

Electrical and electronic equipment: restriction of the use of certain hazardous substances. Recast

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The presidency informed the Council regarding **progress in the discussions** on a draft directive on waste electrical and electronic equipment as well as on the proposed directive on the restriction of the use of hazardous substances in electrical and electronic equipment.

On 21 October 2009, the Council held a policy debate on the proposal.

The position of the European Parliament in first reading is not expected before May 2010.

A **Presidency compromise text**, prepared following these discussions, dealt with the following salient issues.

Scope of the Directive:

- **WEEE included in the scope:** the Presidency compromise re-introduces in the Directive two Annexes (IA and IB) related to the scope, as in the WEEE Directive presently enforced. Both Annexes are simplified and the waste categories are reduced from 10 to 5;
- **Exclusions:** the Presidency compromise maintains the exclusions virtually unchanged from the Commission proposal.

Separate collection target: the proposed target for separate collection of WEEE set at 65% (total weight of WEEE collected in a given year expressed as a percentage of the average weight of EEE placed on the market on the three preceding years) to be achieved annually from 2016 is questioned by a great majority of delegations.

Role and definition of producer: at the request of all delegations and following several months of discussions the Presidency decided to re-introduce the current meaning of the definition of producer (at national level) and to further clarify this definition along the lines of the definition of producer agreed in the Batteries Directive.

Financial responsibility and ownership of the waste: following the remarks of several delegations on the practical difficulties raised by the proposal, the Presidency has introduced clarifications on this issue.

Register of producers: the inter-operational registers proposed by the Commission in Article 16 were criticised by all the delegations. The Presidency, as a consequence, presented a compromise text on Article 16 accompanied by a new Article 16a on administrative cooperation and exchange of information.

Definition of producers: several delegations propose to strengthen the definition in order to allow for a better enforcement of the financial obligation for collection and recovery in each Member States.

Recovery targets: pending an agreement on the scope and the Annexes (IA and IB) establishing the product categories, the recovery targets are still subject to scrutiny by many delegations. Four delegations have a reservation on the proposed 5% increase of these targets.

Information for users: four delegations object to the provision allowing producers to show the cost for management of WEEE to purchasers.

All delegations have a **general scrutiny reservation** on the latest Presidency text. Malta has a parliamentary scrutiny reservation.