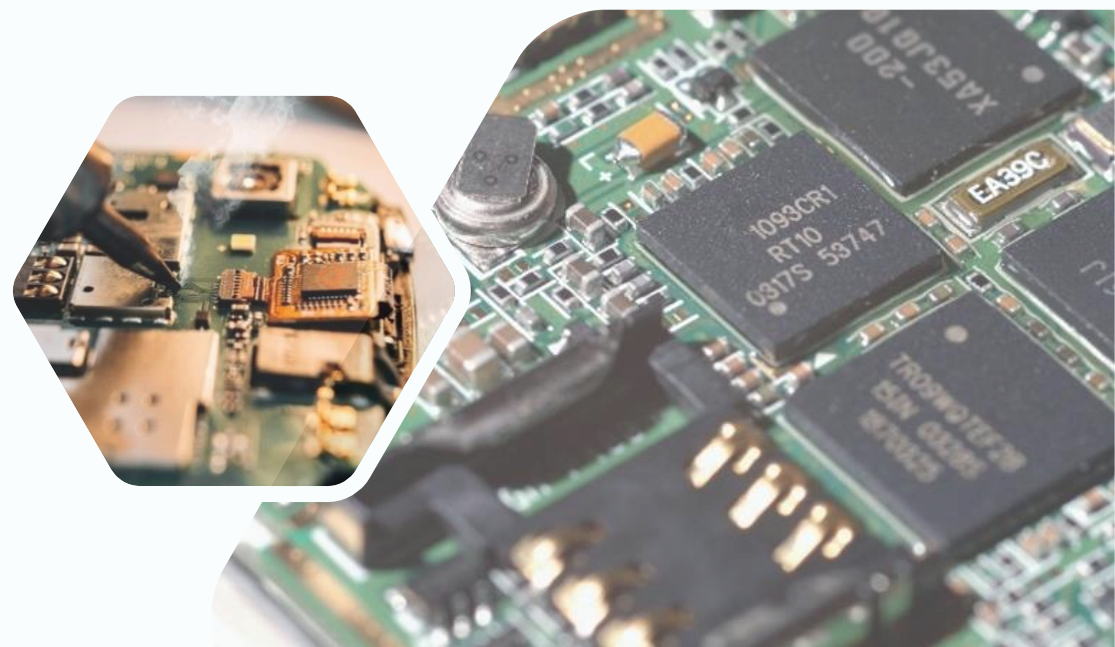


Divergencies between UK WEEE & EU WEEE Extended Producer Responsibility (EPR) systems

Guide summarising proposed reforms to the United Kingdom and the European Union Waste Electrical & Electronic Equipment (WEEE) Extended Producer Responsibility (EPR) systems, including a summary of divergencies between the UK and EU WEEE EPR systems.

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Why should we care about e-waste?

62 million tonnes

of electronics worth

£72 million

were wasted during 2022, and less than

¼ was recycled

The production of 1kg of electronics results in the emission of

25kg of carbon

into the atmosphere

100+ jurisdictions

Regulate the design, take-back, and recycling of e-waste

Projected e-waste generation by 2030 is

74.7 million tonnes



Why should we care about e-waste?

17.4%

of e-waste is properly collected & recycled

The global e-waste management market value by 2029 will be

\$137 billion

10 million tonnes

of WEEE is generated by Europe each year, only

40%

of which is collected for recycling.

