



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2008/0241(COD)

8.2.2010

*****|**
DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on waste electrical and electronic equipment (WEEE)
(COM(2008)0810 – C6-0472/2008 – 2008/0241(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Karl-Heinz Florenz

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	35

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)
(COM(2008)0810 – C7-0472/2008 – 2008/0241(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0810),
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0472/2008),
 - having regard to the communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Article 192(1) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee,
 - having regard to the opinion of the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Legal Affairs (A7-0000/2010),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive – amending act

Recital 10

Text proposed by the Commission

Amendment

(10) This Directive should cover all

(10) This Directive should cover all

electrical and electronic equipment used by consumers and electrical and electronic equipment intended for professional use. This Directive should apply without prejudice to Community legislation on safety and health requirements protecting all actors in contact with WEEE as well as specific Community waste management legislation, in particular Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators, and Community product design legislation, in particular Directive 2005/32/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council.

electrical and electronic equipment used by consumers and electrical and electronic equipment intended for professional use. This Directive should apply without prejudice to Community legislation on safety and health requirements protecting all actors in contact with WEEE as well as specific Community waste management legislation, in particular Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators, and Community product design legislation, in particular Directive 2005/32/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council. ***Fixed industrial large-scale installations, inter alia, should be excluded from the scope because they are permanently installed and operated at a particular location, are assembled and disassembled by specialist personnel, and thus involve a regulated waste stream. Photovoltaic modules, which are also installed and removed by specialist personnel and are instrumental in achieving renewable-energy targets, thus helping to reduce CO₂, should also be excluded. Furthermore, the solar industry has concluded a voluntary environmental agreement with the aim of recycling 85% of photovoltaic modules. The Commission should check whether that agreement is achieving suitable results and, if appropriate, on the basis of a report, include photovoltaic modules in the scope of the Directive.***

Or. de

Justification

Both fixed installations and photovoltaic modules involve regulated waste streams with no risk of being eliminated unseparated and untreated.

Amendment 2

Proposal for a directive – amending act

Recital 14

Text proposed by the Commission

(14) In order to attain the chosen level of protection and harmonised environmental objectives of the Community, Member States should adopt appropriate measures to minimise the disposal of WEEE as unsorted municipal waste and to achieve a high level of separate collection of WEEE. In order to ensure that Member States strive to set up efficient collection schemes, they should be required to achieve a high level of collection of WEEE, particularly for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases, given their high environmental impact and in view of obligations contained in Regulation (EC) 2037/2000 and Regulation (EC) 842/2006. Data included in the impact assessment shows that 65% of electrical and electronic equipment placed on the market is already separately collected today, but more than half of this potentially leaks to improper treatment and illegal exports. This leads to losses of valuable secondary raw materials and environmental degradation. To avoid this, it is necessary to set an ambitious collection target.

Amendment

(14) In order to attain the chosen level of protection and harmonised environmental objectives of the Community, Member States should adopt appropriate measures to minimise the disposal of WEEE as unsorted municipal waste and to achieve a high level of separate collection of WEEE. In order to ensure that Member States strive to set up efficient collection schemes, they should be required to achieve a high level of collection of WEEE, particularly for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases, given their high environmental impact and in view of obligations contained in Regulation (EC) 2037/2000 and Regulation (EC) 842/2006. Data included in the impact assessment shows that 65% of electrical and electronic equipment placed on the market is already separately collected today, but more than half of this potentially leaks to improper treatment and illegal exports. This leads to losses of valuable secondary raw materials and environmental degradation. To avoid this, it is necessary to set an ambitious collection target. ***Furthermore, it is of fundamental importance for Member States to ensure that the Directive is monitored and effectively enforced, in particular as regards checks on used EEE shipped out of the EU.***

Or. de

Justification

Illegal shipments of equipment can be countered only through efficient checks by the Member States, which enjoy exclusive competence in this area.

Amendment 3

Proposal for a directive – amending act Recital 19

Text proposed by the Commission

(19) Users of electrical and electronic equipment from private households should have the possibility of returning WEEE at least free of charge. Producers should finance **at least** the collection from collection facilities, and the treatment, recovery and disposal of WEEE. Member States should encourage **producers to take full ownership of the WEEE collection in particular by financing the collection of WEEE throughout the whole waste chain, including from private households**, in order to avoid leakage of separately collected WEEE to sub-optimal treatment and illegal exports, **to create a level playing field by harmonising producer financing across the EU, to shift** payment for the collection of this waste from general tax payers to the consumers of EEEs in line with the polluter pays principle. In order to give maximum effect to the concept of producer responsibility, each producer should be responsible for financing the management of the waste from his own products. The producer should be able to choose to fulfil this obligation either individually or by joining a collective scheme. Each producer should, when placing a product on the market, provide a financial guarantee to prevent costs for the management of WEEE from orphan products from falling on society or the remaining producers. The responsibility for the financing of the management of historical waste should be shared by all

Amendment

(19) Users of electrical and electronic equipment from private households should have the possibility of returning WEEE at least free of charge. Producers should **therefore** finance collection from collection facilities, and the treatment, recovery and disposal of WEEE. Member States should encourage **all stakeholders handling WEEE to help achieve the aim of the Directive** in order to avoid leakage of separately collected WEEE to sub-optimal treatment and illegal exports. **So that** payment for the collection of this waste **is shifted** from general taxpayers to the consumers of EEEs in line with the polluter pays principle, **Member States should encourage producers to treat all WEEE collected. So that proper treatment is possible, consumers have responsibility for ensuring that end-of-life EEE is taken to collection facilities.** In order to give maximum effect to the concept of producer responsibility, each producer should be responsible for financing the management of the waste from his own products. The producer should be able to choose to fulfil this obligation either individually or by joining a collective scheme. Each producer should, when placing a product on the market, provide a financial guarantee to prevent costs for the management of WEEE from orphan products from falling on society or the remaining producers. The responsibility for the financing of the management of historical waste should be

existing producers in collective financing schemes to which all producers, existing on the market when the costs occur, contribute proportionately. Collective financing schemes should not have the effect of excluding niche and low-volume producers, importers and new entrants.

shared by all existing producers in collective financing schemes to which all producers, existing on the market when the costs occur, contribute proportionately. Collective financing schemes should not have the effect of excluding niche and low-volume producers, importers and new entrants.

