



Committee of the Regions

DEVE-IV-044

**82nd plenary session
3 and 4 December 2009**

**OPINION
of the
Committee of the Regions**

**Restriction on the use of hazardous substances in EEE and the treatment of
WEEE**

THE COMMITTEE OF THE REGIONS

- requests that the Directive requires the Member States to oblige (and not only encourage) producers to design products which may be easily repaired, dismantled, reused or recovered. The fee charged by compliance schemes should be related to the reusability or recyclability of a specific product;
- calls for the collection rate to be applied to each product category individually and recommends to calculate the collection target against the average life cycle of the EEE; Member States should safeguard against the introduction of small WEEE into the unsorted waste stream;
- calls for a clear and easy to understand obligation for producers to finance the costs of WEEE collection and collection facilities. The extension of producer responsibility to costs of separate collection from households should be mandatory to ensure greater harmonisation of financial responsibility and create a level playing field in the EU;
- requests the introduction of a separate 5% re-use target, in accordance with the waste hierarchy. This could help remove the current deterrents to reusing recovered products, and ensure the quality reuse of appliances;
- calls for the total cost of disposal in a way which does not cause harm to human health or the environment of WEEE containing hazardous substances to be factored into the price of the product; regrets that no new items have been added to the list of prohibited substances contained in Annex IV of the RoHS Directive;
- asks that more attention be paid to the role of environmental education programmes including awareness-raising campaigns. Local and regional authorities should be supported in the preparation and implementation of such action which can be pivotal in helping to shape consumer behaviour.

Rapporteur:

Mr Jerzy Zająkła (PL/UEN-EA), Mayor of Łubianka

Reference documents

Proposal for a Directive of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) (recast)
COM(2008) 809 final

Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast)
COM(2008) 810 final

I. POLITICAL RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A. Taking account of the local and regional dimension

General comments

1. affirms the importance of ensuring appropriate regulation for the management of waste electrical and electronic equipment (WEEE) in the light of its significant impact on health and on the environment.
2. stresses that in most Member States, it is local and regional authorities that are responsible for implementing EU waste management policy. They plan, grant permits for and manage waste treatment and collection systems and should consequently play a key role in the process of developing new approaches and proposals for the waste sector.
3. welcomes the European Commission's initiative to recast the existing directives and to take account of the Committee's previous opinion from the year 2000, which called for a reduction in the unnecessary costs and red tape for both businesses and administrations, and demanded improved effectiveness and, most significantly, action to curb the environmental impact of this fast increasing waste stream.
4. affirms that the Community's environmental policy is based on the principle that the polluter should pay. The producer responsibility, which is a direct consequence of this principle, is a key waste management principle and a cornerstone of the WEEE directive.
5. draws attention to the delays in the transposition of the WEEE Directive, as a result of which local and regional authorities are failing to receive clear and timely guidance on how to implement the regulations correctly.
6. demands that the new WEEE Directive ensures that compliance schemes provide appropriate and continued compensation to the relevant Local or Regional Authorities for any financial or administrative burdens that will be required in order to implement the Directive.

B. Better lawmaking

Joint consideration of the WEEE and RoHS Directives

7. considers that both directives should as far as possible be examined concurrently and with reference to other EU rules on this matter, since only this type of approach will make it possible to resolve the problems appropriately.

