

The WEEE Directive

The Regulations

The EU Directive on Waste Electrical and Electronic Equipment aims to deliver a more sustainable approach to managing electrical and electronic waste by increasing the volume of material recycled and reducing the amount sent to landfill.

All producers are required to meet the requirements of the regulations, regardless of size or market share. Producers are defined as those manufacturing, importing or selling under own label electrical and electronic equipment.

The Directive divides WEEE into 10 categories, each of which have different targets for recycling and recovery. These are listed below.

All WEEE that is separately collected will, from August 13 2005, be required to be taken to an Authorized Treatment Facility to be treated under regulatory guidelines. These treatment requirements are listed below.

The regulations will also place a burden on retailers to ensure that an adequate network of collection facilities exists to allow consumers to dispose of their WEEE free of charge.

Producers

Producers are divided into two categories - those that supply electrical and electronic equipment (EEE) to consumers and those that supply to businesses. Many producers will fall into both categories, but each has different responsibilities.

For those that supply EEE to consumers, they will be required to:

- Register company information with a National Clearing House
- Provide annual sales data to this NCH. This is likely to be the number of sales units and their weight relating to each of the 10 categories.
- Finance and arrange for the collection, treatment and recycling/recovery of WEEE from Designated Collection Facilities (DCF) allocated to them by the NCH
- Report evidence to the NCH that this has been done.
- Demonstrate that financial provision has been made for the collection, treatment and processing of post-August 2005 products, unless the company has registered with a compliance scheme

Producers will have the option of performing these responsibilities themselves or outsourcing to a compliance scheme.

For those supplying to business users:

- For equipment supplied to businesses after August 13, 2005, producers must finance the costs of collection, treatment, recovery and disposal unless alternative arrangements have been made with the user
- For equipment supplied until August 13, 2005, producers are only responsible for financing the removal of equipment on a like-for-like basis

In addition, Producers will be required to:

- Ensure correct markings and labeling are on products placed on the market from 13 Aug 2005
- Provide information on components that can be reused and recycled

Retailers

Every retailer selling electrical goods, no matter how small a part of their business, will be required to register and contribute to a central fund or offer free in-store take back from August 13 2005 on a 'like for like' basis.

The government sees retailers as having the responsibility for ensuring that there is an 'adequate network' of facilities that allow consumers to be able to dispose of their WEEE free of charge. At the moment, the council Civic Amenity sites are seen as being the primary source of these facilities, but many of these require additional funding to develop the sites for improved WEEE collection. In addition, the government might require additional collection facilities to be provided on retail parks. The government therefore expects retailers to contribute the funds necessary to support these developments and expects the retail sector to create a compliance scheme that would raise the necessary revenue from those that joined.

However, retailers will also be given the option of not joining the compliance scheme in which case they will be required to offer 'in store take back'.

Where retailers opt for in-store take back, the decision must apply to all types of equipment sold.

Distance sellers (e.g. internet distributors) face the same responsibilities as shop-based retailers.

Retailers and distributors are entitled to free disposal paid for by producers if they deposit items collected on take back at a designated collection facility.

There remains uncertainty as to the licensing requirements for stores taking back WEEE. Many items of WEEE will be classified as 'hazardous waste' and will need to be collected by waste contractors from the stores under Section 62 arrangements, however, it is likely that any WEEE received by stores will be counted as their own waste and will therefore not lead to sites requiring a special licence.

Retailers will also have to provide information to consumers on how to dispose of electrical waste, either through the store if they operate take back or through the compliance scheme.

Scope

The directive divides WEEE into 10 categories, each with its own recycling and recovery targets. The scope of what is classified as WEEE has yet to be fully defined, but the government wishes the interpretation to be pragmatic and only apply the WEEE Regulations to items whose primary function requires the electrical component.

Therefore, an 'intelligent' talking teddy bear could be considered WEEE if its primary function was education, but if it just muttered a few words; its primary function could be considered as a cuddly toy. This definition would therefore exclude items such as singing greetings cards, musical socks etc.

