

Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 19/01/2012 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council's position in first reading with a view to the adoption of a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE.)

Parliament adopted its position on second reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between Parliament and Council. They amend the Council position as follows:

Purpose: it is clarified that the Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment (WEEE) and by reducing overall impacts of resource use and improving the efficiency of such use **in accordance with Articles 1 and 4 of Directive 2008/98/EC, thereby contributing to sustainable development.**

Scope: the Directive shall apply to all EEE six years after the date of entry into force of the Directive. All EEE shall be classified within the categories set out in Annex III. Annex IV contains a non-exhaustive list of EEE which falls within the categories set out in Annex III (open scope). The Directive **shall not apply large-scale fixed installations, except any equipment which is not specifically designed and installed as part of these installations.** This applies, for example, to lighting equipment and photovoltaic panels.

3 years after **the Commission shall review the scope of this Directive**, including the parameters to distinguish between large and small equipment in Annex III, and shall present a report thereon to the European Parliament and to the Council. The report shall be accompanied by a legislative proposal, if appropriate.

Product design: Member States shall take appropriate measures so that **the eco-design requirements facilitating re-use and treatment of WEEE** established in the framework of Directive 2009/125/EC are applied.

Separate collection: Member States shall adopt appropriate measures to minimise the disposal of WEEE in the form of unsorted municipal waste, to ensure the correct treatment of all collected WEEE and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, photovoltaic modules and for small equipment as referred to in category 5 of Annex III .

For WEEE from private households: Member States shall ensure that distributors provide for the collection, **at retail shops with sales areas relating to EEE of minimum 400 m², or in their immediate proximity, of very small WEEE (no external dimension more than 25 cm)** free of charge to end-users and with no obligation to buy an EEE of equivalent type, unless an assessment shows that alternative existing collection schemes are likely to be at least as effective. Such assessments shall be available to the public. WEEE collected will be properly treated.

Disposal and transport of collected WEEE: in order to maximise preparing for re-use, Member States shall promote that, prior to any further transfer, collection schemes or facilities, as appropriate, provide for the separation at the collection points of WEEE that is to be prepared for re-use from other separately collected WEEE, in particular by granting access for personnel from re-use centres .

Collection rate: each Member State shall ensure the implementation of the **producer responsibility principle** and, on that basis, that a minimum collection rate is achieved annually. The **minimum collection rate shall be of 45 %** calculated on the basis of the total weight of WEEE collected in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State. Member States shall ensure that the volume of WEEE collected evolves gradually during the period up to 7 years after entry into force of the Directive, unless the final collection rate is already achieved.

From 2019 the minimum collection rate to be achieved annually shall be 65% of EEE placed on the market in the three preceding years, or alternatively **85% of WEEE** generated on its territory.

Four years after entry into force of the Directive, a rate of separate collection of at least **four kilograms** on average per inhabitant per year of WEEE from private households or the same amount of average weight of WEEE that was collected in that Member State in the three preceding years, whichever is greater, shall continue to apply. Member States may set more ambitious separate collection rates and shall in such a case report this to the Commission.

In order to establish whether the minimum collection rate has been achieved, Member States shall ensure that information concerning the WEEE that is separately collected is transmitted to the Member States free of charge including at least information on WEEE that has been: (i) received by collection and treatment facilities, and (ii) received by distributors, separately collected by producers or third parties acting on their behalf.

Ten Member States: Bulgaria, the Czech Republic, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovakia and Slovenia may, because of their lack of the necessary infrastructure and their low level of EEE consumption, decide to: achieve a collection rate that is lower than 45 % but higher than 40 % of the average weight of EEE placed on the market in the three preceding years, and postpone the achievement of the final collection rate until a date of their own choice which shall **not be later 9 years after entry into force of the Directive**.

3 years after entry into force of the Directive, the Commission shall establish a **common methodology for the calculation of the total weight of EEE** placed on the national market and a common methodology for the calculation of the quantity of WEEE generated by weight in each Member State. At the same time, it shall present a **report on the re-examination of the deadlines related to the collection** and on possibly setting individual collection rates for one or more categories set out in Annex III, particularly for temperature exchange equipment, photovoltaic panels, small equipment, including small IT and telecommunication equipment and for lamps containing mercury. The report shall, if appropriate, be accompanied by a legislative proposal.

