

EuRIC Position on Treatment Standards for WEEE

The European Commission mandated [CENELEC to develop standards for the treatment of waste electrical and electronic equipment \(WEEE\)](#) (the WEEE treatment standards) in 2013. EuRIC participated to the drafting of the series of standards 50625 for WEEE Treatment via one its Branches (EUROMETREC) as a Liaison Organisation and via its Members who are affiliated to their National Standardisation Committee.

To level the playing field in WEEE treatment at European level, EuRIC supports *laying down mandatory minimum quality standards based on the WEEE treatment standards developed by CENELEC* provided they:

- ❖ Are based on 50625 treatment standards developed by CENELEC.
- ❖ Distinguish *informative from normative requirements* as provided by the mandate M/518 with such a distinction to be made by a third independent expert and verified by the European Commission;
- ❖ Costs of implementation of binding minimum quality standards, in particular the costs of auditing, shall be continuously covered by Extended Producer Responsibility (EPR) Schemes or by Member States (MS), depending on the system in place, to ensure that their implementation does not place disproportionate administrative and financial burdens on treatment operators of any size, including on SMEs;
- ❖ Only standards of the EN 50625 series falling under the scope of the WEEE Directive and of mandate M/518 shall be considered as a basis for binding minimum quality standards.

1. Standards' role in levelling the playing in WEEE Treatment

Proper treatment of WEEE, regardless of the categories of EEE listed in the WEEE Directive, require significant investments by operators. There are currently substantial differences in the way WEEE is being treated across Europe which are rooted, inter alia, in varying levels of economic development and of efficiency of the EPR schemes in Europe. These differences have a direct impact on the technical and financial baseline of WEEE treatment operators in various Member States differ which has, in turn, a direct impact on the level of investments needed to be compliant with WEEE treatment standards.

An even implementation and an effective enforcement of the requirements set in the WEEE Directive across the European Union is hence instrumental to level the playing field and ensure free and fair competition among actors active in the treatment of WEEE. This element is vital, among other key elements such as harmonised waste status and fast track shipment procedures, to a well-functioning internal market for recycling and the circular economy as a whole.

Quality standards for WEEE treatment support the proper implementation of the WEEE Directive and level the playing field provided they are effectively and evenly enforced. **The state of play in countries which have rendered WEEELABEX certification mandatory and are now making the transition towards CENELEC treatment standards, either by law or upon the initiative of extended producer responsibility (EPR) schemes, demonstrates that they have contributed to improve the quality of the treatment of WEEE and to level the playing field, provided such standards are:**

- i) Effectively and continuously enforced
- ii) Costs for the implementation of such standards are covered by the EPR schemes or alternatively by Member States depending on the system in place in each country.

When these conditions are not met, their implementation trigger the exact opposite consequence and contribute to exacerbate unfair competition.

2. Regulatory framework underpinning the development of WEEE Treatment standards

- **In the WEEE Directive**

Article 8(5) third paragraph requires the European Commission *to request the European standardisation organisations to develop European standards for the treatment, including recovery, recycling and preparing for re-use, of WEEE [which] (...) shall reflect the state of the art.* The fourth paragraph of the same article provide that the *“Commission may adopt implementing acts laying down minimum quality standards based in particular on the standards developed by the European standardisation organisations.”*

Thus, the Directive distinguishes between the WEEE treatment standards reflecting the state of the art and minimum quality standards based on these standards which may be adopted by the Commission in implementing acts.

- **In the mandate enacted pursuant to the WEEE Directive**

The [mandate M/518](#) requested CENELEC to develop standards reflecting the state of the art for the treatment of waste electrical and electronic equipment (WEEE) reflecting the state of the art.

The primary objective of *“The European standard(s) requested by this mandate [was to] assist relevant operators in fulfilling the requirements of the WEEE Directive.”* Hence, there is an explicit obligation for the European standards to *“be concrete to treatment operators, even where this involves placing different options of treatment to the disposal of operators for their explicit choice.”*

The mandate M/518 equally requires that when *“the European standard(s) (...) give additional guidance to operators beyond the level of protection requested strictly by the WEEE Directive. Such additional guidance should be clearly distinguished from the rest of the text, e.g. figuring as a separate annex or in a separate deliverable. The standard(s) shall distinguish between requirements which are of an informative nature, and requirements which should be used by operators in the recycling chain in order to be able to verify compliance with the requirements in the standard(s).”* **The mandate M/518 further emphasizes in a separate paragraph the importance of such a distinction¹.**

