

Key messages - Revision of WEEE legislation

APPLiA supports a revised Waste Electrical and Electronic Equipment (WEEE) framework that closes existing gaps, improves collection, enhances material recovery, and ensures a level playing field across the EU. While the last 20 years have established best practices, the current system is hindered by unrealistic targets, fragmented national implementation, and significant "leakage" of waste into undocumented channels.

To achieve a true Circular Economy, the legislative instrument must prioritise harmonisation and enforcement, potentially through a Regulation rather than a Directive, preserving national best practices and ensuring consistent application. Furthermore, APPLiA views the strict alignment of all Extended Producer Responsibility (EPR) streams under the upcoming Circular Economy Act not just as a policy objective, but as a fundamental precondition for establishing a well-functioning Single Market for secondary raw materials.

As the EU Institutions prepare for these legislative proposals, APPLiA presents the following key messages:

- 1. Define all economic operators involved in the WEEE collection and treatment chain and assign clear responsibilities to them**
- 2. Set a collection rate calculation method and target setting that reflects reality**
- 3. Mandatory WEEE treatment requirements**
- 4. Improve recycling and recovery target setting**
- 5. Ensure full responsibility on online marketplaces**
- 6. Robust control and stronger enforcement**

1. Define all economic operators involved in the WEEE collection and treatment chain and assign clear responsibilities to them

Problem/Concern: The current WEEE system requires a balanced distribution of responsibilities across the entire value chain—including collectors, dealers and brokers—but



often attributes accountability solely to manufacturers. This lack of clear obligations contributes to a "grey zone," a large proportion of WEEE unaccounted for and a loss in potential recovery of secondary raw materials.

How to address in a revised WEEE legislation:

- Provide a clear definition of each actor* involved in handling WEEE (disposing, collecting, sorting, transporting, dealing, recycling, storing, preparing for re-use,...).
- Ensure these definitions are harmonised, aligning with EU definitions already used in the Waste Framework Directive, Batteries Regulation, Packaging Regulation, EN Treatment Standards etc.
- Introduce a mandatory provision assigning clear legal obligations to each actor involved in the collection, transportation, sorting and treatment.
- Introduce a mandatory EU-wide reporting tool for every actor (including recyclers and scrap dealers) to track WEEE collected, treated, and recycling output fractions.

** List of actors - producers (including distance sellers, and, where applicable, authorised representatives), PROs, distributors and retailers (including online retailers), online platforms/marketplaces, logistics operators, municipal collection point operators, preparation-for-re-use operators, treatment operators and recyclers, dealers and brokers, operators handling WEEE-derived fractions, including scrap and metal operators.*

2. Set a collection rate calculation method and target setting that reflects reality

Problem/Concern: The current methodology, based on a fixed percentage of products placed on the market in the current year, is fundamentally flawed. It ignores long product lifespans (10–15 years), market saturation, and consumer hoarding behaviour. Targets must reflect the "real" WEEE generated.

How to address it in a revised WEEE legislation:

- Amend the calculation method for collection targets to align with the product's expected discard rate to reflect the "real" WEEE generated.
- Mandate a dynamic methodology for target setting that integrates factors such as average lifetime, new technologies, market trends, consumer behaviour, and secondary raw material value.
- Explicitly account for waste prevention regulations, such as the Ecodesign for Sustainable Products Regulation (ESPR), in the target setting methodology to reflect promoted repair and lifetime prolongation.
- Establish clear legal obligations for end-users to discard WEEE separately from other



waste streams, including mixed municipal waste, and mandate that they discard WEEE only to collectors or authorised receiving operators.

