



Department  
for Business  
Innovation & Skills

**BIS** | Department for Business  
Innovation & Skills

**IMPLEMENTATION OF THE WEEE  
RECAST DIRECTIVE 2012/19/EU  
AND CHANGES TO THE UK WEEE  
SYSTEM**

Government Response

OCTOBER 2013



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



The Scottish  
Government



Llywodraeth Cymru  
Welsh Government

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## 1. Introduction

1. This is the formal Government Response to the consultation, *Implementation of the WEEE Recast Directive 2012/19/EU and Changes to the UK WEEE System*, published on 17 April 2013. A total of 256 responses were received to the consultation. A Summary of Consultation Responses was published on 23 August and can be found at:

<https://www.gov.uk/government/consultations/waste-electrical-and-electronic-equipment-weee-implementing-the-recast-directive-and-uk-system-changes>

2. The consultation invited comments in three broad areas:
  1. Necessary changes to the existing WEEE Regulations to transpose the recast WEEE Directive published on 24 July 2012 into UK legislation;
  2. Proposals for changes to the UK WEEE system as a result of the findings of the Environmental Theme of the Government's Red Tape Challenge (RTC); and
  3. Impacts on the WEEE Regulations of wider Government reviews on producer responsibility legislation and powers of entry provisions for regulators.
3. The Government response to each of these three areas is summarised below.

### Implementation of the WEEE Recast Directive

4. The Government shall:
  - Create a new Category 14 for photo voltaic panels;
  - Include LED lamp sources in Category 13;
  - Continue research into use of "substantiated estimates" of WEEE arising outside of the existing WEEE system, and
  - continue stakeholder engagement on a future system incorporating greater elements of Individual Producer Responsibility

### Red Tape Challenge

5. The Government shall:
  - Introduce a system based on Option 3 "Target and Compliance Fee" described in the consultation to start in 2014;
  - Introduce a de-minimis threshold of 5 tonnes for small producers, and
  - Introduce an option for operators of Local Authority Designated Collection Facilities to retain responsibility for treatment of WEEE collection streams.

### Other Issues

6. The Government shall:

- Defer changes to Powers of Entry provisions to ensure alignment with the wider Government review, and
  - Defer changes arising from wider consultation on the Review of Producer Responsibility Regulations to ensure proper consultation on the issues that are directly relevant to the WEEE Regulations.
7. Full details of the Government response on each of these issues are given below. Revised WEEE Regulations will be laid before Parliament before the end of the year, to enter force on 1 January 2014.
  8. Draft Regulations have been published alongside the Government Response on which comments are sought by **1 November 2013**. Final Impact Assessments (IA no 0382 and IA no 0393) covering the Recast Directive and the Red Tape Challenge are also published.

## 2. How to Comment on Draft Regulations

9. We welcome your comments specifically on the draft Regulations published alongside the Government Response. In particular, do you believe they deliver the policy intent set out below?

10. Comments should be submitted by email, letter or fax to:

Graeme Vickery  
Green Economy Team  
Department for Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET  
Tel: 020 7215 1836  
Fax: 020 7215 8242  
Email [weee@bis.gsi.gov.uk](mailto:weee@bis.gsi.gov.uk)

Respondents in Scotland should also send their response to:

Tim Chant  
Zero Waste Delivery  
Area 1-H North  
Victoria Quay  
Tel: 0131 244 7869  
E-mail: [timothy.chant@scotland.gsi.gov.uk](mailto:timothy.chant@scotland.gsi.gov.uk)

Respondents in Wales should also send their response to:

Alex Hamilton  
Waste and Resource Efficiency Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
Email: [alex.hamilton@Wales.gsi.gov.uk](mailto:alex.hamilton@Wales.gsi.gov.uk)

Respondents in Northern Ireland should also send their response to:

Janis Purdy  
Environmental Policy Division  
DoENI  
6th Floor, Goodwood House  
44-58 May Street  
Town Parks  
Belfast  
BT1 4NN  
Email: [wslpr@doeni.gov.uk](mailto:wslpr@doeni.gov.uk)