The Regulations will specifically exclude certain items including:

- Products intended solely for military purpose
- Filament light bulbs
- Household luminaries
- Large scale fixed industrial tools
- Implanted medical devices

Further clarification will no doubt develop.

The 10 categories are as follows:

- Category 1 - Large household appliances (fridges, cookers, microwaves, washing machines etc)
- Category 2 - Small household appliances (vacuum cleaners, clocks, toasters etc)
- Category 3 - IT and Telecommunications equipment (PCs, mainframes, printers, copiers, phones etc)
- Category 4 - Consumer equipment (radios, hifi, musical instruments, videos, camcorders etc)
- Category 5 - Lighting equipment (Fluorescent tubes and holders, sodium lamps etc)
- Category 6 - Electrical and electronic tools (drills, sewing machines, electric lawnmowers etc)
- Category 7 - Toys, leisure and sports equipment (electric trains, games consoles, running machines etc)
- Category 8 - Medical devices (Analysers, dialysis, medical freezers etc)
- Category 9 - Monitoring and control equipment (smoke detectors, thermostats, scales etc)
- Category 10 - Automatic dispensers (hot drinks machines, sweet and chocolate bar dispensers, cash machines etc)

The targets for the categories are as follows:

- Categories 1 and 10 - 80% recovery and 75% recycling (recovery can include waste to energy)
- Categories 3 and 4 - 75% recovery and 65% recycling
- Categories 2,5,6,7 and 9 - 70% recovery and 50% recycling
- Gas discharge lamps - 80% recycling

Treatment

All separately collected items of WEEE must be taken to an Authorized Treatment Facility to have certain items removed prior to processing to meet the recycling and recovery targets. The definition of 'removed' has yet to be agreed and is a subject of consultation. For instance, can something be mechanically removed even though damage might occur or does it need to be done manually to avoid damage? Clearly, this will have a big impact on cost.

The items requiring removal are as follows:

- Polychlorinated biphenyls containing capacitors
- Mercury containing components
- Batteries
- Printed circuit boards of mobile phones and other items if above 10 sq cms
- Toner cartridges
- Plastic containing brominated flame retardants
- Cathode ray tubes
- CFCs, HCFCs, HFCs or HCs
- Gas discharge lamps
- LCDs greater than 100 sq cms surface area
- External cables

Like for Like

The definition of like-for-like products refers to equipment that performs the same function, e.g. a CRT TV when buying a LCD TV or a cassette player when buying an MP3 player.

Separate Collection

The WEEE Directive only requires items that are 'separately collected' to be dealt with as WEEE and taken to an ATF. Therefore, items placed in bins of mixed waste - such as the household wheellie bin - will not have to be dealt with as WEEE. There is some confusion as to how this may apply to business waste as in theory, it could mean that businesses could place electrical and electronic waste in their general waste bin and therefore not have to dispose of it through treatment. However, the government hopes that businesses will take a more environmental approach and given that many WEEE items will be classed as hazardous waste, will deal with their WEEE appropriately.

Like other member states to the EU, the UK government's transposition of the regulations has been delayed from the target implementation date of August 13, 2004. The draft regulations, which are currently out to consultation, are expected to be laid before parliament by the end of the year although consultation responses are not due until 29 October.

Timetable

The expected timetable is as follows:

January 1 2005 to August 12 2005

Registration for obligated companies for the period August 13 2005 to December 31 2006, based on the submission of data relating to electrical and electronic items placed onto the market in 2004

August 13 2005

Start of producer and retailer obligations

January 31 2006

Deadline for obligated companies to report back on compliance for the period August 13 to December 31 2005

January 1 to 31 2007

Re-registration based on the provision of data on electrical and electronic items placed onto the market in 2006

January 31 2007

Deadline for obligated companies to report back on compliance for the period January 1 to December 31, 2006