



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Anne Turner
Environmental and Technical Regulation Directorate
BERR
3rd Floor
1, Victoria Street
London
SW1 0ET

13 May 2009

Dear Ms Turner,

I am writing to present the LARAC response to the Consultation on the Proposed recasts of the EC Directives on Waste Electrical and Electronic Equipment (WEEE) and on the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment (RoHS), and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of over 400 local authorities across England, Wales, Scotland and Northern Island whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including Statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC welcomes the proposals, in particular where extended producer responsibility and target setting proportionate to the amount of WEEE placed on the market are proposed. Much depends on the implementation in the UK.

Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on 01786 850326 or karinhelwig@googlemail.com.

Karin Helwig
LARAC Policy Team



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Q1 Should the scope of the WEEE directive remain directly linked to the scope of the RoH Directive?

The list of goods in Annex 1A of the WEEE directive has the advantage that it is easier to understand, for the public and DCF operators alike, than the list of substances in the RoHs directive. LARAC would suggest that the take-back obligation effects on all goods listed under Annex 1A of the WEEE directive.

Q2 Should the UK maintain its policy of transposing only the minimum scope requirements for its WEEE Regulations or should it be more prescriptive?

See above.

Q3 Do respondents agree that moving from a kilogram per head fixed target across all Member States to a percentage target would better reflect the differences in the market conditions in individual states?

LARAC supports a variable target system in that it would reflect differences in the market conditions in individual states. When implementing the targets for the UK, consideration should be given to regional variations, such as population density, which would result in varying collection costs per head of population. The achievability of targets in general is inversely related to product lifespan, in that a longer lifespan would result in less waste being generated, making targets harder to achieve. Any significant successes in increasing product lifespan should therefore be followed by a review of the targets.

Q4 Given the findings of the commission's studies, do respondents think that the Commission's proposed target could be achieved by 2016 and, if not, what level might be possible?

The 65% target, as LARAC understands, is based on research showing that 80% of the total tonnage of sales is discarded on a two year cycle. If 80% of WEEE placed on the market is discarded within 2 years, and 65% of the amount placed on the market is to be collected, then around 81% of the WEEE discarded is to be collected. If less products are discarded within the two year period, then it is harder to achieve 65% collection of the amount placed on the market in that two year period because a higher percentage of the amount of discarded products would need to be collected.

This is an extremely high target for any material and will not be achieved without strong incentives for householders and businesses alike to dispose of their WEEE appropriately. As indicated under Q3, increased product life span would make the target even harder to achieve.

The achievability of the target will in part depend on:

- the establishment of a better, more extensive in-store take back network;
- funding available to local authorities and other operators to expand DCF facilities;



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- resources available for awareness raising and advertising of collection facilities to the public.
- research into the possibilities of incentivising the separate collection of WEEE.

Kerbside collections of WEEE can make a significant contribution to targets but it is unlikely that these will be widely operational by 2016.

Q5 What proportion of sales do respondents regard as a realistic target for the separate collection, treatment, reprocessing or preparation for reuse? What is seen to be a realistic time scale to achieve this target by the UK?

This is highly dependent on the level of investment in collection infrastructure that can be made available, and the available capacity of processing plant.

Q6 Do you consider the increases for categories 1-7, 9, 10 and gas discharge lamps appropriate and achievable?

LARAC would wish to point out that such high collection targets have rarely been achieved in the UK for any material, even when kerbside collection systems and local bring sites are present. A cultural change would be required to make householders separate their WEEE to this extent.

Q7 Do you consider the introduction of a target for category 8 (medical devices) appropriate and achievable?

LARAC has no expert knowledge on this subject.

Q8 What would be the impact on the levels of separate collection of extending producer responsibility as proposed?

LARAC strongly supports extending producer responsibility and would welcome funding for their members, provided by producers, to improve or extend DCFs and / or to introduce kerbside collections. Such funding should include investment in vehicles, signage, data, and communications. All of these could have a significant positive impact on targets.

The level of investment required to achieve targets will vary across different regions. LARAC wishes to see collection facilities provided to residents in all regions, including remote areas. Freepost return services may be appropriate for small appliances.

Local Authorities should remain free to decide whether and how a kerbside WEEE collection would fit in with their other waste collection services and should not be obliged to provide a kerbside WEEE collection service or be prescribed how to operate them if they do choose to provide them. Liaison between producers and Local Authorities is however essential in order to provide services that are easy to understand and to use for the public.



