

Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 04/07/2012 - Final act

PURPOSE: to lay down more ambitious targets for the collection and recycling of waste electrical and electronic equipment.

LEGISLATIVE ACT: Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE).

CONTENT: following an agreement with the European Parliament at second reading, the Council adopted a Directive regarding waste electrical and electronic equipment which seeks to:

- improve the collection, re-use and recycling of waste electronic equipment so as to reduce the disposal of waste and to contribute to the rational use of resources;
- limit illegal exports of these wastes from the EU and to improve the environmental performances of all the operators concerned, such as producers, distributors and consumers, throughout the lifecycle of EEEs.

The Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of WEEE and by reducing overall impacts of resource use and improving the efficiency of such, thereby contributing to sustainable development.

The main features of the Directive are as follows:

Product design: Member States shall take the appropriate measures to ensure that the **ecodesign** requirements facilitating re-use and treatment of WEEE established in the framework of Directive 2009/125/EC are applied

Collection rate:

- From **2016**, the minimum collection rate shall be **45 %** calculated on the basis of the total weight of WEEE collected in **a given year** in the Member State concerned. From **2019**, the minimum collection rate to be achieved annually shall be **65 %** of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85 % of WEEE generated on the territory of that Member State .
- Certain EU Member States where consumers use less electronic equipment (Bulgaria, the Czech Republic, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia) are accorded some margin for manoeuvre to reach these objectives.
- **Until 31 December 2015**, a rate of separate collection of **at least 4 kilograms** on average **per inhabitant** per year of WEEE from private households or the same amount of weight of WEEE as was collected in that Member State on average in the three preceding years, whichever is greater, shall continue to apply. Member States may set more ambitious rates for separate collection of WEEE and shall in such a case report this to the Commission.

Separate collection: the Council extended the scope of application of the legislative provisions in force in order to cover electrical and electronic equipment, such as photovoltaic panels, temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, which will have to be collected separately and treated correctly within six years of the

entry into force of the new Directive (15 August 2018). The Commission may propose amendments having analysed the impact of the extended scope on business and the environment.

For WEEE from private households, Member States shall ensure that:

- **systems** are set up allowing final holders and distributors to return such waste at least free of charge;
- distributors provide for the collection, at **retail shops** with sales areas relating to EEE of **at least 400m²**, or in their immediate proximity, of very small WEEE (no external dimension more than 25cm) free of charge to end-users and with no obligation to buy EEE of an equivalent type, unless an assessment shows that alternative existing collection schemes are likely to be at least as effective;
- producers are allowed to set up and to operate **individual and/or collective take-back systems** for WEEE from private households provided that these are in line with the objectives of this Directive.

Producer responsibility: the establishment, by this Directive, of producer responsibility is one of the means of encouraging design and production of EEE which take into full account and facilitate its repair, possible upgrading, re-use, disassembly and recycling.

Inspection and monitoring: Member States shall carry out appropriate inspections and monitoring to verify the proper implementation of this Directive. Those inspections shall at least cover: a) information reported in the framework of the register of producers; b) shipments, in particular exports, of WEEE outside the Union; c) the operations at treatment facilities.

ENTRY INTO FORCE: 13/08/2012.

TRANSPOSITION: 14/02/2014.

DELEGATED ACTS: the Commission may adopt delegated acts in order to assist Member States that experience difficulties in achieving collection rates, to take into account technical and scientific progress and to supplement the provisions on recovery targets. The power to adopt such acts is conferred on the Commission for a period **of five years as of 13 August 2012** (a period that may be tacitly extended for an identical duration, unless the European Parliament or the Council objects). The European Parliament or the Council may express their opposition to a delegated act within a period of two months of its notification by the Commission (and this period of two months may be extended by a further two months). If the European Parliament or the Council makes an objection, the delegated act does not enter into force.