

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2000/0159(COD) Procedure completed
Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS Amended by 2006/0303(COD) Repealed by 2008/0240(COD) Subject 3.40.06 Electronics, electrotechnical industries, ICT, robotics 3.70.12 Waste management, domestic waste, packaging, light industrial waste 4.60.04.02 Consumer security	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		26/06/2002
		PPE-DE FLORENZ Karl-Heinz	
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy		19/06/2000
		PPE-DE FLORENZ Karl-Heinz	
	ENVI Environment, Public Health, Consumer Policy		19/06/2000
		PPE-DE FLORENZ Karl-Heinz	
	Former committee for opinion		
	ITRE Industry, External Trade, Research, Energy		13/09/2000
		V/ALE AHERN Nuala	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2476	16/12/2002
	Economic and Financial Affairs ECOFIN	2393	04/12/2001
	Environment	2355	07/06/2001
	Environment	2321	18/12/2000
	Environment	2295	10/10/2000
European Commission	Commission DG	Commissioner	
	Environment		

Key events			
13/06/2000	Legislative proposal published	COM(2000)0347	Summary

08/09/2000	Committee referral announced in Parliament, 1st reading		
10/10/2000	Debate in Council	2295	
18/12/2000	Debate in Council	2321	
24/04/2001	Vote in committee, 1st reading		Summary
24/04/2001	Committee report tabled for plenary, 1st reading	A5-0146/2001	
15/05/2001	Debate in Parliament		
15/05/2001	Decision by Parliament, 1st reading	T5-0245/2001	Summary
06/06/2001	Modified legislative proposal published	COM(2001)0316	Summary
04/12/2001	Council position published	11356/1/2001	Summary
13/12/2001	Committee referral announced in Parliament, 2nd reading		
21/03/2002	Vote in committee, 2nd reading		Summary
21/03/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0097/2002	
09/04/2002	Debate in Parliament		
10/04/2002	Decision by Parliament, 2nd reading	T5-0161/2002	Summary
02/08/2002	Parliament's amendments rejected by Council		
12/09/2002	Formal meeting of Conciliation Committee		
10/10/2002	Final decision by Conciliation Committee		Summary
10/10/2002	Report tabled for plenary, 3rd reading	A5-0438/2002	
08/11/2002	Joint text approved by Conciliation Committee co-chairs	3662/2002	
16/12/2002	Decision by Council, 3rd reading		
18/12/2002	Decision by Parliament, 3rd reading	T5-0621/2002	Summary
27/01/2003	Final act signed		
27/01/2003	End of procedure in Parliament		
13/02/2003	Final act published in Official Journal		

Technical information

Procedure reference	2000/0159(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2006/0303(COD)
	Repealed by 2008/0240(COD)

Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal	COM(2000)0347	13/06/2000	EC	Summary
Economic and Social Committee: opinion, report	CES1433/2000 OJ C 116 20.04.2001, p. 0038	29/11/2000	ESC	
Committee of the Regions: opinion	CDR0269/2000 OJ C 148 18.05.2001, p. 0001	14/02/2001	CofR	
Committee report tabled for plenary, 1st reading/single reading	A5-0146/2001	24/04/2001	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0245/2001 OJ C 034 07.02.2002, p. 0024-0109 E	15/05/2001	EP	Summary
Modified legislative proposal	COM(2001)0316 OJ C 240 28.08.2001, p. 0303 E	06/06/2001	EC	Summary
Council position	11356/1/2001 OJ C 090 16.04.2002, p. 0012 E	04/12/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)2023	12/12/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0097/2002	21/03/2002	EP	
Text adopted by Parliament, 2nd reading	T5-0161/2002 OJ C 127 29.05.2003, p. 0161-0510 E	10/04/2002	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0354	27/06/2002	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0438/2002	10/10/2002	EP	
Joint text approved by Conciliation Committee co-chairs	3662/2002	08/11/2002	CSL/EP	
Text adopted by Parliament, 3rd reading	T5-0621/2002 OJ C 031 05.02.2004, p. 0161-0179 E	18/12/2002	EP	Summary

Additional information

European Commission	EUR-Lex
---------------------	-------------------------

Final act

Directive 2002/95 OJ L 037 13.02.2003, p. 0019-0023 Summary
--

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

PURPOSE : to approximate the laws of the Member States on the restrictions of the use of hazardous substances in electrical equipment and to contribute to the environmentally sound recovery and disposal of waste electrical and electronic equipment. CONTENT : the proposed

Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment will contribute to the same objectives by ensuring that substances causing major problems during the waste management phase, such as lead, mercury, cadmium, hexavalent chromium and certain brominated flame retardants are substituted. The disparities between the laws or administrative measures adopted by the Member States as regards the restriction of the use of hazardous substances in electrical and electronic equipment could create barriers to trade and distort competition in the Community and may thereby have a direct impact on the establishment and functioning of the Internal Market. It therefore appears necessary to approximate the laws of the Member States in this field. The main objectives and principles of the Community's environmental policy are, in particular, to prevent, reduce and as far as possible eliminate pollution. The proposal follows the principles of existing Community waste legislation, which already included restrictions on the marketing of hazardous substances. Furthermore, Member States shall ensure that with effect from 1 January 2008 the use of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ether (PBDE) in electrical equipment is substituted by other substances. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The committee adopted the report by Karl-Heinz FLORENZ (EPP-ED, D) proposing a large number of amendments to the proposal under the codecision procedure (1st reading). The amendments focused on the following points: Purpose: the committee emphasised that the aim of the directive must be to minimise the risks and the impact on the environment and human health of the production, use, treatment and disposal of WEEE. Scope: as some categories of lighting equipment would not now be covered by the WEEE directive following amendments made by the committee (see Factsheet for procedure COD000158), they should be added to this proposal instead; Timeframe: the committee wanted the ban on dangerous substances to come into force not in 2008 but in 2006. It also said the list of substances should be extended in the light of scientific and technical progress; Review: the committee wanted particular efforts to be made before the review provided for in 2003 to substitute HFCs and other halogenated flame retardants; Penalties: the committee wanted penalties to be imposed if the provisions of the directive were breached; Exemptions: the committee deleted some of the exemptions proposed by the Commission (mercury in laboratory equipment, lead as radiation protection, cadmium oxide on photocells and Cd, Hg and Pb in cathode lamps) and added a number of new exemptions (lead in high melting temperature solders, lead in glass in electronic components and lead in piezo-electric components).?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The European Parliament adopted the report by Mr Karl-Heinz FLORENZ (EPP/ED, D). (Please refer to the previous text).?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

A substantial number of amendments were accepted by the Commission in full or in part, including the following: - the starting date of phase-out is changed to 2006. - the scope of the directive adding light bulbs, household luminaires and compact fluorescent lamps. - the amendments on the phase-out of hazardous substances subject to re-wording. - the amendments to the Annex, subject to re-wording. Several were not accepted, particularly the following: - the reference to workers' protection falls outside the scope of this directive. - the scope is limited to PBB and PBDE and these terms cannot be replaced by "brominated flame retardants". - the requirement for the Commission to take into account technical data by 2003 cannot be accepted, but the Commission will take into account all relevant information.?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

To recall, the Commission accepted 15 of the 23 amendments proposed by the European Parliament in its first reading, either totally or partially. After the European Parliament first reading, the Council adopted this common position. 10 of the 23 amendments proposed by the European Parliament have been incorporated in the common position either in full or in part of principle. Overall the Common position is in line with the original proposal of the Commission, since the general structure as well as the main provisions of the proposal have been approved by the Council. The Council's common position has added a series of amendments to the proposal either to clarify, strengthen or render its requirements more practicable. On the other hand, the Council did not accept the following amendments which refer to: - the need to ensure the availability of spare parts; - the adaptation of Article 4 to the addition of substances; - the requirement to inform the European Parliament as regards decisions taken pursuant to Article 5; - the introduction of the issue of risk analysis in Article 4; - the addition of brominated flame retardants. Moreover, the main changes adopted by the Council in addition to those resulting from Parliament amendments concern: - in Article 3, the definition now includes distant communication selling; - Article 4 includes the term "at the latest" after "1 January 2007"; - Article 5 (1)(c) requires a revision every four years of the annex in order to delete as appropriate materials and components from this annex; - Article 6 first paragraph on the review now reads "within 2 years after the entry into force " instead of "by 31 December 2003 at the latest". A second paragraph has been added in Article 6 requiring the Commission to present proposals for inclusion in the scope of this Directive of equipment which falls under categories 8 and 9 of the WEEE Directive. A third paragraph requires the Commission to study the need to adapt the list of prohibited substances on the basis of scientific evidence and taking precautionary principle into account. With regard to the annex, the Council has clarified the list regarding mercury in straight fluorescent lamps. Concerning lead, it has deleted the mention of light bulbs and clarified the entries for lead in solder. Moreover, the Council requires the Commission under the Committee procedure to evaluate the applications of a series of hazardous substances as a matter of priority in order to establish whether these items are to be amended accordingly.?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The European Commission welcomes the adoption of the common position and notes that this is overall in line with the original Commission proposal. However, the formulation "by 1 January 2007 at the latest" used in Article 4 could create a transnational fragmentation of the internal market in case Member States would bring forward the ban of the targeted substances at different dates. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The committee unanimously adopted the report by Mr Karl-Heinz FLORENZ (EPP-ED, D) amending the Council's common position under the codecision procedure (2nd reading). It reinstated a number of amendments adopted by Parliament at 1st reading, sometimes in modified form, and also tabled several new amendments. In particular, the committee reiterated Parliament's call for the date for phasing out certain substances to be brought forward to 1 January 2006, rather than 2007 as originally proposed. It also spelt out that Member States could keep existing bans or introduce prohibitions of such substances prior to that date. Other reinstated amendments stipulated that the directive should not apply to spare parts placed on the market before the ban entered into force and, in the interests of consumer safety, provided for exemptions for materials and components where safer alternatives were not available. The committee also wanted to solve the contradiction between the RoHS directive and the WEEE directive with regard to re-use of WEEE (which was one of the priorities of the WEEE directive). It therefore adopted an amendment specifying that the RoHS directive should not apply to the re-use of electrical and electronic equipment or its components put on the market before the entry into force of the ban on hazardous substances. Lastly, the committee wanted it to be explicitly stated in the proposal that any further prohibitions or adaptations should be dealt with by codecision and not by committee. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The European Parliament adopted the report by Mr Karl-Heinz FLORENZ (EPP-ED, D) which approves the Council's common position. However, this text was adopted subject to amendments. (Please refer to the text dated 21/03/02). It should be noted that the Parliament emphasises the fact that particular attention should be paid during the review to the impact of the environment and on human health of other hazardous substances and materials used in electrical and electronic equipment. The Commission shall examine the feasibility of substituting such substances and materials and shall come forward with proposals to the European Parliament and to the Council. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

