

P7_TA-PROV(2011)0037

Waste electrical and electronic equipment *I**

European Parliament legislative resolution of 3 February 2011 on the proposal for a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast) (COM(2008)0810 – C6-0472/2008 – 2008/0241(COD))

(Ordinary legislative procedure: recast)

The European Parliament,

- having regard to the Commission proposal to 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 Commission Communication to 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 of 11 June 2009¹,
 - having regard to the opinion of the Committee of the Regions of 4 December 2009²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to the letter of 3 April 2009 from the Committee on Legal Affairs to the Committee on the Environment, Public Health and Food Safety in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0229/2010),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts

¹ OJ C 306, 16.12.2009, p. 39.

² OJ C 141, 29.5.2010, p. 55.

³ OJ C 77, 28.3.2002, p. 1.

together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,

1. Adopts the position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
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

Recital 7

Text proposed by the Commission

(7) The purpose of this Directive is, to contribute to sustainable production and consumption by 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 and contribute to the efficient use of resources. It also seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, e.g. producers, distributors and consumers and in particular those operators directly involved in the collection and treatment of waste electrical and electronic equipment. In particular, different national applications of the producer responsibility principle may lead to substantial disparities in the financial burden on economic operators. Having different national policies on the management of WEEE hampers the effectiveness of recycling policies. For that reason the essential criteria should be laid down at Community level.

Amendment

(7) The purpose of this Directive is to contribute to sustainable production and consumption by, as a first priority, the prevention of waste electrical and electronic equipment (WEEE), and in addition, the *re-use*, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste and contribute to the efficient use of resources ***and the retrieval of strategic raw materials***. It also seeks to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment, e.g. producers, distributors and consumers and in particular those operators directly involved in the collection and treatment of waste electrical and electronic equipment. In particular, different national applications of the producer responsibility principle may lead to substantial disparities in the financial burden on economic operators. Having different national policies on the management of WEEE hampers the effectiveness of recycling policies. For that reason the essential criteria should be laid down at Community level ***and harmonised standards for the collection and handling of WEEE should be developed***.

Amendment 2

Proposal for a directive Recital 10

Text proposed by the Commission

(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.

Amendment

(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. ***Large-scale fixed installations, inter alia, should be excluded from the scope of this Directive because they are permanently installed and operated at a particular location, are assembled and disassembled by specialist personnel and therefore represent a controlled waste stream. Large-scale stationary industrial tools installed for operation at a specific location should also be excluded from the scope of this Directive. Mobile machinery operated exclusively by professional users should likewise be excluded because it too is disassembled and disposed of by specialist personnel and it therefore represents a controlled 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 assess whether that agreement is achieving at least equivalent results as compared to this Directive and whether it covers all photovoltaic modules placed on the market, and should, if appropriate, on the basis of a report, include photovoltaic modules in the scope of the Directive.

Amendment 3

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Separate collection is a precondition to ensure specific treatment and recycling of WEEE and is necessary to achieve the chosen level of protection of human 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 at least free of charge. Distributors have an important role in contributing to the success of WEEE collection.

Amendment

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Amendment 4

Proposal for a directive 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

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.

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 *show* 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, *or is treated properly but the amounts treated were not reported*. This leads to losses of valuable secondary raw materials, environmental degradation *and provision of inconsistent data*. To avoid this, it is necessary to set an ambitious collection target, *to oblige all actors that collect WEEE to ensure it is treated in an environmentally sound way, and to require such actors to report the volumes collected, handled and treated. It is of fundamental importance that Member States ensure that the Directive is effectively enforced, in particular as regards checks on used EEE shipped out of the Union*.

Amendment 101
Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The Scientific Committee on Emerging and Newly Identified Health Risks, in its opinion on 'Risk Assessment of Products of Nanotechnology' of 19 January 2009, stated that exposure to nanomaterials that are firmly embedded in large structures, for example in

electronic circuits, may occur in the waste phase and during recycling. To control possible risks to human health and the environment from the treatment of WEEE containing nanomaterials, selective treatment may be necessary. It is appropriate for the Commission to assess whether selective treatment should be applied to relevant nanomaterials.

