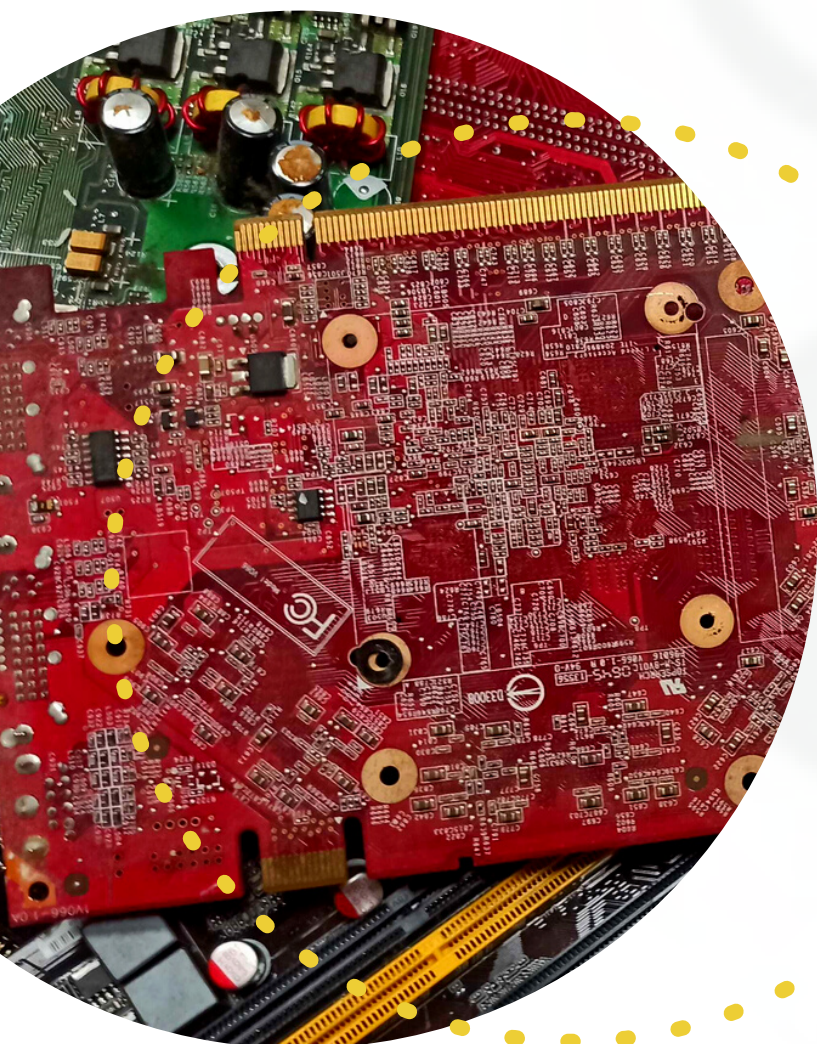


RREUSE's answer to the call for evidence on the evaluation of the WEEE directive

NOVEMBER 2022



Co-funded by
the European Union

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E-waste is a unique waste stream because it contains both precious materials and hazardous substances, creating a concrete threat of environmental degradation if illegal actors motivated by the prospect of high profits engage in improper disposal. Moreover, WEEE contains significant quantities of critical raw materials which are fundamental for the EU's ambitions regarding decarbonisation, digitalisation and strategic autonomy. The WEEE Directive is a key instrument to achieve these goals and RREUSE welcomes the opportunity to provide feedback on its implementation, suggesting that a future revision should focus on strengthening implementation and ensuring a closer alignment with the waste hierarchy in order to achieve higher environmental, social and economic benefits. Moreover, increasing reuse and preparation for re-use of WEEE would also result in significant climate benefits by preventing emissions associated with production and the extraction of raw materials.

