



# Revision of the Waste Electronic and Electronic Equipment Directive (WEEE)

## EPMF Position Paper

**The European Precious Metals Federation (EPMF)** is an international trade association representing the interests of the precious metals industry in Europe. The main purpose of the EPMF is to promote and support the European precious metals industry, including refining, recycling, trading, and fabrication of precious metals such as gold, silver, platinum, and palladium. The EPMF represents the interests of its members in discussions with regulators, policy makers, and other stakeholders, mainly in sustainability and chemicals management fields. The organization also seeks to provide information and resources to its members in critical areas like EU regulations and new science.

### Our Asks

- **An EU-level approach: Transform the WEEE from a directive to a regulation**
- **Make the EN RO625 standards for WEEE treatment mandatory**
- **Ensure consistency with other European policies**
- **Improve collection rates of WEEE**
- **Prioritise the recovery and recycling of CRMs and other materials**
- **Harmonise Extended Producer Responsibility (EPR) schemes across the EU**
- **Facilitate the movement of intra-EU e-waste shipments**
- **Make the EU an international hub for WEEE recycling**
- **Expand the EEE categories, but prioritise facilitating collection from existing ones**

### Introduction

The EPMF strongly supports the Commission's ambition to revise the Waste Electronic and Electronic Equipment Directive (WEEE) as part of the Circular Economy Act (CEA). E-waste is a significant source of secondary precious metals – 1 tonne of e-waste contains more gold than 1 tonne of gold ore. This makes the recovery and recycling of e-waste imperative for the precious metals sector, which already has a long-standing history of recovery, recycling, and refining of precious metals from waste and secondary sources.

Gold, silver, and platinum group metals (PGMs - Platinum, Palladium, Rhodium, Iridium, Ruthenium and Osmium) are inherently circular and recyclable without losing their inherent properties, quality, or value. The presence and monetary value of precious metals is a major incentive for the recycling of e-waste, thus creating a business case for the recovery of other materials like critical raw materials (CRMs), base metals, chemicals, and plastics.



While there have been major efforts to improve the collection of electronic waste across Europe since the Directive's implementation, the dramatic increase of EEE being placed on the market and subsequent generation of WEEE shows no signs of slowing down. There are still significant economic and regulatory barriers inhibiting precious metals recyclers from accessing and transporting e-waste. Major changes to the WEEE Directive are needed to tackle these challenges and make the recovery and recycling of WEEE as effective and streamlined as possible.

### **An EU-level approach: Turn the WEEE into a regulation**

The greatest barriers to efficient WEEE treatment and recycling are a fragmented market for waste and the lack of a harmonised approach to WEEE across the Union. WEEE management approaches vary significantly across Member States, creating detrimental administrative barriers that limit European recycler's access to quality secondary materials contained in e-waste. Member States differ on multiple aspects including collection targets, Extended Producer Responsibility (EPR) schemes, permit requirements, collection rates, definition interpretations, and beyond. The impact of national discrepancies results in regulatory uncertainty and an uneven playing field for European recyclers and refiners, who must bear administrative, financial, and time costs in order to comply with fragmented national approaches.

Upgrading the WEEE Directive from a Directive to a Regulation would allow for a more harmonised approach to WEEE management across the Union, eliminating the current issue of unaligned national rules. An EU approach for EPR schemes, as well as more ambitious EU-wide collection and recovery targets, would significantly simplify WEEE management, from the collection stage to the revalorisation stage. An EU-level approach must be prioritised in circular economy and waste policy in general. Harmonising definitions, notably for end-of-waste (EoW) criteria, by-products, and other key principles outlined in policies linked to WEEE like the Waste Framework Directive (WFD) would also bring legal clarity and certainty to industry players, thus improving compliance and traceability of e-waste streams. The sound collection and management of e-waste is too important to the circular, strategic, and industrial objectives of the EU to be hindered by regulatory fragmentation. This problem must be addressed to achieve the Commission's ambition to create a Single Market for Waste.

### **Make the EN 50625 standards for WEEE treatment mandatory**

Another way to facilitate harmonisation is to introduce mandatory EU-standards for WEEE treatment. The EN 50625 Standards have already been helpful in improving the sound and proper treatment of WEEE. These standards are not obligatory at EU-level and are not applied uniformly across treatment facilities or for all WEEE products and components. According to the [Commission's report](#) accompanying the evaluation of the WEEE Directive, "still more than 70% of the European WEEE treatment facilities do not work according to the standards."

Making the EN 50625 Standards mandatory at EU level would help improve harmonisation across member states and improve transparency and industry trust for stakeholders operating in multiple countries. Standardising treatment at EU-level would also provide better transparency and consistency of WEEE treatment, improve documentation for reporting, and facilitate compliance for WEEE treatment facilities and recycling operators. EU-wide standards must also be accompanied by ambitious collection and recovery targets to drive circular activities forward.



