

**EXPLANATORY MEMORANDUM TO  
THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (AMENDMENT)  
REGULATIONS 2007**

**2007 No. 3454**

1. This explanatory memorandum has been prepared by the Department for Enterprise Business and Regulatory Reform (BERR) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These Regulations amend The Waste Electrical and Electronic Equipment Regulations (2006/3289) (“the 2006 Regulations”).

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

- 3.1 The amendments made by these Regulations include the correction of minor technical errors in the 2006 Regulations. In relation to those errors identified by the Committee in its meeting on 21 February 2007 and included in the 9th Report of 2006/07, a memorandum was submitted to the Department of Trade and Industry indicating that the amendments would be made at the earliest convenient opportunity.

4. **Legislative Background**

- 4.1 These Regulations are made under section 2(2) of the European Communities Act 1972. They amend the 2006 Regulations which transpose the main provisions of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (OJ No. L37, 13 February 2003) as amended by Directive 2003/108/EC (OJ No. L345, 31 December 2003) (as amended “the Directive”). A Transposition Note was prepared for the 2006 Regulations and a copy is attached to this memorandum.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 The 2006 Regulations place obligations on the producers of electrical and electronic equipment to finance the collection, treatment and environmentally sound disposal of such equipment when it reaches its end of life. These Regulations amend the 2006 Regulations.
- 7.2 In particular, these Regulations provide that an operator of an approved authorised treatment facility and an approved exporter may issue evidence in relation to waste electrical and electronic equipment (WEEE) that is reused as a whole appliance. The purpose of this amendment is to ensure that items prioritised for reuse are not lost from the WEEE system and also that these items are handled by appropriate reuse organisations (either charitable or private sector). It will mean that producers and producer compliance schemes will be able to use evidence of reuse of whole appliances to satisfy their obligations under the WEEE regulatory regime. This amendment is needed as a means to encourage the prioritisation of reuse of whole appliances within the WEEE system and have been proposed following the consideration of representations from the producer, waste management, and reuse sectors. There are a number of consequential amendments as a result of this amendment.
- 7.3 These Regulations also provide final holders of WEEE with a right to return household WEEE directly into the system without charge. The purpose of this amendment is to ensure that professional end-users, for example those working in the repair industry, are able to place WEEE into the system free of charge. The Directive required member states to establish a network of facilities for end-users to be able to return WEEE into the system free of charge. These amendments fill a gap in the 2006 Regulations which could have left a small number of end-users without the means to return WEEE to the system free of charge. This gap will now be closed with this new provision. There are a number of consequential amendments as a result of this amendment.
- 7.4 These Regulations also provide for a new criminal offence. The new offence allows enforcement action and penalties to be taken against officials who share with unauthorised third parties any information they acquire as a result of their work in monitoring or enforcing the 2006 Regulations. This provision is provided to address concerns expressed by obligated parties who are required to show commercially sensitive information to officials.
- 7.5 There are a number of further minor amendments which do not represent significant policy changes and are mainly of a technical nature.
- 7.6 These Regulations have been developed following informal consultations with all the parties involved in the UK WEEE system. A paper summarising the changes introduced as a result of these Regulations and revised Non-Statutory Guidance notes will be issued via the BERR website.

## **8. Impact**

- 8.1 The amended 2006 Regulations have impacts on the free take-back rights of some last holders of household WEEE and impacts on the reporting of the re-use of

whole appliances of WEEE. It is expected that the amendments will impact either on relatively few businesses, or will involve relatively small volumes of WEEE, or will not involve significant additional administrative burdens.

- 8.2 In terms of costs to the public sector whilst introducing evidence for the re-use of whole appliances of WEEE may involve some small additional monitoring costs on behalf of the enforcement authorities, the fact that the issuing of such evidence is being restricted to approved and authorised bodies should enable the same enforcement authorities to save resources ensuring re-use has been undertaken appropriately.
- 8.3 For these reasons these Regulations are not expected to impact significantly on the cost and benefit estimates outlined in the Regulatory Impact Assessment (RIA) produced to support the 2006 Regulations and are still considered to be up to date and appropriate. A copy of the relevant pages from the RIA for the 2006 Regulations is attached to this memorandum.

## **9. Contact**

- 9.1 Debra Huntington at the Department for Business Enterprise and Regulatory Reform tel: 01142 794318 (Sheffield) 0207 215 1475 (London) or email: [Debra.Huntington@berr.gsi.gov.uk](mailto:Debra.Huntington@berr.gsi.gov.uk) can answer any queries regarding the instrument.

