



2023/0025(COD)

24.7.2023

AMENDMENTS

10 - 34

Draft report

Anna Zalewska

(PE746.823v01-00)

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)

Proposal for a directive

(COM(2023)0063 – C9-0016/2023 – 2023/0025(COD))

AM_Com_LegReport

Amendment 10
Dace Melbārde

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Court also concluded that if a Member State introduces legislation that contradicts an EU directive, but does so before the directive is adopted, it does not automatically violate EU law as the directive's desired outcome cannot be considered as severely threatened before the relevant directive becomes a formal part of the EU legal framework.

Or. en

Amendment 11
Malte Gallée

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Unsound treatment of waste photovoltaic panels and open scope WEEE leads to significant adverse impacts on human health and the environment. At the same time, these product groups have a high potential for material reuse and recycling, including of critical raw materials, which are important for the strategic autonomy of the Union. Without prejudice to the necessary changes to the financial obligations to cover collection and treatment of waste Photovoltaic panels placed on the market before 13 August 2012 and the waste of all ‘open scope’ EEE placed on the market before 15 August 2018 introduced by amendments of this directive, Member States should ensure the environmentally sound management of related WEEE. Member States should 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.

Or. en

Justification

While financing obligations may not be applied retroactively, Member States should nevertheless ensure that photovoltaic panels and open scope WEEE that were placed on the market before the application of financing provisions are properly treated.

Amendment 12

Marisa Matias

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Despite the necessary changes to the financial obligations to cover collection and treatment of waste Photovoltaic panels placed on the market before 13 August 2012 and the waste of all ‘open scope’ EEE placed on the market before 15 August 2018 introduced by amendments to this directive, Member States should still ensure the environmentally sound management of related WEEE. Member States shall encourage producers, through their individual or collective Extended Producers Responsibility schemes to properly collect and treat the related historical WEEE of PV panels and open scope EEE, in light of the high environmental impacts of these product groups and the potential for material reuse and recycling, notably of critical raw materials, which are important for the EU strategic autonomy and the achievements of the EU Green Deal Objectives.

Or. en

Justification

With demand for renewables and electronics continuing to grow in light of decarbonisation and digitalisation, the EU must ensure that the materials being used to build the sector are sourced in the most efficient and sustainable way possible. Member States shall make sure that they mobilise the national Extended Producer Responsibility schemes to make strides in this direction and maximise the collection and material reuse and recycling of the WEEE arising and not covered by any financial obligations due to the amendments to the WEEE Directive of 2012.

Amendment 13

Malte Gallée

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Directive 2012/19/EU should be reviewed no later than by the end of 2025. The review should in particular assess full implementation of the waste hierarchy set out in Article 4 of Directive 2008/98/EC as well as enforcement issues, in particular with regard to collection targets.

Or. en

Justification

Treatment of WEEE has severe environmental impacts. The existing Directive entered into force in August 2012 and went only through minor revisions since then. Important provisions (e.g. treatment requirements) go back to the original WEEE Directive from 2002. The Directive does not contain any general review clause. Given the extremely fast moving nature of WEEE, it is important that the Directive is reviewed to properly implement the waste hierarchy. This review should also address enforcement issues, in particular the failure of almost all MS to reach collection targets.

Amendment 14

Róża Thun und Hohenstein

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The Commission is expected to review the Directive 2012/19/EU no later than the end of 2026.

Or. en

Amendment 15
Róza Thun und Hohenstein

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) In the context of the revision, and in accordance with the polluter-pays principle, the Commission should ensure that the costs of waste management, including those incurred for the necessary infrastructure and its operation, are borne either by the original waste producer or by the current or previous waste holders.

