

Conference Report

'Enhancing the WEEE Recast', 29 April 2010

Time: 13.00 – 18.00

Place: Renaissance Hotel, Rue du Parnasse 19, Brussels, 1050

Moderator: Hajo Friedrich, freelance journalist, based in Brussels/Cologne

Purpose

The European Union is revising its directive on the collection and recycling of electrical and electronic equipment, the so-called WEEE directive. In July 2010 the European Parliament will vote on amendments to this WEEE Recast. The conference aimed to explore major opportunities and constraints for maximizing the environmental contribution of the WEEE directive, and addressed three topics: 1) recycling standards, 2) collection targets, 3) producer responsibility.

Organisation

The conference was organized by SOMO, the Netherlands-based Centre for Research on Multinational Corporations. SOMO is a non-profit research and advisory bureau, which was established in 1973. It focuses on the social and environmental impacts of the operations of multinational corporations. SOMO aims to improve social and environmental conditions in the electronics sector. Among other activities, it is involved in the makeITfair and Procure IT Fair projects. It also hosts the worldwide GoodElectronics network. More information: <http://somo.nl/dossiers-en/sectors/electronics>

TOPIC 1

Recycling standards: key to responsible resource use?

Introduction

The ongoing evolution of new technologies encourages the continued growth of electronics sales and e-waste. For the manufacturing of electronics various metals are used. However, because of the high replacement rates of certain electronics, these valuable materials often become waste after a short product service life. The reserves of many of these metals are exhausted at a high rate. The relative scarcity of these metals could result in supply problems in the future. But although this is a serious problem of the near future, there is a more acute problem associated with metal mining today: the unhealthy and unsafe labour conditions of miners, and the disruptive effects of mining on the surrounding communities. Responsible recycling can contribute to increased availability of metals for the EU and less disruptive effects of mining.

In the report by the European Parliaments ENVI committee, the so called Florenz draft report¹, a new feature is added to the WEEE directive: that of harmonized recycling standards.² Since the quality of recycling differs greatly among EU countries, the ecological benefits of an ambitious recycling standard are clear. More hazardous components (like CFCs, PCBs and mercury) would be recovered. And more metals would be recycled, thereby conserving primary metal resources for future generations and

1 Committee on the Environment, Public Health and Food Safety, rapporteur Karl-Heinz Florenz, "draft report on the proposal for a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)", 25 February 2010, <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-430.635+03+DOC+PDF+V0//EN&language=EN>>

² See Amendment 19 in the Florenz report.

reducing the social and environmental impacts of mining. Recycling standards could also function as an incentive towards ecodesign.

In this session, the opportunities of a provision on harmonized recycling standards in the WEEE directive were explored. A panel was asked to provide their opinion on recycling standards.

Panel

- **Pascal Leroy**, Secretary General of the WEEE Forum, a European association of 39 electrical and electronic waste collection and recovery systems
- **Thierry Van Kerckhoven**, Global Sales Manager Electronic Scrap at Umicore Precious Metals
- **Otmar Deubzer**, expert end-of-life standards United Nations University

Pascal Leroy noted that his organisation is already in the process of developing a recycling standard for its members. Initially through its membership, this standard would be applicable to 60% of the e-waste currently collected through acknowledged collection and recovery organisations in Europe. Irrespective of developments in European politics, this standard will very soon have a market impact. At present, the WEEE forum is developing general normative recycling requirements. In the next phase, specific normative requirements for collection, logistics and recycling of specific products will be developed. In addition to the WEEE Forum's initiative, Leroy notes that the International Electrotechnical Commission (IEC) is involved in developing a recyclability standard. Leroy was hesitant in endorsing the need for "harmonised" recycling standard, as "harmonised standards" is a legal concept that is applicable in the context of free movement of goods in the internal market (former EC Treaty article 95), presumption of conformity of products and conformity assessment rules. Efforts should be made to harmonise standards as much as possible and to produce standards where there were none, yet whether the introduction of the legal concept of "harmonised standards" for processes (as opposed to products) in the environmental field (as opposed to in field of internal market) is appropriate requires an in-depth analysis.

Thierry Van Kerckhoven welcomed the idea of a provision on a harmonized standard in the WEEE directive. He highlighted the leading position of Europe in smelting technologies and indicated that the innovations that have taken place are partly thanks to the WEEE directive. Further provisions could have further benefits. Standardized, high quality recycling in Europe would not only have environmental benefits, but also economic in terms of jobs created, as well as a decreasing (or less increasing) demand for virgin resources through mining for metal and oil extraction for plastics. Van Kerckhoven highlighted that currently, in Europe e.g. 90% of small IT-devices such as mobile phones are not recycled, which in total represents an enormous resource value.

