

Executive Summary of Responses to the “Conclusions of the Implementation Review” Paper.

On the 27th March 2006, officials posted a high-level policy paper: Conclusions of the Implementation Review on the DTI’s website. The paper presented the review team’s key proposals for the implementation of the Directive. Stakeholders were invited to provide evidence to show whether the implementation proposals will deliver the objectives and obligations set by the Directive in an effective and an efficient way. In addition to written responses, a series of meetings were held by officials to capture stakeholder views.

Responses to the Informal Consultation

69 written responses were received to the weee@dti.gsi.gov.uk mailbox by the 21st April deadline. Please note that not all stakeholders commented on all the policy areas outlined in the document. Stakeholders from the wider community and multiple organisations responded. The summary does not weight itself according to whether the responses were received from individuals or organisations representing a group of stakeholders. Equal weighting has been given to the evidence gathered from the written responses and the stakeholder meetings. The executive summary presents the main findings of this initial informal consultation phase. The Implementation Team is in the process of looking carefully at all the responses received from the stakeholders. Officials will take into consideration the evidence presented and suggestions for improvement.

Next steps

The review team have drawn together a more detailed paper to underpin the high level recommendations. This paper is posted alongside this summary on the DTI website. Stakeholders have been invited to consider the paper and submit further comments by the 19 May 2006 to the weee@dti.gsi.gov mail box. This period of additional informal consultation is key to establishing a workable system.

It is still the intention of the implementation team to publish a formal consultation paper later in the spring on the regulations, guidance and timeline for implementation. This paper is structured following the same headings as the Recommendations paper.

Retailers

Respondents displayed support for retail compliance schemes to engage with the Local Authority Civic Amenity sites on establishing a network of DCFs. However, stakeholders showed a preference for having just one retailer compliance scheme, which would be responsible for maintaining a public register of all DCFs. Some felt the existence of multiple retailer compliance schemes could lead to varying standards and contractual difficulties for the collection of WEEE.

Respondents showed disquiet that the set up costs of collecting WEEE are not adequately covered in current proposals, stating that the £6000 per CA site is an unrealistic figure in relation to the real costs on the ground.

Some raised questions over whether retailer sites, which offer in-store take back would be counted as DCFs. Concerns remain over the establishment of an adequate network of DCFs with a good geographical spread.

Re-use WEEE

Respondents recognised the importance of re-use, its contribution to minimising waste and its value to the VCS. There was a willingness amongst respondents to establish relationships with the VCS to allow access to WEEE at DCFs. However some held the view that producers or the producer compliance schemes should be responsible for arranging how re-use occurs with the relevant organisations at a local level. The need to give priority access to the locally based re-use organisations was emphasised.

Producer Registration

Respondents displayed support for producers to be able to register with more than one compliance scheme for certain parts of their businesses. This was particularly so where they specialise in different products in different market sectors. The lighting sector was given as a specific example. Strong support for the use of a unique registration number was demonstrated. In addition to registration, respondents showed support for the requirement that in order to put EEE on the market it should be an offence to sell goods from a non-registered producer or

importer. Many respondents made no comment on producer registration and some indicated full support for the governments approach on this matter.

Producer Compliance Schemes

A majority of the respondents who made reference to producer compliance schemes supported the approach to allow producers to join more than one compliance scheme for some specialised products. A number of respondents felt that (a) producers should be free to select a compliance scheme for the certain parts of their business and (b) compliance schemes should be free to discharge member obligations for either WEEE from private households and business to business WEEE or both.

Many respondents pressed for greater clarity and detail in this area.

Calculating Producer Obligations

It was felt market share should be calculated by the tonnage and categories of EEE put on the market and not a single overall tonnage. A number of specific concerns were raised on setting a single tonnage obligation, which fails to take into account the variations in weight, and treatment costs of the different EEE, which falls within the scope of the Directive. A need for timely, quarterly reporting on the WEEE arising data was widely supported to allow producers the ability to match more closely their obligations as the compliance period progresses.

