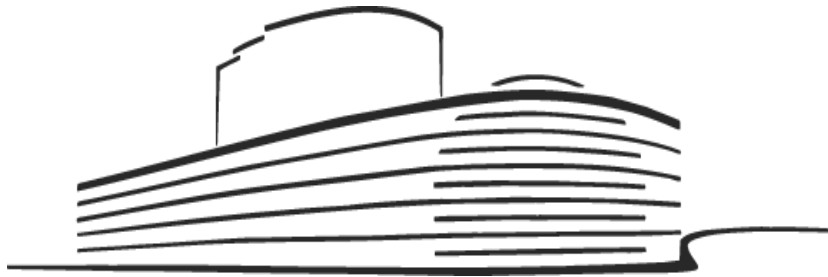


# EUROPEAN PARLIAMENT



2002 - 2003



## TEXTS ADOPTED

**at the sitting of**

**Wednesday**  
10 April 2002

**PART ONE**

P5\_TAPROV(2002)04-10

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## **P5\_TAPROV(2002)0160**

### **Waste electrical and electronic equipment \*\*\*II**

**European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive on waste electrical and electronic equipment (WEEE) (11304/2/2001 – C5-0636/2001 – 2000/0158(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (11304/2/2001 – C5-0636/2001),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2000) 347<sup>2</sup>),
  - having regard to the Commission's amended proposal (COM(2001) 315<sup>3</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0100/2002),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 34 E, 7.2.2002, p. 115.

<sup>2</sup> OJ C 365 E, 19.12.2000, p. 184.

<sup>3</sup> OJ C 240 E, 28.8.2001, p. 298.

Amendment 2  
Recital 10 a (new)

***(10a) Directive 91/157/EEC needs to be revised as soon as possible in connection with this Directive.***

Amendment 4  
Recital 11 a (new)

***(11a) In order to guarantee the health and safety of distributors' personnel involved in the take-back and handling of WEEE, Member States should, in accordance with national and EU health, hygiene and safety standards, determine the conditions under which take-back may be refused by distributors.***

Amendment 5  
Recital 12

(12) Separate collection is the 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. ***The provisions of this Directive do not restrict the sources of financing available for such collection systems, which could include, for example, contributions from distributors and/or producers.***

(12) Separate collection is the 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.

Amendment 6

Recital 13

(13) *A collection target for WEEE used by private households should be fixed* in order to attain the chosen level of protection and harmonised environmental objectives of the Community *and more specifically* to ensure that Member States strive to set up efficient collection schemes.

(13) In order to attain the chosen level of protection and harmonised environmental objectives of the Community, *Member States should ensure that WEEE is no longer disposed of together with unsorted urban waste and that all WEEE is collected separately. In order* to ensure that Member States strive to set up efficient collection schemes, *they should be required, without prejudice to the objective of collecting all waste equipment separately, to produce evidence of the collection of an average of at least six kilograms of WEEE from private households per inhabitant per year.*

Amendment 7

Recital 15

(15) *Whilst giving priority to the re-use of whole appliances, a* high level of recycling and recovery should be achieved *and* producers should be encouraged to integrate recycled material in new equipment.

(15) *With the exception of appliances to be completely re-used, all WEEE collected separately should be sent for recovery, in the course of which as high as possible a* level of recycling and recovery should be achieved. *Where appropriate, priority should be given to the re-use of WEEE and its components, sub-assemblies and consumables. In addition,* producers should be encouraged to integrate recycled material in new equipment.

Amendment 8

Recital 15 a (new)

*(15a) Member States should ensure that used electrical and electronic equipment exported to non-EU countries is suitable and intended for re-use and not for recycling, recovery or disposal.*

Amendment 9

Recital 16

(16) Basic principles with regard to the

(16) Basic principles with regard to the

financing of WEEE management have to be set at Community level and financing schemes have to contribute to high collection rates as well as to the implementation of the principle of producer responsibility. ***In order to achieve the benefits of the producer responsibility concept most efficiently, producers should be encouraged to fulfil their responsibility individually, provided that they contribute to the financing of the management of waste from products put on the market before the entry into force of the financing obligation introduced by this Directive and waste coming from producers that are no longer present on the market or which can no longer be identified at the time when the costs occur.***

financing of WEEE management have to be set at Community level and financing schemes have to contribute to high collection rates as well as to the implementation of the principle of producer responsibility.

