



POSITION PAPER

ENFORCE OF DUTCH WEEE MANAGEMENT DECREE

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SUMMARY

The NVMP Association feels that Agentschap NL falls short in its enforcement and control of the legal obligations of manufacturers and importers of electrical and electronic appliances and low-energy lamps. Agentschap NL takes no action when an action plan or monitoring report is inadequate or not submitted at all, publishes no analysis of the shortcomings and does not assess whether the submitted plans are effective or realistic. The NVMP Association fears that inadequate control and enforcement will result in an increase in the number of 'free riders' and that it will therefore be impossible to achieve the higher collection objectives predicted in the WEEE Recast.

Manufacturers must annually document their compliance with legal requirements pertaining to the electrical and electronic equipment and low-energy lamps they put on the market. This documentation consists of two reports:

- Pursuant to Article 4 of the Dutch WEEE Management Decree (BEA), a manufacturer must submit a declaration (action plan) to the Minister of Infrastructure and the Environment in which it explains the manner in which it will carry out those obligations.
- Pursuant to Article 16 of the Dutch WEEE Management Regulations (Regeling BEA), the manufacturer informs the Minister of Infrastructure and the Environment of the results of the implementation (monitoring report) as well as the quantity of electrical and electronic equipment put on the market in the year in question. A manufacturer can meet this obligation for declaration and reporting individually or collectively.

Analysis of monitoring reports

In 2010, exercising its rights established in the Dutch Freedom of Information Act (Wob), Wecycle requested and analysed all the individual and collective reports for 2006-2009. In this period the ministry received 60 reports:

- 4 collective reports, from collection systems Wecycle, ICT~Milieu, RTA (professional equipment) and from recycling company Recydur
- 16 individual reports concerning ICT equipment
- 31 individual reports concerning professional equipment
- 9 individual reports concerning other equipment

From these documents it is clear that manufacturers inadequately report the volume of new appliances they put on the market. Only a small fraction of the total volume put on the market appears in the reports. The reported weight in the 16 ICT-related individual reports, for example, represents just 1% of the total weight of ICT equipment brought to the market. Four reports do not specify any sales at all. The figures in the 31 individual reports for professional equipment express the sales in tonnes or quantities, making it impossible to calculate the total sales as a percentage. The reported volume of waste equipment and lamps that is collected is mainly handled by Wecycle and ICT~Milieu; together they processed 110 million kilograms in 2009. Based on the reports, twelve individual submitters collected a total of 2.7 million kilograms, and the remaining 43 parties collected nothing at all.

Conclusions

Agentschap NL assesses the submitted monitoring reports on behalf of the Minister of Infrastructure and the Environment, but it has never published the analysis referred to above nor has the Agentschap taken any action based upon it. Furthermore, it has never used the information from the reports to assess whether the submitted action plans are effective or realistic.

Over the past years the Dutch Human Environment and Transport Inspectorate (ILT) has intensively controlled the collective systems of Wecycle and ICT~Milieu yet has taken no enforcement action in connection with the other individual reports (44 of the 56 do nothing!). The action taken against 'free riders' – manufacturers that do not contribute to the costs of disposal of the appliances they have put on the market – was limited.

Responsible collection and recycling costs money. Now that the disposal contribution has largely been done away with, it has become financially attractive for manufacturers to step out of a collective, submit their own report and do nothing. This scenario already seems to be playing out within the ICT world, where the manufacturers have had a pay-as-you-go system for years. It is suspected that there are a large number of free riders. This suspicion is based in part on the fact that the number of registered manufacturers in other countries is substantially higher.

The manufacturers and importers allied in the NVMP fear that the lack of a good advance assessment of the effectiveness of the submitted action plans, the lack of performance analysis based on the submitted reports and the lack of enforcement and control will:

1. lead to an increase in the number of free riders in the coming years, and
2. if this fear is justified, will make it impossible to achieve the collection objectives proposed in the WEEE Recast.

Follow-up actions

In follow-up to its analysis and conclusions, the NVMP Association has taken the following actions:

- The analysis was made available to the Dutch Human Environment and Transport Inspectorate (ILT), which then met with NVMP/Wecycle and committed to auditing individual reports in the autumn of 2011.
- The status of this enforcement action was discussed during the WEEE Producer Authority Day (WEEE-POD) on 27 September 2011.
- The matters of concern were brought to the attention of State Secretary of Infrastructure and the Environment Joop Atsma.
- Lobbying for new legislation containing more stringent requirements for and improved advance assessment of submitted individual reports.



About the NVMP Association

The NVMP Association was established in 1999 and represents 1500 manufacturers and importers of electrical equipment and low-energy lighting in the Netherlands. These manufacturers and importers have established the first national system in the world for the responsible collection and sustainable processing of electrical appliances and low-energy lighting. The implementation thereof has been entrusted to the non-profit organisation Wecycle.

For more information

Eva Gobits, Board Secretary, NVMP Association

Telephone: +31(0)79 353 12 28

E-mail: eva.gobits@nvmp.nl

www.producenten-verantwoordelijkheid.nl

www.wecycle.nl

