

BIS | Department for Business
Innovation & Skills

**WASTE ELECTRICAL AND
ELECTRONIC EQUIPMENT**

Call for Evidence

MAY 2012

CONTENTS

| | |
|---|-----------|
| 1. Introduction | 3 |
| 2. The Red Tape Challenge | 4 |
| 3. The purpose of this call for evidence and response required..... | 5 |
| 4. The UK Waste Electrical and Electronic Equipment (WEEE) system | 6 |
| WEEE Directive Recast | 7 |
| 5. Confidentiality & Data Protection | 8 |
| 6. What happens next? | 9 |
| 7. Questions for stakeholders | 10 |
| a. Questions for producers of Electrical and Electronic Equipment (EEE):..... | 10 |
| b. Questions for Producer Compliance Schemes (PCS) | 10 |
| c. Questions for WEEE treatment facilities | 12 |
| d. Questions for collectors of WEEE – e.g. Waste Management Companies (WMC) and Designated Collection Facilities (DCF) | 13 |
| e. Questions for ALL respondents..... | 13 |

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE): CALL FOR EVIDENCE

1. Introduction

1. This document is the official response form for the UK Waste Electrical and Electronic Equipment (WEEE) Regulations Call for Evidence.
2. There are specific data requests in the excel pro-forma templates, accessible via the web-links in section 7 of this document. For clarification or background to the questions please refer this document.
3. The deadline for receipt of responses is the 23rd July 2012. You may respond by either:

Emailing the complete document to: WEEE@bis.gsi.gov.uk

Or by posting the completed document to

Krupa Kothari

**Green Economy Team,
Department for Business Innovation and Skills
1 Victoria Street, 4th Floor, Orchard 1
London SW1H 0ET**

Your Details:

Name:

Organisation (if applicable):

Address:

Email:

Please tick the box from the following list of options that best describes you:

| | | | |
|--|--------------------------|--|--------------------------|
| Producer of Electrical or Electronic Equipment | <input type="checkbox"/> | Trade Association | <input type="checkbox"/> |
| Retailer of Electrical or Electronic Equipment | <input type="checkbox"/> | Local Amenity Site/Dedicated Collection Facility | <input type="checkbox"/> |
| Producer Compliant Scheme | <input type="checkbox"/> | Consumer of Electrical or Electronic Equipment | <input type="checkbox"/> |
| Local Authority | <input type="checkbox"/> | AATF/ATF | <input type="checkbox"/> |
| Waste Management Company | <input type="checkbox"/> | Approved exporter | <input type="checkbox"/> |
| Distributor Take back Scheme | <input type="checkbox"/> | Other, please specify: | <input type="checkbox"/> |

2. The Red Tape Challenge

4. The Government's policy on "Better Regulation" aims to reduce the overall volume of new regulation by introducing regulation only as a last resort, and improves the quality of any remaining new regulation by ensuring that regulation is proportionate and the best way of achieving the outcome we want whilst avoiding unintended consequences and ensuring economic growth.
5. The Government's aim is to free business from burdensome regulation. Where possible this will be achieved by removing or simplifying existing regulations that unnecessarily impede growth, and using alternative policy levers so as to enable businesses to grow whilst continuing to meet public policy objectives. The Government has set out its guiding principles for regulation and taken steps to improve the quality of regulation and to remove unnecessary and over-costly regulation through the Red Tape Challenge.
6. Reducing the burden of regulation on business is essential to economic growth. Good regulation plays a vital role in protecting business, consumers, employees and the environment, but unnecessary, overcomplicated regulation strangles business and growth.
7. The Red Tape Challenge is driven by the views of business and members of the public. Over 227,000 visitors to the website have made 28,800 comments and sent in over 950 private email submissions, suggesting which regulations should be scrapped, improved or kept.
8. The Environmental Theme of the Red Tape Challenge (RTC) has been open for comment on the Cabinet Office website since April 2011, with a 'spotlight' period in September 2011. The outcome of the [Environmental Theme of the Red Tape Challenge](#) (RTC) was announced on 19 March 2012.
9. This process provided businesses with the chance to air thoughts on how environmental regulations are working in practice, and whether there are alternative means of better achieving our policy goals. A number of producers and some producer compliance schemes (PCSs) expressed concern that an increasing disconnect existed between the actual costs of collection and treatment of WEEE compared to the amount they are required to pay for in "evidence" to demonstrate compliance with the requirement for producers to finance the cost of collection, treatment, recovery and recycling of separately collected WEEE
10. The basis on which individual scheme obligations are calculated and the fact that producers need to ensure that 100% of all WEEE arising entering the system are financed by producers in line with their current share of the market are two factors that are considered to be part of the problem. The "must buy" requirement placed on schemes with a shortage of evidence from those with an excess of evidence in order to comply with the regulations is thought drive the price of evidence.

