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RREUSE position on the updated EU Waste Framework Directive

As part of the European Commission's Circular Economy Package, a number of EU waste laws have recently been updated with Member States having until 4th July 2020 to transpose the new provisions into their national legal frameworks. These include EU Directives on Waste, Packaging and Packaging Waste, Landfill, Batteries, Waste Electrical and Electronic Equipment (WEEE) and End of Life Vehicles (EoLV).

RREUSE, the European network of social enterprises active in re-use, repair and recycling, welcomes the final negotiated outcomes which can help inspire Member States to move towards a more socially inclusive circular economy. Whilst more ambition should have been shown, RREUSE calls upon Member States to take a progressive stance when transposing and implementing the new provisions.

This analysis presents key new elements of the Waste Framework Directive that can foster the development of re-use and preparing for re-use centres and networks[1] operated as social enterprises leading to the creation of local green jobs:

1. Social enterprises are recognised as key actors in the implementation of an inclusive circular economy
2. Member States must monitor and measure re-use and preparing for re-use activities from 2020 onwards with potential future EU-wide targets by the end of 2024
3. Member States must help facilitate access to discarded re-useable goods for organisations who can prepare them for re-use rather than letting them be prematurely recycled, incinerated or landfilled
4. Producers are obliged to better inform consumers about re-use and repair options via new rules for implementing Extended Producer Responsibility (EPR)
5. Fiscal measures must be used to improve the implementation of the EU waste hierarchy
6. Mandatory separate collection of additional waste streams has been set, including textiles by 2025, as well as incentives to support the re-use of construction and demolition materials
7. Further links have been made between waste legislation and product design that could help facilitate re-use and repair

[1] RREUSE (2014) Approved Reuse Centres and Networks – Available here

RREUSE is grateful for the support of the EU Commission's Programme for Employment and Social Innovation "EaSI". The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

1. Social enterprises are recognised within the WFD as key actors in the implementation of an inclusive circular economy

Social enterprises are involved in numerous environmental services including re-use, waste collection, preparing for re-use and recycling. Through these activities, social enterprises are able to provide jobs and training to people distanced from the labour market such as the long-term unemployed, low skilled workers, persons with disabilities, ex-prisoners, persons who have struggled with addictions etc. These additional social services are also valued by municipalities and the wider community within which social enterprises operate. Estimates in Belgium show a 12,000 EUR net return to government and society for the reintegration of one unemployed person through working at a social enterprise[2] (see Fig. 1).

It is therefore pleasing that recital 29 of the WFD now encourages the establishment and support of recognised re-use networks, highlighting in particular those run by social economy enterprises. Furthermore, when implementing Extended Producer Responsibility (EPR), Member States should ensure that the role of social enterprises is appropriately defined and that they take part in regular stakeholder dialogues related to EPR at national level (8a.1a and 8a.6).

Figure 1: Social and environmental benefits of re-use (Source: RREUSE)

[2] (2018) SST - Sociale Tewerkstelling In Synergie met de Reguliere Economie, p9 - Available here

2. Member States must monitor and measure re-use and preparing for re-use activities from 2020 onwards with potential future EU-wide targets by the end of 2024

a. Monitoring and measuring waste prevention and re-use

Re-use and repair are types of waste prevention activities which come in a wide variety of forms ranging from re-use centres, online platforms, private repair companies, antiques dealers, flea markets, charity shops, to name just a few. It is therefore crucial to understand how all these activities operate when setting policy requirements to support them.

For RREUSE, a professional approach to formal re-use operations is crucial, both in terms of encouraging citizens to think second-hand first but also for the creation of new partnerships between re-use operators, municipalities and the private sector.

Under the new Waste Framework Directive, Member States have to monitor and assess the implementation of waste prevention measures using appropriate qualitative or quantitative measures. In particular Member States will be obliged to monitor re-use on the basis of a methodology that is to be established by the European Commission by the end of March 2019 (Article 9.4 and 9.7). They will then have to start reporting on these indicators from 2020 onwards and by the end of 2024, the Commission will have to assess the feasibility of setting quantitative targets for re-use at EU level (Article 9.9).