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Q9 What would be the environmental benefit of extending the current level of producer responsibility as proposed?

Increasing recycling reduces energy consumption through replacing primary raw materials with secondary - especially when it comes to Cu, Au etc. Toxic elements are less likely to go to landfill

Q10 What would be the financial burden on extending producer responsibility as proposed?

This would entirely depend on the detail of implementation. Local Authorities already spend significant resources on awareness and communication relating to WEEE, for example in explaining why they cannot collect it at kerbside yet, and would welcome producer funding to cover these costs.

The main financial burden of extending producer responsibilities through local authorities would be through the extra cost of incorporating small WEEE in kerbside schemes.

Q11 Do you believe that allowing the display of the cost of treatment and reprocessing on a product will have an influence on consumer's purchasing decision?

Yes. In particular, if a product is designed to minimise these costs, the consumer will be able to calculate the 'actual' value of the product, ie purchase price minus disposal costs. This will enable the consumer to choose products with a lower treatment and disposal cost.

Q12 Will giving consumers this kind of information result in more environmentally friendly purchases and so help to achieve the overall objective of the Directive in reducing the levels of waste from electrical and electronic equipment?

Without having expert knowledge on the likely effects of displaying such information, LARAC believes it will influence purchasing decisions as described under Q11. This will only be beneficial to the environment if the product with the lesser treatment and disposal cost is indeed the one with least environmental impact over its life span.

However, efforts must continue to reduce waste through the design process, such as by increasing product life span and standardising chargers, adapters and batteries.

Q13 Is it desirable to have high level consistency across the registers or all Member States? What benefits would this provide for producers, producer compliance schemes and the treatment industry?

This question is not relevant to LARAC members and best answered by the industry.



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Q14 The proposal suggests that national registers could be operated by collective Producer Compliance Schemes (PCSs) established under the Directive. Do you regard this to be a feasible option in the UK? If so, how do you think this should be organised – that is how would the lead PCS be identified and appointed? If this proposal was accepted in the UK, how would you envisage the way in which the register would interact with the enforcement bodies operating?

LARAC does not wish to comment on this question.

Q15 Do you think that the export of WEEE under the guise of working equipment (EEE) is an issue that should, or could, be addressed by the proposed recast Directive?

LARAC deems it vital that this issue is addressed by the Directive. The separate collection of WEEE represents an effort by the consumer and a resource spent on collection infrastructure. Resources are wasted and the consumer's effort devalued if the collected WEEE is not treated appropriately, which is the case if it is exported for reuse when it is in fact not fit for reuse. LARAC proposes that an audit trail is required for all collected WEEE to ensure improper treatment, illegal export and other inappropriate forms of disposal are minimised.

Q16 Are the steps outlined in the recast Annex I appropriate for inclusion in the new Directive?

LARAC has no comment on this question

Q17 Do you think that the steps outlined in the recast Annex I will help to address the illegal export of whole items of WEEE?

LARAC has no comment on this question

Q18 What are your views on the proposed changes to a new Annex II?

LARAC has no comment on this question as its members are unlikely to be affected by the matter.

Q19 The status of the lists in the new Annexes I and II is still not entirely clear. What would you feel to be the best way to define the scope of the RoHS Directive; should it be with a definitive list of products or a non-definitive/ "indicative" list?

LARAC deems that a definitive list of products would be the best way to ensure clarity. Such a list should be updated through the comitology process.

Q20. Should the scope link with the WEEE Directive be broken and, if so, is there the case for no list at all as in the case of the Electromagnetic Compatibility (EMC)



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Directive (2004/108/EC)? In that event, the Directive would apply to all electrical and electronic equipment with the possible inclusion of a list of specific exempted products.

LARAC has no comment on this question

Q21. Although the phasing in of both medical devices and monitoring & control instruments is over the period up to 2016, there are likely to be major cost/benefit issues. Are you able to provide data or evidence to inform that debate?

LARAC has no comment on this question. The matter is unlikely to affect its members.

Q22. It is still not entirely clear how the exact procedure for using the REACH methodology will operate in practice. Your comments on this issue would be welcomed.

LARAC has no comment on this question. The matter is unlikely to affect its members.

Q23. The Commission says that it is trying to improve the overall general procedure for granting exemptions. Do you think that it has succeeded? If not, what changes would you suggest?

LARAC has no comment on this question.

Q24. Do you think that this re-alignment helps and will it provide economic operators with greater degree of legal certainty? In addition, does it raise new issues or costs?

LARAC has no comment on this question.