- Specify obligations for distributors and retailers to provide free-of-charge, 1-to-0 take-back for small WEEE, ensuring the consumer can bring an item back without the obligation to buy a replacement.
- Mandate clear communication and information requirements at the point of sale, including online, to inform consumers on available take-back options and how to correctly dispose of WEEE.
- Mandate separate collection obligations on all actors, including a takeback obligation for online marketplaces. Member states should remain responsible for the achievement of collection targets.
- Retain the option for a voluntary visible fee, ensuring that when producers or collective schemes exercise this choice, distributors and retailers are required to indicate the WEEE management cost separately to the end-user, ensuring it is identical to the amount identified by the producer to bolster consumer awareness on the responsible management of WEEE.

3. Mandatory WEEE treatment requirements

Problem/Concern: To ensure environmental protection and fair competition, the EU must mandate uniform WEEE treatment requirements; without them, market dynamics routinely divert WEEE flows from the formal system toward illegal or substandard activities. APPLiA supports a legal requirement to comply with the existing, robust European Standards (EN 50625 and EN 50614) to guarantee high-quality treatment across Europe.

The current WEEE Directive relies solely on an environmental legal base (Article 192 TFEU). It, therefore, cannot fully use the EU's New Legislative Framework (NLF). This NLF limitation prevents the existing CENELEC standards from being formally adopted as "harmonised standards" that guarantee a true, enforceable level playing field across the Single Market.

Furthermore, the technical standards themselves require updating—specifically, EN 50625-2-3 needs urgent review to address the treatment of modern insulation foams and Vacuum Insulated Panels (VIPs).

How to address it in a revised WEEE legislation:

- The revised WEEE legislation must be founded on a dual legal basis, incorporating both Article 114 TFEU (Internal Market) alongside Article 192 TFEU (Environment). This is a vital prerequisite for aligning the sector with the NLF.
- Use this dual legal base to officially transform the CENELEC EN 50625 and EN 50614



series into harmonised standards. By citing them in the Official Journal of the European Union (OJEU), they will become the legally binding reference for WEEE treatment, granting a presumption of conformity across all Member States.

- Make compliance with these harmonised treatment standards the strict legal basis and mandatory prerequisite for the national registration and authorisation of receiving operators, treatment operators, recyclers, and haulage contractors.
- The Commission should issue a formal standardisation request (mandate) now so that the standards are updated and ready by the time the new legislation is implemented. This is critical to address the urgent need to revise EN 50625-2-3.
- Include a specific provision within the legislative text ensuring that these harmonised standards are dynamically and regularly reviewed to keep pace with technological advancements and market realities.

4. Improve recycling and recovery target setting

Problem/Concern: The current recovery targets as set by the WEEE Directive have steadily increased and been supported by the WEEE treatment standards. They could be further improved by setting targets per material stream and on improving the quality of the secondary raw material output.

How to address it in a revised WEEE legislation:

- Transition from broad, weight-based waste stream targets to granular targets defined by product category (or cluster) and specific material streams.
- Through the EU Standardisation process, introduce ambitious, mandatory quality specifications for recyclates and standardised quality criteria for recycled content. This shifts the legislative focus from mere volume to high-value recovery, preventing downcycling and ensuring secondary raw materials can genuinely compete with virgin resources.
- Close existing data loopholes by legally obliging recyclers to report *all* WEEE treated at their facilities, rather than only the quantities received from producers or PROs. This ensures transparent, accurate visibility into the true national recycling rates.
- Maintain Preparation for Reuse as part of the combined recycling and recovery target ensuring that product life-extension remains a recognised, incentivised, and viable compliance pathway within the waste hierarchy.
- Ensure that defined recycling rates pragmatically take into consideration other requirements like energy consumption and safety, which can have a negative effect on



the recycling rate. Balance the push for maximum material recovery against the risks of excessive energy consumption and the necessary destruction of hazardous legacy substances.

5. Ensure full responsibility on online marketplaces

Problem/Concern: Online Marketplaces are not always unequivocally responsible for the WEEE compliance of all products sold on their platforms by third-party sellers, which enables free-riding.

