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Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2023/0025(COD) Procedure completed
Waste electrical and electronic equipment (WEEE) Amending Directive 2012/19 <a href="#">2008/0241(COD)</a>	
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
	 <a href="#">Environment, Public Health and Food Safety</a>	 <a href="#">ZALEWSKA Anna</a>	11/04/2023
		Shadow rapporteur	
		 <a href="#">MELBÄRDE Dace</a>	
		 <a href="#">ENGERER Cyrus</a>	
		 <a href="#">THUN UND HOHENSTEIN Róza</a>	
		 <a href="#">GALLÉE Malte</a>	
	 <a href="#">MATIAS Marisa</a>		
Council of the European Union European Commission	Commission DG <a href="#">Environment</a>	Commissioner SINKEVIČIUS Virginijus	
European Economic and Social Committee European Committee of the Regions			

Key events			
07/02/2023	Legislative proposal published	COM(2023)0063	Summary
13/02/2023	Committee referral announced in Parliament, 1st reading		

24/10/2023	Vote in committee, 1st reading		
27/10/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0311/2023</a>	Summary
09/11/2023	Results of vote in Parliament		
09/11/2023	Decision by Parliament, 1st reading	<a href="#">T9-0392/2023</a>	Summary
09/11/2023	Matter referred back to the committee responsible		
11/01/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE757.124</a> GEDA/A/(2023)006753	
06/02/2024	Decision by Parliament, 1st reading	<a href="#">T9-0059/2024</a>	Summary
04/03/2024	Act adopted by Council after Parliament's 1st reading		
13/03/2024	Final act signed		
19/03/2024	Final act published in Official Journal		

### Technical information

Procedure reference	2023/0025(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2012/19 <a href="#">2008/0241(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/11261

### Documentation gateway

Legislative proposal	COM(2023)0063	07/02/2023	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0995/2023</a>	22/03/2023	ESC	
Committee draft report	<a href="#">PE746.823</a>	13/06/2023	EP	
Amendments tabled in committee	<a href="#">PE752.606</a>	24/07/2023	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0311/2023</a>	27/10/2023	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	<a href="#">T9-0392/2023</a>	09/11/2023	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)006753	29/11/2023	CSL	
Text agreed during interinstitutional negotiations	<a href="#">PE757.124</a>	16/01/2024	EP	

Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0059/2024</a>	06/02/2024	EP	Summary
Draft final act	00083/2023/LEX	13/03/2024	CSL	

<b>Final act</b>
<a href="#">Directive 2024/884</a> OJ OJ L 19.03.2024

## Waste electrical and electronic equipment (WEEE)

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**PURPOSE:** amend Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) following the judgment of the Court of Justice of the European Union in case C-181/20.

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

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** [Directive 2012/19/EU](#) on waste electrical and electronic equipment (WEEE) entered into force on 13 August 2012, replacing Directive 2002/96/EC. Photovoltaic panels, which were not in the scope of Directive 2002/96/EC, were included in the scope of Directive 2012/19/EU from 13 August 2012.

Article 13(1) of Directive 2012/19/EU establishes that producers of electrical and electronic equipment (EEE) are to bear the costs for the collection, treatment, recovery and environmentally sound disposal of waste EEE (WEEE) from users other than private households resulting from products placed on the market after 13 August 2005.

On 25 January 2022, the Court of Justice of the European Union in its judgement in case C-181/20 declared as partially invalid Article 13(1) of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE Directive) by reason of non-justified retroactive effect, insofar as it provides for producers to have to assume the financing of the costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels placed on the market between 13 August 2005 and 13 August 2012.

The main objective of the proposed provisions is to ensure compliance with the Court of Justice of the European Union judgement and thus to clarify the time from when producers of different electrical and electronic equipment both for private households and for users other than private households have to provide for the financing of the management of the waste that occur from their products.

**CONTENT:** the proposal aims to amend Article 12, paragraphs 1, 3 and 4, Article 13(1) and Article 15(2) of the WEEE Directive as a follow-up to the judgement of the Court of Justice of the European Union in case C-181/20.

The proposed amendments aim to:

1) clarify the time from when producers of photovoltaic panels and of electrical and electronic equipment for private households that falls into the scope of the WEEE Directive only from 15 August 2018 (open scope EEE) have to provide for the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from private households. In particular, it clarifies that producers of photovoltaic panels for private households provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE resulting from photovoltaic panels where such photovoltaic panels were placed on the market from 13 August 2012. It also lays down that producers of open scope EEE for private households provide for financing regarding the abovementioned costs for the resulting WEEE where the EEE was placed on the market from 15 August 2018.