Amendment 10  
Recital 17

(17) 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. ***Such financing could take into account the actual costs for the handling of a product on an individual basis. The responsibility for the financing of the management of historical waste should be shared by all existing producers and fulfilled through either individual or collective systems. Collective systems should not have the effect of excluding niche and low-volume producers, importers and new entrants. The provisions of this Directive do not restrict the sources of contribution available for such financing systems, which could include, for example, contributions through a visible fee, provided it is compatible with internal market and competition rules.***

(17) 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. ***In order to give maximum effect to the concept of producer responsibility, producers should as far as possible meet the financing requirement individually. The costs of collection, treatment and environmentally sound disposal should be internalised within the product price. Member States in which other financing agreements are already in place before the entry into force of this Directive should be allowed to maintain those agreements, subject to the outcome of a review, but for no longer than ten years after the entry into force of this Directive. The responsibility for the financing of the management of historical waste should be shared collectively by all producers existing at the time when the costs arose, in proportion to their respective share of the market by type of***

*equipment. Member States should ensure that, for a transitional period based on the average life of equipment, but for no longer than ten years after the entry into force of this Directive, producers are allowed to show users, on a voluntary basis at the time of sale of new products, the cost of collecting, treating and disposing in an environmentally sound way of historical waste. Manufacturers making use of this provision should ensure that the costs mentioned represent the actual costs incurred.*

Amendment 11

Recital 18

(18) Information to users about the collection systems and their role in the management of WEEE is indispensable for the success of WEEE collection. Such information implies the proper marking of electrical and electronic equipment which could end up in rubbish bins or similar means of municipal waste collection.

(18) Information to users about the ***requirement no longer to dispose of waste equipment together with unsorted urban waste and to collect all such waste separately, and about*** the collection systems and their role in the management of WEEE, is indispensable for the success of WEEE collection. Such information implies the proper marking of electrical and electronic equipment which could end up in rubbish bins or similar means of municipal waste collection.

Amendment 12

Recital 19 a (new)

***(19a) Member States should ensure that inspection and monitoring infrastructure is in place to enable the proper implementation of this Directive to be verified.***

Amendment 13

Recital 20

(20) Information about the weight and, if this is not possible, on numbers of items of electrical and electronic equipment put on the market in the Community and the rates

(20) Information about the weight and, if this is not possible, on numbers of items of electrical and electronic equipment put on the market in the Community and the rates

of collection, re-use (including as far as possible re-use of whole appliances), and recovery/recycling of WEEE is necessary to monitor the achievement of the objectives of this Directive.

of collection, re-use (including as far as possible re-use of whole appliances), recovery/recycling **and export** of WEEE is necessary to monitor the achievement of the objectives of this Directive.

Amendment 15  
Article 2, paragraph 4

***4. Member States may exempt small independent manufacturers as defined in Article 3(i)(a), with a turnover of less than EUR 2 million and fewer than 10 employees, from the financing requirements in Articles 7 and 8 for a period not exceeding 5 years after the entry into force of this Directive. Member States making such exemptions shall report annually to the Commission on the number of firms concerned, the number of products and on any adverse effects whereby particular attention should be given to possible distortions of the internal market.***

***Deleted***

Amendment 17  
Article 3, point (i), sub-point (b)

(b) resells under his own brand equipment produced by other suppliers, or

(b) resells under his own brand equipment produced by other suppliers, ***a reseller not being regarded as the producer if the brand of the producer as defined in sub-point (a) appears on the equipment, or***

Amendment 18  
Article 3, point (i), sub-point (c)

(c) imports or exports electrical and electronic equipment on a professional basis into a Member State;

(c) imports or exports electrical and electronic equipment on a professional basis into a Member State; ***where a producer supplies and/or provides and/or distributes any electrical or electronic equipment (or products containing electrical or electronic equipment) which that person has imported into any Member State to another person***

