



ENVIBE BRIEFING 1

Waste Electrical and Electronic Equipment (WEEE) Directive

Legal framework

The **Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC)** was published on 13 February 2003.

The UK and other European Union (EU) member states had until 13 August 2004 to transpose the Directive, including the amendment, into national legislation. Regulations in the UK are expected towards the end of 2004 and various Directive requirements are due to come into force in 2005 and 2006.

The WEEE Directive aims to prevent the production of waste electrical and electronic equipment and encourages the reuse, recycling and recovery of WEEE. The Directive also seeks to improve the environmental performance of all operators involved in the manufacture, supply, use and recycling and recovery of electrical and electronic equipment.

It also sets criteria for the collection, treatment, recycling and recovery of WEEE and makes producers responsible for financing most of these activities ('producer responsibility'). The provisions for collection, treatment, recycling and financing are due to take effect from 13 August 2005.

Private householders are to be able (but not compelled) to return WEEE to retailers on a 'one-for-one' basis without charge. Retailers will be allowed to establish alternative collection systems so long as these are no less convenient for householders. The Directive requires that retailers must have established in-store take back or alternative collection systems by 13 August 2005.

There are targets for recycling and recovery of materials and components from the separately collected WEEE and these have to be met by 31 December 2006.

The Directive also introduces new standards for the treatment of separately collected WEEE and requires those sites undertaking WEEE treatment to hold an appropriate permit. A related Directive, the **Restriction of the use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directive (2002/95/EC)** must be transposed by the same date.

RoHS will restrict the use of various hazardous substances in new EEE. So from July 2006 the use of lead, mercury, cadmium, hexavalent chromium, poly-brominated biphenyls (PBBs) and poly-brominated diphenyl ethers (PBDEs) will be banned in new products. PBBs and PBDEs are flame retardants used in plastics. The Directive provides a small number of exempted processes where the use of these materials will be allowed to continue until alternatives are found.

WEEE and RoHS cover a wide range of electrical and electronic products, although some are exempt from certain requirements. Categories covered are:

- large and small household appliances
- IT and telecommunication equipment
- consumer equipment (TV, video, hi-fi etc)
- lighting, electrical and electronic tools (with the exception of large stationary industrial tools)
- toys, leisure and sports equipment

- medical devices (exempt from RoHS and re-use and recovery targets under WEEE)
- monitoring and control instruments (exempt from RoHS)
- automatic dispensers

Who's affected?

Any business that manufactures, brands or imports electrical or electronic products within the EU will be affected. Businesses selling electrical items or those who store, treat or dismantle WEEE will also be affected.

**The following information is taken from the website: www.weeenetwork.com/
This provides an excellent source of information for businesses in regards to WEEE**

Producer Responsibility

The directive makes the producer (manufacturer or importer) of the goods responsible for financing end-of-life recycling and recovery costs, as private households must be able to return WEEE without charge. This comes into effect on 13th of August 2005. See the manufacturer pages for more information

- Free take back of WEEE from private households, including retailer take back
- A collection target of 4 kg per head of population per annum to be achieved thirty-six months after entry into force

Treatment

The WEEE Directive requires the following actions at appliances' end-of-life:

- Removal of all fluids and certain substances (from the RoHS Directive) and components that contain them
- To be carried out by licensed operators
- Premises must have adequate storage facilities (weatherproof with impermeable floors etc.) for removed substances and components

Recovery

- Setting of recovery and recycling targets are according to product category
- Targets divided into overall recovery element - of which a certain amount must be achieved through recycling, component or substance reuse (as opposed to, for example, incineration with energy recovery)
- Targets range from 50% - 80%
- Targets to be reached forty-six months after Regulations come into force

Financing

- Producers to pay for collection (from a central point), treatment and recovery/recycling of household WEEE
The costs of historic WEEE to be met through producer collectives
- Business-to-business WEEE is under review
- Consumers to be provided with information about the recycling of unwanted appliances
- Producers to provide treatment facilities with information to identify components, materials and the location of hazardous substances in products
- Member States to record amount of goods on market and levels of recycling achieved

Definition of a producer

A producer is someone who manufactures and sells under their own brand, resells under their own brand or imports goods into the EU. A producer may also be an exporter, if exporting into another EU country.