11kg

of e-waste is collected per person in Europe



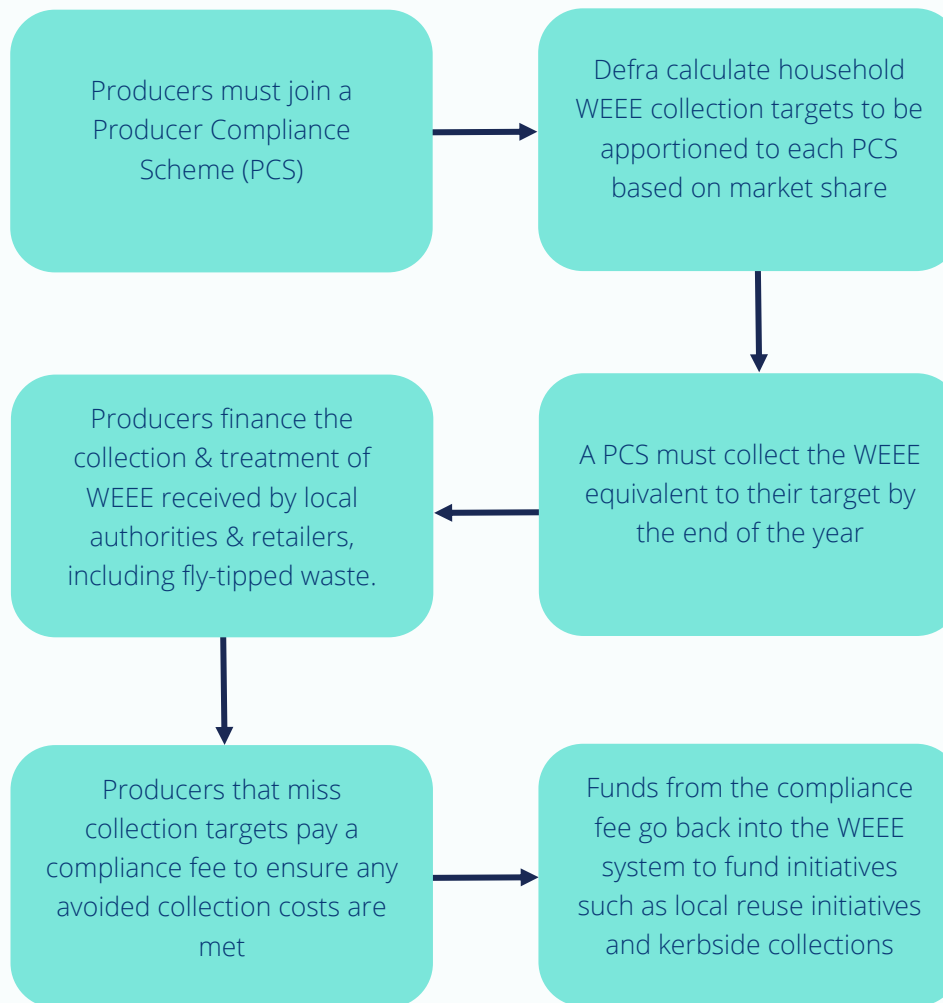
Current UK WEEE EPR system

The [current UK WEEE EPR regulations were published in 2013](#) to transpose the [EU WEEE Directive \(as recast\)](#). Thus, the UK WEEE EPR regulations are very similar to WEEE EPR regulations in the European Union. With planned changes to both the UK WEEE EPR system and the EU WEEE EPR system, notable divergence between the systems is inevitable.

The [Environmental Improvement Plan \(EIP\) 2023](#) committed to consulting on improvements to the producer responsibility scheme for WEEE in 2023, with the aim of making it easier for people to properly dispose of their electrical waste.

"The proposed changes involve extending current WEEE regulations introduced in 2013 to drive up levels of separately collected WEEE for reuse and recycling."

- UK Department for Environment
Food & Rural Affairs (Defra),
February 2024









* Distributors (i.e., retailers) of EEE must also offer one-to-one take-back services for unwanted items

Graphic Source: Defra, February 2024 (restyled*)

Upcoming UK WEEE EPR system

On 28 December 2023, a [public consultation to reform the EPR system for WEEE](#) and a [Call-For-Evidence](#) was published. The consultation and Call-For Evidence closed on 7 March 2024. The consultation indicates that potential upcoming reforms relate to the points listed below.

Reforms will be phased, with obligations for online marketplaces, free collection of large appliances by retailers, and a new EEE category for vapes starting as early as 2025, with the start of household collections anticipated from 2026.

-  Collection infrastructure for household WEEE to be financed by producers
(Financing of small WEEE collections from households + Financing of large WEEE collections 'on demand')
-  Introduction of a 0:1 take-back obligation for large businesses
-  Enhanced take-back obligations for distributors (i.e., retailers and online sellers), including free collection on delivery services.
-  New obligations for online marketplaces
-  Adequate financing for the management of waste vapes
-  Introduction of a 'Scheme Administrator'



Upcoming UK WEEE EPR system

-  Potential removal of the 5-tonne exemption threshold
-  Enhancement of informative requirements for producers to provide customers with information on recycling options at the point of sale
-  Incentivising preparation for reuse (+ potentially new reuse targets)
-  Promotion of eco-design via eco-modulated EPR fees + New mandatory labelling linked to eco-modulation
(Potential eco-modulation criteria: recycled content, repairability, durability, energy efficiency, disassembly, presence of hazardous substances)
-  Potential change of 'household' and 'non-household' WEEE definitions, whereby route-to-market is the decider, rather than end-customer.
(Householder facing channels, such as retail stores, would still class EEE as 'household'.)
-  Potential introduction of individual recovery rates for specific materials, including critical materials.
-  Potential modification of collection obligations for business WEEE

