

# Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 29/07/2011 - Council position

The Council unanimously adopted its position at first reading on the revised provisions of the EU rules on waste electrical and electronic equipment (WEEE) such as mobile phones and home appliances.

The European Parliament adopted 86 amendments to the Commission proposal. 33 are acceptable to the Council, which has included them in its position at first reading (wholly, in part, or in principle).

**Amongst the amendments accepted by the Council**, the following should be noted: (i) the encouragement of eco-design for EEE and the need to develop further eco-design requirements in the framework of Directive 2009/125/EC; (ii) the development of standards for the treatment of WEEE with the inclusion of a reference to the Waste Framework Directive; (iii) as regards Annex II, amendments can be adopted by means of delegated acts although a specific reference to nano-materials is not foreseen; (iv) requirements for shipments, monitoring and inspection of used EEE.

**Substantive changes from the Commission's initial proposal** focus on the following issues:

**Open scope:** the Council proposes that the scope shall in the future, starting six years after entry into force, include all "Large equipment" and "Small equipment". This approach is also referred to as an "open scope", because the scope is not limited to a list of closed categories as currently the case, but "open" to any new equipment fulfilling the definitions of the Directive. A number of new exclusions and related definitions would accompany the introduction of the "open scope".

In the transitional period, the scope of the Directive will remain similar to that of the Directive currently enforced (Annexes I and II), with the exception of photovoltaic panels.

**Scope:** an exclusion to the open scope has been inserted for "equipment specifically designed solely for the purposes of research and development only made available on a business to business basis", similar to the exclusion foreseen in the framework of Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS).

**Collection rate:** the Commission proposal for a 65% minimum collection rate to be achieved in 2016 was not considered achievable within the given timeframe, given the present rates of separate collection. The Council has therefore opted for a **two-step approach** foreseeing a 45% rate to be achieved after 4 years from entry into force of the Directive, increasing to a 65% collection rate after a further 4 year period. The Council has inserted in the common position a temporary derogation to address particular difficulties in reaching the collection target in a limited number of Member States.

**Recovery targets:** given the need to foresee a realistic transition period before reaching the new targets and the need for further adaptation following entry into force of the open scope (implying a change from 10 to 5 categories), the targets are spelled out in a new Annex V.

In addition, in order to establish uniform conditions for implementation, additional rules on the calculation methods for the application of the minimum targets are foreseen.

**Inspection and monitoring and Annex VI on minimum requirements for shipments of used EEE suspected to be WEEE:** provisions as regards the shipment of used EEE suspected to be WEEE are

refined to require, in particular, shipments of EEE sent to the producer or third parties acting on their behalf to take place in the framework of a business-to business transfer agreement.

In addition:

- shipments of used EEE for professional use are allowed to be sent for refurbishment or repair under a valid after-sales service maintenance contract;
- shipments of defective used EEE for professional use are allowed to be sent for root cause analysis under a valid after-sales service maintenance contract, in case such analysis can only be conducted by the producer or third parties acting on their behalf.

**Transposition:** the proposed addition of a reference to the correlation table has been deleted.