Harmonising the law - creation of coherent systems

8. anticipates that all those involved in the waste chain (producers, distributors, local and regional authorities) will be able to reach a common position regarding their responsibility for the collection of household WEEE. The current situation, whereby a number of different approaches exist across the various Member States, leads to an unjustified differentiation in the costs incurred by such participants, which in turn distorts the rules of competition. However, accept that methods of collection can vary from region to region according to local conditions and circumstances.
9. confirms that the recast of the directives complies with the subsidiarity principle. The transnational nature of the health-related and environmental impact of both the EEE and WEEE and the free movement of products on the market mean that the appropriate regulatory level is EU level. Individual initiatives on the part of the Member States may lead to reduced environmental protection and problems related to the internal market e.g. increased cost of compliance for manufacturers and consumers.
10. confirms that the purpose of the RoHS Directive is to increase coherence and synergies with other relevant Community legislation on the same products, in particular REACH. The clarification of the scope and definitions, the introduction of harmonised enforcement-related clauses and the improvement of the mechanism for granting exemptions to restrictions will help increase legal certainty.
11. welcomes the harmonised scope of the directives and the definitions in Articles 2 and 3 of the WEEE Directive respectively. Clear regulations that are consistent with existing EU legislation in this area will help enhance the clarity of legislation and reduce administrative costs.
12. sees positive elements in the harmonisation of EEE producer registration; however, draws attention to the fact that in a number of Member States the current registration system was only introduced within the last four years, and was a costly exercise. The introduction of a new registration scheme should be preceded by action to verify its effectiveness. It also notes that the reporting requirements of local and regional authorities should continue to be met.
13. welcomes the minimum inspection requirements for Member States and the minimum monitoring requirements proposed for shipments of WEEE, to strengthen the enforcement of the WEEE Directive. At the same time, it urges the Member States to ensure that sufficient resources are allocated to the appropriate authorities to enforce legislation, including support for the training of enforcement staff. In addition, the IMPEL¹ network should be involved in the formulation of minimum inspection requirements.

¹ Implementation and Enforcement of Environmental Law Network.

14. draws attention to the absence of clear provisions on inspecting and monitoring the extent to which collective and individual schemes comply with such requirements or any provisions regarding how individual producers comply with their financing obligations under the Directive.
15. regrets that the recast has not given sufficient consideration to the idea of stimulating a pan-EU outlet market for recycled and recovered products. This could be encouraged by demand-side measures (Green Public Procurement, incentives for the purchase of recycled material, for example through taxation of virgin materials where recycled alternatives are available). This would undoubtedly be beneficial in terms of reducing the impact of WEEE and helping restore public confidence in the fact that WEEE is being treated appropriately.

C. Action to raise consumer awareness and promote green attitudes

16. asks that more attention be paid to the role of environmental education programmes including awareness-raising campaigns, targeted at all age groups and tailored to local conditions and consumption patterns. Effective action in this field can be pivotal in helping to shape consumer behaviour. Local and regional authorities should be supported in the preparation and implementation of such action.
17. calls on the EU and Member States to initiate and support scientific research on the effective management of recovered products and their components and on the identification of effective methods of raising public awareness of green attitudes.
18. calls on the EU and Member States to support action to raise consumer awareness and the exchange of best practice across Member States and regions.

D. Recast of the WEEE Directive

19. considers it vital that recovery arrangements for WEEE do not vary on the basis of the value of the materials.
20. notes that a clear distinction needs to be made between the re-use of products which cannot yet be categorised as waste (and should not, therefore, count towards targets), and the reuse of products which are considered as waste i.e. items taken from local authority collection facilities. Draws attention to the difficulty of monitoring the condition of WEEE presented at civic amenity sites and notes that in the case of certain old inefficient appliances, recycling rather than re-use may be more appropriate.
21. welcomes the clarification of the Directive's scope of application and the clear specification of the categories and types of EEE in the annexes to the RoHS Directive. Nonetheless draws attention to possible problems relating to the classification of dual use goods. Accordingly, calls for such products to be classified as household WEEE. The failure to introduce this type

of classification may in certain cases lead to the unjustified transfer of costs and to a lack of financing for household WEEE. This classification would also provide greater clarity and certainty for producers.