E-waste is one of the fastest growing waste streams in the world and dealing with greatly increased volumes will prove to be a logistical challenge for the EU and global waste sector. It is therefore fundamental that waste prevention aspects are considered to tackle the issue at the source. Art. 4 of the Directive mentions the importance of eco-design to increase circularity, but EPR schemes, driven by the necessity to reduce costs, tend to focus on waste management infrastructure rather than on prevention aspects. This results in EPR schemes favouring less costly material recovery over reuse and thus directly contradicting the aims of the directive, as clearly shown by a study on printer cartridges by the European Commission which found that EPR schemes as implemented “do not send a strong signal to encourage anything beyond recycling”¹.

This is a huge missed opportunity as a 2020 Eurobarometer shows that almost two thirds of respondents would want to keep using their current devices for at least 5 years², which would save almost 10 million tonnes of emissions (CO₂eq) annually by 2030 in the EU, equivalent to taking 5 million cars off the road for a year³. Therefore, a revision of the directive should make a clear link with relevant product legislation such as the ESPR and the Right to Repair initiative to reduce waste generation by increasing durability and reparability. In this regard, particular importance should be given to ensure that repair, reuse and preparation for reuse operators are granted access to necessary repair information and spare parts.

The obligation to establish EPRs for WEEE is a key element of the Directive, but different implementation and transposition of these requirements result in different outcomes at national level. However, it can generally be devised a tendency of EPRs to favour recycling over the upper stages of the waste hierarchy, resulting in suboptimal environmental outcomes due to inefficient resource management: A recent study estimates that 13-16 % of WEEE collected in Bavaria could be immediately prepared for reuse and a further potential of 13-29% could be unlocked by improving collection logistics,

¹ European Commission (2018) [Study on the implementation of product design requirements set out in Art. 4 of the WEEE Directive – final report](#), p. 14

² Eurobarometer (2020) [Attitude towards the impact of digitalisation on daily lives](#)

³ EEB (2019) [Coolproducts don't cost the earth – full report](#), p. 5

resulting in up to 45 % of WEEE that could potentially be prepared for reuse⁴. Moreover favouring reuse and preparation for re-use would also have a more positive impact for employment, creating up to 140 green and local jobs for each 1000 tonnes of EEEs collected⁵.

EPRs established under the WEEE Directive should thus be aligned with the minimum requirements identified in Art. 8a of the Waste Framework Directive to ensure the involvement of all stakeholders in the development, governance and day-to-day functioning of these schemes. Moreover, the EPR fee can be a useful tool to improve waste and resource management through financing waste prevention and preparation for re-use activities, but also improving collection and treatment infrastructure. Therefore, eco-modulation of the fees should be designed in a way that is conducive to the application of the waste hierarchy by ensuring that financial support for tonnage collected for preparation for re-use is higher than for tonnage collected for recycling⁶.

Having a separate quantitative target for preparation for re-use - as is already the case in Spain, France and Wallonia⁷ - would be the most effective and straightforward way to solve this issue and ensure a proper application of the waste hierarchy. The current practice of combining recycling and preparation for re-use in a single target often leads to EPRs engaging in the early recycling of potentially reusable goods. The WEEE compliance promotion exercise showed that very few MS took measures to encourage preparation for re-use and suggested the adoption of a separate target, while also supporting the establishment of national networks of accredited operators⁸. Similarly, another study by the European Commission also identified that a separate target would have a “highly significant impact on re-use rates”, while also improving implementation⁹.

Improving collection should also be a priority area for the new revision of the WEEE Directive as most MS are currently struggling to meet the collection targets set out in Art. 6. To be effective and provide the expected “social, environmental and economic benefits¹⁰”, collection should prioritise preparation for re-use by separating WEEE depending on the chosen end-of-life option, in accordance with the waste hierarchy. This is because WEEE meant to be prepared for reuse should be handled more carefully in order to safeguard their reusability during collection, transportation and storage.