Or. en

Amendment 5

Proposal for a directive Recital 17

Text proposed by the Commission

(17) The recovery, preparation for re-use and recycling of equipment can be counted into the targets defined in Article 7 of this Directive only if that recovery or preparation for re-use or recycling is not in contradiction to other European and Member States legislation applicable to the equipment.

Amendment

(17) The recovery, preparation for re-use and recycling of equipment can be counted into the targets defined in Article 7 of this Directive only if that recovery or preparation for re-use or recycling is not in contradiction to other European and Member States legislation applicable to the equipment. ***Ensuring proper recovery and preparation for re-use and recycling of equipment will account for sound resource management and will optimise the resources supply.***

Amendment 6

Proposal for a directive 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***

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 objective of this Directive*** in order to avoid

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 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.

leakage of separately collected WEEE to sub-optimal treatment and illegal exports. **In order that** payment for the collection of this waste **be shifted** from general tax payers to the consumers of EEEs in line with the polluter pays principle, **Member States should encourage producers to treat all WEEE collected. In order to make proper treatment possible, consumers should have a responsibility to ensure 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 **or third party acting on their behalf** 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 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.

Amendment 7

Proposal for a directive Recital 20

Text proposed by the Commission

(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

Amendment

deleted

Consumption and Production and Sustainable Industrial Policy Action Plan in particular with regard to smarter consumption and green public procurement.

Amendment 94
Proposal for a directive
Recital 26

Text proposed by the Commission

Amendment

(26) The adaptation to scientific and technical progress of certain provisions of the Directive, the selective treatment for materials and components of WEEE, the technical requirements for collection, storage and treatment of WEEE and the symbol for the marking of EEE should be effected by the Commission under a committee procedure

deleted

Amendment 9

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) 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 producer should no longer be required to have a legal seat in a Member State in order to be allowed to place EEE on the market in that Member State. Instead, the appointment of a local legal representative resident in that Member State should be sufficient. For practical enforcement of this legislation it must be possible for Member States to identify the producer that is responsible for the product and trace back the supply chain from the final distributor. Member States

should ensure that a distributor making equipment available for the first time on the territory of a Member State (intra-Union trade) either concludes an agreement with the producer or provides the registration and the financing of the management of WEEE arising from this equipment.

Amendment 10

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. The Commission should be empowered to adapt the annexes and to adopt rules for monitoring compliance. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/96/EC, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Amendment 11

Proposal for a directive

Article 1

Text proposed by the Commission

This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipments and by reducing overall impacts of resource use and improving the efficiency of such use.

Amendment

(27) In order to adapt the provisions of this Directive to technical and scientific progress and to adopt other necessary measures, the Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the adaptation of annexes, detailed rules for verifying and monitoring compliance, the definition of 'very small volume waste', the format for registration and reporting and the frequency of reporting as well as amendments to the rules concerning reports on the implementation of this Directive.

Amendment

This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipments and by reducing overall **negative** impacts of resource use and improving the efficiency of such use, **in**

accordance with Articles 1 and 4 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste¹. This Directive requires all operators involved in product life cycles to improve their environmental standards, thereby contributing to sustainable production and recovery.

¹OJ L 312, 22.11.2008, p. 3.

Amendment 12

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

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).*

Amendment 13

Proposal for a directive Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive does not apply to *any of the following equipments:*

(a) Equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes.

(b) Equipment which is specifically designed as part of another type of equipment that does not fall within the scope of this Directive and can fulfill its function only if it is part of that equipment.

(c) Equipment which is not intended to be placed on the market as a single functional or commercial unit.

Amendment

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

Amendment

3. This Directive does not apply to:

(a) Equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes.

(b) Equipment which is specifically designed as part of another type of equipment that does not fall within the scope of this Directive and can fulfill its function only if it is part of that equipment.

(ca) large-scale fixed installations;

(cb) large-scale stationary industrial tools;

(cc) non-road mobile machinery intended

exclusively for professional users;
(cd) means of transport for persons or goods;
(ce) photovoltaic modules.

(d) Filament bulbs.
(e) Implanted and infected medical devices.

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(e) Implanted and infected medical devices.

