Guidance on Extended Producer Responsibility (EPR)
Analysis of EPR schemes in the EU and development of guiding principles for their functioning

February 2015
Content

1. Objectives and approach

2. General overview of EPR schemes in the EU

3. Main topics considered for guidance and guiding principles
Objectives and approach
Objectives

1. DESCRIBE, COMPARE AND ANALYSE DIFFERENT TYPES OF EPR SYSTEMS OPERATING IN THE EU

2. IDENTIFY NECESSARY CONDITIONS AND BEST PRACTICES FOR THE FUNCTIONNING OF EPR SYSTEMS

3. PROPOSE AND ASSESS OPTIONS TO PROMOTE AN OPTIMAL USE OF EPR SYSTEMS ACROSS THE EU
A 5 step approach, supported by a continuous stakeholder consultation

1. Panorama of EPR schemes in EU-28
2. Selection of waste streams and case studies
3. In-depth analysis of 36 case studies
4. Exploration of main issues
5. Guiding principles

- Preliminary interviews
- Consultation on the selection
- Individual interviews, data collection and review of the case studies
- Stakeholder workshop (100 participants)
- Written consultation (over 50 responses)
1. Identification of EPR schemes in the EU 28
   - Waste streams subject to EU legislation (batteries and accumulators, waste of electrical and electronic equipment (WEEE), end-of-life vehicles (ELV), packaging.
   - Other schemes implemented through national regulation

2. Collection of basic information for all schemes within six product categories
   - Date of creation of PROs, Number of PROs dealing with a specific waste stream, Existence of a take-back obligation, Territorial coverage, Recycling/recovery rates achieved, Rates of ‘free riders’, Tariffs (fees) charged by PROs to producers, Private or public-led organisation
Objectives and approach

Overview of EPR schemes

Main issues and guidance

Panorama of EPR schemes in EU-28

Selection of waste streams and case studies

In-depth analysis of 36 case studies

Exploration of main issues

Guiding principles

36 schemes selected, based on start date, performance and diversity of EPR organisation

Austria | Austria | Finland | Belgium | Austria | Denmark
---|---|---|---|---|---
Belgium | Finland | France | Finland | Belgium | Finland
Denmark | Germany | Netherlands | Germany | Czech Rep. | France
France | Netherlands | Sweden | Italy | France | Ireland
Netherlands | Slovak Rep. | | Portugal | Germany | Latvia
Switzerland | Sweden | | Spain | Netherlands | Sweden
| | | | | United Kingdom | United Kingdom

Guidance on Extended Producer Responsibility
Objectives and approach

Overview of EPR schemes

Main issues and guidance

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Case studies structure

**Legal framework and objectives**
- General legal framework
- Targets
- System functioning

**Role of system actors**
- Producers
- Retailers/distributers
- Municipalities
- Waste collection and treatment operators

**Surveillance of the system**
- Verification of performance reporting
- Financial surveillance

**System performance**

**Cost efficiency**

**Governance**

**Competition**

**Eco-design and waste prevention**

**Impact on consumers**

**Advantages and disadvantages of the system**
1. Four main issues identified
   - Share of responsibilities between stakeholders
   - Cost coverage and true cost principle
   - Fair competition
   - Transparency and surveillance

2. Each issue was addressed following a similar approach
   - Issues under consideration
   - Empirical assessments from the sample benchmark
   - Taking the stakeholders’ expertise into account
   - Concluding remarks
   - Towards possible guiding principles

3. Eight guiding principles were formulated
General overview of EPR schemes in the EU
EPR in the European Union

Extended Producer Responsibility: a widely used environmental policy...

- Around 200 EPR schemes in the EU
- Three directives introducing EPR: WEEE, ELV, B&A
- Widely used for packaging and tyres
- But also: graphic paper, oil, medicine, agricultural foil and packaging, textile, furniture, hazardous products, refrigerants, etc

...with a large variety of implementation models

- Obligations often exerted collectively, through Producer Responsibility Organisations (PROs)
- Differences in the type of responsibility, cost coverage, implementation procedures, reporting, etc.
EPR in the European Union

For batteries, the first schemes started in the early 1990s (Austria, Belgium), others followed in the late 1990’s (Germany, France, Spain), but the majority were only implemented in the 2000’s.

For graphic papers, the first EPR schemes were set up in the 1990s (Sweden, Finland) and others in the 2000s.

For ELVs, the first scheme was introduced in 1975 in Sweden. A few other recovery schemes were introduced in the late 1990s (Netherlands, Germany, Belgium) and the majority were put in place in the mid 2000s.

For oils, the first scheme was introduced in Italy in 1982. The other existing schemes were implemented from 1998 (Netherlands) to 2006.

