

Joint Statement by a group of Industry and NGOs on Producer Responsibility for Waste Electrical and Electronic Equipment

We, the undersigned companies and NGOs are very concerned that the main purpose of the WEEE Directive, to prevent waste, can not be fully achieved under present national transposition.

This Statement refers to Member States' transposition of the EU Directive on Waste Electrical and Electronic Equipment (WEEE) and producer responsibility for products sold in the future. This statement does not refer to the organisation of recycling systems or producer responsibility for products sold in the past (known as "historical waste", meaning products sold before 13 August 2005).

One of the main objectives of the EU introducing producer responsibility into the WEEE Directive was to create incentives for producers to proactively improve the design of their products e.g. to make them easier to recycle. We support this ambition.

The WEEE Directive obliges producers to bear financial responsibility for the end-of-life management of their own-brand products put on the market after 13 August 2005. This is set out in clear terms in Article 8.2 of the Directive. We support the formulation of Article 8.2; this is the instrument chosen by the EU institutions to achieve the objectives of the WEEE Directive.

Our analysis shows that 13 Member States (*Belgium [Flanders and Brussels regions], Cyprus, Czech, Estonia, Ireland, Italy [pending operational decree to be published], Lithuania, Luxembourg, Malta, Romania, Slovakia, Sweden, The Netherlands*) have incorporated into law provisions corresponding to Article 8.2 of the WEEE Directive. Such provisions enable the main objective of the Directive, i.e. to improve product design such as to enhance recycling.

Unfortunately it appears that 10 Member States (*Bulgaria, Denmark, Finland, France, Greece, Latvia, Portugal, Slovenia, Spain, UK*) have omitted this requirement of Article 8.2. Instead, the legislation in these States makes producers jointly responsible for the recycling of future products. The incentive to encourage producers to improve design is not provided within these national laws. This jeopardises the attainment of the Directive's objectives, which means that companies will not be financially rewarded for making products easier to recycle.

These differences in national transposition cause different legal and financial exposures for the actors on the EU market.

Individual producer responsibility encourages competition between companies on how to manage the end-of-life phase of their products. This in turn drives innovation, such as in business models, take-back logistics and design changes, to reduce the environmental impact of products at the end of their life.

Article 8.2 of the WEEE Directive requires that each producer provides an appropriate financial guarantee for the management of WEEE. This establishes the necessary legal instrument for proper enforcement of producer responsibility for products sold in the future. Guidance is needed concerning the guarantees to ensure that they do not hamper the implementation of individual producer responsibility.

The EC Treaty obliges each Member State to implement the WEEE Directive in such a way as to give full effect, in legislation and in practice, to the wording, object and purpose of the WEEE Directive and not to put in place any measure that would jeopardise the attainment of the Directive's objectives.

We urge the EU institutions and the Member States to ensure that individual producer responsibility of article 8.2 is correctly transposed and implemented in national legislation.

Facts referring to transposition reflect the situation of September 2007, signatories supporting this statement were last added in September 2009

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Contact: +32-2-213-1331

-AISAM, International Association of Mutual Insurers
-Austrian Society for Systems Engineering and Automation (SAT)
-AB Electrolux
-ACER Inc.
-Basel Action Network (BAN)
-Bellona Europa - Environmental NGO
-Braun
-ComputerCity
-Clean Production Action
-Computer Take Back Campaign USA
-DELL
-Earth Economics

-Elektro Recycling
-European Environmental Bureau (EEB)
-European Recycling Platform-ERP SAS
-Friends of The Earth Europe
-Greenpeace International
-Health & Environment Alliance
-Hewlett - Packard
-IKEA Service Centre SA
-Länsförsäkringar Insurance Alliance
-M Baker Recycling Limited
-Motorola Inc.
-NABU- German Society for Nature Conservation
-Nokia

-Norddeutsche Affinerie AG
-Palm Europe Limited
-ROS Reinsurance AG
-SAECO
-Samsung Electronics
-SIBA AB
-Sony Europe
-Stena Technoworld AB
-Swedish Recycling Industries Association
-Trimble Navigation Limited
-VFW AG
-Waldar AG
-LG Electronics Inc.
-Microsoft
-Philips