

## CALL FOR EVIDENCE FOR AN EVALUATION

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.

|                                                                          |                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TITLE OF THE EVALUATION</b>                                           | Waste electrical and electronic equipment – evaluating the EU rules                                                                                                                                                                       |
| <b>LEAD DG – RESPONSIBLE UNIT</b>                                        | DG ENVIRONMENT- Unit B3: From Waste to Resources                                                                                                                                                                                          |
| <b>INDICATIVE TIMETABLE<br/>(PLANNED START DATE AND COMPLETION DATE)</b> | Q3 2022 – Q4 2023                                                                                                                                                                                                                         |
| <b>ADDITIONAL INFORMATION</b>                                            | <a href="https://ec.europa.eu/environment/topics/waste-and-recycling/waste-electrical-and-electronic-equipment-weee_en">https://ec.europa.eu/environment/topics/waste-and-recycling/waste-electrical-and-electronic-equipment-weee_en</a> |

This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.

### A. Political context, purpose and scope of the evaluation

#### Political context

Legislation on waste electrical and electronic equipment (WEEE) was first [adopted in 2002](#) to prevent or reduce the adverse impacts of WEEE on the environment and human health in the EU. The Commission has since evaluated and revised/recast the Directive [in 2012](#). WEEE is one of the fastest-growing waste streams in the EU (and globally), which, if not properly treated is hazardous. It furthermore contains precious and critical raw materials, the recovery of which is crucial for a more circular economy and potentially also for EU open strategic autonomy. Growing consumption and technological progress/ digitalisation will pose challenges in the coming years. An evaluation is therefore needed to assess whether the WEEE Directive remains fit for purpose.

The Directive sets increasingly stringent collection and recovery/recycling targets. The collection of WEEE separately from unsorted municipal waste is a prerequisite of its proper treatment. However, the separate collection of WEEE remains a major challenge in most Member States. The Commission carried out a compliance promotion initiative to assess both good practices and shortcomings in the implementation of the Directive including separate collection of WEEE. Member States treatment practices for WEEE have also been assessed in light of possible further harmonisation, building on the practical experience with the use of Commission-initiated treatment standards.

The Directive will be evaluated within the context and objectives set out by the [European Green Deal](#), the [Circular Economy Action Plan](#) and will take into account any other relevant developments in EU environmental and waste policy (e.g., on [renewable energy policies](#), [Batteries](#), [Eco-design for Sustainable Products](#), [Restriction of Hazardous Substances in EEE](#), [End-of-life Vehicles](#), [Waste Shipments](#), [Critical Raw Materials](#)) as well as developments in the international context (e.g., [Basel Convention](#) on the control of transboundary movements of hazardous wastes and their disposal).

#### Purpose and scope

The evaluation of the WEEE Directive is expected to provide evidence on whether the Directive is still fit for purpose, to explore any untapped potential for simplification and burden reduction as well as help to determine whether a review is needed.

In line with Better Regulation Guidelines, the evaluation of the Directive, will assess the five evaluation criteria: effectiveness, efficiency, relevance, coherence and EU added value. The assessment will include, inter alia, a costs and benefits analysis. The evaluation report will in particular be guided by the following three questions:

- 1) To what extent was the implementation of the WEEE Directive successful and which were the main problems and the main challenges and why?
- 2) Did the EU intervention make a difference?
- 3) Is the intervention still relevant given developments since its entry into force?

The evaluation will cover the implementation of the WEEE Directive along with the related secondary legislation and any related measures and good practices taken at national level in all Member States. Secondary legislation adopted under the WEEE Directive includes:

- [Implementing regulation on a common calculation methodology for the weight of EEE placed on national markets and the quantity of WEEE generated;](#)
- [Implementing regulation establishing a harmonised format for registration and reporting of producers to the national registers ;](#)
- [Implementing decision laying down common rules for data calculation, verification and reporting and establishing data formats.](#)

The evaluation will pay particular attention to aspects for which implementation has been particularly challenging, such as:

- i. meeting the WEEE collection targets,
- ii. ensuring the proper treatment of WEEE, and a related level playing field,
- iii. applying the Extended Producer Responsibility requirements (in particular for online sales),
- iv. combating illegal activities and substandard practices in the whole WEEE management process.

