

Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment

(2000/C 365 E/12)

(Text with EEA relevance)

COM(2000) 347 final — 2000/0158(COD)

(Submitted by the Commission on 28 July 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The objectives of the Community's environment policy are, in particular, to preserve, protect and improve the quality of the environment, protect human health and utilise national resources prudently and rationally. That policy is based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.
- (2) The Community programme of policy and action in relation to the environment and sustainable development ('Fifth Environmental Action Programme')⁽¹⁾ states that the achievement of sustainable development calls for significant changes in current patterns of development, production, consumption and behaviour and advocates, *inter alia*, the reduction of wasteful consumption of natural resources and the prevention of pollution. It mentions waste electrical and electronic equipment (WEEE) as one of the target areas to be regulated, in view of the application of the principles of prevention, recovery and safe disposal of waste.
- (3) The Commission communication of 30 July 1996 on review of the Community strategy for waste management⁽²⁾ states that, where the generation of waste cannot be avoided, it should be reused or recovered for its material or energy.

(4) The Council, in its Resolution of 24 February 1997 on the Community strategy for waste management⁽³⁾, invited the Commission to develop, as soon as possible, an appropriate follow-up to the projects of the priority waste streams programme, including WEEE.

(5) The European Parliament, in its resolution of 14 November 1996⁽⁴⁾ asked the Commission to present proposals for Directives on a number of priority waste streams, including electrical and electronic waste, and to base such proposals on the principle of producer responsibility. The European Parliament, in the same resolution, requests the Council and the Commission to put forward proposals for cutting the volume of waste.

(6) Council Directive 75/442/EEC of 15 July 1975 on waste⁽⁵⁾, as last amended by Commission Decision 96/350/EC⁽⁶⁾, provides that specific rules for particular instances or supplementing those of Directive 75/442/EEC on the management of particular categories of waste may be laid down by means of individual Directives.

(7) The amount of WEEE generated in the Community is growing rapidly, the content of hazardous components in electrical and electronic equipment is a major concern during the waste management phase and recycling of WEEE is not undertaken to a sufficient extent.

(8) The objective of improving the management of WEEE cannot be achieved effectively by Member States acting individually. In particular, different national applications of the producer responsibility principle lead to substantial disparities in the financial burden on economic operators. Having different national policies on the management of WEEE hampers the effectiveness of national recycling policies.

(9) The provisions of this Directive should apply to products and producers irrespective of the selling technique, including distance and electronic selling.

⁽¹⁾ OJ C 138, 17.5.1993, p. 5.

⁽²⁾ COM(96) 399 final.

⁽³⁾ OJ C 76, 11.3.1997, p. 1.

⁽⁴⁾ OJ C 362, 2.12.1996, p. 241.

⁽⁵⁾ OJ L 194, 25.7.1975, p. 39.

⁽⁶⁾ OJ L 135, 6.6.1996, p. 32.

