

Waste electrical and electronic equipment (WEEE)

2023/0025(COD) - 09/11/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 595 votes to 2, with 3 abstentions, **amendments** to 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).

The matter was referred back to the relevant committee for interinstitutional negotiations.

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.

Legal certainty

To maintain the principle of legal certainty in the future revisions of Directive 2012/19/EU, Members 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.

Guarantee sound treatment of photovoltaic panels

Given that unsound treatment of waste photovoltaic panels and open scope WEEE leads to significant adverse impacts on health and the environment, Members stressed the need ensure the proper treatment of photovoltaic panels and maximising the recovery of waste from photovoltaic panels at the end of their lifetime.

Without prejudice to the changes to the financial obligations necessary to cover collection and treatment of waste photovoltaic panels placed on the market before 13 August 2012 and of waste from all open scope EEE placed on the market before 15 August 2018 introduced by this Directive, Member States should ensure the environmentally sound management of related WEEE.

Revision of the scope of the Directive

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.