## ENFORCEMENT AND SANCTIONS

127. The Environment Agency (England and Wales), the Scottish Environment Protection Agency (Scotland), and the Environment and Heritage Service (Northern Ireland) are to enforce producer obligations. The SI contains a number of offences for which there are potential penalties and fines. Fines for offences vary according to the offence committed, but can be unlimited. The DTI will appoint the enforcement body for the aspects of the SI where there is direct consumer interaction – i.e. signs and information provided by distributors, operation of take-back, and product markings, the costs of which have yet to be established.

128. Enforcement costs are to be finalised, but are not expected to exceed £1.7 million per annum in total to cover the enforcement of producer and distributor obligations under the Regulations.

## MONITORING AND REVIEW

129. The DTI will monitor the impact and effectiveness of the SI with the help of the Devolved Administrations, the environment agencies and stakeholders. The DTI will undertake an evaluation of the SI to assess its effectiveness and how implementation should develop in the light of practice and experience.

## SUMMARY AND CONCLUSIONS

130. This final RIA outlines indicative estimates of the benefits and costs of the DTI's SI to transpose the WEEE Directive in the UK. The numbers given in this RIA can only be seen as being indicative given the limited amount of data available and the range of assumptions that need to be made to enable estimates to be undertaken.

131. Estimates are made in relation to current practice in the UK with regard to EEE and WEEE in the UK continuing in the future. But even determining the base case is not straightforward given there is relatively little firm information on exactly how all EEE is dealt with currently when it arises as waste in the UK.

132. Where valued, the costs of the SI principally relate to additional costs for the separate collection of WEEE, its treatment, and its recovery to levels not achieved previously in the UK.

133. It is expected that the costs of treating items of WEEE will fall over time for the following reasons: developments and innovations in treatment technologies and techniques; from 'learning-by-doing'; falls in the numbers of refrigeration equipment requiring ODS removal; falls in the numbers of CRT televisions as LCD and plasma screens become more widespread; and falls in 'hazardous' WEEE as the RoHS Directive begins to impact on WEEE.<sup>1</sup>

134. The costs from the SI also need to be seen in the context of the size of the electrical and electronic market. In addition, it is possible that many producers will seek to pass on at least some of the costs of the WEEE Regulations to consumers, and this is what the European Commission expected for the WEEE Directive itself. In its Explanatory Memorandum, the European Commission estimated that the types of price changes that may result from the WEEE Directive would be in the region of 1-3 per cent price increases, and that these are "*..likely to diminish as economies of scale and innovation bring down the costs of separately collecting and treating WEEE.*"<sup>2</sup>

135. Where valued, the benefits of the SI principally relate to additional benefits in terms of reductions in the negative externalities from landfilling waste in the UK and in terms of climate change benefits, where the treatment and re-use and recovery of WEEE leads to reductions in greenhouse gas emissions.

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<sup>1</sup> The RoHS Directive restricts the use of certain hazardous substances in new electrical equipment from 1 July 2006. When this new equipment is discarded at end-of-life in the future it should require less treatment than 'historic' WEEE because it will contain less hazardous material and substances.

<sup>2</sup> Explanatory Memorandum to WEEE and RoHS Directives, Page 26.

136. Not all of the benefits of the SI can be valued in monetary terms at this stage. Given that virtually every person in the UK comes into contact with electrical and electronic equipment (EEE) on a daily basis, and the use of EEE continues to expand into all areas of life, implementation of the WEEE Directive is likely to have a positive impact in terms of promoting more sustainable consumption and production in the UK.

137. In addition, and given the widespread use of EEE in the UK, implementation of the WEEE Directive may have positive effects on raising awareness with regard to waste and recycling amongst consumers and businesses further. This could lead to positive impacts on other waste streams such as packaging waste, spent batteries, and on waste and recycling issues generally.

138. RIA Guidance suggests that a ten-year time-period is often used as a 'typical' period over which to assess the costs and benefits of a regulation. In this context the 2017 date used in Table 13 represents the estimated long-run, recurrent, costs and benefits of the SI. This is because by this date it is estimated that virtually all WEEE arising in the UK could be collected separately, treated and recycled. The present value of this net cost is shown Table 13. The equivalent annualised costs of the total net present value of costs and benefits over the period 2007-17 is also shown in Table 13.<sup>3</sup> It should be remembered that there is much uncertainty surrounding these estimates given the range of factors involved and the lack of data available to make estimates.

139. Tables 13, 14 and 15 summarise estimates of the costs and benefits of implementing the WEEE Directive in the UK. Table 13 provides estimates of costs and benefits of the SI to transpose the WEEE Directive into UK law. Table 14 outlines estimates for a range of other options that do not form part of the SI. Table 15 breaks down cost estimates in terms of policy and implementation costs.

