

The Waste Electrical and Electronic Equipment
(WEEE) and Restriction of certain Hazardous
Substances in electrical equipment (ROHS)
Directives.

Responses to the Discussion paper of 28 March
2003

Executive summary and comment

INTRODUCTION

The Discussion Document

The UK Government, Scottish Executive, Welsh Assembly and the Northern Ireland Administration issued a Discussion Paper of the 28th March 2003 on the **Waste Electrical and Electronic Equipment (WEEE) and Restriction of certain Hazardous Substances (ROHS) in electrical equipment Directives**.

The document sought initial views from stakeholders on how the Government and the Devolved Administrations should transpose and implement these two Directives. It included a total of 60 questions: 47 Questions on the WEEE Directive; and 13 Questions on the ROHS Directive. Stakeholders could provide their comments via post, fax or email. There was also an opportunity to take part in a parallel, interactive on-line consultation.

Assessment of Responses: Main Report

In total, 316 responses were received. All responses have been assessed for comments in relation to each of the 60 questions. A full factual and statistical assessment of all the responses has been carried out by independent consultants on behalf of Government. This report is also available on the DTI website.

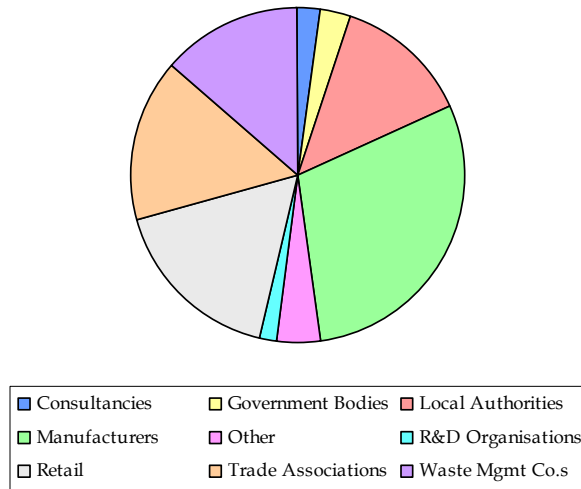
The main report is split into two sections: *Section 1* provides an analysis of the responses to the question on the WEEE Directive; and *Section 2* provides an analysis of the responses to the ROHS Directive.

This *Executive Summary* provides the main findings of this initial consultation phase and comments on next steps.

STAKEHOLDER RESPONSES

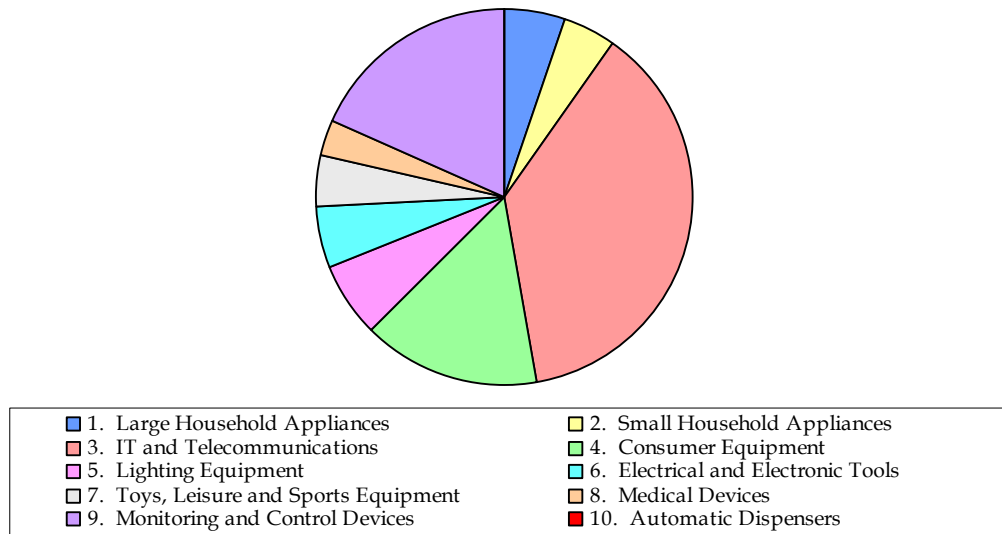
316 responses to the *Discussion Paper* were received. The breakdown of respondents by sector is provided in the following figure.

Share of All Responses by Sector (316 Responses in Total)



A breakdown of manufacturers/OEMs according to the Categories outlined in the WEEE Directive is provided below.

