

# Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 06/10/2011 - Committee recommendation tabled for plenary, 2nd reading

The Committee on the Environment, Public Health and Food Safety adopted the recommendation for second reading contained in the report drafted by Karl-Heinz FLORENZ (EPP, DE) on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (Recast).

The Committee reinstated a fair number of amendments adopted by the European Parliament at first reading. It recommends that the position at second reading of the European Parliament should amend the Council position as follows:

**Purpose and scope:** Parliament reintroduced in the recitals of the Directive a **reference to the principles of Directive 2008/98/EC** on waste which lays down, among other things, an environmentally friendly five-stage waste hierarchy. The Directive should contribute to sustainable production and recovery by requiring all operators involved in product life cycles to improve their environmental standards.

The Directive should apply to **all electrical and electronic equipment**. It should not apply to large-scale fixed installations, **except those parts that are lighting and photovoltaic modules**.

No later than five years after the entry into force of the Directive, and every five years, thereafter, the Commission shall submit a report examining the scope of this Directive. Where appropriate, on the basis of that report, the Commission shall submit a legislative proposal.

**Definitions:** Members amended the definitions, in particular to take account of the impact assessment carried out by the Commission according to which the adoption of a European approach could generate annual savings of €66 million, as a result of a reduction in red tape.

**Product design:** these measures shall respect the proper functioning of the internal market. **Eco-design requirements** facilitating re-use, dismantling, recovery of WEEE and reducing hazardous substance emissions shall be established no later than **31 December 2014** in the framework of the implementing measures adopted pursuant to Directive 2009/125/EC.

**Separate collection:** to achieve a high level of separate collection of WEEE and correct treatment for all types of WEEE, notably, and as a matter of priority, for temperature exchange equipment containing ozone depleting substances and fluorinated greenhouse gases, for lamps containing mercury, for photovoltaic modules and for small appliances, including small IT and telecommunications devices, Member States shall ensure that all WEEE is separately collected and not mixed with bulky or unsorted household waste.

**Elimination and transport of collected WEEE:** in order to maximise re-use of whole appliances, Member States shall ensure that collection schemes provide for the segregation of reusable appliances from separately collected WEEE at the collection points, **prior to any transportation**.

**Collection rate:** Parliament considers that Member States should ensure that, **as of 2016, a minimum of 85% of WEEE that is generated in the Member State is collected** (the Council 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).

Each Member State shall ensure that as of the date of entry into force of the Directive at least 4 kg/capita of WEEE is collected or the same amount of WEEE in weight as was collected in that Member State in 2010, whichever is greater.

Member States shall ensure that the volume of WEEE collected is **gradually increased until 2016**. They may set more ambitious individual collection targets and shall in such a case report this to the Commission. The collection targets shall be achieved annually. Member States shall present their improvement plans to the Commission no later than 18 months after the entry into force of the Directive.

To establish that the minimum collection rate has been achieved, Member States shall ensure that information on WEEE that has been: i) prepared for re-use or sent to treatment facilities by any actor, ii) taken to collection facilities; iii) taken to distributors; iv) separately collected by producers or third parties acting on their behalf, or v) separately collected via other means is communicated to the Member States **free of charge on an annual basis**. Members propose deleting the national derogations.

The Commission shall be empowered to adopt delegated acts in accordance with Article 20 laying down **transitional arrangements for the period ending on 31 December 2015** in order to address difficulties faced by Member States in adhering to the rates laid down in Directive.

By 31 December 2012 at the latest, the Commission shall adopt, by means of delegated acts, a **common methodology to determine the amount of WEEE generated by weight in each Member State**. This shall include detailed rules on the application and calculation methods for verifying compliance with the targets.

On the basis of a report of the Commission accompanied, if appropriate, by a legislative proposal, the European Parliament and the Council shall, by **31 December 2012, re-examine the collection rate and the deadlines** referred to in the Directive with a view inter alia to setting individual collection rates for one or more categories set out in Annex III, particularly for photovoltaic panels, temperature exchange equipment, lamps, including light bulbs, and small appliances, including small IT and telecommunications devices.