Otmar Deubzer also welcomed the idea of a harmonized standard, but stressed such a standard should cover the whole end of life (EoL) cycle of electric and electronic equipment comprising collection, transport, storage, treatment down to disposal or incineration. This would create a level playing field and prevent those working according to high quality standards being put at competitive disadvantages by others working "cheap and dirty". He also highlighted the importance of providing clear rules for how to calculate the recycling rates of materials from e-waste throughout the European Union in order to make the EoL performance comparable.

Intermezzo

Gary Griffiths from the British company RDC (specialists in IT Equipment reuse and recycling , remarketing and redeployment) introduced the re-use standard that is in development by the British Government's WEEE Advisory Body (WAB). The WAB re-use standard will be published by the British Standards Institute in the UK in November 2010. He argued that the re-use standard has clear environmental benefits by prolonging product lives and will increase reuse within the EU in accordance

with the aims of both the original and Recast WEEE Directives. Furthermore, labelling products processed in compliance with this standard will create jobs and also assist regulators to reduce illegal exports of waste under false 'reuse' claims. More information on this British re-use standard in development is provided in Annex 1 en 2.

Discussion

In the plenary discussion, Van Kerckhoven questioned why in the WEEE recast proposals, collection and recycling targets are still weight based instead of eco-efficiency based; from an environmental point of view, collection and recycling of some smaller devices is more important than that of heavier equipment. Although everyone agrees with this principle, it seems that differentiated collection and recycling targets based on product characteristics are avoided because of complexity and large differences between Member States (MS). A way to address this is to include a provision in the WEEE directive that prescribes that within the fixed, overall WEEE collection target, MS should set realistic target per product category, allowing them to respond to the actual market situation in each Member State (e.g. lower collection targets for new products and product categories than for products with a stable market).

Leroy raised the question whether recycling standards should be legally binding or not. Overall, participants seemed to be in favour of a harmonized (i.e. legally binding) recycling standard. It remains to be seen however if the directive is open for this point.

Another point of discussion was whether recycling standards can function as an incentive for ecodesign. Stephane Arditi of the European Environmental Bureau argued that once recyclability provisions would result in differentiated recycling costs for producers, this could certainly be the case. Otmar Deubzer opposed the idea of introducing Design for Recycling (DfR) requirements into EoL standards, as recyclability is only one of many ecodesign aspects. The strong EoL focus might result in adverse impacts on the total environmental performance given the complexity of modern EEE. According to Deubzer, ecodesign aspects should be placed into the European ErP Ecodesign Directive in the frame of environmental optimization of the whole life cycle of EEE. Arditi questioned this opportunity as the Ecodesign directive focuses on the use stage of energy using products. In the current consultation on the implementation of the Ecodesign directive, the commission consistently refers to the WEEE as the place to discuss EoL requirements, and the RoHS as the place to discuss substance requirements.

Jaco Huisman from the United Nations University (UNU) stressed the point that MS should be made responsible for reporting WEEE Annex II quantities removed from separately collected WEEE, to create transparency on the actual removal efficiencies and level of toxic control realized in practice. As an illustration, at the time of the UNU WEEE Review study, only Belgium was able to do so.

Tabled amendments related to this topic³

Amendment 19 by rapporteur Karl - Heinz Florenz.

The Commission actively promotes the development of harmonized standards for collection, treatment and recycling of electronics and electrical equipment, particularly by hiring the European Committee for Standardization.

Justification: Recycling standards are still not yet been developed. There are big differences in quality in the recycling and thus also in the efficiency in using resources. Different standards also result in distorted conditions of competition, so a consistent framework needs to be created.

³ Some amendments have been shortened for easier reading.

Amendment 162

Amendment Article 8 – paragraph 1, Corinne Lepage, Vladko Todorov Panayotov

Harmonised standards should be available by 12 months after the entry in to force of this Directive. These standards shall include methods for evaluation of products end of life characteristics, as required by Art 4, inter alia easiness of dismantling, retrieval of scarce strategic resources, recyclability and reduction of hazardous substance emissions.

