

**Response to DTI consultation on implementation of the Waste Electrical and Electronic Equipment Directives, published on 25 July 2006**

*This response supplements comments made at the meeting between BMRA and DTI, Defra and Environment Agency representatives held on 12 October 2006.*

The British Metals Recycling Association (BMRA) is the trade association for ferrous and non ferrous recycling companies throughout the UK; and represents some 300 businesses, from multi-national companies to small family-owned enterprises. This £3.5 billion industry processes over 13 million tonnes of metal annually, into secondary raw material which is vital for metals manufacturing.

The UK metals recycling industry:

- operates within a well established world wide market of traded raw materials, underpinned by internationally recognised specifications.
- already handles some 50% WEEE, by weight  
[including most large domestic appliances ; and a growing % of 'small' WEEE]
- is a substantial contributor to the delivery of existing strategies on recycling and sustainable use of resources, notably End of Life Vehicles and packaging.
- is at the forefront of developing media separation techniques and international markets for non-metallic recovered materials, including 'problem wastes'.

Successful implementation of the WEEE Directives in the UK will depend on pragmatic and proportionate arrangements which recognise the unique contribution the metals recycling sector is already making towards achieving the targets. We suggest that this should include the recognition that separate, simplified arrangements can be applied to collecting evidence of metals recycling (see below).

BMRA fully supports the DTI's intention to achieve implementation of the Directives by 1 July 2007, and has welcomed the regular dialogue with officials over the summer, in the WEEE Advisory Group and other fora. The comments which follow have therefore been kept to a minimum and, where possible, include suggested amendments to the proposals.

**1. Collection and supply of WEEE**

The metals recycling industry has been in existence for many years. It operates as a free-market 'pyramid', with a large number of neighbourhood companies at the base feeding larger companies, including shredder operators, at the top. As materials pass from trader-to-trader, materials are consolidated and graded according to internationally-agreed specifications for export and/or reprocessing.

These businesses already handle most large domestic appliances and an increasing proportion of 'small' WEEE.

- To ensure that existing levels of WEEE treatment are maintained in the transition to new arrangements, it will be important that the proposed compliance schemes

and DCFs are fully aware of this pre-existing, tried-and-tested infrastructure.

- It is also important that operators of DCFs are educated to the existing financial benefits civic amenity sites receive from the direct sale of scrap metal to our sector. If, as the Guidance Notes suggests, 'cherry picking' of valuable items, should not take place at the DCF, this income stream could be lost and undermine the viability of these sites.

## **2. Treatment/recycling capacity**

New entrants to WEEE treatment are typically concentrating on the dismantling of 'small' WEEE. Our experience with both ELVs and WEEE cautions that this is only part of the challenge, since non metallic materials frequently require further specialist treatment before recycling, many of the relevant processes are in their infancy, and markets for such recycled materials take time to research and develop.

- The focus of the current implementation plans is mainly on the early/collection stage of the process. A greater emphasis on recycling capacity will be necessary if targets are to be met and exceeded. As noted above, metals recycling capacity is firmly in place. To ensure best progress, efforts should therefore be directed to the recovery/recycling of non metallics.

## **3. Evidence collection - metals**

The proposed system of "paired evidence notes" will be particularly burdensome for the metals recycling sector, due to its pyramid structure and international market arrangements (including hour-by-hour trading on the London Metal Exchange) – and may prove unworkable and/or compromise commercial practice (see Annex 1). However,

- Given the established nature of the metals recycling industry, the value of metals, the proven reality that all recovered metal is recycled into new material, and the unique, high-volume contribution recycled metals make to the achievement of WEEE targets, there is a strong case to support a separate, simplified evidence collection system for metals, based on protocols which establish the typical/average metal content in specified types of WEEE load.

[This approach has already been applied successfully in the case of ELVs where, following DTI sponsored trials, an assumption of 75% metallic content in a car/light van has been established. It is further assumed that this metal is recycled. The protocol is applied at the point a vehicle enters an ATF with no additional upstream evidence required.]