For packaging, a considerable number of schemes were implemented in the 1990s, in chronological order: Germany, France, Austria, Belgium, Luxembourg, Spain, Portugal, Hungary, Finland, Ireland, UK. Other schemes followed in the early 2000s.

For WEEE, all EPR schemes were introduced during the 2000s with most following the adoption of the WEEE Directive in 2002.
Performance of EPR schemes

Analysing performance of EPR schemes: a lack of evidence to identify the “best” organisation

• Severe lack of comparable information available: lack of transparency on economic indicators, non aligned methods for reporting technical performance
• Great discrepancies in performance indicators at the EU-28 level
• Many aspects, independent from EPR organisation, interfere with technical and economic performance: population density, historical development of waste collection and treatment infrastructure, awareness and willingness of the public to participate, complementary economic or fiscal tools
Performance of batteries schemes: Collection rates

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<th>Country</th>
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Performance of ELV schemes: Recycling and re-use rates

- AT: 83%
- BE: 88%
- BG: 90%
- CY: 93%
- CZ: 93%
- DE: 76%
- DK: 83%
- EE: 81%
- ES: 85%
- FI: 84%
- FR: 81%
- GR: 85%
- HU: 83%
- IE: 87%
- IT: 83%
- LT: 87%
- LU: 90%
- LV: 83%
- MT: 83%
- NL: 83%
- PL: 84%
- PT: 86%
- RO: 93%
- SE: 83%
- SI: 83%
- SK: 83%
- UK: 83%

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Performance of oil schemes: Collection rates

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<td>BE</td>
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<td>BG</td>
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<td>PT</td>
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Performance of packaging schemes: Recycling rates

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<th>Country</th>
<th>Recycling Rate</th>
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<td>AT</td>
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Performance of WEEE schemes: Collection performance (kg/inh)
Performance of WEEE schemes: Recycling and reuse rates

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<tr>
<th>Country</th>
<th>Recycling Rate</th>
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<tr>
<td>AT</td>
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<td>BE</td>
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<td>SK</td>
<td>82%</td>
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Approach to evaluate the cost-effectiveness of EPR schemes

1. Collection of data on fees paid by producers
   - When the information was publicly available, the fees paid by producers (per quantity of products put on the market were compared)
   - A lack of comparable information was observed, but important discrepancies appear

2. For the 36 case studies, an approach to compare the cost effectiveness
   - Comparison of an indicator of environmental performance (recycling rates or collection rates) with the total amount of fees paid by producers to PROs (as a proxy to evaluate the costs of the system)
   - Low comparability (different cost coverage, different methods of evaluation, etc.)
Cost effectiveness of batteries schemes: Average fees per tonne of batteries put on the market
Cost effectiveness: portable batteries

Size of the circles: collected quantities
Cost effectiveness: ELV

Size of the circles: collected quantities

- **Slovakia**: 0.006 vehicle/cap/yr
- **Netherlands**: 0.012 vehicle/cap/yr
- **Austria**: 0.010 vehicle/cap/yr
- **Finland**: 0.010 vehicle/cap/yr
- **Germany**: 0.006 vehicle/cap/yr

**Fees paid by producers (€/cap/yr)**

**Collection rate** (collected quantities vs quantities put on the market)

- 0%
- 10%
- 20%
- 30%
- 40%
- 50%
- 60%
- 70%
- 80%
- 90%
- 100%
Cost effectiveness: Graphic paper

Size of the circles: quantities put on the market and contributing to EPR

- France: 52 kg/cap./yr
- Sweden: 40 kg/cap./yr
- Finland: 67 kg/cap./yr
- Netherlands: 102 kg/cap./yr

Fees paid by producers (€/cap./yr)

Recycling rate (recycled quantities vs quantities put on the market)
Cost effectiveness: non-edible oils

*Size of the circles: quantities collected*
Cost effectiveness of packaging schemes: Average fees per tonne of packaging put on the market
Cost effectiveness: packaging

Size of the circles: quantities put on the market and contributing to EPR
Cost effectiveness of WEEE schemes: Average fees per EEE put on the market
Main issues and guiding principles
Four main issues were identified:

- Share of responsibilities and dialogue
- Cost coverage and true cost principle
- Fair competition
- Transparency and surveillance
### Allocation of responsibilities among stakeholders

#### Four main systems

<table>
<thead>
<tr>
<th>Main system</th>
<th>Financial responsibility</th>
<th>Financial responsibility through contracting with municipalities</th>
<th>Financial Responsibility with partial organisational responsibility</th>
<th>Financial Responsibility with full organisational responsibility</th>
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</table>
Allocation of responsibilities among stakeholders