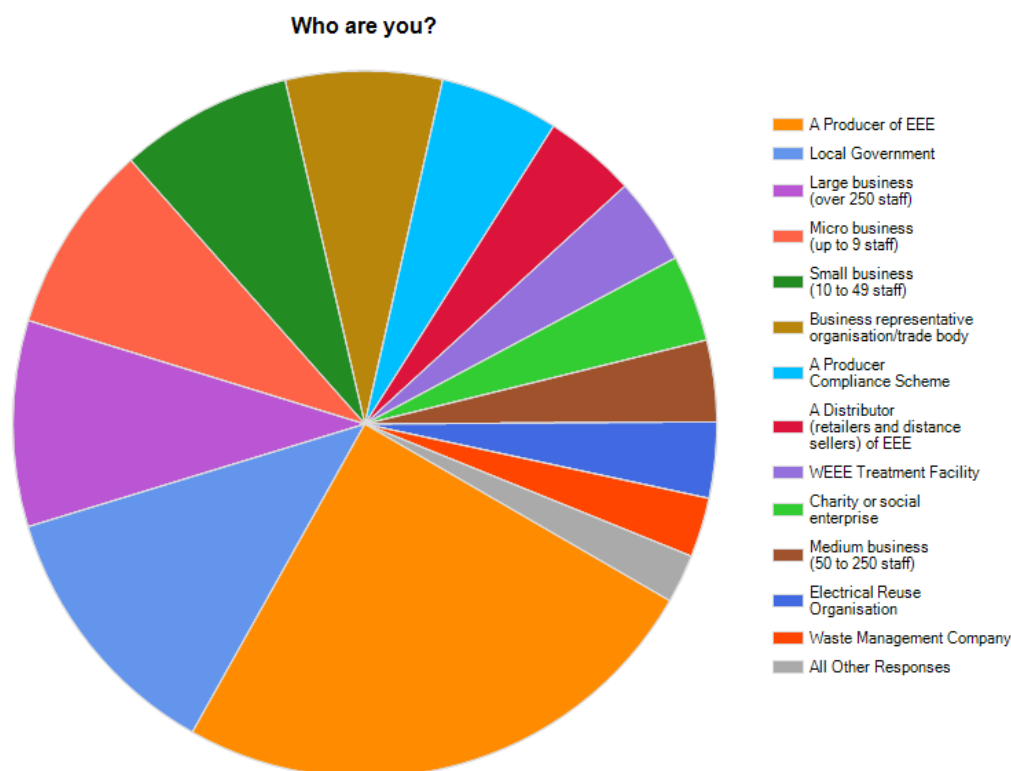
## Help With Queries

11. Questions about the policy issues raised in the Government Response should be addressed to:

Graeme Vickery and David Styles  
Green Economy Team  
Department of Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET  
Tel : 020 7215 1836/0211  
Fax: 020 7215 8242  
Email [weee@bis.gsi.gov.uk](mailto:weee@bis.gsi.gov.uk)

### 3. Analysis of the Responses

12. We received 256 responses to the consultation. The largest response came from producers of EEE (electrical and electronic equipment) with 100 respondents identifying themselves as producers. This was followed by local government with 49 responses. 29 trade bodies also responded, alongside 22 Producer Compliance Schemes (PCS), 17 distributors of EEE, 16 WEEE treatment facilities, 16 charities or social enterprises, 14 electrical reuse organisations and 11 waste management companies (WMCs). The remainder of the responses came from individuals, central government and staff associations. The pie chart shows a breakdown by stakeholder group. It should be noted that some respondents selected more than one category. For example a producer may have also identified themselves as a large business.



13. It is important to understand the proportion of stakeholders amongst key groups who responded to the consultation and who have a critical role to play in both ensuring the successful implementation of the revised Regulations and compliance with the requirements of the Directive:

14. **Producers:** 100 producers of EEE responded to the consultation. Collectively, these producers were responsible for 48% of total EEE placed on the market in 2012. Their views were supported by the Joint Trade Association representing 8 separate industry bodies which also responded in its own right to the consultation and claim to represent 90% of producer obligation in the UK.

