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Dear Mr Creary

SUBJECT: CONSULTATION ON THE WEEE AND ROHS DIRECTIVES

Thank you for the opportunity to comment on the proposals for UK implementation of the Waste Electrical and Electronic Equipment (WEEE) Directive 2002/96/EC, and the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment (RoHS) Directive 2002/95/EC. The comments below come on behalf of the Local Authority Recycling Advisory Committee (LARAC) for whom I am Policy Officer. LARAC is an association of 350+ local authority professionals who co-ordinate and operate waste management services for their respective authorities. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary Authorities.

LARAC member authorities principally collect WEEE as a component of mixed municipal waste, or as a segregated waste stream through e.g. Civic Amenity sites. As your discussion paper highlights, there are no specific requirements or obligations placed upon Local Authorities in the Directives. As the discussion paper also highlights however, our Members represent one option for the provision of a collection mechanism for WEEE, which could prove to be more cost-effective than some other options under consideration. As such LARAC members are deeply concerned that the UK implementation of the WEEE Directive should not place additional burdens onto Local Authorities: the legislation is based upon Producer Responsibility, and as such LARAC feels that Producers should be responsible for the additional costs associated with *collection* of WEEE as well as its treatment. Colleagues in ICER are studying the costs and viability of Local Authority involvement in WEEE collection, and we would urge you to take this information into account in your policy formulation, when it becomes available (expected June 2003).

LARAC welcomes the intent of the proposals to increase the reuse and recycling of WEEE, and is keen to see the fullest Producer Responsibility obligations possible to ensure that the costs and hence financial pressure to minimise this waste is realised by Producers. We would sound a note of caution however as regards the mechanism which Government chooses to deliver it: the implementation of Producer Responsibility legislation for Packaging waste added little value to local authority collection systems and has arguably resulted in a confused system which struggles to adopt the longer-term approach to infrastructure investment which is required.

With regard to the specific questions raised in your discussion paper, a great number are understandably technical questions aimed at Producers, and LARAC can add very little to these areas of debate. We have thus answered only those questions where we feel that we can have a useful input on behalf of our Members.

Question 8 - Article 4: Would a negotiated voluntary agreement or legislation be the best way for the Government to encourage the design of equipment for recycling and discourage designs that prevent reuse?

LARAC considers that legislation would be the better approach, since manufacturers clearly have a vested interest in selling new products.

Question 13 - Article 5: What would be the best approach to meeting the retailer take-back obligations?

Either Producers must take sole responsibility for the collection and treatment of WEEE, or a Code of Practice would need to be developed between Local Authorities and industry to ensure that Producers fully accept the responsibility for any additional burdens placed on the Authorities as a result of WEEE collection.

Question 14 - Article 5: Should collection obligations be placed on anyone else?

LARAC believes that WEEE collection obligations SHOULD NOT be placed upon Local Authorities, since they are not obligated under the Directive, and the intention of the Directive is to make Producers responsible. Authorities will become involved in WEEE collection, either through bring sites or at the kerbside, if it is viable, i.e. if such collection facilities can be provided practically, and if the additional collection costs are covered by the Producers.

Question 15 - Article 5: Which mechanism do you favour for meeting the collection obligations and why?

LARAC is open to the suggestion that local authority collection systems (i.e. Civic Amenity sites and kerbside collections) could form an integral part of the WEEE collection infrastructure, but with one major caveat: this is producer

responsibility legislation, and as such any additional burdens on authorities arising from the collection of WEEE must be funded by the Producers.

A network of large, centralised facilities capable of accepting all types of separately collected WEEE would also need to be provided by the Producers, since individual Local Authorities would not have the space or resources to bulk up the many different categories of WEEE separately and deliver to a number of different outlets.

Question 16 - Article 5: How should WEEE be collected to encourage reuse?

