 122, 123, 217
- On the “de minimis”- clause: 210
- On waste shipment: 38, 170, 261