

# COMMENTS ON THE PROPOSED AMENDMENTS TO THE DIRECTIVE ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

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European Recycling Platform (ERP) welcomes the opportunity to comment on the European Commission's proposal for a Directive amending the Waste Electrical and Electronic Equipment (WEEE) Directive to address the implications of the European Court of Justice's judgment (Case C-181/20) on the financing of the collection and treatment of WEEE from users other than private households.

**We fully support the clarification of when and by whom the take-back of solar PV modules must be financed, including the distinction between B2C and B2B. However, we would welcome the opportunity of the revision to clarify other aspects relating to the specificities of the solar PV market.** We explain what these aspects are below, drawing on our experience in operating several take-back schemes for WEEE across the European Union.

## 1. Collection category

In order to avoid a distortion of the Extended Producer Responsibility (EPR) principle, **it is urgent to introduce a separate collection category for solar PV modules in all Member States.** All Member States should be required to report solar PV panels placed on the market and collected in a separate category or sub-category in order to separate the collection of solar PV modules from "large equipment". **The current practice of including solar PV modules in EU category 4 "large equipment" violates the principle of a level playing field,** as the solar PV and large equipment industries are very different and their products have very different lifetimes. Each sector should be able to achieve the collection targets with its own products, rather than being forced to achieve them by collecting other products jeopardising the achievement of the collection target in another product sector. Furthermore, it is not practical to collect PV modules together with other waste to avoid breakage and inefficient logistics and recycling. PV modules require specific collection and treatment processes, such as heat exchangers, displays and lamps, which are a separate collection category.

## 2. Collection targets

A collection target of 65% for solar PV panels, calculated on the basis of volumes placed on the market, is unrealistically high given the current and future increase in sales and the still low volumes of available waste panels (due to their long lifetime the return rate is still very low at around 5%). In order to have an achievable collection target, **the method of calculating the collection rate of PV panels needs to be urgently changed to be based on waste panels available for collection** rather than panels placed on the market (like as recently introduced by Poland).

### 3. Sufficient and secure financial means for future waste obligations

Due to the long lifetime of PV modules (between 15 and 30 years), and in order to create a level playing field between producers and producer responsibility organisations, **specific measures need to be implemented to ensure a sufficient and secure budget for future waste obligations.**

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#### About ERP

European Recycling Platform (ERP) was founded in 2002 to ensure high-quality and cost-effective implementation of the WEEE, batteries and packaging directives for the benefit of its customers and the environment. In June 2014, ERP became part of the Landbell Group, an international supplier of service and consulting solutions for environmental and chemical compliance. ERP and Landbell Group have collected more than 5 million tonnes of packaging, more than 4 million tonnes of e-waste, and over 100,000 tonnes of portable batteries.

ERP is the first and only pan-European PRO authorised to operate in Austria, Denmark, Finland, Germany, Ireland, Israel, Italy, Norway, Poland, Portugal, Slovakia, Spain, and the UK. By passing on the advantages of multinational recycling operations to customers, ERP has proved to be the most competitive solution for companies in the countries where it operates for WEEE, batteries and packaging compliance, as well as take-back services.

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For more information on ERP, please visit: [www.erp-recycling.org](http://www.erp-recycling.org)