## Ensure consistency with other European policies

The adoption of an EU-level approach to WEEE must be accompanied by measures to address gaps and inconsistencies between EU policies. The WEEE Directive exists in a complex regulatory ecosystem that is constantly evolving. Misalignment between WEEE and other policies has been identified in the study supporting the Commission's evaluation of the WEEE Directive. These include overlaps between the WEEE and the Eco-design for Sustainable Products Regulation (ESPR) on product design requirements, as well as differing levels of ambition concerning the Waste Hierarchy under the Waste Framework Directive (WFD).

Misalignment also exists between the WEEE Directive and the Critical Raw Materials Act (CRMA), which both lack clear links to one-another. For example, the WEEE does not specify that the separation of components containing CRMs are to be prioritised, and the CRMA has no specific requirements for the recovery of CRMs from e-waste. The ambitions and requirements of these regulations must be better aligned to ensure progress towards a circular economy and provide regulatory certainty.

We would like to raise the links between WEEE, the Waste Shipments Regulation (WSR), and chemicals legislation. A sizeable challenge linked to recycling - particularly WEEE recycling - is the presence of hazardous substances in certain e-waste streams. Many types of WEEE rich in precious metals and CRMs contain substances flagged as hazardous by legislation like ROHS and REACH. As a result, these waste streams are subject to strict safety standards to protect human health and the environment. While these standards are essential, this classification also creates significant challenges for accessing and transporting e-waste (see section on waste shipments below). This increases costs, causes delays, and limits collection rates. The EU must ensure that the upcoming Circular Economy Act, WEEE revision, and REACH revision are complementary, and that chemical management requirements do not have a significant negative impact on circularity, availability of materials, or climate objectives and vice-versa.

## Improve collection rates of WEEE

The recycling of precious metals from e-waste requires access to a strong supply of WEEE. Increased supply of e-waste requires increased collection. Low consumer awareness, lack of or inconsistent collection infrastructure, and inefficient collection methods have resulted in low rates of e-waste being collected and entering the recycling process. To be effective, the WEEE revision must continue to take measures to increase collection rates and ensure an adequate supply of e-waste for EU recyclers to access.

WEEE collection and take-back schemes must be as convenient and simple as possible for consumers. Any e-waste take-back system must make the return of WEEE as easy and fool-proof as possible. This is particularly important for small e-waste products that contain precious metals like mobile phones, tablets, and laptops, which currently suffer from very low collection rates. Facilitators to WEEE collection include:

- Increasing the number of available collection points
- Door-to-door WEEE collection programmes and other additional take-back possibilities such as public collection events
- E-waste take-back requirements for sellers of EEE, regardless of where the product was purchased (including take-back requirements for distance-selling) and free of charge for consumers.
- Increased funding for collection systems, municipal waste management, and recycling infrastructure



- Adapting collection methodologies to account for EEE lifespans based on product categories

Studying consumer behaviour across jurisdictions can help to identify which requirements would be most effective. These actions must be accompanied by education programmes and awareness campaigns at EU, national, and regional levels to empower consumers and further ensure that WEEE is sorted and disposed of correctly.

### **Prioritise the recovery of CRMs as well as other valuable materials**

WEEE contains numerous CRMs that are crucial for the EU's industrial and strategic objectives, making it a valuable alternative secondary source to primary CRMs that the EU depends on other countries for. Given the low concentration of these CRMs in WEEE, coupled with high costs for recycling, the recovery of these CRMs is not always economically viable.

Non-ferrous metals are intrinsically linked and are often mined, recovered, recycled, and refined together. Many CRMs are extracted as by-products from the recycling processes of base or primary metals. In the case of precious metals, the high economic value of precious metals are the primary drivers for recycling, thus creating the economic incentives necessary to recycle other CRMs in the process. Metals recycling remains an economic activity with financial added value, and recyclers must retain the flexibility to optimise their metallurgical processes and flowsheets accordingly.

In practice, recyclers optimise their processes around the metals that drive economic viability, often precious metals, while other elements, including some CRMs, are recovered where technically and economically feasible. Prioritising the recovery of CRMs alone without considering the metallurgic and economic realities of metal recycling risks taking a short-sighted approach and disincentivising the recovery and recycling of other valuable metals and materials. We therefore urge the Commission to adopt a multi-metallic approach and to take the entire metals ecosystem and economic realities into account when regulating CRM recovery.

### **Harmonise Extended Producer Responsibility (EPR) schemes across the EU**

Producers of EEE must be held responsible for WEEE generation and management. We support the WEEE Directive's incorporation of EPR for WEEE management. EPR schemes and rules must be uniformly applied across the EU to ensure regulatory certainty and avoid non-compliance or unfair competition.

Currently, there are echoes that EPR schemes are complex, difficult to understand, and hard to adhere to. Notably, EPR schemes can be fragmented between Member States with everything from fees, calculation models, business models, to reporting obligations, creating significant administrative burdens for companies operating in multiple countries. Some EPR schemes even contradict each other, which goes against the principles of the EU Single Market.

Establishing clear, harmonised EU-level rules for EPR schemes with a focus on transparency and information exchange could help to combat this fragmentation and ensure better results from EPR schemes. A harmonised approach can help streamline guidance and bring clarity to producers on what their obligations are. These fees can also help incentivise circular product design, improve product information, and design for recycling practices.