**SIMPLE FINANCIAL RESPONSIBILITY**

- PRODUCERS/IMPORTERS

**WASTE HOLDERS**
- HH: local authorities
- C&I: professional waste generators

**WASTE MANAGEMENT OPERATORS**
- Collection
- Sorting / Treatment

**INDUSTRY**
- Secondary materials

**CONTRACT**
- Waste

**PROs**
Allocation of responsibilities among stakeholders

FULL ORGANISATIONAL RESPONSIBILITY

PRODUCERS/IMPORTERS

PROs

WASTE HOLDERS
  HH: local authorities
  C&I: professional waste generators

WASTE MANAGEMENT OPERATORS
  Collection
  Sorting / Treatment

INDUSTRY
  Secondary materials

Waste

Guidance on Extended Producer Responsibility
Allocation of responsibilities among stakeholders

The importance of dialogue among stakeholders was emphasized, and some best practices identified

• Several initiatives foster cooperation between EPR actors, for example through the PRO recognition procedures (e.g. Accreditation Committees in France, which gather public authorities, producers, retailers, municipalities, waste management industries, consumer and environmental NGOs).

However, in most cases, no specific dialogue initiative was identified

• A consensus was reached on the fact that dialogue should be improved, organised, and possibly legally framed
Guiding principle #1: The definition and objectives of EPR should be clarified

EPR aims at internalising environmental externalities and should provide an incentive for producers to take into account environmental considerations throughout a products' life, from the design phase to the post-consumption phase.

It is a financial and/or operational instrument, which aims at fostering the operational implementation of sustainable products and waste management schemes in line with the waste hierarchy and the EU quantitative recycling and recovery targets.

Within the framework of the EU Raw Materials Initiative, EPR is a key tool to facilitate the use available resources more efficiently, to keep secondary raw materials within the EU boundaries, and to provide improved access to strategic materials.

As such, EPR also paves the way for the development of a more resource-efficient and circular economy, sustaining a national and European recycling society.
Allocation of responsibilities among stakeholders: towards guiding principles

Guiding principle #2: The responsibilities and roles of each actor should be clearly defined along the whole product’s lifecycle

The individual responsibilities of all actors should be clearly defined:

- Producers/distributors (obligated industry)
- Producer Responsibility Organisations
- National authorities
- Consumers/citizens
- Local authorities
- Waste management operators and recycling industry

In addition, multi-stakeholder platforms should be encouraged to ensure dialogue among stakeholders with the involvement of representatives of PROs, obligated companies (producers, importers, retailers), public authorities (national and regional/local), waste management industries, consumers (citizens and industrial consumers), environmental NGOs and EU policy makers.
Cost coverage

Most EPR schemes cover (partly or fully) the net costs for the management of waste that has been collected separately, as well as administrative, reporting and communication costs relative to the operation of collective schemes.

Some EPR schemes may cover:

- Costs for non-separately collected waste
- Costs for public information and awareness raising
- Costs related to waste prevention actions
- Costs for litter prevention and management
- Costs related to the enforcement and surveillance of the EPR system

When costs covered do not fall within the operational responsibility of producers, a standard, or reference cost, is used.
Guiding principle #3: The design and implementation of an EPR scheme should at least ensure the coverage of the full net costs related to the separate collection and treatment of the end-of-life products.

EPR scheme should cover the following net costs related to the end of life of products:

- Costs for establishing a separate waste collection system
- Collection, transport and treatment costs for separately collected waste
- Administrative costs, i.e. costs linked to the running of PROs
- Costs for public communication and awareness-raising (on waste prevention, litter reduction, separate collection, etc.) as long as producers have a say in their design and implementation
- Costs for the appropriate surveillance of the system (including auditing and measures against free riders
- Subtract revenues from recycled material sales.
True cost

EPR should be designed to create an incentive for eco-design, through costs internalisation

Collective schemes mutualise costs among producers, thereby introducing a risk of « averaging » costs and de-incentivising eco-design

Some schemes have introduced a form of fee « modulation », based on certain eco-design criteria
Guiding principle #4: The fees paid by a producer to a collective scheme should reflect the true end-of-life management costs of its specific products.

