

Position Paper

Brussels
24 June 2016

EucoLight Comments

On the DRAFT REPORT of the Committee on Environment, Public Health and Food Safety (ENVI) on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste

(COM(2015)0595 - C8-0382/2015 - 2015/0275(COD))Rapporteur: Simona BONAFÈ

EucoLight, the European association of Lighting WEEE compliance schemes, has had the opportunity to review the draft report of the rapporteur on the revision of the above mentioned Waste Framework Directive.

We welcome the focus on Extended Producer Responsibility (EPR), as referred to notably in amendments 9 to 11. EPR is indeed a key tool for an efficient circular economy, and EPR schemes a main driver for reaching collection & recycling targets.

With the comments below, EucoLight would like also to draw the attention of the members of the ENVI Committee on specific aspects that are aimed at sharpening the minimum EPR requirements and foster a level playing field.

The coverage of the cost of waste management:

<i>Text proposed by the Commission</i>	<i>Amendment proposed</i>
<p>4. Member States shall take the necessary measures to ensure that the financial contributions paid by the producer to comply with its extended producer responsibility obligations:</p> <p>(a) cover the entire cost of waste management for the products it puts on the Union market, including all the following:</p> <ul style="list-style-type: none"> - costs of separate collection, sorting and treatment operations required to meet the waste management targets referred to in paragraph 1, second indent, taking into account the revenues from re-use or sales of secondary raw material from their products; - costs of providing adequate information to waste holders in accordance with paragraph 2; - costs of data gathering and reporting in accordance with paragraph 1, third indent. 	<p>4. Member States shall take the necessary measures to ensure that the financial contributions paid by the producer to comply with its extended producer responsibility obligations:</p> <p>(a) cover the entire cost of waste management for the products it puts on the Union market, as follows:</p> <ul style="list-style-type: none"> - where applicable, costs of separate collection from collection points for the waste categories as laid down in Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU, sorting and treatment operations required to meet the waste management targets referred to in paragraph 1, second indent, taking into account the revenues from re-use or sales of secondary raw material from their products; - costs of providing adequate information to waste holders in accordance with paragraph 2; - costs of data gathering and reporting in accordance with paragraph 1, third indent.
<p><i>Justification</i></p> <p>The activities of EucoLight members, funded by the obliged producers of Lighting products already cover the entire cost of lamps waste management from collection points, such as Civic Amenity sites or distribution. However, if this obligation was extended to the cost of collection from individual households, the financial impact would be huge. It would also have a hugely disproportionate environmental cost to collect a single waste lamp from a household. Accordingly, we have proposed a change to the text that reflects this situation.</p> <p>Each stakeholder can only be financially responsible for the costs falling under their remit and influence. In this respect, the obliged producers can only be accountable for the standard costs stemming from the take back of waste under EPR and its recycling/recovery process, as long as these fall exclusively within their dedicated collection systems.</p> <p>Waste under EPR that is either littered or ends up within municipal solid waste, primarily because of inadequate use by the consumer of the existing infrastructures for selective collection should not be part of producer’s financial responsibility.</p> <p>In this respect, producers cannot “cover the entire cost for waste management for products it put on the Union market”. These costs need to be spelt out and properly defined; the cost list cannot be open-ended.</p>	

Essential characteristics of EPR organisations to be addressed:

- The essence of extended producer responsibility is the producer’s responsibility for a product throughout its life cycle;
- Producer responsibility organisations should be run and steered by the obliged companies;
- Producer responsibility organisations should be not-for-profit / profit-not-for-distribution.

<i>Text proposed by the Commission (Art. 1, Par 8, point 3)</i>	<i>Amendment proposed</i>
<p>3. Member States shall take the necessary measures to ensure that any organisation set up to implement extended producer responsibility obligations on behalf of a producer of products:</p> <p>...</p>	<p>3. Member States shall take the necessary measures to ensure that any organisation set up to implement extended producer responsibility obligations on behalf of a producer of products:</p> <p>...</p> <p>(e) Is producer owned, implements non-profit organisations of general economic interest and guarantees the absence of conflict of interest between the decision making body of the organisation and any waste management operator that provides services to the organisation</p>
<p><i>Justification</i></p> <p>The concept of Extended Producer Responsibility (EPR) is based on the principle that the-obliged producers take responsibility for the end of life management of the products they put on the market. To achieve the best results both economically and environmentally, the EPR organisation <u>should be created and owned by the obliged producers and run on a not-for-profit basis</u>. It should serve the public interest, operate in a transparent and auditable manner, in coordination with all stakeholders involved in EPR: from the government, local authorities, distributors, inhabitants, to the waste management industry</p> <p>Since EucoLight proposes EPR organisations to be created and owned by the obliged producers, <u>transparency</u> is a must. Member States should verify that there is <u>no conflict of interest</u> between the decision making body of an EPR organisation and any waste management operator that provides services to the EPR organisation. This is to avoid a possible conflict of interest between both activities that could distort the market preventing a level playing field for all recycling operators in the market, as well as affecting the overall goal of achieving the environmental targets in an economically efficient way.</p> <p>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.</p>	

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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