

The Circles Get Wider: A Look at What's on the Horizon for EU Legislation

Since the Waste Electronic and Electrical Equipment (WEEE) Directive was made into law with Article 4 in place (thanks to the perseverance and dedication of industry champion Chris Davies, MEP), there has been much discussion and many questions raised about the far-reaching impact of this legislation.

There appear to be member states of the European Union (EU) that want to exclude the provisions of Article 4, which, as we all know, aims to discourage the use of anti-recycling devices such as the so-called “clever chips.” Any exclusion would mean a serious violation of EU law and a disregard for the fierce and lengthy political debate that took place between Council, European Parliament and Commission to get the article text agreed upon.

With the formation of the European Toner and Inkjet Remanufacturing Association (ETIRA) in early February, the European remanufacturing industry in Europe has been given a single, centralized voice with which to address and act

on any issues that are seen as a threat. It is not possible to take on the printer industry head on, but by retaining Bernard Deltour and Bruno Vandermeulen to inform us of EU competition legislation and intellectual property litigations, and Vincent van Dijk to continue our public relations and lobbying strategies, we have the best chance to influence policy making at the source, and ensure that our industry's interests will



Laura Heywood, secretary of UKCRA, and Chris Davies, Member of European Parliament, look at a chip in a cartridge. Both Heywood and Davies played major roles in getting remanufacturing industry interests included in the WEEE Directive.

always be considered.

Those policies then have to be implemented on a local level, with the right structure in place. This new association should allow members to act much more effectively when dealing on a national or regional basis.

UKCRA fully supports and endorses ETIRA and is happy to be a part of this new combined European voice, but UKCRA will also continue to be a force in the UK, addressing issues independently and with ETIRA, and working with UK government agencies in promoting remanufacturing.

Many issues are currently being addressed on a political level as well as an environmental level. Concerned that there may be clarification sought on many levels regarding the question of toner and inkjet cartridges, and in full support of reuse over recycling, the Department for Environment, Food and Rural Affairs (DEFRA) will closely monitor the implementation of the WEEE Directive and any attempt to compromise

the spirit of the directive.

There have been positive signs of support from UK Environment Minister Michael Meacher. In a letter to a UKCRA member, Meacher said, “DEFRA works closely with the DTI (Department of Trade and Industry), and you can be sure that whichever department does eventually take the lead, reuse of WEEE will be prioritized.”

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It is also certain that challenges will be created by new technology and the new environmental laws that will be implemented in the coming months and years throughout Europe. The recent announcement by the EU that it will be introducing a draft framework directive on the eco-design of "End-Use Equipment" (EuE Directive) indicates a widening of the scope of what was originally going to be the Electronic and Electrical Equipment (EEE) Directive.

Confusion will be created by the fact that many will still identify it as EEE because of what it encompasses (also electronic and electrical equipment). The EuE Framework Directive would affect manufacturers of products "dependent on energy input ... and equipment for the generation, transfer and measurement of such energy." Manufacturers would be required to assess the life cycles of their products, focusing on six phases, beginning with purchasing raw materials and concluding with end of life.

Once this draft directive is adopted, more detailed "daughter" directives containing performance targets for specified product groups will be introduced. The IPP (Integrated Product Policy) will fall under the EuE Framework Directive.

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This means not just looking at what is the environmental burden of a product once it is discarded, but looking at its full life cycle, from the design phase through its life, and then finally how it is discarded.

The environmental impact of each phase must also be examined (energy used, raw material, distribution, etc.). This is where it becomes a very complicated exercise, but



The March meeting of UKCRA.

one that ensures common-sense and whole-earth choices will win out over "recycling."

Other issues such as intellectual property (clever chips), trademarks and patent issues will continue to be relevant, as has been demonstrated with the Lexmark/Static Control litigation. Challenging the use clever chips with a law that was intended to prevent theft of digital movies, music and software (the Digital Millennium Copyright Act) is a serious threat to

every industry — not just the remanufacturing industry. Already, some auto parts have embedded chips installed. In the future, a car manufacturer could specify only a certain headlight to be used or the car would not run. Chip technology is here to stay with increasingly complex technology and sophistication. It will affect every remanufacturer, not only in Europe but throughout the world.

Industry members (remanufacturers, resellers, component manufacturers, brokers, toner manufacturers, etc.) must lobby their national government agencies in charge of implementing these directives to make sure they are not "watered down."

Like the circles set in motion by a pebble dropping in a pond, they begin small and then get wider and wider; and like the circles, we are now in motion — propelled in one direction, moving forward for the first time as one force.

The new ETIRA has given our industry the form and direction we have needed in an ever-changing world of new technology. But the momentum to keep the circles moving must come from all of us.

It is each individual's right to choose what product he wishes to use in his printer and to take advantage of the best environmental option. This should never be compromised by manufacturers whose primary interest is profit. ☐

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