Or. de

Justification

WEEE collection should continue to be handled by existing, reliable bodies. In terms of equipment design or environmental benefits, financing collection from households is immaterial, and shifting how the burden is shared does not guarantee a higher collection rate. Nor must the consumer's responsibility to be involved in the proper disposal of waste equipment be disregarded.

Amendment 4

Proposal for a directive – amending act Recital 20

Text proposed by the Commission

Amendment

(20) Producers should be allowed to show purchasers, on a voluntary basis at the time of sale of new products, the costs of collecting, treating and disposing in an environmentally sound way of WEEE. This is in line with the Commission Communication on Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan in particular with regard to smarter consumption and green public procurement.

deleted

Or. de

Justification

Collection and treatment costs should be incorporated into the product price so that there is an incentive to reduce those costs. Flat rates reflect neither the actual costs of a product at

the end of its service life nor its environmental impact. In the final analysis, consumers receive no information on recyclability and actual treatment costs.

Amendment 5

Proposal for a directive – amending act Recital 26 a (new)

Text proposed by the Commission

Amendment

(26 a) To reduce barriers to the operation of the internal market, administrative burdens should be reduced by standardising registration and reporting and by preventing multiple charges for multiple registrations in individual Member States. In particular, a legal domicile in each Member State should no longer be a requirement in order to be allowed to place EEE on the market; rather, the appointment of a resident agent should be sufficient.

Or. de

Justification

Experience with the current WEEE Directive has shown that the differing registration and reporting requirements in the 27 Member States have led to increased bureaucracy and unexpected costs. The impact assessment assumes avoidable red-tape costs of € 66 m a year. Accordingly, registration and reporting harmonisation and interoperability of national registers, in the interests of a functioning internal market, must be pressed on with.

Amendment 6

Proposal for a directive – amending act Article 2 – paragraph 1

Text proposed by the Commission

Amendment

(1) This Directive shall apply to electrical and electronic equipment *falling under the categories set out in Annex I of Directive 20xx/xx/EC (RoHS)*.

(1) This Directive shall apply to *all* electrical and electronic equipment.

Or. de

Justification

The RoHS and WEEE Directives have different regulatory purposes and should therefore differ in their scope. An 'open' scope results in greater legal certainty - a major aim in revising the Directive - since all EEE is included. A binding, category-based product list would have to be continually revised in order to reflect technical progress on the electricals and electronics market.

Amendment 7

Proposal for a directive – amending act Article 2 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) fixed industrial large-scale installations;

Or. de

Justification

The aim of the directive, in particular, is to ensure that WEEE is properly collected and disposed of. Fixed industrial large-scale installations are assembled and disassembled by specialist personnel; they involve a regulated waste stream.

Amendment 8

Proposal for a directive – amending act Article 2 – paragraph 3 – point e b (new)

Text proposed by the Commission

Amendment

(eb) photovoltaic modules.

Or. de

Justification

Environmentally sound treatment and recycling of WEEE is the aim, which is ensured by the fact that photovoltaic modules are assembled and disassembled by specialist personnel. This involves a regulated waste stream. In addition, a voluntary environmental agreement on collection and recycling is being prepared by a majority of photovoltaic producers and should be signed in early 2010 and subsequently recognised by the Commission (COM(2002)0412). Photovoltaic modules are instrumental in achieving renewable-energy targets, thus helping to

reduce CO₂.

Amendment 9

Proposal for a directive – amending act Article 2 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By 31 December 2014 at the latest, the Commission shall submit a report examining the scope of the Directive to the European Parliament and the Council, in particular as regards whether photovoltaic modules should be included in its scope. Where appropriate, on the basis of that report, the Commission shall submit a proposal.

Or. de

Justification

As the directive is to be extended to include all EEE, it is necessary to review the scope. Furthermore, it must be verified whether PV Cycle's voluntary environmental agreement with the aim of recycling 85% of photovoltaic modules is actually working.

Amendment 10

Proposal for a directive – amending act Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) WEEE shall be classified as waste from private households or from users other than private households. The classification of types of WEEE into these categories shall be laid down. This measure designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3). This classification among others shall be based on assessing the share of the

deleted

equipment sold to private households or businesses.

Or. de

Justification

Producers cannot know in advance whether dual-use equipment - for consumer or professional use - will end up in a household or in a firm. Collecting waste equipment from private households is usually more costly. Here there is a risk that such equipment will be designated non-household appliances, thus jeopardising the financing of household waste equipment. There should therefore be a provision and a definition in the directive (see Article 3(l)).

Amendment 11

**Proposal for a directive – amending act
Article 3 – point a**

Text proposed by the Commission

Amendment

(a) (a) ‘electrical and electronic equipment’ or ‘EEE’ means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields ***falling under the categories set out in Annex I of Directive 20xx/xx/EC (RoHS) and*** designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current;

(a) ‘electrical and electronic equipment’ (hereinafter ‘EEE’) means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields ***which is*** designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current;

Or. de

Justification

As all EEE is to come within the scope of the directive, reference to Annex I of Directive 20xx/xx/EC (RoHS Directive) is no longer necessary.