- (10) This Directive should cover all electrical and electronic equipment used by consumers and electrical and electronic equipment intended for professional use which are likely to end up in the municipal waste stream. This Directive should apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation, in particular Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances ⁽¹⁾, as amended by Commission Directive 98/101/EC ⁽²⁾.
- (11) It is necessary to draw up as quickly as possible provisions concerning the design and manufacture of electrical and electronic equipment to minimise their impact on the environment during their life cycle. In the interest of overall consistency between Directives relevant to electrical and electronic equipment, those provisions should be drawn up in accordance with the principles set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards ⁽³⁾.
- (12) Separate collection is the precondition to ensure specific treatment and recycling of WEEE and is necessary to achieve the chosen level of protection of human and animal health and the environment in the Community. Consumers have to actively contribute to the success of such collection and should be encouraged to return WEEE. For this purpose, convenient facilities should be set up for the return of WEEE, including public collection points, where private households should be able to return their waste free of charge.
- (13) A collection target for WEEE used by private households should be fixed in order to attain the chosen level of protection and harmonised environmental objectives of the Community and more specifically to ensure that Member States strive to set up efficient collection schemes.
- (14) Specific treatment for WEEE is indispensable in order to avoid the dispersion of pollutants into the recycled material or the waste stream. Such treatment is the most effective means of ensuring compliance with the chosen level of protection of the environment of the Community. Recycling facilities should comply with certain minimum standards to prevent negative environmental impacts associated with the treatment of WEEE.
- (15) A high level of recovery, in particular re-use or recycling, should be achieved and producers encouraged to integrate recycled material in new equipment.
- (16) Basic principles with regard to the financing of WEEE management have to be set at Community level and financing schemes have to contribute to high collection rates as well as to the implementation of the principle of producer responsibility. In order to achieve the benefits of the producer responsibility concept most efficiently, producers should be encouraged to fulfil their responsibility individually, provided that they contribute to the financing of the management of waste from products put on the market before the entry into force of the financing obligation introduced by this Directive.
- (17) Users of electrical and electronic equipment from private households should have the possibility of returning WEEE free of charge. Producers should therefore finance the treatment, recovery and disposal of WEEE. In order to reduce costs for producers resulting from the management of waste from products already on the market ('historical waste'), a transitional period should be laid down. The responsibility for the financing of the management of historical waste should be shared by all existing producers and fulfilled through either individual or collective systems. Collective systems should not have the effect of excluding niche and low-volume producers, importers and new entrants.
- (18) Information to users about the collection systems and their role in the management of WEEE is indispensable for the success of WEEE collection. Such information implies the proper marking of electrical and electronic equipment which could end up in rubbish bins or similar means of municipal waste collection.
- (19) Information on treatment facilities provided by producers is important to facilitate the management, and in particular the treatment, of WEEE.
- (20) Information about the numbers and weight of items of electrical and electronic equipment put on the market in the Community and the rates of collection and recycling of WEEE is necessary to monitor the success of collection schemes.
- (21) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

⁽¹⁾ OJ L 78, 26.3.1991, p. 38.

⁽²⁾ OJ L 1, 5.1.1999, p. 1.

⁽³⁾ OJ C 136, 4.6.1985, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objectives

The purpose of this Directive is, as a first priority, the prevention of waste electrical and electronic equipment (WEEE), and in addition, the reuse, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste. It also seeks to improve the environmental performance of all economic operators involved in the life cycle of electrical and electronic equipment and in particular operators directly involved in the treatment of waste electrical and electronic equipment.

Article 2

Scope

1. This Directive shall apply to electrical and electronic equipment falling under the categories set out in Annex I A.

2. Article 4(1), (3), (4) and (5), and Articles 7 and 9 shall not apply to electrical and electronic equipment falling under categories 8, 9 and 10 of Annex I A.

3. This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) 'electrical and electronic equipment' 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 A and designed for use with a voltage rating not exceeding 1 000 volt for alternating current and 1 500 volt for direct current;
- (b) 'waste electrical and electronic equipment' or 'WEEE' means electrical or electronic equipment which is waste within the meaning of Article 1(a) of Directive 75/442/EEC, including all components, sub-assemblies and consumables, which are part of the product at the time of discarding;
- (c) 'prevention' means measures aimed at reducing the quantity and the harmfulness to the environment of WEEE and materials and substances contained therein;
- (d) 're-use' means any operation by which WEEE is used for the same purpose for which it was conceived, including

the continued use of WEEE which is returned to collection points, distributors, recyclers or manufacturers;

- (e) 'recycling' means the reprocessing in a production process of the waste materials for the original purpose or for other purposes, but excluding energy recovery;
- (f) 'energy recovery' means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;
- (g) 'recovery' means any of the applicable operations provided for in Annex II.B to Directive 75/442/EEC;
- (h) 'disposal' means any of the applicable operations provided for in Annex II.A to Directive 75/442/EEC;
- (i) 'treatment' means any activity after the WEEE has been handed over to a facility for depollution, disassembly, shredding, recovery or disposal and any other operation carried out for the recovery and/or the disposal of the WEEE;
- (j) 'producer' means any person who:
 - (i) manufactures and sells electrical and electronic equipment under his own brand, irrespective of the selling technique used, including distance and electronic selling,
 - (ii) resells under his own brand equipment produced by other suppliers, irrespective of the selling technique used, including distance and electronic selling, or
 - (iii) imports electrical and electronic equipment on a professional basis into a Member State;
- (k) 'distributor' means anyone who provides a product on a commercial basis to the party who is going to use that product;
- (l) '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;
- (m) 'dangerous substance or preparation' means any substance or preparation which has to be considered dangerous under Council Directive 67/548/EEC⁽¹⁾ or Directive 1999/45/EC of the European Parliament and of the Council⁽²⁾.

