

Report on	Consultation on Reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE)
Date of Meeting	13 th February 2024
Reporting Officer	Mark McAdoo, Assistant Director: Environmental Services
Contact Officer	Karl McGowan, Waste and Sustainable Development Manager

Is this report restricted for confidential business?	Yes	
	No	X
If 'Yes', confirm below the exempt information category relied upon		

1.0	Purpose of Report
1.1	To seek approval for a consultation response on reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE).
2.0	Background
2.1	The Department for Environment, Food and Rural Affairs (DEFRA) is currently undertaking a UK wide consultation to seek views on reforms to the Waste Electrical and Electronic Equipment Regulations 2013, which are intended to drive up levels of separately collected WEEE for re-use and recycling. The Government wants to ensure producers and distributors of electrical and electronic products finance the full net cost of collection and proper treatment of products that end up as waste. The public consultation was launched on the 28 th December 2023 with a deadline for responses of the 7 th March 2024.
2.2	This consultation document sets out detailed proposals for reforms relating to the provision of collection infrastructure for household WEEE, financed by producers, of electrical and electronic equipment. It sets out detailed proposals for reforms to the take-back obligations that currently apply to distributors, i.e. retailers and online sellers. Finally, it sets out proposals to place new obligations on Online Marketplaces and on ensuring producers of vapes properly finance recycling costs when they become waste. The start of the rollout of the household waste collection system is anticipated from 2026, along with the other measures set out in the consultation document which can be accessed using the following link https://consult.defra.gov.uk/product-regulation-and-producer-responsibility/consultation-on-reforming-the-producer-responsibil/

3.0	Main Report
3.1	<p>WEEE Consultation Proposals The consultation sets out a number of proposals to drive up the levels of WEEE captured for re-use and recycling/ recovery to support a more circular economy and ensure all actors (producers, distributors and retailers both on-line and premises based) finance the full cost of collection and treatment of WEEE, in-line with the principles of Extended Producer Responsibility (EPR).</p>
3.2	<p>Policy Proposal 1 – Household Collections In order to increase the collections of WEEE from households, the government envisions a partnership style of arrangement, between local authorities and producers in order to deliver better collection of WEEE directly from households, for both smaller and more bulky items. However, the government are not proposing to mandate local authorities to establish a household collection service or to regulate how such a collection system might work. This partnership would be facilitated by a new body known as a Scheme Administrator (SA) who would match local authorities with Producer Compliance Schemes (PCS's) and manage effective communications to householders about the services available.</p> <p>Two sub-proposals are made under proposal 1:</p> <ol style="list-style-type: none"> 1. moving the point of producer responsibility from the local authority household waste and recycling centre to the home, by making the producers of electronic and electrical products responsible for financing kerbside collections of small household WEEE. It is anticipated that this new service will take the form of a regular collection rounds, which could be integrated with existing local authority kerbside collections. 2. addressing the collection of bulky WEEE by obliging producers (and distributors that do not provide take-back services) to cover the cost of collection typically provided by local authorities as a chargeable service. <p>Both of these new services would be free-of-charge to the householder, and by providing greater convenience would encourage more households to use the service, thereby improving the collection rates of all WEEE.</p>
3.3	<p>Policy Proposal 2 – Distributor Takeback In order to improve the existing distributor takeback system (DTS) and make it more convenient for householders to use, the government are proposing to strengthen the current DTS arrangements, whilst the policy proposals to improve household collections, set out in Policy Proposal 1 above, are developed and implemented.</p> <p>Since the beginning of 2021 all large retailers (i.e. those with an annual turnover of more than £100k) have had to provide a one-for-one, like-for-like takeback service on the sale of a new item, which meant that those retailers would no longer be able to discharge their takeback obligations via membership of a DTS.</p> <p>Five sub-proposals are made under proposal 2:</p>

1. extending this obligation to on-line retailers and for all retailers to provide a free of charge collection on delivery service for large domestic appliances.
2. requiring on-line sellers with a turnover of more than £100k to offer takeback of unwanted equipment on a one-for-one, like-for-like basis in the same way as other retailers of physical stores have had to since 2021, (e.g. a delivery and collection service or drop-off points).
3. expanding the current retailer takeback obligation for retailers with a turnover of more than £100k to takeback any item, regardless of whether a purchase has been made, but this could be restricted to items that the retailer sells (e.g. a shop that sells lighting will not be obliged to takeback a toaster).
4. improving the communications by requiring retailers to inform consumers about the options available to them at the time of purchase, replacing the current requirement, which is to provide such information on demand.
5. incentivising retailers to innovate to collect more WEEE by moving the point of producer responsibility to the retailer's store, distribution centre or bulking point, which would remove the cost to retailers of moving the WEEE to a re-use or recycling centre.

3.4 **Proposal 3 – Online Retailers and Fulfilment Houses**

There has been an increase in electrical and electronic equipment (EEE) sold through on-line marketplaces over the last few years. Unlike producers of EEE, on-line marketplaces presently have no obligations under the WEEE regulations and the government proposes to close this loop-hole by introducing a new category of producer that will encompass on-line retailers, who will be required to register with a PCS, submit data and pay fees.