No later than [...], and every five years thereafter, the Commission shall submit a report to the European Parliament and the Council examining the scope of this Directive, in particular whether photovoltaic modules should be included in its scope. The report on photovoltaic modules shall assess in particular effective collection and recycling rates achieved. Where appropriate, on the basis of that report, the Commission shall submit a proposal.*
** 5 years after the entry into force of this Directive.*

Amendment 14

Proposal for a directive Article 2 – paragraph 4

Text proposed by the Commission

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 equipment sold to private households or businesses.

Amendment

deleted

Amendment 15

Proposal for a directive Article 3 – point a

Text proposed by the Commission

(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;

Amendment

(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;

Amendment 16

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

Text proposed by the Commission

Amendment

(ba) “medical device” means electrical equipment falling within the scope of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices¹ or Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices²;

¹ OJ L 169, 12.7.1993, p. 1.

² OJ L 331, 7.12.1998, p. 1.

Amendment 18

Proposal for a directive Article 3 – point l

Text proposed by the Commission

(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,

Amendment

(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;

is similar to that from private households,
*and WEEE which may have been used as
EEE by both private households and
users other than private households;*

Amendment 98

Proposal for a directive

Article 3 - point s a (new)

Text proposed by the Commission

Amendment

*(sa) 'large-scale fixed installations' means
a particular combination of several types
of apparatus and, where applicable, other
devices, assembled and installed
permanently at a predefined location; it
shall not include lighting products;*

Amendment 20

Proposal for a directive

Article 3 – point s b (new)

Text proposed by the Commission

Amendment

*(sb) 'large-scale stationary industrial
tools' means an assembly of machines,
equipment, and/or components, designed
to be used together in industry to perform
a specific task. They are installed by
specialised personnel and they are
permanently located during their phase of
use;*

Amendment 21

Proposal for a directive

Article 3 – point s c (new)

Text proposed by the Commission

Amendment

*(sc) “non-road mobile machinery
intended exclusively for professional
users” means machinery the operation of
which requires either mobility while
working or continuous or semi-
continuous movement between a
succession of fixed working locations, or*

machinery which is operated without being moved, but which may be equipped in such a way as to enable it to be moved more easily from one place to another and is made available for the use by professionals;

Amendment 22

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

Text proposed by the Commission

Amendment

(sd) 'means of transport' means a vehicle used for transport of people or cargo, such as cars, busses, trucks, trams, trains, ships and aeroplanes;

Amendment 23

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

Text proposed by the Commission

Amendment

(se) 'photovoltaic modules' means photovoltaic modules which are intended for use in a system designed, assembled and installed for permanent operation at a specified location for power generation for public, commercial and private purposes;

Amendment 24

Proposal for a directive Article 4

Text proposed by the Commission

Amendment

Member States shall, in line with Community product legislation including *Directive 2005/32/EC on eco-design*, encourage measures to promote the design and production of electrical and electronic equipment notably in view of facilitating re-use, dismantling and recovery of WEEE, its components and materials. These measures shall respect the proper

Member States shall, in line with Community product legislation including *Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of eco-design requirements for energy-related products¹*, encourage *cooperation between producers and recyclers and measures to be taken to*

functioning of the internal market. In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements.

promote the design and production of electrical and electronic equipment notably in view of facilitating re-use, dismantling and recovery of WEEE, its components and materials. These measures shall respect the proper functioning of the internal market. In this context, Member States shall take appropriate measures so that producers do not prevent, through specific design features or manufacturing processes, WEEE from being re-used, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment and/or safety requirements. ***Eco-design requirements facilitating re-use, dismantling, recovery of WEEE and reducing hazardous substance emissions shall be established in the framework of the implementing measures of Directive 2009/125/EC no later than 31 December 2014.***

¹ OJ L 285, 31.10.2009, p. 10.

Amendment 25

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

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.***

Amendment

1. To achieve a high level of separate collection of WEEE ***and correct treatment for all types of WEEE***, notably ***the*** cooling and freezing equipment containing ozone depleting substances and fluorinated greenhouses gases, ***mercury-containing lamps, and small appliances, Member States shall ensure that all WEEE is separately collected and not mixed with bulky or unsorted household waste, and that untreated WEEE is not sent to landfill or incineration.***

Amendment 26

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall prohibit the disposal of untreated separately collected WEEE.

