



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 ENVIRONMENT
 Directorate A - Green Economy
ENV.A.2 - Waste Management & Recycling

Brussels,
 MB/cm env.a.2(2015)

**MEETING OF THE EXPERTS' GROUP ON WASTE ON THE IMPLEMENTATION OF
 DIRECTIVE 2012/19/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON
 WASTE FROM ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)**

SUMMARY RECORD OF THE MEETING OF 9 SEPTEMBER 2015

Chair: Bettina Lorz (DG ENV)
Commission: Maria Banti (DG ENV)

Austria	Sophia Zoe Rohner
Belgium	Dimitri Strybos
Bulgaria	Anton Peychev
Croatia	Darko Horvat
Cyprus	Athena Papanastasiou
Czech Republic	Marketa Michalova
Denmark	Anne Nielsen
Estonia	Kerli Rebane
Finland	Johannes Järvinen
	Tarja-Riitta Bauberg
France	Cyril Hosatte
Germany	Dmitri Hörig
	Carina Dasenbrock
Greece	Alexandra Karpodini
Hungary	Magdolna Sztarenszky
Ireland	Darren Byrne
	Niall McLoughlin
Italy	Carlo Piscitello
Latvia	Ilze Donina
Lithuania	Saulė Deveikytė
Luxemburg	Serge Less
Malta	Sergio Tartaglia
	Jean Carl Grech
Netherlands	Renee Sondervan
Poland	Bogusława Brzdąkiewicz
Portugal	Marta Carvalho
Romania	Ionut Musetoiu
Slovakia	---
Slovenia	Peter Tomše
Spain	Sergio Álvarez Sánchez
	Teresa Barres Benlloch
Sweden	---

United Kingdom Melanie Foster
 Graeme Vickery
Norway Heidis Holstad Frantzen

0. WELCOME

The Chair welcomed the delegates and briefly summarized the role of the Expert Group.

1. ADOPTION OF THE AGENDA

One Member State expert asked to discuss under agenda point 7 “*Any Other Business*” an issue related to the POP concentration limit (LPCL) for the additive brominated flame retardant HBCDD (Hexabromocyclododecane) in Annex IV of the POPs Regulation 850/2004.

The agenda was adopted with this addition under its point 7.

2. ADOPTION OF THE MINUTES OF THE MEETING OF 3 NOVEMBER 2014

The minutes were adopted without any comments.

3. PREPARATION OF DELEGATED ACT LAYING DOWN DETAILED RULES SUPPLEMENTING THOSE IN ARTICLE 10(2) OF DIRECTIVE 2012/19/EU, IN PARTICULAR THE CRITERIA FOR THE ASSESSMENT OF EQUIVALENT CONDITIONS FOR THE TREATMENT OF WEEE EXPORTED OUTSIDE THE UNION (INFORMATION BY THE COMMISSION)

According to Article 10 of the Directive, WEEE exported in order to be treated out of the Union shall only count towards the fulfilment of obligations and recovery targets if the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of the WEEE Directive. The Directive requires the Commission to adopt a delegated act laying down the criteria for the assessment of such equivalent conditions.

The Commission had commissioned a study which proposed a list of possible options to evidence that the treatment of WEEE outside the EU takes place under conditions equivalent to the requirements of the WEEE Directive. The final report of the study is available on Commission’s web-page

http://ec.europa.eu/environment/waste/weee/events_weee_en.htm .

On the basis of the possible options identified to evidence the equivalence of the treatment conditions, a draft delegated regulation had been prepared by the Commission and presented to Member States' experts in the meeting of the Expert Group on 3 November 2014, where comments were invited. The Commission had also received

comments from the stakeholders and informed the experts that most of the comments supported the option referring to European Standards for the treatment of WEEE. As regards the timing for entry into force of such Regulation, , most Member States' experts supported its entry into force in a later stage when the European standards are adopted and recycling industry had sufficient time to prepare and obtain the relevant certification. Therefore, the Commission decided to postpone the finalisation of the delegated regulation until publication by CENELEC of the series of the standards for the treatment of WEEE which is expected by November 2016.

