



Department
for Business
Innovation & Skills

WEEE COMPLIANCE FEE
METHODOLOGY 2015

Evaluation of Proposals

OCTOBER 2015



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WEEE Compliance Fee Methodology – Evaluation of Proposals

Following the 2013 consultation on changes to the UK WEEE system, BIS laid new Regulations that allow the Secretary of State to approve a compliance fee methodology as part of a WEEE system that incorporates a WEEE collection target. This system is now into its second year. Earlier this year BIS invited stakeholders to submit proposals on how the compliance fee should work. We are now publishing these proposals so stakeholders can contribute to their evaluation.

Issued: 13 October 2015

Respond by: 15 November 2015

Enquiries to: James Street, james.street@bis.gsi.gov.uk 0114 2075222

This consultation is relevant to: Electronics Producers, WEEE Producer Compliance Schemes, WEEE Treatment Facilities, Waste Management Companies, WEEE Designated Collection Facilities, Local Authorities.

1. Executive Summary

1. In 2013 BIS consulted on a recast Waste Electrical and Electronic Equipment (WEEE) Directive and changes to the UK WEEE system as a result of the Red Tape Challenge. One of the outcomes of this consultation was that the UK would implement a new household WEEE system based upon a WEEE collection target given to Producer Compliance Schemes (PCSs), along with an option to pay a compliance fee (should one be approved by the Secretary of State) if a PCS failed to meet its target. Earlier this year, stakeholders submitted proposals for a WEEE compliance fee methodology. BIS received three proposals and this consultation is your opportunity to submit comments into the evaluation process.
2. This consultation contains three proposals for a WEEE compliance fee methodology along with a response form for you to submit your comments. We expect interested parties to include producers of Electrical and Electronic Equipment (EEE), PCSs, WEEE treatment facilities and designated collection facilities (DCFs) for WEEE, waste management companies and the re-use sector. Respondents have until 15 November 2015 to submit their responses.
3. This consultation covers the whole of the UK, and BIS would like to receive responses from a wide range of stakeholders. Specifically, BIS is seeking views on:
 - Whether the Secretary of State should approve a compliance fee for 2015, and
 - How well the proposals meet the published evaluation criteria.
4. Responses to this consultation will then be considered as part of the formal evaluation process of the proposed methodologies.

2. How to respond

5. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.
6. The consultation opens on 13 October 2015 and the last date for responses is 15 November 2015.
7. The consultation response form can be found at Annex C and is available electronically on the consultation page: <https://www.gov.uk/government/weee-compliance-fee-methodology-evaluation-of-proposals-2015> (until the consultation closes). The form can be submitted online/by email or by letter to:
Name: James Street
Team: Environmental Regulations
Department of Business, Innovation and Skills
Postal address: Level 1, 2 St Paul's Place, 125 Norfolk Street, Sheffield, S1 2JF
Tel: 0114 2075222
Email: weee@bis.gsi.gov.uk
8. A list of those organisations and individuals consulted is in Annex B. We would welcome suggestions of others who may wish to be involved in this consultation process.
9. You may make printed copies of this document without seeking permission.
10. Other versions of the document in Braille, other languages or audio-cassette are available on request.

3. Confidentiality & Data Protection

11. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with 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). 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.
12. 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. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

4. Help with queries

13. Completed forms and questions about the policy issues raised in the document can be addressed to:

Name: James Street
Team: Environmental Regulations
Department of Business, Innovation and Skills
Postal address: Level 1, 2 St Paul's Place, 125 Norfolk Street, Sheffield, S1 2JF
Tel: 0114 2075222
Email: weee@bis.gsi.gov.uk

Respondents in Scotland should also send their response to:

Tim Chant
Zero Waste Delivery
Area 1-D North
Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 7869
E-mail: timothy.chant@scotland.gsi.gov.uk

Respondents in Wales should also send their response to:

Alex Hamilton
Waste and Resource Efficiency Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Email: alex.hamilton@Wales.gsi.gov.uk

Respondents in Northern Ireland should also send their response to:

Janis Purdy
Environmental Policy Division
DoENI
6th Floor, Goodwood House
44-58 May Street
Town Parks
Belfast
BT1 4NN
Email: wslpr@doeni.gov.uk

5. The proposals

14. There are two consultation questions. The first question asks you to state whether you believe the Secretary of State should approve a compliance fee for 2015 along with reasons for your answer. The second question asks you to provide comments supported by evidence on the proposed methodologies in terms of how well each proposal meets the published evaluation criteria. BIS does not currently have a preferred methodology in relation to this consultation.