22. requests that the Directive requires the Member States to oblige (and not only encourage) producers to design products which may be easily repaired, dismantled, reused or recovered, thereby leading to a smaller quantity of waste being disposed of at landfill or incineration plants. It is worth considering introducing an incentive-based system which rewards producers for exceeding the specific recovery rate established for their given group of products.
23. would like to point at a problem in the application of the collection rate in collective systems. When the collection rate is applied to a (collective) system as a whole (for all appliances), as is proposed by the European Commission, there might be undesired effects. In this case it is likely that compliance schemes will focus first on heavy equipment (that contributes the most to the weight of the stream), rather than equipment with very little weight. It should be avoided that through this collection rate a mechanism is created that focuses only on heavy equipment rather than equipment with a high environmental impact. To achieve this, as a minimum, the collection rate should be applied to each product category individually.
24. recognises that the change in the method used to calculate the WEEE collection rate – based on a percentage of the average weight of appliances placed on the market instead of on the existing kilogram per capita calculation – represents a step in the right direction. However, the two year period for calculating the average fails to take account of the actual life cycle of certain EEE products, which is often much more than 2 years. Also notes that a longer EEE life cycle will reduce the waste problem, which should lead to consumers making a preference for such appliances.
25. also recommends to calculate the target against the average life cycle of the EEE and not against the sales of new products in the previous two years. The two-year period for calculating the average would appear to be somewhat arbitrary and could have an undesirable impact on the environment, especially given that there is considerable variation between the life cycles of different types of electrical and electronic equipment.
26. is concerned that the target is still based on weight, which does not reflect the environmental impact of the products and highlights the difficulty of encouraging consumers to recycle small appliances. Notes that such appliances are disposed of in municipal waste containers and consequently find their way onto waste disposal sites via this waste stream. Therefore calls for small appliances to be included in the requirement stipulated in Art. 5(1) of the Directive.
27. emphasises that the polluter pays principle means that the costs of WEEE management should be borne by consumers, through the electric and electronic equipment producers, and not by the tax-payers, mainly through local authorities. It implies therefore that producers of electric

and electronic equipment are responsible for the costs of collection, management and treatment of WEEE, as well as for the information costs and an adapted product design. The producer responsibility principle provides the basis for good and clear cooperation between the producers and local and regional authorities to achieve the objectives of the directive.

28. notes the concerns raised by producers² who maintain that although they are rightly held responsible for meeting collection targets, their capacity to control this process is limited, especially as regards such issues as the availability of collection points or the volume of waste generated by the end user. Art. 7(1) rightly notes that producers are ultimately responsible for achieving the collection rates. However, draws attention to the need for:
- the better definition of the roles and obligations of all actors in the waste chain (not only producers, but also distributors and local and regional authorities) in order to enshrine the principle of producer responsibility and to ensure that collected WEEE is reported transparently and treated according to the environmental standards of the Directive,
 - all WEEE handed to registered organisations other than producer take-back scheme must be recorded in order that producers receive the evidence,
 - the creation of mechanisms for producers to question and control abuses of costs and data related to Art. 12 and 13, noting that such a mechanism must not create undue burdens on local authorities.
29. calls for the extension of producer responsibility to costs of separate collection from households not to be optional, but compulsory.
30. welcomes the 5% increase in the targets stipulated in Art. 11(1) and the fact that these targets now also include medical devices. Calls for the introduction of a separate 5% re-use target, in accordance with the waste hierarchy. This could help remove the current deterrents to reusing recovered products, and ensure the quality reuse of appliances.
31. points out that producers of B2C goods have little to no interest to encourage the reuse of their equipment. Reuse is therefore not taking place. The incorporation of reuse targets in the recycling target will not change this situation. Producers will try to reach the target only through recycling, and will neglect the possibilities for reuse. The experience of reuse organizations however is that of all discarded EEE, 20 to 30 percent is still fully functional or can be functional after minor repairs. The CoR takes the waste hierarchy very seriously and favours the stimulation of the reuse of whole appliances. We therefore propose a separate target for the reuse of whole appliances.

² EESC 2008, CECED 2009, DIGITALEUROPE 2009, ORGALIME 2009.