Justification: Recycling standards have still not been developed. There are considerable differences in quality with regard to recycling and therefore also to how efficiently resources are handled. Furthermore, different standards result in distortions of competition, which is why a level playing field needs to be created. The standards to be developed should lever ecodesign for end of life of products, and not only refer to existing recycling practices. Particularly, such standards should create incentives for ease of dismantling, retrieval of scarce strategic raw materials, recyclability and the reduction of hazardous emissions. As a source of inspiration, they could build on existing work such as the e-Stewards Standard for Responsible Recycling and Reuse of Electronic Equipment®, WEEE labex standards and all the recommendations for provisions in standards as published by CEN Guide for addressing environmental issues in product standards for end of life (edition of 3 November 2008).

TOPIC 2

The collection of e-waste: should the EU be more ambitious?

Content

The commission proposal states that MS shall ensure that the manufacturers or third parties acting on their behalf reach a minimum collection rate of 65% in 2016. The 65% is a percentage of the average weight of electric and electronic equipment (EEE) placed on the market. This is an ambitious target considering the current collection rates, and according to some, too ambitious. The baseline for the collection target is also under discussion: whether to set collection targets on amount of waste electric and electronic equipment (WEEE) generated or on EEE put on the market. The problem of an EEE based target is that some EEE might take many years to become waste, which may imply a 65% collection of EEE based target is unattainable, unless producers would shorten the life time of their products, which would be counterproductive to the purpose. A WEEE based target solves that problem, but requires insight into waste arising figures which are currently largely unavailable.

For this session on collection targets, **Jaco Huisman**, main author of the UNU review study of the WEEE directive and collaborator in the StEP initiative, was asked to introduce the current collection figures. Then **Mark Dempsey**, European Waste Policy Advisor at Hewlett-Packard Company, was asked to provide his view on the feasibility of the tabled proposals. Then the floor was opened up for discussion.

Presentation Jaco Huisman

Available in PDF, see Annex 3

Mark Dempsey

Dempsey highlighted the need for policy makers to recognize that considerable amounts of WEEE are collected and recycled outside producers WEEE systems for profit. Dempsey suggested that because the Commission proposal made producers responsible for the target, it would have forced producers to purchase physical WEEE or evidence of treatment from commercial collectors, and would lead to extensive profiteering. Therefore he argued it is vital that all WEEE flows are measured when determining

the national collection rate and that MS are responsible for the achievement of the target. Dempsey also argued that a WEEE Generated target would be better than a 'Put on Market' target. A Put on Market target could lead to the establishment of a target which is not possible to achieve where there has been significant growth in sales which is not matched by available waste in the waste stream, for example in new Member States of the EU; and in fast growing product categories. Decreased sales would lead to the setting of a lower than desirable collection target. A Put on Market target also creates perverse incentives to reduce the longevity of products as the target is easier to achieve if the time between a product being sold and it becoming waste is shortened. Dempsey concluded that policy makers should remember the objective of the WEEE Directive is to promote sustainable development; and that a WEEE Generated target, combined with greater incentives for ecodesign through Individual Producer Responsibility, best matches the objectives of sustainable development.

Discussion

A considerable part of the discussion was dedicated to the figures presented by Huisman, and as a direct result thereof, on the attainability of the proposed 65% EEE based collection target. Huisman's figures suggested that even for the countries with the highest collection rates (i.e. Sweden, Denmark, Norway), current collection is way below 65% of EEE placed on the market. He stressed that the current proposal can become a paper target only, when it is not accompanied by other measures. According to Huisman, such measures should include the mandatory hand-in of WEEE from collection points to producer systems, and reverse, the financing of storage costs from producer systems to collectors (Art.12).

It should be noted that the figures provided by Huisman do not include all collection channels, simply because these data are not available officially. An exceptional 2008 study on collection in the Netherlands by Witteveen and Bos has gone through great lengths to collect data from multiple collection channels, and provides much higher collection estimates than the UNU study. The Witteveen and Bos study suggests that for the Netherlands an overall collection target of 65% of EEE put on the market might be feasible by 2016, but as a producer-only target, it would imply tripling the collection. In correspondence with this realization, EP rapporteur Florenz has proposed an amendment to the commission proposal to have all collection points contribute to the collection target (see below).

As highlighted by Huisman in his presentation, recent Dutch experiences demonstrate that financial incentives can increase collection considerably. As of January 2010, 95% of Dutch municipalities have signed a contract with producers that guarantee municipalities a fixed amount per ton collected. As a result, collection of white goods has doubled in one year.