The Commission informed the Member States experts that they will receive the draft for information and possible further comments once the consolidated version of the draft delegated regulation has been prepared.

One expert asked whether there is already an updated draft ready to be circulated. The Commission replied that the Commission has already taken into consideration the comments submitted by the Member States' experts and relevant stakeholders but that it is not planned to circulate the draft before the publication of the full series of standards on the treatment of WEEE under development by CENELEC.

4. EUROPEAN STANDARDS FOR THE TREATMENT OF WEEE DEVELOPED BY CENELEC

– Information by the Commission on the ongoing work by CENELEC

On the basis of Article 8(5) of the new WEEE Directive, the Commission issued in 2013 a mandate to the European Standardisation Organisations asking for the development of one or more European standard(s) for the treatment (including recovery, recycling and preparing for re-use) of WEEE, reflecting the state of the art. CENELEC is currently executing the mandate and has already published a series of standards, while others are still under preparation.

The Commission presented the related timetable provided by CENELEC and undertook to send this timetable to the Experts.

Two Member States' experts expressed concern as regards the implementation of the standards that are under development by CENELEC noting that the standards have shortcomings that do not allow Member States to use them as mandatory for the recycling facilities and therefore proposed that these standards should remain voluntary.

One expert argued that the purpose of the standards is to give the tools to the facilities to improve WEEE treatment and it argued for the adoption by the Commission of mandatory standards.

– Information by the Experts on the national measures adopting minimum standards for the treatment of WEEE

On the basis of Article 8(5) of the WEEE Directive, Member States may set up minimum quality standards for the treatment of WEEE. At this respect, the Commission asked Member States' experts to describe any measures taken to set up standards or give guidelines for the treatment of WEEE.

One Member State expert gave detailed information on the national measures taken adopting minimum standards for the treatment of WEEE. In particular, it was mentioned that the mandatory implementation of WEEELabex “Conformity Verification” by all WEEE treatment facilities applied from 15 July 2015. It was explained that a large number of facilities is already verified, covering about 95% of the treatment capacity. It was also explained that once CENELEC standards are applicable they will be mandatory replacing WEEELabex conformity verification.

Another expert mentioned that the treatment requirements of European standards developed by CENELEC are being implemented.

There was no further mention of any specific measure adopting minimum standards for the treatment of WEEE to have been taken.

– Discussion on whether the standards developed by CENELEC are considered as giving additional guidance to operators, going beyond the level of protection requested strictly by the WEEE Directive.

The Commission noted that European standards requested by its mandate to CENELEC shall assist relevant operators in fulfilling the requirements of the WEEE Directive. The European standards may furthermore give additional guidance to operators beyond the level of protection required strictly by the WEEE Directive. Such additional guidance should be clearly distinguished from the remainder of the text, e.g. figuring as a separate annex or in a separate deliverable. The standards shall distinguish between requirements which are of an informative nature, and requirements which should be used by operators in the recycling chain in order to be able to verify compliance with the requirements in the standards. The issue of whether the standards developed so far by CENELEC go beyond the requirements of the Directive has been discussed in CENELEC working groups, for which reason the Commission asked Member States to express their views and consideration on this issue.

Two Member States' experts expressed concerns as regards the implementation of the standards that are under development by CENELEC as they consider them going beyond the requirements of the Directive and having shortcomings that do not allow Member States to use them as mandatory for the recycling facilities. By consequence, they proposed that these standards should remain voluntary.

One expert argued that the purpose of the standards is to give the tools to the facilities to improve WEEE treatment and therefore it is to be seen like going beyond the requirements of the Directive.

The remainder did not express any specific opinion.

The Commission urged Member States' experts to be in contact with their national standardisation organisations and accreditation authorities and to get involved in the development of the standards.

