

Position Paper

Brussels
13 January 2017

EUCOLIGHT ESSENTIAL KEY POINTS TO BE ADDRESSED ON THE WASTE LEGISLATIVE PACKAGE

The present position paper takes into account:

The draft report and the tabled amendments by the members of the ENVI Committee on the proposal for a directive on end-of-life vehicles, and waste batteries and accumulators, and on waste electrical and electronic equipment (Rapporteur: Simona BONAFÈ) and the draft report and the tabled amendments by the members of the ENVI Committee on the proposal on the Waste Framework Directive (Rapporteur: Simona BONAFÈ)

EucoLight, the European association of Lighting WEEE compliance schemes, has reviewed the draft reports and tabled amendments on the proposals for the above-mentioned Directives, and has been made aware of some compromise amendments tabled by the political parties over the last period.

Prior the vote of the ENVI Committee of 24 January 2017, EucoLight herewith emphasises fundamental aspects that need to be addressed in the text of the Directives and that are essential for the good functioning of Extended Producers Responsibility Organisations.

These are:

- **Absence of conflict of interest between EPR organisations and recycling organisations:**
 - Member states should ensure that no conflict of interest arises between the decision making body of an EPR organisation and any present or future waste management operator providing service to that EPR organisation;
- **Transparency on the financial contribution paid by the producers whilst respecting business secrecy and free competition:**
 - The financial contributions paid by producers to EPR organisations should be made visible to reach transparency and awareness but complying with competition rules and protecting individual producers 'market share data, implying the respect business secrecy.
- **The concept of "entire costs of waste management":**
 - EPR organisations should be financially responsible only for the management of Waste that enter their area of responsibility (i.e. not Littering).

Solutions

With regard to the proposal for the directives on end-of-life vehicles, on batteries and accumulators and waste electrical and electronic equipment:

- **With regards to the costs to be borne by producers:**

Proposal for a directive

Article 3 - paragraph 1 - point -1 g (new)

Directive 2012/19/EU

Article 12 - paragraph 2

Present text of Directive 2012/19/EU	Compromise amendment	Amendments replaced by the compromise amendment
Member States may, where appropriate encourage producers to finance also the costs occurring for collection of WEEE from private households to collection facilities.	Member States may, where appropriate, encourage producers to finance also the costs occurring for collection of WEEE from private households to collection facilities. <i>Member States shall take the necessary measures to ensure that the financial contributions paid by the producer comply with his extended producer responsibility obligations and cover the cost of waste management as defined in paragraph 1 of this article, for the products it puts on the Union market.</i>	82 dropped
Justification		
The inclusion of amendment 82 contradicts paragraph 1 of article 12 of Directive 2012/19/EU (WEEE Directive) on waste Electrical and Electronic Equipment. Paragraph 1 already details the nature of costs to be provided by EEE producers. If the amendment wants to provide guarantee that the financial contributions of EEE producers cover the nature of costs already included in paragraph 1 we propose the above compromise amendment.		

With regard to the proposal for amending the waste framework directive 2015/0275 (cod).

- **The financial contributions paid by producers to EPR organizations should be made public but with respect to competition rules and individual market share information of producers.**

Proposal for a directive

Article 1 - paragraph 1 - point 8

Directive 2008/98/EC

Article 8a - paragraph 3 - point d-

Text proposed by the Commission	Compromise amendment	Amendments replaced by the compromise amendment
- the financial contributions paid by the producers;	- the financial contributions paid by the producers, <i>per unit sold or per tonne of product placed on the market, without disclosing the financial contributions of individual producers;</i>	722, 723, 724, 725
Justification		
EucoLight agrees to make the financial contributions of EPR organizations publicly available, since this adds transparency. We support making these contributions public but without disclosing the individual contributions paid by producers, which could disclose information related to the producer's market share. To this end, we recommend to request the disclosure of this information in an aggregated way in order to avoid competition issues.		

- **Absence of conflict of interest within EPR organisations:**

Proposal for a directive

Article 1 - paragraph 1 - point 8

Directive 2008/98/EC

Article 8a - paragraph 3 a (new)

Text proposed by the Commission	Compromise amendment	Amendments replaced by the compromise amendment
	<i>If organizations are set up for the collective implementation of extended producer responsibility, Member States shall guarantee the absence of conflict of interest between the decision making body of the organisation and any current or future waste management operator providing service to the organisation.</i>	727, 731 dropped
Justification		
Member States should verify that there is no conflict of interest between the decision making body of an EPR organization and any waste management operator that provides services to the EPR organization. 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 in the waste market by limiting the amount of waste that is made available to the independent recycling sector. So EucoLight is in favour of introducing this concept in the text by combining amendments 727 and 731 together.		

- With regard to the nature of the costs to be covered by the financial contribution of producers:

Proposal for a directive

Article 1 - paragraph 1 - point 8

Directive 2008/98/EC

Article 8a - paragraph 4 - point a

Text proposed by the Commission	Compromise amendment	Amendments replaced by the compromise amendment
<p>(a) cover the entire cost of waste management for the products it puts on the Union market, including all the following:</p> <p>- 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;</p>	<p>(a) cover the <i>following</i> costs of waste management, <i>falling under its remit and influence</i>, for the products it puts on the Union market:</p> <p>- costs of separate <i>collection from collection points, transport to sorting and treatment plants</i>, 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;</p>	<p>734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746 dropped</p> <p>747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758 dropped</p>
Justification		
<p>Each stakeholder can only be financially responsible for the costs falling under their remit and influence. The word "entire" should be deleted and it is of question that EPR organisations cover the cover the cost of collection and treatment of non-separately collected waste by EPR. 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. This would go against the underlining idea of EPR and of the polluter pays principle, as it would encourage consumers to not properly get rid of their used products. In this respect, producers cannot "cover the entire cost for waste management for products it put on the Union market".</p> <p>At the same time the wording "falling under its remit and influence" can be more explanatory and give a better justification of the proposal "contribute in covering the" (amendment 735), "a proportionate share of cost of waste management, in concert with the actors involved" (amendment 736), "either partially or entirely" (amendment 738) "all or part of the" (amendment 739).</p> <p>This compromise amendment seeks to further strengthen proposed text by the Commission, taking into consideration that WFD gives a framework to all type of EPR schemes. The costs to be covered by producers are already covered and detailed by their specific waste stream regulation (i.e. Packaging, WEEE, batteries...).</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).