Amendment 27

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances.

Amendment 28

Proposal for a directive
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

Amendment

1. Member States shall prohibit the disposal of untreated separately collected WEEE ***and monitor enforcement of that prohibition.***

Amendment

2. Member States shall ensure that the collection and transport of separately collected WEEE is carried out in a way which optimises re-use and recycling and the confinement of hazardous substances. ***In order to maximise re-use of whole appliances, Member States shall also ensure that collection schemes provide for the segregation of re-usable appliances from separately collected WEEE at the collection points, prior to any transportation.***

Amendment

1. Without prejudice to Article 5(1), Member States shall ensure that ***as of 2016*** a minimum of ***85% of WEEE that is generated in the Member State is collected.***

annually *and starting in 2016.*

Each Member State shall ensure that as of 2012 at least 4 kg/capita of WEEE is collected or the same amount of WEEE in weight as was collected in that Member State in 2010, whichever is greater.

Member States shall ensure that the volume of WEEE collected is gradually increased during the years 2012 to 2016. Member States may set more ambitious individual collection targets and shall in such a case report this to the Commission.

The collection *targets* shall be achieved annually.

Member States shall present their improvement plans to the Commission no later than [...].*

** 18 months after the entry into force of this Directive.*

Amendment 29

Proposal for a directive

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 that has been:

- prepared for re-use or sent to treatment facilities by any actor,*
- taken to collection facilities in accordance with Article 5(2)(a),*
- taken to distributors in accordance with Article 5(2)(b),*
- separately collected by producers or third parties acting on their behalf, or*
- separately collected via other means,*

is communicated to the Member States free of charge in accordance with Article 16 on an annual basis.

Amendment 95

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Transitional arrangement may be laid down *in accordance with the procedure referred to in Article 18(2)* to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances

Amendment

2. Transitional arrangements may be laid down *in respect of the period until 31 December 2015, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c*, to address difficulties faced by a Member State in satisfying these requirements as a result of specific national circumstances;

Amendment 31

**Proposal for a directive
Article 7 – paragraph 3**

Text proposed by the Commission

3. A common methodology *shall be established for the calculation of the total weight of electrical and electronic equipment placed on the national market.*

Amendment

3. *By 31 December 2012 at the latest the Commission shall adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, a common methodology to determine the amount of WEEE generated by weight in each Member State. This shall include detailed rules on the application and calculation methods for verifying compliance with the targets set out in paragraph 1.*

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).

Amendment 32

**Proposal for a directive
Article 7 – paragraph 4**

Text proposed by the Commission

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

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

Amendment 99
Proposal for a directive
Article 8 - paragraph 1

Text proposed by the Commission

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

target for cooling and freezing equipment, ***lamps, including filament bulbs, and small appliances***, on the basis of a report of the Commission accompanied by a proposal, if appropriate.

Amendment

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

The Commission shall, within 6 months of entry into force of this Directive, request the European Standardisation Organisations to develop and adopt European standards for the collection, storage, transport, treatment, recycling and repair of WEEE as well as preparation for re-use. Those standards shall reflect the state of the art.

Reference to the standards shall be published in the Official Journal of the European Union.

The collection, storage, transport treatment, recycling and repair of WEEE as well as preparation for re-use shall be conducted with an approach geared to preserving raw materials and shall aim at recycling valuable resources contained in EEE with regard to ensuring better commodities supply within Europe.

Amendment 102
Proposal for a directive
Article 8 – paragraph 4

Text proposed by the Commission

4. ***Annex II may be amended*** in order to introduce other treatment technologies ensuring at least the same level of protection for human health and the environment.

Amendment

4. In order to introduce other treatment technologies ensuring at least the same level of protection for human health and the environment, ***the Commission shall adopt, by means of delegated acts in***

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).

