



Position Paper

Subject: REACTION ON ISSUE PAPER – POSSIBLE AMENDMENTS TO ANNEX II OF DIRECTIVE 2002/96/EC ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE).

Date: 19 March 2009

Introduction

The European Commission proposed to make changes to the present Annex II of the WEEE Directive (2002/96/EC) by amendments. The reason for modifying Annex II by amendments is that through the comitology process these can be changed faster than in the procedure for recasting the WEEE Directive. The European Commission would like to consult Member States on a possible future comitology decision to modify Annex II of the present WEEE Directive. The stakeholders are not consulted.

EERA was asked by some EU Member States to give a reaction on the proposed changes. In this paper the position concerning the proposed EC amendments is given. EERA will put this position paper in the public domain.

Reaction

No	Proposed EC amendment	Reaction EERA
	To be deleted	
1	Hydrocarbons - as they have a global warming potential below 15 for which extraction and treatment would not be environmentally beneficial;	Disagree. Although hydrocarbons the environmental impact of HC is lower in comparison to CFC different issues make it necessary to collect and treat HC cooling appliances separately as is recommended in the position paper on HC appliances by WEEE Forum, Ceced and EERA (document to be found on website www.eera-recyclers.com). The (legal) issues are: <ul style="list-style-type: none"> • Precautionary safety measures during the whole process. • Environmental sound treatment, recovery, recycling and disposal of hazardous substances (BATTR). • National legal requirements concerning HC emissions.

2	Liquid crystal displays - as no hazardous components have been found in returning waste streams and as backlights have to be taken in their qualification as gas discharge lamps;	In principle EERA agrees provided that with liquid crystal displays is meant only the component of the LCD apparatus that contains the liquid crystals and not the whole displays.
3	Electrolyte capacitors - as no other capacitors than PCB/PCT containing ones, already listed, were to be found in returning waste streams;	Disagree. The text suggests that only PCB/PCT containing capacitors can be found in WEEE. This is certainly not the case. This should be rephrased in line with the recommendations in the TAC Guidance document on Annex II, which can be found on the EERA website (www.eera-recyclers.com under news).
4	Proposed to be deleted from Annex II (by EERA)	External electric cables. As was written in the TAC Guidance document on Annex II and article 6.1 of 2002/96): <i>There is no need to keep the entry on external cables (12), because the original reason, the labour aspects, are because of the way of transport and treatment improved. The possible substances of concern are also in internal cables, which are not subject to specific rules. Furthermore, removal is also contra productive for the re-use possibility of the appliances.</i>
	To be added	
5	Printed circuit boards - that can all be considered in the annex as they all contain hazardous substances, irrespective of size or origin;	Agree with the following text suggestion: <i>Printed circuit boards-that can all be considered in the annex as they can all contain potentially hazardous substances, irrespective of size or origin.</i>
6	Phosphor in displays and hazardous substances exempted from the restriction under the RoHS Directive - as it can harm the environment and human health when released.	Disagree. It is unclear what is meant by the Phosphor entry. Phosphor in fluorescent powders needs to be removed in compliance with the entry on cathode ray tubes. Other phosphorous compounds do not need to be removed. Strongly disagree with the text: <i>and hazardous substances exempted from the restriction under the RoHS.</i> This implies that recyclers should know in which materials and components these substances are being applied and than should be removed. This is an impossible task.

7	<p>General remark: Plastic containing brominated flame retardants</p>	<p>This issue is at present under serious discussion. Some states have extreme views on this with the requirement that these type of plastics need to be incinerated while other MS have the view that present (BAT) recycling practices do not harm the environment. These different positions on the implementation of this article lead to serious distortions of the internal EU market. EERA has the opinion that changes on this issue must be practical and fully in line with outcome of the discussions and consultations of the Waste Framework Directive!</p> <p>The text proposal that EERA has is as follows:</p> <ul style="list-style-type: none"> • <i>Separated plastic streams containing brominated flame retardants must not be mixed with other plastics and shall be recycled for use in applications only, where flame retardants are allowed to be added to new products, components and materials on basis of technical requirements taking the provisions of the RoHS Directive or Chemical Legislation into consideration.</i> • <i>Separated plastics containing bromated flame retardants have to be treated in thermal treatment plants, unless recycling is possible in compliance with point 1.</i>
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