32. points out that the flexibility offered by some provisions of the current Directive and the unclear definition in national law of the obligations and responsibilities has led on many occasions to a disproportionate administrative and financial burden on local authorities. Costs that, according to the Directive, should be borne by producers end up being borne by local authorities as they usually have the statutory obligation for waste collection and have to intervene when the producer waste takes back systems are not properly working. We consider that local and regional authorities should not bear the financial consequences of the WEEE legislation gaps.

E. Recast of the RoHS Directive

33. voices its concern about the still widespread contamination by hazardous substances and materials used in EEE. Not only are many undesirable substances and materials still used in products but other harmful substances, such as dioxins and furans, are generated through the recycling of these products and their disposal at end of their life cycle.
34. notes that action needs to be taken to break the link between economic growth and increasing volumes of waste, including waste containing hazardous substances. Emphasises that the public should not have to pay extra taxes for the waste management costs of hazardous materials. Hazardous substances are used in EEE as a result of decisions by producers (and distributors who import products from outside the EU); therefore, the total cost of disposal in a way which does not cause harm to human health or the environment of WEEE containing hazardous substances should be factored into the price of the product.
35. welcomes the decision to move the list of prohibited substances and maximum concentration values to an annex. Nonetheless, regrets that no new items have been added to the list of prohibited substances contained in Annex IV. This concerns in particular HBCDD, DEHP, BBP and DBP for all EEE.
36. calls for an analysis of the arguments which advocate the full implementation of REACH via the RoHS Directive as well as those in favour of maintaining the RoHS Directive as a complement to the REACH process, with the RoHS Directive providing a clearer timeline for signalling when newly identified hazardous chemicals need to be replaced by safer alternatives.
37. welcomes the fact that the four-year review has been replaced with a four-year maximum validity period for exemptions, which may be extended upon request, with a view to encouraging substitution efforts and shifting the burden of proof from the public authorities to the producer or distributor submitting the application.
38. urges the Commission to establish detailed rules for granting exemptions without delay, so as to provide economic operators with legal certainty, and to identify how to apply the new

criteria based on socio-economic impacts and benefits, as introduced in Art 5 (1) b), when granting and reviewing exemptions.

39. confirms the clarity and coherence of the provisions contained in Art. 6-8 and notes that the process of reducing the number of products in breach of these standards through the introduction of stricter and more coordinated market supervision methods represents a cost-effective way of increasing the environmental benefits of the Directive.

II. RECOMMENDED AMENDMENTS

Amendment 1

Proposed amendment to the WEEE Directive (recast) recital 19

<i>Text proposed the European Commission</i>	<i>CoR amendment</i>
(1920) 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 at least the at least the collection from collection facilities, and the treatment, recovery and disposal of WEEE. Member States should encourage producers to take full ownership of the WEEE collection in particular by financing the collection of WEEE throughout the whole waste chain, including from private households, in order to avoid leakage of separately collected WEEE to sub-optimal treatment and illegal exports, to create a level playing field by harmonising producer financing across the EU, to shift payment for the collection of this waste from general tax payers to the consumers of EEEs in line with the polluter pays principle. (…)	(1920) 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 at least the at least the collection from collection facilities, and the treatment, recovery and disposal of WEEE. Member States should encourage producers to take full ownership of the WEEE collection in particular by financing the collection of WEEE throughout the whole waste chain, including from private households, in order to avoid leakage of separately collected WEEE to sub-optimal treatment and illegal exports, to create a level playing field by harmonising producer financing across the EU, to shift payment for the collection of this waste from general tax payers to the consumers of EEEs in line with the polluter pays principle. (…) encourage ensure that producers to take full ownership of the WEEE collection in particular by financing the collection of WEEE throughout the whole waste chain, including from private households, in order to avoid leakage of separately collected WEEE to sub-optimal treatment and illegal exports, to create a level playing field by harmonising producer financing across the EU, to shift payment for the collection of this waste from general tax payers to the consumers of EEEs in line with the polluter pays principle. (…)

Reason

The producers' financial responsibility should start from the moment the consumer discards the electronic product, which generally happens at the household. The directive should avoid allowing variation in the implementation of the producer responsibility, for the reasons presented in this recital and the optimum management of WEEE.