The Commission shall evaluate as a matter of priority whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays are to be amended.

accordance with Article 18a and subject to the conditions of Articles 18b and 18c, amendments to Annex II. The Commission shall evaluate as a matter of priority whether the entries regarding printed circuit boards for mobile phones and liquid crystal displays are to be amended. ***The Commission shall evaluate whether amendments to Annex II are necessary to address relevant nanomaterials.***

Or. en

Amendment 35

Proposal for a directive 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 recovery, preparation for re-use and recycling will take*** place under conditions that are equivalent to the requirements of this Directive. ***After recovery, preparation for re-use or recycling has taken place, compliance with those equivalent conditions shall be confirmed.***

Amendment 36

Proposal for a directive
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall not permit the shipment of any item of EEE intended for re-use unless it has been certified by an identified individual or corporate body to be in full working order and it bears a label to this effect.

Amendment 37

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Detailed rules for *the implementation* of paragraph 1 and 2, in particular criteria for the assessment of equivalent conditions, *shall be laid down.*

3. In order to allow treatment operations to be undertaken outside the Union with an equivalent level of protection, the Commission shall adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, detailed rules for paragraphs 1 and 2, in particular criteria for the assessment of equivalent conditions.

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).

Amendment 38

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

Text proposed by the Commission

Amendment

These detailed rules 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.***

Amendment 39

Proposal for a directive

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

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

– 85% shall be recovered,

– 75% shall be recycled *and*

– 5% shall be *prepared for re-use*;

Amendment 40

Proposal for a directive

Article 11 - paragraph 1 - point b

Text proposed by the Commission

(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;

Amendment

(b) for WEEE falling under *category 2 of Annex -IA*,

– 80% shall be recovered,

– 65% shall be recycled *and*

– 5% shall be *prepared for re-use*;

Amendment 41

Proposal for a directive

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(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*

Amendment

(c) for WEEE falling under *category 5 of Annex -IA*,

– 75% shall be recovered,

– 50% shall be recycled *and*

recycled;

– 5% shall be prepared for re-use;

Amendment 42

Proposal for a directive

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;

Amendment 43

Proposal for a directive

Article 11 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) for WEEE falling under category 6 of Annex -IA,

– 85% shall be recovered,

– 75% shall be recycled and

– 5% shall be prepared for re-use;

Amendment 44

Proposal for a directive

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.

Amendment 45

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.

Amendment

2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities ***and effectively recovered, re-used and recycled. Storage, sorting and pre-processing operations at recovery facilities shall not be included in calculating whether the targets have been met.***

Amendment 46

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility ***and/or*** when entering (input) the recovery or recycling facility.

Amendment

3. Member States shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf keep records on the mass of ***used*** ***EEE***, WEEE, their components, materials or substances when entering (input) and leaving (output) the treatment facility ***and when entering (input) and leaving (output as overall percentage)*** the recovery or recycling facility.

Amendment 47

Proposal for a directive
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 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). ***In addition***, Member States, where appropriate, shall ***ensure that, to improve the collection of WEEE, sufficient financial resources are raised according to the polluter pays principle (where the***

polluters are to be considered to be the retailers, consumers and producers, but not the general tax payers) at the moment of sale of new EEE to cover the cost of collection of WEEE from households, including the cost of running the collection facilities and associated awareness-raising campaigns on the management of WEEE. These financial resources shall be available only to operators legally obliged to collect WEEE. Where receiving full coverage for their costs, municipalities and private collection points shall hand over all the WEEE collected to producer responsibility schemes.

The financing of the collection of WEEE from households for removal to collection facilities should not fall under the individual producer responsibility for financing provided for in Article 12(2). Additional rules on the calculation methods regarding the costs of collection and collection facilities may be laid down by Member States.

Amendment 48

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. For products placed on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme.

Amendment

2. For products placed on the market later than 13 August 2005, each producer shall be responsible for financing the operations referred to in paragraph 1 relating to the waste from his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme. A producer should be able to fulfil its obligation through either one, or a combination, of these methods. Collective schemes shall introduce differentiated fees for producers based on how easily products and the strategic raw materials they contain can be recycled.

Amendment 49

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account.

