

Recast the Waste Electrical and Electronic Equipment (WEEE) 2002/96/EC Directive

Consultation Paper on the recast of the Waste Electrical and Electronic Equipment (WEEE) 2002/96/EC Directive

Summary

The purpose of this public consultation is to seek views and comments on the Maltese Government's preferred option for recast of Waste Electrical and Electronic Equipment (WEEE) 2002/96/EC Directive

Summary of Directive:

The Commission issued the Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (Recast) on the 3rd December 2008.

Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) was adopted on 27 January 2003 and entered into force on 13 February 2003. Member States were required to transpose the requirements of the Directive by 13 August 2004. Neither the drivers nor the rationale for collecting and recycling WEEE have changed since the adoption of the Directive.

The Directive affects:

1. **Ministries:** Office of the Prime Minister; Ministry for Resources and Rural Affairs; Ministry of Finance, the Economy and Investment; Ministry of Gozo; Ministry for Social Policy
2. **Local Authorities:** Malta Standards Authority; Local Councils Department
- 3a. **Industry:** Malta Chamber of Commerce, Enterprise & Industry; General Retailers Trade Union; Malta Enterprise; Malta Business Bureau
- 3b. **Private Sector:** WasteServ Malta Ltd.

Producers: Importers and Manufacturers of EEE, and operators of collective authorised WEEE collection, treatment, and recovery schemes

Recyclers/treatment operators/temporary storage: Ta' Robba Quarry (temporary storage); Green Skips (temporary storage)
4. **Others:**

General Public; Local Councils Association; NGOs: FOE, GreenPeace, Nature Trust, Din I-Art Helwa

This consultation is being undertaken jointly by the Office of the Prime Minister and the Malta Environment and Planning Authority.

How to respond

The Office of the Prime Minister and the Malta Environment and Planning Authority welcomes views on the proposal of the Waste Electrical and Electronic Equipment (WEEE) Directive to the specific questions set out at Section 3.

Your response must be received by 2 December 2009 and may be sent by e-mail to: weee@mepa.org.mt or by post to: MEPA, UNIT D, St. Francis Ravelin, Floriana, P.O. Box 200, Marsa, MRS 1000.

Your responses will be considered by the Office of the Prime Minister and the Malta Environment Authority, in preparing the regulations that will transpose this Directive.

Section 1: Introduction

1.1 The negotiation process for the recast of the Waste Electrical and Electronic Equipment Directive has initiated. The proposed text has been made available in December 2008 by COM (2008) 810/4. This may be viewed on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0810:FIN:EN:PDF>

1.2 The following reasons lead to the proposal to review of the WEEE Directive:

- Experience with the first years of implementation of the WEEE Directive has indicated technical, legal and administrative problems that result in unintentionally costly efforts from market actors and administrations, continuing environmental harm, low levels of innovation in waste collection and treatment, a lack of level playing field or even distortion of competition and unnecessary administrative burden.
- The Commission is committed to developing a better regulatory environment, one that is simple, understandable, effective and enforceable. The Commission Communication implementing the Community Lisbon programme “A strategy for the simplification of the regulatory environment” foresees the review of the WEEE Directive for 2008.
- The WEEE Directive itself foresees the possible revision of the Directive based on the experience of the application of the WEEE Directive. The Directive also sets out for the Commission to propose new mandatory WEEE collection target by 31 December 2008 and new targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and targets for the products falling under category 8 of Annex IA.

1.3 The specific objectives of this new proposal are:

- Reduced administrative costs through the removal of all unnecessary administrative burdens, without lowering the level of environmental protection;
- Improved effectiveness and implementation of the Directive through increased compliance and reduced free-riding; and
- Reduced impacts on the environment from the collection, treatment and recovery of WEEE at the levels where the greatest net benefit to society results.

