

The Waste Electrical and Electronic Equipment (WEEE) Regulations Progress Report – December 2007

Introduction

1. The aim of this paper is to:
 - Summarise progress made in the development of the UK WEEE system as we approach the end of the first compliance period;
 - Summarise the main provisions contained within the Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 (“the amending Regulations”). These regulations were laid before Parliament on the 11 December 2007.
 - Outline some of the areas the implementation team will be considering in the early part of 2008.

UK WEEE System – Progress report

2. The Waste Electrical and Electronic Equipment Regulations 2006 (the 2006 Regulations) established the foundations of the UK system for the collection, re-use, treatment, recovery and recycling of WEEE. The current UK WEEE system is based upon the principle of collective producer responsibility as required by the EU WEEE Directive for “historical” WEEE.
3. The 2006 Regulations (as amended by the amending Regulations) are administered and enforced by the Environment Agency (EA) in England and Wales, the Scottish Environmental Protection Agency in Scotland and the Department of the Environment in Northern Ireland.
4. Annex 1 to this paper summarises the achievement in establishing the UK WEEE system for the first compliance period (1 July – 31 December 2007) and preparations for the second compliance period (1 January – 31 December 2008).

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 – Main Provisions

5. The Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 were laid before Parliament on the 11 December 2007 and will come into force on 1 January 2008, i.e. the second compliance period.
6. The amending Regulations focus on five main areas of the UK WEEE system:
 - The counting and evidencing of whole appliances for reuse;

- The issuing of evidence of WEEE to the nearest kg – i.e. three decimal points of a tonne;
 - The right for a final holder of WEEE from private households to return it into the system free of charge;
 - An extension of the deadline when evidence for the previous compliance period can be issued to the 30 April;
 - Secretary of State prescribing the format for distributor records.
7. The amending Regulations also contain a number of other changes in the text to reflect changes of a minor or technical nature.

Counting and evidencing of whole appliances for reuse

8. The WEEE Directive calls for Member States to establish systems where whole appliances can be prioritised for reuse. The amending Regulations tighten the evidence and reporting requirements to encourage further identification of whole appliances for reuse.
9. Only Approved Authorised Treatment Facilities (AATFs) can issue evidence to cover items which are treated and ultimately reprocessed and whole items identified for reuse.
10. Producer Compliance Schemes (PCS) are able under the amending Regulations to off-set whole appliances passed for reuse against their obligations. However, although the evidence note will show 100% recovery this cannot be used to balance recovery rates which are below the targets set by the 2006 Regulations. In other words, only items which have been passed for treatment and recovery can be counted towards the recovery target but whole items identified can be counted towards the tonnage collection obligations.

For example: A PCS has an obligation to collect 100 tonnes of category 1 WEEE and identifies 20 tonnes of whole appliances for reuse. The PCS must still ensure that the remaining 80 tonnes has an overall recovery rate of 80% as described in regulation 26 of the WEEE 2006 Regulations.

11. PCSs and AATFs are encouraged to identify whole appliances for reuse by developing effective working partnerships with legitimate reuse organisations (either the charitable or commercial sector) and Designated Collection Facilities (DCFs). Such partnerships will help to limit the movement of whole appliances from facility to facility.
12. Where an effective working relationship has been established, an audit trail must also be in place to show the destination of the appliance. For example, the name and details of the reuse facility and confirmation of the agreement/partnership in place. Appropriate documentation must be maintained as the AATF's approval status will be at risk if it is

subsequently discovered the final destination of the appliances was not the reuse sector/market.

The recording of WEEE to the nearest kg

13. Discussions with Producer Compliance Schemes have resulted in changes to the reporting requirements of WEEE arising and the reporting of evidence.
14. The WEEE 2006 Regulations require AATFs to issue evidence of WEEE to the nearest tonne. Experience is now showing that this is causing inaccuracies in what is being collected and what is being reported. It also appears to be causing delays in treatment and reprocessing for AATF who are only collecting small amounts of WEEE within a particular category.
15. The amending regulations have changed this requirement to allow AATFs to issue evidence to the nearest kg – ie three decimal places of tonnes.
16. Changes to the Settlement Centre system will be made early in the New Year to allow AATFs to deposit evidence either as kgs or via decimal points. For example, an AATF will be able to issue evidence for four and a quarter tonnes as either 4.250 tonnes or 4250kgs.
17. Further details and input instructions will be circulated on the release of Iteration 4 of the Settlement Centre, scheduled for February 2008.

The right for a final holder of WEEE from private households to return it into the system free of charge

18. Discussions with professional sectors who handle consumer electrical and electronic equipment have highlighted a possible difficulty to their business operation.

For example, if a professional TV repairer is left with a consumer product because it is uneconomical to repair there is no mechanism for the repairer to return the product free of charge into the UK WEEE system.

19. An additional regulation has now been introduced (Regulation 40A) to resolve this issue. Under Regulation 40A, final holders of WEEE from private households who have no free access to DCFs will be able, with agreement of an appropriate PCS, to return the WEEE direct to an AATF.
20. This provision is similar to Regulation 32 in that while the cost of treatment and reprocessing is still the responsibility of the PCS, the final holder will need to arrange (and fund) any transport costs involved.

An extension of the deadline to 30 April when evidence for the previous compliance period can be issued

21. The 2006 Regulations do not allow evidence to be issued after the 15 February for the previous compliance period. We are aware that the movement of WEEE and the treatment and reprocessing system can mean that this deadline is too tight.
22. The amending Regulations allow evidence, relating to the previous compliance period, to be issued up to the 30 April. To accompany this provision the deadline for meeting audit requirements has also been amended.