Allocation Arrangements

There were split views on the allocation arrangements. Respondents generally welcomed the use of a central exchange to deal with mismatches from producers who have under or over collected on their producer obligation. However they emphasised the need for greater detail on how the exchange will operate in practice. A significant number of respondent felt that the exchange should only be used as a last resort mechanism for exchanging evidence.

A number of respondents felt there should be some level of Government intervention in the allocation process. Concerns were raised over the level of negotiation required between local authorities and producers if a free market allocation system operates.

The concept of an Allocation Centre funded by the producers to allocate DCFs to producer compliance schemes was commonly cited. It was proposed that the allocation centre should be operated independently and at arms length, assigning the waste collected at each DCF to a producer or compliance scheme.

Practical Arrangements for collection of WEEE

Strong support was shown for the code of practice, however respondents acknowledged that the document still needs further work. Respondents pressed for greater clarity on what constitutes a DCF and the need for further work in this area. Many of the respondents showed concern over the limited time frame to finalise negotiations between compliance schemes and local authorities.

Some respondents made no comment on this issue.

Authorised Treatment Facilities

As expected stakeholders made very few comments on this issue. A separate consultation exercise on treatment and permitting has been completed by DEFRA.

Evidence of Reprocessing

Support was shown for the proposal. Respondents welcomed the use of evidence notes to enable producers and producer compliance schemes to demonstrate that they have met their obligations. A preference was shown for evidence notes to display a breakdown per category of WEEE to ensure that the costs more accurately reflect the actual treatment. Concerns were raised over the need for careful enforcement of the system to prevent fraudulent activity.

Respondents generally welcomed the use of protocols. However, concerns were raised over whether protocols will take into account the different recycling targets for categories of EEE.

Many respondents made no comment on this issue.

Additional cost to Producers for the recycling of historical WEEE

Although the paper concluded that the relevant passage of the Directive should be reproduced in the UK Regulations a number of responses were raised on this issue. There was a split of opinion from respondents in this area. As expected stakeholder views on the application of a visible fee were divided and there was no clear consensus from the producer community on the introduction of a mandatory right to display the additional cost of the recycling of historical WEEE. The number of respondents who strongly support the application of a visible fee did not outweigh those who are against the application of a mandatory visible fee. Many respondents expressed caution on the showing of visible fees and the problems this may incur.

Supporters of a mandatory visible fee argued that the cost of recycling historical WEEE would be too significant to absorb and would damage their competitiveness. They also showed disagreement with the statement in paragraph 34 regarding the balance of views. They stated that it is not only the white goods manufacturers who support the ability to enforce a visible fee. Respondents in support of a mandatory visible fee also highlight the application of a mandatory visible fee in other EU Member States. Concerns were raised that those with the market power (retailers) do not prevent producers who want to show their additional costs for recycling historic WEEE from doing so.

Supporters against the application of a mandatory visible fee generally agreed with the proposal to reproduce the relevant passage from the Directive and that under this approach the showing of a visible fee will be a matter for supply chain negotiations. Several concerns were raised over implementation a visible fee. The following concerns were more widely cited:

- A visible fee would significantly amplify costs for the consumers.
- Implementation of a visible fee removes the need to work towards reducing the cost of recycling, dis-incentivises the eco-design element and is anti-competitive in nature.
- Consumers may perceive the application of a mandatory visible fee as a stealth (eco) tax.
- Other EU Member States, in particular Ireland, having introduced a mandatory visible fee are now experiencing significant difficulties.

Some respondents demonstrated agreement with the proposals approach that producers will be able to display a visible fee in the context of a sticker on the product.

Some respondents made no comment; others maintained neutral ground on this issue.

B2B

A large of number of respondents made comments on B2B, even though the paper did not mention this issue. These comments have been taken into account in formulating a more detailed policy approach for B2B and this will be included in the supplementary paper.