15. **Treatment facilities:** 16 treatment facilities responded to the consultation. Collectively, these were responsible for 53.35% of total WEEE evidence by

weight issued in 2012. These were supplemented by the Industry Council for Electrical Recycling (ICER). Whilst ICER represents a broad church of stakeholders, it does have a dedicated group for the treatment sector and their response reflected views from that side of its membership

16. **Local Authorities:** 49 local government organisations responded to the consultation compared with 215 local authorities that have registered WEEE Designated Collection Facilities (DCFs) in the UK. This figure includes 8 local government representative bodies.
17. **Producer Compliance Schemes:** 22 producer compliance schemes (PCSs) responded to the consultation. Collectively, these 22 PCSs represented over 90% of total producer obligation for 2012.
18. The Government was encouraged by the high number of responses in each of these key stakeholder groups and in particular by the responses received from bodies that represent those groups. The Government has considered the views expressed by each of these stakeholder groups. A particular emphasis was placed on the views expressed by representative bodies whose responses have a multiplier effect insofar as they express the views of their membership. The views of individual organisations across stakeholder groups were also carefully considered. The Government believes the responses received across all stakeholder groups were sufficiently representative to enable their views to have been properly considered during the consultation process.



## 4. Implementation of WEEE Recast Directive 2012/19/EU

### PHOTO VOLTAIC PANELS

**Question 1 asked: Do you agree with the Government's proposed approach on Photo Voltaic (PV) panels?**

19. The Government will create a 14th category of EEE in the UK Regulations for photovoltaic panels in order to avoid the distortion of producers' financial obligations and given that the vast majority of PV panels will not arise in the waste stream for several years to come. This category will be created as soon as the new Regulations come into force. The Government will continue to work with the PV panel industry to ensure that the current arrangements for collection continue to work effectively.

### LAMPS

**Question 2 asked: Do you agree that the current reporting Category 13 should be expanded to include light emitting diode (LED) lamps?**

20. The Government will expand reporting Category 13 to include LED light sources in order to avoid Category 13 becoming an orphaned waste stream. LED light source is defined in the draft Regulations as a product that falls within Category 5 and which uses a light emitting diode as its light source. This will take place immediately on the new Regulations coming into force on 1 January 2014.

### NON-OBLIGATED WEEE AND SUBSTANTIATED ESTIMATES

This question was asked in two parts.

**Question 3 asked: Do you have any comments on the proposed approach of developing a protocol to estimate the tonnage of Large Domestic Appliances (LDA) and Small Domestic Appliances (SDA) collected and treated outside the WEEE system established by the Regulations?**

**Question 4 asked: What other measures might the Government take to establish "substantiated estimates" of WEEE collected and properly treated or sent for re-use via other routes - in particular B2B WEEE - in order to meet the new collection targets coming in to force in 2016?**

21. The Government will continue to pursue the use of substantiated estimates of non-obligated WEEE with WRAP. The Government agrees that the question of double-counting is important and significant, so it will work with WRAP and other industry representatives to ensure that the reported figures are accurate.

### INDIVIDUAL PRODUCER RESPONSIBILITY (IPR)

**Question 5 asked: Which, if any, of the IPR working group's three options would you like to see considered further and why?**

## **Question 6 asked: What are the economic and environmental costs and benefits of the IPR working group's three options for developing financial IPR?**

22. The replies to this question were inconclusive. The Government has decided that further work is required in this area and should be undertaken in the light of the introduction of the new collection target and compliance fee system. BIS and Defra will consider how best to take this work forward.

## **5. Changes to the UK WEEE System**

23. Options 3 and 4 were by far the most popular ways forward. The Government has decided that Option 3 offers the most effective and practical solution to the issues addressed in the WEEE consultation and will be pursuing this option.

24. Options 3 received substantial support from those who replied to the consultation - 95% indicated it was either their first or second preference of the four options. No other option received this level of support across the broad range stakeholder groups that responded. Option 3 also offers substantial savings to the current system, although not quite the level of potential savings offered by option 4.