Amendment 2

Proposed amendment to the WEEE Directive (recast) Article 4

<i>Text proposed the European Commission</i>	<i>CoR amendment</i>
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 which takes into account and facilitates re-use, dismantling and recovery in particular the re-use and recycling of WEEE, its their 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.	Member States shall , in line with Community product legislation including Directive 2005/32/EC on eco-design, encourage-oblige (financial) measures to promote the design and production of electrical and electronic equipment notably in view of facilitating which takes into account and facilitates re-use, dismantling and recovery in particular the re-use and recycling of WEEE, its their 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.

Reason

The Directive should require the Member States to oblige (and not only encourage) producers to design "greener" products. The fee charged by compliance schemes should be related to the reusability or recyclability of a specific product. In order to achieve this there is in the WEEE Directive a need for specification on the calculation of (visible) fees charged by compliance schemes.

Amendment 3

Proposed amendment to the WEEE Directive (recast) Article 5 (1)

<i>Text proposed the European Commission</i>	<i>CoR amendment</i>
1. Member States shall adopt appropriate measures in order to minimise the disposal of WEEE as 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	1. Member States shall adopt appropriate measures in order to minimise the disposal of WEEE as 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. ĩ	fluorinated greenhouse gases. ĩ <u>Measures by Member States should also safeguard against the introduction of small WEEE into the unsorted waste stream so as not to generate additional recovery costs.</u>
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Reason

A significant amount of small WEEE is thrown away into municipal waste containers and later enters the unsorted waste stream. Its recovery is expensive and puts an unjustified burden on local authorities creating a need for additional settlements with producers. The elimination of this practice will reduce recovery costs.

Amendment 4

Proposed amendment to the WEEE Directive (recast) Article 7 (1)

Text proposed by the European Commission
<p><i>Article 7</i></p> <p>Collection rate</p> <p>1. Without prejudice to Article 5(1), Member States shall ensure that producers or third parties acting on their behalf achieve a minimum collection rate of 65%. The collection rate is calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in that Member State, expressed as a percentage of the average weight of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.</p>

<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>Article 7</i></p> <p>Collection rate</p> <p>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% for each EEE category listed separately in Annex I to Directive 20xx/xx/EC (RoHS). 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</p>

	of electrical and electronic equipment placed on the market in the two preceding years in that Member State. This collection rate shall be achieved annually and starting in 2016.
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Reason

This amendment translates point 23 of the draft opinion into an amendment to the legislative proposal.

Amendment 5

Proposed amendment to the WEEE Directive (recast) Article 11(1) and (2)

<i>Text proposed the European Commission</i>	<i>CoR amendment</i>
<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.</p> <p>12. Regarding all WEEE separately collected and sent for treatment in accordance with Articles <u>68, 9 and 10</u> or for preparation for re-use , Member States shall ensure that, by 31 December 2011 2006, producers meet the following minimum targets:</p> <p>(a) for WEEE falling under categories 1 and 10 of Annex IA of Directive 20xx/xx/EC (RoHS) ,</p> <ul style="list-style-type: none"> – 85% shall be recovered , the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and – 80% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance; 	<p>1. Member States shall ensure that producers or third parties acting on their behalf set up systems either on an individual or on a collective basis, in accordance with Community legislation, to provide for the recovery of WEEE collected separately in accordance with Article 5. Member States shall give priority to the re-use of whole appliances. Until the date referred to in paragraph 4, such appliances shall not be taken into account for the calculation of the targets set out in paragraph 2.</p> <p>12. Regarding all WEEE separately collected and sent for treatment in accordance with Articles <u>68, 9 and 10</u> or for preparation for re-use , Member States shall ensure that, by 31 December 2011 2006, producers meet the following minimum targets:</p> <p>(a) for WEEE falling under categories 1 and 10 of Annex IA of Directive 20xx/xx/EC (RoHS) ,</p> <ul style="list-style-type: none"> – 85% shall be recovered , the rate of recovery shall be increased to a minimum of 80 % by an average weight per appliance and – 80% 75% shall be prepared for re-use and recycled; component, material and substance re-use and recycling shall be increased to a minimum of 75 % by an average weight per appliance; and

