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# Waste electrical and electronic equipment (WEEE)

**Amendments adopted by the European Parliament on 9 November 2023 on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) (COM(2023)0063 – C9-0016/2023 – 2023/0025(COD))** [1]

**(Ordinary legislative procedure: first reading)**

(C/2024/2854)

**Amendment 1**

**Proposal for a directive**

**Recital 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(4a) The Court also concluded that EU law must be interpreted as meaning that the fact that a Member State adopted legislation contrary to an EU directive prior to the adoption of that directive does not constitute, in itself, a breach of EU law, since the achievement of the result prescribed by the directive cannot be regarded as seriously compromised before the directive forms part of the EU legal order.*** |

**Amendment 2**

**Proposal for a directive**

**Recital 9 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(9a) In order to maintain the principle of legal certainty in the future revisions of Directive 2012/19/EU, it is important to*** |

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0311/2023).

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***pay particular attention to preventing the adoption of any provisions that could potentially have unjustified retroactive effects. It is necessary to give clarity and predictability to EEE producers with regard to the operating conditions that were in effect when their products were placed on the market. That approach helps to avoid the risk of incurring unpredictable costs associated with future WEEE management. Furthermore, such revisions should respect the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC.*** |

**Amendment 3**

**Proposal for a directive**

**Recital 10 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(10a) Unsound treatment of waste photovoltaic panels and open scope WEEE leads to significant adverse impacts on health and the environment. The proper treatment of photovoltaic panels and maximising the recovery of waste from photovoltaic panels at the end of their lifetime should therefore be ensured. Without prejudice to the changes to the financial obligations necessary to cover collection and treatment of waste photovoltaic panels placed on the market before 13 August 2012 and of waste from all open scope EEE placed on the market before 15 August 2018 introduced by this Directive, Member States should ensure the environmentally sound management of related WEEE. Member States may*** |

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***encourage producers, through their individual or collective extended producers responsibility schemes to properly collect and treat the related historical WEEE of photovoltaic panels and open scope EEE.*** |

**Amendment 4**

**Proposal for a directive**

**Recital 10 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(10b) When revising Directive 2012/19/EU, and addressing its shortcomings, it is crucial to ensure that the costs of managing WEEE are not disproportionately transferred to consumers or citizens. This includes taking into consideration the 'polluter pays' principle, addressing potential provisions pertaining to WEEE collection targets and adherence to the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC.*** |

**Amendment 5**

**Proposal for a directive**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2012/19/EU

Article 2a (new)

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(-1) The following Article 2a is added:*** |
| | ***"Article 2a*** |
| | ***1. No later than [31 December 2026], the Commission shall assess the need for a revision of this Directive and, where appropriate, present a legislative proposal in that respect, accompanied by a thorough socio-economic and environmental impact assessment.*** |
| | ***2. In the impact assessment, the Commission shall in particular assess the following:*** |
| | ***(a) provisions which specifically ensure that the principle of legal certainty is adhered to and that there is no provision that could entail unjustified retroactive effect in any Member State;*** |
| | ***(b) provisions to ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC;*** |
| | ***(c) provisions to ensure that citizens and consumers are not burdened with disproportionate costs, in line with the polluter pays principle;*** |
| | ***(d) provisions ensuring full implementation and enforcement of this Directive, in particular with regard to adequate collection targets, as well as preventing illegal trade of WEEE;*** |
| | ***(e) creating a new 'photovoltaic panels' category under this Directive with the aim to disassociate photovoltaic panels from the existing WEEE category 4, 'large equipment', as referred to in Annexes III and IV, and calculating the collection targets on the basis of waste photovoltaic panels available for collection based on their projected lifetime, rather than on the quantity of products placed on the market;*** |

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(f) establishing a mechanism to ensure that in case of failure or liquidation of the producer, the future costs of collection, treatment, recovery and environmentally sound disposal of waste from photovoltaic panels from both private households and users other than private households will be covered financially."*** |

**Amendment 6**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 a (new)**

Directive 2012/19/EU

Article 13 – paragraph 1 – subparagraph 2

| *Present text* | *Amendment* |
|---|---|
| | ***(2a) in Article 13(1), the second subparagraph is replaced by the following:*** |
| ***For*** historical waste being replaced by new equivalent products or by new products fulfilling the same function, ***the financing of the costs*** shall be provided for by producers of those products when supplying them. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for this financing. | ***"The financing of the costs from historical WEEE (*'historical waste***'), resulting from EEE referred to in Article 2(1), point (a), other than photovoltaic panels, which is*** being replaced by new equivalent products or by new products fulfilling the same function, shall be provided for by producers of those products when supplying them. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for this financing***"*** |

**Amendment 7**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 b (new)**

Directive 2012/19/EU

Article 13 – paragraph 1 – subparagraph 3

| *Present text* | *Amendment* |
|---|---|
| | ***(2 b) in Article 13(1), the third subparagraph is replaced by the following:*** |
| For other historical waste, the financing of the costs shall be provided for by the users other than private households. | ***"***For other historical waste ***resulting from EEE referred to in Article 2(1), point (a), other than photovoltaic panels***, the financing of the costs shall be provided for by the users other than private households.***"*** |

**Amendment 8**

**Proposal for a directive**

**Article 2 – paragraph 1 – subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***one year*** after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***18 months*** after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. |