25. Option 4 was popular amongst many producers, but received minimal support from a number of other key stakeholder groups. In addition option 4 would involve delays in the overall implementation timetable, mainly due to the need to develop and agree an algorithm for collection and establish the necessary collection arrangements. The Government has therefore decided that in terms of practical implementation and reduced cost, option 3 offers the best comprehensive solution to the challenges raised by the Red Tape Challenge. The Government encourages all those involved in the collection, treatment and recycling of WEEE to contribute to the implementation and success of the new system in 2014.

26. Key features of the new system will be:

- All producers must join a Producer Compliance Scheme, (unless they fall below the de minimus threshold for EEE placed on the market when they will be required to register directly with a relevant environment agency.).
- Each PCS will be given a tonnage target by category of EEE placed on the market in proportion to the Member State target and the total market share of their members during the previous compliance year.
- Proportion of the member state target to be met by PCSs to be set annually by the Government. Relevant environment agencies will then use this when calculating the individual PCS obligations which will be notified to each PCS by 31 March of the relevant compliance year.
- Late registering producers and in year changes to previously submitted producer EEE data will trigger a recalculation of the PCS obligation whose membership and/or data has changed.

- WEEE delivered into an AATF/AE by a PCS generates evidence for that PCS.
- Any WEEE sent to/received by an AATF/AE by other persons generates data to be reported and count towards the MS collection target.
- Additional WEEE data generated from protocol sampling of WEEE treated outside the system will potentially be counted towards Member State collection target using “substantiated estimates”.
- Evidence should not be transferred between schemes, but PCSs may choose to contract with each other in advance of collections.
- PCSs are free to make any collection arrangements for household WEEE. A PCS may collect more or less than the obligation it has been given.
- If a PCS collects too much, it must finance the excess or retain the income.
- If a PCS collects too little, it must pay a Compliance Fee per tonne (collection stream specific) into a fund intended to support WEEE related projects or face appropriate sanctions for non-compliance.
- Government to approve proposal for methodology and application of compliance fee each year. Only one methodology will be approved for each compliance period. Deadline for submitting proposals will be 30<sup>th</sup> September each year. .
- Local authority DCFs can choose, annually and by WEEE stream to manage collection and treatment directly, absorbing any revenues/costs for any specific WEEE stream. Those choosing self management of WEEE streams will have to notify BIS.
- A PCS must collect and finance the treatment and recovery of WEEE from a local authority DCF if requested to do so by that DCF and that DCF has not previously notified BIS of their intention to self manage for that WEEE stream for that compliance period. The PCS must honour this request irrespective of whether it has met or expects to meet its obligation.

## COMPLIANCE FEE

**Question 7 asked: Do you agree that, if this option were to be adopted, the Regulations should enable the establishment of a compliance fee by producers, approved by Government subject to due consultations?**

27. The Government has decided to introduce an “enabling” provision within the Regulations that will allow the Secretary of State to approve the establishment of a methodology for setting a compliance fee. Such a fee would form an alternative mechanism for PCSs to meet their obligations for the financing of household WEEE should they not meet their collection targets. It will be set at a level that encourages collections of WEEE in order to meet targets.

28. This provision will remove the market distortion under the existing WEEE Regulations that provides a guaranteed market for WEEE “evidence”. The Government regards achievement of the PCS obligations through collection and treatment of WEEE as the most effective form of compliance.
29. The Government recognises that the level of a compliance fee could have an impact on collection levels. The Government will be mindful of this in considering proposals to establish a compliance fee and will consult with stakeholders on proposals received prior to approval.
30. Applications on behalf of producers or PCSs to establish a compliance fee methodology will be considered in the final quarter of the compliance period. This will minimise the risk of potential market distortions that may arise from any contracts between schemes during the year.
31. Only one methodology will be approved for any given compliance period. Any agreed methodology will need consider the various costs associated with the collection treatment recovery and environmentally sound disposal of the five WEEE collection streams from all routes. Funds collected must be reinvested in the collection network with a view to increasing collection rates, recycling and re-use with a particular recognition of the role played by local authorities.
32. The enabling of this provision will have the following characteristics:
- The Government would consult interested parties as appropriate.
  - The cost of setting it up and its operation would be met by producers (or their PCS).
  - The methodology would be published.
  - There would only be one compliance fee methodology approved for any compliance period and any approval would be for one compliance year only.
  - A PCS using the compliance fee must provide evidence of payment of that fee as part of its “declaration of compliance” submitted to the relevant environment agency for any given compliance period.

