

## BMRA Members' Briefing UK implementation of the WEEE Directive

*DTI has recently announced that the WEEE Directive will be fully implemented by 1 July 2007. This briefing has been prepared to update BMRA Members on plans that are emerging, and to seek comments from the sector. BMRA is a member of the DTI's WEEE Advisory Group, and will comment through this route as well as through the formal consultation process. Please contact Howard Bluck on 01480 455249 [howard.bluck@recyclemetals.org](mailto:howard.bluck@recyclemetals.org) for further information, or to express your views.*

### 1. Introduction

#### *What regulations are proposed?*

The Department of Trade and Industry (DTI) published draft Waste Electrical and Electronic Equipment (WEEE) Regulations and accompanying guidance on 25 July 2006. These set out how the European WEEE Directive (2002/96/EC) will be implemented in the UK (including Scotland, Wales and Northern Ireland). Public consultation on these drafts runs until 17 October 2006; however, substantive changes to the proposals and key dates are unlikely. See: [www.dti.gov.uk/consultations/page32448.html](http://www.dti.gov.uk/consultations/page32448.html).

Meanwhile, Defra is expected to issue draft WEEE Treatment Regulations and guidance on 'best available treatment, recovery and recycling techniques (BATRRRT)' in August 2006. As there was consultation on the draft regulations in 2005, no further consultation is planned. For consultation: <http://www.defra.gov.uk/corporate/consult/weee-article6/>.

#### *Overall aim of the WEEE Directive*

The broad aim of the WEEE Directive is to address the environmental impacts of waste electrical and electronic equipment and to encourage its separate collection and subsequent treatment, re-use, recovery, recycling and environmentally-sound disposal. The Directive requires producers of such equipment to register, and to take responsibility for collection, treatment and recovery (etc), in proportion to the quantity of products they place on the market.

#### *What is WEEE?*

The Directive lists: large household appliances; small household appliances; IT and telecommunications equipment; consumer equipment; lighting equipment; electrical and electronic tools<sup>1</sup>; toys, leisure and sports equipment; medical devices<sup>2</sup>; monitoring and control instruments; and automatic dispensers.

#### *What are the WEEE targets for the UK?*

Large household appliances + automatic dispensers:	Recovery:	80% of which re-use/recycling:	75%
IT and telecommunications + consumer equipment:			65%
Gas discharge lamps:			n/a
All other types of WEEE:			50%

(Percentage by weight per appliance)

#### *What is WEEE treatment?*

'Treatment' includes depollution, disassembly, shredding, recovery or preparation for disposal.

<sup>1</sup> Except large-scale stationary industrial tools

<sup>2</sup> Except implanted or infected products

## 2. DTI proposals for implementing WEEE

### *Producer compliance schemes*

Producers will register with the appropriate environmental agency (EA, SEPA or EHS-NI) through an approved producer compliance scheme. It is estimated that there may be up to 30 such schemes, of which around half will be single producer and half multi-producer.

Compliance schemes will register members; provide data; arrange collection, transportation, treatment and processing of separately-collected WEEE; submit evidence of this; and settle under/ over-collection. DTI's timetable expects them to be registered by 28 February 2007 [for the first compliance period 1.4.07-31.12.07]

### *WEEE Collection*

DTI proposes five groups of categories:

- Large household appliances not containing refrigerants (e.g. cookers, washing machines etc.)
- Cooling appliances containing refrigerants (e.g. fridges, freezers, air-conditioning units etc.)
- Equipment containing CRTs (e.g. televisions, computer monitors etc.)
- Gas discharge lamps (e.g. fluorescent tubes)
- All other WEEE

### *Designated Collection Facilities (DCFs)*

DCFs will be established to collect household WEEE for onward clearance by, or on behalf of, the compliance schemes. It is expected that many DCFs will be established at local Civic Amenity sites or waste transfer stations; as well as organisations engaged in the re-use/refurbishment of electronics/electrical equipment.

### *WEEE Treatment and authorised treatment facilities*

Authorised treatment facilities will require a waste management license (or suitable exemption) issued by the relevant environment agency. Subject to European approval, there will be two new exemptions: (a) storage of WEEE prior to treatment and (b) repair and refurbishment of WEEE.

The Waste Management Licensing Regulations 1994 will be amended so that no separate "WEEE ATF" permit will be required, though operators may be required to seek a license modification (arrangements and timetable for this are not yet clear). Only ATFs<sup>3</sup> will be able to treat separately-collected WEEE and provide evidence that that WEEE has been received for treatment.

### *What obligations will treatment operators have under the WEEE Regulations?*

Operators will be required to comply with regulations and Best Available Treatment, Recovery and Recycling Techniques (BATRR) and Treatment guidance to be issued by Defra.

