

# LGA Position on the recast of the Waste Electrical and Electronic Equipment (WEEE) Directive

April 2009

## Contents

### Key messages

- Introduction
- Background
- Key issue:
  - Producer responsibility for cost of separate collection from households
- Additional issues:
  - Higher collection targets
  - Non-household waste
  - Reporting obligations for producers
  - Enforcement
  - Re-use of equipment
  - Eco-design
- Issues not sufficiently considered in the proposals :
  - Stimulation of the market
  - Treatment standards

---

## WEEE Directive Revision

---

### **Key messages**

- 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.
- 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.
- 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.

### **Introduction**

1. The Local Government Association (LGA) represents over 400 councils in England and Wales. The LGA exists to promote better local government. We work with and for our member authorities to realise a shared vision of local government that enables local people to shape a distinctive and better future for their locality and its communities.
2. This position focuses primarily on issues related to England.
3. This position has been produced based on discussions with a wide range of stakeholders local authority representatives, including from the National Association of Waste Disposal Officers and the Local Authority Recycling Advisory Committee.
4. The position has been politically agreed by lead members of the LGA Environment Board.

### **Background**

5. The 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.
6. The Directive provides for the management of different types of electrical and electronic equipment, for example fridges, IT equipment and smaller equipment such as alarm clocks and hairdryers. The Directive sets out targets for collection and recycling.

7. Following UK implementation of the Directive, many local authorities play a role in the collection of WEEE at civic amenity sites and some offer collection from households.
8. The Commission undertook a range of studies on the impact of the Directive in 2007, and in 2008 issued a stakeholder consultation on potential future options. The LGA provided a response to this. In December 2008 a proposal to revise the Directive was published.
9. 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.

## **Key Issue**

### **Producer responsibility for cost of separate collection from households (Article 12)**

10. Under the Commission's proposals, national governments will be given the option to 'encourage' producers to meet the costs of separate collection from households.
11. The LGA agrees that 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.
12. It is hard to imagine that producers would voluntarily meet these costs unless obligated to do so. We therefore urge that the extension of producer responsibility to costs of separate collection from households is not optional. Providing discretion for Member States on this issue is likely to lead to differences in implementation and an un-level playing field in the EU market for electrical and electronic equipment, which the Commission is keen to avoid. The revision of the Directive should be seeking greater harmonisation of financial responsibility across Member States, not creating more opportunity for variation.

#### *Issues related to UK transposition*

13. Extending producer responsibility to these costs would provide local authorities with the opportunity to offer a service to help producers meet their targets, in the form of a kerbside separate collection of small WEEE to householders. This would help to increase collection rates for a category that often ends up in landfill, with the associated environmental benefits. However, due to the variety of different systems of collection, with many currently operating to capacity, local authorities must not be obligated to provide such a service.
14. The cost for this separate collection will naturally vary between local authorities, however producers would not be obligated to use local authority collection services offered, and could establish their own schemes or those provided by other private sector companies, as an alternative. Market mechanisms would therefore be used to address separate collection of WEEE from households in the most efficient way.

## **Additional Issues**

### **Higher collection targets (Article 7)**

15. The Commission has proposed a change from the current blanket 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.
16. 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.
17. Figures indicate that in the UK the proposed 65% target currently equates to approximately 15.5kgs per inhabitant. In 2007 the UK collected 6.2kg per inhabitant and 2008 figures are expected to show collection of around 7.2kgs per inhabitant (approximately 25% and 30% placed on the market respectively).
18. The LGA welcomes ambitious recycling targets in order to incentivise producers. The targets should be accompanied by further work to increase consumer awareness
19. The problem of a percentage being lost to improper treatment and illegal export should not be addressed by raising the collection target alone. The rules for shipment of WEEE referred to in Article 10(3)) will be vital for the achievement of the aims of the revision.

### *Issues related to UK transposition*

20. Achievement of such targets may require extra capacity at local authorities' civic amenity sites and other Designated Collection Facilities. Costs incurred by local authorities as a result, such as extra staff and containers should be met by producers.

### **Non-household waste (Article 2)**

21. The LGA agrees that this waste stream should be targeted through inclusion in the new classification of WEEE to manage the risk of non-household waste not being managed appropriately within the system.

### *Issues related to UK transposition*

22. The onus for achieving collection of non-household waste must rest with producers. Local authorities require flexibility to decide on their involvement in the management of non-household WEEE, based on local conditions as:
  - Not all will have the capacity or resources required;
  - Potentially large quantities of business waste could swamp civic amenity sites;
  - Some civic amenity sites currently accept commercial waste and some do not; and
  - Local authorities may not wish to give conflicting messages to business regarding access to waste management facilities.

### **Reporting obligations for producers (Article 16)**

23. Proposals that make it easier for producers to manage WEEE across the EU market, including harmonised reporting along with interoperable national registration systems should be encouraged.
24. Local government's requirements of accessibility and timeliness of data for their own reporting purposes must continue to be met through any new reporting arrangements.

### **Enforcement (Article 20)**

25. The LGA welcomes minimum inspection requirements for Member States including minimum monitoring requirements for shipping WEEE to strengthen the enforcement of the directive.
26. We consider that this will help to prevent illegal exportation of WEEE and, as a result, strengthen public confidence in its correct treatment.

### **Re-use of equipment (Article 11)**

27. It is appropriate to aim to increase re-use of whole appliances in accordance with the waste hierarchy, but a clear distinction must be made between re-use without first becoming waste (e.g. through reuse networks), which should not count towards targets, and reuse after the items have become waste, such as reuse of goods from local authority Designated Collection Facilities.
28. We note that there is no control over the condition of WEEE presented at civic amenity sites and that some old inefficient appliances may be more appropriately recycled than re-used.
29. In addition, we support providing obligatory access to collected WEEE for the reuse sector to help stimulate a small but valuable sector.

### **Eco-design (Article 4)**

30. The LGA considers that the stimulation of eco-design is essential as in the medium term it will support consumer education and increased pro-environmental behaviour. It will also reduce the carbon footprint of the products and lead to a smaller quantity of waste being disposed of to landfill and/or energy from waste plants.

## **Issues not sufficiently considered in the proposals**

### **Stimulation of the market**

31. Stimulation of a pan-EU outlet market for recycled and recovered product is essential in reducing the life cycle impact of WEEE and helping restore public confidence that WEEE is being treated appropriately. Sufficient consideration is not given to the stimulation of the outlet market for recycled and recovered product.
32. We therefore urge the Commission should therefore carry out research into how the EU market can be developed.

### **Treatment standards**

33. No changes are proposed by the Commission regarding treatment standards for WEEE. Treatment should comply with minimum standards and should be carried out in line with best available techniques.
34. EU treatment standards should be developed to create a level playing field and limit sham recovery and the environmental impact of the recycling/recovery process.

### **Further information**

Cassandra Harrison, Policy and Public Affairs officer, LGA European & International Unit

[cassandra.harrison@lga.gov.uk](mailto:cassandra.harrison@lga.gov.uk)

Dominic Rowles, Policy and Public Affairs officer, LGA Brussels Office

[dominic.rowles@lga.gov.uk](mailto:dominic.rowles@lga.gov.uk)