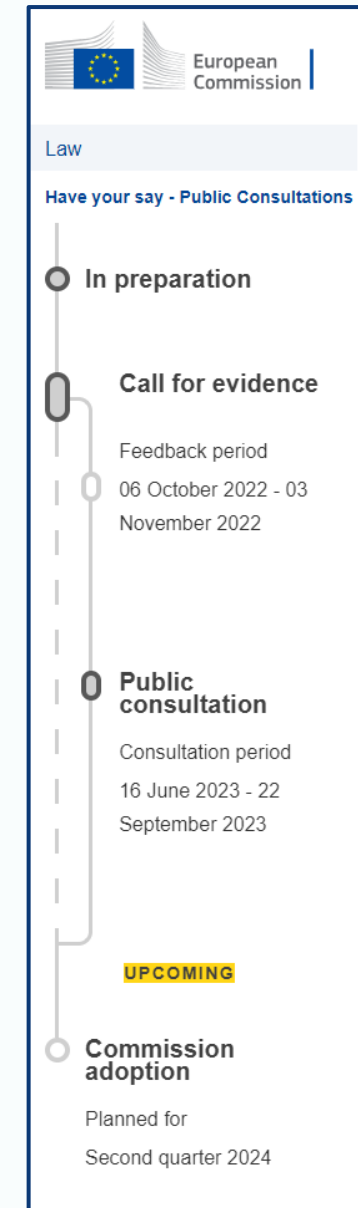


EU WEEE EPR system reform

The WEEE EPR system is governed by the [EU WEEE Directive](#), as Recast in 2012. From June 2023 - September 2023, the European Commission launched a [public consultation on the revision of the WEEE Directive](#). Commission adoption is planned for the second quarter of 2024.

Also, in October 2023, the European Commission adopted [policy recommendations](#) for national authorities to increase the return of used and waste mobile phones, tablets, and laptops.

As a Directive, each EU member state (incl. the UK at the time of the publication) was required to transpose the EU WEEE Directive into national legislation. The EU's overhaul of the WEEE EPR system may be published in the form of a Directive which would require each EU state to transpose the requirements into national legislation, or similarly to the recent EU Packaging EPR and the EU Batteries EPR overhaul, the WEEE overhaul may take the form of a Regulation rather than a Directive, meaning the Regulation would apply automatically in each EU member state without the need for national transposition.



UK & EU WEEE EPR divergence

Topic	United Kingdom	European Union
Exemption Thresholds	5 tonnes of EEE placed on the market per year	Not Applicable
Requirement for foreign distance sellers to appoint 'Authorised Representative' in country of sale	Appointment of AR is voluntary	Appointment of AR is mandatory in most EU countries e.g., Germany, Italy, Sweden, Ireland, etc...
Scheme Administrator	Proposed WEEE EPR Scheme Administrator, similar to UK Packaging EPR.	No Scheme Administrators. Only Producer Responsibility Organisations.
Scope Categorisation	<p>The UK has 14 WEEE categories and an additional category has been proposed for vapes.</p> <p>(1) Large Household Appliances, (2) Small Household Appliances, (3) IT & Telecommunications Equipment, (4) Consumer Equipment, (5) Lighting Equipment, (6) Electrical & Electronic Tools, (7) Toys, Leisure & Sports Equipment, (8) Medical Devices, (9) Monitoring & Control Equipment, (10) Automatic Dispensers, (11) Display Equipment, (12) Appliances Containing Refrigerants, (13) Gas Discharge Lamps & LED Light Sources, & (14) PV Panels.</p>	<p>The EU has six WEEE categories</p> <p>(1) Temperate Exchange Equipment, (2) Screen, Monitors & [incl. devices containing screens with a surface greater than 100cm²], (3) Lamps, (4) Large Equipment [any external dimension >50cm], (5) Small Equipment [no external dimension >50cm], & (6) Small IT & Telecommunications Equipment [no external dimension >50cm].</p>