Share of Responses in Manufacturing Category (93 Responses in Total)



A breakdown of responses received by region/country is provided in below.

Breakdown of Responses by Region/Country

Region	Number of Responses	% Breakdown
England	248	78%
Scotland	26	8%
Northern Ireland	24	8%
Wales	7	2%
EU	9	3%
Japan	2	1%
Total	316	100%

MAIN FINDINGS: WEEE DIRECTIVE

On average, over 100 responses were received for each of the questions on the WEEE Directive.

The questions which elicited the most responses were those on the issue of scope and definitions. The issues of collection and financing are more complex and, as a result, the stakeholder responses were detailed and varied.

Scope and Definitions

The questions on the scope of the WEEE Directive were amongst those that elicited the most responses from stakeholders. There was significant support for the Government's proposals to limit the scope of UK legislation to the 10 Categories outlined in the Directive and to supplement this with the development of non-statutory guidance to assist in the interpretation of the scope.

Stakeholders identified a range of more unusual electrical and electronic products that they considered might fall outside the scope of the Directive. In addition, stakeholders sought clarification on a number of other terms and definitions used in the text of the WEEE Directive. Questions were frequently raised on the use of the terms 'producer' and 'importers' and there was recognition of the concerns about imports via the Internet or distance selling channels. Some stakeholders proposed the involvement of Customs and Excise to address this problem. The Government will certainly look at this option as part of the solution but believes, given the movement of goods within the single market, that this may not be possible for intra-EU trade.

Product Design

The questions on product design in the discussion paper elicited a high number of responses. Overall, there was support for a voluntary approach and the use of standards to ensure the Directive's product design requirements are met. Views varied as to the exact form of these standards, but there was support for independent monitoring of conformity with any standards.

Collection

In terms of retailer take-back, the majority of respondents preferred a flexible approach to meeting the Directive's requirements, rather than mandatory in-store take-back of WEEE. Retailers voiced concerns over the lack of storage space, waste management handling requirements and possible risks to retail staff.

In relation to the overall collection of waste electrical goods, it was felt that the present infrastructure for the collection of WEEE should be maintained and enhanced. There was general support for the development of local authority civic amenity sites and recycling centres to include WEEE take-back facilities. However, many stakeholders (both local authorities and others) pointed out their concerns about financing this expansion. Some local authorities specifically rejected any suggestion of the use of local authority sites or services. These points reflect concerns expressed to Government Officials during the UK wide series of awareness raising seminars. The Government takes these concerns seriously and will ensure they are fully reflected in final proposals, recognising that any net additional burdens placed onto Local Authorities, as a result of UK implementing regulations, will have to be properly funded.

Treatment

Not surprisingly, waste management companies were the main respondents to questions relating to the treatment of WEEE. In terms of licensing and permitting treatment operations, there was significant support for overhauling the current waste management licensing system. Stakeholders supported *Option 1* of Integrated Permitting, outlined in the *Discussion Paper*. This approach would allow a single permit covering a range of waste management operations dependent upon possible impact and risk within which WEEE fitted rather than requiring separate licences for each different type of waste.

A number of specific concerns were raised about the treatment requirements although in general stakeholders felt that they were achievable and again there was support for standards to ensure a 'level playing field'. The Government will continue to work with the industry to develop appropriate systems to address these issues.

Recovery

The concept of recovery and recycling protocols – to estimate the amount of recovery/recycling taking place in a mixed load of materials / products rather than requiring an audit trail for each gram of material treated - was generally accepted. However, some respondents suggested revisions to the proposals, such as restricting the use of protocols to domestic historic WEEE. There were no clear views on which categories are most appropriate for recovery and recycling protocols or how frequently the protocols should be revised.

Compared to the responses on treatment, more manufacturers (producers) provided their views on recovery issues. This included views on alternatives to the use of protocols. A commonly suggested alternative was a network of accredited reproprocessors who would be obliged to ensure that all WEEE was processed to the necessary levels of recovery and

recycling through a ‘mass balance’ technique. This is something the Government will consider further ahead of the next consultation phase.

Financing

Financing options are complex. It is possible to ask producers to pay “upfront” when goods are placed on the market, or “downstream” when the actual costs of recovery/recycling are incurred. The Directive allows the UK to introduce a visible fee (a form of upfront payment) to finance the costs of historic household WEEE products for 8 to 10 years. The fee would be paid by the consumer on the purchase of a new item. Most stakeholders favour the introduction of a visible fee, although retailers, in particular, were concerned about the costs and administrative impacts. There was no clear view on who should set this fee or who should administer the fund. However, it appears stakeholders prefer a private sector, rather than public sector, approach.

