

Position Paper

Brussels
19 May 2016

Comments on the European commission Waste legislative proposals of the Circular Economy Package and notably on the proposal amending directive 2008/98/EC on Waste (COM(2015) 595).

EucoLight, the European association of Lighting WEEE compliance schemes has welcomed the Circular Economy Package released by the European Commission on 2 December 2015.

It is particularly pleased to observe that the Commission considers Extended Producer Responsibility (EPR) policy a key tool for an efficient circular economy, and EPR schemes a main driver for reaching collection & recycling targets, by including minimum operational requirements for EPR in a new article 8a of the proposal for a revised Waste Directive (WFD).

I. On relation to Extended Producer Responsibility:

- **EucoLight supports and welcome these measures**, which will all contribute towards a beneficial level playing field for EPR schemes in Member States;
- **EucoLight makes proposals for amendments in order to enhance several aspects already proposed in the requirements of EPR that will contribute to secure a level playing field, which are as follows:**

1. Transparency in the financial contributions paid by the participants (Article 1. Par. 8, point 3,d)

The financial contribution paid by producers to EPR schemes should be detailed, without disclosing the individual contributions paid by producers. It is important to make it clear that financial contributions to be disclosed provide detail of the rates charge by EPR schemes per item or ton put on the market and this transparency helps to reflect the real cost of management of the waste, but without disclosing information related to producer's market shares. To this end, we suggest to request the disclosure of this information in an aggregated way in order to avoid competition issues.

2. Absence of conflict of interest in the EPR organisation (Article 1. Par. 8, point 3, e)

Member States should verify that there is no conflict of interest between the decision making body of an EPR organisation and any waste management operator that provides services to the EPR organisation. We observe that in some Member States this requirement is already enshrined in national legislation, but in others this is not the case, and this leads to distortions of the waste market by limiting the amount of waste that is made available to the independent recycling sector.

3. Cover of the cost of waste management (Article 1. Par. 8, point 4, a)

Obligated producers and their appointed EPR organisations should only be financially responsible for the operational costs falling under their remit and influence according to their waste stream regulation. The current wording of article 8.a paragraph 4 (a) which determines that the financial contributions paid by producers cover the “entire cost” of waste management could be misunderstood, and interpreted as the obligation of the EPR organisations to extend their financial liabilities to waste operations which are outside their legal financial liability according to their waste stream regulation (i.e. Waste under EPR that is either littered or ends up within municipal solid waste, because of inadequate decision of the consumer when disposing the waste should not be part of the producer’s financial responsibility). It would not make sense to ask someone to pay for something he does not control.

4. These EPR requirements should be equally fulfilled by Collective/Individual Schemes.

Members States should ensure that the requirements laid down under article 8a apply equally to both collective and individual EPR schemes. EucoLight recommends that this requirement be inserted in the text of article 8.a.

II. On relation to the calculation method for recovery targets

EucoLight supports the efforts of the Commission to establish common rules for reporting recycling rates (as referred to in the **recital 17** and in the modification proposals of **article 11** to the Waste Framework Directive), in order to ensure uniformity. However, EucoLight believes that some concepts need to be further clarified in order to avoid various interpretations.

For example, what does the concept “input to the final recycling process” refer to? Does it mean recycling targets based on:

- a. The input-mass sent to the recycling treatment plant/preparation for re-use facility or
- b. The destination of the output fractions after first treatment of WEEE?

The Commission should take into consideration, that specific methodologies for recycling and recovery calculation have already been established by CENELEC for WEEE.

III. On relation to the quality of statistics

EucoLight considers it vital, and therefore supports, the objective to improve the quality, reliability and comparability of statistics (recital 28 and article 11). EucoLight recommends that where the Commission uses or publishes statistics, those figures must be confirmed by Member States and the main stakeholders impacted by those statistics.

About EucoLight:

EucoLight is The European association of collection and recycling organisations for WEEE lamps and lighting. On behalf of its 19 members, EucoLight engages with everything related to the WEEE Directive, legislations and standards affecting the collection and recycling of WEEE lighting.

EucoLight is the voice of European WEEE compliance schemes specialised in managing the collection and recycling of WEEE lighting; working to make the circular economy a reality for lighting products.

Founded mid-2015, EucoLight has quickly embarked into constructive dialogue with relevant stakeholders to provide expertise in the field of management and treatment of WEEE lighting and to promote the positive role of Extended Producer Responsibility schemes on the environment and society.

For more information, visit the EucoLight website www.eucolight.org, follow EucoLight on Twitter @EucoLight or contact the Secretary General, Marc Guiraud (marc.guiraud@eucolight.org).

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