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ERP Comments on  
**Draft Commission Regulation establishing a harmonized WEEE registration  
and reporting process**

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Paris/Brussels, 22 September 2017

The European Recycling Platform (ERP) as the first pan- European organization to implement the European Union's regulations on the recycling of electrical and electronic waste (WEEE Directive). ERP manages a consolidated network and has developed vast international expertise, expanding its recycling services to include batteries as well as packaging. ERP is the only approved pan-European compliance organization that is trusted by over 2,700 members across Europe and the first in the market offering compliance for WEEE, Batteries and Packaging in 15 countries and global support to producers as a consultant utilizing its operational experience. So far, ERP has collected more than 3 million tonnes of e-waste, more than 52,000 tonnes of portable batteries and more than 7 million tonnes of packaging.

Thanks to its unique pan-European presence, the ERP has the benefit to have an overview of best practices and also of areas that could be improved in the national implementation of WEEE provisions. When it comes to the reporting process, the **ERP very much welcomes harmonization as it would create a level playing field across EU-member states**. Moreover ERP applauds **that the Commission foresees third parties being authorized to execute registration and reporting supporting producers on this highly complex matter**.

**Please find below the ERP's proposals for further improvements:**

**1. Article 4 & Annex III (Format for reporting on data related to WEEE collected, treated, recycled and recovered)**

- **ERP comment: this point needs clarification.** Producers or their authorized representatives who organize their compliance via a collective scheme cannot issue such reporting declaration on their own. Instead, this task can be done by collective schemes (PROs), as a third party, for their customers (producers), who then can use such declaration as a "certificate" to report data on collected waste to the register.

Rationale: Those declarations can only be issued by the party organizing the collection, treatment and recycling of WEEE. This could either be a producer who has an individual solution or a collective scheme (PRO) on behalf of producers in a collective solution. Producers in a collective scheme are not data owners and therefore cannot certify such information. Only the collective scheme has all the relevant data to calculate the share based on the volumes put on market and the related market share.

Thus collection and reprocessing should be done by collective schemes.

**2. Article 5, point No.1 (Frequency of reporting to the register) & Annex II (Format for reporting to the register of a Member State on EEE placed on the market)**

- **ERP comment: the proposed reporting deadline of 15-20 days for quarterly reporting seems to be too short. Based on our practical experience, a deadline of at least 30 days would be more suitable and easier to meet.**

Rationale: Based on our experience, producers need more time to close the reporting period. As a collective scheme, we typically ask producers for submission of their data within 15 days, after which the data is checked and eventual questions can be clarified with the producer before submitting to the registry. This whole process requires in average 30 days.

Moreover and where possible, producers often take over distributors' obligations. Hence it's crucial for them to have reasonable time to consolidate, review sales and confirm data with 3rd parties. In case of new products, they also have to clarify specifications with engineers and production plants.

- **ERP comment: Member States should not request additional annual consolidation reports. In case quarterly reporting to be established, any other yearly consolidation reports shall be avoided (actually as proposed by the Commission).**

Rationale: All relevant data on WEEE collection will already be available in the quarterly reports and therefore there would be no clear added value in producing an additional annual report. This would just increase the administrative burden for producers. .

### **3. Annex I A. (Format for registration of a producer)**

- **ERP comment: It would be beneficial to enter more than one contact point for the producer side**

Rationale: This would allow for more flexibility and would avoid missing requests (e.g. due to sickness of a contact point etc.).

- **ERP comment: In most countries it is possible to transfer responsibility for EEE waste management to more than one compliance scheme. For instance, a producer can delegate its responsibility to one scheme for SDA waste management and to another one for TV/monitors, if he deems it is more efficient.**

The current reporting format seems to be made for one scheme only (see questions "*The producer has joined a collective compliance system*" or "*Name of the collective compliance system*" etc.)

**The ERP believes that a producer should be able to contract more than one scheme and that the reporting format should be adjusted accordingly.**

Rationale: The possibility for the producer to contract several schemes gives them more flexibility and enhances competition in the market, improving the quality of the service.

- **ERP comment: The questionnaire asks for national VAT or European VAT. It could be beneficial to consider adding a field for companies based outside the EU. This could be done by allowing a place for comment "none" under European/national VAT, and also by adding a field for a local (non-EU internal tax) tax reference.**

Rationale: This would help clarifying related data needs for non-EU based companies.

- **ERP comment:** The questionnaire requires distance sellers to list Member States where they sell to, but it is applicable for producers established within EU only.  
Producers established in third countries and selling to EU Member states should also be included to deliver the same information.

Rationale: This would ensure a fair level playing field as well as a correct report of volumes.

#### **4. Annex I B & Annex II**

- **ERP comment:** ERP is sceptical about the added value of having to report quantities per sub-category of EEE.  
**Reporting should be limited to category of EEE only.**

Rationale: Reporting of sub-categories of EEE would just create additional administrative burden for producers without a clear benefit.

#### **5. Annex III (Format for reporting to a Member State on WEEE separately collected, recycled and recovered)**

- **ERP comment:** Some countries, e.g. UK, don't allow export of WEEE for treatment in another Member States. However, it seems from the questionnaire, that such data is requested.

Rationale: The ERP would welcome a single waste market and would therefore like to have a clarification on the interpretation of this part of the questionnaire. The ERP would like to know whether such requirement implies a possible change in national legislation allowing shipment of WEEE for treatment within the EU.

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#### **About ERP**

The European Recycling Platform was founded in 2002 in response to the introduction of the European Union's Waste Electrical and Electronic Equipment (WEEE) Directive. ERP's mission is to ensure cost effective implementation of the directive, for the benefit of the participating companies and their customers. As of June 2014, the Landbell Group, an independent recycling and resource specialist, based in Germany, has become a shareholder of ERP SAS.

ERP is the first WEEE compliance scheme authorised to operate in Austria, Denmark, Finland, France, Germany, Ireland, Israel, Italy, Norway, Poland, Portugal, Slovakia, Spain, Sweden and the UK thus passing on the advantages of multinational recycling operations to the consumer. ERP has proved to be the most competitive solution for companies in the countries where operates now offering WEEE, Batteries, Packaging and PV panel compliance services and know-how.

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