Waste electrical and electronic equipment (WEEE)

2023/0025(COD) - 27/10/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Anna ZALEWSKA (ECR, PL) on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

As a reminder, the proposal seeks to 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.

The committee recommended that the European Parliament's first-reading position under the ordinary legislative procedure should amend the Commission's proposal as follows:

- provide more clarity to the changes, where it would be useful, as the matter is not immediately obvious, as well as provide changes to other parts of the existing WEEE directive to ensure consistency and coherence;

- highlight the need to respect the principle of legal certainty and introduce provisions which would ensure the prevention of future instances of unjustified retroactivity, particularly in the anticipating upcoming overall revision of the WEEE directive.

Legal certainty

In order to maintain the principle of legal certainty in the future revisions of Directive 2012/19/EU, the report stressed that it is important to pay particular attention to preventing the adoption of any provisions that could potentially have unjustified retroactive effects. It is necessary to give clarity and predictability to EEE producers with regard to the operating conditions that were in effect when their products were placed on the market. That approach helps to avoid the risk of incurring unpredictable costs associated with future WEEE management. Furthermore, such revisions should respect the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC.

The amended text stipulated that no later than 31 December 2026, the Commission should assess the need for a **revision of this Directive** and, where appropriate, present a legislative proposal in that respect, accompanied by a thorough socio-economic and environmental impact assessment.

In the impact assessment, the Commission should in particular assess the following:

- provisions which specifically ensure that the principle of legal certainty is adhered to and that there is no provision that could entail unjustified retroactive effect in any Member State;

- provisions to ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC;

- provisions to ensure that citizens and consumers are not burdened with disproportionate costs, in line with the polluter pays principle;

- provisions ensuring full implementation and enforcement of this Directive, in particular with regard to adequate collection targets, as well as preventing illegal trade of WEEE;

- creating a new ‘photovoltaic panels’ category under this Directive with the aim to disassociate photovoltaic panels from the existing WEEE category 4, ‘large equipment’, as referred to in Annexes III and IV, and calculating the collection targets on the basis of waste photovoltaic panels available for collection based on their projected lifetime, rather than on the quantity of products placed on the market;

- establishing a mechanism to ensure that in case of failure or liquidation of the producer, the future costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels from both private households and users other than private households will be covered financially.

Financing in respect of WEEE from users other than private households

The proposed amendment clarifies that the provisions relating to the costs of historical WEEE apply specifically to WEEE, as set out in Article 2(1)(a), without including photovoltaic panels. In the case of other historical EEE waste, other than photovoltaic panels, the costs will be financed by users other than private households.

Transposition

This should take place no later than **18 months** (instead of one year) after the date of entry into force.