



Local Authority Recycling Advisory Committee

Peter Cottrell
Department for Business, Enterprise and Regulatory
Reform
Sustainable Development and Regulation Directorate
1 Victoria Street
London
SW1H 0ET

7th March 2008

Dear Peter,

**Consultation Response - Implementation of the Batteries and
Accumulators and Waste Batteries and Accumulators Directive**

I am writing to present the LARAC response to the above Consultation, which is contained below, 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 well over 400 local authorities across England, Scotland Wales and Northern Ireland 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 support the introduction of the Directive for dealing with batteries. We believe that the introduction should not rely on Local Authorities to set up collection schemes although I am sure that many will be willing to support the producers by offering collections. 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 01327 302283 or ngarrett@daventrydc.gov.uk

Yours sincerely,

Mrs Nicole Garrett
LARAC Policy Team



Local Authority Recycling Advisory Committee

Consultation Response - Implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive

LARAC have responded to questions directly related to portable batteries and those issues that affect Local Authorities.

Q3: Relates to article 21: Labelling

LARAC approve of the labelling requirements as set out.

Q6: Of the two broad approaches to devising a compliance system set out in this consultation (i.e. Single national or network of multiple schemes) which do you think is likely to be most effective in meeting the objectives of the Directive and support producers meet their obligations? Please give your reasons.

LARAC are in favour of a single scheme, as the issue is much smaller than WEEE. There will need to be a large amount of publicity, due to currently low collection rates and this is probably easier to run through a single scheme.

We feel that competition is not so necessary and may lead to multiple schemes in one area and therefore increase transport. Membership of one scheme will ensure consistency of collections across different areas. Getting the publicity right is essential to achieve the targets.

In addition a single point of contact would mean that information would be available to LA's and other interested parties, rather than having to approach several different schemes. This will mean that interested parties are more likely to get on board as it would be a simpler process.

Multiple schemes may offer the element of competition but this system could lead to different collection schemes, leading to higher communication costs to explain the multiple services on offer. There is also a risk that multiple collection schemes lead to a reduction in collection rates through confusion by members of the public.

Q7: What features do you consider essential for an effective and low cost compliance system?

LARAC believes that simplicity is the key. If there are simple, accessible, non overlapping collection regimes, with one effective communications campaign, there will be the greatest take up of the services that are offered. The scheme needs to engage all producers and importers of batteries and include a mechanism for making timely payments to collectors



Local Authority Recycling Advisory Committee

including local authorities. There needs to be a drive towards high recycling rates and the system needs to be financially transparent in relation to both income and expenditure.

Q8: What risks can you envisage with any of the approaches and models set under either scheme system?

LARAC's favoured option of a single scheme has the main problem of lack of competition and a risk that it wouldn't be the cheapest option. However this can be overcome by tendering to provide the compliance scheme and by having an industry funded monitoring body or "watchdog" to ensure targets are achieved economically and equitably.

We believe that multiple schemes are not needed as the scale of battery collections/recycling is much smaller than for WEEE and packaging. It is easier to run one scheme, as it would have much more control over meeting collection quantities.

N.b. an important element of the scheme will be communications, which must be funded by the compliance scheme (i.e. by producers, not local authorities or the Government). Generous enough funding nationally will be more difficult to obtain from compliance schemes that are in competition to reduce costs than from one compliance scheme mandated to achieve targets.

Q9: What are your views on this alternative approach?

Whilst the approach taken with WEEE may have worked, it relied on Local Authority's CA sites to provide the infrastructure. Whilst this was possible, although fairness has to be questioned, for batteries there isn't that infrastructure available and producers/distributors cannot rely on Local Authority's to provide those facilities. In-store take back is a good idea but will it achieve the collection tonnages needed?

In addition Local Authority's CA sites and in-store take back by themselves are unlikely to divert enough household batteries to enable the later targets to be met. LARAC's view is that an element of kerbside collections will be needed at (arguably) greater cost, in order for targets to be met - i.e. the alternative approach narrows the options. A compliance scheme(s) needs to be able to select & control the mix of options that are needed for targets to be achieved.



Local Authority Recycling Advisory Committee

Q10: What do you see as being essential to include as part of a scheme's operational plan for (a) a single scheme and (b) multiple schemes? How do we ensure accountability for members under the different models?