In terms of providing financial guarantees for future household WEEE, 60% of respondents believe more than one type of guarantee should exist. Stakeholders have a range of views on what form guarantees should take and who should enforce the system. There was no clear preference emerging from the collective responses, which is perhaps an indication of the complexity of the issue.

For financing the costs of treatment, recycling and recovery of WEEE, there was a wide range of views and comments. Many stakeholders provided their comments without addressing the specific questions. An ‘own marque’ system was considered too complex by many, although it was recognised that this was likely to lead to greater incentives for eco-design and a true implementation of ‘individual producer responsibility’. Although not technically allowable, some respondents called for a visible fee on new products. The Government will use the arguments presented in the development of final financing options, paying particular attention to the option of a visible fee, using independent external advice as appropriate, given the many views expressed both in favour and against the proposition.

Information & Reporting

Stakeholder views were split almost evenly between producers, retailers and government in terms of who should be responsible for providing information to householders. It was a common view that the responsibility could be shared between parties and that central government should have a key role in educating consumers.

In terms of producers providing information to treatment facilities, respondents supported *Option 4* as outlined in the *Discussion Paper*. This would require producers to supply information on request in a given timeframe.

Stakeholders recognised the need to introduce a producer registration system and most supported an annual registration process. A number of respondents made suggestions about the nature and characteristics of the registration system including harmonising requirements across Europe. This is something the Government will raise with other member States through the Technical Adaptation Committee (TAC) process.

MAIN FINDINGS:ROHS DIRECTIVE

There were significantly fewer responses to the 13 questions raised about the ROHS Directive in the *Discussion Paper*. On average, 58 responses were received in response to each of the questions on the ROHS Directive. This is perhaps unsurprising, as the ROHS Directive impacts primarily on producers or importers of electronic equipment.

Scope and Definitions

Most respondents agreed with the Government's interpretation of 'put on the market' as leaving the factory gates (for products manufactured in the EU) or entering the EU (for products manufactured outside the EU) although some alternatives were suggested. There was less clear support for the Government's interpretation of *Article 2.3* on exempting spare parts.

In terms of the scope of the ROHS Directive, many expressed similar concerns to those raised under Scope of the WEEE Directive. Many stakeholders sought clarification on the Categories and the subsequent inclusion or exclusion of specific products. The Government fully recognises the importance of scope given the single market focus of the ROHS Directive and will continue to push for early clarification with the Commission and other member States.

Prevention

Many stakeholders felt that the wording of the exemptions given in *Annex A* of the Directive was ambiguous and unclear. Stakeholders raised a number of specific issues regarding the individual terms and need for clarification.

Twelve stakeholders requested specific exemptions on the basis of human safety effects or technical feasibility given the deadline of 1 July 2006. This is something the Government will put to other member States.

Maximum Concentration Values

Most stakeholders agree with the European Commission's proposed maximum concentration values for the heavy metals, although some sought clarification or provided an alternative. There was a consensus view that the maximum concentration value for the flame retardants, PBBs and PBDEs, should be 0.1%.

All stakeholders agreed with the Government's proposal to wait for the completion of the risk reduction strategy on deca BDE before making further decisions on the substance.

There was a wide range of views on the definition of 'components.' The most popular definition was '*a component can be defined as any mechanical part or any electrical device which cannot be separated without destroying its function*'. The Government will use these suggestions to help develop a common EU view.

Testing Procedures

A range of analytical test procedures for the restricted substances were specified by twelve stakeholders. Others were concerned about the need to ensure that any tests are conducted

according to agreed scientific standards, whilst others pointed to a potential impact on the supply chain. The Government recognises these issues and is actively considering this with stakeholders.

NEXT STEPS

The *Discussion Paper* issued in March was the Government's first phase of formal consultation on the implementation of the WEEE and ROHS Directive.

The next formal consultation phase will take place late this autumn. This paper will contain detailed options and the Government's view on key areas and should allow a further consultation on the draft regulations next spring ahead of the summer 2004 transposition deadline. These are only the formal phases of consultation. The Government welcomes views at any time and will proactively seek further comments and reactions on an on-going basis. All those responding to the consultation have been added to the contact database and will automatically receive updates. We will also be notifying developments on a more regular, real time basis, on the dti website.

Department of Trade and Industry, July 2003