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NOTE

from : General Secretariat
to : Delegations

No. Cion prop. : 17333/08 ENV 1019 MI 553 CODEC 1859 - COM(2008) 809 final
17367/08 ENV 1022 MI 554 CODEC 1863 - COM(2008) 810 final

Subject : - 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 (recast)
- Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast)

Delegations will find annexed an information note from the Commission on the above subject, which will be dealt with under "other business" at the meeting of the Council (Environment) on 2 March 2009.

Proposal for a Directive on waste electrical and electronic equipment (WEEE) (Recast) [COM(2008)810] and

Proposal for a Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (Recast) [COM(2008)809]

- Information Note from the Commission

- On 3 December 2008 the Commission adopted two proposals, one recasting the Directive on waste electrical and electronic equipment (the "WEEE Directive") and another recasting the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (the "RoHS Directive").
- The Directives have been in place for five years and have helped to reduce the environmental impact of electronic appliances. Despite the current legislation, however, there are still substantial amounts of electronic waste that undergo substandard treatment and are illegally exported to third countries, causing environmental harm. This needs to be remedied.
- In addition, experience of the first few years of implementing the Directives has revealed a number of technical, legal and administrative difficulties that need to be addressed. During the last two years the Commission has carried out a review involving all stakeholders to see how the WEEE and RoHS Directives can be improved.
- The Commission's proposal for the new WEEE and RoHS Directives will contribute to a better regulatory environment by providing further clarity on the legislation, reducing the administrative burden, improving consistency within Community legislation and strengthening enforcement. The proposals will also result in significant benefits to the environment.

- In order to address the environmental problem caused by the “leakage” of electronic waste to substandard treatment and to illegal exports, the Commission has proposed a new waste collection rate in the WEEE Directive. The rate is set at 65% by weight of what was placed on the market during the two preceding years on average. This is a variable target that takes into account the economies of individual Member States. The target will become binding by 2016. Producer responsibility requirements are strengthened to ensure that the waste collected undergoes appropriate treatment and recycling and is accounted for. In parallel with this, the Commission has introduced a measure whereby the Member States, where appropriate, should encourage producers to finance the full costs of the separate collection. This is proposed in order to ensure producers' access to waste so that leakages of separately collected WEEE are avoided.
- In order to reduce the administrative burden for the industry, the Commission has proposed harmonising the registration and reporting obligations for producers and making national producer registers inter-operational in the WEEE Directive. This means that producers would only need to register and report in one Member State, reflecting their activities in the EU. This measure could potentially reduce the administrative burden by more than EUR 60 million.
- The Commission has further clarified the provisions of the Directives, including their scope. In particular, for the RoHS Directive the Commission has proposed establishing a clear mechanism for identifying and, if necessary, restricting the use of additional hazardous substances while remaining fully consistent with EU chemicals legislation.
- It is proposed that the enforcement of both Directives should be strengthened. For the RoHS Directive, national market surveillance mechanisms have been introduced for assessing product conformity . In the case of the WEEE Directive, minimum inspection requirements for Member States are proposed, as well as minimum monitoring requirements for shipments of WEEE.
- The Commission looks forward to close co-operation with the Council and the European Parliament in making this important area of legislation more efficient and effective in achieving its objectives.