The scheme needs to include short, medium and long-term elements that show clearly how future targets are going to be met and allow for margins of error should initial projections prove to have been too optimistic. In addition there needs to be a plan that doesn't rely on LA's collecting batteries unless they wish to.

Q11: Do you think that interim targets will help producers and others in meeting their overall responsibilities under the Directive? What additional controls would be effective?

LARAC's view is that interim targets are essential, as it will help to see how the UK is progressing towards targets. It will also allow for awareness to grow amongst consumers so that recycling batteries is a "natural behaviour" in the target years.

Delivery plan(s) need to be scrutinised to ensure that sufficient resources from producers are committed to medium/long-term elements and communications - as well as short term elements - to achieve the directive's targets.

Q12: If interim targets are helpful, how should we set such targets?

Interim targets should be set in context with the delivery plans (mentioned above).

Q13: What action should be taken if interim targets are not met?

Achieving interim targets are easier to envisage with one compliance scheme rather than having multiple schemes, as there is likely to be a more co-ordinated approach to communication and collection methods.

There would need to be assurances that targets will be met through planned changes/increases to collection/recycling infrastructure.

A single compliance scheme would make it easier for Government to require plans to be revised and extra funding to be raised should it look like targets are not going to be achieved.



Local Authority Recycling Advisory Committee

Q14: Do you agree that the UK should take up the option to exempt small producers? If so what would be an appropriate threshold in terms of market share to define such producers?

LARAC's preferred option of a visible fee on sales would enable small producers (including importers) to be registered and brought in without excessive & disproportionate bureaucracy. This would, in effect, be a levy on sales. This approach would be less complicated to administer and would not distort the market.

Q15: If you do not think the UK should take up the option to exempt small producers, how else should we take into account the needs of small producers, particularly SMEs?

LARAC believes that a simple, transparent and equitable system would work and would lead to reduced administrative costs.

Q16: What are the most cost effective ways in which UK regulations can require EU distance sellers to (i) take-back portable batteries and (ii) achieve the environmental aims of the Directive?

Distance sellers could be invited to purchase exemption from "take back" provisions, through an increased visible "point of sale" fee.

Q18: What do you think would be the most cost effective and efficient method of collection? We would welcome views on the adequacy of Civic Amenities in achieving the accessibility requirements of the Directive. If you think additional collection points will be required, which ones would you suggest?

LARAC's view is that there is a need to set up independent collection arrangements and not rely on CA sites alone to achieve this. In store take back and community collection points (not necessarily run by LA) are suitable means of achieving this. LA's may be interested in either offering their CA sites or offer collections via their kerbside schemes but there are often problems with this and again there may be local reasons why this is impractical. Schools, libraries, community locations would all offer alternatives. There needs to be a good mix of collection systems in place without a reliance on any one method of collection.

There is then a request from views from LA's

LARAC are concerned with paragraph 4.98 as in all likelihood LA's will not have resources to offer collections from communal areas, and producers



Local Authority Recycling Advisory Committee

must have in place alternative collection arrangements if LA's cannot do this.

In all likelihood LA's will not have resources to offer collections from communal areas, and producers must have in place alternative collection arrangements if LA's cannot do this. This may lead to different collection arrangements operating in different areas. Operational plans devised by compliance scheme(s) should not be on the assumption that LA's will be available to do the collections.

LARAC feels that the public perception about spent batteries, that they are hazardous, may limit the acceptability of the schemes involving offices, libraries, hospital etc, especially as most people are not in the habit of carrying around small amounts of waste products. Funding will need to be made available to publicise these schemes and LA's are in a good position to publicise the available sites alongside existing material.

Q19: With regards to the export of batteries for recycling, what do you consider sound evidence of equivalent standards to be?

LARAC feels that this shouldn't be difficult to agree within the EU.

Q20: Do you broadly agree with Government's approach for evidence of compliance? If not, what do you consider to be an appropriate form of evidence for demonstrating battery collection, treatment and recycling?

LARAC feels that this issue wouldn't arise in the same way were a system to be based on a visible fee paid to a single compliance scheme. We feel that, as this is a much smaller issue than WEEE, with producers & importers much more fragmented relative to the overall size of the market. Increased bureaucracy and burden on producers (not to mention problem of free riders) could be out of all proportion to financial gains through efficiency/operating a market mechanism.

Q21: Do you broadly agree with Government's approach for recycling facilities gathering evidence? If not, can you please suggest an alternative

LARAC broadly agrees with this.