UK & EU WEEE EPR divergence

Topic	United Kingdom	European Union
Visible Recycling Fees <small>(whereby producers are obligated to show consumers the recycling contribution that has been paid)</small>	Not Applicable	Many EU member states (e.g., Ireland, Romania & Slovakia) require producers to display product recycling costs to consumers at the point of sale (i.e., on sales invoices and/or webstores).
WEEE Compliance Fee	The UK use the concept of a 'WEEE Compliance Fee'. Producers and their schemes that fail to meet annual collection targets can comply by paying a compliance fee. The fee is set at a rate that will aim to incentivise collection; thus, essentially, the WEEE Compliance Fee is a penalty for failing to meet collection targets.	Not Applicable
DTS <small>(Distributor Take-Back Scheme)</small>	In the UK, producers of household-use EEE can fulfil their take-back obligations by joining the DTS. Retailers selling more than £100,000 worth of EEE per year cannot participate in the DTS and must offer in-store take-back. <i>(Vapes are exempt from the DTS, which means stores selling vapes must offer in-store take-back.)</i>	Not Applicable



UK & EU WEEE EPR divergence

Topic

United Kingdom

European Union

Obligations on online marketplaces

The UK is proposing to place obligations on online marketplaces that facilitate the sale of products from foreign non-compliant sellers. In instances where the foreign seller is not registered for WEEE EPR in the UK, the online marketplace will obtain the obligations.

Other countries within the EU place similar obligations on online marketplaces (e.g., France, Germany & Spain). Although, this is not widespread throughout the EU and is not mandated by the EU WEEE Directive.



Potential issues associated to WEEE EPR reforms

Inadvertent consequences of EPR fee eco-modulation

Both recyclability and durability are referenced as potential criteria linked to EPR fee eco-modulation in the UK's WEEE EPR public consultation. For many products, it is not possible to design recyclability and durability into the same product. There is a risk that EPR fee eco-modulation criteria that is not designed adequately could contradict each other.

Example: A smartphone could be designed to be more durable by having parts connected using advanced glues. Use of advanced glues could make the device less recyclable because disassembly becomes more difficult. Conversely, a smartphone may be designed to be more recyclable by having a segmented design. A segmented design to facilitate recyclability makes the device less durable. In this example, a smartphone may be incentivised with cheaper EPR fees due to increased recyclability but penalised because of reduced durability.

Qualification for EPR fee eco-modulation

Under Packaging EPR systems, EPR fee modulations can be applied to different packaging materials universally. For example, all 'producers' using plastic packaging materials that are particularly challenging to recycle could be penalised with higher EPR fees.

EEE is much more complex than packaging. Thus, the issue of how different products qualify for incentives/disincentives arises (what classifies a smartphone as being easily recyclable will be different to what classifies a refrigerator as being easily recyclable).

Will producers be required to get every product assessed by external certification bodies which will require large financial and time commitments, or will self-certification be permitted?



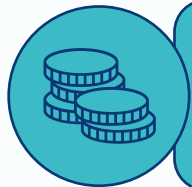
How can WRAP support?



Complete Legal Exposure Assessments to determine WEEE EPR obligations of Producers / Retailers / Brand Owners.



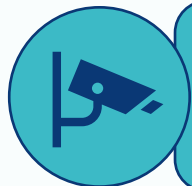
Provide Compliance Recommendations to allow Producers to become compliant with WEEE EPR and support with the implementation of those recommendations.



Help budget for WEEE EPR Costs on a national / regional scale.



Advice on improving product recyclability & durability to meet regulatory targets and benefit from EPR fee eco-modulations to reduce EPR costs.



Track & Monitor WEEE EPR systems, allowing companies to be proactive with upcoming obligation changes rather than reactive to fast approaching regulatory deadlines.



Supporting governments & policymakers with the design/reform of WEEE EPR systems to maximise performance and avoid unintended consequences.



About WRAP

WRAP (The Waste & Resources Action Programme) is a climate action non-governmental organisation (charity registration number: [1159512](#)) that works around the globe to tackle the causes of the climate crisis and give the planet a sustainable future.

WRAP's vision is a thriving world in which climate change is no longer a problem. WRAP believe that natural resources should not be wasted and that everything we use should be reused and recycled. WRAP bring people together, act on the facts, and drive change. WRAP's core purpose is to help tackle climate change and protect our planet by changing the way things are produced, consumed, and disposed of.

Extended Producer Responsibility (EPR) at WRAP is led by [Jordan Girling](#) in his capacity as Head of EPR. Jordan works with national and international partners, governments, NGO's, charities, producers/manufacturers, and industry stakeholders to design efficient and effective EPR systems.

To learn more about Extended Producer Responsibility at WRAP, [visit our website](#) or contact Jordan at jordan.girling@wrap.org.uk.