<p>(b) for WEEE falling under categories 3 and 4 of Annex IA ð to Directive 20xx/xx/EC (RoHS) ï ,</p> <ul style="list-style-type: none">- ð 80% shall be recovered, ï the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and- ð 70% shall be prepared for re-use and recycled; ï component, material and substance re-use and recycling shall be increased to a minimum of 65 % by an average weight per appliance; <p>(c) for WEEE falling under categories 2, 5, 6, 7, ð 8 ï and 9 of Annex IA ð to Directive 20xx/xx/EC (RoHS) ï ,</p> <ul style="list-style-type: none">- ð 75% shall be recovered, ï the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and- ð 55% shall be prepared for re-use and recycled; ï component, material and substance re-use and recycling shall be increased to a minimum of 50 % by an average weight per appliance; <p>(d) for gas discharge lamps, ð 85% shall be prepared for re-use and recycled. ï the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p>	<p><u>- 5% shall be prepared for reuse;</u></p> <p>(b) for WEEE falling under categories 3 and 4 of Annex IA ð to Directive 20xx/xx/EC (RoHS) ï ,</p> <ul style="list-style-type: none">- ð 80% shall be recovered, ï the rate of recovery shall be increased to a minimum of 75 % by an average weight per appliance and- ð 70% 65% shall be prepared for re-use and recycled; ï component, material and substance re-use and recycling shall be increased to a minimum of 65 % by an average weight per appliance; <u>and</u> <p><u>- 5% shall be prepared for reuse;</u></p> <p>(c) for WEEE falling under categories 2, 5, 6, 7, ð 8 ï and 9 of Annex IA ð to Directive 20xx/xx/EC (RoHS) ï ,</p> <ul style="list-style-type: none">- ð 75% shall be recovered, ï the rate of recovery shall be increased to a minimum of 70 % by an average weight per appliance and- ð 55% 50% shall be prepared for re-use and recycled; ï component, material and substance re-use and recycling shall be increased to a minimum of 50 % by an average weight per appliance; <u>and</u> <p><u>- 5% shall be prepared for reuse;</u></p> <p>(d) for gas discharge lamps, ð 85% shall be prepared for re-use and recycled. ï the rate of component, material and substance re-use and recycling shall reach a minimum of 80 % by weight of the lamps</p> <p>2. These targets are calculated as weight percentage of separately collected WEEE that is sent to recovery facilities.</p>
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Reason

The European Commission's proposals do not set an individual target for the reuse of WEEE. There is therefore no incentive for producers to prepare WEEE for reuse. The inclusion of this target within the WEEE recycling target may discourage producers from preparing WEEE for reuse. It should be borne

in mind that a significant proportion of such appliances may be reused immediately or after only minor repairs – hence the proposal to establish a separate target for the reuse of WEEE.

Amendment 6

Proposed amendment to the WEEE Directive (recast) Article 12

<i>Text proposed the European Commission</i>	<i>CoR amendment</i>
<p>1. Member States shall ensure that, by 13 August 2005, 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.</p> <p>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.</p> <p>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.</p> <p>The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale of new products.</p> <p>3. The responsibility for the financing of the costs of the management of WEEE from products placed on the market before <u>13 August 2005</u></p>	<p>1. Member States shall ensure that, by 13 August 2005, 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 <u>ensure that</u> producers to finance <u>all collection costs and</u> all the cost occurring for <u>all collection and</u> collection facilities for WEEE from private households. <u>Additional rules on the calculation methods regarding the costs of collection and collection facilities may be laid down by Member States.</u></p> <p>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.</p> <p>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.</p> <p>The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale</p>