For the Commission's work in devising re-use indicators, RREUSE would strongly recommend clarity as to the scope of which re-use operators will be required to collect data for national reporting and the reasons for doing so, especially due to the wide variety of operators working in the sector. There are re-use operators currently not reporting on their activities, for example in terms of tonnage of goods sold, and it will take time and resources to set these systems up if required to do so. In order to facilitate any future reporting requirements, appropriate financial instruments must be made available to cover incurred costs to the operators. For example, Member State Waste Prevention Programmes should include mechanisms for financing the cost of monitoring re-use and make the financial means available to re-use operators in order to fulfil future reporting requirements.

b. Monitoring and measuring preparing for re-use

In Europe, substantial amounts of re-usable goods are recycled, incinerated or landfilled while they could still be re-used. According to estimates, one third of all material arriving at recycling centres could still be re-used[3] and at least one quarter of electronic waste[4] still has significant re-use value. Second-hand operators that source their re-useable goods from the waste stream ('preparing for re-use operators') have the necessary licences, permits (or official exemptions), and agreements in place to handle waste. However, a lack of access to discarded re-useable goods, which have legally

[3] RX3 (2013) All Island Bulky Waste Reuse Best Practice Management Feasibility Study, Report

[4] According to WRAP, 23 % of WEEE items collected in the United Kingdom could be "economically viable for resale, with half of these requiring minor repairs and half in full working order". WRAP (2011) Realising the Reuse Value of Household WEEE – Available here

become waste according to national law, is a significant barrier for preparing for re-use operators to develop their activities and save those goods from being prematurely recycled, buried or burned (see also Section 3).

Setting a separate target for preparing for re-use would encourage stakeholders in the recycling and preparing for re-use value chain to collaborate and create partnerships in order to grant access to re-useable goods which have ended up in the waste stream. Such a target would also give much needed incentives to improve the collection and logistics system for waste which is today primarily geared towards recycling and not preserving re-use potential.

Moreover, RREUSE estimates that a preparing for re-use target of just 1 % of municipal waste generated in Europe could help support 200,000 local green and inclusive jobs[5]

It is therefore pleasing to see that steps have been made towards the possible setting of a target in the future. A new measurement methodology for preparing for re-use, separate to that of recycling, has been included within the WFD (Article 11a.1(b)). This is the first time this has been attempted in EU waste law. The methodology indicates that the point of measurement should reflect the amount of products, by weight, that have been re-introduced onto the market by preparing for re-use operators following all necessary cleaning, checking and or repairing operations (See Annex A). Reporting of these figures at national level will be mandatory from 2020 onwards (Article 37.2).

Beyond the obligation to report preparing for re-use rates, by the end of 2024, the European Commission will have to assess the feasibility of setting preparing for re-use targets at EU level followed by a legislative proposal if deemed suitable (Article 11.6).

Whilst these provisions in the revised Waste Framework Directive move Europe in a positive direction to better implementing the EU Waste Hierarchy, RREUSE encourages Member States not to delay the opportunity to benefit from the positive social and environmental impacts associated with supporting the re-use sector. Member States can draw inspiration from countries and regions that have already introduced re-use or preparing for re-use related targets:

- Spain has set a national preparing for re-use target as part of their National Framework Plan for Waste Management (2016-2022)[6] which aims to achieve 50 % preparing for re-use and recycling by 2020 of which 2 % will be prepared for re-use deriving mainly from textiles, WEEE and furniture and from other waste streams. This target has complemented another preparing for re-use target implemented since 2015 via a Royal Decree and focused on WEEE[7]. It requires 3% of large household appliances and 4% of IT equipment to be prepared for re-use from 2018[8].