## TARGET

### **Question 8 Asked: If this option were to be adopted, would you support the methodology for calculating collection targets placed on producers of household EEE via their producer compliance scheme?**

33. The Government will establish the collection target for PCSs that will be split by EEE category and notified to schemes by 31 March of the relevant compliance year (Regulation 29). It will be derived from the amount of WEEE that the UK is required to collect to meet the member state collection target in the relevant compliance year.
34. For the years 2014 and 2015, the UK is required to achieve a collection rate at the same level as was achieved on average in the preceding three years. UK collection rates have remained fairly stable over that period and so, notwithstanding the option for DCF operators to take responsibility for treatment of

WEEE streams, PCSs can expect targets to be broadly in line with their existing obligations.

35. The following steps will be taken to establish the annual collection target for schemes:

1. Calculate UK collection target for the year defined in the WEEE Directive.
2. Estimate non-household WEEE likely to be collected and financed by producers during the compliance year.
3. Deduct that tonnage from the UK collection target.
4. Consider, as appropriate, the deduction of substantiated estimates and non-obligated WEEE likely to be properly treated outside the producer financed system.
5. Targets by category calculated from remaining tonnage.
6. Deduct estimates of WEEE to be collected and financed by DCF operators (ie "self treated").
7. Final category targets allocated to PCSs based on market share using the following formula.

$$(A/B) \times C$$

A = Total of household EEE put on market by all PCS members within a relevant category in the preceding year. It applies for those producers registered with the PCS for the relevant compliance year, ie Data for 2013 would be used for all producers registered with a given compliance scheme for 2014.

B = Total household EEE falling within relevant category placed on market by all producers in the preceding year

C = Target for each category for the relevant compliance year to be achieved by each PCS

36. For categories 2-10 a scheme will be considered to be compliant if they have collected a total amount equivalent to the sum of each of the individual targets in those categories and paid any agreed compliance fee as appropriate. For other categories a scheme will be considered compliant if they have collected the relevant amount in each category and/or paid any agreed compliance fee.

## **PRODUCER TAKE-BACK SCHEME**

37. The consultation document and impact assessment proposed the possibility of a "Producer Take-back Scheme" being established to mitigate the financial risk of a PCS being required to collect an amount of WEEE in excess of its collection target.

38. The draft Regulations (Regulation 35) confirms the obligation placed on PCSs that ensures WEEE arising at local authority DCFs is collected and properly treated. It also confirms that scheme(s) can enter arrangements with one another in order to ensure collections take place, either bilaterally or collectively. It is envisaged these would be commercial arrangements between schemes that sought to deal with potential collections in excess/shortfall of collection targets.

### **TIMELINE FOR IMPLEMENTATION IN EACH COMPLIANCE PERIOD**

**Question 9 asked: If this option were to be adopted, would you support the proposed timeline for implementation for each compliance period? Comment particularly on scope to reduce or remove any of these steps.**

39. A high proportion of respondents to the consultation were unsure about the proposed timeline. Those concerns were predominantly about ensuring necessary time to give proper consideration to establishing the collection target, compliance fee methodology, “producer takeback scheme” and the need to review any existing contractual arrangements. There was also concern expressed by local authorities about being given time to decide whether to “self treat” value streams.

40. The Government will introduce necessary regulatory changes effective from 1 January 2014, but has taken these concerns into account in changes to the timeline of key dates described in the consultation document. In particular in relation to dates by which the target will be set, local authorities required to declare their intention to “self-treat” any WEEE streams arising at DCFs and the deadline for direct registration of *de minimus* producers. There is no regulatory requirement for the compliance fee or arrangements between PCSs to be in place at the start of the compliance year, thus allowing time for these to be established during the year.