*('first holder') under or pursuant to any finance agreement, the first holder shall be deemed to be the professional importer for the purposes of this Directive.*

Amendment 19  
Article 3, point (l a) (new)

*(la) 'individual financing' means the responsibility of each producer for the costs associated with its own products;*

Amendment 21  
Article 3, point (l b) (new)

*(lb) 'finance agreement' means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;*

Amendment 22  
Article 3 a (new)

### *Article 3a*

#### *Product design*

*Member States shall ensure that producers take all reasonable steps to place on the market only such electrical and electronic equipment which, so far as practical and consistent with safety requirements, has been designed and manufactured in a such a way as not to prevent:*

*(a) its being re-used, in whole appliances or in parts (components, sub-assemblies and consumables);*

*(b) its being used in conjunction with re-usable or re-used components, sub-assemblies and consumables;*

*(c) its being recycled in whole or in part.*

Amendment 23

Article 4

***-1. Member States shall ensure that by ... [30 months after the entry into force of this Directive] WEEE is no longer disposed of together with unsorted urban waste and all WEEE is collected separately.***

1. For WEEE from private households, Member States shall ensure that thirty months after the entry into force of this Directive:

(a) systems are set up allowing final holders and distributors to return such waste at least free of charge. Member States shall ensure the availability and accessibility of the necessary collection facilities, taking into account in particular the population density;

(b) when supplying a new product, distributors shall be responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one to one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment. Distributors may do so by means of alternative arrangements, such as by accepting the waste at the point of purchase or delivery or by means of equivalent arrangements with third parties acting on their behalf, provided that returning the WEEE remains free of charge and is not made more difficult for the final holder.

***However, Member States may, for a period not exceeding 5 years after the entry into force of this Directive, set up or facilitate alternative free take-back systems provided that returning the WEEE is not thereby rendered more difficult for the final holder. Member States making use of this provision shall inform the Commission thereof.***

Without prejudice to the provisions of (a)

1. For WEEE from private households, Member States shall ensure that thirty months after the entry into force of this Directive:

(a) systems are set up allowing final holders and distributors to return such waste at least free of charge. Member States shall ensure the availability and accessibility of the necessary collection facilities, taking into account in particular the population density;

(b) when supplying a new product, distributors shall be responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one to one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment. Distributors may do so by means of alternative arrangements, such as by accepting the waste at the point of purchase or delivery or by means of equivalent arrangements with third parties acting on their behalf, provided that returning the WEEE remains free of charge and is not made more difficult for the final holder.

***Member States may depart from this provision provided they ensure that returning the WEEE is not thereby rendered more difficult for the final holder and provided that these systems remain free of charge to the consumer. Member States making use of this provision shall inform the Commission thereof.***

Without prejudice to the provisions of (a)

and (b), Member States *may allow* producers *to* set up and operate individual and/or collective take-back systems for their WEEE.

Member States may provide for specific arrangements for the return of WEEE as under (a) and (b) if the equipment does not contain the essential components or if the equipment contains waste other than WEEE *or has been contaminated during use (particularly radioactive and biological contaminants)*.

*2. In the case of WEEE other than WEEE from private households, and without prejudice to Article 8, Member States shall ensure that producers or third parties acting on their behalf provide for the collection of such waste.*

3. Member States shall ensure that all WEEE collected under paragraphs (1) and (2) above is transported to treatment facilities authorised under Article 5 unless the appliances are re-used as a whole. Member States shall ensure that the envisaged re-use does not lead to a circumvention of this Directive, in

and (b), Member States *shall ensure that* producers *can* set up and operate individual and/or collective take-back systems for their WEEE.

Member States may provide for specific arrangements for the return of WEEE as under (a) and (b) if the equipment does not contain the essential components or if the equipment contains waste other than WEEE.