6. What happens next?

15. Any compliance fee methodology and compliance fee scheme operator approved by the Secretary of State will be announced by mid-February following the compliance period to which the compliance fees will be applicable. This will allow sufficient time for PCSs to pay a compliance fee as appropriate and include evidence of payment with their Declaration of Compliance by the deadline date of 31st March.

Annex A: Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess
BIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET

Telephone Angela on 020 7215 1661
or e-mail to: angela.rabess@bis.gsi.gov.uk

However, if you wish to comment on the specific policy proposals you should contact the policy lead (see section 4).

Annex B: List of Individuals/Organisations consulted

The following organisation recently contacted BIS with regards to the compliance fee:

AMDEA: Association of Manufacturers of Domestic Appliances

Environment Exchange

ESA

JTA: Joint Trades Association

ICER: Industry Council for Electrical Recycling

TechUK: Representative organisation for producers of ICT, CE and defence/security electronics

T2E

Valpak

WSF: WEEE Scheme Forum

Annex C: WEEE Compliance Fee – Evaluation of Proposals response form

The closing date for this consultation is 15 November 2015.

Name:

Organisation (if applicable):

Address:

Please return completed forms to:

James Street
Environmental Regulations
Department of Business, Innovation and Skills
Level 1, 2 St Paul's Place, 125 Norfolk Street, Sheffield, S1 2JF
0114 2075222
weee@bis.gsi.gov.uk

Respondents in Scotland should also send their response to:

Tim Chant
Zero Waste Delivery
Area 1-H North
Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 7869
E-mail: timothy.chant@scotland.gsi.gov.uk

Respondents in Wales should also send their response to:

Alex Hamilton
Waste and Resource Efficiency Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Email: alex.hamilton@Wales.gsi.gov.uk

Respondents in Northern Ireland should also send their response to:

Janis Purdy
Environmental Policy Division
DoENI
6th Floor, Goodwood House
44-58 May Street
Town Parks
Belfast
BT1 4NN
Email: wslpr@doeni.gov.uk

	Business representative organisation/trade body
	A Producer Compliance Scheme
	A Producer of EEE
	A Distributor (retailers and distance sellers) of EEE
	WEEE Treatment Facility
	Waste Management Company
	Electrical Reuse Organisation
	Central government
	Charity or social enterprise
	Individual
	Legal representative
	Local Government
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Medium business (50 to 250 staff)
	Large business (over 250 staff)
	Trade union or staff association
	Other, please specify

Please select from the list of options that best describes you as a respondent.

Question 1. Should the Secretary of State set a compliance fee for the 2015 compliance period?

Yes

No

Not sure

Comments:

Question 2. For each of the three proposals please comment on how well they meet each of the 6 published evaluation criteria in Annex D.

1. Proposed methodology for the calculation of the fee.
2. Proposed administration of the fee.
3. Proposed methodology for the dispersal of funds.
4. Proposed timetable for implementation and operation.
5. Experience of proposer and proposed operator.
6. Proposed IT systems.

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses.

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

Annex D: Evaluation Criteria for a WEEE Compliance Fee

Proposals should cover the following five broad areas, which have been developed to help organisations putting together their proposals. These areas will then be scored by BIS, taking into account comments received from the consultation. Those scores will be multiplied by the weighting and the highest scoring proposal will be selected.

1 - Proposed methodology for the calculation of the fee.