41. The following represents the timeline for implementation for each compliance period. The compliance year 2014 has been used for illustrative purposes. Changes to the existing requirements are marked in *italics*.

15 November 2013 - Producers required to join a scheme, (except for *de minimis* producers\*).

30 November 2013 - Deadline for PCSs to report details of members to the relevant environment agency.

1 January 2014 - Start of compliance period.

31 January 2014 – Deadline for PCSs to provide the EEE placed on the market data for Q4 2013 and totals for the 2013 compliance year.

31 January 2014 – Deadline for AATFs to report Q4 and end of year WEEE data to their environment agency.

31 January 2014 – Deadline for issuing “evidence” on Settlement Centre for 2013 compliance period.

*31 January 2014 – Deadline for de minimis producers to directly register and supply placed on the market data for 2013.*

*31 January 2014 – DCF operators to report to BIS data on WEEE collected in 2013 for any of the WEEE streams they are choosing to “self treat” in 2014.*

*31 March 2014 – Agencies to advise PCSs of their targets split by category for 2014.*

30 April 2014 - PCSs to provide EEE placed on the market data for Q1.

30 April 2014 – AATFs/AEs to provide WEEE data for Q1.

31 July 2014 - PCSs to provide EEE placed on the market data for Q2.

31 July 2014 - AATFs/AEs to provide WEEE data for Q2

31 October 2014 - PCSs to provide EEE placed on the market data for Q3.

31 October 2014 - AATFs/AEs to provide WEEE data for Q3

31 December 2014 - end of the compliance year.

*31 March 2015 - PCSs issue declaration of compliance either through having funded enough WEEE or confirmed payment of appropriate compliance fee.*

\* see paragraph 45 for deadlines applicable to small producers in subsequent years.

## **ACHIEVEMENT OF MS COLLECTION TARGET**

**Question 10 asked: To what extent does this option help contribute to meeting the increasingly challenging collection targets in the WEEE Directive and the priority the new Directive attaches to the separate collection and treatment of hazardous waste?**

42. The Government has concluded that Option 3 is the only option that will ensure that the amount of WEEE necessary to meet the member state target will be collected. Other options simply place an obligation on producers to collect whatever is made available to them, with no inherent incentive to drive up collection levels. That being the case, the Government would expect to see the development of long term partnerships between local authorities and PCSs designed to drive up collection levels supported by appropriate levels of investment. The setting of the target, split by category annually, will also provide the opportunity to ensure the challenge presented by the collection of hazardous WEEE is properly addressed. PCSs will also be required, through the legislation, to arrange for the collection all WEEE arising at local authority DCFs when asked to do so - irrespective of achievement of their target. This ensures that no local authority is left with uncollected WEEE and that the target will essentially represent the minimum amount that PCSs are required to finance in any given compliance period.

## **DE MINIMIS PROPOSAL**

The *de minimis* question was asked in two parts.

**Question 17 asked: Do you support the de-minimis proposal that seeks to reduce reporting and administrative burdens on producers placing a low volume of EEE on the market in the UK?**

**Question 18 asked: Do you agree with the proposed threshold of 5 tonnes placed on the market? If not, please select your preferred threshold.**