- Flanders, Belgium, has a re-use target of 7 kg of material per capita by 2022[9], linked to the Flemish network of re-use social enterprises working under the brand of De Kringwinkel. This

[5] RREUSE (2015) Re-use has higher employment potential than recycling - Available here
[6] Spanish National Framework Plan for Waste Management (2016-2022) - Available here
[7] RREUSE (2015) Spain first EU country to mandate re-use of electrical goods – Available here
[8] Royal Decree (2015) – Available here
[9] OVAM (2017) Implementation plan for household waste and comparable industrial waste – Available here

new target follows the previous objective of 5 kg re-used by the end of 2015 alongside an employment target of 3000 Full Time Equivalent jobs. As a result, the social enterprise re-use sector in Flanders now supports over 5000 jobs, with the majority of those being for persons distanced from the labour market.

- In Wallonia, Belgium, a Government Decree requires 2 % of WEEE to be 'prepared for re-use' from January 2020[10].

- In France, a recently published Circular Economy Roadmap[11] contains a pledge from the French Ministry of the Ecological and Solidary Transition to set up re-use, preparing for re-use and repair targets for each Extended Producer Responsibility scheme implemented at national level, including WEEE, furniture, textiles, packaging and numerous other waste streams. A given quantity of what will be collected as a result of setting such targets will be reserved to social economy actors.

Obstacles for preparation for re-use	Drivers for preparation for re-use
Access to the waste streams by re-use facilities and quality of materials collected	Quality control for re-use
Design of the products and availability of spare parts	Security standards
Lack of appropriate logistics	Open dialogue between manufacturers and re-use organisations
Costs for municipalities	Commitment of local authorities towards re-use
Resistance from producers	Policies favouring social activities and funding
Consumer perception towards re-use	Marketing of second-hand products
Legislative framework (no separate target on preparation for re-use)	Education for people involved in re-use and refurbishment
Expertise required for preparation for re-use	
Restrictions on transboundary shipments	
Unfair competition (notably from re-use organisations that do not respect quality standards)	

Figure 2: Table outlining obstacles and drivers of re-use / preparation for re-use activities (Source: Irish EPA, 2018)

3. Member states must help facilitate access to discarded re-useable goods for organisations who can prepare them for re-use rather than letting them be prematurely recycled, incinerated or landfilled

As highlighted Section 2.b, *access* to discarded re-useable goods for preparing for re-use operators is key for boosting preparation for re-use rates (see Fig.2). It is therefore positive that this issue has been addressed in the new WFD, which states:

[10] Walloon Government Decree (2017) - Available here
[11] Ministry of ecological and solidarity transition, France (2018) 50 measures for a circular economy, Measure 8 – Available here

Article 11.1: *"Member States shall take measures, to promote preparing for re-use activities, notably by encouraging the establishment of and support for preparation for re-use and repair networks, […] by facilitating, where compatible with proper waste management, their access […] to waste held by collection schemes or facilities that can be prepared for re-use but is not destined for preparation for re-use by the same schemes or facilities, and by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures".*

Whilst this wording could have been clearer, RREUSE welcomes this provision and encourages Member States to strongly support and enforce the creation of partnerships between preparation for re-use operators, local authorities and public waste management companies to divert discarded re-useable goods to be prepared for re-use.

4. Producers will be obliged, via new rules for implementing Extended Producer Responsibility (EPR), to better inform consumers about re-use and repair options for their products

EPR is a key market-based instrument used to apply the "polluter pays" principle to the management of certain waste streams. However, according to RREUSE, it has become apparent that in certain cases once EPR schemes have been put in place, access to the waste stream for preparing for re-use operators in order to separate potentially re-usable items is often restricted[12]. RREUSE therefore welcomes a new set of minimum rules that must be respected when implementing EPR outlined in Article 8a. These include:

- Waste holders are to be informed about waste prevention measures, centres for re-use and preparation for re-use, take-back and collection systems (article 8a.2).
- EPR fees for individual product groups can be modulated taking into account their durability, reparability and reusability (article 8a.4b).
- Member States shall define in a clear way the roles and responsibilities of all relevant actors involved in implementing EPR, including producers, Producer Responsibility Organisations (PROs), private or public waste operators, local authorities, re-use, preparation for re-use and social economy enterprises (article 8a.1a), and ensure a regular dialogue between them (article 8a.6).
- The EPR scheme must set quantitative targets that are in line with the waste hierarchy and EU waste legislation, but also have the flexibility to set other appropriate targets (article 8a.1b).
- EPR fees have to cover costs of preparing for re-use activities (article 8a.4a).
- EPR fees will be calculated in a transparent way, with the help of the actors concerned, including social economy re-use operators (article 8a.4c).

[12] RREUSE (2013) Extended Producer Responsibility in promoting product re-use and preparation for re-use activities - Available here

RREUSE is aware that these minimum rules only apply to EPR schemes which are mandatory (WEEE, batteries, accumulators, vehicles and packaging) whilst many EPR schemes put in place by the Member States are voluntary. RREUSE believes that if EPR is implemented for waste related to household goods such as textiles and furniture, it should only be done under the condition that preparing for re-use operators from the social economy can have access to discarded re-useable goods and have these activities supported financially through EPR fees. In particular, RREUSE urges Member States to make sure that the EPR fees collected by the Producer Responsibility Organisations are invested in line with the waste hierarchy, and support activities such as transport from the collection points to the preparation for re-use facility.

5. Fiscal measures must be used to improve the implementation of the waste hierarchy

a. Fiscal measures helping preparing for re-use activities

When products become waste, preparation for re-use is the preferred treatment option. However, governments and local authorities tend to preferentially support recycling and other recovery activities ahead of preparing for re-use. One of the reasons why a lot of potentially re-usable items end up being discarded is the current gap between what needs to be invested into the refurbishment of a product (repair costs, transportation, storage, etc.) and the price that a customer is ready to pay for this product sold as second-hand.

RREUSE therefore welcomes the introduction of article 11.1 which highlights that "*Member States shall take measures to promote preparing for re-use activities, notably (…) by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures".*

RREUSE encourages Member States to use economic instruments, making preparation for re-use financially viable. This is particularly needed for discarded goods which are expensive to prepare for re-use, but still have market demand, such as electricals.

b. Fiscal measures helping re-use and repair activities

Re-use and repair need to become cheaper. Financial tools or incentives encouraging EU citizens to repair their products and buy second-hand are needed. These could take the form of VAT reductions on repair services and sales of second-hand goods or even tax reductions to encourage the donation of used goods to social enterprises[13]. Even direct financial support from local authorities can be used with a view to encourage citizens to use, re-use and repair services as is the case of the city of Graz, Austria, where citizens can receive up to €100 a year to help subsidise repair costs[14].

[13] RREUSE (2017) Reduced taxation to support re-use and repair - Available here

[14] RREUSE article (2018) Households in Graz offered 100 EUR per year to have their things repaired - Available here

RREUSE therefore welcomes the inclusion of Annex IVa in the WFD that provides examples of economic instruments and measures to provide incentives for the implementation of the waste hierarchy. According to article 4.3, Member States "shall make use" of economic instruments such as those proposed in this Annex IVa to properly implement the waste hierarchy. Also, according to article 29.2, waste prevention programmes must include how each Member State has addressed the list of suggested economic instruments and measures outlined in the annex.