Or. en

Justification

This is in line with Art.14 of Directive 2008/98/EC

Amendment 16
Marisa Matias

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) When revising Directive 2012/19/EU, and when taking into consideration the "polluter pays" principle, it is crucial to ensure that the costs of managing WEEE are not transferred to consumers or citizens. This should not imply that WEEE will not be properly collected, treated, prepared for

reuse, or recycled. The EPR model which supports the implementation of the polluter pays principle should be restructured during the revision of Directive 2012/19/EU, to ensure the collection and treatment of all WEEE and the maximisation of the material recovery potentials, notably of Critical Raw Materials which may not be well captured through an exclusive weight basis to set collection and preparation for re-use and recycling targets. This would then ensure respect for the waste hierarchy as laid out in Directive 2008/98/EC.

Or. en

Amendment 17
Stanislav Polčák

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Ensuring the proper treatment of PV panels and maximising the recovery of waste from PV panels at the end of their lifetime is a logical priority area for meeting the Union's current and future climate ambitions, given their deployment rate, which is currently estimated to be up to 2.5 million units installed, and their estimated life cycle of 25 to 30 years.

Or. cs

Amendment 18
Cyrus Engerer

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) When revising Directive 2012/19/EU, and when taking into consideration the "polluter pays"

principle, it is crucial to ensure that the costs of managing WEEE are not transferred to consumers or citizens. This should not imply that WEEE will not be properly collected, treated, prepared for reuse, or recycled. The EPR model which supports the implementation of the polluter pays principle should be restructured during the revision of Directive 2012/19/EU, to ensure the collection and treatment of all WEEE and the maximisation of the material recovery potentials, notably of Critical Raw Materials which may not be well captured through an exclusive weight basis to set collection and preparation for re-use and recycling targets. This would then ensure respect for the waste hierarchy as laid out in Directive 2008/98/EC.

Or. en

Justification

It is important to ensure that consumers and citizens are protected from additional costs resulting from changes in the WEEE directive. However, this should not mean that WEEE management should not be made in accordance with EU requirements and standards associated with WEEE collection and management, nor should municipalities be forced to bear this cost. As an example of an enhanced EPR model that could be taken as inspiration in the upcoming revision of the WEEE Directive, in some national EPR schemes (e.g., France), there are provisions to cover 'orphan' products. An orphan product is a product that was initially placed on the market by an operator (producer, importer) that is no longer an active legal entity, or a product that has been placed on the market before a legal obligation for proper collection and treatment can apply. This could be explored as a potential model for the industry to consider covering the products that have been placed on the market before the collection and recycling obligations. Such models would reduce the risks of seeing historical WEEE not addressed because of the lack of 'legal certainty'.

Amendment 19
Cyrus Engerer

Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) With regard to the obligation under Article 7(1) of Directive

2012/19/EU on the minimum collection to be achieved annually, the Commission should also take into consideration the different roll out dates for photovoltaic panels in different Member States and their impact on Member States' implementation of such obligation.

Or. en

Justification

It is important to assess whether correct implementation of Article 7(1) on annual minimum collection can be achieved for photovoltaic panels in cases where they were late to enter the market of specific Member States.

Amendment 20
Cyrus Engerer

Proposal for a directive
Recital 10 c (new)

Text proposed by the Commission

Amendment

(10c) Despite the necessary changes to the financial obligations to cover collection and treatment of waste Photovoltaic panels placed on the market before 13 August 2012 and the waste of all 'open scope' EEE placed on the market before 15 August 2018 introduced by amendments to this directive, Member States should still ensure the environmentally sound management of related WEEE. Member States shall encourage producers, through their individual or collective Extended Producers Responsibility schemes to properly collect and treat the related historical WEEE of PV panels and open scope EEE, in light of the high environmental impacts of these product groups and the potential for material reuse and recycling, notably of critical raw materials, which are important for the EU strategic autonomy and the achievements of the EU Green Deal

Objectives

Or. en

Justification

With demand for renewables and electronics continuing to grow in light of decarbonisation and digitalisation, the EU must ensure that the materials being used to build the sector are sourced in the most efficient and sustainable way possible - starting by ensuring the reuse and recycling of the materials already in stock. Member States, as part of their obligations to ensure a sound environmental management of WEEE generated by household and business, shall make sure that they mobilise the national Extended Producer Responsibility schemes to make strides in this direction and maximise the collection and material reuse and recycling of the WEEE arising and not covered by any financial obligations due to the amendments to the WEEE Directive of 2012. The human and environmental cost of any substandard management of WEEE must be taken into account as well as the risks of wasting much needed valuable and critical materials.