Weighting 5 = 20 marks available

Proposals should:

- set out a methodology for calculation of a compliance fee across each WEEE collection stream that encourages schemes to take all reasonable steps to meet their collection target without recourse to the compliance fee;
- be stream specific by taking into account the different costs associated with the collection, treatment, recovery and environmentally sound disposal of each of the 6 WEEE collection streams, i.e. a PCS short of their targets by 10 tonnes of Display Equipment and 15 tonnes of Cooling Equipment will pay a fee specific to their shortage in each stream rather than a generic fee for a shortage of 25 tonnes. Proposals may consider circumstances where a negligible or zero fee might be appropriate;
- provide robust economic analysis in support of the proposed methodology;
- explain the extent to which interested parties including producers, local authorities or other organisations have been consulted in developing the proposal.

2 – Proposed administration of the fee

Weighting 3 = 12 marks available

Proposals should:

- describe how the overhead costs of calculating, setting up and administering the compliance fee mechanism and disbursement of funds will be met. This should include contingencies for a situation of minimal or zero up take amongst PCSs;
- describe the mechanism by which PCSs submit information that the proposed operator will use to calculate the fee. The proposal should also describe what information must be provided, how the information will be shown to be reliable whilst maintaining commercial confidentiality;
- describe the mechanism PCSs would use to pay the fee, including evidence of auditing arrangements, to ensure declarations of payments by PCSs (if needed) are reliable, and how commercial confidentiality will be maintained;

- describe the mechanism for ensuring the environment agencies receive necessary evidence that an appropriate compliance fee has been paid by PCSs. The agencies must be able to recognise, when accepting a Declaration of Compliance from a PCS, that it is comprised of WEEE evidence and payment of a compliance fee. Validation of payment of the compliance fee must not place significant additional burdens on the agencies;
- consider the impact of and comply with other relevant law, for example Competition Law;
- consider sound contingency plans

3 – Proposed methodology for the dispersal of funds

Weighting 4 = 16 marks available

Proposals should:

- describe how payments received establish a fund from which disbursements will be made and recover the costs of administering the compliance fee process.
- show details of the mechanism for the dispersal of funds collected. This should include proposals of how the fund should be utilised. These could for example seek to support higher levels of collection, recycling and legitimate re-use of WEEE or other initiatives designed to assist the UK to meet its obligations under the WEEE Directive. This must address the scenario of low up take and minimal levels of funds being collected;
- set out how validation will take place to show that the funds have contributed to higher levels of collection, recycling and re-use of WEEE and/or wider obligations in the WEEE Directive.
- set out the governance arrangements for the receipt and disbursement of any compliance fees paid;
- provide evidence of the suitability of the proposed operator that will administer the Compliance Fee Process;

4 - Proposed timetable for implementation and operation

Weighting 3 = 12 marks available

Proposals should:

- Provide a realistic and comprehensive plan for implementation and operation;
- Show a clear process for staffing the proposals;
- Show a clear process for developing and implementing the IT systems;
- Demonstrate an understanding of project dependencies;
- Have appropriate contingency plans in place.

5 – Experience of proposer and proposed operator

Weighting 2 = 8 marks available

Proposers and proposed operators should demonstrate:

- A proven track record of financial probity combined with practical experience of working in a regulatory environment,
- A clear strategy for identifying and effectively mitigating risks arising as a result of any conflicts of interest
- Experience of setting up systems to allow data to be submitted and processed effectively
- Experience of developing robust proposals for Government

6 – Proposed IT systems

Weighting 1 = 4 marks available

Proposals should demonstrate:

- Appropriate IT systems, including backup systems
-
- Appropriate IT support

Scoring System

Each proposal will be measured against the following criteria and awarded a score in line with the following descriptors. The score will then be multiplied by the weighting. The maximum score available is 72 marks

0 - Unacceptable - Nil or inadequate response. Fails to demonstrate an ability to meet the requirement

1 - Poor - Response is partially relevant and poor. The response addresses some elements of the requirement but contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled

2 - Acceptable - Response is relevant and acceptable. The response demonstrates a broad understanding of the requirement but may lack details on how the requirement will be fulfilled in certain areas

3 - Good - Response is relevant and good. The response demonstrates a good understanding of the requirement and provides sufficient details on how the requirement will be fulfilled

4 - Excellent - Response is relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full.

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