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UK WEEE EPR Frequently Asked Questions (FAQs)

Question: Has the impact on charitable sector and re-use potential been considered if all large appliances are to be collected upon sale of a new appliance?

Defra Answer: The government's priority is always to try to prevent waste from occurring in the first place and, as such, we want to ensure reuse is always prioritised over recycling where functioning equipment has been collected. One of the reasons for proposing that retailers and online sellers delivering new appliances should be obliged to take away the old appliance is that we believe it will drive re-use.

The major retailers of large kitchen appliances all triage collections to prioritise re-use, often with existing arrangements with re-use charities which we would encourage. Separately we are proposing that WEEE producer compliance schemes have an obligation to collect from re-use charities that equipment which after examination is unsuitable for re-use.

Question: Fly-tipping was described separately to residual waste, but won't all fly-tipped waste end up in residual waste anyway and in the end won't be treated separately?

Defra Answer: WEEE that has been fly-tipped in a public space will ultimately be taken by a local authority to a waste and recycling centre or a waste transfer station. From there, the onward collection and transportation of that equipment to a treatment facility will be paid for by producers.

However, we still want to stop items from being fly-tipped in the first place. Our references to residual waste refer to those items that are discarded by households in the general waste bin. Our objective is to make it easier for households to ensure unwanted items to re-use or recycling.

Question: Will the obligations fall back to the manufacturer rather than the retailer? How will that responsibility go backwards?

Defra Answer: We are strengthening existing regulations. Retailers already have an obligation to undertake in store collection. We are looking to strengthen that obligation and saying that producers would incur the financial cost of moving whatever a retailer collects to an appropriate treatment facility and for funding the cost of the treatment of whatever is collected by that retailer.

The retailer would be collecting the waste where a customer chooses to drop it off, but once they've collected it, the cost from there onwards would be picked up by the producer.

Question: One of the biggest challenges retailers are facing is the black-market trade. There are quotes in publications and the media saying it's up to 68% of sales currently. There will be a heavier obligation to take back more than the company is selling. What is it we can do to try and help that?

Defra Answer: We are talking about the illegal placement of vapes on the UK market, where they don't meet the UK requirements. The government has pledged significant new levels of funding for enforcement around illicit supply of tobacco and illicit supply of vapes, coupled with a future ban on disposable vapes. We envisage these measures will lead to a reduction in the amount that arises on the black-market.



UK WEEE EPR Frequently Asked Questions (FAQs)

Question: Can Defra confirm that it isn't an automatic given for local authorities to collect small WEEE items as part of regular collections?

Defra Answer: To drive up collections of WEEE, we need to make things more convenient for the householder. That is why we are consulting on introducing a household collection service for WEEE. This will be producer funded and may or may not be delivered in partnership with local authorities.

There is no proposal in the consultation to place a new legal duty on local authorities to separately collect WEEE from households. However, we would expect that the new collection system does regularly collect small WEEE from households. This is crucial as the data shows a huge amount of smaller waste electricals is still going to landfill/incineration and shows that we can tackle this by making collections more convenient.

Smaller WEEE items, as with other types, contain many critical minerals, in addition to plastic and metal, and so it is important we do what we can to make sure it is recycled.

Question: Devolved Administrations have been pursuing a number of scrap yards and metal recycling sites saying they shouldn't have WEEEs in them? Some have washing machines and fridges dumped outside the gates. Can they take them in or leave them there?

Defra Answer: That is a matter for the devolved administrations. Each nation is responsible for permitting waste sites under its relevant legislation and for ensuring waste operators comply with the relevant conditions of its permit.

Question: Regarding the cost being borne for online retailers at the point of drop off, are we effectively saying that those costs will apply directly to the Amazons, because they are doing most of the online sales? There are huge generalisations in that.

Defra Answer: If you are a UK based company and you are placing products on the UK market via an online approach, you already have obligations under existing regulations to register and report data and pick up an obligation.

Online platforms provide a significant short window or vehicle through which companies can sell into the UK market from overseas. From a producer point of view, what we are saying is the online platform should in future be recognised as a producer, in respect of the amount overseas sellers are putting onto the UK market.

On the retail side, if you are selling directly to consumers, you should have an equivalent obligation to the retailers who have a network of stores around the country. For example, if you buy a toaster online, we are not specifically saying you will have to pick up the old toaster and take it away from me when you deliver my new one. But we are saying that you should have a system in place that is at least as convenient as me taking my old toaster to the local supermarket, where I bought my new toaster.

