



**COUNCIL OF THE
THE EUROPEAN UNION**

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ADDENDUM TO THE "I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER/COUNCIL

No. Cion prop.: 17367/08 ENV 1022 MI 554 CODEC 1863

Subject : Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) - (recast) **(second reading)**
- Approval of the European Parliament's amendments **(LA + S)**
=Statements

COMMON GUIDELINES

Consultation deadline: 6.6.2012

Statement of the Commission on Product Design

(WEEE Article 4)

Eco-design measures can help to facilitate meeting the targets of the Directive on waste electrical and electronic equipment in line with the Roadmap on Resource Efficiency (COM(2011)571). The Commission will, if and when introducing new or reviewing the implementing measures adopted pursuant to Directive 2009/125/EC on products also covered by the WEEE Directive, take into account the parameters for re-use and recycling as set out in Annex 1 part 1 of the Directive 2009/125/EC, and assess the feasibility of introducing requirements on re-usability, easy dismantling and recyclability of such products.

Statement of the Commission on specific derogations from the collection targets

(WEEE Article 7)

The new WEEE Directive in Article 7(4) creates the possibility for transitional arrangements in order to address difficulties faced by a Member State in meeting the collection targets of that Article, as a result of specific circumstances. The Commission underlines that high collection targets of WEEE are important for a resource-efficient Europe and that the transitional arrangements can only be applied in exceptional circumstances. The difficulties faced and the specific circumstances on which they are based must be objective, well documented, and verifiable.

Statement by Austria

Austria would like to reiterate its reservation against the possibility as set out in Art 17 (1) to allow a foreign producer to appoint a person as an authorised representative. This would endanger proper financing of the collection and recycling of WEEE.

For this reason Austria will, when implementing the WEEE Directive, stipulate the same requirements for such an authorised representative, regarding financial warranties and criminal liability, as for the producer. In consequence, if need be, the national producer, as defined in Art 3(1) (f) (ii) and (iii), would need to assume responsibility for the fulfilment of the producer's obligations.

Furthermore, Austria draws attention to a situation where two different persons will be responsible for electrical appliances containing batteries: On the one hand, according to the Batteries Directive, the importer of the battery, and on the other hand, according to the WEEE Directive, a potential legal representative of a producer from another Member State.

Austria is concerned as to the expected increase of the administrative burden for instance related to the 6th category of WEEE as foreseen in Annex III and IV.

Statement by Malta

Malta believes that the text laid down in Article 17(1) is not consistent with the notion of authorised representative since it requires Member States to allow the appointment of an authorised representative even in the case when a producer is already established in the same Member State where such representative is being appointed. Malta, therefore, does not agree with the appointment of an authorised representative in the case of producers as defined in Article 3(1)(f)(i) to (iii), since these are already established in the Member State they are selling to, and therefore, do not need an authorised representative to be responsible for fulfilling their obligations under this Directive.