5. IMPLEMENTATION OF EXISTING LEGISLATION

i. IMPLEMENTATION OF DIRECTIVE 2002/96/EC

– State of reporting on WEEE for 2013- Reporting according to Commission Decision 2005/369/EC

The Commission summarized the results of the reports that Member States submitted to Eurostat under Article 12(1) of Directive 2002/96/EC for reporting year 2013. The data reported by Member States are available on Eurostat's webpage¹.

The Commission also mentioned that there are still seven reports missing and appealed that corresponding Member States send the data and the reports to EUROSTAT as soon as possible. One Member State expert announced that the report will be sent in the next month and another Member State in the next week giving an indication that the data will be better than previous years.

One Member State expert asked whether the preparation for re-use and recycling rates will be reported together in the same table. The Commission replied that already according to the Commission Decision 2005/369/EC the reuse and recycling rate is reported together. This will also be the case with regard to the preparation for re-use and recycling rate. The Commission will further discuss the issue with Eurostat and will inform Member States of any updates.

On the basis of Article 16(4) and (5), the Commission proposed that for year 2014 Member States submit the data on the achievement of targets to Eurostat by 30 June 2016 (18 months after the end of the reference year). All Member States' experts agreed with the Commission's proposal.

– Compliance promotion initiative: Compliance with the targets set in the Directive for the period 2009-2013 (Information by the Commission)

The Commission announced its plan to launch an initiative, starting with a study, to provide assistance in relation to WEEE compliance promotion. The study shall take stock of the situation as regards the achievement of the targets on the basis of the reports provided for the reporting periods 2009-2010, 2011-2012 and for 2013. It will furthermore identify good practices applied by Member States that achieved a high rate of WEEE collection and recycling/ recovery and collect related information and evidence with regard to Member States that failed to achieve the collection and recycling/ recovery targets set out in WEEE Directive. On this basis the compliance promotion initiative will be shaped with the aim to identify relevant targeted action to Member States.

The study is planned to be launched in 2016 and Member States will be asked for their contribution.

– Implementation report for the Directive 2002/96/EC on WEEE- Period 2010-2012 (Information by the Commission)

The Commission informed Member States' experts on the development as regards its report on the implementation of the Directive 2002/96/EC on WEEE for the period 2010-

¹ http://epp.eurostat.ec.europa.eu/portal/page/portal/waste/key_waste_streams/waste_electrical_electronic_equipment_wEEE

2012, which is based on the implementation reports that Member States sent to the Commission.

It explained that on certain occasions Member States may have omitted to submit a response to a particular question or to any of the questions in the implementation questionnaire or may have provided an inadequate response. In such cases it was necessary to consider other sources, where available. Whenever a source other than the WEEE Directive Implementation Questionnaire responses for 2010-2012 is used, it is clearly stated in the report. Sources of additional information used include reports issued from EUROSTAT and the European Environment Agency or information from compliance promotion exercises and community awareness initiatives in the Member States. If no other sources were found, the Member State's responses to previous Implementation Questionnaires (2004-2006 or 2007-2009) as summarised in the WEEE Directive Implementation Reports for the same time-periods were used. If any discrepancies were identified between the response provided by Member States in the Implementation Questionnaire 2010-2012 and any other sources considered, these have been noted and are discussed.

In this context, the Commission announced that the related report will be published on the web-page in the near future.

One expert asked whether there are any arrangements about the next reporting period and whether this will refer to year 2013 or to the years 2013-2015. The Commission replied that the issue of reporting is envisaged to be addressed in the upcoming waste proposal as part of the Circular Economy package.

ii. IMPLEMENTATION OF DIRECTIVE 2012/19/EU

– Conformity checking on the national transposition of the Directive (Information by the Commission)

The Commission informed Member States' experts that a Conformity checking on the national transposition of the Directive has been launched. So far the Commission received the conformity assessment studies for 17 Member States. The main task is to check whether there are mistakes or gaps in the transposition of the Directive and, as a second step, to identify national measures taken under specific provisions. The Commission noted that this is still an on-going task and that it will be based on these studies in order to proceed with infringement cases when needed.