2) clarify from when producers of photovoltaic panels and of electrical and electronic equipment for users other than private households that falls into the scope of the WEEE Directive only from 15 August 2018 (open scope EEE) have to provide for the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE.

The proposal clarifies that producers of photovoltaic panels for users other than private households provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE resulting from photovoltaic panels where such photovoltaic panels were placed on the market from 13 August 2012. It also clarifies that producers of open scope EEE for users other than private households shall provide for financing regarding the abovementioned costs for WEEE resulting from such EEE where it was placed on the market from 15 August 2018.

3) update the reference in the WEEE Directive to the European standard EN 50419. Since this standard has been revised in 2022, the proposal is to replace the reference to the 2006 version of the standard with the updated version of 2022.

## Waste electrical and electronic equipment (WEEE)

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The Committee on the Environment, Public Health and Food Safety adopted the report by Anna ZALEWSKA (ECR, PL) on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

As a reminder, the proposal seeks to amend Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) following the judgment of the Court of Justice of the European Union in case C-181/20.

The committee recommended that the European Parliament's first-reading position under the ordinary legislative procedure should amend the Commission's proposal as follows:

- provide more clarity to the changes, where it would be useful, as the matter is not immediately obvious, as well as provide changes to other parts of the existing WEEE directive to ensure consistency and coherence;
- highlight the need to respect the principle of legal certainty and introduce provisions which would ensure the prevention of future instances of unjustified retroactivity, particularly in the anticipating upcoming overall revision of the WEEE directive.

#### Legal certainty

In order to maintain the principle of legal certainty in the future revisions of Directive 2012/19/EU, the report stressed that it is important to pay particular attention to preventing the adoption of any provisions that could potentially have unjustified retroactive effects. It is necessary to give clarity and predictability to EEE producers with regard to the operating conditions that were in effect when their products were placed on the market. That approach helps to avoid the risk of incurring unpredictable costs associated with future WEEE management. Furthermore, such revisions should respect the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC.

The amended text stipulated that no later than 31 December 2026, the Commission should assess the need for a revision of this Directive and, where appropriate, present a legislative proposal in that respect, accompanied by a thorough socio-economic and environmental impact assessment.

In the impact assessment, the Commission should in particular assess the following:

- provisions which specifically ensure that the principle of legal certainty is adhered to and that there is no provision that could entail unjustified retroactive effect in any Member State;
- provisions to ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC;
- provisions to ensure that citizens and consumers are not burdened with disproportionate costs, in line with the polluter pays principle;
- provisions ensuring full implementation and enforcement of this Directive, in particular with regard to adequate collection targets, as well as preventing illegal trade of WEEE;
- creating a new photovoltaic panels category under this Directive with the aim to disassociate photovoltaic panels from the existing WEEE category 4, large equipment, as referred to in Annexes III and IV, and calculating the collection targets on the basis of waste photovoltaic panels available for collection based on their projected lifetime, rather than on the quantity of products placed on the market;
- establishing a mechanism to ensure that in case of failure or liquidation of the producer, the future costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels from both private households and users other than private households will be covered financially.

#### Financing in respect of WEEE from users other than private households

The proposed amendment clarifies that the provisions relating to the costs of historical WEEE apply specifically to WEEE, as set out in Article 2(1)(a), without including photovoltaic panels. In the case of other historical EEE waste, other than photovoltaic panels, the costs will be financed by users other than private households.

#### Transposition

This should take place no later than 18 months (instead of one year) after the date of entry into force.

## Waste electrical and electronic equipment (WEEE)

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The European Parliament adopted by 595 votes to 2, with 3 abstentions, amendments to the proposal for a directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

The matter was referred back to the relevant committee for interinstitutional negotiations.

As a reminder, the proposal seeks to amend Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) following the judgment of the Court of Justice of the European Union in case C-181/20.

#### Legal certainty

To maintain the principle of legal certainty in the future revisions of Directive 2012/19/EU, Members stressed that it is important to pay particular attention to preventing the adoption of any provisions that could potentially have unjustified retroactive effects. It is necessary to give clarity and predictability to EEE producers with regard to the operating conditions that were in effect when their products were placed on the market. That approach helps to avoid the risk of incurring unpredictable costs associated with future WEEE management. Furthermore, such revisions should respect the waste hierarchy.

#### Guarantee sound treatment of photovoltaic panels

Given that unsound treatment of waste photovoltaic panels and open scope WEEE leads to significant adverse impacts on health and the environment, Members stressed the need ensure the proper treatment of photovoltaic panels and maximising the recovery of waste from photovoltaic panels at the end of their lifetime.

