

## WEEE Consultation – Draft Response

### Proposal 1.1: For producers of electronic and electrical products to be responsible for financing kerbside collections of small household WEEE

### Proposal 1.2: For producers (and distributors that do not provide take-back services) of equipment to finance bulky waste collections for householders for large items of WEEE.

6. Do you agree or disagree that producers (and distributors that do not provide their own take-back services for electric and electronic goods) should finance collections of small WEEE (for example, toasters, small toys and tools), from households? Please select one of the following options: a. Agree b. Disagree c. Unsure

7. Please provide evidence any evidence you have to support your answer to question 6.

re3 considers that producers (and distributors that do not provide their own take-back services for electric and electronic goods) should finance collections of small WEEE from households - this will then provide an easy and convenient way for the public to recycle their WEEE. This will ensure as much WEEE as possible is properly recycled and does not end up in residual waste streams (the disposal costs of which are currently met by Local Authorities).

8. Recognising the need to balance frequency of service with efficiency, what frequency should a WEEE collection round be provided? Please select one of the following options: a. Weekly b. Fortnightly c. Monthly d. On demand

9. Please provide any evidence you have to support your answer to question 8.

The efficiency and effectiveness of any collection will be important, as will a level of frequency to ensure that residents remember when to make their WEEE available for collection. A fortnightly schedule is considered to be an appropriate balance.

10. Would there be benefit in providing for different arrangements to apply in different areas according to circumstances, for example, on demand in some areas and regular collection round in others? Please provide any evidence you have to support your answer.

An on demand collection service would seem to be an inefficient way of seeking to achieve Government's aim of addressing convenience and awareness.

11. What should items qualifying for this service be defined by: a. Weight b. Dimension

Dimension is a more practical method of qualification – more easily explained to consumers.

12. Please specify any products that, due to their properties, should be excluded from the small WEEE household collection service. Please provide evidence to support your answer

No items or properties should be excluded -for the convenience and awareness of residents. Otherwise items will continue to be disposed of via residual waste collections, where their components cannot be reused/recycled and where they are the potential cause of fires.

13. For any products listed in response to question 12, what measures should be put in place to drive up levels of their separate collection to minimise disposal in residual waste?

N/A

14. Do you agree or disagree that producers (and distributors that do not provide their own take-back services) should finance collection of large WEEE? Please select one of the following options: a. Agree b. Disagree c. Unsure

15. Please provide any evidence you have to support your answer to question 14.

If large items of WEEE are not included in the suite of measures that this consultation is working towards, it will call into question the value of the 'producer responsibility' approach. If producers (or distributors that do not provide their own take-back services) are unable or unwilling to directly capture large WEEE, they should be required to fund the provision of the same via another organisation (e.g. Local Authority, waste management company).

Where large WEEE is flytipped, despite the proposed measures, the cost of collection should also be covered by producer responsibility, regardless of whether take-back is locally provided.

16. Do you agree or disagree that a producer-led Scheme Administrator, approved by government, is best placed to determine the most practical and efficient delivery mechanism to manage producer obligations to finance small and large WEEE collections from households? Please select one of the following options: a. Agree b. Disagree c. Unsure

17. Please provide any evidence you have to support your answer to question 16.

The burden of proof should be applied to producers, to demonstrate that they are willing and committed to achieving the aims of this exercise. There may be some scepticism that producers will challenge themselves to achieve efficiency and effectiveness. Legally binding targets, with financial disincentives may be required.

18. Do you agree or disagree that the most efficient and cost-effective delivery of the obligation to provide a regular household collection service for small WEEE and bulky waste collections for large WEEE is likely to be achieved through partnerships between a

Scheme Administrator and Local Authorities and their waste management partners? Please select one of the following options: a. Agree b. Disagree c. **Unsure**

19. Please provide any evidence you have to support your answer to question 18.

Local Authorities, as ever, will be keen to support both their residents and the wider, environmental aims of this exercise. However, local authorities are under severe pressure in terms of their finances and, consequently, their capacity. Alongside this initiative, there are many other legislative changes that local authorities must comply with. We are confident that efficient and cost effective delivery of the obligation to provide a regular household collection service for small WEEE and bulky waste collections for large WEEE is entirely possible, via partnerships between a Scheme Administrator, Local Authorities and their waste management partners. However, it will be important to ensure that none of the stakeholders in that arrangement is subsidising either of the others. Local Authorities will need to be reassured that they would be compensated fully for their reasonable costs, incurred in undertaking collections of small and/or large WEEE.

20. If you answered agree to question 16, what, if any, safeguards might be necessary to ensure costs incurred by producers in meeting the WEEE household collection obligation are reflective of the actual costs of delivery through their service partners?