Only whole products are covered - if importing a part of another product or a component, then the WEEE Directive does not cover this.

Requirements

- To pay your share of treatment and recycling costs for separately collected WEEE, from 13th August 2005
- To supply data on the amount and type of goods you have placed on the UK market (and exported to EU countries), and on what has been recycled either by you or on your behalf (first data report should be provided between January and August 2005)
- To register with one of the Environmental Agencies by the 13th of August 2005 (registry is expected to be available from January 2005). It will be an offence not to register.
- Ensure that your products (wherever possible) have been designed to enable reuse and recycling (see product design)
- Mark products with correct labels and symbols
- To supply information on the reuse and treatments of your products that you sell in the future.

The directive more specifically requires that equipment that falls under the directive be marked clearly with a symbol of a crossed out wheely bin, and to contribute information to assist in the recycling of your products.

Costs

The date that producers become liable for the costs of WEEE disposal is the 13th August 2005.

The disposal of products put on the market after this date are to be financed by the producer, either individually or as a private collective.

For products put on the market before this date producers are required to finance their disposal proportionately, that is by market share. How market share will be calculated, we do not yet know.

Each producer will be required to provide financial guarantees for products placed on the market after 13 August 2005. There is considerable concern from large and small producers that these kinds of guarantees will be expensive if indeed a supplier of the policy can be found.

The supply of information about the nature of the product to treatment facilities could provide extra costs, although a web solution seems likely.

Export

If you export into other member states national markets, you must check that they have interpreted the text of the directive in a similar way, The DTI plans to publish information on it's website for this purpose.

Collection

Producers may also have responsibilities for business-to-business WEEE, if supplying direct.

Retailers (and Distributors)

If you sell new electrical or electronic goods either to the trade, to the public or to businesses, then you will be required by law to establish a take back system for waste electrical and electronic equipment (WEEE).

The latest Government thinking is to allow a flexible approach - where retailers can either have an in-store operation or join a compliance scheme.

Take back requirements

The WEEE Directive requires that, from the 13th August 2005 you will need to:

- Accept the take back of WEEE from householders or businesses free of charge when a like item is sold. This can be achieved in a variety of ways at according to your method of delivery, for example: -
 - The consumer can bring back the old item to your point of sale if you do not offer a delivery service
 - The consumer can expect you to arrange the take back the old item from their premises if you deliver the new item

- You can arrange an alternative method of take back, through a third party agreement, but this method must not make it harder for the consumer to return the product. For example, the consumer can post (at your expense) the old item to a third party because you have given them a stamped addressed envelope (this is suitable for small items such a mobile phone).
- Let consumers know about the take-back services you offer, or alternative schemes
- Ensure that all separately collected WEEE enters a logistical chain whereby the end result is reuse or recycling. Separately collected WEEE cannot be disposed of in a landfill site or incinerated.

Take back does not necessarily have to occur simultaneously with the new purchase. All costs incurred in providing the take back scheme are at your expense.

If your supplier is based outside the UK, you will be treated as the Producer and have additional responsibilities (see information for manufacturers).

The separate take back of large household appliances, such as fridges, TV's or washing machines, is often carried out today when a new product is delivered, but this is not always a free service. It is more or less unheard of for unwanted large goods to be brought back to the point of sale when a consumer picks up a new one. This could change.

The separate collection of smaller goods, DIY or gardening tools, and most other smaller WEEE products is limited. How likely is it that consumers will return to small goods for exchange on new items, we don't know. It is NOT reasonable to assume the take back of smaller goods will be low, just because it is not common practice today. Once consumers become aware that suppliers must offer free take back it is likely that many smaller goods will be brought back.