In addition, the mandate M/518 equally provides that *“Since the WEEE Directive applies to all treatment operators, regardless their size and market segment, consideration should be given to developing requirements in the mandated standard(s) that do not place unnecessary administrative burdens on organisations of any size, including SMEs.”*

3. WEEE treatment standards developed by CENELEC for the treatment of WEEE

Working Group (WG) 6 of CENELEC’s Technical Committee TC 111X "Environment" developed a series of standards, technical specifications and a technical report based on the mandate M/518. While the standard EN 50625-1 on General treatment laid down requirements which are cross-cutting to all WEEE categories, the other standards or technical specifications are specific to certain WEEE categories.

<ul style="list-style-type: none"> • EN 50625-1: Collection, logistics & treatment requirements for WEEE -- Part 1: General treatment requirements • TS 50625-3-2: Collection, logistics & treatment requirements for WEEE -- Part 3-2: Specification for de-pollution – Lamps 	<ul style="list-style-type: none"> • EN 50625-2-2: Collection, logistics & treatment requirements for WEEE -- Part 2-2: Treatment requirements for WEEE containing CRTs and flat panel displays • TS 50625-3-3: Collection, logistics & treatment requirements for WEEE -- Part 3-3: Specification for de-pollution- WEEE containing CRTs and flat panel displays
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¹ *“In order to facilitate the self-assessment and documentation of compliance with the Directive by operators, and to facilitate a possible adoption of binding minimum quality standards by the Commission, the standard(s) shall distinguish between normative treatment requirements derived directly from the legal text of Directive 2012/19/EC, especially Annex VII, and between informative treatment requirements going beyond the strict requirements of Directive 2012/19/EC.”*

<ul style="list-style-type: none"> • EN 50625-2-3: Collection, logistics & treatment requirements for WEEE -- Part 2-3: Treatment requirements for temperature exchange equipment • TS 50625-3-4: Collection, logistics & treatment requirements for WEEE -- Part 3-4: Specification for de-pollution- temperature exchange equipment • EN 50625-2-4: Collection, logistics & treatment requirements for WEEE -- Part 2-4: Treatment requirements for photovoltaic panels • TS 50625-3-5: Collection, logistics & treatment requirements for WEEE -- Part 3-5: Specification for de-pollution- photovoltaic panels 	<ul style="list-style-type: none"> • TS 50625-4: Collection, logistics & treatment requirements for WEEE -- Part 4: Specification for the collection and logistics associated with WEEE • TS 50625-5: Collection, logistics & treatment requirements for WEEE -- Part 5: Specification for the end-processing of WEEE fractions- copper and precious metals • EN 50614: Requirements for the preparing for re-use of waste electrical and electronic equipment
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Failure to observe the mandate M/518 for two standards:

- **First, despite sharing the same numbering,** the *TS 50625-5: Collection, logistics & treatment requirements for WEEE -- Part 5: Specification for the end-processing of WEEE fractions- copper and precious metals* does not fall under the mandate M/518. **It has been developed outside of its scope. In general, activities of the facilities falling under the scope of this TS fall under the scope of the IED 2010/75.**
- **Second, the Technical Report on the alignment between the WEEE Directive 2012/19/EU and the EN 50625 series of standards fails to clearly distinguish *additional guidance to operators beyond the level of protection requested strictly by the WEEE Directive*, despite the fact that it is expressly requested by the mandate M/518.** To the contrary, as outlined in a letter from the European Commission to CENELEC shared with Members of WG 6, *the draft Technical Report, discussed so far, contains only a general description of standardisation deliverables and their normative or informative nature, and a list of the applicable standards for each of the provisions of the WEEE Directive. As a result, no document in the EN 50625 series of standards, be them their annexes or the TR, makes the distinction which was required by the mandate M/518.*

4. Costs of implementation of these standards

Stakeholders active in WEEE recycling have carried out studies to measure average costs for implementing WEEELABEX mostly since the transition towards CENELEC treatment standards is only recent with the completion of the EN 50625 series of standards.