There are two perspectives, because both those engaged in the collection of post-consumer WEEE *and* the Producers will need to be appropriately treated in any new arrangements. Producers should be reassured that they will be funding a sustainable minimum cost for the collection of the items they have placed into circulation. The collection element of this circular economy, particularly where it relates to local authorities, must not be placed in a position where it is subsidising Producers.

21. Do you agree or disagree with the analysis of this proposal set out in the accompanying Impact Assessment? Please select one of the following options: 18 a. Agree b. Disagree. c. **Unsure**

22. Please provide any evidence you have to support your answer to question 21.

The Impact Assessment is based on an assumption that Local Authority collection vehicles will be able to accommodate the collection of small WEEE. This should not be assumed. Many vehicles may not be able to accommodate, or safely accommodate cages for the collection of other items. We would also caution against the assumption that all facilities would easily and cheaply be able to accommodate more WEEE. To be clear this is not about willingness but the unavoidable practical consideration of space, permitting/Planning and cost.

23. Are there are other means of delivering a cost effective and efficient household collection service to that described in question 18, with alternative delivery partners to Local Authorities and if so, what might that look like?

Undoubtedly a solution will emerge if the market conditions are right. We would reiterate that whilst remaining equitable to Producers, those involved in the collection of post-consumer WEEE will need to be appropriately engaged, supported and remunerated. Under such conditions, there should be no lack of options, either private or public sector.

24. Please provide any other comments and supporting evidence on the proposal for producers (and distributors that do not provide take-back services) to finance a system of kerbside collection of small WEEE and on-demand collections of large WEEE for households?

The service must be universal. Collections from rural areas, or high-rise dwellings, may incur additional costs but these areas must not be overlooked or disadvantaged. Similarly, as the proposals seem to recognise, there may be a need for some 'assisted' collections to support the elderly or disabled. These will have additional costs and may require enhanced procedures to ensure safety. Finally, the new arrangements must also recognise that communication issues (either through language or digital accessibility) must not be a barrier to participation.

25. Producers who place less than 5 tonnes of equipment on the UK market each year are exempt from financial obligations under the WEEE Regulations. Does that 5-tonne threshold remain appropriate? Please select one of the following options: a. Yes b. No c. Unsure

Five tonnes of WEEE is quite a lot. It would be helpful for you to estimate the number of Producers who place less than 5 tonnes on the market. The sum of their potential non-qualifying placement ( $xP \times <5tpa$ ) would then represent the worst case 'leakage' of WEEE into the new legislative environment. Regardless, it would seem appropriate to reduce the threshold to ensure that as much WEEE as possible is captured.

26. If you answered no to question 25, what tonnage threshold is appropriate? Please provide evidence in support of an alternative threshold

N/A

27. Are there alternative, non-regulatory approaches that could be established to increase separate collection of WEEE from households for re-use and recycling? If so, please describe what this might look like.

We do not consider that there are alternative, non-regulatory approaches that could be established. These would presumably already be in place if there were. That being said, the principal problem with this proposal is that it seeks to make the disposal of WEEE, albeit by much better means, much easier. That will likely create a false sense of virtue in the system. In short, the circular economy process you are seeking to create is driven by consumerism, and it will cycle too quickly to be of optimal environmental benefit. The focus on turnover emerges precisely because the process is imbalanced towards commercial imperatives. This is exemplified by the inherent focus on ease of capture and reducing costs of collection to the Parties who create the burden this exercise is now seeking to address. A slower-cycling circular economy would, be much more sustainable, involve specific measures to disincentivise poor design, maximising product life cycles and then for WEEE to be suitable for localised repair and reuse. While these latter aspirations may seem undeliverable, and would no-doubt be lobbied against by Producers, this exercise should take steps in this direction.

**Proposal 2.1: for internet sellers and retailers to provide a free of charge collection on delivery service, requiring the free takeback of large domestic appliances such as washing machines, dishwashers, fridges, freezers and TVs.**

**Proposal 2.2: for internet sellers with a turnover of over £100k of electrical sales each year to offer take-back of unwanted equipment on a one-for-one, like-for-like basis.**

**Proposal 2.3: for retailers with a turnover of over £100k of electrical sales each year to provide free takeback of unwanted electrical equipment in store without the need to purchase a new item (0:1 takeback)**

**Proposal 2.4: for retailers and internet sellers to make customers aware of their disposal options for unwanted equipment at the point of sale**

**Proposal 2.5: to move the point of producer responsibility (via Producer Compliance Schemes) to the retailer's store, distribution centre or bulking point.**

28. Do you agree or disagree that internet sellers and retailers should provide a free of charge "collection on delivery service", requiring the free takeback of large domestic appliances such as washing machines, dishwashers, fridges, freezers and TVs? Please select one of the following options: a. Agree b. Disagree c. Unsure

29. If you answered agree to question 28, should there be a reasonable time frame stipulated in which the unwanted item should be collected to allow for circumstances where it is not available for collection at time of delivery? Please select one of the following options: a. Yes b. No c. Unsure

30. If you answered yes to question 29, what should those timeframes be? a. 2 days b. 5 days c. 10 days d. No there should not be a reasonable timeframe stipulated.