Amendment

Member States shall ensure that each producer provides a guarantee when placing a product on the market showing that the management of all WEEE will be financed and that producers clearly mark their products in accordance with Article 15(2). This guarantee shall ensure that the operations referred to in paragraph 1 relating to this product will be financed. The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of WEEE, a recycling insurance or a blocked bank account. ***The financial guarantee in respect of the end of life of products should be calculated to ensure the internalisation of the real end-of-life costs of a producer's product, taking into account treatment and recycling standards as referred to in Article 8.***

Amendment 50

Proposal for a directive

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to make possible a harmonised approach to compliance with the financial guarantee requirements as established in paragraph 2, the Commission shall, no later than [...*], establish the minimum requirements and methodology for calculating the level of these guarantees, and establish guidelines for their verification and auditing.

Those requirements shall at least ensure that:

- a) the guarantee creates internalisation of the real end-of-life costs of a producer's product, taking into account the treatment and recycling standards,***
- b) the costs related to a producer's***

*obligation do not fall on other actors, and
c) the guarantee will be present in the
future and can be utilised to resolve the
outstanding recycling obligation of a
producer in case of insolvency.*

** 12 months after the entry into force of
this Directive.*

Amendment 51

Proposal for a directive

Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

*3a. Member States shall ensure that
producers or third parties acting on their
behalf report on the financing and costs
of the systems for collection, treatment
and disposal and their efficiency on an
annual basis.*

Amendment 52

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

*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.*

deleted

Amendments 92 and 100

Proposal for a directive

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

*1a. In order to raise users' awareness,
Member States shall ensure that
distributors put in place appropriate
collection and awareness schemes for very
small volume waste. Such collection
schemes shall:*

(a) enable end-users to discard this kind

of waste at an accessible and visible collection point in the retailer's shop;
(b) require retailers to take back very small volume WEEE at no charge when supplying very small volume EEE;
(c) not involve any charge to end-users when discarding this waste, nor any obligation to buy a new product of the same type.

Member States shall also ensure that points (b) and (c) apply to distance sellers, that is, natural or legal persons who, by means of distance communication in accordance with Directive 97/7/EC, place, or make available, EEE on the market. The collection scheme put in place by distance sellers shall enable end-users to return very small volume WEEE without those users having to incur any charges, including delivery or postal charges.

No later than [...] the Commission shall adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, a definition of 'very small volume waste', taking into account the risk of such waste not being separately collected due to its very small size.*

The obligations in this paragraph shall not apply to micro enterprises operating on a very small surface area. No later than [...] the Commission shall adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, for the purpose of this Directive, a definition of micro enterprises operating on a very small surface area.*

**12 months after entry into force of this Directive.*

Proposal for a directive
Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) the return and collection systems available to them, ***encouraging the coordination of information serving to identify all available collection points, irrespective of the producers which have set them up;***

Amendment 55

Proposal for a directive
Article 14 – paragraph 5

Text proposed by the Commission

5. Member States may require that some or all of the information referred to in paragraphs 2 to 4 shall be provided by producers and/or distributors, e.g. in the instructions for use or at the point of sale.

Amendment

5. Member States may require that some or all of the information referred to in paragraphs 2 to 4 shall be provided by producers and/or distributors, e.g. in the instructions for use or at the point of sale, ***or through public-awareness campaigns.***

Amendment 56

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. In order to facilitate ***the preparation for re-use*** and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, Member States shall take the necessary measures to ensure that producers provide re-use and treatment information for each type of new EEE placed on the market within one year after the equipment is placed on the market. This information shall identify, as far as it is needed by re-use centres, treatment and recycling facilities in order to comply with the provisions of this Directive, the different EEE components and materials, as well as the location of dangerous substances and preparations in EEE. It

Amendment

1. In order to facilitate ***the use*** and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, ***re-use, preparation for re-use,*** refurbishment and recycling, Member States shall take the necessary measures to ensure that producers provide, ***free of charge,*** re-use and treatment information for each type of new EEE placed on the market within one year after the equipment is placed on the market. This information shall identify, as far as it is needed by re-use centres, treatment and recycling facilities in order to comply with the provisions of this Directive, the different EEE components and materials, as well as the location of dangerous

shall be made available to re-use centres, treatment and recycling facilities by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

Amendment 57

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. 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 58

Proposal for a directive

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 59

Proposal for a directive

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

substances and preparations in EEE. It shall be made available to re-use centres, treatment and recycling facilities by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

Amendment

2. 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.

