

WRITTEN QUESTION E-2356/03

by Ria Oomen-Ruijten (PPE-DE), Caroline Jackson (PPE-DE), Johannes Blokland (EDD), Alexander de Roo (Verts/ALE) and Karl-Heinz Florenz (PPE-DE)
to the Commission

Subject: Interpretation of the RoHS Directive (2002/95/EC)

The answer to the written question E-0789/03¹ given by Mrs. Wallström on behalf of the Commission on 8 May 2003 reads: 'Article 2(3) does not provide for their use in new electrical and electronic equipment put on the market from 1 July 2006'. Here 'their use' refers to spare parts. However the question did not concern re-use as spare parts for electrical and electronic equipment placed on the market before 1 July 2006. It related to the re-use in new equipment of components that contain substances restricted by the RoHS Directive (2002/95/EC²), but originate from used electrical and electronic equipment put on the market before 1 July 2006.

In Article 3(d) of the WEEE Directive (2002/96/EC³) 're-use' is defined as: 'any operation by which WEEE or components thereof are used for the same purpose for which they were conceived, including the continued use of the equipment or components thereof'. Application of this definition will allow the continued use of recovered components in any equipment regardless whether it is already in existence or new. Thus premature disposal of used components that are perfectly suitable for reuse will be avoided in line with the environmental objectives of the WEEE Directive.

If Article 2(3) of the RoHS Directive is interpreted narrowly as not allowing the re-use described above, this is in direct conflict with Article 4, Product design, of the WEEE Directive. Article 4 provides that 'Member States shall encourage the design and production of electrical and electronic equipment which take into account and facilitate dismantling and recovery, in particular the re-use and recycling of WEEE, their components and materials'. Thus, early disposal and destruction of components taken from used electrical and electronic equipment put on the market before 1 July 2006, that contain substances restricted by the RoHS Directive, but are otherwise well suited for re-use, is in conflict with the purpose of Article 4 of the WEEE Directive.

Does the Commission share the view that it is permissible for new electrical and electronic equipment put on the market for the first time after 1 July 2006 to contain components that are re-used from electrical and electronic equipment put on the market before that date, even when these components contain the substances restricted by the RoHS Directive?

¹ OJ C

² OJ L 37, 13.2.2003, p. 19.

³ OJ L 37, 13.2.2003, p. 24.