31. If you answered agree to question 28, should this service be extended to collection of smaller items when a large item is collected? If so, should this be subject to reasonable limits in terms of how many items can be returned at once? Please select one of the following options: a. Yes b. No c. Unsure

32. Should retailers selling new household appliances as part of a new kitchen also be obligated to take away the old appliances from the household free of charge? Please select one of the following options: a. Yes b. No c. Unsure

33. Please provide any evidence you have to support your answer to question 32.

If an EEE item has the potential to become WEEE, it should be captured by the new arrangements.

34. Do you agree or disagree that we should extend the existing take-back requirements for large retailers from 1:1 to a 0:1 basis ie by removing the requirement to purchase an item for the take-back obligation to apply? Please select one of the following options: a. Agree b. Disagree c. Unsure

35. If you answered 'agree' to question 34, do you agree or disagree that such an obligation should be subject to reasonable limits as to the quantities of WEEE returned per householder? Please select one of the following options: 24 a. Agree b. Disagree c. Unsure

36. Do you agree or disagree that the definition of "large retailer" should be any business with an annual turnover of electrical and electronic equipment of over £100k? Please select one of the following options: a. Agree b. Disagree c. Unsure

37. Please provide any evidence you have to support your answer to question 36.

We don't have evidence as such but as the £100k limit is the existing one, it seems appropriate.

38. If you answered 'disagree' to question 36, what should an alternative threshold be? Please provide evidence to support your answer.

39. Do you agree or disagree that the obligation be restricted to retailers only taking back items that are similar to those sold in their stores? Please select one of the following options: a. Agree b. Disagree c. Unsure

40. Please provide any evidence you have to support your answer to question 39.

This would be an important part of controlling costs for the collection system. Retailers who receive 'takeback' items which are similar to those they sell, will have a general experience with those items that helps manage cost and inefficiency.

41. Do you agree or disagree that an alternative obligation to 0:1 takeback be available to internet sellers such as payment into a scheme, similar to the current distributor take-back scheme, be used to support increased levels of collections for re-use and recycling? Please select one of the following options: a. Agree b. Disagree c. Unsure

42. Please provide any evidence you have to support your answer to question 41.

Online retailers have historically enjoyed some trading conditions that are favourable, often to the benefit of consumers too. However, that should not exempt them from the fact that they are placing something with physical properties into circulation which must be recovered at the end of its operating life.

43. Do you agree or disagree that the current information requirements should be enhanced to ensure customers are provided with information about their recycling options 'at the point of sale'? Please select one of the following options: a. Agree b. Disagree c. Unsure

44. Please provide any evidence you have to support your answer to question 43.

One of your two key principles for this exercise was 'convenience and awareness'. To capture more WEEE, these will be fundamental and so we agree that information requirements should be enhanced. This sort of measure can also have a generally positive impact on other environmental imperatives, too. If residents are recognising and digesting information about WEEE, they may recognise and digest it about other, similar, initiatives.

45. Do you agree or disagree that the point of producer responsibility should be moved to the retailer or internet seller's premises such as the retailer's store, bulking point, distribution point? Please select one of the following options: a. Agree b. Disagree c. Unsure

46. Please provide any evidence you have to support your answer to question 45.

Moving the point of producer responsibility to the retailers store/internet sellers premises would act as a significant incentive (and remove a significant disincentive of having to deliver the WEEE to often remote PCS facilities). This would encourage more WEEE to flow into the correct channels.

47. Are there any other obligations we should place on retailers and/or internet sellers to increase levels of collections?

Mandatory targets should be set.

48. Please provide any evidence you have to support your answer to question 47.

Targets and measurement have been shown to work. For example they are considered appropriate in relation to local authority compliance with Extended Producer Responsibility and Simpler Recycling. The same should be applied to WEEE obligations on Producers.

49. Do you agree or disagree that Online Marketplaces and/or fulfilment houses should have 'take-back' obligations where they facilitate the supply of the product to the householder? Please select one of the following options: a. Agree b. Disagree c. Unsure

50. Please provide any evidence you have to support your answer to question 49.

Reverse distribution opportunities are available through this route, as through 'high street' retailers. That would seem to be invaluable in ensuring costs are minimised.

51. How long will industry need to adapt to the proposals set out above? Please select one of the following options: a. Up to 12 months b. 12 to 18 months c. 18 to 24 months d. 24 to 48 months

52. Please provide any evidence you have to support your answer to question 51

18 months seems a reasonable balance, especially considering this will not be a new activity to many stakeholders.