⁽¹⁾ OJ L 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 200, 30.7.1999, p. 1.

*Article 4***Separate collection**

1. Member States shall ensure that systems are set up so that final holders and distributors can return WEEE from private households free of charge. They shall ensure the availability and accessibility of the necessary collection facilities, taking into account the population density.

2. Member States shall ensure that distributors, when supplying a new product, offer to take back free of charge similar WEEE from private households provided that the equipment is free from contaminants, including radioactive and biological contaminants.

3. Member States shall ensure that producers provide for the collection of WEEE from holders other than private households. They shall be allowed on a voluntary and individual basis to set up and operate take-back systems for WEEE from private households.

4. Member States shall ensure that all WEEE collected is transferred to authorised treatment facilities. The collection and transportation of separately collected WEEE shall be carried out in a way which ensures the suitability for re-use and recycling of those components or whole appliances which might be re-used and/or recycled.

5. Member States shall endeavour to achieve by 31 December 2005 at the latest a minimum rate of separate collection of four kilograms on average per inhabitant per year of WEEE from private households.

As soon as it is possible, on the basis of the information required under Article 11, to formulate a collection target of WEEE from private households as a percentage of the amount of electrical and electronic equipment sold to private households, the European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish such a compulsory target.

*Article 5***Treatment**

1. Member States shall ensure that producers set up systems to provide for the treatment of WEEE. To ensure compliance with Article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II to the present Directive provided that the re-use and recycling of components or whole appliances is not hindered.

2. Member States shall ensure that any establishment or undertaking carrying out treatment operations obtains a permit from the competent authorities, in compliance with Articles 9 and 10 of Directive 75/442/EEC.

The derogation from the permit requirement referred to in Article 11(1)(b) of Directive 75/442/EEC may apply to recovery operations concerning WEEE if an inspection is carried out by the competent authorities before the registration in order to ensure compliance with Article 4 of Directive 75/442/EEC.

The inspection shall verify:

- (a) the type and quantities of waste to be treated;
- (b) the general technical requirements to be complied with;
- (c) the safety precautions to be taken.

The inspection shall be carried out once a year and the results shall be communicated by the Member States to the Commission.

3. Member States shall ensure that any establishment or undertaking carrying out treatment operations stores and treats WEEE in compliance with the technical requirements set out in Annex III.

4. Member States shall ensure that the permit referred to in paragraph 2 includes all conditions necessary for compliance with the requirements of paragraphs 1 and 3 as well as Article 6.

5. The treatment operation may also be undertaken outside the respective Member State or the Community provided that the shipment of WEEE is in compliance with Council Regulation (EEC) No 259/93 ⁽¹⁾.

*Article 6***Recovery**

1. Member States shall ensure that producers set up systems to provide for the recovery of separately collected WEEE in compliance with this Directive.

2. Member States shall ensure that, by 31 December 2005 at the latest, the following targets for separately collected waste are met by producers:

- (a) For WEEE falling under category 1 (large household appliances) of Annex I A, the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance;

⁽¹⁾ OJ L 30, 6.2.1993, p. 1.

(b) For WEEE falling under categories 2, 4, 6 and 7 of Annex I A, with the exception of equipment that contains cathode-ray tubes, the rate of recovery shall be increased to a minimum of 60 % by weight of the appliances and component, material and substance re-use and recycling shall be increased to a minimum of 50 % by weight of the appliances;

(c) For WEEE falling under category 3 of Annex I A, with the exception of equipment that contains cathode-ray tubes, the rate of recovery shall be increased to a minimum of 75 % by weight of the appliances and component, material and substance re-use and recycling shall be increased to a minimum of 65 % by weight of the appliances;

(d) For gas discharge lamps, the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps;

(e) For WEEE containing a cathode-ray tube, the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and component, material and substance re-use and recycling shall be increased to a minimum of 70 % by an average weight per appliance.

