EucoLight
European Association of lighting
WEEE compliance schemes

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EucoLight position on the revision of the Waste Electrical and Electronic Equipment (WEEE) Directive

EucoLight represents producer responsibility organisations (PROs) that collect and recycle WEEE lamps and lighting products on behalf of their participating producers, working to make circular economy a reality for lighting products. We support the extensive work undertaken by the European Commission to improve the Directive 2012/19/EU on WEEE in the context of the future Circular Economy Act. EucoLight has actively participated in the various consultations and stakeholder meetings relating to the functioning and improvements of the WEEE Directive and elements for the upcoming Circular Economy Act impact assessment. This position paper will focus on the main priorities for EucoLight members.

Our recommendations in brief:

- Transform the WEEE Directive into a single Regulation focused on Waste.
- Keep all lamps, including LEDs, in the same EEE category to preserve the sustainability of the sound waste management of all lamps.
- Review the collection target calculation methodology to reflect the long lifetime of lighting products.
- Adapt recycling targets of lamps to product technology.
- Ensure all collection flows (PROs, distributors, municipalities, waste operators) count toward national targets.
- Strengthen extended producer responsibility (EPR) with clear obligations for all actors across the waste chain.
- Apply strict safeguards to individual EPR systems, limiting them to B2B and ensuring traceability.
- Reject State-run PROs to preserve independence, producer expertise and system performance.
- Harmonise the definition of "placing on the market" and align POM rules across the EU.
- Tackle online free-riding through platform verification duties and stronger authorised representative requirements.
- Create interconnected national registers and move toward an EU-wide digital one-stop shop linked with customs.
- Strengthen enforcement powers for Member States to inspect waste flows and verify data reliability.

Legal form and scope: a Regulation focussed on Waste:

The new WEEE legislation should be a Regulation. Transitioning the WEEE Directive into a Regulation would replace fragmented national laws into a single set of directly applicable, and immediately enforceable rules across the EU. This would eliminate loopholes, ensure uniform compliance cross-border businesses and enhance the recovery of critical and valuable raw materials in the circular economy.

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WEEE legislation should remain strictly limited to collection, transport, and treatment, keeping in line with the waste hierarchy, while Ecodesign requirements should continue to be addressed under dedicated frameworks such as the Ecodesign for Sustainable Products Regulation (ESPR). Keeping these scopes separate prevents overlapping obligations, compliance bottlenecks, and unnecessary administrative duplication. These various regulations should be aligned with each other to ensure a cohesive regulatory framework. Any measures on waste prevention and preparation for reuse, specifically in target calculation, should be balanced with the requirements on waste management.

Collection and recycling:

Keep all lamps (LED and other lamps) in the same EEE category 3 ("Lamps"):

To ensure the effective functioning and financing of the circular economy, it is essential that all lamps (gas discharge lamps and LED lamps) remain within the same waste category. This allows to finance, collect and treat adequately all lamps, including mercury containing lamps. The long-term financial sustainability of Gas Discharge Lamps (GDL) recovery depends on it.

EucoLight members have consistently promoted joint collection of all lamp types among waste handlers and consumers, which has contributed to strong collection performance in this EEE category. At present, mercury-containing lamps continue to enter the waste stream, while LED lamps are predominantly placed on the market. LED lamps currently represent 10´% of the waste stream. Decoupling LED lamps from the lamp category would have significant repercussions for EucoLight members and their ability to operate effectively. Today's market is LED, but today's waste is still GDL. Decoupling Category 3 breaks the essential financial lifeline that allows today's clean technology to pay for the safe treatment of yesterday's legacy waste.

Therefore, EucoLight welcomes the Commission's intention to maintain stability in the current EEE categorisation and strongly recommend leaving the lamp category intact. The study supporting the evaluation phase of the WEEE Directive also highlighted the strong collection performance achieved by EucoLight members for lamps. LED lamps must remain in the same collection group, as GDL lamps because both product types are so visually similar consumers cannot reliably distinguish between them. A separate collection of GDL lamps and LED lamps e.g. in the collection box/container of small WEEE (where LED lamps would be collected), could pollute the collected small WEEE with mercury by breakage of wrongly disposed mercury containing GDL lamps.

Incidentally, it is important to note that LED modules should not be considered as lamps under category 3 and should be placed, together with luminaires, under categories 4 or 5[1]. EWRN has developed a guidance document for a harmonised interpretation of the content of 6 categories under the open scope of the WEEE2 Directive that serves as a reference[2]. Finally, EucoLight supports the creation of a separate category for PV panels to avoid distorting collection targets.

