

Development of North-American e-waste regulations compared with European experience

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Content

Busy Legislators:

- Where do we have e-waste legislation already?
- What happens next?

Comparison of Key Elements of the E-waste Legislation in:

- USA
- Canada
- Europe

Final Conclusions

Where do we have e-waste legislation already?

USA	CANADA	European Union
California, Connecticut, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York City, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Virginia, Washington, West Virginia	Alberta, British Columbia, Nova Scotia, Ontario, Saskatchewan	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom + Norway and Switzerland (non-EU countries)
19	5	29

What happens next?



Additional States are introducing e-waste legislations



New legislations for the management/recycling of e-waste

Additional product categories



Revision of EU WEEE Directive



Other regions will follow or are already there (AP, South America, Africa), for example WEEE China in 2010

First Conclusion

Disastrous patchwork of divergent legislation

USA: individual legislation on State level

Canada: individual legislation on Province level

Europe: Member State legislation based on EU Directive with individual deviations

Such diversity does not contribute to


- ▶ The protection of the environment
- ▶ The improved use of natural resources

It costs management attention and money only.

Comparison of the key elements

- Who is the obliged (responsible) party?
- Which products are covered?
- Who pays for the collection, transportation and recycling?
- What does the obliged party have to do to fulfil its obligation?
- Quality assurance of recycling operations


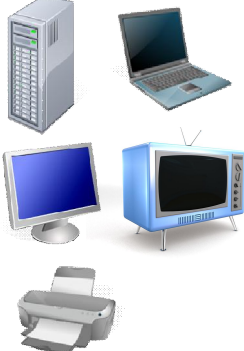


Who is the obliged (responsible) party?

USA	CANADA	European Union
In most states: the manufacturer or retailer being the brand owner, or the importer.	In most provinces: the manufacturer or retailer being the brand owner, or the importer.	The first party putting the product on the national market: Manufacturer or retailer selling under an own brand, or the importer.
 Brand ownership must be taken into consideration.		Custom's declaration is not decisive. Special rules for distance sellers, but different from country to country.



For all cases and geographies it is important to verify the obligation for each party along the distribution chain from the manufacturer to end-consumer.

Which products are covered?

USA	CANADA	European Union
		<p>10 WEEE Categories, incl.</p> 
 <p>Some states exclude products from above or include more products.</p>	<p>Some provinces include more products</p>	<p>Grey area products</p>




North America: Producers have to verify whether their products are covered for each individual state or province!

European Union: Producers can generally assume that if a product falls into one of the 10 categories, the product is covered by the legislation in all EU countries, with the exception of grey area products.

Recyclers in Europe have to offer a wider range of treatment options due to more types of products.


Who pays for the collection, transportation and recycling?

USA	CANADA	European Union
<p>With the exception of California the producers are responsible for the financing.</p> <p>In California the end-consumer pays an advanced recycling fee.</p>	<p>In general producers are responsible to charge a fee per unit sold to end-users.</p> <p>Fee levels and details are different across Canada.</p>	<p>Shared cost/responsibilities between the producer and the municipalities.</p>
 <p>Different calculation methods: annual registration fee, market share, LBS. sold, return volume</p>	<p>Different fee for the same product depending on the Province.</p>	<p>Different calculation methods and price levels in each EU Member State.</p>



It is very difficult for producers to forecast cost in order to e.g. make accruals.

What does the obliged party have to do to fulfil its obligation?

USA	CANADA	European Union
<ul style="list-style-type: none"> - Payment of a registration fee - Setting up an own take back program - Payment for returned products 	<ul style="list-style-type: none"> - Joining an approved Product Stewardship Program <p><u>Or:</u></p> <ul style="list-style-type: none"> - Individual fulfillment of the producer obligation 	<ul style="list-style-type: none"> - Joining an approved collection scheme <p><u>Or:</u></p> <ul style="list-style-type: none"> - Individual fulfillment of the producer obligation <p><u>Or:</u></p> <ul style="list-style-type: none"> - Payment of a product tax (in some countries)
 <p>Some states do not allow the producer to opt out of the state program even if they have established their own program.</p>	<p>Very high administrative and bureaucratic burden to set up an individual program, therefore often not feasible.</p>	<p>Monopolistic as well as competitive markets. Some countries oblige producers to join a scheme. High variance in costs across Europe.</p>



The obliged party has to set up a specific solution in each country/province/state to be or become compliant.

Quality Assurance of Recycling Operations

USA	CANADA	European Union
<p>Patchwork of standards and regulations, e.g. some States have already introduced legislation on handling of hazardous wastes.</p> <p>Standards also set by different organizations like ISRI, which increases the number of “standards”.</p>	<p>Standards are regionally defined and controlled by (semi-) governmental institutions and third party auditors (e.g. by the Environmental Stewardship Programs).</p>	<p>EU-Directive defines:</p> <ul style="list-style-type: none"> • Minimum treatment goals • Recycling quota • Removal of specific components
<p>No harmonization on federal level</p>	<p>Various audits and treatment operations at one recycling site serving several provinces</p>	<p>No standardized requirements for recycling processes and premises on the EU level</p>



It is complex and costly for a recycler to serve multiple provinces, states or countries because of a multitude of (regional) regulations and a general lack of harmonization.

Final Conclusions

- Harmonization required considering 2 aspects:
 - Legal obligation: personal and material scope
 - Administrative proceedings
- Use of resources:
 - Depends primarily on product scope
 - How can we ensure high collection and recycling targets? Who is obliged?
 - How to deal with smaller products mainly ending in general waste streams instead of separate collection?
- Change of economic boundary conditions: do we still need legislation in 2020?
- International dimension of e-scrap: waste increasingly ends in different countries than initially put on the market

Thank you!

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