

Position Paper

Brussels  
28 September 2016

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**EucoLight Reaction on**

**The amendments tabled by the members of the Committee on Environment, Public Health and Food Safety (ENVI) on the DRAFT REPORT 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**

**And**

**The amendments tabled by the members of the Committee on Environment, Public Health and Food Safety (ENVI) on the DRAFT REPORT on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (COM(2015)0593 - C8-0383/2015 - 2015/0272(COD)) Rapporteur: Simona BONAFÈ**

EucoLight, the European association of Lighting WEEE compliance schemes, has reviewed the draft reports on the proposals for the above-mentioned Directives, as well as the amendments tabled by the members of the ENVI Committee on these draft reports and would like to make the following comments and voting recommendations:

## 1. Comments:

EucoLight agrees with amendments that align with the following principles:

- the concept of EPR should be enshrined in the Waste Framework Directive though the adoption of minimum requirements for EPR organisations, which are a main driver for reaching collection and recycling targets and contributors to circular economy;
- producers may shift their individual responsibility to non-for profit collective schemes operating on their behalf;
- once EPR organisations are set up, Member states should ensure that current or future contractors of those organisations may neither nor indirectly be members or owners of these schemes, so as to avoid conflict of interest;
- the roles and responsibilities of all agents involved in EPR should be mentioned: this includes distributors;
- the reference to “quantitative targets relevant for the scheme” should be rephrased so to avoid misunderstanding to “applicable to the scheme”;
- the financial costs paid for waste management should be made visible to the consumer to reach transparency and awareness;
- an approval procedure for the establishment of an EPR organisation;
- EPR organisations should have the necessary means to meet the EPR obligations;
- the financial contribution paid by the producers, per unit sold or per tonne of product place on the market should be public for transparency purpose, without disclosing the financial contribution of individual producers, again for the sake of transparency

EucoLight disagrees with amendments that:

- Would delete article 8a and therefore the minimum requirements from the Waste Framework Directive;
- Would restrict that a ERP Organisation covers the whole territory of of a Member State;
- Would make EPR organisations financially responsible for the management of waste that do not enter their area of responsibility (littering).
- Creates “independent authorities” because in Member States the monitoring and controlling activity of EPR organisations is responsibility of the National Administrations already operating. This undetermined “independent authorities” will create additional costs and overlapping with existing authorities.

## 2. Amendment review and assessment:

Reading explanation:

- + means EucoLight recommends the ENVI Committee to support the amendment;
- means EucoLight recommends the ENVI Committee to reject the amendment;
- 0 means EucoLight recommends the ENVI Committee neutral as to this amendment

2.a) proposal for a Directive amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment:

Amendment	+ / 0 / -	Justification
<p><b>Draft report on the proposal for a Directive amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (COM(2015)0593 - C8-0383/2015 - 2015/0272(COD))</b></p>		
33	0	EucoLight recommends to stay neutral on this issue
69	+	In the light of the Waste hierarchy, the introduction of a new wording referring to the concept of repair and re-use is welcome in the WEEE Directive
72	+	The concepts of reuse and repair in the WEEE Directive are welcome
74	-	To be rejected: EPR organisations should be producer owned. This amendment creates confusion regarding the EPR principle.
82	-	The reference to the “entire cost” of waste management is misleading. Several amendments under the Waste Framework Directive better address a more nuanced wording
93	-	The additional information to be provided to consumers on minimum life expectancy of products is not welcome, since it is addressed by other EU legislation e.g. Eco-design
95	0	The proposed measures to enhance circular economy are welcome. However they go beyond the strict WEEE Directive, and should therefore be better placed under the Waste Framework Directive

2.b) Proposal for amending the Waste Framework Directive (2008/98/EC)

Amendment	+ / 0 / -	Justification
<p><b>Draft report on the proposal for a Directive amending the WFD</b></p> <p><b>2015/0275(COD)</b></p>		
236	+	The essential contribution of EPR schemes for efficient waste management is recognised and this amendment recognizes the requirement for absence of conflict interest within schemes.
512, 513	+	We consider this as a good wording in particular for the non-for-profit reference in the text
628	+	Transparency in the cost of waste management through the inclusion of a visible eco-contribution/fee on the price label of products is welcome.
661, 662	-	Article 8a cannot be deleted. Minimum requirements for EPR shall be mandatory at EU level for a level playing field in all Member States.
666, 667, 669, 670, 671, 672, 673, 674	+	Distributors should be listed amongst all agents/actors involved in EPR
677	-	Deleting the entire paragraph aiming at clarifying the concept is <u>not</u> the right way to solve the wording issue relating to “quantitative targets relevant for the schemes”, emphasised as misleading by EucoLight
679, 680	-	These amendments do not propose a valid alternative wording to “quantitative targets relevant for the schemes”
681	+	Is the sole amendment which softens the wording linked misleading wording of “quantitative targets relevant for the schemes”
686	+	The visibility of the fee increases transparency and awareness among all agents implied in the sales chain (from the producer to the consumer) on the actual cost incurred to collect and recycle products and the strategic materials they contain.