The representative of the Ministry of Environment of Spain and member of the Spanish Presidency team, Begoña Fabrellas, stressed the difficulty expressed in the Council by the majority of delegations to reach the proposed 65% EEE based target by 2016. She noted that as an option, some delegations could support a gradual phase in of the targets and targets per product category.

Stephane Arditi, EEB, stressed that a waste arising based collection target would solve the problem of differences in market saturation of EEE between European countries, resulting in a fairer target. He also stressed that the proposed collection targets may be ambitious and costly, but that higher collection implies less illegal export of hazardous waste to developing countries.

The discussion on the attainability of proposed collection targets and baselines highlighted the importance of an increased insight in parallel e-waste flows and e-waste arising. Such data-availability would enable more straight forward collection targets based on waste-arising, better insight into the attainability of proposed targets as well as realistic and flexible target setting for collection of specific product categories per Member State.

Tabled amendments related to this topic

Amendment 17 – Florenz report

Article 7 – paragraph 1 a (new)

- (1a) To establish that the minimum collection rate has been achieved, Member States shall ensure that information on WEEE which:
- has been taken to collection facilities in accordance with Article 5(2)(a),
 - has been taken to distributors in accordance with Article 5(2)(b),
 - has been separately collected by producers or third parties acting on their behalf,
 - or has been separately via other means is communicated to them free of charge.

Justification: Member States are responsible for meeting the collection target and must report the quantity of WEEE collected in accordance with Article 16(5). For that reason, it is important that all separately collected quantities be reported to them. This will facilitate better waste-stream monitoring.

Amendment 155 - José Manuel Fernandes

Article 7 – paragraph 4

By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target in particular for equipment containing ozone depleting substances or global warming substances such as cooling and freezing appliances, as well as for small appliances (including toys, appliances containing batteries or accumulators), and equipment containing mercury such as fluorescent lamps, on the basis of a report of the Commission accompanied by a proposal, if appropriate.

Justification: Waste deriving from freezing and cooling equipment, as well as mercury containing lamps should be specifically assessed due to their hazardous contents. Otherwise there is a high risk that these small appliances continue to be frequently disposed of in the waste bin with the general household waste.

Amendment 128 – Elena Oana Antonescu, Rareș-Lucian Niculescu, Rovana Plumb, Daciana Octavia Sârbu, Bogusław Sonik, Adina-Ioana Vălean

Article 7 – paragraph 1

Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 40% in 2016 (in stead of commission proposal of 65% in 2016) , increasing to 65% in 2020. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the three preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.

Justification: In many Member States the market for EEE is not saturated yet, resulting in a lower percentage of WEEE arising in relation to EEE placed on the market. Compared to the situation in other parts of the EU, it would be difficult for them to reach the 65% target proposed by the Commission. The proposed new target should take into account the national circumstances and structural constraints, for example, the use of EEE over the life cycle, recycling infrastructure deficit, which differs from a Member State to another. The reference years for calculating the rate should be at least 3 years instead of 2 years.

Amendment 134 – Sirpa Pietikäinen

Article 7 – paragraph 1

Without prejudice to Article 5(1), Member States shall ensure that, by 2016, a minimum of 85% of the WEEE that is generated in the Member State is collected. Member States shall ensure that the volume of WEEE collected is gradually increased during the years 2012 to 2016. Member States shall present their improvement plans to the Commission by 2012. [...continues]

Justification: A different method for calculating collection targets.

TOPIC 3

The responsibility of electronics producers

Content

In this session, it is important to distinguish between operational responsibility to achieve the collection target (article 7 of Commission proposal) and the financial responsibility to pay for collection (article 12 of Commission proposal). In the Commission proposals, the burden of both operational and financial responsibility is placed on EEE producers. But in the face of the proposed higher collection targets, combined with the existence of several parallel public and private collection channels, the question whether this is realistic and/or fair is high on the agenda. The set-up of this session was an interview with each of our high-level panellists, after which the floor was opened for discussion.

Panel

- **Thorsten Brunzema**, Policy officer for the WEEE Directive, DG Environment, European Commission
- **Stephane Arditi**, EU Policy Officer for product and waste, European Environmental Bureau (EEB).
- **Luigi Meli**, director general of the European Committee of Domestic Equipment Manufacturers (CECED)
- **Jacques Hoffenberg**, waste expert Council of European Municipalities and Regions.

