

Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 11/04/2012 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts the amendment adopted by the European Parliament in second reading on the basis of a compromise text agreed by the Council and the European Parliament.

The amendment containing this compromise package concerns essentially:

- the establishment of new collection targets per Member State seven years after entry into force, with an intermediate target four years after entry into force;
- the take-back of small WEEE at large retail shops unless alternative schemes can be shown to be at least as effective;
- the widening of the scope to include all electrical and electronic equipment, six years after entry into force, with additional exemptions, and after a review to be carried out by the Commission;
- the harmonisation of registration and reporting requirements, while acknowledging that these requirements are in principle national to allow for effective enforcement;
- the introduction of minimum requirements for shipments of used equipment which are suspected to be illegal waste shipments, including reversal of the burden of proof, and specific derogations.

The Commission underlines that the minimum requirements for shipments should not hinder the legal trade of used equipment. Where there is a suspicion that the shipment is de facto an

illegal shipment of waste, Annex VI gives Member States the legal instrument to clarify the situation.

The Commission adopted **four declarations** on:

- **Product design:** the Commission will, if and when introducing new or reviewing the implementing measures adopted pursuant to Directive 2009/125/EC on products also covered by the WEEE Directive, take into account the parameters for re-use and recycling as set out in Annex 1 part 1 of the Directive 2009/125/EC, and assess the feasibility of introducing requirements on re-usability, easy dismantling and recyclability of such products.
- **Specific derogations from the collection targets:** the Commission underlines that high collection targets of WEEE are important for a resource-efficient Europe and that the transitional arrangements can only be applied in exceptional circumstances. The difficulties faced and the specific circumstances on which they are based must be objective, well documented, and verifiable.
- **Nanomaterials:** where specific nanomaterials have been shown to pose risks to human health or the environment, the Commission will assess whether specific treatment may be necessary and amend Annex VII as appropriate.
- **The use of implementing acts:** the Commission considers that the powers conferred on the Commission in Articles 7(5) and 23(4) should be delegated powers, in order to properly reflect the nature of the powers conferred, in accordance with Article 290 of the Treaty on the Functioning of the EU. The Commission reserves its right to avail itself of the legal remedies provided by the Treaty with a view to seeking clarification by the Court on the issue of delimitation between Articles 290 and 291.