*Member States shall ensure that WEEE regarded as externally contaminated, including by radioactive and biological contaminants, or as hazardous and liable to present a health or safety risk to personnel, is taken back in specific collection facilities staffed by personnel trained for the task and equipped with the necessary state-of-the-art technology.*

*In accordance with the provisions of Directives 67/548/EEC and 1999/45/EC, and having regard to national and Community health and safety standards, distributors may refuse to take back WEEE deemed to be contaminated, including by radioactive and biological contaminants, or hazardous and liable to present a health or safety risk to personnel.*

*2. Member States shall ensure that producers provide for the collection of WEEE from holders other than private households. Producers shall be allowed on a voluntary basis to set up and operate take-back systems for WEEE from private households. Member States shall ensure that the collection may be carried out collectively and/or individually.*

3. Member States shall ensure that all WEEE collected under paragraphs -1, 1 and 2 above is transported to treatment facilities authorised under Article 5 unless the appliances are re-used as a whole. Member States shall ensure that the envisaged re-use does not lead to a circumvention of this Directive, in

particular as regards Articles 5 and 6 thereof. The collection and transport of separately collected WEEE shall be carried out in a way which optimises re-use and recycling of those components or whole appliances capable of being re-used or recycled.

4. ***Within thirty-six months of the entry into force of this Directive*** Member States shall ***endeavour to achieve a minimum*** rate of separate collection of ***four*** kilograms on average per inhabitant per year of WEEE from private households.

***As soon as it is possible***, on the basis of the information required under Article 11, ***to formulate a collection target of WEEE, such as a percentage of the amount of electrical and electronic equipment sold***, the European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish ***such a compulsory target***.

particular as regards Articles 5 and 6 thereof. The collection and transport of separately collected WEEE shall be carried out in a way which optimises re-use and recycling of those components or whole appliances capable of being re-used or recycled.

***Member States shall ensure that the used electrical and electronic equipment exported to non-EU countries is suitable and intended for re-use and not intended for recycling, recovery or disposal.***

4. ***Without prejudice to paragraph -1***, Member States shall ***ensure that by 31 December 2005 at the latest a*** rate of separate collection of ***at least six*** kilograms on average per inhabitant per year of WEEE from private households ***is shown to have been achieved***.

On the basis of the information required under Article 11, the European Parliament and the Council, acting on a proposal from the Commission and taking account of technical and economic experience in the Member States, shall establish ***by 31 December 2007 a new rate for the years beyond 2008. This may take the form of a percentage of the quantities of electrical and electronic equipment sold to private households in the preceding years.***

#### Amendment 24

##### Article 5, paragraph 1, subparagraph 1

1. Member States shall ensure that producers or third parties acting on their behalf, ***either on an individual and/or collective basis***, in accordance with Community legislation, set up systems to provide for the treatment of WEEE. To ensure compliance with Article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II to this Directive.

1. Member States shall ensure that producers or third parties acting on their behalf, in accordance with Community legislation, set up systems to provide for the treatment of WEEE ***using state-of-the-art recovery and recycling technology. The systems may be set up by producers collectively and/or individually.*** To ensure compliance with Article 4 of Directive 75/442/EEC, the treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Annex II to this Directive.

Amendment 25  
Article 5, paragraph 5, subparagraph 1 a (new)

***In this case, Member States shall ensure that producers deliver the WEEE to establishments or undertakings which meet minimum standards corresponding to the conditions set out in this Article, unless proof of re-use of whole appliances can be given.***

Amendment 26  
Article 5, paragraph 5, subparagraph 2

***However, Member States may oppose shipments in accordance with Article 4(3)(c), first indent, of Regulation (EEC) No 259/93 if the minimum quality standards for treatment as laid down in paragraph 1 are not fulfilled.***

Member States may oppose shipments ***destined for recovery or disposal which comply with Regulation (EEC) No 259/93 if the minimum quality standards for treatment as laid down in paragraph 1 and the technical requirements as laid down in paragraph 3 are not met in the importing country.***

Amendment 27  
Article 6, paragraph 2, introductory part

2. Regarding WEEE sent ***to*** the treatment ***facilities*** under Article 5, Member States shall ensure that, ***within forty-six months of the entry into force of this Directive,*** producers meet the following targets:

2. Regarding WEEE sent ***for*** treatment as stated under Article 5, Member States shall ensure that, ***by 31 December 2005 at the latest,*** producers meet the following targets:

Amendment 28  
Article 6, paragraph 2, point (a), introductory part

(a) for WEEE falling under ***category*** 1 of Annex IA,

(a) for WEEE falling under ***categories 1 (large household appliances) and 10 (automatic dispensers)*** of Annex IA,

Amendment 29  
Article 6, paragraph 2, point (a), indent 1

- the rate of recovery shall be increased to a

- the rate of recovery shall be increased to a

minimum of **80%** by an average weight per appliance, and

minimum of **90%** by an average weight per appliance, and

#### Amendment 32

##### Article 6, paragraph 2, point (b), indent 1

- the rate of recovery shall be increased to a minimum of **75%** by an average weight per appliance, and

- the rate of recovery shall be increased to a minimum of **85%** by an average weight per appliance, and

#### Amendment 68

##### Article 6, paragraph 2, point (c), introduction and indent 1

(c) for WEEE falling under categories 2, 5, 6,7, **9 and 10** of Annex IA,

(c) for WEEE falling under categories 2, 5, 6,7 **and 9** of Annex IA,

– the rate of recovery shall be increased to a minimum of **70%** by an average weight per appliance, and

– the rate of recovery shall be increased to a minimum of **80%** by an average weight per appliance, and

#### Amendment 39

##### Article 6, paragraph 4

4. ***Five years after the entry into force of this Directive*** the European Parliament and the Council, acting on a proposal from the Commission, shall establish targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and for the products falling under category 8 of Annex IA, for the years ***thereafter***.

4. The European Parliament and the Council, acting on a proposal from the Commission, shall establish targets for recovery and re-use/recycling, including for the re-use of whole appliances as appropriate, and for the products falling under category 8 of Annex IA, for the years ***beyond 2008. This shall be done with account being taken of the environmental benefits of electrical and electronic equipment in use, such as improved resource efficiency resulting from materials and technology development. Technical progress in re-use, recovery and recycling, products and materials, and the experience gained by the Member States and the industry, shall also be taken into account.***

#### Amendment 40

##### Article 6, paragraph 4 a (new)

***4a. Member States shall encourage the development of new recovery, recycling and treatment technologies.***

Amendment 41  
Article 7, paragraph 2

***2. The financing referred to in paragraph 1 of the management of WEEE shall be provided by means of collective and/or individual systems in accordance with Community legislation. There shall be no unjustified differentiation between producers who opt for collective systems and those who opt for individual systems.***

***2. Member States shall ensure that the financing referred to in paragraph 1 is provided on an individual basis. To this end, Member States shall ensure that producers make provision for appropriate guarantees for the financing of the management of WEEE.***

***Member States may, following a request to the Commission, use collective financing schemes if they can demonstrate that the introduction of individual financing schemes would involve disproportionately high costs.***

***The costs of collection, treatment and environmentally sound disposal shall be internalised within the product price.***

***Member States in which other financing agreements are already in place before the entry into force of this Directive may maintain those agreements, subject to the outcome of a review, but for no longer than ten years after the entry into force of this Directive.***

Amendment 42  
Article 7, paragraph 3

***3. The responsibility for the financing of the costs of the management of WEEE from products put on the market before **the entry into force of this Directive** ("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.*****

***3. The responsibility for the financing of the costs of the management of WEEE from products put on the market before **expiry of the period referred to in paragraph 1** ("historical waste") shall be **shared collectively by all producers existing at the time the costs arise in proportion to their respective share of the market by type of equipment.*****

***Member States shall ensure that, for a***

*transitional period based on the average life of equipment, but for no longer than ten years after the entry into force of this Directive, producers are allowed to show users, on a voluntary basis at the time of sale of new products, the cost of collecting, treating and disposing in an environmentally sound way of historical waste.*

*Producers making use of this provision must ensure that the costs mentioned represent the actual costs incurred.*

Amendment 92  
Article 7, paragraph 4

4. The management of WEEE coming from producers that are not longer present on the market or which can no longer be identified *at the time when the costs occur shall also be financed by producers, and Member States may provide that it is financed in accordance* with paragraph 3.