43. There was strong support for the *de minimis* proposal although a wide range of views were expressed regarding the exact level of the threshold. Most respondents favoured a threshold of 5 tonnes or less. Those who disagreed with the 5 tonne threshold proposed by the Government were generally not able to put forward evidence-based analysis to support an alternative figure.
44. The Government will therefore proceed with the introduction of a 5 tonne threshold (Regulation 16). Producers placing less than 5 tonnes of EEE on the market or having the intention of placing less than 5 tonnes of WEEE on the market in any compliance period will therefore fall under the *de minimis* threshold. The changes that apply to those falling below the threshold are:
- They will not be required to join a compliance scheme.
  - They will be required to register directly with the relevant environment agency by 15 November in the year before the registration applies. For the 2014 compliance year that deadline will be extended to 31 January 2014.
  - They will be required to report annually EEE placed on the market, split by category and within each category split by household and non household EEE in previous compliance period by 31 January.
  - Pay an annual fee initially set at £30.00 to the relevant environment agency.
45. In other respects companies taking advantage of the *de minimis* threshold will be required to comply with the producer obligations set out in the Regulations, including the requirements in relation to financing of WEEE from users other than private households. It is envisaged that some *de minimis* producers will choose to join a PCSs for assistance in discharging their obligations.
46. Some stakeholders proposed a threshold for lamps that was one tenth of the *de minimis* of other categories arguing that the high cost of treatment and lightweight nature of lamps would place a disproportionate burden on larger lamp producers. The Government has considered this argument carefully.
47. Had the *de minimis* been applied in the 2012 compliance year, evidence shows that B2C (business to consumer) producers above the 5 tonne threshold would have been required to fund around 3.5% of the B2C lamps collected. Because this figure is low, we will implement the 5 tonne threshold for all categories including lamps. However, the threshold will be kept under review and amending legislation introduced to adjust the threshold should evidence demonstrate a case for change.



48. A small number of stakeholders have raised a concern that the introduction of a *de minimis* threshold will mean that small producers will not now need to consider the impact of their products on the environment at the end of life. In response to this particular point, those producers will still have to comply with the requirements of the Restriction of Hazardous Substances in electrical & electronic equipment (RoHS) Directive. Waste arising will still be treated to strict standards and products falling in the scope of the Energy-related Products (ErP) Framework Directive will still have to comply with those requirements.

## **SELF TREATMENT OF VALUE STREAMS BY DCF AND DATA REPORTING**

The self treatment of value streams by DCFs was asked in two parts.

**Question 19 asked: Do you support the proposal to allow DCF operators to choose, in advance of each compliance period, those WEEE streams for which they would make their own treatment arrangements and those they would hand over to compliance schemes?**

**Question 20 asked: Do you support the proposal to require data for DCF self treated waste to be reported via AATFs?**

49. The Government will introduce this proposal as outlined in the consultation document, given the broad support it received in the consultation (Regulation 54). Operators of local authority DCFs will be required to notify the intention to self treat any WEEE streams collected at a DCF by 31 January of the relevant compliance period. Such a decision needs to be notified to BIS and shall apply for the entire compliance year. If no such notification is made, then the default position will be that producers (via the PCS appointed by the DCF) will take responsibility for all WEEE collected at the DCF.

50. Local authority DCF operators choosing to take on the financing responsibilities for any of the five collection streams must have the WEEE treated at an AATF and they must be treated using best available treatment recovery and recycling techniques.

51. The Government believes that this way forward will give greater flexibility to local authorities, by enabling them to take responsibility to manage specific WEEE streams without involvement of producer compliance schemes where they judge that it is in their interests to do so.

52. The DCF operator will be required to report tonnages of WEEE sent to AATFs in the stream they have opted to finance for the previous compliance period to BIS annually at the time of notification. Separately, AATFs will be required, as part of their annual data submission of non-obligated WEEE, to specify the WEEE that has been received from DCFs opting to "self treat".

53. Capture of this data will be important to ensure that it can be included in the overall collection data, which in turn will be necessary to demonstrate that the UK has complied with the member state collection target. It will also be necessary to help inform the setting of the annual collection target that will be allocated to PCSs for each compliance period.

54. Non local authority DCFs would continue to put in place appropriate arrangements with PCSs. They would not be required declare any intention to “self treat” specified WEEE streams.