If the Commission considers, based on an impact study, that the collection rate based on WEEE generated requires revision, it shall submit a legislative proposal to the European Parliament and the Council.

Proper treatment: the Commission is invited to evaluate whether amendments to Annex VII are necessary to address **nanomaterials** contained in EEE.

The Commission shall, not later than 6 months after entry into force of the Directive, request the European standardisation organisations to **develop European standards** for the treatment, including recovery,

recycling and preparing for re-use, of WEEE. These standards shall reflect the state of art. In order to ensure uniform conditions for the implementation of this provision, the Commission may, by means of implementing acts, adopt **minimum quality standards** based in particular on the standards developed by the European standardisation organisations.

Shipments of WEEE: the amended text states that the treatment operation may also be undertaken **outside the respective Member State or the Union** provided that the shipment of WEEE is in compliance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/ to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply.

Recovery targets: Member States shall also ensure that records on the weight of products and materials when leaving (output) the recovery or recycling/preparing for re-use facility are kept.

Financing in respect of WEEE from private households: Member States shall take the necessary measures to ensure that appropriate mechanisms or refund procedures are developed for the **reimbursement of contributions to the producers** where EEE is transferred for placing on the market outside the territory of the Member State concerned. Such procedures may be developed by producers or third parties acting on their behalf.

3 years after entry into force of the Directive the Commission is invited to report on the possibility to develop criteria to incorporate the real end-of-life costs in the financing of WEEE by producers, and submit a legislative proposal to the European Parliament and the Council if appropriate.

Information for users: Member States shall ensure that users of EEE in private households are given the necessary information about: the return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the producers or other operators which have set them up.

Member States may require that some or all of the information shall be provided by producers and/or distributors, e.g. in the instructions for use, at the point of sale and through **public awareness campaigns**.

Information for treatment facilities: producers must provide information, free of charge, about preparation for re-use and treatment in respect of each type of new EEE placed, for the first time on the EU market within one year after the equipment is placed on the market.

Registration, information and reporting: in order to fulfil the obligations pursuant to the Directive in a given Member State, **a producer must be established in that Member State**. By exception, to reduce existing barriers to the proper functioning of the internal market and administrative burdens, Member States should allow producers that are not established on their territory, but that are established in another Member State, to **appoint an authorised representative** to be responsible for fulfilling the obligations of that producer under this Directive. In addition, administrative burdens will be reduced by **simplifying registration and reporting procedures** and by ensuring that duplicate charges are not levied for registrations within individual Member States.

Administrative cooperation and exchange of information: Member States shall ensure that authorities responsible for implementing this Directive cooperate with each other, in particular to establish an adequate flow of information to ensure that producers comply with the provisions of this Directive. The administrative cooperation and exchange of information, notably between national registers, shall include electronic means of communication. Cooperation shall include, inter alia, access to the relevant documents and information including results of any inspections, subject to the provisions of the data protection law enforced in the Member State of the authority that is being requested to cooperate.

Inspections: these shall at least cover: information reported in the framework of the register of producers; and shipments, in particular exports of WEEE outside the Union in compliance with Regulation (EC) No 1013/2006, and Commission Regulation (EC) No 1418/2007 and the operations at treatment facilities in accordance with Directive 2008/98/EC and Annex VII of this Directive.

Delegated acts and implementing acts: a Statement of the European Parliament concerning the use of implementing acts is annexed to the resolution. In it, the European Parliament declares that the provisions of this Directive regarding delegated and implementing acts are the result of a delicate compromise, which in some cases departs from Parliament's position in first reading. In order to achieve a second reading agreement, the European Parliament has therefore accepted implementing acts instead of delegated acts in certain specific cases. It underlines, however, that those provisions shall not be taken or used as a precedent for regulating similar situations in future legislative acts.