688	-	Already tackled in Article 8a paragraph 3 point d indent 3 and has no sense to include it here when it is referring to producers and small and medium enterprises.
689, 690, 691, 692	-	The formulation remains unclear, might lead to fragmented national measures.
693	+	Enhances the role of EPR systems in the Circular Economy
694	+	Enhances the level playing field of EPR systems
695, 696, 697	+	The reference is welcome
698	-	Already tackled in Article 8a paragraph 6 and there is therefore no need to include such wording in this part.
699, 700, 701, 702	-	Not welcome. Making the fee visible increases transparency and awareness among all the agent implied.
703	-	Too specific for the Waste Framework Directive. To be more developed in the Packaging Directive.
704	-	Not welcome in paragraph iv. More legal certainty in the wording is required, otherwise EPR organisations will operate with unclear legal targets.
705	+	The reference is welcome
710	+	The Member States approval procedure is welcome
711, 712, 714	-	Deletion of the original wording: “has a clearly defined geographical, product and material coverage” is in total contradiction of the need for full coverage of a Member States territory
713	+	The reference to non-discriminatory rules regarding geographical and access to material coverage is welcome
716	-	Deletion of the original wording should be rejected
717	-	Goes beyond the operational feasibility for EPR organisations of the collection targets already established in the WEEE Directive
722	-	Deletion of the original wording that refer to the financial contribution by producers should be rejected
723	-	Does not guarantee the confidentiality of the individual contributions of producers
724,725	+	The precise wording about the financial contribution paid by the producers should be supported
726	-	EPR organisations cannot be held responsible for the cost of management of waste that do not enter their area of responsibility

727	+	Welcomed wording on the absence of conflict of interest
728	-	EPR organisations cannot be required to make public the distribution of funds which would risk breaching competition law
738, 739, 741, 743, 744, 745	+	These proposals substitute the term “entire costs” by “following costs” or alternative acceptable wording e.g. “partially or entirely” or “all or part of the costs”
735, 736, 737, 740, 742, 746	-	Do not offer alternative to the wording of “entire costs”
754, 755, 756	+	Add valuable precisions on the collection and recycling costs e.g. the cost to be borne by producers starts “from the collection points”
763 to 778	-	Reject these amendments aiming at including the costs of littering and the costs supported by the Administration if the waste is not enter the field of responsibility of the EPR organisations.
782	+	Proposal to include the reparability, durability and the presence of hazardous substances in the modulation of the financial contribution is welcome
791, 792, 794, 795, 796, 797, 798, 799, 801 and 803	-	Additional costs not controlled by EPR organisations cannot be borne by the latter
804	+	Proposal to strengthen the monitoring activity of Member States, as phrased, is welcome
807, 809, 811	-	EucoLight is not in favour of creating additional bodies because in Member States the monitoring and controlling activity of EPR organisations is responsibility of the National Administrations already operating. The as yet undetermined “independent authorities” will create additional costs and overlapping with existing authorities.
812	-	The reference to “clearing house” should be rejected
817, 818, 820	+	With regard to the dialogue platform on the implementation of the EPR requirements, EucoLight proposes a combination of amendments 817, 818, 820 which all contain valuable elements:  “Member States shall establish a platform, <i>or make use of an existing equivalent mechanism</i> , to ensure a regular dialogue between the stakeholders involved in the implementation of extended producer responsibility, including <i>producers, organisations implementing extended producer responsibility on their behalf, distributors/retailers</i> including private or public waste operators <i>and</i> local authorities and, where applicable, recognised preparation for re-use operators. <i>In order</i>

		<i>to facilitate the establishment of such platform by Member States, the Commission shall develop EU guidelines on extended producer responsibility stakeholders' dialogues".</i>
827	+	Economical and economic feasibility of new EPR systems is welcome
828	+	Requirement to producers to comply with the minimum EPR requirements is supported
829, 830	+	Alternative wording calling for an entry into force of the EPR requirements in the Waste Framework Directive is welcome

### 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](http://www.eucolight.org), follow EucoLight on Twitter @EucoLight or contact the Secretary General, Marc Guiraud ([marc.guiraud@eucolight.org](mailto:marc.guiraud@eucolight.org)).

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