Waste electrical and electronic equipment (WEEE)

2023/0025(COD) - 07/02/2023 - Legislative proposal

PURPOSE: amend Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) following the judgment of the Court of Justice of the European Union in case C-181/20.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) entered into force on 13 August 2012, replacing Directive 2002/96/EC. Photovoltaic panels, which were not in the scope of Directive 2002/96/EC, were included in the scope of Directive 2012/19/EU from 13 August 2012.

Article 13(1) of Directive 2012/19/EU establishes that producers of electrical and electronic equipment (EEE) are to bear the costs for the collection, treatment, recovery and environmentally sound disposal of waste EEE (WEEE) from users other than private households resulting from products placed on the market after 13 August 2005.

On 25 January 2022, the **Court of Justice of the European Union** in its judgement in case C-181/20 declared as partially invalid Article 13(1) of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE Directive) by reason of non-justified retroactive effect, insofar as it provides for producers to have to assume the financing of the costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels placed on the market between 13 August 2005 and 13 August 2012.

The main objective of the proposed provisions is to ensure compliance with the Court of Justice of the European Union judgement and thus to clarify the time from when producers of different electrical and electronic equipment both for private households and for users other than private households have to provide for the financing of the management of the waste that occur from their products.

CONTENT: the proposal aims to amend Article 12, paragraphs 1, 3 and 4, Article 13(1) and Article 15(2) of the WEEE Directive as a follow-up to the judgement of the Court of Justice of the European Union in case C-181/20.

The proposed amendments aim to:

1) clarify the time from when **producers of photovoltaic panels and of electrical and electronic equipment for private households** that falls into the scope of the WEEE Directive only from 15 August 2018 (‘open scope’ EEE) have to provide for the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from private households. In particular, it clarifies that producers of photovoltaic panels for private households provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE resulting from photovoltaic panels where such photovoltaic panels were placed on the market from 13 August 2012. It also lays down that producers of ‘open scope’ EEE for private households provide for financing regarding the abovementioned costs for the resulting WEEE where the EEE was placed on the market from 15 August 2018.

2) clarify from when **producers of photovoltaic panels and of electrical and electronic equipment for users other than private households** that falls into the scope of the WEEE Directive only from 15 August 2018 (‘open scope’ EEE) have to provide for the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE.

The proposal clarifies that producers of photovoltaic panels for users other than private households provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE resulting from photovoltaic panels where such photovoltaic panels were placed on the market from 13 August 2012. It also clarifies that producers of ‘open scope’ EEE for users other than private households shall provide for financing regarding the abovementioned costs for WEEE resulting from such EEE where it was placed on the market from 15 August 2018.

3) update the reference in the WEEE Directive to the **European standard** EN 50419. Since this standard has been revised in 2022, the proposal is to replace the reference to the 2006 version of the standard with the updated version of 2022.