

Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 03/12/2008 - Legislative proposal

PURPOSE: to revise Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) in the light of the experience of the first years of implementation.

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

BACKGROUND: Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) entered into force on 13 February 2003. Member States were required to transpose the requirements of the Directive by 13 August 2004. The extensive analysis carried out as part of the WEEE review process led to the identification of the following problems related to the application of the WEEE Directive:

- there is lack of clarity on the products covered by the current WEEE Directive and their categorisation, with different interpretations by different Member States and stakeholders;
- currently approximately 65% of electrical and electronic equipment (EEE) placed on the market is collected separately, but less than half of this is treated and reported according to the requirements of the Directive. The remainder potentially leaks out to substandard treatment and is illegally exported to third countries, including non-OECD countries. This leads to losses of valuable secondary raw materials and increases the risk of release of hazardous substances into the environment;
- the current collection rate, 4kg/inhabitant per year of WEEE from private households, ("one size fits all") does not reflect the economies of individual Member States and thus leads to sub-optimal targets for some countries and too ambitious targets for others;
- currently there are no targets for the re-use of whole appliances in the Directive;
- there are no detailed enforcement requirements in the Directive, which results in lack of enforcement in Member States;
- there are diverging producer registration requirements in Member States;
- indications on substandard treatment of WEEE in the EU and illegal export of WEEE outside the EU are highlighted.

The specific objectives of the review of the WEEE Directive are therefore:

- reduced administrative costs through the removal of all unnecessary administrative burdens, without lowering the level of environmental protection;
- improved effectiveness and implementation of the Directive through increased compliance and reduced free-riding;
- reduced impacts on the environment from the collection, treatment and recovery of WEEE at the levels where the greatest net benefit to society results.

The proposed measures are as follows:

Scope: it is proposed to bring Annex IA and IB of Directive 2002/96/EC describing the scope for both the WEEE Directive and the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([RoHS Directive](#)) under the RoHS Directive, which is based on Article 95 of Treaty. The WEEE Directive, based on Article 175 of the EC Treaty, will refer to this scope.

Clarification of definitions: clarification is proposed on the distinction between WEEE from private households (B2C) and non household WEEE (B2B) by classifying the equipment as either B2C or B2B through the comitology procedure. These actions will contribute to better clarification of which products fall under the WEEE Directive and will further clarify the obligations applying to different producers of equipment.

Collection target: a 65% WEEE collection rate (including B2B equipment) is proposed which is set according to the average quantity of EEE placed on the market in the two preceding years. This target reflects the amounts of WEEE which are currently already collected separately in the Member States and takes the variations in EEE consumption in individual Member States into account. Therefore, it will encourage Member States to target an optimal rate of separate WEEE collection. The proposed collection rate should be achieved annually, starting in 2016. There are certain degrees of flexibility: possible transitional measures for Member States and a re-examination of the rate by the European Parliament and the Council in 2012, on the basis of a proposal from the Commission.

Recycling targets: in order to encourage the re-use of whole WEEEs, it is proposed to include the re-use of whole appliances in the increased target (by 5%) for recycling combined with re-use. The recycling target for medical devices (category 8 equipment) is proposed to be set at the same level as that for monitoring and control instruments (category 9 equipment).

Producer registration: in order to reduce the administrative burden, the registration and reporting obligations for producers, which are specified by the different national producer registers, should be harmonised, including making the registers interoperable.

Enforcement: in order to bridge the implementation gap, it is proposed to set minimum inspection requirements for Member States, in order to strengthen the enforcement of the WEEE Directive. Minimum monitoring requirements are proposed for shipments of WEEE.