

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 2006/0303(COD)
Hazardous substances in electrical and electronic equipment: Commission implementing powers Amending Directive 2002/95/EC 2000/0159(COD)	
Subject 3.40.06 Electronics, electrotechnical industries, ICT, robotics 3.70.12 Waste management, domestic waste, packaging, light industrial waste	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	PPE-DE FLORENZ Karl-Heinz	27/02/2007
Council of the European Union	Council configuration	Meeting	Date
	Environment	2856	03/03/2008
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
22/12/2006	Legislative proposal published	COM(2006)0915	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
08/05/2007	Vote in committee, 1st reading		Summary
15/05/2007	Committee report tabled for plenary, 1st reading	A6-0187/2007	
11/07/2007	Results of vote in Parliament		
11/07/2007	Decision by Parliament, 1st reading	T6-0334/2007	Summary
03/03/2008	Act adopted by Council after Parliament's 1st reading		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		
20/03/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2006/0303(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2002/95/EC 2000/0159(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/44478

Documentation gateway					
Legislative proposal		COM(2006)0915	22/12/2006	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0187/2007	15/05/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0334/2007	11/07/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)4170	29/08/2007	EC	
Draft final act		03650/2007/LEX	11/03/2008	CSL	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2008/35 OJ L 081 20.03.2008, p. 0067 Summary

Hazardous substances in electrical and electronic equipment: Commission implementing powers

PURPOSE: to amend Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

Hazardous substances in electrical and electronic equipment: Commission implementing powers

The Committee on the Environment, Public Health and Food Safety adopted, unanimously, the report drafted by Karl-Heinz FLORENZ (EPP-ED, DE) amending - at first reading of the codecision procedure - Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, as regards the implementing powers conferred to the Commission.

This new comitology procedure shall apply to certain aspects of the Directive. The committee judged it necessary to adopt one amendment which aims to clarify the scope of the regulatory procedure with scrutiny. The references to this procedure should be clear and include the standard time limits.

Hazardous substances in electrical and electronic equipment: Commission implementing powers

The European Parliament adopted, subject to amendments, the report drafted by Karl-Heinz FLORENZ (EPP-ED, DE) amending Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, as regards the implementing powers conferred to the Commission.

A new series of amendments were approved by the EPP-ED, PES, ADLE, Greens/ALE, GUE/NGL and UEN political groups which aim to amend the proposed directive.

The amendments are of a technical nature aiming to clarify the proposal and to state that the amendment to this proposal is consistent with the joint declaration from the Parliament, Commission and the Council on Decision 2006/512/EC on the introduction of the regulatory procedure with scrutiny for a series of basic instruments.

Hazardous substances in electrical and electronic equipment: Commission implementing powers

PURPOSE: to amend Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Directive 2008/35/EC of the European Parliament and of the Council amending Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment as regards the implementing powers conferred on the Commission.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology) has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under the co-decision procedure, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument in cases where:

- the draft exceeds the implementing powers provided for in the basic instrument,
- the draft is incompatible with the aim or the content of that instrument,
- it fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of **26 basic instruments** already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The purpose of this Directive, therefore, is to amend Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, by introducing a reference to the new regulatory procedure with scrutiny.

ENTRY INTO FORCE: 21 March 2008.