How to address it in a revised WEEE legislation:

- Introduce mandatory EU requirements that make online marketplaces unequivocally responsible for the WEEE compliance of all products sold on their platforms by third-party sellers.
- The legal definition of "producer" is amended to capture all distance sellers regardless of selling technique. This ensures that manufacturers selling directly to end-users in another Member State are legally recognised as the producer responsible for the end-of-life.
- Require enhanced cooperation between online marketplaces and Customs and Tax Authorities to cross-check VAT numbers against producer registrations to flag shipments from non-registered sellers.
- Introduce a unique WEEE responsibility ID for each producer, used consistently across registration, reporting, and compliance checks. This ID should be mandatorily communicated on every sales document (such as offers and invoices) in both business-to-business and business-to-consumer contexts. Making it the common "key" will enable rapid identification of the responsible party and support automated cross-checks across registers and datasets.
- The mandatory appointment of authorised representatives for distance sellers is a critical aspect of WEEE legislation. It must be ensured that Article 17(2) of the current WEEE Directive is reflected in the revised legislation. The retention of this article is currently under immediate threat from the Proposed Environmental Omnibus, which attempts to suspend the requirement for authorised representatives until January 1, 2035. Proceeding with this suspension without a comprehensive impact assessment would severely undermine the WEEE Directive. Removing the mandatory local legal contact strips national authorities of their jurisdictional anchor, crippling enforcement against cross-border non-compliance. Ultimately, this risks triggering extensive "free-riding" by distance sellers, leading to the systemic underfunding of national WEEE compliance schemes and unfairly shifting the financial burden onto compliant businesses.



- Future legislation must establish clear pathways and responsibilities for managing "orphan products" - those abandoned by original manufacturers or where producers no longer place similar items on the market, leaving no clear entity responsible for their end-of-life management - to prevent them from falling outside the regulated system.

6. Robust control and stronger enforcement

Problem/Concern: The current WEEE framework suffers from inconsistent public oversight and a lack of effective deterrents against illegal activities. Enforcement by market surveillance authorities is often fragmented at the Member State level, allowing significant "leakage" of waste flows into substandard or undocumented channels. Stronger and more robust enforcement should be set up by legislation covering the entire recycling chain from collection to pre-processing and end-processing to ensure all WEEE flows are properly collected and recovered.

How to address it in a revised WEEE legislation:

- Mandate binding enforcement targets for Member States. Establish concrete targets for identifying and prosecuting illegal waste activities. National authorities must be held accountable for the effectiveness of their oversight to ensure that non-compliant "leakage" is actively spotted and stopped.
- Explore and establish mechanisms for EU oversight. Consider creating a dedicated EU-level enforcement body or expanding the role of the European WEEE Enforcement Network (EWEN) and the European Environment Agency (EEA) to provide a secondary layer of scrutiny.
- Set minimum operational standards for market surveillance. Define the baseline resources, personnel, and frequency of audits that Member States must maintain. Financial penalties for states that fail to meet these operational requirements should be redirected into a dedicated fund to finance better market surveillance across the Union.
- Establish an EU-wide harmonised framework with standardised rules for registration and reporting (common definitions, formats, and reporting frequencies) to ensure a level playing field.
- A single standardised reporting format for producers and PROs so that data is uniform, robust, and verifiable across Member States.
- Require each Member State to establish a national register as the single institutional anchor for all compliance interactions, operated through a digital interface accessible to all in-scope operators through a single login.
- Ensure national registers are interoperable with one another through a EU level producer registration portal that allows producers to register once and have their data



transmitted automatically to all selected Member State registers, building on the harmonised format established by Commission Implementing Regulation (EU) 2019/290.

- Implement a dual-layer reporting architecture combining a minimal upstream transfer notification by collectors with a full downstream reporting record by authorised receiving operators, all within the national register digital interface with automated reconciliation to detect leakage.
- Make market access conditional on compliance by requiring key gatekeepers (online marketplaces and retailers) to verify the producer ID and refuse listing when it is missing or invalid.
- Require that WEEE collected by any actor must only be registered as recycled if it meets treatment quality standards.

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