

Extended Producer Responsibility in EU Waste Legislation

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Polluter pays principle deeply enshrined in the Treaty for a European Union

■ Article 191 of TFEU (ex Art. 174):

- “Community policy on the environment shall (...) be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that **the polluter should pay**”.
- Principle is that the polluter should bear all costs, so that external costs are internalised

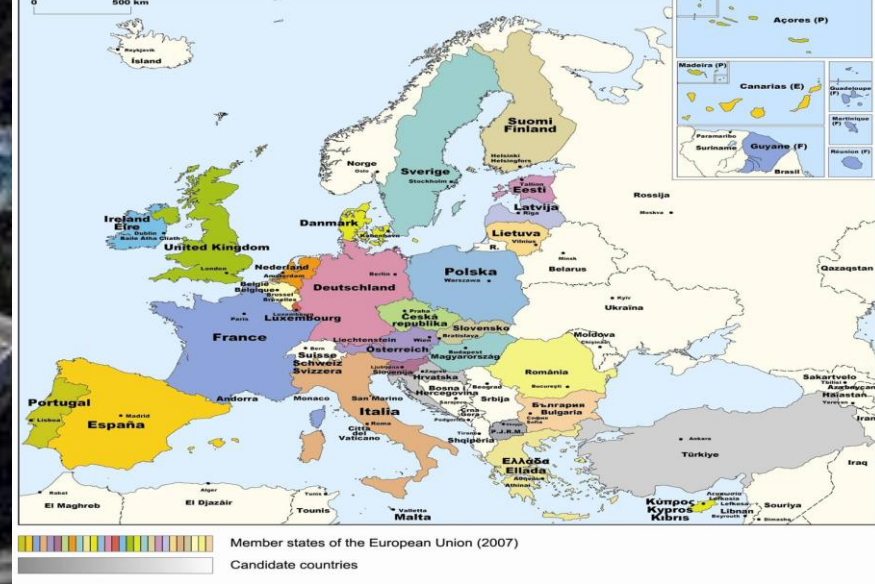
Who is “the polluter”

Polluter pays principle

„Polluter“ is the person directly causing pollution, e.g. by driving a car or littering waste into the environment

Extended producer responsibility

Rather than the direct polluter himself, “polluter” is the economic agent who can play a decisive role in avoiding pollution, e.g. through design efforts



Framework of the EU Waste Legislation



Waste Policy: Objectives and Principles

■ European waste strategy

- Thematic Strategy on the prevention and recycling of waste
- Thematic Strategy on the sustainable use of natural resources
- Sustainable Production and Consumption
 - Reduce the waste and the hazardous character of waste
 - Reduce the impacts on the environment

■ Principles

- Subsidiarity
- Hierarchy of waste management options: prevent, reuse, recycling, recovery, disposal
- Extended producer responsibility

The Framework of EU Waste legislation

■ The basics of Community waste legislation:

- The Waste Framework Directive (including Hazardous Waste)
- The Waste Shipment Regulation

■ Waste treatment operations are regulated by:

- The Landfill Directive
- The Incineration Directive

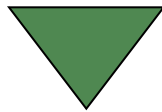
■ Priority waste streams:

- Packaging Waste
- End-of-life Vehicles
- End-of-life Batteries
- Waste from Electrical and Electronic Equipment

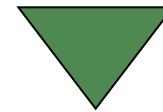
Both polluter pays principle and extended producer responsibility established in WFD

Waste Framework Directive 2008/98/EU, Recital 1:

“...in accordance with the **polluter-pays principle**, a requirement that the costs of disposing of waste must be borne by the holder of waste, by previous holders or by the **producers of the product** from which the waste came.”



Polluter pays principle –
Art. 14:
The costs of waste management **shall** be borne by the **original waste producer** or by the current or previous waste holders.



Extended producer responsibility –
Art. 8:
Member States **may** take measures to ensure that the **producer of products** has extended producer responsibility

Extended producer responsibility can be taken to a mandatory level...

...by Member States when implementing the WFD, Art. 8(3):

- Taking into account the technical feasibility, economic viability and environmental, human health and social impacts
- Respecting the need to ensure the proper functioning of the internal market

...by the EU legislators in specific waste legislation such as:

- End of life vehicles
- Waste electrical and electronic equipment
- Batteries

Packaging



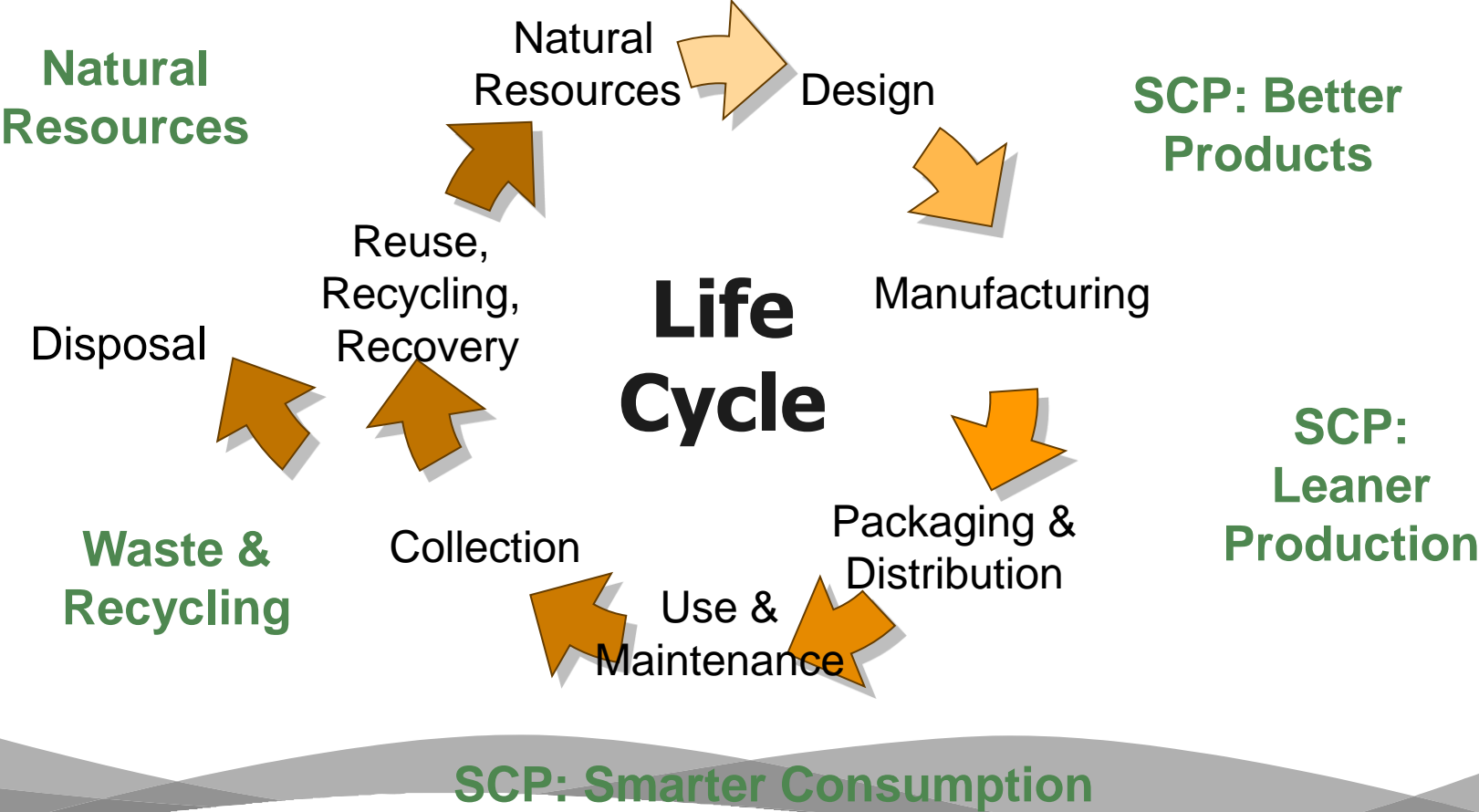
■ Packaging Directive refers indirectly to EPR principle

- Targets to be met by Member States
- Member States shall take the necessary measures to ensure that systems are set up for the return, collection, reuse or recovery (including recycling) of packaging and packaging waste
- These systems shall be open to the participation of the economic operators of the sector concerned and to the competent public authorities
- They shall apply to imported products without discrimination

■ Essential Requirements

■ Heavy metal concentration limits

EPR can add value at all stages of the product life cycle...