Amendment 21

Dace Melbārde

Proposal for a directive

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

Directive 2012/19/EU

Article 1 a (new)

Text proposed by the Commission

Amendment

(-1) The following Article is inserted:

Article 1 a

Review

1. By no later than 31 December 2026, the Commission shall propose a comprehensive revision of Directive 2012/19/EU. This revision shall be substantiated by an extensive socio-economic and environmental impact assessment. As regards the photovoltaic panels, the Commission shall in particular assess and incorporate the following considerations:

(a) initiate a new "photovoltaic panels" category under the WEEE Directive so as to disassociate photovoltaic panels from the existing WEEE category 4, "large equipment", as referenced in

Annexes III and IV.

(b) when determining collection targets, consider the projected lifespan of waste photovoltaic panels available for collection instead of the volume of products introduced to the market. To ensure these targets are both realistic and achievable, the Commission may take into account factors such as technological advancements, market dynamics changes, and variations in the lifespan of photovoltaic panels.

(c) establish a mechanism to ensure that the upcoming costs associated with the collection, treatment, recovery, and environmentally sound disposal of waste from photovoltaic panels - from both private households and other users - are appropriately financed in case of a producer's failure or liquidation. The proposal shall explicitly clarify which entities, such as government bodies, industry groups, or the producers themselves, would be responsible for implementing and managing this mechanism.

2. As part of the revision process, the Commission shall actively seek and incorporate the input of key stakeholders including producers, consumers, waste management companies, and environmental bodies.

Or. en

Amendment 22
Róza Thun und Hohenstein

Proposal for a directive
Article 1 – paragraph 1 – point -1 a (new)
Directive 2012/19/EU
Article 1 a (new)

Text proposed by the Commission

Amendment

(-1a) The following Article is inserted:

Article 1a

Review 1

1. No later than 31 December 2026, the Commission shall propose a comprehensive revision of Directive 2012/19/EU accompanied by an extensive socio-economic impact assessment. In accordance with the polluter-pays principle, the revision shall ensure that the costs of waste management, including those incurred for the necessary infrastructure and its operation, are borne either by the original waste producer or by the current or previous waste holders.

2. Regarding photovoltaic panels specifically, the Commission shall include in the evaluation of its impact assessment the possibility to:

(a) exclude photovoltaic panels from the scope of WEEE Directive and create a new Extended Producer Responsibility (EPR) legislation dedicated to all renewable energy-related products and equipment;

(b) establish under the WEEE Directive a new category 7 “photovoltaic panels” in order to separate photovoltaic panels from the WEEE category 4 “large equipment” in Annexes III and IV;

(c) calculate 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;

(d) establish 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.

Or. en

Justification

Renewable energy products and equipment do not fit under this Directive. For example, PV panels generate electricity, other EEE consumes electricity. Furthermore, category 4 “large equipment” is very different from PV panels regarding lifespan as well as the necessary collection and treatment processes. Moreover, a collection target of 65% for PV panels is unrealistically high given the still low volumes of available waste. Finally, in order to tackle the so-called “orphan” PV panels, financial guarantees ensuring a secure budget for future waste obligations must be put in place.

