Commission Implementing Decision (EU) 2019/2193 of 17 December 2019 laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (notified under document C(2019) 8995) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2193

of 17 December 2019

laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)

(notified under document C(2019) 8995)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment[(1)], and in particular Articles 11(3) and 16(9) thereof,

Whereas:

(1) Article 11(2) of Directive 2012/19/EU establishes the method for the calculation of the achievement of the WEEE minimum recovery targets set out in Annex V to that Directive.

(2) In order to ensure harmonised calculation, verification and reporting, it is necessary to establish additional rules with regard to a number of parameters relating to the calculation. Those parameters relate, in particular, to the calculation of the weight of WEEE that is prepared for re-use, enters a recycling facility, is recovered and treated in the Member State where the WEEE has been collected, in another Member State or in a third country

(3) In particular, preparing for reuse should be counted, together with recycling, towards the achievement of a combined minimum recovery target.

(4) In order to ensure uniform application of the rules on calculation methods by all Member States it is moreover necessary to establish, for the most common component materials of WEEE and certain recycling operations, which waste materials should be included in the calculation and the point at which such materials are regarded as entering a recycling operation.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/2193. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In order to ensure that the data to be reported on recycling of WEEE are comparable, the point at which the materials are regarded as entering a recycling operation should also apply to waste materials that ceased to be waste as a result of a preliminary treatment.

(6) It is also necessary to clarify the calculation method for the quantity of WEEE reported as recycled or recovered with regard to materials removed during preliminary treatment.

(7) Since treatment of WEEE can involve different stages for which WEEE may be sent to another Member State or exported outside the Union for treatment, either as whole devices or as parts, it is necessary to clarify what can be included in the weight of WEEE treated in the Member States involved in such operation.

(8) Pursuant to Article 10(1) of Directive 2012/19/EU, the treatment of WEEE may, under certain conditions, be undertaken outside the Member State which has collected it, or outside the Union. In such cases, only the Member State that has collected that WEEE should be able to count it towards the respective minimum recovery target(s).

(9) Article 16(4) of Directive 2012/19/EU requires Member States to collect certain types of information regarding electrical and electronic equipment (EEE) and WEEE.

(10) Article 16 of Directive 2012/19/EU, as amended by Directive (EU) 2018/849 of the European Parliament and of the Council[(2)], requires Member States to report to the Commission, for each calendar year, the data collected in implementation of paragraph 4 of that Article, in accordance with a format to be established by the Commission. That format should be such as to ensure that the reported data provides a sound basis for verifying and monitoring the attainment of the minimum targets for the collection and the recovery of WEEE set in Directive 2012/19/EU.

(11) Article 16(7) of the Directive requires Member States to submit to the Commission a quality check report to accompany the data reported under Article 16(6). It is important that those quality check reports are comparable in order to, inter alia, enable the Commission to review the data reported, including organisation of the data collection, the sources of data, the methodology used for the calculation of the WEEE collection rate, the description of any substantiated estimates, as well as the completeness, reliability, timeliness and consistency. To this end, it is necessary to establish a format for the quality check report.

(12) Pursuant to Article 7(1) of Directive 2012/19/EU, from 2019 onwards, the minimum collection rate to be achieved annually by each Member State is set at 65 % of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85 % of WEEE generated on the territory of that Member State. Commission Implementing Regulation (EU) 2017/699[(3)] establishes a common methodology for the calculation of the weight of EEE placed on the market of each Member State and a common methodology for the calculation of the quantity of WEEE generated by weight in each Member State. Member States should indicate the methodology they choose to apply for the calculation of the WEEE collection rate in the format for reporting and in the quality check report.

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(13) Pursuant to Article 2(1)(b) of Directive 2012/19/EU, with effect from 15 August 2018, all EEE is to be classified within the six categories set out in Annex III to the Directive as opposed to the ten categories that were applicable during a transitional period prior to that date. The format for reporting should reflect this transition and thus ensure that the reported information allows for verifying and monitoring the attainment of the targets related to the recovery of WEEE per category set out in Article 11(1) and Annex V (Part 3) of Directive 2012/19/EU.

(14) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council[(4)],

HAS ADOPTED THIS DECISION:

Article 1

Rules for the calculation of the minimum recovery targets referred to in Article 11(1) of Directive 2012/19/EU

1 The weight of waste electrical and electronic equipment (WEEE) reported as prepared for re-use shall be the weight of whole appliances, which have become waste, and of components of WEEE that, following checking, cleaning or repairing operations, can be re-used without any further sorting or pre-processing.

Where components are prepared for reuse, only the weight of the component itself shall be reported as prepared for re-use.

Where whole appliances are prepared for reuse, and only components representing in total less than 15 % of the entire weight of the appliance are replaced by new components during the preparation for re-use process, the entire weight of the appliance shall be reported as prepared for re-use.

