

WEEE Directive Recast Updated Position

Summary

The Waste Electrical and Electronic Equipment (WEEE) Directive was first agreed in 2002 with an initial implementation deadline of 2005. The UK failed to transpose the legislation into domestic law within this timeframe and instead the legislation came into force on 2 January 2007.

The Directive provides for the management of different types of WEEE, for example fridges; IT equipment; alarm clocks and hairdryers with targets for collection and recycling. In December 2008 a proposal to revise the Directive was published. The European Parliament has now issued its response to the 2008 proposals and this draft report seeks members' endorsement for our lobbying on this issue.

The Directive and proposals do not place any direct obligations on local authorities. However, many local authorities play a role in collecting WEEE at civic amenity sites which are Designated Collection Facilities. Changes are therefore likely to have some knock-on impacts on those authorities.

Recommendations

To endorse the **key issues** at paragraphs 7 to 9 and acknowledge the additional issues to enable lobbying of MEPs and UK Government in advance of the June European Parliament plenary.

Action

No action required.

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Background

1. The LGA welcomes the review of the WEEE Directive and supports the European Commission's aims of reducing administrative costs, improving effectiveness and most significantly reducing impacts on the environment.
2. Through the revision the Commission aims to:
 - increase collection rates;
 - prevent 'sham' recovery i.e. waste either sent to landfill or treated in a substandard way;
 - improve resource efficiency;
 - reduce illegal trade in waste shipments; and
 - improve implementation.
3. The Directive and proposals do not place any direct obligations on local authorities. However, many local authorities play a role in collecting WEEE at civic amenity sites which are Designated Collection Facilities. Changes are therefore likely to have some knock-on impacts on those authorities.
4. In line with the 'polluter pays principle', the full costs of WEEE management should be met by consumers, through producers and not by taxpayers in general through local authorities.
5. The extension of producer responsibility to costs of separate collection of WEEE from households should be mandatory. Providing Member States with discretion will lead to differences in implementation and an un-level playing field in the EU market.
6. Full detail of the previously agreed LGA position on WEEE is provided in the annex to this report.

Key Issues

Producer Responsibility for cost of separate collection from households (Article 12)

7. Under the Commission's proposals, national governments will be given the option to 'encourage' producers to meet the costs of separate collection from households. The LGA believes that in line with the 'polluter pays principle', the full costs of WEEE management should be met by consumers through producers. These costs should not fall upon local authorities or on taxpayers in general through local authorities. This should include costs of separate

collection from households. It is worth noting that should the burden be placed on Waste Collection Authorities to collect WEEE, there could be a risk that producers become more complacent in their other obligations for in store collections and so forth.

8. Responding to the Commission's proposals, the European Parliament draft report wants national governments to ensure that producers finance the cost of collection of WEEE deposited at collection facilities but stops short of calling on producers to finance the cost of collection from private households.
9. Members are invited to endorse the position that producer responsibility is extended to cover all costs of collection, including collection from private households. Further detail of examples of kerbside collection options are provided in the annexed report at paragraphs 13 and 14.

Additional Issues

Higher Collection targets (Article 7)

10. The Commission has proposed a change from the current blanket collection target of 4kg per inhabitant in all Member States to 65% of the average weight of equipment placed on the market over the two previous years in each Member State to take account of differences of rates of use of equipment across Member States.
11. The LGA considers that this methodology is more equitable; however the two year period for the average appears somewhat arbitrary, given the range of life spans for different types of EEE.
12. The European Parliament's draft report wants to introduce the 65% target over a three year reference period instead of two. It also suggests introducing an interim yearly target of 45% from 2013 to 2015 in the run-up to 2016 using the three-year reference period. We would support the three year calculation. The European Parliament draft report initially indicated that the target would be calculated on a monthly rather than yearly target and so advice received from LGA advisers were in relation to this monthly target. An oral update on the revised yearly target will be given following a meeting with waste advisers.

Non-Household Waste (Article 2)

13. The European Parliament draft report states that the Directive should cover all electronic equipment, rather than pertaining to a specific list as drawn up by the Commission. The draft report also reduces the number of WEEE categories from 10 to 5. The UK currently collects WEEE using 13 different category types. The majority of local authorities do not collect more than 5 categories. The UK Government and the Environment Agency report on these targets to the

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European Union and there would likely be no onus on local authorities to do this.

Amendment 19 - Article 8

14. The European Commission will develop harmonised standards for the collection, treatment and recycling of WEEE. The LGA had previously called for standardised treatments across the EU and therefore welcomes this amendment.

Financial Implications

15. The Directive and proposals do not place any direct obligations on local authorities. However, many local authorities play a role in collecting WEEE at civic amenity sites which are Designated Collection Facilities. Changes are therefore likely to have some knock-on impacts on those authorities.

Implications for Wales

16. Welsh councils are regulated in the same way as English authorities by the Environment Agency and therefore there should be no separate implications for Welsh councils.

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