Amendment

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

Amendment

2a. Each Member State shall ensure that a producer that places EEE on its market but is not resident on its territory is able to appoint a local legal representative resident in that Member State to be responsible for its obligations under this

Directive.

Amendment 60

**Proposal for a directive
Article 16 – paragraph 3**

Text proposed by the Commission

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 to in Article 18(3).*

Amendment

3. *In order to ensure the smooth functioning of the registration, information and reporting system, the Commission shall adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, the* format for registration and reporting and the frequency of reporting. *The format for registration and reporting shall include, at least, the following information:*

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

Amendment 61

**Proposal for a directive
Article 16 a (new)**

Text proposed by the Commission

Amendment

Article 16a

Identification of economic operators

Member States shall put in place systems to ensure that information is obtained to enable regulatory authorities, producers and distributors to identify:

- (a) any economic operator who has supplied them with EEE;*
- (b) any economic operator to whom they have supplied EEE.*

Amendment 62

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

Amendments may be made if necessary in order to adapt Article 16(6) and the Annexes to scientific and technical progress. Those measures designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).

Amendment 96
Proposal for a directive
Article 18

Text proposed by the Commission

Article 18
Committee

- 1. The Commission shall be assisted by the Committee set up by Article 39 of Directive 2008/xx/EC.*
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.*
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
- 3. Where reference is made to this paragraph, Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.*

Amendment 64

Proposal for a directive
Article 18 a (new)

Text proposed by the Commission

Amendment

In order for the provisions of this Directive to be adapted to scientific and technical progress, the Commission may adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, amendments to Article 16(6) and the Annexes.

Amendment

deleted

Amendment

Article 18a

Exercise of the delegation

- 1. The power to adopt the delegated acts referred to in Articles 7, 8, 10, 14, 16, 17*

and 20 shall be conferred on the Commission for an indeterminate period of time.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 18b and 18c.

Amendment 65

Proposal for a directive Article 18 b (new)

Text proposed by the Commission

Amendment

Article 18b

Revocation of the delegation

1. The delegation of power referred to in Articles 7, 8, 10, 14, 16, 17 and 20 may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Amendment 66

Proposal for a directive
Article 18 c (new)

Text proposed by the Commission

Amendment

Article 18c

Objections to delegated acts

- 1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council that period shall be extended by two months.***
- 2. If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and enter into force on the date stated therein.***
- 3. If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.***

Amendment 67

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

Text proposed by the Commission

Amendment

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.

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(2)***, exports of WEEE outside the Community in accordance with the Waste Shipment Regulation and the operations at treatment facilities in accordance with *Directive 2008/98/EC* and Annex II of this Directive.

Amendment 68

Proposal for a directive 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 carried out*** in accordance with the minimum requirements in Annex I ***and shall monitor such shipments accordingly.***

Amendment 69

Proposal for a directive Article 20 – paragraph 3

Text proposed by the Commission

3. Additional rules on inspections and monitoring ***may be laid down.***

Amendment

3. In order to ensure the proper functioning of inspections and monitoring, the Commission may adopt, by means of delegated acts in accordance with Article 18a and subject to the conditions of Articles 18b and 18c, additional rules on inspections and monitoring.

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).

Amendment 70

Proposal for a directive Article 20 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall create a national register of acknowledged collection and treatment facilities. Only those facilities whose operators comply with the requirements set out in Article 8(3) shall be admitted to that national register. The contents of the register shall be made public.

Amendment 71

Proposal for a directive

Article 20 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Facility operators shall submit annual proof of their adherence to the requirements of the Directive, and shall submit reports in compliance with paragraphs 3c and 3d in order to maintain their status as acknowledged treatment facilities.

Amendment 72

Proposal for a directive

Article 20 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Operators of collection facilities shall submit reports annually to enable national authorities to compare the volume of collected WEEE with the volume of WEEE actually transferred to recovery or recycling facilities. WEEE shall be transferred exclusively to acknowledged recovery and treatment facilities.

Amendment 73

Proposal for a directive

Article 20 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. Operators of treatment facilities shall submit reports annually to enable national authorities to compare the amount of WEEE taken back from owners or acknowledged collection facilities with the amount of WEEE actually recovered, recycled or, in accordance with Article 10, exported.