140. In terms of Table 14, and as outlined in the section on options there are a range of means by which WEEE can be physically allocated to producers and a range of means by which producers can discharge their financial obligations in relation to WEEE. It is not straightforward to estimate the additional costs and benefits of all the options available. In a number of cases it is not clear that alternative options to the SI will result in significant additional benefits.

141. For example, if producers are obligated to collect WEEE arising on an individual by individual basis this presents huge challenges in terms of logistics, can result in increased costs of transport, and can limit the scope to obtain economies of scale in the treatment and recycling of WEEE in larger volumes.

142. Also, and for example, a mandatory visible fee would bring its own costs in terms of administrative costs. We can proxy these potential costs from the costs incurred in collecting other mandatory taxes and fees. HM Revenue and Customs estimate that it costs them around 1 pence to collect every £ of tax in the UK.<sup>4</sup> The BBC calculates the costs of collecting the Licence Fee at some £152 million for a licence income of £2.9 billion.<sup>5</sup> If we use these figures as proxies for costs of administering a mandatory visible fee for WEEE this would imply a range of costs as shown in Table 14.

143. In terms of Table 15, RIA Guidance suggests distinguishing costs of regulation between policy costs and implementation costs, as the later can be considered as a proxy for the 'red-tape burden' of policy. In relation to transposing European legislation this distinction is not always clear-cut.

144. The WEEE Directive, for example, requires member States to register producers of electrical equipment and for these producers to mark electrical and electronic equipment. Neither of these requirements directly contributes to environmental protection, but the UK cannot avoid transposing these requirements of the WEEE Directive and so making these requirements part of the policy achieving transposition. In this context, all of the costs from the WEEE Directive can be seen as policy costs. However, if we assume policy costs relate to the direct costs of

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<sup>3</sup> The equivalent annual cost is the constant annual cost (or annuitised value) which is equivalent to (i.e. has the same present value as) a project's actual costs.

<sup>4</sup> HM Customs and Revenue Annual Report, 2004/05.

<sup>5</sup> BBC Annual Report, 2004/05.

environmental protection and implementation costs relate to costs incurred to facilitate achievement of this ultimate objective, then we can make an estimate of policy versus implementation costs as outlined in Table 15.

**Table 13: WEEE Implementation under the draft SI: Total WEEE – Household plus Non-Household WEEE (£ million pa)<sup>6</sup>**

	2007	2008	2009	2013	2017
<b>Costs</b>					
Household WEEE collection, treatment and recycling <sup>7</sup>	44-47	104-119	110-125	143-198	174-232
Non-household WEEE collection, treatment and recycling	29-43	90-112	94-117	110-140	128-169
Information for users	17-20	17-20	17-20	17-20	17-20
Information for treatment facilities	6-8	6-8	6-8	6-8	6-8
Registration of producers and other information and reporting and monitoring and enforcement	5	5	5	5	5
<b>Total Cost</b>	111-133	223-265	233-276	282-373	331-434
<b>Benefits</b>					
<i>Household WEEE</i>					
Reduced resource use and externalities from landfill	4	10-11	11-13	17-21	20-25
Reduced CO2	1-5	4-15	4-16	6-25	8-30
<i>Non-household WEEE</i>					
Reduced resource use and externalities from landfill	6	13	14	19	22
Reduced CO2	2-9	5-18	6-19	7-22	9-27
<b>Total Benefit</b>	13-23	32-57	31-55	49-87	58-103
<b>Net Cost</b>	98-110	191-208	198-214	233-286	273-331
<b>Present Value of Total Net Costs 2007-17</b>	1,909-2,198				
<b>Annualised Equivalent of Present Value of Total Net Costs 2007-17</b>	212-244				
<b>Present Value of Net Costs in 2017</b>	187-227				

<sup>6</sup> Figures may not equal exactly due to rounding.

<sup>7</sup> Including establishment and maintenance of central collection network.

**Table 14: Additional Options for Implementation of WEEE Directive in UK not included in draft SI (£ million pa)**

	2007	2008	2009	2013	2017
<b>Costs</b>					
(a) Mandatory In-Store Takeback	200-500	200-500	200-500	200-500	200-500
(b) National Clearing House	Several million pounds per annum				
(c) Producer obligation by total weight of WEEE	Distributional impacts on producers rather than impacts on total costs				
(d) Compulsory compliance scheme membership	Restricts compliance route, but should lead to lower registration fees				
(e) Exceptional arrangements for non-household WEEE	Adds costs with no obvious benefits				
(f) Extending scope	'Gold-plates' Directive				
(g) Mandatory Visible Fee Collection <sup>8</sup>	0.2-1.6	0.5-5	0.5-5	0.4-2	

145. Some respondents to the partial RIA suggested that the split of costs between household and non-household WEEE were incorrect because “..household WEEE tonnage and number of units (is)..substantially larger than non-household WEEE.”