3. By 31 December 2004 at the latest, the detailed rules for monitoring compliance by Member States with the targets referred to in paragraph 2 of this Article shall be adopted in accordance with the procedure referred to in Article 14(2).

4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish targets for recovery, re-use and recycling for the years beyond 2008.

Article 7

Financing in respect of WEEE from private households

1. Member States shall ensure that holders of WEEE from private households can return such waste free of charge in accordance with Article 4.

2. Member States shall ensure that, five years after the entry into force of this Directive, producers provide for the financing of the collection of WEEE from private households deposited at collection facilities, set up under Article 4(1), as well as of the treatment, recovery and environmentally sound disposal of WEEE.

3. The financing referred to in paragraph 2 may be provided by means of collective or individual systems. There shall be no discrimination between producers who opt for collective systems and those who opt for individual systems.

The responsibility for the financing of the management of waste from products put on the market before the expiry of the period referred to in paragraph 2 ('historical waste') shall be

shared by all existing producers. Where a producer who opts for an individual system cannot prove that he is discharging his responsibility with respect to a fair share of the historical waste, he shall contribute to the financing of an alternative system.

Article 8

Financing in respect of WEEE from users other than private households

Member States shall ensure that the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from users other than private households is covered by agreements between the producer and the user of the equipment at the time of purchase.

Article 9

Information for users

1. Member States shall ensure that users of electrical and electronic equipment in private households are given the necessary information about:

(a) the return and collection systems available to them;

(b) their role in contributing to re-use, recycling and other forms of recovery of WEEE;

(c) the meaning of the symbol shown in Annex IV.

2. Member States shall encourage consumers to contribute to collection, treatment and recovery of WEEE.

3. Member States shall ensure that, with a view to achieving a high rate of collection, producers appropriately mark electrical and electronic equipment which might normally be disposed of in rubbish bins or similar means of municipal waste collection with the symbol shown in Annex IV. In exceptional cases, where this is necessary because of the size or the function of the product, the symbol shall be printed on the packaging of the electrical and electronic equipment.

Article 10

Information for treatment facilities

Member States shall ensure that producers provide such information as is needed by treatment facilities to identify the different electrical and electronic equipment components and materials, and the location of dangerous substances and preparations in the electrical and electronic equipment.

*Article 11***Information requirements**

1. Member States shall provide to the Commission information on an annual basis on the quantities and categories of electrical and electronic equipment put on the market, collected and recycled within the Member States, both by numbers and by weight.

2. Member States shall ensure that the information required under paragraph 1 is transmitted to the Commission by 1 January 2007 and on a three-yearly basis thereafter. The information shall be provided in a format which shall be established within one year after the entry into force of this Directive in accordance with the procedure referred to in Article 14(2).

*Article 12***Reporting obligation**

Without prejudice to the requirements of Article 11, Member States shall send a report to the Commission on the implementation of this Directive at three-year intervals. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Council Directive 91/692/EEC ⁽¹⁾ with a view to establishing databases on WEEE and their treatment. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made available to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover a period of three years from 1 January 2006.

The Commission shall publish a report on the implementation of this Directive within nine months after receiving the reports from the Member States.

*Article 13***Adaptation to scientific and technical progress**

Any amendments which are necessary in order to adapt Annexes II, III and IV to scientific and technical progress shall be adopted in accordance with the procedure referred to in Article 14(2).

*Article 14***Committee**

1. The Commission shall be assisted by the committee instituted by Article 18 of Directive 75/442/EEC.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

*Article 15***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2004 (18 months after the date of adoption) at the latest. They shall immediately inform the Commission thereof.

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

3. Member States shall communicate to the Commission the text of all existing laws, regulations and administrative provisions adopted in the field covered by this Directive.

*Article 16***Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

*Article 17***Addressees**

This Directive is addressed to the Member States.

⁽¹⁾ OJ L 377, 31.12.1991, p. 48.