*4. To prevent costs for the management of WEEE coming from producers that are not longer present on the market or which can no longer be identified (orphan products and free-riders) from falling on society or the remaining producers, Member States shall ensure that producers provide a guarantee when placing a product on the market, as specified in paragraph 2, and that producers clearly mark products in accordance with Articles 9(3a) and 10(1a). The guarantee shall be used to finance the management of WEEE from producers that have disappeared. The guarantee may take the form of a recycling insurance, a blocked bank account, or participation by the producer in appropriate financial schemes for the financing of the management of WEEE. Where an importer cannot provide any of the above, customs authorities shall charge a guarantee provision (together with VAT and customs duties) when the product enters the EU.*

Amendment 44  
Article 9, paragraph 1, point (-a) (new)

*(-a) the requirement no longer to dispose of WEEE together with unsorted urban*

*waste and to collect all WEEE separately;*

Amendment 45  
Article 9, paragraph 1, point (b a) (new)

*(ba) the presence of hazardous substances in electrical and electronic equipment;*

Amendment 47  
Article 9, paragraph 2

2. Member States shall adopt the *measures necessary to encourage consumers to facilitate, and thus participate in the process of collection, treatment and recovery of WEEE.*

2. Member States shall adopt the *necessary measures to ensure that consumers participate in the collection of WEEE and to encourage them to facilitate the process of re-use, treatment and recovery.*

Amendment 48  
Article 9, paragraph 3

3. Member States shall ensure that, *24 months after entry into force of this Directive, with a view to achieving a high rate of collection, producers appropriately mark electrical and electronic equipment, which might normally be disposed of in rubbish bins or similar means of municipal waste collection, and their instructions for use, with the symbol shown in Annex IV. 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 electrical and electronic equipment.*

3. Member States shall ensure that, *given the requirement that WEEE may no longer be disposed of together with unsorted urban waste and that all WEEE must be collected separately, producers appropriately mark electrical and electronic equipment put on the market after .... [30 months after the entry into force of this Directive] with the symbol shown in Annex IV. 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 electrical and electronic equipment.*

Amendment 49  
Article 9, paragraph 3 a (new)

*3a. Member States shall ensure that any producer of an electrical or electronic appliance put on the market after ... [30 months after the entry into force of this Directive] is clearly identifiable by a mark*

*on the appliance. Furthermore, in order to enable the date upon which the appliance was put on the market to be determined unequivocally, a mark on the appliance shall specify that the latter was put on the market after ... [30 months after the entry into force of this Directive].*

Amendment 50  
Article 10

Member States shall ensure that producers provide information on the different EEE components and materials as far as it is needed by treatment facilities in order to comply with the provisions of this Directive, as well as the location of dangerous substances and preparations in EEE.

Member States shall ensure that producers provide information on the different EEE components and materials as far as it is needed by *re-use centres*, treatment *and recycling* facilities in order to comply with the provisions of this Directive, as well as the location of dangerous substances and preparations in EEE. ***Producers shall provide manuals for maintenance, re-use, upgrade and refurbishment.***

Amendment 51  
Article 10, paragraph 1 a (new)

***Member States shall ensure that any producer of an electrical or electronic appliance put on the market after ... [30 months after the entry into force of this Directive] is clearly identifiable by a mark on the appliance.***

Amendment 52  
Article 11, paragraph 1, subparagraph 1

1. Member States shall provide to the Commission information, including substantiated estimates, on an annual basis on the quantities and categories of electrical and electronic equipment put on their market, collected and re-used, recycled and recovered within the Member States, by weight *and*, if this is not possible, by numbers.

1. Member States shall ***draw up a register of producers and*** provide to the Commission information, including substantiated estimates, on an annual basis on the quantities and categories of electrical and electronic equipment put on their market, collected ***through all routes***, re-used, recycled and recovered within the Member States, ***and on quantities exported***, by weight *or*, if this is not possible, by

numbers.

Amendment 53  
Article 11, paragraph 1, subparagraph 3

Member States shall ensure that the information required is *transmitted* to the Commission *within four years of the entry into force of the Directive and on a three-yearly basis thereafter*. The information shall be provided in a format which shall be established *within one year after the entry into force of this Directive* in accordance with the procedure referred to in Article 13(2).