Amendment 12

Proposal for a directive – amending act Article 3 – point 1

Text proposed by the Commission

(1) ‘WEEE from private households’ means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households;

Amendment

(1) ‘WEEE from private households’ means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households, **and WEEE which may be used as EEE both in private households and elsewhere;**

Or. de

Justification

Producers cannot know in advance whether dual-use equipment - for consumer or professional use - will end up in a household or in a firm. Collecting waste equipment from private households is usually more costly. Here there is a risk that such equipment will be designated non-household appliances, thus jeopardising the financing of household waste equipment.

Amendment 13

Proposal for a directive – amending act Article 3 – point s a (new)

Text proposed by the Commission

Amendment

(sa) 'fixed industrial large-scale installation' means a particular industrial large-scale combination of several types of apparatus and, where applicable, other devices, which are assembled, installed and intended to be used permanently at a predefined location;

Or. de

Justification

This definition is necessary because the installations are to be exempted from the scope. The

definition is in line with that of 'fixed installation' in Directive 2004/108/EC. Fixed industrial large-scale installations are assembled and disassembled by specialist personnel. This involves a regulated waste stream.

Amendment 14

Proposal for a directive – amending act Article 3 – point s b (new)

Text proposed by the Commission

Amendment

(sb) 'photovoltaic modules' means photovoltaic modules which are intended for use in a system designed, assembled and installed for permanent operation for power generation for public, commercial and private purposes.

Or. de

Justification

Fixed photovoltaic modules installed and removed by specialised personnel represent a regulated waste stream. The voluntary environmental agreement on take-back and recycling, involving a majority of producers, is intended to ensure environmentally sound treatment. Photovoltaic modules are instrumental in achieving renewable-energy targets, thus helping to reduce CO₂. The definition is necessary because the installations are to be exempted from the scope.

Amendment 15

Proposal for a directive – amending act Article 5 – paragraph 1

Text proposed by the Commission

Amendment

(1) Member States shall adopt appropriate measures to minimise the disposal of WEEE in the form of unsorted municipal waste and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases.

(1) Member States shall adopt appropriate measures to minimise the disposal of WEEE in the form of unsorted municipal waste and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouse gases, ***and mercury-***

containing lamps.

Or. de

Justification

Mercury-containing lamps, increasingly marketed as new energy-saving lamps, harbour a major risk to the environment and health and should therefore also be separately collected to a large extent.

Amendment 16

**Proposal for a directive – amending act
Article 7 – paragraph 1**

Text proposed by the Commission

(1) Without prejudice to Article 5(1), Member States shall ensure that **producers or third parties acting on their behalf achieve** a minimum collection rate of 65%. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the **two** preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.

Amendment

(1) Without prejudice to Article 5(1), Member States shall ensure that a minimum collection rate of 65% **is achieved**. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the **three** preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016. **From 2013 until the end of 2015, Member States shall ensure that an identically calculated minimum collection rate of 45% is achieved monthly.**

Or. de

Justification

Each Member State is to be responsible for meeting the collection target. Producers cannot verify collection by other actors; nor can a collective national target be imposed on an individual producer. An improved collection rate will not be met by shifting responsibility. Year-on-year variations and different product service lives will be better offset by means of a longer reference period. An intermediate target is necessary, since the 4 kg target is already no longer adequate.

Amendment 17

Proposal for a directive – amending act Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) To establish that the minimum collection rate has been achieved, Member States shall ensure that information on WEEE which:

- has been taken to collection facilities in accordance with Article 5(2)(a),***
- has been taken to distributors in accordance with Article 5(2)(b),***
- has been separately collected by producers or third parties acting on their behalf,***
- or has been separately via other means is communicated to them free of charge.***

Or. de

Justification

Member States are responsible for meeting the collection target and must report the quantity of WEEE collected in accordance with Article 16(5). For that reason, it is important that all separately collected quantities be reported to them. This will facilitate better waste-stream monitoring.

Amendment 18

Proposal for a directive – amending act Article 7 – paragraph 4

Text proposed by the Commission

Amendment

(4) By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment,

(4) By 31 December 2012 at the latest the European Parliament and the Council shall re-examine the collection rate and target date referred to in paragraph 1 also in view of setting a possible separate collection target for cooling and freezing equipment

on the basis of a report of the Commission accompanied by a proposal, if appropriate.

and mercury-containing lamps, on the basis of a report of the Commission accompanied by a proposal, if appropriate.

Or. de

Justification

Mercury-containing lamps - in energy-saving lamps in particular - harbour a major risk to the environment and health. At present, high collection rates are not being achieved for lamps in all countries, since they do not weigh much. For that reason, and in view of environmental requirements, consideration should be given to a specific collection target for these lamps.

Amendment 19

**Proposal for a directive – amending act
Article 8 – paragraph 1**

Text proposed by the Commission

(1) Member States shall ensure that all separately collected WEEE undergoes treatment.

Amendment

(1) Member States shall ensure that all separately collected WEEE undergoes treatment. ***The Commission shall press on with developing harmonised standards for the collection, treatment and recycling of WEEE, in particular by tasking the European Committee for Standardisation accordingly.***

Or. de

Justification

Recycling standards have still not been developed. There are considerable differences in quality with regard to recycling and therefore also to how efficiently resources are handled. Furthermore, different standards result in distortions of competition, which is why a level playing field needs to be created.

Amendment 20

Proposal for a directive – amending act Article 10 – paragraph 2

Text proposed by the Commission

(2) WEEE exported out of the Community in line with Regulation (EC) No 1013/2006 on shipments of waste, and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or Annex IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply shall only count for the fulfilment of obligations and targets of Article 11 of this Directive if the exporter can prove that the **treatment took** place under conditions that are equivalent to the requirements of this Directive.

