

Position Paper

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WEEE Revision: A better Framework for Reuse

Evaluation of Directive 2012/19/EU on Waste Electrical and Electronic Equipment (WEEE Directive)

Summary

The European Commission is currently conducting an evaluation of Directive 2012/19/EU on Waste Electrical and Electronic Equipment (hereinafter referred to as the "WEEE Directive") to assess the effectiveness of the directive.

Bitkom supports a revision of the WEEE Directive, especially in light of the overarching goals of the Circular Economy Action Plan, a modified waste hierarchy, a holistic approach to the circular economy, and the pursuit of maximizing the lifespan of electrical and electronic devices.

To more effectively achieve the objectives of the WEEE Directive and to better integrate it into the overall context of EU environmental and waste policy, we particularly recommend considering the following five points.

It is important that the directive takes into account technological advancements, changing market conditions, and the regulatory context, while also providing a clear and coherent framework for Member States.

Regulation Instead of Directive for EU-Wide Harmonization

In the field of waste electrical and electronic equipment, further harmonization between EU Member States should be promoted. Directives alone are insufficient and lead to different approaches in Member States. Harmonization is crucial not only for ensuring the functioning of the internal market (reducing bureaucracy) but also to maximize the potential for positive environmental change. Therefore, a revision of the WEEE directive should consider the possibility of a regulation instead of a directive (as

in the case of the battery regulation revision) to avoid different national implementations.

A future WEEE regulation should initially ensure EU-wide uniform registration of products and harmonize (sub-)categories. In a second step, existing national registers should be merged into a unified European register. It is important that (national) registrations that have already been made are grandfathered. However, proven and regionally adapted national collection and financial structures should be maintained and promoted accordingly.

Alignment of WEEE Directive and ESPR Objectives

Alignment of the objectives of the WEEE Directive and the Ecodesign for Sustainable Products Regulation (ESPR) is essential to avoid overlaps and to ensure the clarity of the respective regulations. Requirements for product design should exclusively be dealt with within the framework of ESPR. The aim of this directive is to promote sustainable design and ensure that products are environmentally friendly from the outset. Ecological design can also include design elements that facilitate the preparation of products for reuse and recycling.

While the Ecodesign Regulation deals with product design, the WEEE Directive should regulate the end of the usage life of these products. The scope of both regulations should therefore be clearly delineated and separated.

The existing WEEE Directive also includes design requirements. However, these should only be considered within the context of ecodesign to avoid double regulation and unnecessary cascade effects. The WEEE Directive should focus on the collection and recycling of waste electrical and electronic equipment to environmentally manage the end of the life cycle of these products.

Adaption of WEEE Effectiveness Assessment to the Circular Economy Action Plan Objectives

The European Green Deal and the Circular Economy Action Plan, with initiatives like the Ecodesign for Sustainable Products Regulation (ESPR) and the proposed directive for a European right to repair, aim for high longevity of devices. They also strive to keep electrical and electronic devices from becoming waste for as long as possible. We explicitly welcome this.

Now it is necessary to align the WEEE Directive, and particularly its collection target for waste equipment, with this objective. The goal of WEEE regulation should not be to collect as much electronic waste as possible but to collect the actual amounts generated and keep them in the loop.

The current WEEE Directive sets an annual collection target for waste electrical and electronic equipment at 65% of the average weight of electrical and electronic devices

placed on the market in the preceding three years (*„EEE placed on the market“*¹). This approach fundamentally contradicts the goal of maximizing the lifespan of electrical and electronic devices.

Many electrical and electronic devices already have a significantly longer lifespan today, which will further increase through the aforementioned initiatives in the future. The collection targets set cannot therefore be achieved with the current lifespan assumption.

To not counteract the Circular Economy Action Plan's objective of a long lifespan for electrical and electronic devices while still being able to adequately assess the effectiveness of the WEEE regulation, the current review methodology, consisting of the calculation formula and collection target, must be changed. Within the scope of the WEEE revision, it is necessary to examine how the WEEE effectiveness assessment can be redesigned. Otherwise, the WEEE regulation will continue to unintentionally contribute to the premature end of the life cycle of electrical and electronic devices.

If it is absolutely necessary to retain a collection target for waste electrical and electronic equipment as a WEEE effectiveness assessment, which we advise against, the calculation formula for the collection rate must be changed in any case. A more realistic lifespan assumption is necessary. The collection rate should therefore no longer be based on the average of the last three years (*„EEE placed on the market“*), but must be based on the average product lifespan (e.g., washing machine 15 years, toaster 8 years, etc.).

Regardless of the collection rate, the quality of the reported quantities of waste electrical and electronic equipment must be improved across Europe (example: subsequent exports and resulting double registrations in multiple Member States).

Better Differentiation Between Re-Use, Preparation for Reuse, Refurbishment, and Remanufacturing

To support circular economy activities related to waste electrical and electronic equipment, a clear and uniform differentiation of the terms "Re-Use" (reuse and further use), "Preparation for Reuse," "Refurbishment," and "Remanufacturing" is necessary. This enables a clear allocation of responsibilities, especially for manufacturers, retailers, and other actors along the value chain. Only harmonization of the European internal market can provide the necessary investment and legal certainty here.

¹ See WEEE Directive Art. 7: „[...] the minimum collection rate shall be [...] calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State. [...] From 2019, the minimum collection rate to be achieved annually shall be 65 % of the average weight of EEE placed on the market in the three preceding years in the Member State concerned [...]“.

Simplification of Cross-Border Transport of Used Devices for Repair and Refurbishment

Through the last revision of the WEEE Directive in 2012, the European Union introduced a new, supplementary legal definition of waste. This definition generally considers used devices that are not fully functional as waste, even if they are transported across borders for repair or refurbishment. Due to this definition, legal obligations for waste management must be met, which entails considerable cost. This affects transport, storage, documentation obligations, as well as the selection and training of personnel. This contradicts the environmental objectives of the Circular Economy.

The cross-border transport of used devices for the purpose of repair and refurbishment should therefore generally be exempted from the new legal provisions in Annex VI of the WEEE Directive 2012.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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