146. However, no data exists on the actual arisings of total WEEE in the UK, either in tonnage terms or by number of units. One of the aims of the WEEE Directive itself is to gather information on this specific waste stream. Estimates of WEEE used in this RIA have been based on estimates from industry sources. In addition, non-household WEEE includes all WEEE arising outside of private households so does not just include so called ‘business-to-business’ WEEE.

147. One respondent to the partial RIA said that the cost estimates in the partial RIA were “..disproportionately high..” and that this had resulted in the proposed agency fees being too high. There are two points here. First the respondent did not provide reasons why they thought the costs were too high or any alternative evidence or estimate. Secondly, the agency fees are not related to the costs (or benefits) of dealing with WEEE in the UK under the WEEE Regulations. Rather the agency fees are estimated by the agencies themselves to enable cost recovery for provision of services relating to the registration of producers.

<sup>8</sup> Under the terms of the WEEE Directive a ‘visible fee’ can only be shown on new electrical equipment until 2011 for all equipment, and until 2013 for white goods. Estimate does not include costs of changing catalogues etc to show ‘visible fee’.

**Table 15: Breakdown of Estimated Costs of SI in terms of Policy and Implementation Costs (£ million pa)**

	2007	2008	2009	2013	2017
<b>Policy Costs</b> (Costs of collecting, treating and recycling Household and Non-household WEEE)	83-100	195-232	205-243	253-340	331-401
<b>Implementation Costs</b> (Costs of registering producers; Costs of providing information and marking on EEE and WEEE; and Costs of monitoring and reporting on EEE and WEEE)	28-33	28-33	28-33	28-33	28-33

148. Another respondent said that the costs in the partial RIA “..are lower than they are likely to be..” , but like the respondent above they did not provide any alternative evidence or estimate.

148. Annex B provides estimates of costs per tonne for household WEEE under the UK WEEE Regulations with estimates of costs incurred in other member States who employ a ‘visible fee’ type system to implement the WEEE Directive in their territories. These estimates are obtained by calculating a ‘representative tonne of WEEE’ in the UK based on estimates of UK WEEE arisings across the categories of the WEEE Directive, and applying the current levels of ‘visible fees’ used in different member States for the same types of electrical and electronic equipment. These estimates appear to show that the estimates in this RIA are not out of line with those costs being incurred in a number of other member States.

149. However, the estimates in this RIA can only be seen as being indicative. The ‘positive’ value of WEEE will change over time as the price of secondary metals changes. The costs of collecting, treating and recovering WEEE will change over time as systems and technologies develop to deal with WEEE more effectively in the future.

#### **ANNEX A: DISTRIBUTIONAL IMPACTS OF WEEE DIRECTIVE**

A1. As outlined in Tables 1 and 2 of the main text, some costs and benefits from the WEEE Directive will be transfers between stakeholders, rather than additional costs or benefits to the UK as a whole. This annex provides stylised estimates of the total costs and benefits from implementation of the WEEE Directive in the UK with respect to the following stakeholders: Producers of EEE; Local Authorities (LAs); Retailers of EEE; users of non-household EEE; Central Government; and on the external environment.

A2. Where a current activity is overtaken by ‘producer responsibility’ for WEEE, costs and benefits will be transferred between stakeholders in the UK. Principally, for household WEEE, these will be transfers from Local Authorities and retailers of EEE to



producers of EEE. For non-household WEEE the costs and benefits will be transfers largely from users of non-household EEE to producers of non-household EEE.

A3. Where a new, or increased level, of activity follows from implementing the WEEE Directive, additional costs and/or benefits arising will largely fall on producers of EEE. There will also be some additional costs to retailers of EEE. The net costs in Table A1 are equivalent to the net costs from the SI as outlined in Table 13 of the main text.

### **Producers of EEE**

A4. The value of metals in WEEE that is currently obtained by LAs, retailers of EEE, and users of non-household EEE will be transferred to producers of EEE under 'producer responsibility' for WEEE. Producers will also receive the additional benefits of any metals following the increased separate collection of WEEE as a result of the WEEE Regulations.

A5. The treatment costs of ODS and CRT containing equipment, and fluorescent tubes, will be transferred from LAs, retailers of EEE, and users of non-household EEE to producers of EEE. Producers will also be transferred any disposal costs following the recycling and recovery of WEEE.

A6. New activity resulting from the Regulations will include the cost of additional collection, treatment and recycling of WEEE, which will be borne by producers of EEE. They will also incur additional costs relating to the marking of EEE, information and registration.

