



WEEE Ireland's submission to the public consultation on ecodesign for sustainable products

WEEE Ireland is a not-for-profit Compliance Scheme owned by its Members – Producers of electrical and electronic equipment (EEE) and batteries. WEEE Ireland has operated under Ministerial approval since 2005 and is currently in its third approval programme 2017-2023. The Scheme has over 1300 Producer Members, and works with collection partners and core indigenous recycling facilities in Ireland, as well as specialist downstream processors, and supports mandated EN WEEE standard through quality recycling to properly manage hazardous waste and recover resources. WEEE Ireland is aligned with a strong network of European associations to provide pan-European compliance to its Members via WEEE Europe, PV Cycle and RENEOS. As a member of EUCOBAT and the WEEE Forum, the Scheme actively contributes to the experience and knowledge held by these centres of EPR excellence.

WEEE Ireland would like to thank the DETE & DECC for the opportunity to submit our views to the national public consultation on the European Commission's proposal for the ESPR. WEEE Ireland supports industry position from trade associations APPLiA, DIGITALEUROPE and Orgalim, as detailed in the following papers:

[APPLiA feedback to the Commission's proposal for an Ecodesign for Sustainable Products Regulation](#)

APPLiA is a Brussels-based trade association that provides a single, consensual voice for the home appliance industry in Europe, promoting industry's mission to advance Europeans' lifestyles. APPLiA has 24 Direct Members and 25 National Associations covering 24 countries. The White Goods Association in Ireland have recently joined APPLiA.

[DIGITALEUROPE views on the Ecodesign for Sustainable Products Regulation proposal \(ESPR\)](#)

DIGITALEUROPE is the leading trade association representing digitally transforming industries in Europe. DIGITALEUROPE's membership represents over 36,000 businesses who operate and invest in Europe. It includes 98 corporations which are global leaders in their field of activity, as well as 41 national trade associations from across Europe, including Technology Ireland.

[Orgalim Position and recommendations from Europe's technology industries on the proposed Ecodesign for Sustainable Products Regulation](#)

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering and electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of €2,480 billion, manufacturing one-third of all European exports and providing 10.97 million direct jobs.

WEEE Ireland would like to highlight a few specific points from these papers and Producer Members' individual feedback, and ask the Departments to take these into account within Ireland's negotiating position in relation to the Ecodesign for Sustainable Products Regulation:

- **Harmonised implementation of the ESPR requirements** across all EU Member States.
- **Harmonisation of ESPR rules with existing and upcoming EU rules** in order to avoid placing legal uncertainty and excessive administrative burden on producers, or the need to input same set of data in different databases.
- **Use of harmonised standards instead of common specifications** to ensure "reliable, accurate, reproducible checks of product requirements which are enforceable at a reasonable cost"(APPLiA).
- Ensure **sufficient transition time** is given to implement new requirements.

We asked our Members to respond to this consultation, and received specific requests to articulate DIGITALEUROPE's position on the Digital Product Passport, which many of them support in this regard:

"DIGITALEUROPE recommends below five guiding principles to be considered in ESPR in the context of introducing new information provision requirements in Europe:

1) *Existing physical marking requirements and reporting databases to be integrated into a **single instrument: the Digital Product Passport (DPP)**. The DPP should offer a digital solution that is not an additional marking requirement, but rather an integrated system that represents transition towards a digital, more reliable and greener information sharing as a driver for the Circular Economy.*

2) ***Electronic labelling (e-labelling) via a data carrier (QR code) should be preferred** over - and replace where possible - physical markings (on product, packaging and relevant data from inbox documentation), as it is the more sustainable alternative. It also offers a more convenient and reliable access to updated information attached to the device itself.*

3) ***Access rights to the DPP should be determined on a need to know basis**, and should safeguard legal consistency and coherence with the Data Act when published in the Official Journal.*

4) *It is essential that the DPP is not applied at item level, as this would allow for enormous administrative, implementation and cost burden, which considerably outweigh any potential benefits related to enabling Circular Economy services. It is still possible to unlock Circular Economy benefits to businesses and consumers in Europe if the **DPP is applied at model or batch level**.*

5) *Protocols and security measures should be put in place to **safeguard data privacy and confidentiality** during the data sharing process and ensure that data is verified and access rights prevent duplication of data that can be construed as conflicting."*

Individual feedback from our Producer Members also included a call to improve the definition of *destruction of goods* and exempting recycling from this definition as the recycling process involves resource recovery at the end of life. Indeed, the current definition does consider refurbishment and

remanufacturing as exemptions and some of our Members believe that recycling needs to be added to the list.

Some comments from WEEE Ireland Producer Members also note that PROs, resellers and stakeholders involved in refurbishment should be included in the scope of actors handling unsold goods, and hence in scope of this requirement. Further clarifications on responsibilities are also needed to ensure that the text covers all actors involved at product's end-of-life management.

WEEE Ireland would also like to take this opportunity to articulate our views on the role sustainable product rules could play in WEEE EPR management, and our concerns about the possible implementation of ecomodulation in the sector before harmonised reporting criteria and framework are in place. As highlighted by the WEEE Forum* in their paper *Eco-modulation of fees for 'greener' products: concerns and challenges*:

"The Sustainable Products Initiative (SPI) aims to make ecodesign principles deliver on sustainability, including circularity. The SPI aims to further develop ecodesign requirements on material efficiency aspects: durability, reliability, reparability, upgradability, recyclability, hazardous substance, recycled content and design for disassembly. These elements are similar to the criteria set by Article 8a(4)(b) of the Waste Framework Directive aiming at creating incentives for manufacturers to design greener products for mitigating the environmental impacts.

The Commission believes that eco-modulation will supplement the SPI, but the concern is that it may give rise to inconsistencies or confusion instead. Hence, there are a number of safeguards that the Commission must put in place to harmonise eco-modulation and avoid too many disparate schemes. Criteria on reparability, durability, recyclability, and reusability are already addressed by the current Ecodesign Directive, with new resource efficiency requirements related to the reparability and recyclability of several products entered into force in March 2021.

(...) Modulated fees will unlikely create a financial incentive that is high enough to promote additional investments in sustainable product design. We recommend assessing a different set of regulatory instruments and to focus on one instead of various, possibly overlapping instruments. SPI, for example, is a more appropriate and more effective legal tool to foster green products than eco-modulation".

**The WEEE Forum is the world's largest multi-national centre of competence as regards operational know-how concerning the management of waste electrical and electronic equipment. It is a not-for-profit association of 46 WEEE producer responsibility organisations across the world, including WEEE Ireland, and was founded in 2002. Towards the end of 2020, the WEEE Forum formed a multi-stakeholder task force to proactively develop a preferred framework, principles, and mechanisms for a harmonised eco-modulated fee scheme in Europe and to assess its economic impact. The WEEE Forum has also designed and developed several platforms and software tools, allowing the producer responsibility organisations to benchmark their operations and have access to key data and intelligence.*