[1] [1] LightingEurope & EucoLight (2018, April). Lamps, luminaires & other electric equipment: Definitions relevant to WEEE.

[2] WEEE2 – Definition and Understanding of the 6 Categories (15.08.2018)

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Adapt recycling targets of lamps to reflect product technology:

LED waste is increasing within the "Lamps" waste stream now being slightly over 10% versus 1% in 2017 (according to EucoLight data) whilst that of GDL being slightly less than 90%.

Regarding GDL, the minimum recycling target set by the current WEEE Directive (2012/19/EU) for WEEE falling withing category 3 (of Annex III) is 80% and it is valid; these lamps are made in large parts of soda lime glass allowing a closed loop with high recycling rate exceeding 80% and constitutes the bulk of the lamp waste for the years to come.

LED went through a significant technological change over the last 10 years. The first LED lamps put on the market had a low recyclability of materials and local available technology to treat them. We observe that current LED put on the on the market have a much higher content of glass, recyclable plastics, and less electronics. Analysis of LED lamps from the waste stream of category 3 ("Lamps") identify a portion of about 40-60% recyclable materials. LED of today have a better recyclability, but still lower than those of GDL. Also, due to the longer lifetime of LEDs, we are not seeing the new products back in the waste stream yet. The recycling target set in the current WEEE Directive were set for GDL as they were dominating the waste in the lamp category.

Considering the market evolution (more LED and fewer mercury lamps), product composition, lamps recycling targets should differentiate GDL from LED to be realistic, technically achievable, and environmentally meaningful.

EucoLight therefore advocates to differentiate the recycling targets for the different types of lamps as follows:

- 80% for Gas Discharge Lamps
- 55% for LED / non-Gas Discharge Lamps

Collection target methodology calculation to reflect the lifespan of lighting products:

EucoLight supports the Commission efforts to review the current methodologies to reflect the lifespan of EEE. The current Placed on the Market (POM) method does not reflect anymore the average lifetime of products. In lighting, thanks to the LED technology, average lifetimes now exceed 10 years for LED lamps and can reach 20-25 years for certain professional luminaires, which is not reflected in the collection target today.

By contrast the Waste Generated (WG) method has its fair share of complexity, as it relies on parameters such as average weight and average lifetime. Our experience with the calculation tool showed that this data notably for lamps (EEE category 3) is often unreliable, especially because it is not addressing the rapid evolution of LED technology in the past decade.

EucoLight has suggested that the Commission study the possibility to improve the WG methodology, by considering Waste available for collection, as in the Battery Regulation. A priority should be to render data reliable for category 3, 4 and 5.

The scenarios put forward by the Commission for an improved POM methodology through Scenario 2 (average lifetime per EEE category / a X year window around a reference year) and Scenario 3 (average lifetime per EEE category + e.g. 2 different years windows) go in the right direction, especially scenario 3.

However, we need to understand how the parameters will be defined for each EEE category and subcategory. In addition, we suggest refining the scenarios to get closer to the WG method by deducting exports. We recommend that the Commission further develops the

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figures for category 3, 4 and 5. In this respect, EucoLight stays at the disposal of the Commission to discuss the details.

All collection figures to be taken into consideration for target calculation:

To ensure effective WEEE management, all collection figures coming from all operators should count as overall collection and should be taken into consideration when calculating the national collection target fulfilment. This includes not only the figures supplied by PROs, but also by waste collectors, distributors and some other agents in the value chain. This is important, since otherwise PROs are de-facto punished, specifically on these countries where individual collection targets are established for PROs. It should be emphasised that, if substantiated estimates exist, they should be taken into consideration for collection target. A harmonised system of collection and recycling figures and the source thereof must be established. The Commission should also check the reliability of the figures.

WEEE treatment standards to preserve the sustainability of the treatment of legacy products:

EucoLight recognises the value of the WEEE treatment standards, particularly as contractual references and audit tools. The standards are needed to secure a reliable and reproduceable quality of recycled materials.

However, if their requirements would be too difficult to reach for an existing recycling facility in the light of a shrinking waste stream (Gas Discharge Lamps), the investment required to meet the standards requirements would be economically not feasible. Essentially standards should consider the long-term sustainability of waste treatment plants treating legacy products. Otherwise, the existing infrastructure would become unavailable.

Extended producer responsibility: EU-wide minimum requirements for EPR schemes: cost transparency and fairness

All actors' approach: specify clear obligations of all actors involved in the waste management chain.