Of the 9 amendments that were adopted by the European Parliament, 8 were accepted by the Commission in full. These include the following: -A new recital on spare parts for re-use and refurbishment; -Adaptation of the directive should take into account all scientific evidence; -The exclusion of re-used equipment and components from the scope of the directive; -Clarification that a reseller should not be regarded as the producer if the name of the producer appears on the equipment; -fixing the phase-out date for lead, mercury, cadmium, hexavalent chromium, PBBs and PBDEs to 01/01/06; -Exclusion of repaired equipment and spare parts from the application of the substance bans; -Possible design changes must be taken into account in the further evaluation of the annex -The list of substances covered by the directive should be reviewed with particular attention to the impact on the environment and on human health of other hazardous substances and materials. On the question of Member States introducing prohibitions prior to 01/01/06, the Commission feels that it is important to clarify that a decision can only be made on the basis of a Commission proposal and in accordance with the principles set out in the Chemicals Strategy, and has proposed wording to this effect. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The Conciliation Committee reached an agreement on the RoHS directive to the effect that, from 1 July 2006, the use of substances such as lead, cadmium, mercury and hexavalent chromium in electrical equipment will be banned. However, a series of exemptions from this general ban on substances is laid down in an annex to the directive. ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS

The European Parliament adopted a resolution approving the joint text by the Conciliation Committee. (Please refer to the document dated 08/11/02). ?

Environment and health: electrical and electronic equipments WEEE, restriction of hazardous

substances RoHS

PURPOSE : to approximate the laws of the Member States on the restrictions of the use of hazardous substances in electrical and electronic equipment and to contribute to the protection of human health and the environmental sound recovery and disposal of waste electrical and electronic equipment. **COMMUNITY MEASURE** : Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment. **CONTENT** : the Council adopted the Directive of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (so-called RoHS Directive). The Directive aims to protect the soil, water and air against pollution through the restriction of the use of certain substances, such as lead, mercury, cadmium, hexavalent chromium and certain brominated flame retardants (e.g. polybrominated biphenyls or polybrominated diphenyl ethers) in that type of equipment. It lays down provisions to ensure that from 1 July 2006 new electrical and electronic equipment put on the market does not contain any of the substances mentioned above. Certain exemptions apply, inter alia, to the use of mercury in compact and straight fluorescent lamps, as well as to the use of lead in different types of solders and as an alloying element. It provides for the prohibition of other hazardous substances and for their replacement by more environmentally friendly alternatives as soon as new scientific evidence is available, on the basis of a new proposal from the Commission. Before the 13 February 2005, the Commission shall review the measures provided for in this Directive to take into account, as necessary new scientific evidence. In particular the Commission shall by that date, present proposals for including in the scope of the Directive equipment which falls under categories 8 and 9 set out in Annex IA to Directive 2002/96/EC (refer to COD/2000/0158). Concerning the penalties, Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive. **TRANSPOSITION** : 13 August 2004. **ENTRY INTO FORCE** : 13 February 2003.?