

EEB's response to the proposed amendments to the WEEE Directive

Why legal procedure should not transcend common sense and opportunities to recover critical materials.

Although the European Environmental Bureau (EEB) respects and appreciates the need for legal certainty in accordance with EU law, the [decision to revise the WEEE directive to exempt certain products from proper collection](#) is highly concerning in economic and environmental terms.

The rapid development of the renewable energy sector, coupled with increased consumption more generally, has led to an exponential growth in the amount of raw materials being extracted, processed, and manufactured into photovoltaic panels. The [environmental and social impacts](#) of the extraction of these metals at this scale are immense. For each ton of metal extracted for production and consumption, hundreds of tons of waste are generated, as well as thousands of litres of water used, and greenhouse gases emitted. On a social and human level, mining and metal waste is highly [hazardous](#), leads to water and land contamination, and has been known to cause health issues in local communities. Therefore, once these panels reach their end of life, it is imperative that their component materials be reused and reintegrated into the circular economy loop, in order to make the most efficient use of resources possible.

Additionally, electronic waste is currently one of the fastest growing waste streams, and according to [Eurostat data](#), EU member states are failing to meet their collection and treatment targets for WEEE. Untreated WEEE may end up in landfill where the embedded chemicals can leach into water and land, be mistreated due to sub-standard processes, or illegally shipped to third countries where it continues to impact the environment.

With demand for renewables and electronics continuing to grow in light of decarbonisation and digitalisation, the EU must ensure that the materials being used to build the sector are sourced in the most efficient and sustainable way possible - starting by ensuring the reuse and recycling of the materials already in stock. Producers have an important role to play in this regard and should not only be held responsible for the products they place on the market, but also contribute to their proper recovery.

Extended producer responsibility schemes have played a key role in counteracting the detrimental environmental and social issues caused by end-of-life products, and the polluter-pays principle has been enshrined in WEEE legislation since 2002. These schemes should be as broad as possible to ensure the highest levels of collection, reuse and recycling and proper treatment of residues. **The human and environmental cost of any exemptions to EPR rules must be taken into account as well as the risks of wasting much needed valuable and critical materials.** Restricting the scope of EPR rules for products, devices and materials is a missed opportunity for resource savings and appears in total contradiction with recent EU efforts to reduce its dependency on critical raw materials and to mitigate the risk of supply shortages. The proposal to amend the 2012 WEEE to limit the scope and time coverage of EPR for certain WEEE seems therefore counterproductive in that regard. It is all the more inappropriate as in recent years, the proper collection and recycling of PVs with the associated benefits was [largely hampered](#) by the lack of sufficient supply to justify the collection and recycling infrastructure.

While we understand that the law should not be applied retroactively, we do not think this is fully justified in this instance, as the legal visibility on collection and recycling obligations was known since 2012. Furthermore, in some national EPR schemes (e.g France), there are provisions to cover 'orphan' products, which are products for which the operator who placed the item on the market is not active anymore (due to bankruptcy or other reasons). This could be explored as a potential model for the industry to consider covering the products that have been placed on the market before the collection and recycling obligations.

Should legal obligations be partially dropped, industry stakeholders should still be encouraged to go beyond legally binding collection targets and seize opportunities to maximise collection, which is an essential leverage to stabilise the reverse logistics value chain and ensure return on investments, on top of resulting in true environmental savings. Simply scaling back the legal obligations which serve as a baseline for companies' environmental actions will not lead to most (cost) effective recovery and sustainable business practices, while certainly generating significant societal costs linked to pollution and missed material savings opportunities.

Regulation of waste (particularly such dangerous forms of waste as is covered by the WEEE directive) needs to be as predictable, comprehensive and robust as possible, and focused on value retention, material recovery and stronger protection of people and planet - rather than scaling back circular ambition. **In the upcoming broader revision of the WEEE Directive in coming months and years, we call for the Commission to take these points into account and propose a holistic revision, focused on ambitious rules to govern collection and treatment of WEEE, and enabling the transition towards a circular economy.**

In the meantime, we call all national authorities, responsible for the proper implementation and enforcement of the WEEE Directive to find ways to maintain a high collection and recycling ambition of all PVs and WEEE regardless of the date they were placed on the market. This would contribute to progressing their collection rate whilst not wasting precious resources.

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The EEB is Europe's largest network of environmental citizens' organisations. We bring together 180 civil society organisations from 38 countries. Together, we work for a better future where people and nature thrive together.