

Proposed UK WEEE Regulations – Summary August 2006

In preparation for the transposition of the EU WEEE Directive (2002/96/EC) into national law, the Department of Trade and Industries (DTI) has issued a second draft of the proposed UK WEEE regulations and guidance documents. The following is a brief summary.

The time table established by DTI is:

October 17, 2006	Comments due
January 1, 2007	Regulations in place
April 1, 2007	Producer scheme obligated for household WEEE containing CFC's, CRT's and gas* discharge lamps
April 1, 2007	All non-household WEEE recycling
July 1, 2007	All household WEEE recycling

* CFC's are ozone depleting materials, CRT's are cathode ray tubes and gas discharge lamps are typically mercury containing lamps and are not incandescent filament lamps.

Roles of the Various UK Government Agencies are:

- The Department of Trade and Industries (DTI) is transposing the EU Directives into national legislation. This is to be completed this year.
- The Department of Environment Food and Rural Affairs (Defra) is finalizing the permitting requirements for the WEEE treatment and processing facilities.
- WEEE enforcement will be handled by the Environment Agency (England and Wales), SEPA (Scotland) and Environment and Heritage Service (Northern Ireland).

There are four (4) draft documents involved in the current consultation-

1. Statutory Instruments (SI) (51 pages)
2. WEEE Consultation Part I – Implementation (38 pages)
3. WEEE Consultation Part II – Guidance (80 pages)
4. WEEE Consultation Part III – Partial Regulatory Impact (44 pages)

The DTI has clearly laid out the regulatory requirements and roles and responsibilities of the different parties involved in the management of Waste Electrical and Electronic Equipment (WEEE). The current draft SI is almost double the length of the 2004 draft WEEE regulations, 51 pages verses 25 pages. The additional text is clarification of roles rather than creation of new requirements. The Draft SI contains 14 Parts and 10 Schedules.

Definitions are clear and provide good direction. There are some areas where additional guidance would be helpful for companies with products which fall in the grey areas. If there is any comment, it is to better define the point when grey area products are in or out of scope for the national law.

Producer responsibilities are listed and include joining a scheme (which is highly encouraged); providing EEE and WEEE information; recordkeeping; having a registration number; and marking product with a crossed out wheelee bin, producer name and date. The financial obligations for household and non-household WEEE are detailed as well as the responsibilities of the producer or company schemes (should a company act as a collector of WEEE)

Distributors play an important role as they interface with the consumer. Distributors may join a national distributor's scheme, a national scheme or may establish a relationship with local municipal collection sites. While there are flexible and cost effective approaches, there are checks and balances to assure the WEEE is properly managed. Distributors are encouraged to join a scheme and have the obligation to provide WEEE information to household end users.

Records and reporting are a central point of the WEEE management program. Minimum record retention is six years.

Producers are also responsible for providing information to the WEEE treatment and reprocessing facilities to help ensure proper WEEE management.

Reuse of whole products is encouraged but also requires recordkeeping as whole product reuse is not credited on the recovery calculations.

The "Appropriate Authority" is set out in the definition section. This varies with the region and is important for approvals and reporting obligations.

Exports outside the UK are permitted but the receiving operation has to be equivalent to UK approved treatment or reprocessing. This would not be hard to validate within the EU but may be a documentation issue for non-EU reprocessors.

The financial responsibility for household and non-household WEEE is covered in several sections. WEEE that was placed on the market before August 13, 2005 is the responsibility of the final user. The regulations allow producers of non-household EEE to establish individualized WEEE management agreements/contracts but are clear that in the absence of an agreement, the producer is responsible for collection, treatment, recovery and environmentally sound disposal (end of life management) of the WEEE.

There is a general provision that allows a person to refuse to deal with contaminated WEEE that poses a health or safety risk. This does complicate the management of the product in question because it now has to be managed in accordance with the hazards of concern.

Conclusion:

There are many details and records involved in managing WEEE in the UK. The DTI has done a very good job of laying out the steps for a compliant program. Affected businesses should join a scheme and provide sales information on the number and weight of EEE placed on the market. They also need to keep track of EEE that they place in other EU countries. The businesses should also know the percentage of product sales to household and non-household users. Non-household WEEE management agreements need to be part of the business records that the producer keeps. Record retention should be the six year minimum and extended to match the typical life expectancy of the product.

Comments will help the DTI formulate better regulations and guidance. The final text of these draft documents will not be available until the law is accepted by Parliament (expected by the end of 2006) and the guidance documents are finalized by DTI.

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