In Annex IVa, RREUSE acknowledges the following measures as being relevant to support the re-use and preparing for re-use sector:

"2. 'Pay-as-you-throw' systems that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste;

3. Fiscal incentives for donation of products, in particular food;

5. Deposit-refund schemes and other measures to encourage efficient collection of used products and materials;

6. Sound planning of investments in waste management infrastructure, including through the European funds;

7. Sustainable public procurement to encourage better waste management and the use of recycled products and materials;

9. Use of fiscal measures or other means to promote the uptake of products and materials that are prepared for reuse or recycled;

12. Economic incentives for regional and local authorities, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration;"

6. Mandatory separate collection of additional waste streams has been set, including that of textiles by 2025, as well as incentives to support the re-use of construction and demolition materials

Dumping a washing machine or flat screen television in a container unprotected from the rain is a sure way to destroy its re-use value. Separate collection together with careful transport and storage are essential pre-requisites to safeguard the quality of valuable products which, if mixed or handled without care, risk losing their re-use potential. This is particularly the case for WEEE, textiles and furniture. Moreover, the organisations that have the skills and infrastructures to prepare goods for re-use are largely excluded from accessing discarded goods at facilities such as recycling centres.

As such RREUSE welcomes the introduction of mandatory separate collection of additional waste streams - going beyond paper, plastics, glass and metals – such as textiles and biowaste but regrets

that not enough emphasis has been placed on supporting the re-use of bulky goods such as furniture.

a. Textiles

EU citizens consume over 13 kg per capita of clothing per year resulting in at least 5.7 million tonnes being discarded each year equivalent to filling 5.500 Olympic swimming pools with clothes. Despite these significant volumes, separate collection rates of discarded textiles in most EU countries are low, with the majority landfilled or incinerated[15]. RREUSE advocates for a separate collection schemes for textiles and welcomes the effort made by the EU institutions to go in this direction:

- By 2024, the Commission must consider the setting of separate preparing for re-use / recycling targets for textiles (Article 11.6).

- By 2025, Member States must set up systems to separately collect textiles (article 11.1§3)

RREUSE encourages EU Member States to act earlier and set up separate collection schemes for textiles.

b. Furniture

Every year, 10 million tons of furniture are put on the EU market and about the same amount is discarded by businesses and consumers, resulting in over 19 kg per capita. The majority of this waste stream is incinerated or landfilled. However, improved refurbishment and remanufacturing of discarded furniture could support up to 157,000 new jobs and save about 6 million tonnes of CO2 equivalent in the EU[16].

RREUSE sees the absence of strong policies on furniture or bulky waste in the updated Waste Framework Directive as a missed opportunity. Although Member States are encouraged to set up systems promoting the re-use and repair of furniture (article 9d), no specific measures are planned for this waste stream.

RREUSE calls on Member States to support sound treatment of furniture waste by setting up separate collection schemes and quantitative preparing for re-use targets. Moreover, collection of bulky waste can have further social benefits if done in partnership with social enterprise[17] or using reserved contracts in public tenders.

c. Construction and demolition waste

Construction and demolition waste accounts for approximately 25 % - 30 % of all waste generated in the EU and consists of numerous materials[18]. Construction components carry a great potential for re-use as well as for job creation.

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[15] RREUSE (2016) Ethical principles for the clothing sector – Available here
[16] EEB (2017) Cutting waste could boost EU furniture industry, new study finds – Available here
[17] RREUSE (2017) Scottish re-use consortium delivers furniture to people in need – Available here
[18] European Commission, Construction and Demolition Waste– Available here

Construction and demolition waste has now been defined as "*waste […] generated from construction and demolition activities*" (Article 3.2c).

In general, the updated WFD encourages the setting up of systems promoting repair and re-use activities including construction materials and products (Article 9d).

Separate targets for this waste stream are to be considered by the Commission prior to the end of 2024 (Article 11.6). However, the target set up in the 2008 version of the Waste Framework Directive is still valid: "*by 2020, the preparing for re-use, recycling and other material recovery (…) of non-hazardous construction and demolition waste (…) shall be increased to a minimum of 70 % by weight*" (Article 11.2b).

There is explicit encouragement to "*promote selective demolition in order to enable removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials, and to ensure the establishment of sorting systems for construction and demolition waste […] for at least the following: wood, […], mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastics and plaster*." (Article 11.1)

RREUSE encourages Member States to act, for example by following the path of Austria which introduced a progressive law to prevent waste of high-value material by boosting re-use of construction and demolition components[19].