**Treatment:** the Commission shall evaluate, as a matter of priority, whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays need to be amended. The Commission shall evaluate whether amendments to Annex VII are necessary to address relevant **nanomaterials**.

The Commission shall request the European standardisation organisations to develop and adopt European standards for the collection, storage, transport, treatment, recycling and repair of WEEE as well as its preparation for reuse.

A reference to the standards shall be published in the Official Journal of the European Union.

The collection, storage, transport, treatment, recycling and repair of WEEE as well as its preparation for re-use shall be conducted with an approach geared to **preserving raw materials** and shall aim at recycling valuable resources contained in EEE with a view to ensuring a better supply of commodities within the Union.

**Transfers of WEEE:** Members want to lay down **binding deadlines** (18 months after the entry into force of the Directive) for the adoption of the implementing provisions in order to create the requisite legal certainty and enforcement certainty for public authorities and industry.

**Recovery, recycling and re-use targets:** the minimum targets must be met by producers from the date of entry into force of the Directive.

Members propose a system involving **six categories of WEEE**. Depending on the category to which it belongs, **75% to 85% of WEEE should be recovered and 50% to 75% recycled**. A specific target of **80%** is set for photovoltaic panels and discharge lamps.

According to the Members, reusable equipment should be separated from other electrical and electronic waste and a **target of 5%** for re-use should apply to the appropriate categories.

The achievement of the targets shall be calculated as the percentage by weight of separately collected WEEE that is sent to recovery facilities and effectively recovered, reused or recycled. Preliminary activities including sorting, storage and pre-processing prior to recovery shall not count towards the achievement of these targets.

**Financing in relation to WEEE from households:** producers should be accorded maximum flexibility as regards ways of financing WEEE operations. For this reason, Members consider that it must be possible to comply with the obligation individually or by participating in a collective system, or by means of a combination of both methods. Collective schemes shall introduce **differentiated fees** for producers based on how easily products and the critical raw materials they contain can be recycled.

An amendment stipulates that the **financial guarantee in respect of the end of life of products** shall be calculated to ensure the internalisation of the real end-of-life costs of a producer's product, taking into account treatment and recycling standards referred to in the Directive. The Commission shall define, no later than 12 months following the entry into force of the Directive, the minimum requirements and methodology for calculating the level of these guarantees, and establish guidelines for their verification and auditing.

**Collection systems and information for users:** in order to raise users' awareness, Member States shall ensure that all distributors of very small volume EEE put in place appropriate collection schemes for **very small volume WEEE**. Such collection schemes shall: (a) enable end-users to discard very small volume WEEE at an accessible and visible collection point in the retailer's shop; (b) require retailers to take back very small volume WEEE at no charge; (c) not involve any charge to end-users when discarding very small volume WEEE, nor any obligation to buy a new product of the same type. The last two points also apply to distributors supplying EEE by means of distance selling.

Information for treatment installations should be provided **free of charge** to ensure environmentally sound treatment that is not dependent on payment.

Registration, information and reports: to reduce barriers to the operation of the internal market, Members consider that a **single registration** should be sufficient when the product is placed on the internal market for the first time. This registration may be undertaken either by the producer or his representative. Accordingly, further progress must be made with the harmonisation of registration and reporting and the interoperability of national registers, in the interests of a functioning internal market.

Members stress that a producer should no longer be required to be established in a Member State in order to be allowed to place EEE on the market in that Member State. Instead, the appointment of a local legal representative resident in that Member State should be sufficient.

**Distance selling:** Members consider that a producer who sells EEE at a distance **should not be required** to appoint a representative in the Member State where his customer resides.

**Inspection and control:** Member States shall create a **national register** of acknowledged collection and treatment facilities. Only those facilities whose operators comply with the requirements set out in the Directive shall be admitted to that national register. The contents of the register shall be made public.

Facility operators shall submit annual proof of their adherence to the requirements of the Directive in order to maintain their status as acknowledged treatment facilities.

**Report:** the Commission shall, by five years after the entry into force of this Directive, submit a report to the European Parliament and the Council based on experience with the application of this Directive. If appropriate, the report shall be accompanied by proposals to amend this Directive.