We are pleased to note that Defra's commissioned work on protocols appears to be leading in this direction. We would also reiterate that the international trade of metals to reputable reprocessors is already controlled in diverse ways, ranging from internationally recognised specifications, to Chinese AQSIQ or Indian DGFT certification, as well as Transfrontier Shipment regulation.

A simplified system for metals would lighten the administrative load on both metals recyclers and auditors. It would also ensure that more time and effort could be devoted to ensuring the recovery and ultimate recycling of other materials –

particularly 'problem' waste streams which have not in the past been separated or marketed.

#### **4. Evidence collection – non metallic materials**

We support the need for more detailed evidence collection in relation to non metallic materials, where the track record of recycling is less robust (or non existent).

However, we believe that the proposed system could be streamlined:

- Evidence of both treatment and recycling could be provided by ATFs that treat WEEE into distinct recyclate that is subsequently transported to reprocessors or exporters.

These facilities can determine the total weight of WEEE received as well as the weight of recyclable materials leaving the ATF for export/reprocessing. Waste transfer notes or export notes, identifying the reprocessor, provide an audit trail.

- This proposal removes the necessity to register reprocessors or exporters – and the requirement that they should provide evidence of compliance. This would require accreditation of ATFs to provide evidence of compliance. Accreditation could be undertaken by the Environment Agency within the terms of annual waste management licensing fees.

#### **5. Treatment Guidance**

We welcome the publication in October of the draft DEFRA treatment guidance. However, until the publication of the WEEE Permitting Regulations is made available it is difficult for industry to understand the full implications of WEEE permitting and compliance.

- It is not yet clear what steps the operator will need to take to achieve the required modification to his Waste Management Licence

We are concerned that the inclusion of BATTRT in the Waste Management Licensing conditions might be open to local interpretation by individual inspection officers.

- BATTRT and tests for "economic viability" would be better placed in guidance. We would also welcome a forum at which the interpretation of BATTRT could be discussed, from time to time.

#### **6. Transfrontier Shipment of WEEE**

The document lists the legislation governing the shipment of WEEE for recovery although there is no mention that the current OECD list of wastes does not include a green-list entry for these materials. This means that materials must be shipped as "unassigned" and are therefore subject to authorisation from the competent authorities and onerous controls.

- We would therefore urge Defra to seek a revision to Council Regulation 1420/1999/EC to include 'WEEE for recovery'.

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***Annex 1: Outline of problems envisaged by metals exporters, in relation to the proposed two part evidence note system***

Around 50% of all metal recovered in the UK is exported overseas for reprocessing. Metals are traded through established routes using brokers, intermediaries and direct sales. These materials are shipped to agreed standards (e.g. ISRI ferrous scrap specifications) and subject to import controls that identify recipient companies as meeting local conditions (e.g. China's AQSIQ).

The draft Regulations require accredited exporters to identify each site to which WEEE materials may be sent for treatment or reprocessing at the time they apply for accreditation. This raises two fundamental issues: (1) metals are traded globally via a series of brokers and intermediaries, many of whom are unidentifiable until the time trading occurs (this is especially true for non-ferrous metals); (2) exporters will not want to disclose broker/customer information to anyone other than the competent authorities.

Further issues include how the requirement for proof of recycling and recovery at overseas reprocessors (to standards equivalent to those of the UK) will be enforced given the difficulties in assessing equivalence?

The draft Regulations also state that evidence can only be generated by an exporter or reprocessor for WEEE only after that material has been received by the reprocessor (Schedule 7, Part 2, paragraph 4). This requirement would result in unacceptable delays in providing evidence to producers or their compliance schemes.

Exporters (and reprocessors) are being asked to bear registration costs so that producers can demonstrate that targets have been met. There appears to be neither benefit for the exporting company nor any benefit to the environment. Operators already reporting the tonnages of materials exported to the Environment Agency and this is funded by existing charges. Therefore, the proposal to introduce a fee of £500 or £2590 (depending on the annual tonnage of materials handled) is an additional financial burden for which no benefit is seen.