## **Streamline the movement of Intra-EU e-waste shipments to facilitate EU recyclers' access to e-waste and essential feedstocks**

Transboundary waste movements must be predictable, efficient, and free of unnecessary regulatory burdens and barriers that inhibit the transport and access to e-waste. As noted above, however, e-waste recyclers face significant challenges to access and transport e-waste containing hazardous substances. Complex notification procedures to transport WEEE across borders lead to increased costs, delays, and legal uncertainty. This, in turn, slows or blocks WEEE from being recycled and re-entering the circular economy. It also risks diverting WEEE to other, more convenient or cheaper means of disposal such as shredding or landfilling.

The WEEE Directive and the WSR are closely interlinked and cannot be regulated separately. This is particularly the case following the 2022 Basel Convention amendments to treat all e-waste shipments as hazardous. Facilitating intra-EU shipments of e-waste is essential to improve WEEE collection rates and increase the amount of WEEE supply available for recycling. This would also reduce the rates of waste exports and illegal shipments to third countries.

Our recommendations to streamline waste shipments of e-waste containing precious metals and CRMs include:

- Uphold a risk-based approach vs. a hazard-based approach for e-waste shipments that considers the physical form, exposure risk, and destination of waste rather than composition
- Make the current green-listed regime for intra-EU waste shipments of e-waste permanent beyond 1 January 2027 (if the current intra-EU regime is not extended beyond 1 January 2027, recyclers will have to comply with over 150 additional notification procedure requirements per e-waste recycler on top of current requirements)
- Introduce separate, well defined waste codes for non-hazardous e-waste in the EU List of Waste to ensure regulatory certainty and harmonisation to avoid the ambiguity brought on by mirror entries
- Facilitate intra-EU shipment of all waste containing CRMs, as well as imports and exports to and from third countries and the EU (irrespective of hazardous or non-hazardous classification) destined for pre-consented facilities
- Avoid setting contamination thresholds for metals as criteria for green-listing e-wastes, as this would omit valuable sources of CRMs from being exploited

A more detailed explanation of these points is outlined in our [position on the Green-Listing of Wastes](#).

## **Make the EU an international hub for WEEE recycling**

While the EU does have primary reserves of certain metals, it is still dependent on imports from 3<sup>rd</sup> countries to meet industrial demands for many materials, notably CRMs. In light of recent geopolitical events and developments, this has raised significant concerns regarding the EU's strategic autonomy and economic resilience on the global stage. The EU cannot change the geological makeup of its territories to produce primary materials that are not present; It can however bolster a thriving secondary raw materials economy by taking steps to make EU recycling attractive for both European and international stakeholders.

Currently, existing regulations, market conditions, and regulatory barriers make it easier or cheaper for e-waste to be shipped outside the EU for processing, recycling, and disposal. The EU also boasts state-of-



the-art recycling facilities that can treat complex and hazardous waste streams like e-waste. By eliminating barriers and creating economic incentives to manage and recycle waste within the Union, the EU has the potential to create a thriving waste treatment and secondary materials market that can help achieve its circular and environmental ambitions and give it a competitive edge on the global stage, all without compromising on ambitious environmental and human health protection standards. The steps to take to do this are the same as those to facilitate WEEE and waste recovery and may include:

- Increasing investments and building collection, recovery, and recycling infrastructure across the Union to handle growing waste streams
- Creating market conditions that facilitate recycling activities, such as lower VAT rates and tax exemptions for circular activities, lower energy prices for EU recycling
- Taking the necessary regulatory measures to facilitate waste and e-waste collection and recycling
- Encouraging waste imports into the EU from other countries via regulatory and economic measures for recycling and waste treatment
- Avoiding setting recycled content targets for precious metals, and focus on other tools like recycling technologies, recycling quality, and collection
- Facilitating intra-EU shipments and transport across the Union
- Establishing partnerships and waste trade with like-minded 3<sup>rd</sup> country partners like the United Kingdom
- Investing in R&I to constantly improve waste management and recycling practices for valuable materials like CRMs

We urge the Commission to make the EU a global “hub” for waste management and recycling and make the European Union a global leader for its circular economy, waste management, and circular thinking.

### **Expand the EEE categories, but prioritise facilitating collection from existing ones**

Finally, we welcome the Commission’s ambition to expand current WEEE categories to cover a wider range of e-waste. We particularly support the inclusion of photovoltaic panels as a separate category, given their valuable silver content, as well as the inclusion of additional categories containing precious metals, such as digital and telecommunications equipment like data servers.

We urge the Commission to prioritise the facilitation of access to WEEE collection from the categories already listed in the WEEE, as the products contained in these categories (notably IT and telecommunications equipment, small IT and telecommunications equipment, and consumer equipment). These categories contain significant volumes of products that have already reached end-of-life and are therefore more readily available for collection and recycling. Strengthening collection and treatment in these existing streams would deliver immediate gains in recycling performance and material recovery, contributing directly to circularity objectives and strategic raw material supply. Accelerating progress in these categories should therefore be treated as a priority alongside any expansion of scope.