### **Local Authorities**

A7. Local Authorities will lose the value of metals from WEEE, which will be transferred to producers of EEE. However, LAs will benefit from no longer being liable for ODS and CRT equipment, nor fluorescent tube treatment costs, and they will benefit from reduced disposal costs for WEEE generally.

### **Users of non-household WEEE**

A8. These stakeholders will lose the value of metals in WEEE. However, like LAs, they will benefit from the removal of treatment and disposal costs in relation to ODS and CRT equipment, and fluorescent tubes, and from avoiding the disposal costs for WEEE generally.

### **Retailers of EEE**

A9. Currently, retailers benefit from the value of metals they receive when undertaking collection on delivery of WEEE. This benefit will be lost. Retailers will also be obliged to provide the infrastructure to enable consumers to separately collect their WEEE from other forms of waste. However, retailers will benefit from no longer being financially responsible for the treatment and disposal of WEEE they collect on delivery.

### **Environment**

A10. All the external environmental impacts following WEEE implementation are additional benefits to the UK. There may be some additional transport emissions from the increased separate collection of household WEEE, but these will be outweighed by benefits in terms of reduced CO2 emissions from the re-use and recovery of WEEE, reductions in other negative externalities, and positive contributions to resource productivity and sustainable development.

## Government

A11. The Exchequer will lose landfill tax revenue from reduced volumes of waste going into landfill.

A12. Table A1 below provides indicative estimates of the stylised outcome following WEEE implementation in the UK.

A13. Some respondents to the partial RIA questioned the costs and benefits accruing to Local Authorities. Some said that Civic Amenity (CA) sites would require either (or all) more space, more staff, extra security, and changes to licenses to deal with household WEEE at these sites. But household WEEE is already dealt with at CA sites, by means of segregation – in the form of refrigerators, CRT monitors, and fluorescent tubes, by accumulation for sale in scrap metal skips/piles, and by collection (following delivery by residents) for disposal in mixed waste. The WEEE Regulations do not change the nature of this waste, rather they just require the establishment of facilities to promote the collection of this waste from other forms of waste. CA sites are legally bound to accept household waste, including WEEE, whether it is delivered to them in a mixed form or via segregation. CA sites also increasingly provide particular areas on site for the separate collection of different wastes, which means they need less space, than otherwise, for the collection of mixed waste.

A14. To become a Designated Collection Facility (DCF) a CA site needs to collect WEEE in accordance with Annex III of the WEEE Directive. That is it needs to have hard standing and weather-proofing where appropriate. It is understood that the majority of CA sites already have hard-standing and weather proofing where appropriate to deal with the full range of both hazardous and non-hazardous waste they receive. The proposed Distributor Takeback Scheme (DTS) in the UK is to provide finance for the up-grade of CA sites to become DCFs. In addition, producer compliance schemes will provide the containers, banks etc in which WEEE can be separately collected at CA sites.

**Table A1: Distribution of costs and benefits between stakeholders (£ million pa)<sup>9</sup>**

	2007	2008	2009	2013	2017
<b>Producers of EEE</b>					
Costs	118-141	287-340	299-353	362-468	425-546
Benefits	41-42	90-92	94-96	112-116	131-136
Net cost	76-98	197-248	205-258	250-351	295-410
<b>Retailers of EEE</b>					
Costs	13	7	7	8	9
Benefits	2	3	3	3	4
Net cost	11	4	4	5	5
<b>Local Authorities</b>					
Costs	20	41	42	49	58
Benefits	17-22	36-48	38-50	49-64	57-75
Net cost	3-(-)2	5-(-)7	5-(-)7	0-(-)15	0-(-)17

<sup>9</sup> Figures may not total exactly due to rounding.

<b>Users of non-household EEE</b>					
Costs	20	41	43	50	58
Benefits	21-22	45-46	48	59	69
Net cost	(-)1-(-)2	(-)4-(-)5	(-)5	(-)9	(-)11
<b>Government</b>					
Costs	4	11-12	13-14	22-24	24-27
Benefits	0	0	0	0	0
Net cost	4	11-12	13-14	22-24	24-27
<b>Environment</b>					
Costs	0	0	0	0	0
Benefits	8-18	21-44	24-48	36-68	44-81
Net cost	(-)8-(-)18	(-)21-(-)44	(-)24-(-)48	(-)36-(-)68	(-)44-(-)81
<b>Total net costs</b>	<b>86-92</b>	<b>192-207</b>	<b>199-214</b>	<b>234-286</b>	<b>273-331</b>

A15. Some respondents also suggested that Local Authorities should be compensated if they have to terminate any contracts involving WEEE. However, WEEE has been discussed at European level since 1998, the Directive came into force in January 2003, and was supposed to be implemented in each member State by 13 August 2005. The consultation document presents a timetable for UK implementation in 2007. It is also understood that Local Authority contracts have clauses relating to future changes in regulations and laws when they are negotiated.