EucoLight advocates for a shift away from a producer-centric model toward one in which all actors in the waste management chain receives clear legal responsibilities. While producers remain key to the concept of EPR, obligations on collection, reporting and treatment should also apply to distributors, waste operators, and consumers for the benefit of the circular economy. To this end, we propose the following types of obligations for the respective actors:

- The role of distributors and retailers (including online marketplaces) must also be strengthened. Large retailers (with sales areas over 400 sqm) should strictly enforce "1-for-0" take-back for very small WEEE, while all retailers must facilitate "1-for-1" exchange for equivalent items.
- Municipalities and local authorities should be held accountable for providing accessible collection infrastructure and, crucially, for reporting all WEEE volumes collected at civic amenity sites to national registers.
- Installers and B2B actors play a vital role in professional lighting; they must be mandated to record take-back activities and ensure waste is handed over to authorised take back facilities.
- Recyclers and waste management operators must report all WEEE they handle, ensuring waste traceability and that all recycling activity is officially counted toward national targets, providing a true picture of circularity.

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- Citizens and all EEE users should be better informed, encouraged and obliged to collaborate to dispose of WEEE separately from general waste, ensuring it enters the correct stream through retail, municipal site or authorised WEEE collection points.

The Commission should harmonise the required information at EU level and take the opportunity to digitalise it.

Coordinated regulatory demands:

The legislation should foresee the environmental efficiency of collection allocations. There should be measures to avoid consumers disposing WEEE to unsorted municipal waste.

Sufficient collection network by PRO:

Requirements for PROs to be considered fit for collection should be developed (Development of a "Collection Network"). Reinforce the universal principle (absence of product segmentation or territory limitation).

Individual systems: same requirements as for collective systems:

Individual EPR Schemes should be submitted to regulatory safeguards and eligibility criteria, in particular:

- Be the purpose of a clear and harmonised definition of at EU level at EU level to ensure consistent application across Member States and prevent the misuse of such schemes to circumvent EPR obligations.
- Be limited to business-to-business (B2B) placing on the market where direct contractual relationships between producers and professional users allow for control over products and end-of-life management.
- Be submitted to prior authorisation by the competent authority as PROs (Producer Responsibility Organisations)

The following must ensure:

- Lifecycle traceability of products and identification of customers: the characteristics of the products placed on the market allow for full traceability throughout their lifecycle, including the identification of the professional customers to whom such products are supplied. Individual EPR schemes are therefore not suitable for mass-market household (HH) products distributed through open and multi-layered distribution channels, where traceability is inherently diffuse and products ultimately reach end-users not directly known to the producer (e.g. large-scale medical equipment compared to lamps placed on the market through retail channels).
- Take back linked to product replacement: Be based on B2B models in which producers are entitled to take back products that have reached end-of-life when the professional user replaces the product, irrespective of the brand of the replacement product.
- Capacity to meet collection targets through own placing on the market: Be operated by producers that can demonstrate their capacity to meet the applicable collection targets, calculated based on their specific model.

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State-run PROs: safeguard the independence of EPR systems:

The establishment of State-Run PROs (already observed in several Member States) contradicts EU EPR principles and risks undermining effectiveness and transparency in waste management system, weakening performance and recycling rates.

A well-functioning EPR system depends on independent PROs delivering compliance, under government oversight, but not run by the State itself. Producer responsibility should be strengthened, not undermined. This is particularly important when the EU is pushing EPR as an effective policy.

Producers are best placed to organise and govern EPR systems since they possess the technical knowledge of the products they place on the market, including their composition, design, repairability and end-of-life treatment requirements. This expertise is essential for developing efficient collection, treatment and recycling systems. Replacing producer-led PROs with state-run organisations would weaken the link between product knowledge, responsibility and operational decision-making, which is one of the core principles of EPR.

Requirements for new PROs coming into the market:

Administration, when authorising new take-back systems in the market, should calculate a given liability for that year and the PRO should guarantee that the fee covers the costs of that liability plus the structural costs. This measure will minimise the effect that occurs in some Member States, where new take-back systems are set up with no collection target for the first year and devote their efforts only to collecting fees from their producers disappearing in the next year.

Producers leaving PROs:

EucoLight members have reported challenges in calculating the collection rate when a producer leaves the PRO during a given year, which has financial and liability consequences.

Considering the diverse situation of EPR schemes across the EU, the upcoming legislation should clarify producer exit rules when changing PROs (Producer Responsibility Organisations), when competition between PROs exists.

