Questions and Answers on the WEEE package, transboundary movement of e-waste, common methodology for the calculation of e-waste and compliance promotion initiative

Where are the EU Member States today with the practical implementation of the WEEE Directive?

The recast WEEE Directive entered into force on August 2012 and had to be transposed into the national law of Member States by February 2014. However, 2016 was the first year of the implementation of the new Directive in all Member States.

In general we see that the amount of WEEE collected from private households has increased to more than 3.5 million tonnes in the last reporting years (2010-2014), as compared to 2.5 million tonnes in 2007 or to 300,000 tonnes in 2005. However there are Member States that still face difficulties in reaching the target of collecting 4 kg of WEEE coming from households. Nine Member States in 2014 failed to meet this target. Some Member States indicated decrease in collection weights because of decreasing equipment weight.

Almost all Member States need to increase the amount of WEEE collected from sources other than private households in order to comply with the future targets, applying from 2016, which shall take into account WEEE collected through all routes.

The level of compliance with the recycling and recovery targets is quite good. 14 Member States reported in 2014 compliance with all recycling and reuse target rates, set according to the category of EEE. Most Member States reached most of the directive’s targets for reuse/ recycling and recovery, with rates improving over time. The highest recycling rates were reported for consumer equipment and small household appliances.

Are Member States on track to achieve the increased collection rates applicable in 2016 and in 2019?

The final target of the new Directive, an ambitious 85% of all WEEE generated, will ensure that in 2020 around 10 million tons, or roughly 20kg per capita, will be separately collected in the EU.

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1 All data is available on-line by Eurostat: [http://ec.europa.eu/eurostat/web/waste/key-waste-streams/weee](http://ec.europa.eu/eurostat/web/waste/key-waste-streams/weee)

According to the data submitted by Member States and to the Commission’s study on the feasibility of the new collection targets for 2016 and 2019\(^3\), most Member States are expected to meet the target of 2016. However, for compliance with the 2019 target some Member States first need to effectively address certain implementation gaps, such as the high rate of unaccounted collection, enforcement problems and insufficient monitoring capabilities.

In order to assist the Member States at risk of not reaching the WEEE collection target, the Commission has initiated a compliance promotion initiative.

According to evidence (CWIT project figures\(^4\)), only 35% of all WEEE discarded in 2012, ended-up in the officially reported amounts of collection and recycling systems. What happens to the rest? What is the EU doing to improve the situation?

The CWIT project, supported inter alia by the European Commission, concluded that more than half of the 'missing' WEEE are recycled under non-compliant conditions in Europe (3.15 million tons) and a significant quantity is exported (1.5 million tons).

For the period 2010-2012, there have been over 2 500 cases of reported illegal shipments of waste, of which around 15% were illegal shipments of WEEE\(^5\).

This means that inspections and controls need to be reinforced. The legislative tools are there, but they need to be effectively implemented.

In the first place, the WEEE Directive includes specific requirements to prevent shipments of non-functional equipment to developing countries, in particular helping to establish whether functional equipment or waste is being shipped.

Secondly, the Waste Shipment Regulation has been amended to reinforce provisions on inspections. The amendments, which came into force on 2016, give more powers to inspectors. Member States were required to establish by 1 January 2017 inspection plans, which determine – on the basis of a risk assessment – the minimum number of inspections to be carried out.

The Commission also revised the Guidelines agreed by the Waste Shipments Correspondents to assist enforcement and customs authorities to possibly identify illegal WEEE shipments, taking also into account similar guidance adopted on an interim basis by Conference of the Parties to the Basel Convention. The guidelines apply from 3 April 2017.

Enforcement and inspections are primarily in the hands of national authorities – custom officials, waste inspectors and even police. However, we are also taking action at EU level and one of the aspects of the compliance promotion initiative will be also to identify good practices as regards the fight against illegal trafficking of WEEE.

In implementing this initiative, we will co-operate with IMPEL – the network of EU environmental inspectors – which has already launched several projects to counter illegal shipments of waste.

\(^3\) “Study on collection rates of waste electrical and electronic equipment (WEEE)”


\(^5\) According to IMPEL, network of EU environment inspectors
We are also co-operating with INTERPOL, one of the partners in the CWIT project. For example, DG ENV has been involved in the work of the Interpol Pollution Crime Working Group. And we are ready to reinforce bilateral co-operation. Moreover, under the EU-China Strategic Framework for Customs Cooperation (2014-2017), DG ENV participates in a ‘Working Group on Waste’, which was created with the objective to combat illicit exports of waste from the EU to China.