3. The purpose of this call for evidence and response required

11. Following the Environmental Red Tape Challenge, The Department for Business, Innovation and Skills (BIS) committed to the below in the Budget 2012:

“The Government will rationalise environmental regulation, including by....consulting on preventing excessive compliance costs for business from the Waste Electrical and Electronic Equipment Regulations.”

12. In order to assess potential policy options, we will need to assess benefits of alternatives to the existing system.

13. The purpose of this call for evidence is to improve the evidence we have regarding compliance costs arising from the UK WEEE Regulations, which will help to inform our decisions about appropriate solutions. In particular, we are seeking information and data on costs of treating WEEE and the costs to producers in discharging their obligations.

14. There are limitations on the data that Government and Environmental Agency currently holds regarding the costs of compliance with the WEEE Regulations. This means there is a need to gather more evidence about where the costs and revenues fall with the existing system. The more information we have in this area, the more reliable the evidence and the more effectively we can assess options to improve the existing system.

15. This call for evidence is for a period of eight weeks from 28th May to 23rd July. Evidence can be submitted by email or by post. Please see chapter 7 of this document for questions with specific data requests in the excel spreadsheets, accessible via web-links within the questions in section 7. Please reply to the set of questions in the section (7a to 7e) which is relevant to your organisation, 7e is for all respondents. The call for evidence refers to Business to Consumer (B2C) WEEE only.

4. The UK Waste Electrical and Electronic Equipment (WEEE) system

16. The UK WEEE Regulations implement Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE) aims to minimise both the environmental impacts of electrical and electronic equipment at end of life and the amounts of WEEE sent to landfill.
17. It is one of a number of European Directives that implement the principle of “extended producer responsibility”. Under this principle, producers are required to take financial responsibility for the environmental impact of the products that they place on the market, specifically when those products become waste. It seeks to reduce the amount of such waste going to landfill by encouraging separate collection and subsequent treatment, re-use, recovery, recycling and environmentally sound disposal. Its scope covers a wide range of products and equipment intended for household and/or commercial use that are dependent on electrical currents or electromagnetic fields to work properly.
18. The UK WEEE Regulations introduced a market based system of collective producer responsibility, where requirements are placed on a number of parties involved in the production, distribution, collection and processing of Electrical and Electronic Equipment (EEE) and WEEE:
19. Producers are obligated to finance the processing of household WEEE arising at Designated Collection Facilities (typically local authority civic amenity sites) and from retail take-back. They do this by joining a Producer Compliance Scheme in order to ensure that the collection and subsequent treatment, re-use, recovery, recycling and environmentally sound disposal of WEEE is financed in proportion to the amount of equipment they place on the market
20. Distributors/retailers are required to offer customers take-back of unwanted items on a like for like basis or join the Distributor Take-back Scheme which provides funds to local authorities to support WEEE recycling. They are also required to provide certain information to customers including recycling routes available to them.
21. Approved treatment facilities handling WEEE on behalf of producers are required to do so in line with standards set out in the Regulations and provide certain data to the enforcement agencies.
22. The Regulations therefore affects a wide range of businesses. To ensure BIS are able to assess impacts across the piece; the call for evidence is targeted at a wide range stakeholders across the WEEE system.
23. In addition to exploring long term solutions through amended regulations, BIS is also committed to examining potential short term actions. BIS wrote to stakeholders on

3rd April to seek initial input by 23 April on potential short term measures. BIS expect to inform stakeholders by end of this month or early next on next steps.

