

Restriction of the use of certain hazardous substances in electrical and electronic equipment: scope of the Directive

2017/0013(COD) - 03/10/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 645 votes to 28, with 6 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending [Directive 2011/65/EU](#) on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Assessment of existing equipment: to take account of the concept of circular economy, Parliament proposed to use not only repair, replacement of spare parts, refurbishment and reuse but also **retrofitting** as an assessment of the state of existing equipment.

Conditions for exemption: Parliament clarified that reused spare parts from EEE should be exempted provided that reuse takes place in **auditable closed-loop business-to-business return systems**, and that the reuse of spare parts is **notified** to the consumer.

Exemptions limiting the use of certain hazardous substances shall apply to reused spare parts:

- recovered from EEE placed on the market before 1 July 2006 and used in EEE placed on the market before 1 July 2016;
- recovered from medical devices or monitoring and control instruments placed on the market before 22 July 2014 and used in EEE placed on the market before 22 July 2024;
- recovered from in vitro diagnostic medical devices placed on the market before 22 July 2016 and used in EEE placed on the market before 22 July 2026;
- recovered from industrial monitoring and control instruments placed on the market before 22 July 2017 and used in EEE placed on the market before 22 July 2027;
- recovered from all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market before 22 July 2019, and used in EEE placed on the market before 22 July 2029.

Requests for renewal of exemptions: Parliament introduced an obligation for the Commission to communicate to the applicant, the Member States and the European Parliament a **timeline** for the adoption of its decision on the application, renewal or revocation of an exemption, **within one month** of receipt of the exemption request.

Transposition: Member States shall transpose the Directive **18 months** after the date of entry into force of this Directive but no later than 21 July 2019.