ANNEX I A

Categories of electrical and electronic equipment covered by this Directive

1. Large household appliances
 2. Small household appliances
 3. IT & telecommunication equipment
 4. Consumer equipment
 5. Lighting equipment
 6. Electrical and electronic tools
 7. Toys
 8. Medical equipment systems (with the exception of all implanted and infected products)
 9. Monitoring and control instruments
 10. Automatic dispensers
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ANNEX I B

Indicative list of products which fall under the categories of Annex I A**1. Large household appliances**

Large cooling appliances
Refrigerators
Freezers
Washing machines
Clothes dryers
Dish-washing machines
Cooking
Electric stoves
Electric hot plates
Microwaves
Heating appliances
Electric heaters
Electric fans
Air conditioners

2. Small household appliances

Vacuum cleaners
Carpet sweepers
Irons
Toasters
Fryers
Coffee grinders
Electric knives

Coffee machines

Hair dryers

Tooth brushes

Shavers

Clocks

Scales

3. IT & telecommunication equipment

Centralised data processing:

Mainframes

Minicomputers

Printer units

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included)

Lap-top computers (CPU, mouse, screen and keyboard included)

Note-book computers

Note-pad computers

Printers

Copying equipment

Electrical and electronic typewriters

Pocket and desk calculators

User terminals and systems

Facsimile

Telex

Telephones

Pay telephones

Cordless telephones

Cellular telephones

Answering systems

4. Consumer equipment

Radio sets (clock radios, radio-recorders)

Television sets

Videocameras

Video recorders

Hi-fi recorders

Audio amplifiers

Musical instruments

5. Lighting equipment

Luminaires

Straight fluorescent lamps

Compact fluorescent lamps

High intensity discharge lamps, including high-pressure sodium lamps and metal halide lamps

Low-pressure sodium lamps

Other lighting equipment

6. Electrical and electronic tools

Drills
Saws
Sewing machines

7. Toys

Electric trains or car-racing sets
Hand-held video game consoles
Video games

8. Medical equipment systems (with the exception of all implanted and infected products)

Radiotherapy equipment
Cardiology
Dialysis
Pulmonary ventilators
Nuclear medicine
Laboratory equipment for in-vitro diagnosis
Analysers
Freezers

9. Monitoring and control instruments

Smoke detectors
Heating regulators
Thermostats

10. Automatic dispensers

Automatic dispensers for hot drinks
Automatic dispensers for hot or cold bottles or cans
Automatic dispensers for solid products

ANNEX II

Selective treatment for materials and components of waste electrical and electronic equipment in accordance with Article 5.1

1. As a minimum, the following substances, preparations and components have to be removed from any separately collected WEEE:

- PCB containing capacitors
- Mercury containing components, such as switches
- Batteries
- Printed circuit boards
- Toner cartridges, liquid and pasty, as well as colour toner
- Plastic containing brominated flame retardants
- Asbestos waste
- Cathode-ray tubes
- CFC, HCFC or HFCs
- Gas-discharge lamps
- Liquid crystal displays of a surface greater than 100 square centimetres and all those back-lighted with gas-discharge lamps

These substances, preparations and components shall be disposed of or recovered in compliance with Article 4 of Council Directive 75/442/EEC.

2. The following components of WEEE that is separately collected has to be treated as indicated:

- Cathode-ray tubes: The fluorescent coating has to be removed
 - Equipment containing CFC, HCFC or HFCs: The CFC present in the foam and the refrigerating circuit must be properly extracted and destroyed. HCFC or HFCs present in the foam and the refrigerating circuit must be properly extracted and destroyed or recycled
 - Gas-discharge lamps: The mercury shall be removed
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ANNEX III

Technical requirements in accordance with Article 5.3

1. Sites for storage of WEEE (without prejudice to the requirements of Directive 1999/31/EC on the landfill of waste):

- Impermeable surfaces
- Weatherproof covering

2. Sites for treatment of WEEE:

- Balances to measure the weight of the treated waste
- Impermeable surfaces and waterproof covering for appropriate areas
- Appropriate storage for disassembled spare parts
- Appropriate containers for storage of batteries, PCB/PCT containing condensators and other hazardous waste
- Equipment for the treatment of water, including rainwater

ANNEX IV

Symbol for the marking of electrical and electronic equipment

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.