WEEE Directive Recast

24. Separate to this work being undertaken at a UK level – The European Commission published [proposals](#) for a “recast” of the Directive in December 2008. Negotiations were concluded in December 2011. The European Parliament voted in support of the revised Directive in January and the European Council is expected to adopt the text of the revised Directive shortly. BIS will consult early next year, on necessary amendments to the UK WEEE Regulations. We will do this alongside the commitment to consider other improvements we should make to the UK WEEE system that are good for business, in line with the objectives of the Red Tape Challenge which this call for evidence will support. In the meantime we will continue to work with those involved in the WEEE chain of business in order to inform the basis of the consultation and ensure a smooth transposition process in the UK.

5. Confidentiality & Data Protection

25. We are aware that for commercial reasons you may want the information you provide to be treated as confidential.
26. However, information provided in response to this Call for Evidence, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with our legal obligations under the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
27. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. If you have asked us to treat the information as confidential and provided an explanation as to why you regard it as such then we will consult with you before taking any decision to disclose. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Government.
28. We may also ask a third party to analyse on our behalf the information we receive in response to this Call for Evidence. If we do then we will put in place a non-disclosure agreement to ensure data remains confidential and that the third party will destroyed the evidence after analysis has been undertaken
29. If you want information, including personal data, that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence

6. What happens next?

30. Following the closure of the call for evidence on the 23rd July we will assess the results against the data that we already hold and use these to develop proposals. We will issue a formal consultation on these proposals early next year so that they are introduced alongside changes that will be required to transpose the recast of the WEEE Directive. The Department for Business Innovation and Skills are also currently working with industry to find an interim solution (as noted in para 23). BIS will introduce new regulation to implement the recast of the WEEE directive and changes resulting from the Red Tape Challenge (to which this call for evidence will support) by 2014.

7. Questions for stakeholders

a. Questions for producers of Electrical and Electronic Equipment (EEE):

1. Please complete the excel pro-forma, accessible via the link below, to provide us with evidence on your WEEE compliance costs per annum, 2008, 09, 10 and 11 if available. Please provide some detail on the source of this information and the extent to which it can be/has been externally/independently verified.

<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/w/12-816-waste-electrical-electronic-equipment-call-producer>

2. Do you think your current compliance cost is reflective of the actual costs that your compliance scheme has incurred/will incur in collecting, treating and recycling WEEE and undertaking its compliance/regulatory reporting activities on your behalf? Please explain your answer, using evidence as appropriate.
3. What is the biggest burden/issue you have with the current WEEE system?
4. How would more transparency on the cost of evidence between PCS's affect your business/change the dynamics of the WEEE system? Please use evidence to support your answer.
5. How would linking the net treatment and recycling costs with the price of evidence (inc. for transfers between schemes), so they move in tandem, affect your business?
6. How could the data collection process be revised by the Government to improve the efficiency and effectiveness of the system?

b. Questions for Producer Compliance Schemes (PCS)