## 6. Comments on Impact Assessments

**Question 16 asked: Have the WEEE Impact Assessments for the Recast Directive (IA no. 0382) and/or the WEEE system (IA no. 0393) identified the costs and benefits arising from the proposed amendments to the UK WEEE Regulations? If not, please say why and provide supporting evidence.**

55. Producers largely agreed with the calculations in the impact assessments (IAs), believing that they offer a reasonable reflection of the costs and benefits of the proposals given the difficulties of accurately calculating the impacts. The majority of respondents supported the view that the assessments provide clear evidence for the need to change the current system. A small number presented some additional sources that support the conclusions reached in the IAs.
56. A number of respondents highlighted areas that they felt were not adequately covered. Some, for example, stated that IA 0393 does not adequately consider wider societal and commercial issues, whilst some others indicated that the costs of legal changes on existing contracts, administrative burdens and additional transport has not been fully incorporated. For IA 0382 a few respondents expressed the view that it did not fully assess the proposals to make substantiated estimates of unobligated WEEE. Where possible these have been accounted for in the final version of the IAs. However respondents who raised these issues did not provide additional evidence for BIS analysts to incorporate into the calculations, preventing them from addressing all of the gaps.
57. A number of respondents who did not agree with the calculations pointed to alleged weaknesses in some of the assumptions used in the IAs, argued that they are either not adequately substantiated or are untrue according to their own experience. Some simplifying assumptions are required to quantify impacts that would otherwise have been very difficult to estimate. All the assumptions used to make the assessments are based, as far as possible, on the latest data available. In addition, scenarios and sensitivity analyses are used in the IA to test critical assumptions, or where the exact features of the option (such as the level of the compliance fee in Option 3) will be unknown until put into practice.

## 7. Other Issues

### POWERS OF ENTRY PROPOSALS

58. The Powers of Entry proposals was asked in two parts:

**Question 21 Do you agree with the proposals to introduce the additional safeguards in relation to powers of entry?**

**Question 22 Are there any additional safeguards that you believe should apply? If so, please specify.**

59. The Powers of Entry proposals will be taken forward on a timescale that reflects the broader Government review arising from Protection of Freedoms Act 2012 that

seeks to reduce state intrusion and underline civil liberties. No changes have, as a consequence, been made to the existing WEEE Regulations.

## REVIEW OF UK'S PRODUCER RESPONSIBILITY REGULATIONS

60. The consultation referred to the wider consultation published jointly by Defra and BIS that sought to bring greater coherence across all the UK's producer responsibility derived from European Directives covering batteries, packaging, end of life vehicles and WEEE. The Government response to the [Producer Responsibility Review](#) was published on 10 September 2013.
61. The Government will consider the responses to that consultation and where appropriate come forward with specific proposals relevant to the WEEE Regulations on which further consultation will take place in 2014.
62. The Government has however removed the requirement for AATFs to be independently audited from the draft regulations and extended the powers of enforcement to include individuals employed by companies that have committed an offence.

## OTHER COMMENTS ARISING FROM THE CONSULTATION

**Question 23 asked: Please tell us if there is anything else you wish to say about any aspect of the consultation.**

63. We received 204 responses to this question many of which used this question to reinforce points made elsewhere in their responses. However a number of respondents felt that greater emphasis should be given to re-use in the revised Regulations. The Government continues to attach high priority to encouraging re-use. Article 11(6) of the Directive requires the European Commission to re-examine the collection targets, including the possibility of establishing targets for re-use in 2016. The Government will support the Commission's work and introduce any necessary amending legislation to take account any revisions to existing targets including a separate target for re-use. In the meantime, PAS 141 was launched in February this year and is the first standard for the treatment process of WEEE/UEEE (used electrical and electronic equipment) re-use operational in the UK. Developed by a group of industry experts working with BIS, the PAS 141 specification aims to address a general demand (from consumers, retailers and others) for reassurance that used apparatus is both electrically safe to use and functionally fit for purpose. PAS 141 will also be used to differentiate legitimate exports from illegal exports of WEEE under the guise of being sent abroad for re-use, by providing assurance that appropriate testing of equipment has taken place and allowing for a certificate to act as proof that products are genuinely for re-use.

## **Annex A: Impact Assessment**

The final stage impact assessments can be found on the WEEE consultation webpage.

<https://www.gov.uk/government/consultations/waste-electrical-and-electronic-equipment-weee-implementing-the-recast-directive-and-uk-system-changes>

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Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 5000

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