Amendment 23

Cyrus Engerer

Proposal for a directive

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

Directive 2012/19/EU

Article 2 – paragraph 4 – point c

Present text

(c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;

Amendment

(-1b) In Article 2, paragraph 4, point (c) is replaced by the following:

“(c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations **and in any case except for heat pump installations. Special attention should be given towards electrical and electronic equipment linked with fluorinated gases**”;

Or. en

(02012L0019)

Justification

Proper recycling of heat pumps needs to be ensured. Fluorinated gases are up to 25,000 times more harmful as CO2 and therefore special care is essential.

Amendment 24

Cyrus Engerer

Proposal for a directive

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

Directive 2012/19/EU
Article 3 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(-1c) In Article 3, paragraph 1, the following point is added:

(oa) ‘polluter pays principle’ means a principle according to which polluters should bear the costs of their pollution or environmental damage, including the cost of measures taken to prevent, control and remedy pollution, as well as the costs the polluters impose on society;

Or. en

Justification

Established ENVI majority position from Environmental Crime Directive.

Amendment 25

Malte Gallée

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive 2012/19/EU

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

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 that has been deposited at collection facilities set up under Article 5(2) according to the following:

1. Member States shall ensure that producers provide at least for the financing of the collection, ***re-use, preparation for re-use, repair, material*** recovery, ***other treatment*** and environmentally sound disposal of WEEE from private households that has been deposited at collection facilities set up under Article 5(2) ***in line with Article 4 of Directive 2008/98/EC*** according to the following:

Or. en

Justification

Union waste policy has focused mainly on recycling, with significant missed opportunities to produce environmental, social and economic benefits associated with the upper stages of the

waste hierarchy. A large fraction of WEEE could easily be reused or prepared for re-use. EPR schemes should therefore also finance re-use activities, preparation for reuse and repair activities in line with the Union waste hierarchy.

Amendment 26
Stanislav Polčák

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point a
Directive 2012/19/EU
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 that has been deposited at collection facilities set up under Article 5(2) according to the following:

Amendment

1. Member States shall ensure that producers provide at least for the financing of the collection, treatment, recovery and, ***to the fullest extent possible,*** environmentally sound disposal of WEEE from private households that has been deposited at collection facilities set up under Article 5(2) according to the following:

Or. cs

Amendment 27
Stanislav Polčák

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2012/19/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from users other than private households is to be provided for by producers according to the following:

Amendment

1. Member States shall ensure that the financing of the costs for the collection, treatment, recovery and, ***to the fullest extent possible,*** environmentally sound disposal of WEEE from users other than private households is to be provided for by producers according to the following:

Or. cs

Amendment 28
Dace Melbārde

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2012/19/EU
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For historical waste from EEE referred to in Article 2(1)(a) other than photovoltaic panels 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.

For other historical waste from EEE referred to in Article 2(1)(a) other than photovoltaic panels, the financing of the costs shall be provided for by the users other than private households.

Or. en

Amendment 29
Stanislav Polčák

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2012/19/EU
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. With a view to minimising the disposal of WEEE as unsorted municipal waste and to facilitating its separate collection, Member States shall ensure that producers appropriately mark — ***preferably*** in accordance with the European standard EN 50419:2022 — EEE placed on the market with the symbol

4. With a view to minimising the disposal of WEEE as unsorted municipal waste and to facilitating its separate collection, Member States shall ensure that producers appropriately mark — ***where possible*** in accordance with the European standard EN 50419:2022 — EEE placed on the market with the symbol shown in

shown in Annex IX. In exceptional cases, where this is necessary because of the size or the function of the product, the symbol shall be printed on the packaging, on the instructions for use and on the warranty of the EEE.

Annex IX. In exceptional cases, where this is necessary because of the size or the function of the product, ***it shall be sufficient for*** the symbol ***to*** be printed on the packaging, on the instructions for use and on the warranty of the EEE.

Or. cs

Amendment 30 **Dace Melbārde**

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2012/19/EU
Article 15 — paragraph 2

Text proposed by the Commission

2. ***In order to enable the date upon which the*** EEE ***was placed on*** the market ***to be determined unequivocally***, Member States ***shall ensure that*** a mark ***on*** the EEE ***specifies that the latter was placed on the market*** after 13 August 2005. ***Preferably***, the European Standard EN 50419:2022 ***shall be applied for this purpose***.