1. Which of the below operating models do you use? – Please indicate along with the proportion and tonnes of your obligation which was met in 2011 (or latest available year) by each model (the total should equal 100%). (illustrative example in red – please delete):

| Operating Model | Tonnes and proportion of WEEE by each operating model used |
|--|--|
| Active involvement in deciding contracting arrangements across the whole collection network (including with DCFs, hauliers and AATFs). | Yes – 200 tonnes (66% of total WEEE) |
| Partial involvement (i.e. more DCF or AATF involvement). Making direct arrangements with DCFs and AATFs. | Yes – 100 tonnes (33% of total WEEE) |

| | |
|--|----|
| But DCF or AATF has own transport arrangements. | |
| Using a waste management company Or other WEEE collector for all arrangements on your behalf. | No |
| Arrangement with other schemes for the collection, treatment, recovery & recycling of WEEE (i.e. solely acquisition of evidence from other PCSs) | No |
| Other (please describe e.g. for instance producer own take-back, kerb-side, other Reg 39, 40A and 32 collection routes) | No |

2. What type of business model do you use?

| Business model | Please tick the one that describes you best add text if necessary: |
|--|--|
| PCS set up by producers | |
| PCS owned by waste management companies / treatment company who has their own treatment facility | |
| PCS owned by waste management companies who does NOT own their own treatment facility | |
| Standalone private company (profit orientated) | |
| Other (please describe) | |

3. Please complete the excel pro-forma, accessible via the link below, to provide us with evidence on your net costs and revenues of compliance with the UK WEEE regulations. Please provide some detail on the source of this information and the extent to which it can be/has been externally/independently verified. Note: there are 5 excel tabs which provide a split by WEEE category.

<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/w/12-816-waste-electrical-electronic-equipment-call-producer-compliance-scheme>

4. Do your scheme costs vary in line with the true underlying costs of complying with the regulations, for instance reflecting fluctuations in secondary raw material values? If so do you pass on the changes to your cost base? If not – please describe barriers or pressures. Please use evidence to support your answer where appropriate.
5. What is the biggest burden/issue you have with the current WEEE system?
6. How would linking the net treatment and recycling costs with the price of evidence (inc. for transfers between schemes), so they move in tandem, affect your business?
7. Please describe (with evidence) the extent to which the following impacts on the price of evidence:
 - timing of your evidence transfers to/from other schemes of WEEE (within compliance periods). For example, do you pay higher than average cost during the settlement period (March/April) for collections?
 - whether the evidence transfers occurs within or outside of existing contractual agreements
8. How much evidence is transferred to/from other schemes at the end of the compliance period which last from March to April (tonnes)?
9. How could the data collection process be revised by the Government to improve the efficiency and effectiveness of the system?

c. Questions for WEEE treatment facilities

1. Please complete the excel pro-forma, accessible via the link below, to provide us with evidence on your WEEE compliance costs for 2008,09,10,11 if available. Please provide some detail on the source of this information and the extent to which it can be/has been externally/ independently verified.

<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/w/12-816-waste-electrical-electronic-equipment-call-treatment-facility>

2. What is the biggest burden/issue you have with the current WEEE system?
3. How would transparency on the net cost of recycling and treatment affect your business/ change the dynamics of the WEEE system? Please use evidence to support your answer.
4. How could the data collection process be revised by the Government to improve the efficiency and effectiveness of the system? e.g. include data on non-obligated WEEE.

d. Questions for collectors of WEEE – e.g. Waste Management Companies (WMC) and Designated Collection Facilities (DCF)

1. Recognising that WMC will often provide a service to PCSs (collection, transport and treatment) – please provide cost and revenue data as appropriate. Please see the excel pro-forma under question in the PCS section (7b, 3) for the format. Please provide some detail on the source of this information and the extent to which it can be/has been externally/independently verified.
2. How would linking the net treatment and recycling costs with the price of evidence (inc. for transfers between schemes), so they move in tandem, affect your business?
3. What is the biggest burden/issue you have with the current WEEE system?
4. How could the data collection process be revised by the Government to improve the efficiency and effectiveness of the system? e.g. include data on non-obligated WEEE.

e. Questions for ALL respondents

1. Aside from that provided above, is there are any other evidence, information or comments that you wish to make that would support this call for evidence that haven't been covered elsewhere? If so please use the box below or provide attachments/spreadsheets as appropriate.

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