Amendment

(2) WEEE exported out of the Community in line with Regulation (EC) No 1013/2006 on shipments of waste, and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or Annex IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply shall only count for the fulfilment of obligations and targets of Article 11 of this Directive if the exporter can prove **by submitting conclusive evidence, prior to shipment, that preparation for re-use, recycling and recovery takes** place under conditions that are equivalent to the requirements of this Directive. **After preparation for re-use, recycling or recovery has taken place, compliance with those equivalent conditions shall be confirmed.**

Or. de

Justification

The burden of proof must encompass preparation for re-use, recycling and recovery in order to prevent treatment taking place where environmental standards are low, outside the EU, and to create a level playing field internationally. Exporters must submit proof, before and after shipments, that treatment and recovery standards in the country of reception are equivalent. Ex post verification is not sufficient, since treatment may have already taken place under conditions not meeting the EU standard.

Amendment 21

Proposal for a directive – amending act Article 10 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The implementing provisions shall be adopted by ... at the latest [18 months after the day of this Directive's publication in the Official Journal of the European Union].

Or. de

Justification

Binding deadlines are required for adoption of the implementing provisions in order to create legal certainty and enforcement certainty for government and industry.

Amendment 22

Proposal for a directive – amending act Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) for WEEE falling under categories 1 and **10** of Annex **I to Directive 20xx/xx/EC (RoHS)**,

– 85% shall be recovered , and

– 80% shall be prepared for re-use and recycled;

a) for WEEE falling under categories 1 and **4** of Annex **-IA**,

– 85% shall be recovered , and

– 80% shall be prepared for re-use and recycled;

Or. de

Justification

The reduction from 10 to five categories reflects current standard practice and will avoid needless bureaucracy. This categorisation makes sense from an environmental perspective, too, as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. Lamps and gas discharge lamps cannot be reused, meaning that no target can be set for preparation for reuse.

Amendment 23

Proposal for a directive – amending act Article 11 – paragraph 1 – point b

<i>Text proposed by the Commission</i>	<i>Amendment</i>
b) for WEEE falling under categories 3 and 4 of Annex I to Directive 20xx/xx/EC (RoHS) , – 80% shall be recovered , and – 70% shall be prepared for re-use and recycled;	b) for WEEE falling under category 2 of Annex -IA , – 80% shall be recovered , and – 70% shall be prepared for re-use and recycled;

Or. de

Justification

The reduction from 10 to five categories reflects current standard practice and will avoid needless bureaucracy. This categorisation makes sense from an environmental perspective, too, as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. Lamps and gas discharge lamps cannot be reused, meaning that no target can be set for preparation for reuse.

Amendment 24

Proposal for a directive – amending act Article 11 – paragraph 1 – point c

<i>Text proposed by the Commission</i>	<i>Amendment</i>
c) for WEEE falling under categories 2, 5, 6, 7, 8 and 9 of Annex I to Directive 20xx/xx/EC (RoHS) , – 75% shall be recovered , and – 55% shall be prepared for re-use and recycled;	c) for WEEE falling under category 5 of Annex -IA , – 75% shall be recovered , and – 55% shall be prepared for re-use and recycled;

Or. de

Justification

The reduction from 10 to five categories reflects current standard practice and will avoid needless bureaucracy. This categorisation makes sense from an environmental perspective,

too, as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. Lamps and gas discharge lamps cannot be reused, meaning that no target can be set for preparation for reuse.

Amendment 25

Proposal for a directive – amending act Article 11 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

***(ca) for WEEE falling under category 3 of Annex -IA,
– 75% shall be recovered , and
– 50% shall be recycled.***

Or. de

Justification

The reduction from 10 to five categories reflects current standard practice and will avoid needless bureaucracy. This categorisation makes sense from an environmental perspective, too, as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. Lamps and gas discharge lamps cannot be reused, meaning that no target can be set for preparation for reuse.

Amendment 26

Proposal for a directive – amending act Article 11 – paragraph 1 – point d

Text proposed by the Commission

Amendment

d) for gas discharge lamps, 85% shall be prepared for re-use and recycled.

d) for gas discharge lamps, 80% shall be recycled.

Or. de

Justification

The reduction from 10 to five categories reflects current standard practice and will avoid needless bureaucracy. This categorisation makes sense from an environmental perspective, too, as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. Lamps and gas discharge lamps cannot be

reused, meaning that no target can be set for preparation for reuse.

Amendment 27

Proposal for a directive – amending act Article 12 – paragraph 1

Text proposed by the Commission

(1) Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2). ***Member States, where appropriate, shall encourage producers to finance all the cost occurring for collection facilities for WEEE from private households.***

Amendment

(1) Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at collection facilities set up under Article 5(2).

Or. de

Justification

WEEE should continue to be handled by existing, reliable bodies, such as, for example, local authorities. In terms of equipment design or environmental benefits, financing collection from households is immaterial, and shifting how the burden is shared does not guarantee a higher collection rate. Consumers, too, bear responsibility for ensuring that waste equipment is disposed of properly.

Amendment 28

Proposal for a directive – amending act Article 14 – paragraph 1

Text proposed by the Commission

(1) Member States shall ensure that producers are allowed to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the actual costs incurred.

Amendment

deleted

Or. de

Justification

Collection and treatment costs should be incorporated into the product price so that there is an incentive to reduce those costs. Flat rates reflect neither the actual costs of a product at the end of its service life nor its environmental impact. In the final analysis, consumers receive no information on recyclability and actual treatment costs.