Appliances and components that are separated at WEEE treatment facilities and are to be re-used without any further sorting or pre-processing shall also be reported as prepared for re-use.

2 The weight of WEEE entering a recycling facility shall be the weight of materials originating from WEEE that, after proper treatment in accordance with Article 8(2) of Directive 2012/19/EU, enter the recycling operation whereby waste materials are reprocessed into products, materials or substances that are not waste.

Preliminary activities including sorting, dismantling, shredding or other preliminary treatment to remove waste materials that are not destined for subsequent reprocessing shall not be considered recycling.

The points where certain waste materials originating from WEEE are considered to enter the recycling operation are specified in Annex I. Where waste materials cease to be waste as a result of preliminary treatment at the points specified in Annex I, the amount of those materials shall be included in the amount of WEEE reported as recycled.

Where a recycling facility carries out preliminary treatment, the weight of the materials removed during preliminary treatment that are not recycled shall not be included in the

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quantity of WEEE reported as recycled or recovered by that facility and shall not count towards the achievement of the recycling and recovery targets.

3 The weight of WEEE reported as recovered shall include preparing for re-use, recycling and other recovery, including energy recovery.

4 The weight of WEEE reported as treated in a given Member State shall not include the weight of WEEE sorted and stored in that Member State prior to its export to another Member State or outside the Union for treatment.

5 The weight of WEEE reported by a Member State as treated in another Member State or as treated outside the Union shall include respectively the quantities of WEEE that are whole appliances, which have become waste, and are sent to another Member State or outside the Union in order to be de-polluted, dismantled, shredded, recycled or recovered. This weight shall not include the quantities of exports of materials derived from the treatment of WEEE taking place in the reporting Member State.

6 Where WEEE is sent for treatment in another Member State or exported for treatment in a third country in accordance with Article 10 of Directive 2012/19/EU, only the Member State that has collected and sent or exported that WEEE for treatment may count it towards the minimum recovery targets referred to in Article 11(1) of Directive 2012/19/EU.

7 Member States may use substantiated estimates as referred to in Article 16(4) of Directive 2012/19/EU to calculate the average percentage of recycled and recovered materials originating from WEEE and of components of WEEE.

Article 2

Format for reporting of data referred to in Article 16(6) of Directive 2012/19/EU and quality check report

1 Member States shall report the quantities of electrical and electronic equipment (EEE) placed on their markets, of WEEE collected through all routes, the collection rate achieved and, where applicable, the quantity of WEEE generated, using the format set out in Table 1 of Annex II.

That data shall be reported per category of EEE set out in Annex III to Directive 2012/19/EU. For category 4 ‘large equipment’, data shall be reported under two sub-categories, namely ‘4a: Large equipment excluding photovoltaic panels’ and ‘4b: Photovoltaic panels’.

2 Member States shall report the quantities of WEEE prepared for re-use, recycled and recovered, the combined rate achieved for preparing for re-use and recycling, the recovery rate achieved and the quantities of WEEE treated in the Member State and, where relevant, treated in another Member State or outside the Union using the format set out in Table 2 of Annex II.

That data shall be reported per category of EEE set out in Annex III to Directive 2012/19/EU. For category 4 ‘large equipment’, data shall be reported under two sub-categories, namely ‘4a: Large equipment excluding photovoltaic panels’ and ‘4b: Photovoltaic panels’.

3 Member States shall report the data referred to in paragraphs 1 and 2 in electronic form, by means of an interchange standard set up by the Commission.

4 Member States shall report the data on the weight of EEE placed on the market as calculated in accordance with Article 3 of Implementing Regulation (EU) 2017/699.

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5 Member States shall report the data on the weight of WEEE generated as calculated in accordance with to Article 4 of Implementing Regulation (EU) 2017/699.

6 Member States shall report the collection rate attained in a reporting year calculated on the basis of the average weight of EEE placed on their markets in the three preceding years.

Where a Member State calculates the collection rate on the basis of the quantity of WEEE generated in its territory, it shall report data on the weight of WEEE generated and data on the WEEE collection rate based on WEEE generated.

Where a Member State calculates the collection rate on the basis of the average weight of EEE placed on the market in the three preceding years, it may report, on a voluntary basis, data on the weight of WEEE generated and data on the WEEE collection rate based on WEEE generated.

7 Member States shall submit a quality check report using the format set out in Annex III to this Decision.

Where Member States use substantiated estimates to report data on the quantities and categories of WEEE collected through all routes, on WEEE treated within the Member State, or on the average percentage of recycled and recovered materials originating from WEEE and of components of WEEE, the methodology used for those estimates shall be described in the quality check report.

Article 3

This Decision is addressed to the Member States.