1.4 On the 3 September 2009, the Presidency came up with a compromise text. This may be viewed on

<http://register.consilium.europa.eu/pdf/en/09/st12/st12848.en09.pdf>

Section 2: Proposal for a Directive of the European Parliament and of the Council on Waste Electrical and Electronic Equipment

2.1 The main proposals to recast Directive 2002/96/EC relate to:

- The clarification of equipment exempted from the Directive.
- The clarification to classify categories of equipments as from private household (B2C) or from users other than private households (B2C) through the Comitology procedure.
- The adaptation of definitions in line with the new Waste Framework Directive 2008/98/EC and introduction of new definitions.
- The introduction of 65% collection rate instead of the current collection rate of 4kgs per inhabitant per year.
- The increase of recovery and recycling targets and the introduction of targets for medical devices.
- The encouragement, where appropriate, for producers to finance all the costs of separate collection for WEEE from private households.
- The introduction of an allowance for a visible fee without time limitation in line with the principles of Sustainable Consumption and Production for all products.
- The introduction of a new provision for the harmonisation of registration of producers, including all relevant information such as reporting requirements and fees.
- The introduction of minimum inspection requirements with the aim of to improve the application of the WEEE Directive on the EU level.

Section 3: The Consultation Questions

- 4.1 Do you foresee any problems should the proposed amendments go through as proposed?
- 4.2 What additional measures would you envisage to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipments and by reducing overall impacts of resource use and improving the efficiency of such use?

Scope

- 4.3 Is the scope of the proposal clear in defining what is to be addressed in the Directive and are the specific inclusions and exemptions operationally practical?
- 4.4 Do you agree with the fact that this Directive should have a specific scope, as is currently the case; or would you prefer having an open scope?

Definitions

- 4.5 What are your views on the proposed definitions of 'producer', 'making available on the market', and 'placing on the market'?
- 4.6 Do you foresee any problems in this regard?

Product design

- 4.7 What measures could Malta adopt, in line with Community product legislation including Directive 2005/32/EC on eco-design, to encourage and promote the design and production of electrical and electronic equipment notably in view of facilitating re-use, dismantling and recovery of WEEE, components and materials, such that the proper functioning of the internal market is respected?
- 4.8 What specific design features or manufacturing processes could Malta take so that producers do not prevent WEEE from being re-used?

Separate collection

- 4.9 What appropriate measures could Malta adopt to minimise the disposal of

WEEE in the form of unsorted municipal waste and to achieve a high level of separate collection of WEEE, notably for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases and fluorescent lamps containing mercury?

Disposal and transport

- 4.10 Is the proposal clear on the requirements for disposal and transport?
- 4.11 Are there particular practical implications of these requirements?

Collection rate

- 4.12 Do you agree that a percentage target is preferable to a kg per capita target?
- 4.13 Do you agree with the 65% target? Why?

Treatment

- 4.14 How could Malta encourage establishments or undertakings, which carry out treatment operations, to introduce certified environmental management systems allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)?

Permits

- 4.15 Are the requirements relating to permitting clear? Are there practical issues concerning permitting that should be highlighted?

Recovery targets

- 4.16 Do you believe that these targets are achievable for Malta?
- 4.17 How can the development of new recovery, recycling and treatment technologies be encouraged?

Financing in respect of WEEE from private households and users other than private households

- 4.18 How could Malta ensure that producers provide at least from the financing of the collection, treatment, recovery, and environmentally sound disposal of WEEE?

Information for users

- 4.19 Do you agree with the proposal that all producers should be allowed to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way, such that the actual costs incurred are not exceeded?
- 4.20 How could one ensure that users of electrical and electronic equipment in private households are provided with the necessary information?
- 4.21 What further appropriate measures could Malta adopt, so that consumers participate in the collection of WEEE, and are encouraged to facilitate the process of re-use, treatment, and recovery?

Information for treatment facilities

- 4.22 What necessary measures could be taken to ensure that producers provide re-use and treatment information for each type of new EEE placed on the market within one year after the equipment is placed on the market?

Registration, information and reporting

- 4.23 Do you agree with the introduction of a new provision for the harmonisation of registration of producers, including the provision for all relevant information such as reporting requirements and fees?

Annex A. Consultation Code of Practice

The Malta Environment and Planning Authority has adopted a Code of Practice for Public Consultation which is intended to be used for consultation on all policy, plan and programme formulation that takes place at the Malta Environment & Planning Authority

The Consultation Criteria

- 1. Consult widely throughout the process, allowing a minimum of 6 weeks and a maximum of 12 weeks for written consultation at least once during the development of the policy.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your unit's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**

The full consultation code may be viewed at: http://www.mepa.org.mt/public_consultation