Amendment 29

**Proposal for a directive – amending act
Article 16 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Member States shall ensure that any producer on their territory can enter in their national register all relevant information, including reporting requirements and fees, reflecting its activities across all other Member States.

Amendment

Member States shall ensure that any producer on their territory can enter *in electronic form* in their national register all relevant information, including reporting requirements and fees, reflecting its activities across all other Member States.

Or. de

Justification

It should be possible to exchange information electronically in order to reduce both the administrative outlay and the costs to businesses.

Amendment 30

**Proposal for a directive – amending act
Article 16 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

The registers shall be inter-operational *to exchange* such information, including on quantities of electrical and electronic equipment placed on the national market *and for* the transfer of money related to the intra-Community transfers of products or WEEE.

Amendment

The registers shall be inter-operational *in order to permit the exchange of* such information, including on quantities of electrical and electronic equipment placed on the national market, *as well as information required for* the transfer of money related to the intra-Community transfers of products or WEEE.

Or. de

Justification

The intention is not that new financial systems should be developed but simply that information about money should be exchanged. Instead of simply collecting fees independently and then transferring the money straight to other Member States, the registers must be interoperable for information purposes.

Amendment 31

Proposal for a directive – amending act Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Each Member State shall ensure that producers which place electrical or electronic equipment on its national market but are not domiciled on its territory can appoint a resident agent to be responsible for their obligations under the directive.

Or. de

Justification

The requirement that producers should be legally domiciled in those Member States where they intend to place EEE on the market constitutes an impediment to the internal market and is particularly burdensome for SMEs. For the purposes of implementation of the directive at Member State level, it is sufficient that a resident agent should be available to assume the producer's obligations under it.

Amendment 32

Proposal for a directive – amending act Article 16 – paragraph 3

Text proposed by the Commission

Amendment

(3) The format for registration and reporting and the frequency of reporting shall be established. Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred

(3) The format for registration and reporting and the frequency of reporting shall be established. ***The format for registration and reporting shall include, at least, information on the following:***

to in Article 18(3).

- *the quantity of EEE being placed on the national market,*
- *the types of equipment,*
- *the brands,*
- *the categories,*
- *the guarantee, where relevant.*

Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).

Or. de

Justification

Harmonising the information about the quantities placed on the market will simplify the registration procedure for producers and will enable the Member States to compare data. The information about categories and types of equipment is necessary in relation to the recovery targets in Article 11 and, in some Member States, to the guarantee. Information on brands is important in relation to enforcement measures against free-riders. The harmonisation will enable the internal market to function better.

Amendment 33

Proposal for a directive – amending act Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those inspections shall at least cover exports of WEEE outside the Community in accordance with the Waste Shipment Regulation and the operations at treatment facilities in accordance with Directive 2008/xx/EC on waste and Annex II of this Directive.

Amendment

Those inspections shall at least cover ***the reported quantities of EEE placed on the market, in order to check the amount of the financial guarantees required under Article 12,*** exports of WEEE outside the Community in accordance with the Waste Shipment Regulation and the operations at treatment facilities in accordance with Directive 2008/xx/EC on waste and Annex II of this Directive.

Or. de

Justification

The quantities reported by producers have not, to date, been subject to rigorous checking. However, they have implications for financing and for the guarantees.

Amendment 34

**Proposal for a directive – amending act
Article 20 – paragraph 2**

Text proposed by the Commission

(2) Member States shall ***carry out the monitoring of shipments of WEEE in accordance with the minimum monitoring*** requirements in Annex I.

Amendment

(2) Member States shall ***ensure that shipments of used EEE suspected of being WEEE are subject to the minimum*** requirements in Annex I ***and shall monitor such shipments accordingly.***

Or. de

Justification

Monitoring should focus particularly on equipment that is falsely declared as used but is in fact waste and the shipment of which, therefore, is either prohibited or subject to special conditions.

Amendment 35

**Proposal for a directive – amending act
Annex – I A (new)**

Text proposed by the Commission

Amendment

Annex IA

***Categories of equipment in accordance
with Article 11***

(1) Cooling appliances and radiators

(2) Screens and monitors

(3) Lamps

***(4) Large appliances other than cooling
appliances and radiators, screens and
monitors and lamps***

***Large appliances are all those appliances
which may not in principle be shipped or***

which are intended in principle to remain in their place of use for the duration of their service life.

(5) Small appliances other than cooling appliances and radiators, screens and monitors and lamps

Small appliances are all those appliances which may in principle be shipped and which are not intended in principle to remain in their place of use for the duration of their service life.

Or. de

Justification

The five categories reflect what is already collection practice in the Member States and the reduction in the number of categories will result in reduced administrative outlay. The grouping of appliance types reflects environmental considerations.

Amendment 36

Proposal for a directive – amending act Annex – I B (new)

Text proposed by the Commission

Amendment

ANNEX IB

Non-exhaustive list of examples of appliances that come under the categories in Annex IA (new)

1. Cooling appliances and radiators

- Refrigerators

- Freezers

- Appliances for the automatic dispensing or sale of cold products

- Air conditioning appliances

- Oil-containing radiators and other heat-exchange devices using heat-transfer media other than water (e.g. heat pumps and dehumidifiers)

2. Screens and monitors

- *Screens*
- *Television sets*
- *Digital picture frames*
- *Monitors*
- *Laptops*
- *Notebook computers*

3. Lamps

- *Straight fluorescent lamps*
- *Compact fluorescent lamps*
- *High-intensity discharge lamps, including pressure sodium lamps and metal halide lamps*
- *Low pressure sodium lamps*
- *LED lamps*