Eco-modulation:

EucoLight does not support eco-modulation for lighting products. This instrument does not serve well for eco-design purposes. The fees cover the WEEE collection, transport and treatment. The European Sustainable Product Regulation is more fit to support eco-design due to their sustainability requirements.

Visibility of the fee:

EucoLight considers fee visibility as an adequate tool for WEEE financing transparency. Making the fee visible helps clarify the cost of end-of-life management for all actors in the value chain, particularly for the consumer, as it improves understanding of how WEEE obligations are financed, and it reinforces understanding of the circular economy. In case visible fees become mandatory, more detailed provisions in the legislation will be required.

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Data transparency:

National registers should be set up in all Member States and the information they hold should be public. To ensure consistency and effective enforcement across the Union, these registers should be fully electronic, interoperable, and coordinated using harmonised data formats developed at EU level. POM data should be updated annually in the register by producers (allowing Member States monthly reporting with substantiated reasons). PROs should be informed of aggregated market shares to calculate the collection target. POM should not be reported by producers in bulk, but by individual producers and by EEE categories (risk for online free riding).

Placing on the market concept:

The concept of "placing on the market" (POM) is interpreted inconsistently across Member States, particularly where a producer supplies products to a distributor within the same Member State. Two main approaches can be identified:

- **Interpretation 1 – First commercial transaction within the Member State:**

  A product is considered to be placed on the market when it is first supplied through a commercial transaction in the Member State where it is expected to become waste. EUCOLIGHT considers this to be the approach intended by EPR legislation, as it places responsibility on the economic operator that first makes the product available on the market in the Member State where it is expected to become waste.

- **Interpretation 2 – Customs clearance or importation:**

  Some Member States consider a product to be placed on the market at the moment it clears customs and enters the territory of the Member State, before it is supplied to another economic operator through a commercial transaction. In practice, this approach appears to associate EPR obligations with the point at which manufacturers become responsible for ensuring product compliance (e.g. the Declaration of Conformity), rather than with the first commercial supply.

These divergent interpretations have significant consequences for the allocation of producers' financial responsibility under EPR schemes and undermine the comparability of placed-on-the-market (POM) data across Member States

Furthermore, any future digital coordination with customs authorities through national registers under the forthcoming Circular Economy Act, will require a clear and harmonised definition of this concept across all Member States.

EucoLight is in favour of the 1st interpretation and recommends a clarification of the definition of "placing on the market" within the new WEEE Regulation, and that the EU legislation provides greater clarity on the definition of the producer with regard to EPR, as is done under the Packaging and Packaging Waste Regulation.

This approach will help well to coordinate with customs authorities and in the battle against online free riding. We recommend decoupling it from the figures of the manufacturer.

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Tackling online free riding:

Online platforms must be requested to verify that sellers are registered in WEEE registers, correct EEE category and EPR schemes or in case verification is not performed, assume the EPR obligations on behalf of the producer. France's measures on the topic can serve as guidelines for such a system (introduced in the 2020 French Circular Economy Law.

We also advocate for the new legislation to sharpen the requirements for authorised representatives (ARs), rather than suspending it. Authorised representatives must carry full legal, operational and financial responsibility on behalf of the producers they represent. For instance, they must be required to register every producer they represent, and "very large ARs" for example those representing more than 20 producers, should be subject to specific scrutiny, with additional requirements to ensure transparency, accountability and prevent market distorting. AR must be deemed financially liable when producers fail to meet its financial obligations. Authorised representatives are necessary both for EU-based producers and producers established in third countries and should be maintained for the sake of compliance and tackling online free riding.

EucoLight supports the creation of a harmonised WEEE registration number format, to be displayed in national online registers and included in transaction documents and declarations. It should contain as minimum data: national registration number(s), company name, address (including AR if applicable), EEE category and the associated EPR scheme.

Moreover, we propose interconnecting national WEEE registers through an EU-wide network, one that also connects with customs authorities to help monitor import flows and detect non-compliance more effectively. There is value in establishing a single EU register enabling national registration in cooperation with national authorities (Digital one-stop shop managed by a European public organisation for non-EU and EU producers), provided it does not discriminate or harm competition. This system could streamline registration, customs information and compliance while supporting enforcement across borders. EucoLight participates in dialogues with stakeholders that are developing requirements for workable solutions.

For a strong enforcement of the legislation:

Future legislation should entrust Member States with enhanced enforcement mechanisms on the compliance with the legislation dispositions. They should be required to carry out effective inspections of industrial waste and waste transport operations. They should also be enabled with mechanisms that allow them to monitor data reliability.

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