<p>the date referred to in paragraph 1 ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.</p> <p>Member States shall ensure that for a transitional period of eight years (10 years for category 1 of Annex IA) after entry into force of this Directive, 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.</p> <p>4. Member States shall ensure that producers supplying electrical or electronic equipment by means of distance communication also comply with the requirements set out in this Article for the equipment supplied in the Member State where the purchaser of that equipment resides.</p>	<p>of new products.</p> <p>3. The responsibility for the financing of the costs of the management of WEEE from products placed out on the market before <u>13 August 2005</u> the date referred to in paragraph 1 ("historical waste") shall be provided by one or more systems to which all producers, existing on the market when the respective costs occur, contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.</p> <p>Member States shall ensure that for a transitional period of eight years (10 years for category 1 of Annex IA) after entry into force of this Directive, 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.</p> <p><u>4. 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 on an annual basis. Additional rules for the format of the report may be laid down. 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).</u></p> <p>4. Member States shall ensure that producers supplying electrical or electronic equipment by means of distance communication also comply with the requirements set out in this Article for the equipment supplied in the Member State where the purchaser of that equipment resides.</p>
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Reason

The importance of this issue is such that there is a need to introduce a clear and easy to understand obligation for producers to finance the costs of WEEE collection and collection facilities, starting from the collection of the electrical waste generated at the end of the use of the products. The extension of producer responsibility to costs of separate collection from households should be

mandatory to ensure greater harmonisation of financial responsibility and create a level playing field in the EU.

Brussels, 4 December 2009

The President
of the Committee of the Regions

Luc Van den Brande

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

III. PROCEDURE

Title	Proposal for a Directive of the European Parliament and the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) (Recast) Proposal for a Directive of the European Parliament and the Council on Waste Electrical and Electronic Equipments (WEEE) (Recast)
Reference(s)	COM(2008) 809 final - 2008/0240 (COD) COM(2008) 810 final - 2008/0241 (COD)
Legal basis	RoHS: Article 265(1) ECT; WEEE: Article 175 ECT
Procedural basis	RoHS: optional referral; WEEE: mandatory referral
Date of Commission letter	3.12.2008
Date of President's decision	19.12.2008
Commission responsible	Commission for Sustainable Development (DEVE)
Rapporteur	Jerzy ZAJĄKAŁA (PL/UEN-EA), Chair of the DEVE Commission, Mayor of Łubianka
Analysis	14.7.2009
Discussed in commission	19.10.2009
Date adopted by commission	19.10.2009
Result of the vote in commission	Unanimity
Date adopted in plenary	4.12.2009
Previous Committee opinions	Opinion on Taking sustainable use of resources forward: a thematic strategy on the prevention and recycling of waste, COM(2005) 666 final, and on the Proposal for a Directive of the European Parliament and of the Council on waste, COM(2005) 667 final - 2005/0281 (COD), CdR 47/2006 fin ³ Outlook report on the Implementation of the Directive on the Landfill of Waste (1999/31/EC) at regional and local level, CdR 254/2005 fin ⁴ Opinion on "Towards a thematic strategy on the prevention and recycling of waste", COM(2003) 301 final, CdR 239/2003 fin ⁵

³ OJ C 229, 22.9.2006, p. 1.

⁴ OJ C 115, 16.5.2006, p. 95.

⁵ OJ C 73, 23.3.2004, p. 63.

	Opinion on the Proposal for a Directive of the European Parliament and of the Council on Waste Electrical and Electronic Equipment and the Proposal for a Directive of the European Parliament and the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment, COM(2000) 347 final - 2000/0158 (COD) - 2000/0159 (COD), CdR 269/2000 fin ⁶
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⁶ OJ C 148, 18.5.2001, p. 1.