Opportunities for reuse need to be incorporated in at least 2 stages of the WEEE collection system. Any groups/organisations interested in directly collecting WEEE for reuse should be encouraged to do so, since this could save the obligated parties the costs of collection. In addition, once WEEE is collected, reuse organisations should be encouraged to sort through it before recycling to identify and remove items suitable for reuse. Agreements would need to be brokered between the parties involved. (Note: one practical example of this in operation already is in Dorset where fridges delivered for recycling are checked over by a refurbishment & reuse organisation, and around 20% of the collected units are reused, saving the County Council the costs of onward transport and specialist recycling).

Question 17 - Article 6: Which permitting option do you prefer and why? Are there other alternatives? What are the costs and benefits to you of the proposed options?

This issue is not of concern to Local Authorities, as long as it is clear that collection and storage of WEEE do not constitute 'treatment', as an extra layer of permitting/licensing for collection or storage could act as a barrier to authorities becoming involved in collection via CA sites or kerbside collection.

Questions 18-20 - Article 6: Regarding treatment processes

The treatment requirements should be carefully framed so as not to prevent either reuse or small-scale, community refurbishment/recycling operations.

Questions 21-26 - Article 7: Regarding recovery & recycling targets

These questions are most pertinent to the Producers. As the UK is estimated to be already meeting the initial 4kg/household target, LARAC would urge the Government to ensure that the UK implementation of the Directive is progressive enough to actually minimise WEEE and increase the quantity of WEEE that is reused and recycled.

Questions 27-32 - Article 8: Regarding WEEE from private households

Again, these questions are most pertinent to the Producers. With regard to the preferred method of financing (Q31), on the face of it a single compliance scheme based on eg. market share would provide a practicable entity for Local

Authorities to deal with, whereas if every producer of every product type expected their own waste products to be segregated and stored until a significant quantity was accumulated for onward transportation (e.g. a truckload of Sony televisions) then clearly individual local authority collection systems would be unable to cope with this in sorting and land-use terms.

Questions 33-34 - Article 9: Regarding WEEE from businesses

This WEEE is not waste that LARAC Members will have to deal with. Previous experience shows that most private companies will choose the cheapest disposal option, so the environmental benefits of recovery of B2B WEEE will only be realised if recovery is either cheaper than disposal (i.e. subsidised by Producers), or required by legislation.

Questions 35-38 - Article 10: Regarding information for users

With reference to question 37, if a single compliance scheme were set up (as noted with regard to Article 8), it could take responsibility for providing information to EEE users, and its members (the Producers) would be responsible for funding this element of their compliance. Local Authorities may have a role in distributing such information, particularly if they are involved in providing collection infrastructure for WEEE. However, the costs of this requirement of the PR Directive must obviously fall with the Producers.

Question 39 - Article 11: Which option do you favour and why?

Option 3, or Option 2, i.e. a single website with or without the additional datatagging. Whilst the extra data provided by datatagging would be useful to all parties, it would also involve additional costs to be borne by the producers.

Question 41 - Article 11: If there was to be a single website providing information for treatment facilities, do you have any views as to who should operate it etc?

If there is a single compliance scheme for WEEE, it would be the obvious choice to provide the website, and this could be funded from all its members' (the Producers) contributions. If not a single compliance scheme, there is no obvious suggestion for who should provide the website.

Questions 42-46 - Article 12: Regarding registers and data collection

These questions are best determined by the compliance scheme/producers. With regard to sanctions (Q43), these should be tough in order to discourage 'free riders'.

RoHS Directive - LARAC welcomes the implementation of this Directive and its aim to restrict the use of hazardous substances, and hence to reduce the occurrence of hazardous materials within the waste stream. The discussion paper's questions on this Directive relate to technical issues applicable to the

Producers, Regulators and scientific community, and as such LARAC has no views to express.

Thank you for the opportunity to comment, we hope that you find these comments useful and will gladly expand on any point if necessary.

Yours sincerely,

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Policy Officer, LARAC