Member States shall ensure that the information required is *included in a report to be provided* to the Commission *at two-yearly intervals on the implementation of this Directive with a view to establishing databases on WEEE and its treatment*.

*Member States shall ensure that the first of these reports is forwarded to the Commission within 18 months after the date referred to in Article 15.*

The information shall be provided in a format which shall be established *and communicated to the Member States at the latest six months before the date referred to in Article 15* in accordance with the procedure referred to in Article 13(2).

Amendment 54  
Article 11, paragraph 2, subparagraph 1

**2. Without prejudice to the requirements of paragraph 1, Member States shall send a report to the Commission on the implementation of this Directive at three-year intervals.** The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the rationalisation of certain Directives relating to the environment *with a view to establishing databases on WEEE and their treatment. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made available to the Commission within nine months of the end of the three-year period covered by it.*

2. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment.

Amendment 55  
Article 11, paragraph 2, subparagraph 2

*The first three-year report shall cover the period beginning three years after the entry into force of the Directive.*

*Deleted.*

Amendment 56  
Article 11, paragraph 2, subparagraph 3

The Commission shall publish a report on the implementation of this Directive within nine months after *receiving the reports from the Member States.*

The Commission shall publish a *first* report on the implementation of this Directive within nine months after *the end of the first reporting period, and a further report within nine months after the end of each subsequent reporting period. The reports shall enable a direct comparison of the progress of the Member States as regards the collection, re-use, recycling and recovery of WEEE. They shall be posted on the Internet.*

Amendment 57  
Article 14 a (new)

*Article 14a*

*Enforcement*

*1. Member States shall ensure that they have the necessary inspection and monitoring infrastructure in place to enable the Commission to verify compliance with this Directive.*

*2. For the purposes of this Article, Member States shall have regard, in particular, to Recommendation 2001/331/EC of the European Parliament and the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States<sup>(1)</sup>.*

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<sup>(1)</sup> OJ L 118, 27.4.2001, p. 41.

Amendment 64  
Annex II, paragraph 1, indent 7

- Asbestos *waste*

- Asbestos

Amendment 66  
Annex II, paragraph 2, indent 2

- Equipment containing ***CFC, HCFC, HFC or HC: The CFC, HCFC present in the foam and the refrigerating circuit must be properly dealt with*** according to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer. ***The HFC and HC present in the foam and refrigerating circuit must be extracted and properly treated.***

- Equipment containing ***gases that are ozone depleting or have a global warming potential (GWP) above 15, such as contained in foams and refrigeration circuits: The gases must be properly extracted and destroyed. Ozone-depleting gases must be treated*** according to Regulation (EC) No 2037/2000 of the European Parliament and the Council of 29 June 2000 on substances that deplete the ozone layer.

## **P5\_TAPROV(2002)0161**

### **Hazardous substances in electrical and electronic equipment \*\*\*II**

**European Parliament legislative resolution on the Council common position for adopting the proposal for a European Parliament and Council Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (11356/1/2001 – C5-0637/2001 – 2000/0159(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (11356/1/2001 – C5-0637/2001),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to the European Parliament and the Council (COM(2000) 347<sup>2</sup>),
  - having regard to the Commission's amended proposal (COM(2001) 316<sup>3</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0097/2002),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 34 E, 7.2.2002, p. 109.

<sup>2</sup> OJ C 365 E, 19.12.2000, p. 195.

<sup>3</sup> OJ C 240 E, 28.8.2001, p. 303.

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Amendment 17  
Recital 10

(10) The technical development of electrical and electronic equipment without heavy metals, PBDE and PBB should be taken into account. *As soon as new scientific evidence becomes available* and taking into account the precautionary principle, the prohibition of other hazardous substances and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers should be examined.