EPR can add value across the Life-Cycle

■ Resources

→ Resource efficiency : REDUCE, REUSE, RECYCLE

■ Products

→ Better products

→ Key legislation: Ecodesign, Energy labelling, Ecolabel

■ Consumption

→ Impact on products

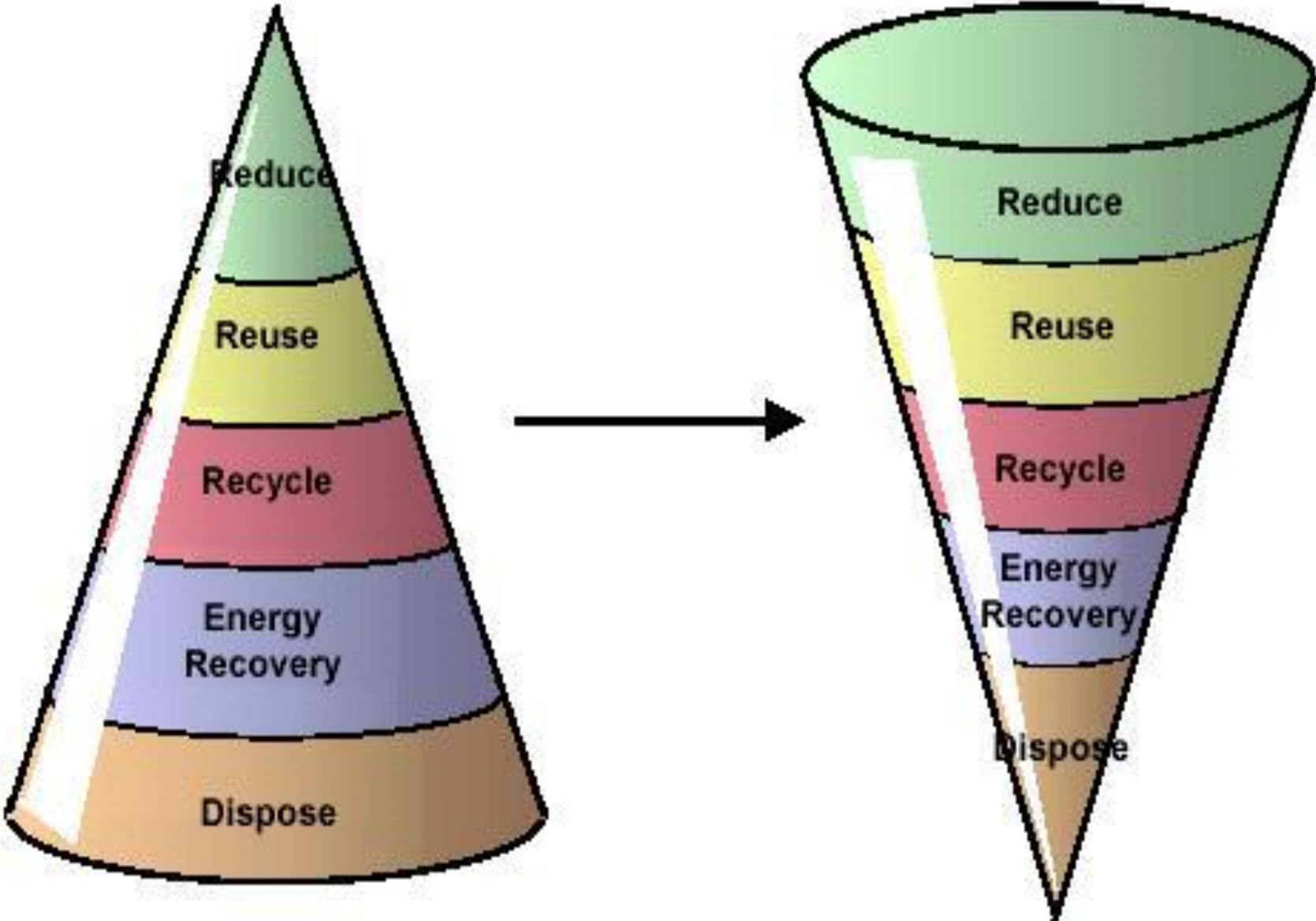
→ Effective labelling (ecolabel)

→ Working with the retailers (Retail forum)

■ Waste & recycling

→ Waste Framework Directive (better definitions with end-of-waste criteria; waste hierarchy; recycling targets)

Waste Hierarchy



SOME TARGETS IN EU WASTE LEGISLATION



		min recovery	min recycling	collection rate
Packaging	2008	60%	55%	
Cars	2015	95%	85%	100%
Electronics	2006	70%	50%	min 4 kg per habitant per year
Batteries	2011		50% to 75% (efficiency)	
	2012			25%
	2016			45%
Tyres	2006	0 landfill of tyres		
Biowaste diverted from landfills	2006	reduction to 75% of the 1995 level		
	2009	reduction to 50% of the 1995 level		
	2016	reduction to 35% of the 1995 level		
New targets (WFD)	2015	Separate collection: at least paper/metal/plastic/glass		
	2020	50% municipal waste		
	2020	70% construction and demolition waste		

... but EPR also comes with specific conditions and challenges

Necessary conditions for extended producer responsibility (EPR) to work:

- The producer needs to be identifiable
- The producer needs to have an impact on the problem
- Other actors need to have limited impact on the problem, or there must be a way for the producer to influence them

Challenges to take into account when designing EPR:

- Diversity of collection, treatment and collective compliance systems across the EU can lead to administrative burdens
- Producers are individual firms in competition, but EPR often addresses „the producers“ as a group
- Collective compliance may need to be organised, however: Competition between firms must not be hindered

Outlook

■ **Extended producer responsibility is likely to remain one of the important elements of waste management policies through:**

- Encouragement of waste prevention by influencing practical decisions taken at various stages of the life-cycle (including design, manufacture, commercialization)
- Focus on overall environmental impact of products
- Changed consumers' behaviour
- Increased waste recycling – towards the “recycling society”
- Possible extension of EPR to products other than those covered by the “Recycling Directives” (e.g. a material based approach using producer responsibility)

Thank you for your attention!

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<https://ec.europa.eu/environment/waste/index.htm>

https://epp.eurostat.ec.europa.eu/portal/page/portal/waste/data/sectors/municipal_waste