Finally, the challenges of e-waste management are taken up as part of bilateral dialogues with the most relevant countries, also in the more general context of circular economy and we will pursue our involvement in international activities, particularly in the implementation and further development of the Basel Convention technical guidelines on transboundary movements of WEEE.

**When WEEE is exported from the EU in order to be treated, how it is ensured that the treatment conditions in the facilities in third countries are equivalent to the requirements of the Directive?**

WEEE exported out of the Union is only taken into account for the fulfilment of obligations and targets set out in the WEEE Directive if the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of this Directive. This applies since 2004 when the first WEEE Directive was transposed into the national legislation of Member States.

The Commission is currently preparing a delegated act establishing the criteria for the assessment of equivalent conditions for the treatment of WEEE outside the EU.

**Does the methodology not come too late as new targets are already to be met by 2016?**

With the implementing regulation adopted today we fulfil the request in the new WEEE Directive to establish a common methodology both for the calculation of the weight of EEE placed on the national market in each Member State and for the calculation of the weight of WEEE generated in each Member State.

In 2016 the collection target shall be calculated on the basis of the weight of EEE placed on the national market in each Member State. The methodology adopted today requests Member States to calculate the weight of EEE placed on their markets in a given year on the basis of the information already provided by producers of EEE in accordance with the WEEE Directive. This means that the adopted methodology is applicable directly.

The final collection target of 85% of WEEE generated applies as from 2019 onwards. Hence, there is enough time between the adoption of the methodology, and its application for Member States to make any arrangements in the way they calculate the WEEE collection rate and for the Commission to ensure that a common methodology is used and enables us to have comparative analysis of the achievements of Member States as regards the collection of WEEE.

**How will the Commission assist Member States in the implementation of the new WEEE Directive? How will the WEEE compliance promotion initiative be realised?**

The Commission has initiated a targeted compliance promotion initiative to assist Member States in meeting the new ambitious collection and recovery targets of the Directive and to further improve the implementation of the WEEE Directive. The initiative is to be finalised by December 2017.
Supported by an external consultant, the initiative will include an assessment of practices in the Member States for implementation of the WEEE Directive and WEEE management.

We will focus on better performing Member States to identify good practices, and on a number of Member States which have made less progress so far, so to identify critical factors that hamper the achievement of the targets of the new Directive. The initiative is based on learning from each other.

Practically, it will also involve seminars in the selected Member States, with national authorities and relevant stakeholders. Two seminars already took place in Bulgaria and France while others will follow in Lithuania, Ireland, Italy and three more Member States still to be identified.

A final workshop for all Member States and stakeholders will be held in Brussels in autumn 2017 to finalise the lessons learnt and share experiences between Member States.

The new WEEE Directive has an open scope. This was agreed without an impact assessment but the Directive required a review by the Commission. What are the results of this review?

After August 2018, an open scope will apply. The review of the scope of the new WEEE Directive resulted in the conclusion that no further changes are justified. The analysis showed that there are no significant changes to the scope of the new WEEE Directive compared to the practice already applied in some Member States.

The new WEEE Directive requires the Commission to re-examine the deadlines for reaching the collection targets referred to in Article 7 and the possibility of setting individual collection targets for specific categories of electrical and electronic equipment. As some Member States are expected to have difficulties in reaching the collection targets, why did the Commission not consider it appropriate to revise those? What about setting set individual collection rates for specific categories of electrical and electronic equipment, to increase the collection of WEEE?

The Commission’s review concluded that changes in these directions are currently not justified. It was found that revising the new WEEE Directive, to introduce separate collection targets would bring significant additional administrative burden while the results can also be achieved through an ambitious general collection target. Such new revision would result in considerable administrative burden at a time when the focus should be on its implementing on the ground.

The analysis also confirmed that the collection targets set out in the WEEE Directive overall are ambitious, and achievable. A target defined as "% of WEEE generated" is achievable by definition; it is never higher than the actual waste generated for collection. A target defined as "% of new equipment sold" is easier to control, but can in some cases be hard to achieve. Examples would be countries (e.g. Luxembourg) with significant sales to consumers in other Member States, and products (e.g. photovoltaic panels) with growing sales and a long life time. It is concluded that some Member States have to improve their practices in order to achieve the targets. The compliance promotion initiative we have launched aims at assisting Member States that face difficulties in improving implementation of the Directive on the ground.

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6 BiPRO GmbH

7 “Study on the review of the scope of Directive 2012/19/EU on WEEE”