A16. One respondent said that the partial RIA was wrong to assume “..producers getting the value of metals to offset..cost.” However, the partial RIA is a stylised representation of costs and benefits following the introduction of the WEEE Regulations. Under the extended producer responsibility (EPR) principle of the WEEE Directive, producers of EEE are supposed to be responsible for dealing with the waste from the products they produce when these products reach the end of their life, irrespective of the material composition of these products. Indeed, one of the rationales for EPR is to shift the costs of waste management to ‘the polluter’ and away from the general taxpayer or local municipality/authority.<sup>10</sup> Thus under the WEEE Directive, and under other EPR programmes, producers are made responsible for dealing with the cost of the waste from the products they produce. If there are metals in this waste, then under EPR this becomes the responsibility of producers to deal with as much as the non-metallic elements of the waste.

<sup>10</sup> See, for example, OECD, *Analytical framework for evaluating the costs and benefits of Extended Producer Responsibility programmes*, 2005.

## **ANNEX B: COMPARATIVE COST ESTIMATES FOR COLLECTING, TREATING AND RECOVERING HOUSEHOLD WEEE**

B1. This Annex provides an estimate of the comparative costs of collecting, treating and recycling WEEE in the UK with estimates from a number of other member States. These other member States are Ireland, Belgium, The Netherlands, and Sweden. The estimates in this Annex can only be seen as being indicative, but they do provide a benchmark for the figures presented in the final RIA for costs of dealing with WEEE in the UK in the future.

B2. To produce comparative cost estimates, we first calculate the composition of a ‘representative tonne’ of separately collected WEEE in the UK following implementation of the WEEE Regulations in the UK. This ‘representative tonne’ is calculated in the following way. Using our estimates for total separately collected WEEE in the UK following the introduction of the WEEE Regulations, we split this into separate collection by Category of EEE as in the WEEE Directive. Then using estimates from ICER on waste arisings within these categories, and estimates of the average weight of different types of equipment, we can estimate a ‘representative tonne’ of WEEE arisings.

B3. Under the two scenarios for separate collection of WEEE in the UK used in the final RIA this ‘representative tonne’ will consist of a range of different types of equipment, estimated to total between 35 and 58 items of WEEE, and including 15-16 Category 1 items, and 7-25 Category 2 items. We then compare the estimated costs of the WEEE Regulations in the UK with that of a number of other member States to produce comparative costs per ‘representative tonne’.

B4. The following member States have WEEE schemes that publish ‘visible fees’ to cover the costs of collecting, treating and recovering separately collected WEEE within their territories: WEEE Ireland – Ireland; Recupel – Belgium; NVMP – The Netherlands; El Kresten – Sweden. These schemes publish on their websites the level of fees they place on different types of electrical and electronic equipment.

B5. We can apply these fees to the ‘representative tonne’ of WEEE we estimate may be separately collected in the UK. However, it is not straightforward to apply estimates from other member State schemes because these schemes apply different fee levels to equipment falling in the same Category of equipment. They also publish fees which include VAT and this need to be factored out to provide estimates for collection, treatment and recovery of WEEE only.

**Table B1: Comparative Cost Estimates for a tonne of WEEE**

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2013</b>	<b>2017</b>
WEEE Ireland	153-156				
Recupel – Belgium	155-158				
El Kretsen – Sweden	112-114				
NVMP - Netherlands	103-104				
Final RIA		121-128 <sup>11</sup>	109-125	119-165	124-164

<sup>11</sup> Includes costs of establishing network of collection facilities for WEEE in the first year of implementation.

## MINISTERIAL DECLARATION

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed .....Malcolm Wicks.....

Date: 11 December 2006

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## **ANNEX 1**

### **TRANSPOSITION NOTE**

*Directive 2002/96/EC of the European Parliament and the Council of 27 January 2003 on waste electrical and electronic equipment, as amended by Directive 2003/108/EC on waste electrical and electronic equipment (as amended “the Directive”)*

The Directive aims to minimise the impact of electrical and electronic equipment on the environment by reducing the quantity of waste from such equipment and increasing re-use, recovery and recycling. It seeks to achieve this by providing for Member States to take measures to achieve a high level of separate collection of waste electrical and electronic equipment (“WEEE”), laying down minimum standards for treatment and setting targets for recovery. The Waste Electrical and Electronic Equipment Regulations 2006 transpose the main provisions of

the Directive. Article 6 of the Directive relates to the treatment of WEEE and the main provisions of that article are being transposed by separate legislation made in England and Wales, Scotland and Northern Ireland by the Department of Environment, Food and Rural Affairs and the National Assembly for Wales, the Scottish Executive and the Northern Ireland Government, respectively.