4. Large appliances

- *Large appliances used for cooking and other processing of foods (e.g. hot plates, ovens, stoves, microwaves, fixed coffee machines)*

- *Extractor hoods*
- *Large machines for cleaning (e.g. washing machines, clothes dryers, dishwashers)*
- *Large heating appliances (e.g. large heat blowers, electric stoves, systems for heating marble and natural stone and other large appliances for heating rooms, beds and seating furniture)*

- *Large body-care appliances (e.g. solariums, saunas, massage chairs)*
- *Large IT and telecommunications appliances (e.g. mainframes, servers, fixed network installations and appliances, printers, copiers, coin-operated telephones)*

- Large sports and leisure appliances (e.g. sports equipment with electrical or electronic components, slot machines)

- Large luminaires and other appliances for spreading or controlling light

- Large electrical and electronic industrial tools and machinery

- Large appliances for generating or transferring current (e.g. generators, transformers, uninterruptable power supplies (UPS), inverters)

- Large medical devices

- Large monitoring and control instruments

- Large measuring instruments and installations (e.g. scales, fixed machines)

- Large appliances for automated product sales or dispensing and for the automated provision of simple services (e.g. product dispensers, cash machines, machines for the return of empties, photo machines)

5. Small appliances

- Small appliances used for cooking and other processing of foods (e.g. toasters, hotplates, electric knives, immersion coils, chopping machines)

- Small cleaning appliances (e.g. vacuum cleaners, irons, etc.)

- Fans, air fresheners

- Small heating appliances (e.g. electric blankets)

- Clocks and watches and other time-measuring instruments

- Small body-care appliances (e.g. shaving equipment, toothbrushes, hairdryers, massage machines)

- Small IT and telecommunications appliances (e.g. PCs, printers, pocket calculators, telephones, mobile phones,

routers, radio equipment, baby phones, video projectors)

- Cameras

- Consumer electronics appliances (e.g. radios, audio amplifiers, car radios, DVD players)

- Musical instruments and sound equipment (e.g. amplifiers, mixing desks, headphones and speakers, microphones)

- Small luminaires and other appliances for spreading or controlling light

- Toys (e.g. model railways, model aircraft, etc.)

- Small items of sports equipment (e.g. computers for biking, diving, running, rowing, etc.)

- Small leisure appliances (e.g. video games, fishing and golf equipment etc.)

- electrical and electronic tools including gardening equipment (e.g. drills, saws, pumps, lawn-mowers)

- Small appliances for generating or transferring current (e.g. generators, battery chargers, uninterruptable power supplies (UPS), converters)

- Small medical devices including veterinary devices

- Small monitoring and control instruments (e.g. smoke detectors, heating regulators, thermostats, movement detectors, monitoring appliances and products, remote handling and control devices)

- Small measuring appliances (e.g. scales, display devices, telemeters, thermometers)

- Small appliances for automated product sales or dispensing

Or. de

Justification

The non-exhaustive list of examples is intended to facilitate categorisation under the five headings in Annex IA and to make the system clearer. This should contribute to harmonised implementation of the directive.

Amendment 37

**Proposal for a directive – amending act
Annex I – Title**

Text proposed by the Commission

Amendment

Minimum **monitoring** requirements for shipments of **WEEE**

Minimum requirements for shipments of **used EEE suspected of being WEEE**

Or. de

Justification

Annex I is concerned with the minimum requirements and documentation obligations for the holder of an object who is shipping it as used equipment. This should be reflected in the title. The proposal thus provides clarification.

Amendment 38

**Proposal for a directive – amending act
Annex I – point 1 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

Subparagraphs (a) and (b) shall not apply if the used EEE is being returned to the producer as a collective consignment of defective products under guarantee and intended for re-use.

Or. de

Justification

In accordance with the waste hierarchy, the re-use of equipment should be supported. It is

thus permissible to send damaged equipment that is under guarantee to be repaired. The shipping of non-functional equipment must be made subject to strict conditions, so that it does not open the way to shipments of waste equipment under the guise of repair consignments.

Amendment 39

Proposal for a directive – amending act

Annex I – point 2 – Step 2 – subparagraph (b) – first indent

Text proposed by the Commission

- Name of item (Name of the equipment according to Annex II and category according to Annex **I of Directive 20xx/xx/EC (RoHS)**);

Amendment

- Name of item (Name of the equipment according to Annex II and category according to Annex **IA**);

Or. de

Justification

This is a technical change reflecting the directive's open scope, in accordance with Article 2, making the reference to Directive 20xx/xx/EC (RoHS) dispensable.

Amendment 40

Proposal for a directive – amending act

Annex I – point 3 – introductory part

Text proposed by the Commission

In addition to the **document** requested in point 1, every load (e. g. shipping container, lorry) of used electrical and electronic equipment **should** be accompanied by a:

Amendment

In addition to the **documents** requested in point 1, every load (e. g. shipping container, lorry) of used electrical and electronic equipment **shall** be accompanied by a:

Or. de

Justification

It must be compulsory that the documents referred to in both point 1 and point accompany the load so that it can be determined whether the equipment in question is used and re-usable or waste.

Amendment 41

Proposal for a directive – amending act Annex I – point 4

Text proposed by the Commission

(4) In the absence of appropriate documentation required in point 1 and 3 and packaging, Member State authorities shall presume that an item is hazardous WEEE and presume that the load comprises an illegal shipment. In these circumstances the relevant competent authorities will be informed and the load will be dealt with in accordance with Articles 24 and 25 of the Waste Shipment Regulation. ***In the majority of cases those responsible for the shipment will have to take back the waste to the country of dispatch at their own expense and may be liable to a criminal sanction. In those Member States where the burden is on the state authorities to prove the items are WEEE rather than electrical and electronic equipment, absence of the appropriate documentation and packaging is likely to lead to significant delays to the onward transport of the waste whilst the necessary investigations are carried out to establish the status of the items being shipped.***

Amendment

(4) In the absence of appropriate documentation required in point 1 and 3 and packaging, ***which it is the responsibility of the holder of an object intended for shipment to provide***, Member State authorities shall presume that an item is hazardous WEEE and presume that the load comprises an illegal shipment. In these circumstances the relevant competent authorities will be informed and the load will be dealt with in accordance with Articles 24 and 25 of the Waste Shipment Regulation.

