Waste electrical and electronic equipment (WEEE)

2023/0025(COD) - 06/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 628 votes to 3, with 6 abstentions, a legislative resolution 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).

Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Principle of legal security

To maintain the principle of legal certainty in future revisions of Directive 2012/19/EU, the amended text 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, it is important that such revisions respect the waste hierarchy.

Ensure proper treatment of waste from photovoltaic panels

Given that the unsound treatment of waste from photovoltaic panels and of waste from open-scope EEE leads to significant adverse impacts on health and on the environment, the text stressed the need to ensure proper treatment of waste from photovoltaic panels and to maximise the recovery of waste from photovoltaic panels.

Without prejudice to the changes to the financial obligations that are necessary to cover collection and treatment of waste from 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, it is important that Member States ensure the environmentally sound management of related WEEE.

Member States could encourage producers, through their individual or collective extended producer responsibility schemes, to properly collect and treat the related historical waste from photovoltaic panels and from open-scope EEE.

Review

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 consider, in particular, the need for:

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

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

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

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

- creating a new EEE category for ‘photovoltaic panels’ under this Directive with the aim to disassociate photovoltaic panels from the existing EEE 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 expected lifetime, rather than on the quantity of products placed on the market;

- establishing a mechanism to ensure that, in the event 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.

Funding for WEEE from users other than private households

The text stipulates that for historical waste from EEE other than photovoltaic panels, being replaced by new equivalent products or by new products fulfilling the same function, the financing of the costs should be provided for by producers of those products when supplying them. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for that financing.

For other historical waste from EEE, other than photovoltaic panels, the financing of the costs should be provided for by the users other than private households.

Transposition

This should take place at the latest 18 months from the date of entry into force of this Directive.