Amendment 74

Proposal for a directive
Article 20 – paragraph 3 e (new)

Text proposed by the Commission

Amendment

3e. Member States shall ensure that owners hand their WEEE over exclusively to registered and acknowledged collection, recovery and/or recycling facilities.

Amendment 75

Proposal for a directive
Article 21 - paragraph 1 - subparagraph 1

Text proposed by the Commission

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 5, 6, 7, 11, 14, 16, 19, 20 and Annex I by at the latest [18 months after the day of this Directive's publication in the Official Journal of the European Union]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 5, 6, 7, 11, 14, 16, 19, 20 and Annex I by at the latest [18 months after the day of this Directive's publication in the Official Journal of the European Union]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. ***Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 12(2) so that each producer finances only the operations relating to the waste from his own products placed on the market later than 13 August 2005, and that the appropriate financial guarantees, as required by Article 12(2), are provided.***

Amendment 76

Proposal for a directive
Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In addition to the re-examinations provided for in Articles 2 and 7, the Commission shall, by [...*], submit a report to the European Parliament and the Council based on experience with the

application of this Directive. If appropriate, the report shall be accompanied by proposals to amend this Directive.

** 5 years after the entry into force of this Directive.*

Amendment 77

Proposal for a directive Article 22 - paragraph 1

Text proposed by the Commission

Directive 2002/96/EC as amended by the Directives listed in Annex V Part A is repealed with effect from the day after the date mentioned in Article 21, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directive set out in Annex V Part B

Amendment

Directive 2002/96/EC as amended by the Directives listed in Annex V Part A is repealed with effect from the day after the date mentioned in Article 21, *except for Article 5(5), which is repealed with effect from 31 December 2011*, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directive set out in Annex V Part B.

Amendment 78

Proposal for a directive 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 are not in principle movable 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 and IT and

telecommunication equipment. Small appliances are all those appliances which are in principle movable and which are not intended in principle to remain in their place of use for the duration of their service life.

(6) Small IT and telecommunications equipment

Amendment 97
Proposal for a directive
Annex -I B (new)

Text proposed by the Commission

Amendment

ANNEX -IB

Non-exhaustive list of appliances that come under the categories in Annex -IA

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

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, coinoperated 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 except large-scale stationary industrial tools and non-road mobile machinery intended exclusively for professional users*
- *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)

- *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*

6. Small IT and telecommunications equipment

- *Laptops*
- *Notebook computers*
- *Small IT and telecommunications appliances (e.g. PCs, printers, pocket calculators, telephones, mobile phones routers, radio equipment, baby phones, video projectors).*

Proposal for a directive
Annex I – Title

Text proposed by the Commission

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

Amendment

Minimum requirements for shipments of **used EEE**

Amendment 82

Proposal for a directive
Annex I – point 1 – point d

Text proposed by the Commission

d) sufficient packaging to protect the shipped products from damage during transportation, loading and unloading

Amendment

d) sufficient packaging **and appropriate stacking of the load** to protect the shipped products from damage during transportation, loading and unloading

Amendment 81

Proposal for a directive
Annex I – point 1 – subpoint 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 83

Proposal for a directive
Annex I – point 2 – step 1 – point a

Text proposed by the Commission

a) Functionality **should** be tested and hazardous substances **should** be evaluated. The tests **that should** be conducted depend on the kind of electrical and electronic equipment. For most of the used electrical and electronic equipment a functionality test of the key functions is sufficient.

Amendment

a) Functionality **must** be tested and hazardous substances **must** be evaluated. The tests **to** be conducted depend on the kind of electrical and electronic equipment. For most of the used electrical and electronic equipment a functionality test of the key functions is sufficient.

Amendment 86

Proposal for a directive

Annex I – point 2 – step 2 – point b – indent 1

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 -IB** and category according to **Annex -IA**);

Amendment 88

Proposal for a directive

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 ***the*** appropriate documentation required in *points 1* and 3, ***or of appropriate packaging or of appropriate stacking of the load, which it is the responsibility of the holder of an appliance 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.