Based on an EU-wide survey carried out by EuRIC, average implementation costs, which include the costs for infrastructure upgrade and process management, external consultancy advice to assist in preparing for the WEEELABEX compliance as well as auditing and certification costs for facilities treating WEEE, reached an average of 34 k€ for a one-year cycle, for all costs. Average values indicate that ~14 k€ of this cost was spent upon infrastructure upgrade, and ~7 k€ for the auditing (both on annual basis). These average costs for infrastructure upgrade greatly vary depending of the baseline of the facility of the respondent while the costs strictly limited to auditing remain steady.

Costs for implementing and maintaining WEEE treatment standards (WEEELABEX or CENELEC) are substantial. Hence, achieving a level playing field greatly depends on the even implementation and enforcement of WEEE treatment standards across the European Union.

5. EuRIC supports to binding minimum quality standards based on the WEEE treatment standards developed by CENELEC

Implementing standards for WEEE treatment can contribute to level the playing field in WEEE treatment at European level. Hence, **EuRIC supports *laying down mandatory minimum quality standards based on the WEEE treatment standards developed by CENELEC* provided that the following conditions are duly observed:**

- Strict observance of the very provisions of the WEEE Directive

- ✓ **Minimum quality standards shall be based on 50625 treatment standards developed by CENELEC. They must be applicable EU-wide and be properly enforced to guarantee an effective level playing field which would contribute to a genuine internal market in the field of WEEE treatment activities.** EuRIC strongly suggests to first lay down mandatory minimum quality standards based on standards and technical specifications setting down “General treatment requirements” as well as for the “collection and logistics associated with WEEE”.
- ✓ **Distinguish *informative from normative requirements* as provided by the mandate M/518**

That distinction is instrumental in order to:

- a) Ensure Compliance with the WEEE Directive and mandate M/518 themselves
- b) Prevent shortcomings observed during the standardisation process which failed in making a proper distinction between these two types of requirements;
- c) From a more practical viewpoint, to ensure that minimum quality standards strictly support a better implementation of the WEEE Directive without placing *unnecessary administrative burdens on organisations of any size, including SMEs* or leading to potential competition or innovation restrictions because of provisions which may be over-prescriptive or non-technology neutral.

Such a distinction to be made by a third independent expert and verified by the legal service of the relevant services of the Commission to prevent any conflict of interests.

- ii. **Costs of implementation of binding minimum quality standards, in particular the costs of auditing, shall be continuously covered by EPR Schemes or to ensure that their implementation does not place disproportionate administrative and financial burdens on treatment operators of any size, including on SMEs.** For similar reasons, costs of requirements, stemming either from the WEEE treatment standards themselves or from additional obligations, found to be of an informative nature which would be made mandatory shall also be covered by EPR Schemes or alternatively by Member States depending on the system in place.
- iii. **Only standards of the EN 50625 series falling under the scope of the WEEE Directive and of mandate M/518 shall be considered as a basis for binding minimum quality standards.**

Consequently, the TS 50625-5: Collection, logistics & treatment requirements for WEEE -- Part 5: Specification for the end-processing of WEEE fractions- copper and precious metals, which does not fall under the mandate M/518, shall be excluded from the scope of minimum quality standards laid down via implementing acts adopted by the European Commission.

6. Necessity to improve CENELEC standardisation process

With the increase of standardisation mandates in the field of the circular economy, it is instrumental to increase the check and balances and safeguards within CEN / CENELEC so as to ensure that standardisation processes and deliverables can serve i) the legitimate objectives they pursue, ii) are technically robust and iii) have the necessary legitimacy to be widely accepted. When CEN / CENELEC is acting on the basis of a mandate issued by the European Commission, EuRIC suggests the following to improve the standardisation process:

- Representatives of the European Commission shall participate often to, not only plenary meetings of the Technical Committee, but equally to meetings of the Working Group itself;
- Have the ability to provide clear guidance/instructions during the standardisation process whenever the observance of the mandate is questioned to prevent issues from being left unaddressed until the completion of the deliverables based on this mandate;
- Further work with CEN / CENELEC to secure a more adequate representation of SMEs and their representatives in the standardisation process.

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EuRIC - The European Recycling Industries' Confederation is the umbrella organisation for recycling industries. Through its Member Federations from 20 EU & EFTA countries, EuRIC represents across Europe over:

- *5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;*
- *300,000 local jobs which cannot be outsourced to third EU countries;*
- *Million tons of waste recycled per year (metals, paper, glass, plastics, textiles, tyres and beyond) from different streams such as commercial I& industrial or household waste, WEEE, ELVs, etc.;*

Recyclers play a key role in a circular economy. By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again.