Amendment

2. ***To definitively establish when*** EEE ***was introduced to*** the market, Member States ***must*** ensure a mark ***is applied to*** the EEE ***indicating it was launched*** after 13 August 2005. ***The preferred method for this is*** the European Standard EN 50419:2022.

Or. en

Justification

Simplified language for increased clarity and comprehension.

Amendment 31 **Malte Gallée**

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2012/19/EU
Article 24 a (new)

Text proposed by the Commission

Amendment

(4a) The following article is inserted:
Article 24a

Review

No later than 31 December 2025, the Commission shall adopt a report on the revision of this directive, to be accompanied, if appropriate, with a legislative proposal. The review shall assess any shortcomings of the current directive. The review shall assess necessary actions to ensure the implementation of the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC, promoting reuse and repair, re-evaluating the EPR system to include eco-modulation of fees, liability rules on online platforms to prevent illegal imports of EEE into the EU, and preventing illegal exports of WEEE to third countries. The review shall also address enforcement issues, in particular with regard to WEEE collection targets.

Or. en

Justification

Treatment of WEEE has severe environmental impacts. The existing Directive entered into force in August 2012 and went only through minor revisions since then. Important provisions (e.g. treatment requirements) go back to the original WEEE Directive from 2002. The Directive does not contain any general review clause. Given the extremely fast moving nature of WEEE, it is important that the Directive is reviewed to properly implement the waste hierarchy. This review should also address enforcement issues, in particular the failure of almost all MS to reach collection targets.

Amendment 32 **Dace Melbārde**

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

Text proposed by the Commission

1. 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

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**eighteen months** after the entry into force] at the latest. They shall forthwith communicate to

Commission the text of those provisions.

the Commission the text of those provisions.

Or. en

Justification

Aligning the transposition period with the directive as when entered into force in 2012.

Amendment 33

Cyrus Engerer

Proposal for a directive

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

No later than [31 December 2024] the Commission shall assess the need, and where appropriate, present a legislative proposal on the revision of Directive 2012/19/EU accompanied by a thorough impact assessment. The legislative proposal shall 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. The proposal shall also ensure that citizens or consumers are not burdened with additional costs whilst overcoming existing issues with the current WEEE Directive, such as failure to achieve the collection targets, illegal exports of WEEE, inadequate target setting based exclusively on weight and lack of waste prevention measures.

Or. en

Justification

There is ample evidence showing that more is to be done to ensure the proper collection and treatment of WEEE. The revision of the WEEE Directive should therefore happen as soon as possible to address some of the current shortages. Citizens should not bear additional costs, meaning producers should be incentivised to design their products in order to maximise the value retention of products and materials and reduce the net costs of their end-of-life management, while bearing the full financial responsibility of the collection and treatment of

all products they place on the market when those reach their end-of-life.

Amendment 34
Marisa Matias

Proposal for a directive
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

No later than [31 December 2024] the Commission shall present a legislative proposal on the revision of Directive 2012/19/EU accompanied by a thorough impact assessment. The legislative proposal shall 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. The proposal shall also ensure that citizens or consumers are not burdened with additional costs whilst overcoming existing issues with the current WEEE Directive, such as failure to achieve the collection targets, illegal exports of WEEE, inadequate target setting based exclusively on weight and lack of waste prevention measures.

Or. en

Justification

There is ample evidence showing more is to be done to ensure the proper collection and treatment of WEEE. The revision of the WEEE Directive should therefore happen as soon as possible to address some of the current shortages. Producers should be incentivised to design their products in order to maximise the value retention of products and materials and reduce the net costs of their end-of-life management, while bearing the full financial responsibility of the collection and treatment of all products they place on the market when those reach their end-of-life.