Or. de

Justification

This constitutes clarification that the burden of proof rests with the holder of the object. Points 3 and 4 contain no provisions for dealing with illegal loads: these are contained in Articles 24 and 25 of the Waste Shipment Regulation, to which reference is made. Annex I also establishes that the burden of proof rests with the holder of the object, and this should not be called into question by point 4.

EXPLANATORY STATEMENT

Waste electrical and electronic equipment (WEEE) represents the fastest-growing waste stream in the EU and we therefore face a range of challenges. On the one hand we need to address the environmental and health consequences if this equipment is not properly treated and disposed of and, on the other, there is a serious problem of loss of raw materials. In a globalised economy, the efficient and innovative use of energy, materials and resources is a key issue. Stepping up the collection and proper treatment of this waste in accordance with the directive thus constitutes a major challenge.

According to the Commission's Impact Assessment¹, 85% of electronic waste is already being collected. A comparison of the quantity of waste equipment collected with the number of appliances coming onto the market yields the figure of 65% as the proportion of appliances sold which will subsequently be collected. However, these quantities are not being reported to official registers and, indeed, much of the waste concerned is not being properly treated: only 33% of waste equipment is being officially reported, collected and treated in line with the directive's stipulations. The challenge in the current review, therefore, is to increase these rates.

In my view, action is needed on a number of fronts to prevent WEEE being disposed of improperly.

Illegal shipment

Efforts to prevent illegal shipment need to begin, notably, at Member State level. It is the Member States' responsibility to see that the directive is implemented and, specifically, that its implementation is enforced and monitored. Large quantities of waste equipment are still being shipped illegally to countries outside the EU. In too many cases, such equipment is being declared as used but functional and, on that basis, is being exported beyond the Union. A simpler distinction between waste and used equipment therefore needs to be introduced with the help of the directive. This will give customs authorities a practical tool enabling them to carry out effective checks. It is important, for the same reasons, to emphasise that the responsibility for proving that used appliances are not in fact waste lies with the exporters. Nonetheless, the Member States need to carry out more checks at ports and border crossings. Given the large volume of waste currently being shipped illegally, the Member States also need to exercise the responsibility that is clearly theirs for enforcement of the directive.

Collection rate

The collection rate is another important lever available for promoting proper treatment of WEEE, in line with the directive, and curbing its illegal export. Increasing the rate of separated collection is a means of keeping waste streams within the EU and directing waste equipment to treatment or preparation for re-use. It is therefore very important to set an ambitious collection target.

Some Member States have met the current collection target of 4kg per inhabitant per year and,

¹ Impact Assessment, COM (2008)810.

indeed, some have achieved considerably higher rates. Other countries, however, fell far short of the target in 2005 and 2006. It is clearly incumbent on the Member States to achieve higher collection rates by every conceivable means. The Commission's task is to monitor observance of the collection targets. The collection target of 4kg per inhabitant per year, applicable thus far, fails to reflect the different circumstances in individual Member States – for example, one Member State had already achieved a rate more than triple the target by 2006. By contrast, other Member States, in which only very limited quantities of EEE are placed on the market and whose markets are not saturated, are unable to achieve the old collection target. For that reason, a percentage collection rate, set in function of the amount of EEE placed on the market over a given period, is more appropriate as it will reflect specific national circumstances.

An interim target will also be necessary if a percentage target is to take effect only from 2016. Setting an interim target will have the further effect of facilitating gradual improvement towards the ambitious target that will apply from 2016. In my view it is very important to have an ambitious collection target as it will help encourage the Member States to reduce the large volumes of waste currently escaping the 'WEEE system'. The Member States can address this problem in various ways: from restricting the number of operators permitted to collect waste appliances, to increasing the number of collection points, to requiring producers to introduce systems of incentives for consumers to return waste appliances. There is considerable diversity in the way that national markets for waste have developed, so this directive does not include stipulations about national market structures. One reference point in this regard is the directive's clear stipulation that all collectors of waste equipment must report the quantities collected to the relevant Member State, at no charge. This provision is intended to facilitate better waste-stream monitoring. The extension of the reporting interval to three years is intended to help even out the impact of market fluctuations and to take better account of unsaturated markets. For environmental reasons, high rates of separated collection need to be achieved for freezers, fridges and lamps containing mercury and, if necessary the Commission should propose specific rates for such appliances. The intention here is that products such as gas discharge lamps and appliances containing CFCs, which have the greatest environmental impact but which have not previously appeared as a separate category, can be the subject of specific attention.

It is important, however, that producers too should behave responsibly, and not only in the interests of the environment: a responsible approach should also be in their own interests. The recovery of WEEE offers them a source of valuable secondary raw materials. Currently, a great deal of equipment of value is not making its way back to the producers and that should stimulate them to devise incentives for consumers to return their waste equipment. A responsible approach on the part of producers requires them to innovate and thus helps to ensure their long-term competitiveness.