The Commission asked Member States' experts concerned, where transposition had not yet been notified,

to report on the status of the national transposition activities. One reported that the transposition by its Member State will be completed by the end of September and another Member State expert reported that it will be completed by the end of October 2015.

– Implementation of Article 17 of the Directive as regards Authorised Representatives (Information from the Experts- Discussion)

The Commission noted that one of the issues being given particular attention in the framework of the conformity checking is to see how the provisions on the "authorised representative" in Article 17 are implemented by the Member States.

Member States' experts were asked to report on any requirements set in their Member State related to the implementation of article 17.

One expert reported that there are already more than 100 authorised representatives registered in this Member State's national register and that any physical or legal person established in the territory of the Member State can be appointed as authorised representative.

Another four other Member States' experts mentioned that they do not have special restrictions of who can be an authorised representative, meaning that any natural or legal person established in the territory of these Member States may be appointed as the authorised representative of the producer.

Two Member States noted that the obligations of the authorised representatives, where appointed, are the same as those of the producers. Therefore, producers' compliance systems (EPR systems) cannot be appointed as authorised representatives of the producers.

– **Reports to the European Parliament and the Council on:**

- The review of the scope of the Directive (Article 2(5))
- The re-examination of the deadlines relating to the collection rates and on possibly setting individual collection rates for one or more categories set out in Annex III, particularly for temperature exchange equipment, photovoltaic panels, small equipment, small IT and telecommunication equipment and lamps containing mercury (Article 7(6))

The Commission informed Member States' experts that it has prepared the draft reports, supported by two preliminary studies, and that in the next month the consultation with other Commission Services will take place. The reports are expected to be presented to the European Parliament and the Council by the end of the year.

– **Adoption of Technical guidelines on transboundary movements of WEEE and used EEE at the 12th Conference of the Parties to the Basel Convention- in conjunction with Annex VI to the Directive (Information by the Commission).**

The Commission informed Member States' experts that at the 12th Conference of the Parties to the Basel Convention (COP12), Parties adopted, on an interim basis, , technical guidelines on the transboundary movements of WEEE and used EEE, in particular regarding the distinction between waste and non-waste under the Basel Convention (Decision BC-12/5). The Commission expects that the practical application of these guidelines will assist in the reduction of illegal trafficking of WEEE to developing countries, and more broadly, contribute to reducing the environmental burden of WEEE being exported to countries and facilities that cannot handle it in an environmentally sound manner.

Moreover, the Commission mentioned that the correspondents pursuant to Article 54 of the Waste Shipment Regulation (i.e. Waste Shipment Correspondents) intend to review the Correspondents' Guidelines No. 1 on the shipment of WEEE in the near future. This review will take into account the Basel technical guidelines on e-waste as well as the recast WEEE Directive.

– Information on the workshop on the implementation of Article 15(1) of 8th September 2015

The Commission informed Member States that the preceding day the European Commission's Directorate General for Environment co-organised with the Directorate General for Internal Market, Industry, Entrepreneurship and Small And Medium-Sized Enterprises a workshop for Member States' experts and stakeholders in order to discuss/identify good practice in implementing article 15 of the Directive, on information to be provided by producers to treatment facilities about preparation for re-use and treatment.. The Commission summarised the outcome of the workshop as follows:

- In some cases different type of information is needed for different waste management operators, possibly also different information for different EEE categories.
- The development of the format/tool/procedure for the exchange of information may be facilitated by initiatives taken by producers and recyclers.
- There are no specific concerns about internal market barriers from the application of Article 15 of the Directive but need for harmonisation.
- Different stakeholders have different key roles and they all need to take relevant action in order to improve the situation.

The Commission announced that the report f and presentations of the workshop will be shared with experts as soon as possible.