(10) The technical development of electrical and electronic equipment without heavy metals, PBDE and PBB should be taken into account. *On the basis of scientific evidence and taking into account the precautionary principle, the prohibition of other hazardous substances and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers should be examined.*

Amendment 2  
Recital 11a (new)

*(11a) As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available.*

Amendment 3  
Article 2, paragraph 2a (new)

*2a. This Directive does not apply to the reuse of electrical and electronic equipment or its components, which are put on the market before the date mentioned in Article 4(1). This includes the reuse of these components in new electrical and electronic equipment put on the market.*

Amendment 4  
Article 3, point (b), sub-point (ii)

(ii) resells under his own brand equipment produced by other suppliers, or

(ii) resells under his own brand equipment produced by other suppliers, *a reseller not being regarded as the producer if the brand of the producer as defined in sub-*

*point (i) appears on the equipment, or*

Amendment 5  
Article 4, paragraph 1

1. **By 1 January 2007 at the latest**, Member States shall ensure that new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) **and/or** polybrominated diphenyl ether (PBDE).

1. Member States shall ensure that, **from 1 January 2006**, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ether (PBDE).

Amendment 7  
Article 4, paragraph 2a (new)

***2a. Paragraph 1 shall not apply to spare parts for equipment and the repair of equipment put on the market before 1 January 2006.***

Amendment 8  
Article 4, paragraph 2b (new)

***2b. The European Parliament and the Council shall decide, as soon as the necessary scientific data are available, and without prejudice to the powers of the Commission, on the prohibition of other hazardous substances and the substitution thereof by more environment-friendly alternatives which ensure at least the same level of protection for consumers.***

Amendment 9  
Article 5

1. Any amendments which are necessary in order to adapt the Annex to scientific and technical progress for the following purposes shall be adopted in accordance with the procedure referred to in Article 7(2):

(a) establishing, as necessary, maximum

1. Any amendments which are necessary in order to adapt the Annex to scientific and technical progress for the following purposes shall be adopted in accordance with the procedure referred to in Article 7(2):

(a) establishing, as necessary, maximum

concentration values up to which the presence of the substances referred to in Article 4 (1) in specific materials and components of electrical and electronic equipment shall be tolerated;

(b) exempting materials and components of electronic equipment from Article 4 (1) if ***the use of the*** substances referred to therein ***in those materials and components*** is technically or scientifically ***unavoidable*** or where the negative environmental ***and/or*** health impacts caused by substitution are likely to outweigh the environmental ***and/or*** health benefits thereof;

(c) carrying out a review of each exemption in the Annex at least every four years or four years after an item is added to the list with the aim of considering deletion of materials and components of electrical and electronic equipment from the Annex if ***the use of the*** substances referred to in Article 4(1) ***in these materials and components*** is ***avoidable***, provided that the negative environmental ***and/or*** health impacts caused by substitution do not outweigh the possible environmental ***and/or*** health benefits thereof.

2. Before the Annex is amended pursuant to paragraph 1, the Commission shall inter alia consult producers of electrical and electronic equipment, recyclers, treatment operators, environmental organisations and employee and consumer associations. Comments shall be forwarded to the Committee referred to in Article 7(1).

concentration values up to which the presence of the substances referred to in Article 4 (1) in specific materials and components of electrical and electronic equipment shall be tolerated;

(b) exempting materials and components of electrical and electronic equipment from Article 4(1) if ***their elimination or substitution via design changes or materials and components which do not require any of the materials or*** substances referred to therein is technically or scientifically ***impossible***, or where the negative environmental, health ***and/or*** ***consumer safety*** impacts caused by substitution are likely to outweigh the environmental, health ***and/or*** ***consumer safety*** benefits thereof;

(c) carrying out a review of each exemption in the Annex at least every four years or four years after an item is added to the list with the aim of considering deletion of materials and components of electrical and electronic equipment from the Annex if ***their elimination or substitution via design changes or materials and components which do not require any of the materials or*** substances referred to in Article 4(1) is ***technically or scientifically possible***, provided that the negative environmental, health ***and/or*** ***consumer safety*** impacts caused by substitution do not outweigh the possible environmental, health ***and/or*** ***consumer safety*** benefits thereof.

2. Before the Annex is amended pursuant to paragraph 1, the Commission shall inter alia consult producers of electrical and electronic equipment, recyclers, treatment operators, environmental organisations and employee and consumer associations. Comments shall be forwarded to the Committee referred to in Article 7(1). ***The Commission shall provide an account of the information it receives.***

Amendment 10  
Article 6, paragraph 3