7. Further links between waste legislation and the importance of product design incentivising re-use and repair

Whilst 77 % of EU citizens prefer to repair their products instead of buying new ones, they are discouraged to do so because costs of repair are currently too high[20]. A decline of jobs in the sector has been noticeable for at least the past 30 years, in particular because of increasing obstacles and costs related to these activities. For example, in the Netherlands, the number of repair specialist firms for consumer electronics dropped between 1990 and 1997 from 4500 to 2500[21].

RREUSE notes that the WFD makes a link between waste management and product design, even though more detailed reflection on this is needed within EU legislation on Ecodesign. According to the WFD Member States are encouraged to take measures to promote the design of durable, reusable and repairable products (article 8.2 and article 9.1b). They need also to promote the reduction of hazardous substances in products and make sure that waste holders are informed about the possible presence of hazardous substances in the material that they are handling (article 9.1i), with the help of the European Chemicals Agency (article 9.2).

[19] RREUSE (2017) Austrian social enterprises develop a business model for re-use of building materials – Available here

[20] Eurobarometer (2014) Attitudes of Europeans towards waste management and resource efficiency – Available here

[21] RREUSE(2015) Improving product reparability: Policy options at EU level – Available here

In addition to encouraging the setting up and development of re-use activities in the field of electric and electronic equipment (non-waste) (article 9d), Member States are also asked to promote the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products (article 9e). EPR fees for individual product groups can also be modulated taking into account their durability, reparability and reusability (article 8a.4b).

Beyond the new waste rules, the European Commission is also currently working on a set of regulations aimed at updating minimum eco-design requirements that specific electronic products have to respect to be put on the European market. This update will not only reinforce energy efficiency requirements, but also include resource efficiency requirements that improve the durability and repairability of these products. The Commission has also started to investigate the possibility of setting up an EU-wide Scoring System on Repairability[22].

RREUSE encourages Member States to speed up actions towards better eco-design, as it is the case in France where the recently published roadmap on Circular Economy already contains a pledge from the Ministry of the Ecological and Solidary Transition to oblige producers to inform their consumers about the availability of spare parts and the repairability of their products[23]. This commitment includes the willingness to promote such a system at the level of the European internal market.

Lastly, eco-design should not be limited to energy related products. Textiles and furniture are also product categories for which eco-design minimum requirements need to be investigated to improve both their re-usability and recyclability.

Conclusions

RREUSE calls on Member States to finally help re-use and repair move out from the shadow of recycling and support the most ambitious interpretation of the waste new laws in order to help develop re-use and preparing for re-use centres and networks. Waste prevention and preparing for re-use activities are not only higher in the waste hierarchy than recycling, but can also create more jobs compared to other waste treatment options, including jobs for disadvantaged groups in our society[24]. Here, the role of social enterprises in re-use and repair needs to be recognised and promoted in order to realise the full potential of their impact on individuals, communities and the environment.

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[22] JRC - Scoring System on Reparability – Available here
[23] Ministry of ecological and solidarity transition, France (2018) 50 measures for a circular economy, Measure 9 & 10 – Available here
[24] RREUSE (2015) Briefing on job creation potential in the re-use sector – Available here

About us:

RREUSE is an independent non-profit organisation representing social enterprises active in the field of re-use, repair and recycling, with 26 members across 24 countries in Europe and the USA.

Our main vision is for Europe to support the role of social enterprise in a circular economy, providing meaningful work opportunities to thousands of vulnerable members of our community through innovative economic, social and environmentally beneficial activities.

RREUSE's primary mission is to help tackle poverty, social exclusion and a throwaway culture by promoting policies, best practices and partnerships that support the professionalism and development of social enterprises working in environmental services with high potential for local and inclusive job creation, notably re-use and repair.

Annex A: How to measure preparing for re-use