These Regulations do what is necessary to implement the main provisions of the Directive, including making changes to domestic legislation to ensure its coherence in the area to which they apply.

This Transposition Note relates to these Regulations and indicates where transposition will be carried out by the Article 6 regulations, which will be accompanied by a separate Transposition Note.

Articles	Objectives	Implementation	Responsibility
Article 4	To encourage design and production of electrical and electronic equipment so as to facilitate recovery, re-use and recycling.	Implemented by regulation 59 of these Regulations.	Department of Trade and Industry (DTI)
Article 5(1)	To achieve a high level of separate collection of WEEE.	Generally by these Regulations and in particular by regulations 54 to 57.	DTI
Article 5(2)(a)	To establish systems to achieve a high level of separate collection of WEEE.	Generally by these Regulations and in particular the right of distributors to return WEEE from private households free of charge is implemented by regulation 32. The right of final holders to return WEEE from private households free of charge is implemented by existing waste legislation and in particular by section 51 of the Environment Protection Act 1990.	DTI and the Department for the Environment, Food and Rural Affairs (Defra)
Article 5(2)(b)	To establish a free	Implemented by	DTI

	take-back system for WEEE from private households or alternative arrangements.	regulations 31, 35 and 54 of these Regulations.	
Article 5(2)(c)	To allow producers to establish individual and/or collective take back systems for WEEE from private households.	Implemented by regulation 39 of these Regulations.	DTI
Article 5(2)(d)	To take account of any WEEE from private households that presents a health and safety risk.	Implemented by regulation 38 of these Regulations and other specific health and safety legislation.	DTI and Department for Work and Pensions
Article 5(3)	To establish that the collection of WEEE from users that are not private households shall be provided for by producers.	Implemented by regulation 23 of these Regulations.	DTI
Article 5(4)	To ensure that all separately collected WEEE is taken to treatment facilities authorised under Article 6, and that the collection and transport of such WEEE optimises its potential for reuse and recycling.	Implemented by regulations 24, 25 and 37 of these Regulations.	DTI
Article 5(5)	To ensure that the national collection infrastructure results in the separate collection of an average of at least 4kg per person per year of WEEE from private households.	Generally by these Regulations and, in particular, by regulations 31, 35 and 54 to 56.	DTI
Article 6(1)	To require producers	Implemented by	DTI, and in relation

	to set up systems for the treatment of WEEE using best available treatment, recovery and recycling techniques and in compliance with Directive 75/442/EEC (repealed and replaced by Directive 2006/12/EC).	regulation 25 of these Regulations and by separate legislation, to be made in England and Wales by Defra and the National Assembly for Wales; in Scotland by the Scottish Executive; and in Northern Ireland by the Northern Ireland Government.	to England and Wales, Scotland and Northern Ireland by Defra and the National Assembly for Wales, the Scottish Executive and the Northern Ireland Government, respectively.
Article 6(2) to (4)	Requires treatment facilities to be permitted under relevant European waste legislation.	Implemented by regulations 46 to 53 of these Regulations, through existing waste legislation and by separate legislation, to be made in England and Wales by Defra and the National Assembly for Wales; in Scotland by the Scottish Executive; and in Northern Ireland by the Northern Ireland Government.	DTI, and in relation to England and Wales, Scotland and Northern Ireland by Defra and the National Assembly for Wales, the Scottish Executive and the Northern Ireland Government, respectively.
Article 6(5)	<p>To require that where treatment of WEEE is undertaken outside the respective Member State or the Community, shipment of such WEEE is in compliance with Council Regulation (EEC) No 259/93.</p> <p>To provide that WEEE exported out of the Community is only counted for the fulfilment of</p>	<p>Regulation 259/93 is implemented by the Transfrontier Shipment of Waste Regulations 1994.</p> <p>Implemented by regulations 25, 26 and 46 to 53 of these Regulations.</p>	<p>Defra</p> <p>DTI</p>



	obligations and targets of Article 7(1) and (2) (of the Directive if the exporter can prove that the recovery, reuse, and/or recycling operation took place under conditions that are equivalent to the WEEE Directive.		
Article 6(6)	To encourage establishments and undertakings which carry out WEEE treatment operations to introduce environmental management systems on a voluntary basis.	Implemented by administrative means.	DTI and Defra
Article 7(1) to (2)	To establish recovery, re-use and recycling targets for different types of WEEE.	Implemented by regulation 26 of these Regulations.	DTI
Article 7(3)	To keep appropriate records for the purpose of calculating the targets.	Implemented by regulation 30 of these Regulations.	DTI
Article 8(1)	To establish a system for the financing of the collection, treatment and recovery of WEEE from private households.	Generally by these Regulations and in particular by regulations 8, 10 to 13, 22 and 27 to 30.	DTI
Article 8(2), first and second paragraphs	To establish systems such that each producer of electrical and electronic equipment (“EEE”) is responsible for the waste from EEE	These Regulations impose collective responsibility on all producers of EEE who exist on the market when the costs of WEEE from private households	DTI