3.5 **Proposal 4 – Vaping Products**

The number of disposable vaping products has increased significantly in recent years and these are in scope of the current WEEE regulations. However, according to research from Material Focus out of 7.7 million single-use vapes sold every week in the UK, at least 5 million are being inappropriately disposed of, resulting in littering and the suspected cause of fires in the waste sector. Up to 80% of the materials within vapes can be recovered, but the cost of this compared to other WEEE is significantly higher (industry sources suggesting they lie between £13k to £20k per tonne for vapes compared to £35 to £27 per tonne for other items). Therefore, the government are proposing to introduce a new category for vapes to ensure that producers pay the full cost of their collection and recovery, thereby removing this disparity.

3.6 **Proposal 5 – System governance, Scheme Administrator and Performance Measures**

The current WEEE regime is a market based system under which producers meet the full cost of collection and disposal of WEEE. However, it is also a bureaucratic system with several organisations involved in various aspects, including 26 registered PCS, as well as three other organisations approved to operate the compliance fee, distributor take-back scheme and the PCS balancing system. The principles of Extended Producer Responsibility may be better met by the creation of a producer-led Scheme Administrator (SA), who would be responsible for managing and administering specific functions of the revised WEEE system on behalf of producers and other stakeholders. Such a model would be similar to that

proposed to establish a Deposit Management Organisation, which would administer the proposed deposit return schemes for drinks containers, which are being established across the UK. The SA could be involved in some or all of the following aspects of a reformed WEEE regime:

- managing the Producer Balancing system for household WEEE (and non-household if necessary).
- administration of a DTS (for use by those distributors who are not required under the new system to offer in store take-back).
- development and administration of a compliance fee methodology in consultation with all PSCs, for approval by government.
- providing evidence and forecasts of the likely household WEEE arisings – presenting recommendations to government to inform setting annual financial obligations placed on PCSs for household WEEE collections.
- eco-modulation, by supporting government on potential new measures.
- assessing and reporting on environmental performance of the future system against key performance indicators, with recommendations to government on measures to improve that performance.

Weight based targets are the current measure of success, but this approach has its drawbacks, as the success measure is based on tonnage placed on the market in a given year, this is especially problematic when the replacement item is lighter to the item being discarded. The government are seeking views on alternative performance measures, including regular sampling of WEEE in residual waste, the amount of WEEE in fly-tipped waste, consumer awareness of recycling/ reuse opportunities, and that these metrics reflect the individual performance of each nation of the UK.

3.7 A proposed response to the consultation is provided as an appendix. The Council is broadly supportive of the proposals as a method of boosting household recycling of Waste Electrical and Electronic Equipment. (WEEE) with the main implications on the Council outlined below:

Collection Responsibility:

- Introducing a UK-wide household waste collection system, financed by importers and manufacturers, may add to, or alleviate the burden on local authorities for collecting small and bulky electrical items, depending on how this is delivered. If the onus is with local authorities and kerbside collections are to be implemented, this must be on the basis of Full Cost Recovery.
- The obligation for sellers to remove old appliances while delivering replacement items could reduce the strain on local waste services to manage large domestic appliances through bulky waste collections.

Changes in Waste Flow:

- Expanding collections for WEEE to kerbside may alter the flow of waste from HWRCs to household collections.
- Strengthening take-back obligations for retailers and online sellers may increase the return of unwanted items, thereby reducing the amount taken to HWRCs and placed in kerbside residual bins.

3.8	<p>Financial Impact on Local Authorities:</p> <ul style="list-style-type: none"> If financing for the proposed household waste collection system primarily comes from importers and manufacturers, there may be reduced financial pressure on local authorities for this aspect of waste management. However, changes in waste flow and increased expectations for take-back obligations on retailers and online sellers might require adjustments in local waste management practices, potentially incurring additional costs. <p>Impact of Online Marketplaces and Vape Regulations:</p> <ul style="list-style-type: none"> The proposed obligations on Online Marketplaces and the requirement for vape producers to finance recycling costs may change the type and volume of waste handled by local authorities. New regulations aligned with "Creating a Smoke-Free Generation and Tackling Youth Vaping" may necessitate adjustments in waste management strategies to accommodate the disposal and recycling of vape-related items. <p>Timeline Considerations:</p> <ul style="list-style-type: none"> The anticipated rollout of the household collection system from 2026 may be ambitious as local authorities will need time to adapt their waste management infrastructure accordingly. <p>In summary, while the proposed reforms aim to shift responsibilities and financing away from local authorities for certain aspects of WEEE waste management, changes in waste flows and additional obligations may still have implications that require careful consideration and planning. However, the proposed reforms do not propose mandated separate collections by local authorities and while producer partnerships with local authorities are considered a cost-effective and efficient approach, there will be no constraints on producers concerning delivery partners.</p>
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: The consultation has no financial considerations at this time, however, the future proposals, if adopted, will almost certainly have financial implications to Council in terms of staff time, changes to operational waste services and waste contracts. However payments by PCS's may offset all or most of these additional costs.</p>
	Human: None
	Risk Management: None
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: None</p> <p>Rural Needs Implications: None</p>

5.0	Recommendation(s)
5.1	Members are asked to approve the proposed consultation response as provided.
6.0	Documents Attached & References
6.1	Proposed WEEE Consultation Response