Firstly, collection bins should be designed in a way that prevents items from being damaged by being thrown from large heights, which often precludes the reusability of products from the very beginning of collection. Moreover, citizens should have more information on collection points and their availability relative to population density should be increased, which is an issue in many rural areas but also in some large cities. It is also important that collected WEEE is kept covered at all to prevent water exposure due

⁴ L. Messmann, S. Boldoczki, A. Thorenz. A. Tuma (2019) [Potentials of preparation for reuse: A case study at collection points in the German state of Bavaria](#), p. 1543

⁵ RREUSE (2021) [Job creation in the re-use sector: data insights from social enterprises](#), p. 1

⁶ Deutsche Umwelthilfe, ECOS, EEB & RREUSE (2022). [Call to revise EU legislation for WEEE](#), p. 2

⁷ RREUSE (2022) [Re-use targets: why they matter and what initiatives already exist](#)

⁸ European Commission (2018) [WEEE compliance promotion exercise – final report](#), p. 11

⁹ European Commission (2022) [Study on options for return schemes of mobile phones, tablets and other small electrical and electronic equipment in the EU](#), p. 12

¹⁰ European Commission (2014) [Study on collection rates of waste electrical and electronic equipment](#), p. 7

to rain compromising functionality by damaging electric and electronic components during transportation and storage.

The standards series EN50614 for preparation for re-use of WEEE referenced in the Directive should be the baseline for improving these aspects by including provisions from the standards in the text of a future revision¹¹. This is because SMEs and social enterprises often lack the resources to cover the compliance costs and fulfill the reporting obligations associated with standards. On the other hand, by ensuring that standards remain voluntary and instead integrating relevant provisions in EU legislation, the quality of separate collection can be increased without resulting in administrative burden or increased costs for SMEs. Moreover, this would also entail the translation of these provisions in all official EU languages, facilitating their adoption at the national level. Stakeholders should also be consulted on the possibility of going beyond these standards in some regards to achieve greater environmental and economic benefits at EU level.

However, improving collection would only have a positive impact if accredited re-use operators are granted access to the waste stream in accordance with Art. 6 of the Directive, which has not often been the case during implementation. Allowing access to accredited operators would be a way to leverage their expertise in recognizing reusable goods to increase reuse rates, potentially also providing training to municipal operators and increasing citizens' awareness on the available possibilities and the importance of properly discarding their used equipment.

There are also legal barriers limiting the reusability of WEEE, the most important one is the lack of clear end-of-waste criteria for WEEEs that have been prepared for re-use. Social enterprises have been active in developing their own best practices¹² and even quality standards such as RESSOURCES' electroREV label¹³ which certifies that second-hand domestic appliances have undergone a series of safety and functionality tests carried out by operators from the social economy. Therefore, accredited operators should be allowed to declare whether an item has reached its end-of-waste status, after passing a rigorous examination procedure. The Austrian EoW criteria¹⁴ can be seen as a virtuous example to be replicated in order to prevent legal barriers from hampering the potential reusability of goods.

To conclude, a potential revision of the WEEE Directive should favour the correct application of the waste hierarchy by:

- Setting up a quantitative target for preparation for re-use, separate from recycling
- Improving separate collection with a view of facilitating preparation for re-use by using standard EN50614 as a baseline to integrate relevant provisions in EU legislation
- Ensuring that the implementation of EPR schemes is conducive to the directive's aims by guaranteeing the involvement of all stakeholders and aligning economic incentives with the waste hierarchy

¹¹ RREUSE et al. (2021) [Urgent call to improve WEEE treatment, collection, logistics and preparation for re-use in Europe: how standards can inspire upcoming EU requirements](#)

¹² RREUSE (2014) [Approved re-use centres and networks – principles](#), p. 2

¹³ Ressources (2020) [ElectroREV](#)

¹⁴ Pulswerk, Die Umweltberatung, Repanet (2019) [Reuse of products: guide to determining the end-of-waste status in the preparation for reuse](#)

- Granting access to the waste stream for accredited reuse operators and supporting the establishment of national reuse networks
- Considering waste prevention aspects by strengthening the durability and reparability of EEEs in other relevant EU legislation
- Establishing clear guidelines to determine the end-of-waste status of WEEEs that have been prepared for re-use

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