

## **E-letter to WEEE/ROHS e-mail list**

Dear Sir/Madam

### **IMPLEMENTATION OF THE WEEE AND ROHS DIRECTIVES**

I am writing to update you on planning for the implementation of the EU Directive on Waste Electrical and Electronic Equipment, the WEEE Directive, and the EU Directive on the Restriction of certain Hazardous Substances in this equipment, the RoHS Directive.

This follows our consultation on draft implementing Regulations and accompanying Guidance last autumn. I can now confirm some key decisions by the Government on its approach to the implementation of the two Directives; and on the timetable for this.

### **Timetable for implementation**

#### **RoHS**

- The Government will make Regulations to transpose the RoHS Directive into UK law in the near future, once it has formal notification of the maximum concentration values for the substances restricted by the Directive.
- The RoHS maximum concentration values will have to be complied with from 1 July 2006.

#### **WEEE**

- The Government plans to make Regulations to transpose the WEEE Directive into law in summer 2005. It will publish non-statutory Guidance to accompany this.
- The Government intends to implement the Directive's producer responsibility obligations for household and non-household WEEE and its take-back obligations on retailers/distributors from January 2006.
- The Government intends to consult shortly on draft Regulations for the permitting of WEEE treatment facilities. It will make these Regulations in time to permit facilities to treat separately collected WEEE once producer responsibility is implemented.
- There will be further announcements on WEEE permitting and treatment guidance.

In common with many other EU member states, the Government has encountered major practical difficulties in meeting the Directive's legal deadline of 13 August 2005 for implementation of its obligations on producers and retailers. The Government has received many representations from business and others saying more time should be taken on the practical implementation in order to get it right. Several other major EU Member States now appear to be planning their practical implementations on a similar, deferred timetable.

- The Government recognises that a deferred start of the WEEE producer responsibility obligations may have implications for Local Authorities due to the coming into force from July of the Landfill Regulations Waste Acceptance Criteria, which would be applied to waste which is sent to a hazardous waste landfill including any WEEE which is separately collected and classed as hazardous,

and which is sent to landfill. DTI, Defra and the Agencies will work with key stakeholders to provide guidance, and to minimise the level of any additional costs. Any additional cost for Local Authorities will be met by Government in line with the new burdens principle.

- The Government proposes to implement on 13 August 2005 the WEEE Directive's obligations in relation to the marking of equipment, including the marking to show whether it is put on the market after this date. To do otherwise would leave the UK permanently in breach of the Directive. More practically, the Government is aware that many producers are already arranging marking for August.

### **Involving stakeholders**

- The Government intends to continue to work with stakeholders - business, local government and others - towards a successful implementation of WEEE on the modified timetable.
- The Government will establish a stakeholder advisory panel for WEEE to maintain strategic oversight and review of the WEEE implementation in its early years. This panel will coordinate several specific stakeholder taskforces. These will initially be on individual producer responsibility, on the operation of the non-household WEEE obligations and on reuse. These taskforces will be set up in advance of the implementation. The Government will appoint a stakeholder chairperson for the panel.

### **Producer registration, data reporting**

- The WEEE Directive obliges the UK to establish and maintain a register of producers putting electrical and electronic equipment onto the UK market.
- The Government expects that the Environment Agencies will register producers.
- The UK is obliged under the European legislation to report data on the amounts of electrical and electronic equipment put onto the market, differentiating between household and non-household use. Producers will be expected to report data to show the weight and number of units they put onto the market during the period January-December 2004. They should make *reasonable estimates*, capable of corroboration, to distinguish between household and non-household. Producers' reported weights of household equipment put on the market will be used for the purposes of calculating their obligations relating to household WEEE arising in the UK.
- Producers will be able to register individually or their compliance schemes may handle this for them.
- Further announcements of arrangements for registration and data reporting will be made in advance of the opening of registration in the summer.
- There will be a short consultation on the proposed levels of the Environment Agencies' fees to recover their costs for providing registration and monitoring of producer and retailer obligations.

### **National Clearing House**

- There will be a modified approach to the National Clearing House.
- The Government expects that the Environment Agencies will register producers and DTI will establish an allocation of WEEE to producers.
- The allocation approach will mix "physical" allocation (WEEE collection sites) to larger producers and compliance schemes with a settlement mechanism enabling financial compliance by producers with smaller market share-based obligations.
- The Government will work further to define the details of this approach and will discuss it further with producers and others during the next month. It aims quickly to resolve the methodologies for

allocation of sites to larger producers and allocations (based on estimated WEEE arisings) to all producers.

The Government's consultation last autumn showed broad support for the principle of a National Clearing House (NCH), but lack of consensus on what practical functions it should have. Many stakeholders were supportive of the idea of Government letting a contract for an operator of an NCH, but the complexities and public accountability implications of such an arrangement make it difficult to implement.

Following discussions with producers and other stakeholders, the Government therefore intends to pursue a much simplified, "no frills" approach for the initial phase of WEEE implementation. This nevertheless builds on the very useful work done on the NCH concept by producers and others.

Looking beyond an initial three year period (the Directive is to be reviewed at European level in 2008), the Government will look to producers to run an NCH, if producers still desire this approach.

### **Retailer take-back**

- The Government expects to conclude within the next few weeks its discussions with the British Retail Consortium on funding of a retail compliance scheme, including support for upgrades to civic amenity site facilities for the separate collection of WEEE. This is necessary to end uncertainty about the collection arrangements for household WEEE.
- If there is commitment to a retail compliance scheme, the Government will then expect by May a detailed proposal from the scheme, presenting its UK-wide collection network, including a list of participating facilities.
- The scheme, including its operational plan, would be subject to formal approval by the Government.
- The Government will make a further announcement shortly on implementation of the Directive's take-back obligations on retailers/distributors in the light of the outcome of the discussions on the retail compliance scheme.

### **Visible fees**

- The Government confirms it intends to follow a voluntary approach to the operation of visible fees.
- DTI will broker discussion between producers and retailers on how best this voluntary approach could operate in the UK.

### **Individual Producer Responsibility**

- The Government will pursue the Directive's objectives in relation to Individual Producer Responsibility (IPR) for WEEE from products put onto the market after the implementation. DTI will set up a stakeholder taskforce to consider IPR in practical detail.

### **Reuse**

- The Government is concerned to meet the Directive's objectives for reuse and to safeguard and enhance the position of charities and the Third Sector who currently deal with WEEE. DTI will convene a reuse taskforce drawing together interested stakeholders. It will be chaired by a Third Sector figure.

**Non-household obligations**

- The Government confirms its proposed approach to implementing the Directive's obligations in relation to WEEE from "business-to-business" sales, as set out in the consultation last autumn. DTI will convene a stakeholder taskforce to consider B2B WEEE in practical detail.

Both the WEEE and RoHS teams here at DTI remain ready to discuss and explain the implementation arrangements for the two Directives as these shape up over the next few months. I shall be in touch again via a further update letter shortly.

Yours sincerely,

Chris Tollady  
DTI WEEE implementation