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COMMENTS OF THE AIE ON THE REVIEW OF DIRECTIVE 2002/96/EC ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE).

INTRODUCTION

The European Association of Electrical Contractors – AIE – comprises 20 national associations representing 175,000 electrical contractors companies, a workforce of 900,000 and a turnover of Euro 60 billion.

Electrical contractors design, install and maintain electrical systems for all kinds of industrial, commercial and domestic purposes alongside the well-known power and lighting applications. They deal with telecommunications, highway and street lighting, energy management systems, access, fire and security control equipment, lightning protection systems, advertising and identification signs and emergency power generating systems.

Hence AIE member companies are daily confronted with the implementation of the WEEE Directive and in the light of the review process of the Directive 2002/96/EC on WEEE, the AIE is willing to contribute and comment on the current state of play of the operation of the Directive.

GENERAL COMMENTS

Consulting our members about the implementation of the WEEE, most issues mentioned indicate problems regarding the interpretation of the Directive and possibilities of improvement of the national collection systems. Indeed the different applications in the Member States of the producer responsibility principle lead to substantial disparities in the financial burden of the electrical contractors companies.

Indeed, even if overall the waste collection and treatment seem to work quite well in most Member States, *the main problems encountered by the electrical installers are addressing the scope of the Directive, the management of the collection systems, the operation of the producer responsibility and the collection of light bulbs.*

SPECIFIC COMMENTS

• Scope of and definitions in the Directive

- In the framework of the implementation of the WEEE Directive problems of interpretation exist regarding the status of an *installer* who assembles panels e.g. control panels for installation in buildings or traffic control panels, using components manufactured by others and places its company details on the panel for post installation maintenance reasons (see Directive Article 3 Definitions (i) (i) and ANNEX 1B 9, Monitoring and control instruments).

It appears that the status of the installer and the interpretation of the Directive in this area are not similar throughout Europe. Indeed some Member States consider *installers* as manufacturers or *producers* and therefore assume a recycling responsibility, other Member States don't.

For example, in the Netherlands where this interpretation problem has been identified, it resulted in only *stand alone installations* (such as e.g. speed control units and parking payment systems) being now considered to be installations within the framework of the WEEE. All other equipment such as panels for traffic control systems etc. are not considered to be covered by the WEEE directive.

AIE RECOMMENDATION

The Directive covers a wide variety of electrical and electronic equipment, products and appliances with the intention to give the manufacturers or producers of these products the responsibility of a proper management of their products.

An installer who assembles components yet manufactured by others has no reason to be considered as a manufacturer or producer, even if for maintenance reasons the installer places his company details on the panel next to the manufacturer's brand name.

• Management of collection systems and Producers responsibility

According to the Directive, proper management of the WEEE is a producer responsibility, in other words the responsibility of businesses that manufacture electrical and electronic equipment or import it. The costs of waste collection and treatment should therefore be covered by the importers and manufacturers of these products. In most Member States producers have set up take-back companies to manage WEEE.

In this context two major problems arise which are linked to each other:

- These take-back companies or collection systems are set up and financed in most Member States exclusively by the producers without any involvement whatsoever of the electrical installers.
- In practice though, the collection of WEEE has caused additional burden and costs for the electrical installers due to storage, additional transport space and container fees or fees for light bulb containers, minimum amount/weight of waste for collection etc.

As 95% of the electrical installers companies are SME's, these additional costs have proportionally a huge impact on their business.

AIE RECOMMENDATION

In the light of the producer responsibility to organise and manage the WEEE stream, **installers should be recognised as a full market player in the management chain of the whole system.** Indeed a lot of the WEEE material from construction sites and clients are dealt with by the installers.

Manufacturers should recognise that part of their management responsibility (collection, transport, and storage) is taking over by the electrical installers and therefore **suitable solutions and guarantees should be found together for the contractor's extra charges.**

In the Netherlands, the electrical installers have been involved in the set up and management of the collection systems which are financed by the producers. This has resulted in an appropriate implementation with minimal handling costs for installers with indeed in some cases, costs for installers decreasing significantly.

• Collection of Light bulbs:

The disposal of lamps and tubes from consumers and business to business is cumbersome and further confused by the hazardous Waste regulations.

Practical problems still exist in a.o. France, Belgium and Germany regarding the differences between the end-users (private vs. other than private households), the practicalities of the collection and the fees applied for light bulbs.

Indeed when containers for waste collection are made available to the installer, often the size, the price and the minimum requested storage quantity and space cause problems and unfair competition between the electrical contractors companies.

Equally the difference between WEEE from private households and other than private households is - for light bulbs - most difficult to handle in practice.

AIE RECOMMENDATION

The light bulb collection issue could be solved by **supplying and collecting on site adequately sized containers free of charge** to both installers as well as retail outlets. This experience implemented in the Netherlands showed us that this has resolved a lot of practical problems.

To solve the issue of different fees applied to WEEE from private households and other than private households, the AIE recommends applying the Dutch decision **not to differentiate between both**.

This is, regardless of where the light bulbs are used, a price adder on the sales price applies. Moreover this price adder should be **clear, visible and transparent enough towards the end-user** as to avoid unfair competition between the companies who apply the fee to the end-user and those who don't.

The AIE therefore recommends adapting the Directive (article 5, 8 and 10) as to:

- **Remove the difference between WEEE from private households and other than private households;**
- **Maintain take-back systems free of charge for all categories of WEEE;**
- **Ensure fair competition between the economic operators.**

The AIE would be pleased to contribute even more and discuss these issues with the European Commission. Of course we remain at your entire disposal for any question the European Commission might have regarding the issues mentioned above and the review of the WEEE Directive.

Brussels, 21 January 2008.

Evelyne Schellekens,

General Secretary.