

Japan Machinery Center for Trade and Investment

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5th June 2008

European Commission
DG Environment, Unit G4
BU5 – 5/121
Review of Directive 2002/96/EC(WEEE)
B-1049, Brussels, Belgium

Dear Madam / Sir,

Japan Machinery Center for Trade and Investment is a nonprofit organization established in 1952 in accordance with the Export and Import Transaction Law. It comprises about 300 major and medium-ranked companies engaged in exporting or investing in a broad range of machinery including manufacturers of electrical and electronic equipment, trading firms and engineering companies.

Our committees handle environmental issues over products for trade and are strongly concerned with environment-related regulations on products in Europe and other countries. From this standpoint, we would like to comment regarding the Stakeholder Consultation on the Review of Directive 2002/96/EC.

We would like to express our thanks for the transparency of the Review of the WEEE Directive and are delighted to have this opportunity to submit our comments on the Review.

If you have any questions, please feel free to contact our secretariat (Mr. Hideaki Fukasawa, E-mail : fukasawa@jmcti.or.jp).

Sincerely yours,

Takao Sato
Chairman
Committee on Trade and Environment

Ryozo Sato
Chairman
Committee on Environment Laws

Japan Machinery Center for Trade and Investment

JMCTI Comments

regarding the Stakeholder Consultation on the Review of Directive 2002/96/EC

5th June, 2008

General Comments

We understand that the WEEE Directive needs to be reviewed to promote its efficient and effective operation as stated in the objectives of the Consultation Document. We request the review be conducted based on the most recent reality of circumstances in order to enable producers also to respond in a practical manner.

1. Targets

The WEEE Directive requires producers including product manufacturers to recycle and recover components and materials.

The levels of recycling and recovery of components and materials should be determined based on the performance that each Member State has shown so far. Stakeholders should be allowed, therefore, to access relevant data concerning reuse, recycling and recovery and to participate in discussions for setting new targets in order to ensure agreement on final targets among many stakeholders.

We recognize that whole appliances are not being reused by manufacturers except in certain cases for reasons of quality, safety standards, energy efficiency and others. We consider it unnecessary, therefore, to set a new target of the reuse for them.

2. The Scope of the Directive

We are opposed to the option of extending the scope to spare parts and components. Spare parts and components are used inside equipment. Since equipment is covered by the directive and measures are taken accordingly, we consider that the intended purpose of the directive is fully served. It is even considered meaningless to place WEEE symbol marks on those spare parts and components.

We are also opposed to the option of classifying equipment as being WEEE from private households (B2C) or WEEE from users other than private households (B2B). Such categorization will not work in practice in light of the fact that some products are in dual use as B2C and B2B.

3. The Operation of the Producer Responsibility Provisions

We are in favor of the option of interpreting and implementing the directive by placing the legal basis for the provisions related to scope, definitions and product requirements in Article 95 of the EC Treaty and that for the provisions related to targets and operation of treatment in Article 175, since we consider this reasonable.

As for the option of setting targets for reusability, recyclability and recoverability of equipment, on the other hand, we consider it important to clarify the concept of recyclability targets in the first place. Recyclability targets should be left to the judgment of manufacturers engaged in designing products. As for reusability and recoverability targets, it is difficult not only to define and implement, but also to verify them.

4. Treatment Requirements

We request that practically feasible and verifiable requirements be considered based on the way in which collection schemes are implemented in the Member States and the current situations of recycling facilities.

Since actual treatment processes and levels are determined by the financial and technological capabilities of individual recyclers, introducing and implementing unified treatment requirements could hamper a fair competition among those recyclers.

The option of including the applications exempted under the RoHS Directive in Annex II.1 of the WEEE Directive should not be adopted, since practical implementation would become extremely difficult.