

Executive Summary

The consultation paper

The UK Government, Scottish Executive, Welsh Assembly and the Northern Ireland Administration issued a consultation paper on 25/28 November 2003 on implementation of the EC Directives on Waste Electrical and Electronic Equipment and on the Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment, the WEEE and RoHS Directives.

The consultation paper presented a package of Government proposals for how these two Directives should be implemented and invited stakeholder views.

219 stakeholder responses were received by the end of the three month consultation period. A full assessment of these responses has been carried out.

Next steps

Following this consultation exercise and in the light of detailed discussions with stakeholder groups, the Government is developing guidance and draft implementing legislation for the WEEE and RoHS Directives. These are due to be issued for consultation in the late spring. These will form the final part of the Government's three stages of formal consultation process on implementation of the two Directives. However, the Government welcomes views on these matters at any time. It will continue to seek further comments and reactions on an on-going basis.

All those responding to this latest consultation will have been added to the DTI's WEEE/RoHS contacts database and will automatically receive updates. DTI will also use its WEEE/RoHS webpage on the Department's website to keep stakeholders abreast of developments.

Responses to the consultation

WEEE and RoHS: scope and definitions

Respondents to this latest consultation overwhelmingly support the proposals to develop non-statutory guidance and generic criteria used in a decision tree approach to assess whether products fall within the **scope of the Directives** or not. There is significant concern about the risks of different interpretation of the scope across the EU and respondents urge the Government to do everything possible to ensure a harmonised approach. This concern is highest among manufacturers and trade associations.

A large majority of respondents agrees with the Government's proposals on the approach for transposing the terms '**put on the market**' and '**placed on the market**'. Nevertheless, a significant number of respondents ask for further clarification and provide suggestions for amendments to the existing definitions.

The Government will continue to pursue these issues in discussions with the European Commission and other Member States; as well as aiming to publish UK guidance in the late spring.

WEEE Collection

The majority of all respondents appear to support the concept of a **retailer compliance scheme** although there are many comments and suggestions in response to the proposed criteria outlined in the document. Many respondents feel the proposed **retailer fund of up to £10 million**, to support development of WEEE collection at civic amenity sites and a retailer compliance scheme's take-back services, may not be enough. The retailers all felt the fund was too high or that it should not be fixed or capped. The Government will pursue further with the retail sector.

The vast majority of stakeholders supported the concept of a **clearing house** to coordinate collection of WEEE. However many respondents provide further comments or questions regarding its exact remit and operations. There is no clear majority view on whether the clearing house should manage collection services or simply allocate the collected WEEE to producers. There is overwhelming support for the clearing house to be responsible for holding the data and reporting this to the enforcement authorities.

Financing

Less than half of the respondents provided views on the use of a **visible fee** to finance the costs of historical household WEEE. Respondents who did provide a response on this issue generally appear to favour the introduction of a visible fee. On **financial guarantees** for future household WEEE, there is a strong support for a non-prescriptive approach and for a range of options to be available to producers to meet their legal requirements.

Recovery

There is general support of the proposals to place **recovery and recycling targets** on groups of producers rather than on individual producers. However, some appear to have misinterpreted the question and interpreted the proposals as simply that recovery and recycling targets would be placed on producers (rather than the concept of *groups* of producers).

Treatment

There is no clear consensus with respect to the **treatment of WEEE** and in particular the removal of components pre or post-shredding although it is welcomed that further guidance will be provided.

Market share

There is overwhelming rejection of the Government proposals to base **market share** on revenue with the majority calling for the market share allocation to be based on weight of products.

Reuse

General issues and views on reuse were raised in response to the Government's proposals for **encouraging reuse**. The subject elicited the highest number of responses for any individual question. Of three options presented by the Government to promote reuse, the strongest support was for including this as an objective of producer compliance schemes

Product design

There was support for the Government's proposal to implement the WEEE Directive's provisions on product design via a business forum.

RoHS

A large majority of respondents agrees with the Government's approach to the process of establishment at EC level of the **maximum concentration values**. However, many request further clarifications on some of the specific terms.

94% of respondents agree with the Government's approach **on exempted applications** (namely to monitor the work being undertaken by the Commission and others to evaluate the specific applications of the restricted substances, Deca BDE and light bulbs) and an overwhelming majority agree with the Government's proposals to pursue the establishment of a harmonised EU-wide approach to **compliance** with the RoHS Directive.

A large majority of respondents agree with the Government's intended approach to dealing with **spare parts**. A number of stakeholders request further clarification or minor amendments to the proposals.

Also, the majority of respondents agree with the Government's proposals to place the **RoHS enforcement duty** on the Secretary of State for Trade and Industry.

DTI

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