Moreover, the evaluation will consider and collect evidence on all relevant legal (e.g., legal coherence and consistency with related legislation), environmental, economic, social, employment, health and technological aspects and developments relating to the generation and management of WEEE. It will provide an overview of the current situation and provide clear points of comparison against which to judge changes, progress and challenges faced.

The period covered for this evaluation will be from the entry into force of the current Directive (13 August 2012) onwards, also considering that the date for transposition by the Member States was the 14<sup>th</sup> of February 2014. It shall take into account the assessment made for the recast of the earlier Directive 2002/96/EC.

## B. Better regulation

### Consultation strategy

The consultation activities envisaged include:

- A 12-week online public consultation which will be launched on '[Have your say](#)' web portal in the Q1 2023 to obtain feedback on different aspects on the Directive's implementation and will be open to all interested respondents. It will be accessible in the 24 official EU languages, where respondents can reply in each of the 24 official EU languages. A factual summary report will be published on the consultation page within 8 weeks after the closure of the public consultation.
- Different targeted consultations, which could take the format for instance of surveys, interviews or focus groups. These will aim in particular to gather evidence and feedback from stakeholders having a role in the implementation of the WEEE Directive and/or otherwise engaged in achieving its targets and objectives. Country visits are being considered to consult representatives of Member States' authorities responsible for the implementation of the WEEE Directive, sector associations and other key stakeholders. The target groups and representatives would be identified based on a stakeholder mapping.

A synopsis report, summarising the results of all consultation activities, will be annexed to the evaluation report.

### Why we are consulting?

The consultation carried out for this evaluation aims to:

- a) validate the topics and issues covered by the evaluation,
- b) gather information, data and experience on the implementation of the WEEE Directive,
- c) solicit views and opinions of stakeholders on the extent to which this Directive has met, or is on track to meet, its objectives and,
- d) gather views on the Directive's relevance taking into account developments impacting electrical and electronic equipment and the generation of waste.

| Target audience                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The public consultation aims to gather evidence and feedback from a wide range of stakeholders who have had a role in implementing the WEEE Directive and/or otherwise engaged by its targets and objectives. This includes EU, national and sub-national stakeholder and organisations, business associations or individual representatives in different sectors (e.g., EEE producers, WEEE treatment operators, reporting organisations), workers' representatives in the EEE waste management industry and social partners in the appropriate setting, civil society organisations, national and sub-national authorities, implementing agencies, researchers as well as citizens/consumers.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Data collection and methodology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>The evaluation will be supported by a dedicated study. It will draw on official information and evidence on the implementation of WEEE legislation in Member States. In particular, the evaluation will build on relevant Commission documents and studies carried out in relation to WEEE. The following non-exhaustive list will be complemented by studies and data compiled by other bodies and sources, such as Eurostat, national authorities, registers, implementing agencies, sectorial associations (e.g., EEE producers, Producer Responsibility Organisations, WEEE treatment operators), civil society organisations, research organisations, as well as citizens/consumers. A literature review will be carried out as part of the evaluation.</p> <p>Relevant studies carried out by the Commission include:</p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Study on options for return schemes of mobile phones, tablets and other small electrical and electronic equipment in the EU</u></a></li> <li>• <a href="#"><u>Study on quality standards for the treatment of waste electrical and electronic equipment (WEEE)</u></a></li> <li>• <a href="#"><u>Final report of the WEEE compliance promotion exercise</u></a></li> <li>• <a href="#"><u>Study on the implementation of product design requirements set out in Article 4 of the WEEE Directive – The case of re-usability of printer cartridges</u></a></li> <li>• <a href="#"><u>Study on the harmonisation of the format for registration and reporting of producers of EEE to the national register and on the frequency of reporting</u></a></li> <li>• <a href="#"><u>Study on WEEE recovery targets, preparation for re-use targets and on the method for the calculation of the recovery targets</u></a></li> <li>• <a href="#"><u>Study on WEEE collection rates</u></a></li> <li>• <a href="#"><u>Study on the review of the scope of the WEEE Directive</u></a></li> <li>• <a href="#"><u>Study on photovoltaic panels</u></a></li> <li>• <a href="#"><u>Impact assessment on the proposed Directive on waste electrical and electronic equipment</u></a></li> </ul> <p>As part of the feedback to this Call for Evidence, we encourage stakeholders to provide us with (references to) data on costs and benefits and to help us to identify the administrative burden potential. This will contribute to the assessment of costs and benefits from the implementation of the WEEE legislation.</p> |