### *Exporters and reprocessors*

Exporters and reprocessors of WEEE or WEEE-derived material will require a permit from the relevant environment agency. The permit fee £500 (< £400 tonnes pa) or £2590 (> 400 tonnes pa).

The exporter permit may require proof that materials that have been exported for recycling or recovery to a facility operating to UK-equivalent standards. This could require the obtaining of copies of permits/licenses issued to the overseas facility by its national authorities. The draft permit criteria also require destination sites to be identified.

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<sup>3</sup> and accredited exporters where WEEE or WEEE-derived materials is exported for treatment

### 3. DTI Proposals for evidence of re-use, recycling, recovery or environmentally-sound disposal

#### *Evidence notes*

Producer compliance schemes will be required to demonstrate that they have collected, treated and reprocessed sufficient WEEE to satisfy their producer responsibilities, including recycling and recovery targets.

DTI proposes the use of 'paired evidence notes', to be completed by:

- (a) the first ATF taking delivery of a consignment of WEEE, stating tonnage and type of WEEE;
- (b) a reprocessor (such as a steelworks) or exporter providing evidence that a specified tonnage of WEEE or WEEE-derived material has been received for reprocessing.

ATFs may be asked by the compliance scheme to obtain the reprocessor/exporter certificate, but it will not be permissible for an ATF itself to provide this evidence.

#### *Protocols for mixed loads*

Defra has commissioned Mayer Environmental to undertake trials and sampling to determine collection and recycling protocols for WEEE to help establish the amounts of material sent for recycling, and thus reduce the need for excessive measurement and reporting.

#### *Product make up*

From 1 April 2007 producers will be required to provide information on the material make up of new products coming on to market.

#### *WEEE Evidence Exchange*

DTI proposes that compliance schemes will be allowed to trade evidence, directly or via an Exchange, in order to meet their targets. The Exchange will purchase 'evidence' at cost i.e. the cost of collection, transportation, treatment and recycling of the WEEE, plus an appropriate administration charge. These arrangements are intended to avoid the trading complexities of packaging PRNs.

### 4. Key dates for 2007

1 January 2007	DTI and Defra WEEE Regulations in force
28 February 2007	Producer compliance schemes approved (for the first compliance period, 1 April 2007 – 31 December 2007)
15 March 2007	Deadline for producer registration
1 April 2007	Producers must ensure all goods placed on the market after this date complies with regulations and that information is made available to treatment facilities. Producers responsible for non-household (business-to-business) WEEE.
1 July 2007	Full implementation of WEEE Regulations, including producer responsibility for the collection of household WEEE. ATFs monitored by Agency for WEEE compliance.

## 5. Issues for BMRA members

The following is a list of possible implications for members, on which BMRA would welcome comment:

### *Material supply*

- members contracted to remove items of value from CA sites (or receiving those items from totters), may see reduced supply if producers/ compliance schemes take ownership of those products.
- large domestic appliances may go to the DCF rather than direct to the metal merchant.
- new WEEE treatment companies are emerging; smaller operators currently handling predominantly white goods could be the most affected by these entrants into the market.
- DCFs may set up new treatment contracts, including with emerging 'WEEE treatment' businesses.
- increased collection of small WEEE items (such as telephones, portable devices etc.), should increase supply of non-ferrous metals – and the complexity of the non-ferrous market should reduce the number of new entrants in this area.

### *Recycling capacity*

- all WEEE will contain metal; and large, metallic domestic appliances will comprise a significant proportion of total expected WEEE arisings. Metal will be the bulk material treated.
- As with vehicles, the recycling challenge will be with other materials, such as CRT glass and mixed plastics. Implementation arrangements take little notice of whether these arrangements exist. Metal recyclers are likely to become increasingly involved in these areas.

### *Exporters and reprocessors*

- exporters are being asked to bear registration costs so that producers can demonstrate that targets have been met ~ there appears to be no benefit for the exporting company.

### *Evidence collection*

- the proposed system seems over-simplified given that an ATF is unlikely to send all treated materials derived from mixed WEEE to a single reprocessor.
- the proposals do not take into account the reality of (non-ferrous) metals trading and the commercial confidentiality in such matters.

## 6. BMRA comments and involvement with the implementation process

BMRA would welcome comments on the above points, or any other aspect of WEEE.

BMRA has already submitted industry views to DTI and Defra on draft Treatment Regulations (August 2005); implementation proposals (November 2004 and May and August 2006); and scoping for the protocols project (May 2006). A formal response to the DTI consultation will be submitted in September/October.

In April 2006 BMRA was invited to join the DTI's WEEE Advisory Group, a small group formed to ensure that the implementation phase takes account of the practical issues affecting industry. In addition to WAG, BMRA is a member of the Industry Council for Electronics Recycling (ICER); and also meets regularly with key officials in DTI, Defra and the environment agencies.

Please send your comments to:

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