Secretary of State to issue a format for distributor records

23. A number of distributors have questioned the requirements of Regulation 34 as to what is the acceptable format for records. An additional regulation (59A) will enable the Secretary of State to publish a format to be used by distributors to maintain the required records.

Next Steps

24. It has always been assumed that the development of the UK WEEE system will take more than simply the introduction of Regulations. The infrastructure supporting the Regulations will be subject to a process of ongoing examination and refinement with the aim of streamlining and improving the system. While accepting that the amending Regulations do not address all the issues identified by obligated parties and the enforcement bodies, BERR will continue to engage with all parties to ensure that issues can be discussed and considered at the appropriate time.
25. The first quarter of the second compliance period will present a number of opportunities and challenges, both in moving the system forward but also examining the practical aspects of the first compliance period as PCS prepare to submit their declaration of compliance.
26. The first quarter of the 2008 will see BERR focus on the:
 - WEEE Advisory Body (WAB);
 - European Review of the WEEE Directive;
 - Development of the Settlement Centre;
 - Identifying and disseminating good practice in prioritising reuse of whole appliances;
27. The chair and member of the WEEE Advisory Group (WAB) were announced on the 3 December 2007. After completion of the induction process, the group will meet on a quarterly basis. The main purpose of the group is to consider issues of relevance to the current infrastructure and issues which will develop and improve the UK WEEE system. The

outcome of WAB will be practical and workable recommendations to Ministers.

28. The WAB terms of reference, agenda priorities and ways of working will be placed in the BERR website.

European Review of the WEEE Directive

29. The European Commission is committed to reviewing the WEEE Directive. Although radical changes are not at this stage anticipated, it is envisaged that proposals to simplify some areas will be considered. For example producer registration, how prescriptive treatment requirements should be, and whether 4kg per head of population target is still appropriate.
30. BERR will continue to engage with UK stakeholders throughout the Review process to ensure that the concerns and ideas of all those involved in the UK WEEE system are considered and fed into the process.
31. It is highly likely that the EU will develop its own process of engaging with individual organisations but this will be in addition to the development of the UK view.

Development of the Settlement Centre

32. The Settlement Centre went live on the 28 November 2007. Trading of evidence within the facility is scheduled to be available from the 18 December.
33. Further developments to the facility will take place early in the New Year with the 4th iteration of the service scheduled to go live from the around the second week in February. The 4th iteration will include changes to the system in light of the amending Regulations (i.e. recording of tonnages to decimal places) and refinement of search facilities.
34. The Settlement Centre will be under constant review to assess the level of efficiency and ease of use with refinements being made in light of such experiences.

Identifying and disseminating good practice in prioritising reuse of whole appliances

35. The amending Regulations provide for DCF operators, PCS and the reuse sector to develop working relationships to prioritise the reuse of whole appliances. The amending Regulations provide an opportunity for the UK to move forward in this area. BERR will be asking the WEEE Advisory Body to look at how the UK system is operating in this area and to make recommendations both to Government and WEEE participants on how to further encourage such reuse.

WEEE Implementation Team
December 2007

Progress Report on the Development of the UK WEEE System

Introduction

1. This report summarises the development of the UK WEEE system during the compliance period one and preparations for compliance period two.

Designated Collection Facilities

2. There are a total of 1556 designated collection facilities (DCFs) which meet the requirement of the WEEE Directive for the Member States to establish an adequate network of collection facilities from household WEEE. The network is made up of:

Civic Amenity sites (CA)	1111
Waste Transfer Stations	238
Retail Distribution Centres	39
Not for Profit Organisations	67
Commercial Organisations	101

Producer Compliance Scheme (PCSs)

3. For the first compliance period 37 producer compliance were approved and operational. Of these 35 were approved by the Environment Agency as being based in either England or Wales and 5 by SEPA as being based in Scotland. No producer compliance schemes were approved by DOENI. The approval for the 37 schemes is valid for three compliance periods ie 1 July 2007- 31 December 2009.
4. No scheme has either ceased operating or had approval removed during the first compliance period.
5. In preparation for the second compliance period a further three Producer Compliance Schemes were approved by the Environment Agency. The approval is valid for three compliance periods from 1 January 2008 to 31 December 2010.

Producer Registrations

6. A total of 4065 producers have been registered with the environmental agencies by PCSs. Of those:
 - 3696 are located in England
 - 96 are located in Wales
 - 95 are located in Scotland
 - 36 are located in Northern Ireland
 - 142 are located outside the UK

7. Registered producers have reported placing at least 1.51 million tonnes of household electrical and electronic equipment on the UK market and 0.51 million tonnes during 2006.
8. Details on Producer Compliance Schemes and registered producers can be viewed at www.environment-agency.gov.uk/weee

Distributor Takeback Scheme (DTS)

9. As at 5 November 2007 there were 2680 members of the Distributor Takeback Scheme. This membership represents in excess of 75% of UK electrical retailing by volume of sales.
10. The increase in membership following the introduction of producer responsibility (from the 1 July 2007) is primarily due to awareness rising amongst small distributors.
11. The DTS membership fees have been made available to local authorities to support the upgrade and use of civic amenity sites as DCFs.

Approved Authorised Treatment Facilities and Approved Exporters

12. 158 applications covering 283 sites have been received for the first compliance period, of these 143 applications covering 248 sites have been approved.
13. For the second compliance period 117 applications have been received of which 114 covering 202 sites have been approved.
14. 41 exporters were granted approval status for the first compliance period with 32 applications having been received for the second compliance period.

Separately Collected WEEE

15. Provisional figures for the first three months of the UK WEEE system indicate that in excess of 100,000 tonnes of household WEEE have been separately collected. The projections which can be developed from these figures for a 12 month compliance period would equate to around 7kg per head of population against the EU target of 4kg per head of population.

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