Responsibility for collection targets

The fact that responsibility for the achievement of the collection target rests with the Member States, rather than the producers, does not lessen the producers' responsibility – quite the contrary. Placing legal responsibility for achievement of the collection target solely on the producers' shoulders cannot be seen as a means of achieving significantly higher collection rates. While producers – on the basis of producer responsibility – certainly have substantial

duties in relation to the collection of waste appliances, they cannot manage the task alone. It is evident that not all waste equipment makes its way into the collection systems financed by producers. At the point when appliances become waste, they no longer belong to their producers. Apart from incentive systems, the latter have no means of requiring other parties (scrap merchants, for example) to return their products to them. If producers were to be given legal responsibility for the collection target, responsibility for the collection process would also have to be transferred to them. However, the EU has no area of competence under which it can interfere in individual national systems for waste disposal. The intention is to allow collection to remain the task of existing successful infrastructure. It is, moreover, unclear how each individual producer could be held responsible in law for a collective national target. Instead, the Member States must use all available means to achieve ambitious collection rates. That the task is possible is clear from the rates already achieved in some countries.

Consumer responsibility

Consumers too bear a significant share of responsibility for ensuring that waste equipment is disposed of properly. Too many appliances either lie forgotten and unused in drawers or cupboards or end up, illegally, in the domestic waste bin. Producers' incentive systems can certainly play a part here in getting consumers to put their appliances in the proper channels for treatment, but they also have a responsibility of their own for taking equipment to recovery points or back to sales outlets. They cannot be absolved of that responsibility, nor should they be. Another option that must be rejected here is funding the collection of WEEE from the consumer's door. One of the effects of that would be to interfere with tried and tested (e.g. municipal) collection arrangements without any prospect of increased environmental benefit – i.e. of reducing the volume of waste equipment escaping official collection.

Registration

In the first years that the directive was in force, it became clear that differences in its implementation in the different Member States had resulted in some cases in a proliferation of red tape, with associated costs. This has considerably impeded the free functioning of the internal market. According to the Commission's Impact Assessment¹, there is scope here for annual cost savings of EUR 66 million. Differing conditions of registration in the Member States warrant particular attention in this regard. The national rules on reporting requirements also vary tremendously. The Commission proposal, which will facilitate exchanges of information between Member States through a system of inter-operability, is therefore to be welcomed. The intention is to take this a step further, through the proposal to enable online registration. Making national registers interoperable will also prevent the situation whereby fees are levied more than once, placing a recurring burden on producers. Harmonisation of the format for registration and reporting will help significantly to reduce administrative costs and simplify the directive's application. It is important here that the nature of the figures used by the Member States should be harmonised because currently national data are not sufficiently comparable. The weight of waste, for example, is calculated differently in different Member States. The impediment to the internal market created by the insistence of many Member States that producers must have a branch in a given country in order to place equipment on the market there needs to be removed. It is sufficient to allow a resident agent to assume the producer's obligations: national authorities retain their ability to require that producers'

¹ Impact Assessment, COM (2008)810.

obligations under the directive are met, while the burden on SMEs, in particular, is lightened.

Categories of equipment

The reduction of the number of equipment categories from the current 10 to just five constitutes a further simplification. The change reflects current practice and will prevent unnecessary administrative outlay. The categorisation reflects an environmental approach as the grouped appliances have similarities in terms of composition and their environmental impact is taken into account. The categories are no longer relevant with regard to the directive's scope of application: they remain relevant only in relation to the recovery, recycling and preparation-for-re-use rates.

Scope

Experience with the directive has revealed a huge diversity in Member States' interpretation and application of it. For that reason, the intention is that inclusion of an appliance in a specific category should no longer be crucial to determining whether it is subject to the directive's requirements: instead, all EEE are, in principle, to fall within the directive's scope of application. This reflects one of the major concerns in the review of the directive: the need to create legal certainty. Exceptions to the scope of application must be stipulated by the legislators themselves within the directive. On the other hand, it is not sufficient to include a list of products at the end because the electrical and electronics market is a rapidly changing one, so the directive would have to be revised continually and would never be up to date.

Dual-use appliances

Clarification is also required in relation to appliances intended for dual use. Difficulties currently arise with the classification of equipment suitable for both domestic and business use as either 'business-to-business' or 'business-to-consumer'. In the case of many types of appliance, it cannot be foreseen whether the end user will be a consumer or someone running a business. However, collecting waste equipment from private households is usually more costly. There is a risk here that such equipment will be designated as non-household, thus jeopardising the financing for household waste equipment. The directive must, therefore, lay down clear and straightforward rules.

Standards for collection, treatment and recycling

Quality levels in the collection, treatment and recycling of waste equipment currently differ widely and urgent action is needed to remedy that, for the sake of the environment. Inappropriate collection, treatment and recycling methods have serious effects on the environment, and quality differences are also bad for competition. These problems can be countered by the establishment of collection, treatment and recycling standards. It has also become clear that certain Member States do not have enough appropriate recycling facilities and, in some cases, collective schemes for waste collection get in the way of free competition.

Costs shown to the consumer

Producers should integrate the costs generated by collection and treatment into their product prices, so that they will have an incentive to reduce those costs. Undifferentiated flat-rate

charges applied to different products of one type – as they have been in countries where such costs have been shown as extra – offer consumers no information about the real costs of recycling and treatment. Flat rates reflect neither the actual costs of a product at the end of its service life nor its environmental impact. Nor do the costs as shown take account of appliances that have a positive value at the end of their service life. The existing provisions have thus proved ineffective in informing consumers about products' recycling potential.

The proposed amendments are designed to increase the rate of separated collection, to reduce loss of waste equipment within the 'WEEE system', while preventing illegal shipment, and also to ensure that WEEE receives appropriate, high-quality treatment. In addition, red-tape at national level should be reduced, thus removing impediments to the internal market.