6. INFORMATION UPDATE

– Update of Commission's web-page

The Commission informed Member States about the update of its web-page to include the final reports of the following studies:

- i. "Study on the review of the scope of Directive 2012/19/EU on WEEE"
- ii. "Study on equivalent conditions for WEEE recycling operations taking place outside the European Union"
- iii. "Study on WEEE recovery targets, preparation for re-use targets and on the method for calculation of the recovery targets"

One expert asked about the results of the "Study on WEEE recovery targets, preparation for re-use targets and on the method for calculation of the recovery targets". The Commission noted:

- On the re-examination of the recovery targets referred to in Annex V, Part 3, the study concluded that the new targets to be applied from 2018 onwards (referenced to EU6) maintain a similar level of ambition as the targets introduced from 2015 onwards (referenced to EU10) in the new WEEE Directive.
- Regarding the issue of setting separate targets for WEEE to be prepared for re-use, the study does not recommended the introduction of separate targets for preparation for re-use, but rather points out that selected other options may have better results towards promoting re-use than setting a target.
- On the re-examination of the method for calculation of recovery targets: no change of the calculation method of recovery/ recycling/ preparing for re-use targets is proposed.

On the basis of these findings the Commission concluded that no legislative proposal to change the current provisions will be tabled. The Commission will prepare a report to be presented to the European Parliament and the Council by August 2016, as required under the Directive.

Another expert asked about the results of the "Study on equivalent conditions for WEEE recycling operations taking place outside the European Union". The Commission reminded that the results of this study were presented to Member States' experts in the previous meeting group under agenda point 2 on the Delegated Act laying down the criteria for the assessment of equivalent conditions for the treatment of WEEE exported outside the Union

7. ANY OTHER BUSINESS

One Member State expert shared information on issues related to the POP concentration limit (LPCL) for the additive brominated flame retardant HBCDD (Hexabromocyclododecane) in Annex IV of the POPs Regulation 850/2004, to be considered at the upcoming Waste TAC as follows:

- There will be a vote on the 17th of September at the Waste TAC meeting on assigning a low POP concentration limit (LPCL) for the additive brominated flame retardant HBCDD (Hexabromocyclododecane) in Annex IV of the POPs Regulation 850/2004.
- A value of 500 mg/kg for HBCDD is proposed by the Commission.
- HBCDD has been used as a flame retardant in HIPS in EEE plastics. Other types of brominated flame retardants such as PBDEs (also used in EEE) have already been added to Annex IV of the POPs Regulation with a LPCL of 1000 mg/kg.
- It would seem that the Commission's proposal of 500 mg/kg aims to capture all relevant (intentionally added) waste streams whilst also ensuring that certain wastes (where HBCDD is found unintentionally) are also captured by the LPCL in order to prevent the inadvertent recirculation/dispersion of wastes containing POPs through recycling which is not in accordance with the Stockholm Convention.
- In practice, the introduction of a LPCL for HBCDD in the EU POPs Regulation will require such HBCDD containing wastes that contain HBCDD above the 500 mg/kg concentration limit to be managed as POPs waste (i.e. to be destroyed or irreversibly transformed).
- The recently adopted Basel Convention Technical Guidelines on the environmentally sound management of waste consisting of, containing or contaminated with hexabromocyclododecane have set a low POP content of 100 mg/kg or 1000 mg/kg or in the range in between. Technical Guidelines for the PBDEs also have a low POP content of 1000 mg/kg.
- It would seem however through recent correspondence that recently developed CENELEC standards for WEEE² have established a 2000 ppm (2000 mg/kg) threshold for elemental (total) Bromine in plastic fractions. Whilst the need for waste recyclers to screen for BFR containing plastics & separate them from non-BFR containing plastics is most welcome (& in line with Annex VII of 2012/19/EU), any numeric threshold developed needs to be aligned with existing EU legislation such as

² [Technical Specification EN 50625-3-1: Collection, Logistics & Treatment requirements for WEEE - Part 1: General treatment requirements](#)

the EU POPs Regulation & international agreements such as the Stockholm Convention & the Basel Convention.

The Member State noted it may be worth bringing this issue to the attention of the other Member States in order to also inform their competent colleagues.

The Commission finally announced that a tentative date for the next meeting of the Experts Group is 9 September 2016, and the Chair concluded the meeting.

Annexes (uploaded on CIRCABC):

1. Presentation by Commission and its consultant