Without prejudice to the changes to the financial obligations necessary to cover collection and treatment of waste photovoltaic panels placed on the market before 13 August 2012 and of waste from all open scope EEE placed on the market before 15 August 2018 introduced by this Directive, Member States should ensure the environmentally sound management of related WEEE.

#### Revision of the scope of the Directive

The amended text stipulated that no later than 31 December 2026, the Commission should assess the need for a revision of this Directive and, where appropriate, present a legislative proposal in that respect, accompanied by a thorough socio-economic and environmental impact assessment.

In the impact assessment, the Commission should in particular assess the following:

- provisions which specifically ensure that the principle of legal certainty is adhered to and that there is no provision that could entail unjustified retroactive effect in any Member State;
- provisions to ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC;
- provisions to ensure that citizens and consumers are not burdened with disproportionate costs, in line with the polluter pays principle;
- provisions ensuring full implementation and enforcement of this Directive, in particular with regard to adequate collection targets, as well as preventing illegal trade of WEEE;
- creating a new photovoltaic panels category under this Directive with the aim to disassociate photovoltaic panels from the existing WEEE category 4, large equipment, as referred to in Annexes III and IV, and calculating the collection targets on the basis of waste photovoltaic panels available for collection based on their projected lifetime, rather than on the quantity of products placed on the market;
- establishing a mechanism to ensure that in case of failure or liquidation of the producer, the future costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels from both private households and users other than private households will be covered financially.

Financing in respect of WEEE from users other than private households

The proposed amendment clarifies that the provisions relating to the costs of historical WEEE apply specifically to WEEE, as set out in Article 2(1)(a), without including photovoltaic panels.

In the case of other historical EEE waste, other than photovoltaic panels, the costs will be financed by users other than private households.

Transposition

This should take place no later than 18 months (instead of one year) after the date of entry into force.

## Waste electrical and electronic equipment (WEEE)

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The European Parliament adopted by 628 votes to 3, with 6 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Principle of legal security

To maintain the principle of legal certainty in future revisions of Directive 2012/19/EU, the amended text stressed that it is important to pay particular attention to preventing the adoption of any provisions that could potentially have unjustified retroactive effects. It is necessary to give clarity and predictability to EEE producers with regard to the operating conditions that were in effect when their products were placed on the market. That approach helps to avoid the risk of incurring unpredictable costs associated with future WEEE management. Furthermore, it is important that such revisions respect the waste hierarchy.

Ensure proper treatment of waste from photovoltaic panels

Given that the unsound treatment of waste from photovoltaic panels and of waste from open-scope EEE leads to significant adverse impacts on health and on the environment, the text stressed the need to ensure proper treatment of waste from photovoltaic panels and to maximise the recovery of waste from photovoltaic panels.

Without prejudice to the changes to the financial obligations that are necessary to cover collection and treatment of waste from photovoltaic panels placed on the market before 13 August 2012 and of waste from all open-scope EEE placed on the market before 15 August 2018 introduced by this Directive, it is important that Member States ensure the environmentally sound management of related WEEE.

Member States could encourage producers, through their individual or collective extended producer responsibility schemes, to properly collect and treat the related historical waste from photovoltaic panels and from open-scope EEE.

Review

The amended text stipulated that no later than 31 December 2026, the Commission should assess the need for a revision of this Directive and, where appropriate, present a legislative proposal in that respect, accompanied by a thorough socio-economic and environmental impact assessment.

In the impact assessment, the Commission should consider, in particular, the need for:

- provisions which specifically ensure that the principle of legal certainty is adhered to and that there is no unjustified retroactive effect in any Member State;
- provisions which ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC;
- provisions which ensure that citizens and consumers are not burdened with disproportionate costs, in line with the polluter pays principle;
- provisions which ensure full implementation and enforcement of this Directive, in particular with regard to adequate collection targets, as well as with regard to preventing illegal trade of WEEE;
- creating a new EEE category for photovoltaic panels under this Directive with the aim to disassociate photovoltaic panels from the existing EEE category 4, large equipment, as referred to in Annexes III and IV, and calculating the collection targets on the basis of waste photovoltaic panels available for collection based on their expected lifetime, rather than on the quantity of products placed on the market;
- establishing a mechanism to ensure that, in the event of failure or liquidation of the producer, the future costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels from both private households and users other than private

households will be covered financially.

#### Funding for WEEE from users other than private households

The text stipulates that for historical waste from EEE other than photovoltaic panels, being replaced by new equivalent products or by new products fulfilling the same function, the financing of the costs should be provided for by producers of those products when supplying them. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for that financing.

For other historical waste from EEE, other than photovoltaic panels, the financing of the costs should be provided for by the users other than private households.

#### Transposition

This should take place at the latest 18 months from the date of entry into force of this Directive.