

POSITION PAPER

Recast of the Waste Framework Directive 2015/0275 (COD) General Requirements for EPR schemes

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The Commission's recast of the Waste Framework Directive 2015/0275 (COD) proposes the introduction of "General requirements for extended producer responsibility schemes" (Article 8a).

European Recycling Platform (ERP) – the only pan-European producer responsibility organisation (PRO) for WEEE, batteries and packaging with operational experience across EU Member States – supports the need for a clear legal framework which however, respects the flexibility of the organization and establishment of EPR systems. Fair competition and free market principles, as well as equal operating conditions and responsibilities for all players are key for a well-functioning circular economy, and must be kept in mind when designing these new requirements. Discussions about the Waste Framework Directive are an opportunity to establish or reinforce these principles for existing but also potential new waste streams.

Tendencies towards a "control-it-all" approach could hurt national EPR systems which are successful and compliant today – therefore an approach with a limited number of core EPR minimum requirements is preferable, as they provide a harmonized framework and sufficient flexibility simultaneously. Any over-regulation of EPR schemes in a EU instrument should be avoided to prevent additional burdens and higher costs without the justification of higher effectiveness.

ERP recommends using the opportunity to include the following four core minimum requirements for an EPR type setup into the Waste Framework Directive:

1.) Roles and Responsibilities of All Actors

Member States shall define the roles and responsibilities of all actors involved in an EPR type waste management.

Justification: Based on our experience with numerous regulatory compliance frameworks across Europe we see the need for a clear role for each stakeholder. This way, there would be defined interfaces and accountabilities among stakeholders helping to ensure that all waste is adequately collected, treated and reported. Moreover, this would prevent dilution of responsibilities, which is currently wide-spread and in the end would help fight free-riders.

2.) Minimum Operational Requirements for PROs

Member States shall define some minimum operational requirements for PROs and similar operating stakeholders, such as geographical and/or material scope of operations, quality control obligations and systematic and accurate reporting. Setting up specific organizational requirements should be avoided.

Justification: Defining operational requirements would ensure that producers are registered, waste is adequately collected / treated and that data are reported in a comparable quality. Ultimately this assures a level playing field and hence a functioning market.

We consider any organizational requirements to be over-regulation, as they limit entrepreneurial freedom and hence hamper competition and innovation.

3.) **Harmonized Minimum Treatment Standards**

Members states shall define and agree on harmonized minimum treatment standards to be followed by all actors active in this field.

Justification: Setting harmonized minimum treatment standards would not only assure quality and the environmentally sound treatment needed for a true circular economy, it also creates the required trust among stakeholders accepting shipments of waste to the most efficient and innovative treatment facility in any Member State. This would enable healthy competition, benefiting the environment and the consumer.

4.) **National Authority Independent of Private Interests**

Members States should establish or name a national authority independent of private interests, enforcing the roles and responsibilities of all actors including the implementation of the minimum operational requirements. It should oversee single PROs as well as multiple-PROs and similar actors acting outside the PRO(s). In the case where multiple competing PROs should exist, the authority should have in place an adequate allocation mechanism.

Justification: A single national authority independent of private interests enforces the implementation of reasonable governance and ensures that all stakeholders act in a fair and competitive market.

The detail ensures that all waste is accounted for and every actor e.g. PRO, does its fair share for each category of products proportionately to the sales share of producers it represents compared to the total market. This shall also consider measures that avoid limiting the collection and management of waste to territories which are profitable.

The waste allocation between competing PROs has proven to be a difficult point to manage in compliance with anti-trust regulations, which is a reason why many Member States have already successfully transferred it to independent clearing houses.

Such authority will help avoiding conflicts and unfair market practices among all actors.

About ERP

ERP, as part of the Landbell Group, is the only pan-European producer responsibility organisation (PRO) for WEEE, batteries and packaging. The group has collected more than 7 million tonnes of packaging, more than 2.7 million tonnes of e-waste and over 43,000 tonnes of portable batteries. With offices in 13 EU Member States, and partnerships across the rest of the EU and beyond, ERP is acknowledged in the Extended Producer Responsibility (EPR) sector as an industry-leading take-back scheme with vast compliance expertise.

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