	used by private households that he places on the market after 13 August 2005 (i.e. individual producer responsibility (“IPR”)).	arise, as the Government takes the view that IPR is not technically feasible or economically viable at present.  Generally by these Regulations and in particular by regulations 8, 10 to 13, 22 and 27 to 30.	
Article 8(2), third paragraph	To ensure that the costs of collection, treatment and disposal of new WEEE from private households is not shown separately to purchasers at time of sale of new products	Implemented by regulation 40(1) of these Regulations.	DTI
Article 8(3), first paragraph	To establish a system that ensures that current producers are responsible for the financing of the collection, treatment and recovery of WEEE from private households, which has been put on the market prior to 13 August 2005.	Generally by these Regulations and in particular by regulations 8, 10 to 13, 22 and 27 to 30.	DTI
Article 8(3), second paragraph	For a limited period, to enable producers to show the costs of the eventual collection, treatment and disposal of WEEE from private households at the time of sale.	Implemented by regulation 40(2) to (4) of these Regulations.	DTI
Article 8(4)	To ensure that producers who are distance sellers comply with the financing obligations of the Directive.	Implemented in relation to producers who place EEE on the market in the United Kingdom by these Regulations	DTI

		generally and in particular by regulations 8, 10 to 13, 22 and 27 to 30.	
Article 9, (as amended by Directive 2003/108/EC)	<p>To require producers to collect and arrange treatment of WEEE from users other than private households.</p> <p>To ensure that the end user is responsible for certain WEEE from users other than private households that has been put on the market before 13 August 2005.</p>	<p>Implemented by regulations 9, 10 to 13, 23 and 27 to 30 of these Regulations.</p> <p>Implemented by regulation 36 of these Regulations.</p>	<p>DTI</p> <p>DTI</p>
Article 10(1)	To ensure that producers encourage consumers to dispose of WEEE separately rather than through unsorted municipal waste, and ensure that they are given the necessary information to help them to do so.	Implemented by regulations 33 and 34 of these Regulations.	DTI
Article 10(2)	To encourage (not require) consumers to dispose of WEEE separately from their normal household waste.	Implemented by regulations 15, 31, 35 and 54 to 57 of these Regulations and by existing waste legislation and in particular by section 51 of the Environment Protection Act 1990.	DTI and Defra
Article 10(3)	To ensure that producers mark equipment placed on the market after 13 August 2005 with the crossed-out wheeled bin symbol.	Implemented by regulation 15 of these Regulations.	DTI

Article 10(4)	Optional provision to enable making information for users available in equipment instructions or at the point of sale.	Implemented by regulations 15 and 33 of these Regulations.	DTI
Article 11(1)	To require the provision of information by producers about new types of EEE to treatment sites to facilitate reuse and correct treatment of waste from those products.	Implemented by regulation 17 of these Regulations.	DTI
Article 11(2)	To ensure that producers of EEE put on the market after 13 August 2005 are identifiable by a mark placed on that equipment.	Implemented by regulation 16 of these Regulations.	DTI
Article 12(1)	To draw up a register of producers, and to collect information about (a) EEE put on the market in a Member State; and (b) WEEE collected, reused, recycled and recovered.  To ensure that producers supplying EEE by means of distance communication provide information on compliance with the requirements of Article 8(4) of the Directive.  To transmit	Implemented generally by these Regulations and in particular by regulations 10 to 13, 19 to 21, 27 to 30 and 60.  Implemented generally by these Regulations and in particular by regulations 11 to 13, 18, 28 and 30 of these Regulations.  Implemented by	DTI  DTI  DTI

	information to the European Commission on a two-yearly basis.	administrative means.	
Article 12(2)	To enable the provision of information to the European Commission at intervals of every three years.	Implemented by administrative means.	DTI
Article 15	To oblige Member States to determine the penalties applicable to breaches of national provisions adopted pursuant to the Directive.	Implemented by Part 14 of these Regulations.	DTI
Article 16	To provide for adequate inspection and monitoring.	Implemented by regulations 61 and Part 13 of these Regulations.	DTI
Article 17(1)	To ensure that the Directive is transposed into UK legislation by 13 August 2004.	These Regulations transpose the Directive.	DTI
Article 17(2)	To ensure communication to the European Commission of all relevant measures.	Implemented by administrative means.	DTI

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