53. Do you agree or disagree that Online Marketplaces should be required to fulfil the producer obligations on behalf of their overseas sellers? Please select one of the following options: a. Agree b. Disagree c. Unsure

54. Please provide any evidence you have to support your answer to question 53.

As above, if an item of EEE has the capacity to become WEEE (as all will), it is important that any and all positions within the supply chain are geared-up to respond. It would be perverse for overseas sellers to have a potential trading advantage over UK-based sellers (which may be an outcome).

55. Do you agree or disagree that fulfilment houses should be required to meet the producer obligations on behalf of their overseas sellers? Please select one of the following options: a. Agree b. Disagree c. Unsure

56. Please provide any evidence you have to support your answer to question 55.

As above, if an item of EEE has the capacity to become WEEE (as all will), it is important that any and all positions within the supply chain are geared-up to respond. It would be perverse for overseas sellers to have a potential trading advantage over UK-based sellers (which may be an outcome).

57. Do you agree that Online Marketplaces/fulfilment houses should initially be able to use estimated weight data using a protocol agreed with the environmental regulators? Please select one of the following options: a. Agree b. Disagree c. Unsure

58. If you answered agree to question 57, please provide evidence to explain why exact data cannot be provided.

N/A

59. What additional costs will accrue to online marketplaces and fulfilment houses as a result of becoming defined as a producer?

N/A

60. Please provide any evidence you have to support your answer to question 59.

N/A

61. What other ways, if any, should government explore to tackle the issue of non-compliance with the WEEE Regulations by online sellers?

N/A

62. Please provide any evidence you have to support your answer to question 61.

N/A

**Proposal 3.1: to create a new discrete category of equipment for vapes.**

63. Do you agree with the proposal to create a new category for vapes? Please select one of the following options: a. Agree b. Disagree c. Unsure

64. What additional costs will accrue to producers, compliance schemes and regulators as a result of creating a new category for vapes? Please provide evidence to support your answer.

We are not sure about the classes of additional costs - though there would seem to be a current dearth of genuine post-consumer collection arrangements and so this is likely to be



an area in which costs grow. At present, the cost of handling disposable vapes largely falls to local authorities and therefore does not represent Producer Responsibility.

65. Are there any other measures, beyond those for eco-modulation and littering set out in the call for evidence, you think government should take to curb the environmental impact of vapes? Please provide evidence to support your answer.

re3 are supportive of a single use / disposable vapes ban due to the fact it encourages higher consumption / use of valuable resources and the significant cost burden of disposal. re3 want to see EPR on a full net cost recovery basis for all vapes including compulsory in store take back (for retailers of all sizes) and funding for other disposal points – this must also cover online retailers.

66. Do you agree or disagree with the principle of establishing Government approved, producer-led Scheme Administrator to carry out specified functions in the reformed WEEE system? Please select one of the following options: a. Agree b. Disagree c. Unsure

67. Please provide any evidence you have to support your answer to question 66.

The Scheme Administrator must be wholly and completely independent of Producers.

68. If you answered no to question 66, please set out details of an alternative approach to a Scheme Administrator.

The Scheme Administrator should be a public sector (Government) body, whose aims and objectives are to deliver compliance with the objectives and targets of the scheme, ensuring the equitability of the arrangements for the public, producers, local authorities, and waste management companies alike.

69. Which of the following functions do you think the Scheme Administrator should carry out?

- a. managing the Producer Balancing system for household WEEE (and non-household if necessary)
- b. administration of a Distributor Takeback Scheme (for use by those distributors who are not required under the new system to offer in store take-back)
- c. development and administration of a compliance fee methodology in consultation with all PCSs, for approval by Government
- d. 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
- e. eco-modulation – support Government on potential new measures which could be applied to specific product categories, including development of a methodology upon which to base the modulation
- f. assess and report on environmental performance of the future system against key performance indicators with recommendations to Government on measures to improve that performance

All of the functions

70. Are there any additional functions the Scheme Administrator should carry out, in addition to those set out in question 69.

#### Communication

71. Please provide any other comments on the role of a Scheme Administrator.

72. Which of the alternative performance indicators listed in the section above do you agree or disagree should be included in the future system? a. Quantity or weight of WEEE in residual waste. b. Convenience of recycling. c. Volume of WEEE in fly-tipped waste in each of the nations. d. Level of consumer awareness of value and opportunities for reusing or recycling WEEE. e. Regular assessment of the carbon impact the UK WEEE system. f. Assessment of circular economy performance of the system. g. Improvements in the quality of WEEE treatment processes. h. Amount of WEEE diverted for reuse.

N/A

73. Are there any other measures of success which government should consider to assess the performance of the system?

Capture rate of WEEE (%)

Coverage of service, though this might be better expressed as 'average time for collection' and illustrated in regions.

74. Should information be collected to a level to support regional or local? Please select one of the following options: a. Yes b. No c. Unsure

END.