Luigi Meli argued that the question of who is responsible should be directly related to who is in control. Since collection is not completely under the control of producers – as collection is a responsibility of municipalities under the general waste legislation –, producers should not be fully responsible for collection. The responsibility to finance the increase of the collection rates where not satisfactory should be shared according to the polluter pays principle.

Jacques Hoffenberg stressed the importance of the funding of collection: once collectors would get paid for their efforts, they would probably surpass the 65% target. He argued that the financing system should be independent of the amount collected.

Stephane Arditi argued for shared responsibility for collection. While the responsibility for product design lies fully with producers, consumption and use patterns are also the responsibility of retailers and consumers. Each of these actors should bare a share of the responsibility.

Thorsten Brunzema explained that the commission proposals regarding article 7 had placed the burden on producers to implement the principle of extended producer responsibility. Regarding article 12, strengthened application of that principle is encouraged in the proposal. Producer responsibility is not extended in a legally binding text in that article for reasons of continuity in the recast exercise. He stressed the importance of using the structures and systems that had already been put in place by the

original WEEE directive, potentially to be supplemented by additional structures where necessary. But he also reminded the audience that in the end, MS are accountable to the EU, not producers.

Discussion

There tends to be an agreement on the idea that all collectors should contribute to the collection objective (as proposed by Florenz in Amendment 17). The problem lies in higher collection rates implying more efforts, which can imply higher collection costs. The discussion centres on who should bear these increased costs. In the Commission's proposal the financial burden is left with producers (article 12). Florenz has proposed an amendment (nr 27), and some other amendments have been tabled to oblige MS to raise funds for collection (see below). Nevertheless, Brunzema reminded that Article 12 is not opened up for recast, implying that the financing of collection will not be addressed in the recast. He added that even when responsibility is placed on producers in article 7, the actors accountable to the EU would still be the MS. In response, Arditì highlighted that when article 12 is not opened, the problem of coverage of collection costs will be shifted to the individual MS level. Funding for collection will have to be dealt with in one way or the other.

It is clear that the discussion regarding the financial responsibility for collection costs essentially centres on the distribution of responsibilities between public and private actors. The question remains how public and private responsibilities can best be aligned to maximize the environmental benefits from proper WEEE management.

Tabled amendments related to this topic

Amendment 17 - FLORENZ REPORT

Article 7 – paragraph 1 a (new)

(1a) To establish that the minimum collection rate has been achieved, Member States shall ensure that information on WEEE which:

- has been taken to collection facilities in accordance with Article 5(2)(a),
- has been taken to distributors in accordance with Article 5(2)(b),
- has been separately collected by producers or third parties acting on their behalf,
- or has been separately via other means is communicated to them free of charge.

Justification: Member States are responsible for meeting the collection target and must report the quantity of WEEE collected in accordance with Article 16(5). For that reason, it is important that all separately collected quantities be reported to them. This will facilitate better waste-stream monitoring.

Amendment 27 – FLORENZ REPORT

Proposal for a directive – amending act

Article 12 – paragraph 1

(1) Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). Deleted: Member States, where appropriate, shall encourage producers to finance all the cost occurring for collection facilities for WEEE from private households.

Justification: WEEE should continue to be handled by existing, reliable bodies, such as, for example, local authorities. In terms of equipment design or environmental benefits, financing collection from households is immaterial, and shifting how the burden is shared does not guarantee a higher collection rate. Consumers, too, bear responsibility for ensuring that waste equipment is disposed of properly.

Amendment 195 – Corinne Lepage

Article 12 - paragraph 1

1. Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). In addition, Member States, where appropriate, shall ensure that, to improve the collection of WEEE, sufficient financial resources are raised according to the polluter pays principle (from retailers, consumers and producers, but not from taxpayers) to cover the cost of collection of WEEE from households, including the cost of running the collection facilities and associated awareness-raising campaigns on the management of WEEE. These financial resources shall be available only to operators legally obliged to collect WEEE. Where receiving full coverage for their costs, municipalities and private operators obliged by law to act as collection points shall hand over all the WEEE collected to producers or producer responsibility schemes. The financing of the collection of WEEE from households for removal to collection facilities should not fall under the individual producer responsibility for financing provided for in Article 12.2.

