

Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 18/04/2017 - Follow-up document

The Commission presented a report on the exercise of the power to adopt delegated acts conferred on it by Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

To recap, the WEEE Directive gives the Commission the power to adopt delegated acts. **The power to adopt such acts was conferred on the Commission for a period of five years from 13 August 2012** (this may be tacitly extended for periods of identical duration).

With this report, the Commission fulfills the obligation to draw up a report on the exercise of delegation no later than nine months before the end of the five-year period.

Exercise of the delegation: the Commission states that **it has not exercised**, during the past five years, the delegated powers conferred on it under Directive 2012/19 / EU with regard to:

1. the establishment of the transitional adaptations necessary to assist Member States experiencing difficulties in achieving the WEEE collection rates laid down in the Directive: the Directive provides that from 2019 the collection rate applied shall be 65% of the average weight of electrical and electronic equipment (EEE) placed on the market in each Member State during the previous three years or 85% of the WEEE quantity produced annually in each Member State.

It was concluded that the collection target for 2019 was feasible provided that Member States make further efforts to remedy the difficulties encountered. Some Member States have already achieved high collection rates.

On this basis, the Commission concludes that there was no special circumstance justifying the adoption of a delegated act. The Commission will provide **support and guidance to Member States** to help them overcome any difficulties in achieving their objectives through a targeted compliance promotion initiative focusing on the essential requirements of the WEEE Directive.

2) the possible amendment of Annex VII on selective processing requirements to include other processing technologies: the deadline for transposition of the Directive was 14 February 2014. As most Member States transposed the Directive late, 2016 was, in practice, the first year of implementation for all 28 Member States. In these circumstances, it has not been considered necessary to amend Annex VII by means of a delegated act.

(3) Establishment of criteria for the evaluation of equivalent conditions for the treatment of WEEE carried out outside the Union: the Commission requested the European standardization bodies to draw up European standards for the treatment of WEEE, covering in particular Recovery, recycling and preparation for re-use and corresponding to the state of the art.

The Commission has held consultations with the Group of Experts on delegated acts under the Directive and informed the Council and Parliament. As a result of these consultations, **it was considered necessary to await the finalisation of WEEE treatment standards**. These standards should help the operators concerned in the Union to comply with the WEEE Directive and operators outside the Union to prove that the treatment of WEEE is carried out under conditions equivalent to those applied in the Union.

(4) the adaptation of Article 16 (5) and of Annexes IV, VII, VIII and IX to scientific and technical progress: there was no opportunity during the period covered by this report to adapt either Article 16(5) or the annexes to scientific and technical progress.

As part of the circular economy package, the Commission proposed to amend Article 16 (5) in order to simplify the reporting obligations of the Member States and improve the quality of the data.

Conclusion: the Commission indicates that, although it has not exercised its delegated powers over the past five years, it may be required to do so in the future.