We are urging small retailers to get together with others in their area, and with community groups and local authorities to come together to offer alternative methods of take back, which will benefit the local community.

Join the Network to find out how to facilitate the best solution for your business.

Cost

Retailers will be liable for the cost of taking back unwanted goods and the cost of delivery of the goods to the next point in the logistical chain. Your financial liability will stop once your supplier takes these goods back, or you deliver the goods to a central collection point. These points are as yet undefined, but it is possible that they will be made up of existing civic amenity sites plus others.

Retailers and Distributors are unable to claim back their costs from the producers, who are responsible for goods only after the central collection point. However, some producers may offer incentives as part of future sales promotions.

The government is considering an option of retailers paying in to fund local authority collection schemes as an alternative to in store take back. We suggest contacting your local authority recycling officer if you want a scheme in your area.

Storage and transportation

If retailers or distributors choose to take back themselves, then there will be possible requirements to register for a storage license, or an exemption license, with an enforcing body such as the Environmental Agency, for the areas where the WEEE is kept. There may also be a requirement for those who transport WEEE to hold waste carriers license and for the drivers to have special training in the transportation of hazardous waste.

There will be standards set on the storage requirements, and a further need to store and transport goods without damaging them, so that maximum reuse can be achieved.

Providing of information

'The UK is to encourage consumers to participate in separate collection of WEEE and facilitate reuse and recovery' at an estimated cost of £18 million per year (DTI figures). The government has suggested that retailers would be expected to provide (perhaps not pay for - we don't know) this kind of information, including:

- The benefits of disposing of WEEE separately

- What collection schemes are available
- Consumers' role in the management of WEEE
- Potential hazardous to the environment and human health from WEEE

This could be in the form of leaflets at the pay point

The National Clearing House

Consultation has been undertaken on how best to set up a national clearing house which will be responsible for the allocation of the reuse and recycling of WEEE to various producers based upon their share of the market. Therefore large producers such as Phillips will be responsible for paying for a greater share of the recovery than a smaller producer. The National Clearing House will be funded by the producers as a not for profit organisation and will be responsible for awarding the contracts for the reclamation of WEEE to the different organisations operating in this area.

Croydon council's actions

Croydon Appliance Reuse Centre

Background

Croydon has been successful in obtaining around £600,000 from the London Recycling Fund to set up and initiate an Appliance Reuse Centre (ARC). It is also waiting to hear if it has been given a hard offer of a further £300,000 from the lottery funded CRED board. The idea behind the ARC originally came from the Furniture Reuse Network, an umbrella organisation that represents furniture reuse groups across England including those already working with WEEE. The FRN are hoping to set up a number of these sites across England that will help deal with the legislation when it comes into force

The ARC is essentially a large warehouse which will be able to accept thousands of tonnes of WEEE and furniture per year which it will refurbish where needed and reuse through different charities in Croydon which deal with disadvantaged people and through direct sales. Items which cannot be reused in this way will be broken down, parts reused, and the rest sold as scrap for recycling.

Current status of the ARC

The ARC has been established in Eurocrown House, Grafton Road. It has signed the lease on a 16,000ft² warehouse and is in the process of establishing workshops to undertake the WEEE dismantling and refurbishment.

The ARC has been constituted as a not for profit company which will be aiming to achieve charitable status in the near future. It has been created as a separate entity to the council with a board consisting of local charities and voluntary organisations.

The post of Project Manager has been filled by Tub Collins who has ten years experience of running a furniture reuse charity in Sussex and is also on the executive board of the FRN. He has in turn recruited several members of staff to help run the ARC. It is anticipated that the first collection should take place by the beginning of April.

For further information please contact Paul Vincent, Recycling Officer, Croydon council.
Tel. 020 8686 4433 Ext. 64049

Helpful sources of information:

www.weeenetwork.com

<http://www.dti.gov.uk/sustainability/weee/>

<http://www.defra.gov.uk/environment/waste/topics/electrical/>