Justification: To increase the collection rate, it is important to have local authorities, or any other operators required by law to act as collection points, organise awareness-raising campaigns, door-to-door collection events and other activities designed to collect as much as possible. The costs associated with these actions should be fully covered according to the polluter pays principle, the polluters being the producers, retailers and consumers, but not the general taxpayers. Some flexibility should be given to Member States in establishing the preferred system for raising the financial resources dedicated to these actions. To ensure predictability and availability of such funding, the financial resources should be raised at the moment of selling new EEE. The financial resources for collection from households should be raised independently of the existing individual responsibility for financing the end-of-life processing of WEEE, as the option of producers' individually taking charge of collection from households is neither cost effective nor environmentally desirable. Collection needs to be optimised collectively, and the whole idea of this provision is to ensure that local authorities and other mandatory collectors would have the resources to increase collection from households, ensure a handover to organisations guaranteeing proper treatment, and thus avoid parallel, suboptimal collection and treatment systems. In addition, producers' ecodesign initiatives, for which IPR provides an incentive, can influence end-of-life processing, but can hardly impact on collection.

Amendment 202 - Kathleen Van Brempt, Justas Vincas Paleckis, Vittorio Prodi

Article 12 – paragraph 1

1. Member States shall ensure producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). In addition, Member States, where appropriate, shall ensure that, to improve the collection of WEEE, sufficient financial resources are raised according to the polluter pays principle (where the polluters are to be considered to be the retailers, consumers and producers, but not the taxpayers) at the moment of selling new EEE to cover the cost of collection of WEEE from households, including the cost of running the collection facilities and associated awareness-raising campaigns on the management of WEEE. These financial resources shall be available only to operators legally obliged to collect WEEE. Where receiving full coverage for their costs, municipalities and private collection points shall hand over all the WEEE collected to producer responsibility schemes. The financing of the collection of WEEE from households for removal to collection facilities should not fall under the individual producer responsibility for financing provided for in Article 12.2. Additional rules on the calculation methods regarding the costs of collection and collection facilities may be laid down by Member States.

Justification: To increase the collection rate, it is important to have local authorities, or any other

operators required by law to act as collection points, organise awareness-raising campaigns, door-to-door collection events and other activities designed to collect as much as possible. The costs associated with these actions should be fully covered according to the polluter pays principle, the polluters being the producers, retailers and consumers, but not the general taxpayers. Some flexibility should be given to Member States in establishing the preferred system for raising the financial resources dedicated to these action.

Amendment 222

Kathleen Van Brempt, Judith A. Merkies, Justas Vincas Paleckis, Åsa Westlund

Article 16 – paragraph 1 – subparagraph 2 –

That register shall serve for monitoring compliance with the financing obligations under Articles 12 and 13. The financial guarantee obligation for end of life of products should be calculated to ensure the internalisation of the real end-of-life costs of a producer's product, taking into account treatment and recycling standards as referred to in Article 8.

Justification: If we have recycling and treatment standards, those should be an element to take into account for calculating the financial guarantees the producers should provide to cover the costs of end of life of their own products, as required by article 12 and 13. They should be captured by the registration system implemented at Member state level. Harmonised minimum requirements on the financial guarantees are needed to allow the meaningful compliance checking of financial guarantees as now made possible through the register in article 16 and required under inspections in article 20.

Amendment 240

Corinne Lepage

Article 20 - paragraph 1 - subparagraph 2

Those inspections shall at least cover exports of WEEE outside the Community in accordance with the Waste Shipment Regulation and the operations at treatment facilities in accordance with Directive 2008/xx/EC on waste and Annex II of this Directive. In order to allow a harmonised approach to compliance with the financial guarantee requirements as established in Article 12, the Commission shall, no later than 12 months after the entry into force of this directive, establish the minimum requirements and methodology for calculating the level of these guarantees, and establish guidelines for their verification and auditing. These requirements should at least ensure that:

- a) the guarantee leads to internalisation of the real end-of-life costs of a producer's product, taking into account the treatment and recycling standards,
- b) the costs related to a producer's obligations do not fall on other actors, now or in the future,
- c) the guarantee will be available in the future and can be used to resolve the outstanding recycling obligation of a producer in case of insolvency.

Justification: The implementation and enforcement of Individual Producer Responsibility, as a major lever to internalisation of end-of-lifecosts and a driver for ecodesign, would benefit from criteria being set by the Commission to define how to assess the level of financial guarantees, integrating the recycling and treatment standards and defining rules to verify them.

Annexes

Annex 1 – Summary UK Waste Advisory Body Reuse Standard

Annex 2 – Draft WAB Reuse Guidelines

Annex 3 – Presentation Jaco Huisman

Annex 4 – Participants list