There should be a clear requirement for EPR schemes to set up differentiated fees. The aim of such a principle is to ensure that fees best reflect the real costs of end-of-life management of products, based on the strict application of the waste hierarchy, i.e. with clear priority given to prevention, reuse, preparation for reuse and recycling. The criteria upon which differentiated fees are based should be:

- Limited in number, simple to implement, easy to monitor and periodically revised (to ensure that they continue to incentivise eco-design efforts);
- Established by independent third parties or established by the PROs themselves;
- Reflect in treatment and recycling standards to make sure eco-design efforts by producers are not implemented in vain.
Competition among Producer Responsibility Organisations (PRO)

**Two main frequent models:**
- centralised PRO vs. competing PROs
- non-profit, producer owned vs. profit, privately owned

**When competition exist, often one PRO with a dominant market share (>50%)**

**No clear evidence of different performance between competing or centralised organisations**
### Competition among Producer Responsibility Organisations (PRO)

<table>
<thead>
<tr>
<th>Main system</th>
<th>No competition</th>
<th>Centralised organisation</th>
<th>Several PROs, not competing</th>
<th>Competition</th>
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<td>BE</td>
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<td>Several PROs, not competing</td>
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<td>AT (7)³</td>
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EPR and competition in the waste treatment industry

A concentrated market structure, giving PROs an important power over the waste management market

- When PROs have an organisational role, they contract with waste management operators for collection and treatment -> concentration of demand
- In some MS, PROs themselves act as waste management operators (or waste management operators act as PROs)

A concentrated market structure, giving PROs an important power over the waste management market

- Selection of waste management operators through open tenders, in compliance with public procurement rules
- Organised dialogue between stakeholders, in particular between PROs and waste management operators
- Minimal requirements in terms of the tenders’ contract duration or geographical scope
- Clearing house
Guiding principle #5: Notwithstanding the way competition takes place, a clear and stable framework is necessary in order to ensure fair competition, with sufficient surveillance and equal rules for all, supported by enforcement measures.

In case competition exists or arises among several PROs, actors should be enabled to compete fairly, within a clear and stable framework, thorough surveillance and equal rules for all. In case of single producer responsibility organisation, it is essential to ensure strong public surveillance so that the PRO does not take advantage of its dominant position and competition is ensured at the operational levels of waste management.

A number of recommendations emerge from this analysis:

• Operators should be systematically selected through transparent public calls for tenders
• EPR systems should provide fair competition conditions, including for operators belonging to the social economy
• **Ensure equal treatment to all concerned producers and notably same price (fees) conditions**
• When PROs expand beyond their role as facilitators and become collection or treatment operators or vice-versa, ensure strict separation of these activities.
• Public authorities should closely monitor PROs and the EPR system as a whole even when there is competition,
Transparency and surveillance

Need for increased transparency and harmonisation on EPR performance indicators

- Economic data: fees, costs
- Technical data: recycling, recovery rates

Monitor performance and allow strategic decision-making

Need for reinforced surveillance at the treatment stage, to ensure traceability and the environmental quality of treatment operations

Need for a clear guidance on the role of PRO, and public control over their activities, e.g.:

- Regulation
- Recognition procedure defining obligations, targets and sanctions
- Frequent and random audits
- Enforcement mechanisms
Guiding principle #6: Further transparency should be required on the performances and costs of EPR schemes

Legislation should require all EPR systems/PROs to publish:
• Their fees;
• The amount of products placed on the market by their members;
• The amount of waste collected and treated (reused, recycled, recovered [including energy recovery] and disposed of), so that the final destination of all collected waste is identified.

Similarly, municipalities that have an operational role should publish their costs in order to make all waste management costs transparent.
Guiding principle #7: Key definitions and reporting modalities should be harmonised at European level

Standards for the following should be precisely defined and harmonised at the EU level:

- Key definitions:
  - Treatment operations—recycling, recovery (based on the Waste Framework Directive);
  - Products and waste categories—household, municipal, industrial, commercial, professional, post-consumer, etc.
- Reporting modalities, including:
  - Scope,
  - Data collection methods,
  - Calculation modes,
  - Validation methods,
  - Frequency of updates.

Public authorities should perform a more thorough quality check on provided data in order to facilitate performance benchmarking, sharing of best practices, and continuous improvement of EPR schemes. The European Commission could develop and propose a set of common definitions and reporting modalities, to be applied by Member States once they are available.
Guiding principle #8: Member States and obligated industry should be co-responsible for the monitoring and surveillance of EPR schemes, and should ensure that adequate means for enforcement are in place.

Monitoring and surveillance should be initially ensured by public authorities, with powerful means of investigation and enforcement.

Public authorities should endow relevant administrations with sufficient staff and material means necessary to fulfil effective monitoring, enforcement, and to define proportionate sanctions.

To complement this, some responsibility for PROs is also required in order to ensure complete transparency on data management methods and results, and to assist national authorities in their surveillance (e.g. monitoring of exported materials).
Contacts

Véronique Monier  
Partner  
Circular Economy and Waste Management  

vmonier@bio.deloitte.fr

Mathieu Hestin  
Director  
Circular Economy and Waste Management  
mhestin@bio.deloitte.fr

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